CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-FIRST CONGRESS, THIRD SESSION.

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CONGRESSIONAL RECORD,

SIXTY-FIRST CONGRESS, THIRD SESSION.

SENATE.

TUESDAY, *February 7, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WARREN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

SENATOR FROM MICHIGAN.

Mr. BURROWS presented the credentials of CHARLES E. TOWNSEND, chosen by the Legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor," and for other purposes; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

The message also announced that the House had passed, with amendments, the following bills and joint resolution, in which it requested the concurrence of the Senate:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 9552. An act to authorize the construction of a bridge across St. Johns River, Me.; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming;

H. R. 26655. An act to prevent the disclosure of national-defense secrets;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 28215. An act to fix the time for holding the circuit and district courts for the northern district of West Virginia;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 23, 1880, page 145, volume 21, United States Statutes at Large;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 30281. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30889. An act to amend the irrigation law;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. R. 31063. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31068. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 31165. An act to regulate procedure in United States courts in certain cases;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across Mattawoman Creek near the village of Indianhead, Md.;

H. R. 31534. An act to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;"

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31859. An act to authorize the Chucawala Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a division intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. J. Res. 143. Joint resolution in reference to the employment of enlisted men in competition with local civilians; and

H. J. Res. 248. Joint resolution amending section 32 of the act of Congress approved July 2, 1909, providing for the Thirteenth and subsequent decennial censuses.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, the original having been lost.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

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S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5873. An act for the relief of John M. Blankenship;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for the relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;"

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

USELESS PAPERS IN THE WAR DEPARTMENT.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a list of papers in the several bureaus of the War Department not needed or useful in the transaction of current business. The communication and accompanying papers will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. GALLINGER] members of the committee on the part of the Senate. The Secretary will notify the House of the appointment thereof.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Massachusetts State Federation of Women's Clubs, praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a memorial of the Congress of the Knights of Labor, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of Live Oak Camp, No. 1720, Woodmen of the World, of Brazos, Tex., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Harris Elson Post, No. 728, Grand Army of the Republic, Department of Ohio, of Magnolia, Ohio, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Stanton, Mich.; Waupaca County, Wis.; Lincoln, N. Dak.; and Coshocton, Ohio, remonstrating against the adoption of the proposed amendment to the Constitution recognizing the Deity, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kansas, Michigan, Missouri, Idaho, North Carolina, Minnesota, Arizona, Indiana, Ohio, Oregon, Montana, Wisconsin, Illinois, Colorado, Iowa, Pennsylvania, Arkansas, Georgia, New Mexico, Washington, South Dakota, California, Tennessee, Kentucky, Texas, and Oklahoma, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. McCUMBER. I present a telegram, in the nature of a memorial, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

FARGO, N. DAK., *February 6–7, 1911.*

Hon. P. J. McCUMBER, *Washington, D. C.:*

The honorables P. J. McCUMBER, A. J. GRONNA, L. B. HANNA, and H. T. Helgeson: At a meeting of the Commercial Club, convened this date, a resolution was passed strongly condemning the proposed ratification of the reciprocity agreement with Canada, believing as we do that such an agreement would work a great injustice to the great Northwest in the reduction of the market values of all of its cereal products and the consequent lowering of land values. Further, we consider it a rank and unfair discrimination and a betrayal of the agricultural interests of all grain-growing sections. We earnestly request that each of you do all in your power to prevent the ratification of the proposed agreement.

J. P. HARDY, *President.*
C. G. BAERNSTEIN, *Secretary.*

Mr. GRONNA. I present a resolution adopted by the Farmers' Club of Barnes County, N. Dak., which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the resolution was read and referred to the Committee on Foreign Relations, as follows:

ONE HUNDRED DOLLARS AN ACRE
FARMERS' CLUB OF BARNES COUNTY,
Valley City, N. Dak., January 30, 1911.

To the Hon. A. J. GRONNA,
Washington, D. C.

Whereas the farmers of the Northwestern States are compelled to pay on the basis of a high tariff for all they consume; and

Whereas the proposed reciprocity agreement with Canada will remove the small measure of protection now in force on their wheat, flax, oats, and barley: Now, therefore, be it

Resolved, That we, the One Hundred Dollar an Acre Club of Barnes County, N. Dak., most earnestly protest against the confirmation of this agreement in so far as it refers to the principal products of North Dakota—wheat, flax, oats, and barley.

And we urge upon you, A. J. GRONNA, our Representative, the necessity of preserving for the farmers of the Northwest such a measure of protection as will enable them to pay for the protected machinery, clothing, sugar, etc., which they consume.

G. D. JONES, *Chairman,*
(And six others).

Mr. GRONNA presented a petition of sundry stockholders of the United Wireless Telegraph Co., of Cooperstown, N. Dak., praying for an investigation of the affairs of all wireless telegraph companies in the country, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Edwardsville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 706, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 13093, American Federation of Labor, of Chicago, Ill., and a petition of the Trades and Labor Assembly of Canton, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. OVERMAN presented petitions of Local Councils Nos. 90, 198, 303, 258, 8413, 60, 4, 75, 82, 229, 28, and 6, Junior Order United American Mechanics; of Local Union No. 8413, American Federation of Labor; and of Local Camps Nos. 28, 24, 34, 20, 2, 43, 13, 3, and 21, Patriotic Sons of America, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the North Carolina Branch, Society Colonial Dames of America, remonstrating against the establishment of a reformatory on the Belvoir tract, near Mount Vernon, Va., which was referred to the Committee on the District of Columbia.

Mr. BROWN presented a petition of Local Union No. 109, Brotherhood of Painters, Decorators, and Paperhangers, of Omaha, Nebr., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Exeter, Nebr., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Roosevelt Camp, No. 243, Woodmen of the World, of Kearney, Nebr., and a petition of Ideal Lodge, No. 253, Modern Brotherhood of America, of Ansley, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of Local Council of Townsend; of May Dell Council, of Delmar; of Local Council of Roxana; of Diligent Council, of Wilmington; and of Local Council of Camden, all of the Junior Order United American Mechanics, in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BURROWS presented petitions of sundry citizens of Kalkaska and Lenawee Counties, in the State of Michigan, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hermansville, Olivet, Fremont, and Jackson, all in the State of Michigan, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Grand Army Posts at Traverse City, Greenville, Big Rapids, South Haven, and Bronson, all of the Department of Michigan, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Muskegon County Horticultural Society, of Muskegon, Mich., praying that New Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the Employers' Association of Detroit, Mich., praying for the establishment of a permanent tariff board, which was referred to the Committee on Finance.

He also presented a memorial of the Society of the Daughters of the American Revolution of Detroit, Mich., and a memorial of the vice regent for Michigan, Mount Vernon Ladies' Association, remonstrating against the establishment of a reformatory on the Belvoir tract, near Mount Vernon, Va., which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Sault Ste. Marie and Springport, in the State of Michigan, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Saginaw Valley Ben Franklin Club, of Saginaw, Mich., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Saginaw, Traverse City, Battle Creek, Ann Arbor, Kalamazoo, Lansing, and Detroit, all in the State of Michigan, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Detroit, Saginaw, Marcellus, Traverse City, and Muskegon, all in the State of Michigan, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch, Association of Collegiate Alumnae, of Ann Arbor, Mich., praying for the enactment of legislation providing for the establishment of a national forest in the Southern Appalachian and White Mountain region, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Jackson, Mich., praying for the enactment of legislation providing for the erection of embassies for the accommodation of American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Michigan State Teachers' Association, remonstrating against the enactment of legislation extending to the District of Columbia the benefit of the so-called Morrill Acts, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Saline, Scotts, Lapeer, Union City, Kalamazoo, Cooper, and Whitehall, all in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Council No. 13, Junior Order United American Mechanics, of Shannock, R. I., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Babbitt Post, No. 15, Grand Army of the Republic, Department of Rhode Island, of Bristol, R. I., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BURNHAM presented petitions of Grand Army Posts No. 57, of Colebrook, and No. 15, of South Lyndeboro, Department of New Hampshire, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Progressive Republican Club, ward 3, of Keene, N. H., praying for the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

Mr. KEAN presented the petition of Wallace J. Pearce, of Plainfield, N. J., praying for the enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association, of Trenton, N. J., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. W. W. Case, of Trenton, N. J., and a petition of Zabriskie Post, No. 38, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of Washington Camp No. 12, of Milford; Washington Camp No. 1, of Lambertville; and Washington Camp No. 6, of Trenton, all of the Patriotic Order Sons of America, and of Local Union No. 542, United Brotherhood of Carpenters and Joiners, of Salem, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Norwalk Hat Makers' Association, No. 15, of South Norwalk, Conn., praying that the battleship *New York* be constructed in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Chamberlain Council, Junior Order United American Mechanics, of New Britain, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SHIVELY presented a petition of Lawton-Wayne Post, No. 271, Grand Army of the Republic, Department of Indiana, of Fort Wayne, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Local Councils Nos. 31, 56, and 70, Junior Order United American Mechanics, and of the Trades and Labor Council, all of Kokomo, in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. NELSON presented a memorial of the Commercial Club of Benson, Minn., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. FLINT presented petitions of sundry members of the Junior Order United American Mechanics, of San Francisco, Petaluma, Riverside, Stockton, Visalia, Oakland, and Fresno, all in the State of California, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. RAYNER presented petitions of Washington Camps No. 69, of Hamilton; No. 59, of Port Deposit; No. 87, of Carrollton; No. 27, of Baltimore; No. 45, of Baltimore; and No. 57, of Elkton, all of the Patriotic Order Sons of America, and of Local Council of Hampstead and Pride of Potomac Council, of Cumberland, of the Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Federation of Labor of Baltimore, Md., remonstrating against the repeal of the present

law relative to the printing of Government securities, which was referred to the Committee on Printing.

Mr. DICK presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the North Congregational Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the transmission of race-gambling bets, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of 44 ex-Federal soldiers, remonstrating against the proposed consolidation of the pension agencies at the city of Washington, D. C., which was referred to the Committee on Pensions.

He also presented petitions of sundry members of the Junior Order United American Mechanics of Attica, Columbus, Sidney, Miami, East Spartin, Coshocton, Hamilton, Canton, Findlay, Marietta, Wooster, Higginsport, Massillon, Elwood Place, Sandyville, London, Gettysburg, New Moorefield, Ironton, Good Hope, Kent, Russellville, New London, Cincinnati, Dayton, and Toledo, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully petition that—

Whereas during the year ending June 30, 1910, Government statistics show that more than 1,000,000 aliens landed in the United States, of which number more than 600,000 came from southern and eastern Europe and western Asia, the most undesirable immigrants known; and

Whereas the effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workingmen: Therefore be it

Resolved by the house and senate of the State of Washington, That the Congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the most undesirable foreigners, whose presence tends to destroy American standards of living; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation.

Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 24, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. HEYBURN. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Idaho, would respectfully represent and make known that the development of irrigation has been very rapid in the West, there having been millions of acres added to our irrigation area during the last few years; that the settlement on these new lands has been almost wholly by people from the East, who have practically no knowledge of irrigation; that irrigation farming is an intricate science, which requires considerable study; that the interests of the millions of farmers in the irrigated portion of the West, and of the West wholly, demand that these settlers learn irrigation farming in the shortest possible time.

Wherefore your memorialists urgently petition that the Government of the United States provide more liberally for education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture, and that at some place centrally located in the irrigation belt a permanent institute be established at which instruction in the subject of irrigation and allied subjects be made a specialty, and that said subjects be there taught to all those who desire instruction therein.

This memorial passed the house of representatives on the 30th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 30th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 4 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 4, by Nibart, providing for a more liberal education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture.

Passed the house January 30, 1911.

Passed the senate January 30, 1911.

Which was filed in this office the 2d day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 2d day of February, A. D. 1911.

[SEAL.] W. L. GIFFORD, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 24123) for the relief of the legal representatives of William M. Wightman, deceased;

A bill (H. R. 23888) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia; and

A bill (H. R. 1883) for the relief of John G. Stauffer & Son.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 9556) to provide for the extension of the post-office and courthouse building at Dallas, Tex., and for other purposes (Rept. No. 1085); and

A bill (S. 10189) to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes (Rept. No. 1086).

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 21882) for the relief of Horace D. Bennett, reported it without amendment and submitted a report (No. 1087) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1084) accompanied by a bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 303. Jacob Souder.
S. 712. Richard H. Bartlett.
S. 1244. William A. McGinety.
S. 3225. Jeremiah F. Blanchard.
S. 3226. Hugh Haggerty.
S. 3319. John Drown.
S. 3423. James G. Brown.
S. 3426. Mary A. Hartshorn.
S. 3429. John Blevins.
S. 3448. George B. Black.
S. 4097. William Arey.
S. 4100. Harry G. Morton.
S. 4214. Hannah Lee.
S. 4387. Eli Avery.
S. 4488. Elmer Strickland.
S. 4975. John Blue.
S. 5090. Oscar H. Ford.
S. 5091. Lemuel Dougherty.
S. 5172. Asa N. Callahan.
S. 5232. James A. Dunlap.
S. 5349. Frederick H. Miller.
S. 6004. Samuel Blush.
S. 6240. Joseph Lewis.
S. 6420. Horatio H. Jonks.
S. 6512. Josiah Ackerman.
S. 6653. Albert Miller.
S. 6699. George W. McMullen.
S. 6718. Elijah Knapp.
S. 6836. Adoniram Judson Morgan.
S. 7125. William V. Hopkins.
S. 7162. Reuben Hurley.
S. 7350. George F. Johnson.
S. 7354. William H. White.
S. 7411. Jairus D. Backus.
S. 7412. Thomas Cooney.
S. 7413. Thaddeus Parr.
S. 7591. John Kinsey.
S. 7682. Mathew Harris.
S. 7702. Eber. W. Fosbury.

S. 7704. John J. Robinson.
S. 7790. Robert Masters.
S. 7850. Henry W. Bradley.
S. 7862. George W. Robinson.
S. 7867. Michael Boston.
S. 7883. David Earhart.
S. 7893. Chancy W. Rickerd.
S. 7894. Joseph A. Durham (alias Joseph Anson).
S. 7929. William Baird.
S. 7930. Samuel M. Bragg.
S. 7939. Joel P. Colvin.
S. 7963. Frank B. Carey.
S. 8016. Thomas C. Boggess.
S. 8073. Mary E. Havens.
S. 8098. James M. Owen.
S. 8151. Hiram Hoover.
S. 8152. William Murlin.
S. 8203. Henry H. Parmenter.
S. 8272. Dorious Neel.
S. 8277. Lemuel Cohee.
S. 8279. Abraham C. Heidryx.
S. 8370. Christopher C. Jones.
S. 8371. John Wood.
S. 8428. Ellen Hungerford.
S. 8442. John F. Crayum.
S. 8458. Corydon G. Ireland.
S. 8507. Myron Heffron.
S. 8540. Julius Blessin.
S. 8585. John Freeman.
S. 8602. Mary C. At Lee.
S. 8638. Henry R. Playford.
S. 8639. Franklin D. Morton.
S. 8674 Calvin L. Johnson.
S. 8745. George W. Anderson.
S. 8784. Samuel P. Travis.
S. 8798. Thomas Goodwin.
S. 8805. Hugh Price Wilson.
S. 8815. Susan Reppeto.
S. 8827. John H. Reid.
S. 8852. William R. Grumley.
S. 8853. Albert Hitchcock.
S. 8854. Albert S. Granger.
S. 8857. Harrison C. Boyster.
S. 8919. William Lehan.
S. 8927. Charles Roth.
S. 8937. Richard L. Sturges.
S. 8938. James A. Morgan.
S. 8940. George M. Roberts.
S. 8944. David J. Bowman.
S. 8945. Edwin W. Haynes.
S. 8969. Mary A. Charles.
S. 8972. Harrison F. Roberts.
S. 8984. Erastus Smith.
S. 8989. Daniel Fisher.
S. 8993. William George Stark.
S. 9071. Warren P. Dwinnells.
S. 9080. Orrin C. Leonard.
S. 9081. Albert Koch.
S. 9082. Samuel Moles.
S. 9101. James M. C. Jackson.
S. 9169. Robert Clark.
S. 9171. Charles A. Rowell.
S. 9205. John C. Neel.
S. 9216. Joseph Shannon.
S. 9234. John Chandler.
S. 9287. John C. Ward.
S. 9322. Daniel Jordan.
S. 9323. Milton Pendergast.
S. 9337. John Gorden.
S. 9372. Victoria M. Steele.
S. 9382. Charles M. Renshaw.
S. 9407. Silas Fish.
S. 9408. Valentine Lungwitz.
S. 9459. Catherine M. Walker.
S. 9460. Sherman McBratney.
S. 9470. James Rude.
S. 9480. Michael Farrington.
S. 9502. James Haggerty.
S. 9551. George W. Phelps.
S. 9591. Robert Tarbet.
S. 9709. Jasper N. Kinman.
S. 9734. Henry Wentworth.
S. 9736. William Noyes.
S. 9737. Warren F. Reynolds.
S. 9746. Orin Kimball.
S. 9807. William C. Hoffman.
S. 9840. Joseph C. Kitchen.
S. 9844. Isaac M. Couch.
S. 9872. James Lindsey.
S. 9910. Jacob Pinkett.
S. 9913. James B. West.
S. 9947. John S. Smith.
S. 9952. Adelaide A. West.
S. 9990. Aaron Welty.
S. 10051. Sarah M. Peterson.
S. 10125. William M. Wall.
S. 10131. Frank E. Martell.
S. 10132. Bethana Aseltine.
S. 10170. Lucie W. Carter.
S. 10193. Charles M. Merritt.
S. 10196. George W. Carpenter.
S. 10202. William P. D. Foss.
S. 10265. Richard M. J. Coleman.
S. 10287. Emma J. Blake.
S. 10325. Andrew G. Scott.
S. 10334. Alphonso H. Mitchell.
S. 10358. Fannie S. Haskell.
S. 10370. George W. Shaw.
S. 10374. John B. Dean.
S. 10387. John C. Whittaker.
S. 10391. Harriet W. Wilkinson.
S. 10405. Alonzo J. Mosher.
S. 10406. Thomas H. Whitman.
S. 10419. James Jenkins.
S. 10420. Timothy Egan.
S. 10426. Uriah Renner.
S. 10430. Mahala Fausey.
S. 10445. Mary V. Webster.
S. 10481. Alonzo Hoding.
S. 10493. William H. Rickstrew.
S. 10494. Alice L. Walker.
S. 10495. Nathan Baker.
S. 10535. Elizabeth A. Marr.
S. 10600. John Conroy.
S. 10625. Thomas B. Pulsifer.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 9123) to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va. (Rept. No. 1088); and

A bill (S. 9124) to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va. (Rept. No. 1089).

He also, from the same committee, to which was referred the bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia, reported it with amendments and submitted a report (No. 1090) thereon.

He also, from the same committee, to which was referred the bill (S. 5036) for the erection of a public building at Lancaster, Ky., reported it with amendments.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6645) for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C., reported it without amendment and submitted a report (No. 1091) thereon.

Mr. RICHARDSON, from the Committee on Claims, to which was referred the bill (H. R. 6043) for the relief of registers and former registers of the United States land offices, reported it without amendment and submitted a report (No. 1092) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri, reported it with amendments and submitted a report (No. 1093) thereon.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (H. R. 6776) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, reported it without amendment and submitted a report (No. 1095) thereon.

Mr. FRAZIER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2556) for the relief of R. A. Sisson (Rept. No. 1096); and

A bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army (Rept. No. 1097).

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 4678) to adjust the claims of certain settlers in Sherman County, Oreg., reported it with an amendment and submitted a report (No. 1098) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (S. 7764) to provide for the purchase of the original painting by George Heriot of the two Capitol buildings before they were burned by the British troops during the War of 1812, submitted an adverse report (No. 1099) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Indian Depredations, to which was referred the bill (S. 10526) for the relief of Thomas Hoyne, reported it with an amendment and submitted a report (No. 1100) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13936) for the relief of William P. Drummon (Rept. No. 1102); and

A bill (H. R. 21646) for the relief of William Doherty (Rept. No. 1101).

Mr. BULKELEY. On yesterday I reported adversely from the Committee on Military Affairs a bill (H. R. 26018) for the relief of James Donovan, and moved that it be postponed indefinitely. I ask that the vote by which the bill was postponed indefinitely be reconsidered and that the bill be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that order is made.

RESERVE FOR GOLD CERTIFICATES.

Mr. SMOOT. From the Committee on Finance I report back favorably, without amendment, the bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907, and I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 4, 1907, be, and the same is hereby, further amended so as to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States, in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order: *And provided further*, That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than $1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further*, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

Mr. WARREN. I should like to ask if the bill has been reported from a committee; and if so, from what committee?

The VICE PRESIDENT. It has just been reported from the Committee on Finance.

Mr. WARREN. I will not object to its consideration. I will state, however, that I shall feel constrained to object to the consideration of further bills during the call for morning business.

Mr. SCOTT. I should like to have the Senator from Utah explain the nature of the bill. It appears to be a very important one, and unanimous consent is asked for its consideration.

Mr. SMOOT. I can explain it in a very few words to the Senator.

At the present time we have in circulation $940,000,000 in gold certificates, and under the present law we are required to hold as a reserve against those certificates an equal amount of gold coin. The bill provides that instead of coining the gold bullion into gold coin as a reserve against gold certificates the Secretary of the Treasury shall have authority to hold not to exceed one-third of the amount of circulation in gold bullion and foreign coin instead of gold coin.

Mr. SCOTT. I know what the bill is now. I could not get its full import from the reading.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 10692) granting an increase of pension to James L. Anderson (with accompanying paper);

A bill (S. 10693) granting an increase of pension to Darius Giles (with accompanying paper);

A bill (S. 10694) granting a pension to George Boothroyd (with accompanying paper); and

A bill (S. 10695) granting an increase of pension to William H. Scannel (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10696) granting a pension to James C. Moorhead (with accompanying papers);

A bill (S. 10697) granting an increase of pension to Joseph P. Pittman (with accompanying papers); and

A bill (S. 10698) granting an increase of pension to Henry G. Tuttle (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 10699) to correct the military record of Joshua F. Spurlin; to the Committee on Military Affairs.

A bill (S. 10700) granting an increase of pension to James Edwards; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10701) granting a pension to Katie A. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 10702) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota; to the Committee on Public Lands.

By Mr. GUGGENHEIM:

A bill (S. 10703) for the relief of Peter Mulock; and

A bill (S. 10704) for the relief of Loren B. Sylvester (with accompanying papers); to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 10705) granting a pension to Louis P. Bailey; and

A bill (S. 10706) granting a pension to Monroe T. Houchens (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 10707) to consolidate certain forest lands in the Kansas National Forest; to the Committee on Public Lands.

By Mr. CULBERSON:

A bill (S. 10708) granting an increase of pension to Gilford Ratliff; and

A bill (S. 10709) granting an increase of pension to Polk R. Kyle; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10710) granting an increase of pension to Mary E. Burrell; to the Committee on Pensions.

A bill (S. 10711) for the relief of A. J. G. Kane; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 10712) amending an act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government, etc.; to the Committee on Indian Affairs.

By Mr. PAYNTER:

A bill (S. 10713) granting an increase of pension to Ephraim B. Wilhoit;

A bill (S. 10714) granting a pension to Mary Bruce; and
A bill (S. 10715) granting a pension to Irene J. Reed; to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10716) for the relief of Jane A. Oberly; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate $7,356.90 to pay certain persons for claims for buildings and improvements at the Pine Ridge Agency, taken by the Indian Bureau, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation, and for the preservative treatment of timber, for timber testing, etc., from $170,040 to $187,040, intended to be proposed by him to the agricultural appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. FOSTER submitted an amendment proposing to appropriate $350,000 for the completion of the post office and courthouse at New Orleans, La., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWAL OF PAPERS—W. L. MOLLOY.

On motion of Mr. BOURNE, it was

Ordered, That W. L. Molloy be permitted to withdraw from the files of the Senate all papers filed in connection with Senate bill 950, Sixtieth Congress, first session.

TREATY OF PEACE WITH SPAIN.

Mr. BACON. I beg leave to ask for a reprint of Senate Document No. 182, Fifty-seventh Congress, first session. It is a document the Senate had printed containing the treaty of peace between the United States and Spain and the action of the Senate thereon. The edition is about exhausted, and I ask for a reprint.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the treaty of peace between the United States and Spain, signed at the city of Paris December 10, 1898, together with all the amendments proposed thereto in the Senate, with the votes thereon, respectively, and the final vote upon the treaty; also Senate resolution 240, introduced by Mr. McEnery February 6, 1899, entitled "Joint resolution declaring the purpose of the United States toward the Philippine Islands," with the amendments offered thereto and the votes thereon, with the final vote upon the resolution in the Senate, be reprinted.

RECIPROCAL TRADE RELATIONS WITH CANADA.

Mr. BEVERIDGE. Mr. President, I wish to give notice that on Friday, the 10th, immediately after the morning business, I shall submit some remarks to the Senate on the subject of the Canadian reciprocity agreement.

Mr. BEVERIDGE subsequently said: Mr. President, I wish to change the notice that I gave of my intention to address the Senate on Friday to Thursday, immediately after the Senator from Kansas [Mr. BRISTOW] shall have concluded his remarks; or, in case he does not speak on that day, then immediately after the morning business. The Senator from New York [Mr. ROOT] desires to speak on Friday, and I am very glad to change my notice to Thursday, so that the arrangement will be agreeable all around.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. ROOT. Mr. President, I give notice that, with the permission of the Senate, at the close of the routine morning business on Friday of this week I will make some observations upon the joint resolution for the amendment of the Constitution in respect to the election of Senators.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. JONES. The Senator from Wyoming is very anxious to proceed with the consideration of the Army appropriation bill, and I shall yield for that purpose.

Mr. WARREN. I ask the Senate to resume the consideration of House bill 31237, the Army appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The VICE PRESIDENT. The Secretary will resume the reading where it was discontinued yesterday.

Mr. BAILEY. Mr. President, I understand the Senator from Florida [Mr. FLETCHER] had given notice that he intended to speak immediately after the Senator from Washington [Mr. JONES] concluded. I assume the Senator from Florida did not anticipate the arrangement which has just been assented to. Unless the Senator from Wyoming thinks he can dispose of this bill so as to enable both the Senator from Washington and the Senator from Florida to conclude their addresses to-day, I would dislike to see the arrangement already made by announcement interfered with.

Mr. WARREN. Mr. President, I think there is no doubt about our being able to complete the bill and give both the Senators ample time to speak. I shall ask that the bill be laid aside if we meet with any serious delay, as it is not my intention to interfere in any manner with the plans of either of the Senators mentioned.

Mr. BAILEY. I took it upon myself to make the suggestion without consulting the Senator from Florida. I did not want to see him displaced. With the statement which the Senator from Wyoming has just made, it is all right.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, beginning at page 35, line 22.

The next amendment of the Committee on Military Affairs was, in the item of appropriation for the maintenance of barracks and quarters, on page 36, line 14, after the words "military posts," to insert "and for sales to officers on the active list of the Army not occupying public quarters," so as to read:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extra-duty pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts, and for sales to officers on the active list of the Army not occupying public quarters, as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents.

The amendment was agreed to.

The next amendment was, in the same clause, on page 37, line 8, before the word "thousand," to strike out "fifteen" and insert "twenty-five," and in line 11, after the words "Yellowstone National Park," to insert "and that $10,000 of the sum herein appropriated may be used for the completion of the chapel building at Fort Sam Houston, Tex.: *And provided further*, That of the sum herein appropriated $221,700 shall be immediately available for the construction of barracks and quarters," so as to make the proviso read:

Provided further, That $25,000 of the sum herein appropriated may be used for the construction and completion of a chapel on the military reservation at Fort Yellowstone in the Yellowstone National Park, and that $10,000 of the sum herein appropriated may be used for the completion of the chapel building at Fort Sam Houston, Tex.: *And provided further*, That of the sum herein appropriated $221,700 shall be immediately available for the construction of barracks and quarters, $1,856,050.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the Army and its supplies, on page 40, line 21, after the word "That," to insert "hereafter;" in line 25, before the word "their," to strike out "for;" and on page 41, line 1, after the words "United States," to insert "and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association: *Provided further*, That when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War," so as to make the proviso read:

Provided, That hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employees, and enlisted men of the Revenue-Cutter Service, and their families, without expense to the United States, and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association: *Provided further*, That when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in the same clause, on page 41, line 9, after the word "That," to insert "hereafter;" and in line 12, after the word "for," to insert "*And provided further*, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1909, 1910, and 1911, for the temporary hire of motor vehicles, and for the repair, operation, and maintenance of motor vehicles in the Quartermaster's Department, when approved by the Secretary of War as necessary for the public service," so as to make the proviso read:

Provided further, That hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for: *And provided further*, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1909, 1910, and 1911, for the temporary hire of motor vehicles, and for the repair, operation, and maintenance of motor vehicles in the Quartermaster's Department, when approved by the Secretary of War as necessary for the public service; and for the purchase and repair of harbor boats, and repair of boats for the Seacoast Artillery Service, $11,023,615.06.

Mr. BACON. Mr. President, if the Senator from Wyoming will pardon me a moment, I desire some information in regard to this proposed amendment. This matter of the indiscriminate use of public vehicles by public officers of the various departments of the Government has been called by me to the attention of the Senate several times, and my conviction as to the importance of it is in no manner lessened by the scenes which I witness every day on the streets of Washington of subordinate officers of the various departments riding around the city at the expense of the Government and of the people of the United States.

I am not in what I say alluding to officers of the Government for whom specific appropriations are made for the purpose of furnishing them with automobiles or with carriages, for that is a matter that Congress particularly takes up and passes upon and as to which, whether proper or not, we know what we are doing when we make the appropriations.

Mr. President, I think I can safely call the Senate to witness that I have not been disposed to be penurious or niggardly in the allowances made to officers, civil and military; on the contrary, I have been somewhat chided for being more liberal than others think I should be in the matter. I have believed in liberal compensation for such officers, and I believe in making proper provision for them in every way; but this is one thing in which I think there is a grave and great abuse.

I want to say that I have talked with Representatives, and I have talked with Senators year in and year out in private as well as saying something in public on this subject; it is a rare thing to find a Representative or a Senator who does not condemn it, and yet we submit to it and permit it to go on as it is.

Mr. President, there is scarcely a day when I walk to the Capitol that I do not see public officials, whom I do not personally know, and I would not know they were public officials but for the particular situation in which I see them—when others of us are either walking or riding in conveyances furnished at private expense—who are riding through the streets of Washington with the finest horses that can be found in the United States outside of race horses—I am not speaking of those, but I am speaking of fine carriage horses and fine vehicles—riding to and from their offices, and not only thus using them themselves, but their families also frequently using them. I say, Mr. President, that is an abuse that ought to be stopped by the Congress of the United States.

Mr. President, there are certain needs for carriages and vehicles for the departments, and of course they ought to be allowed, for certain vehicles have to be furnished, and it is out of the fact of the necessity for certain vehicles that this abuse has grown.

I would desire very much to know of the chairman of the committee, if it is possible for him to give the information, how many vehicles are being employed by the departments, and for what purposes, and what they cost. I think this detailed information ought to be given to the Congress of the United States. We ought to know how many vehicles at public expense are being maintained in this city and used by officials outside of those for which we make specific appropriation.

We give vehicles to the heads of departments; we give those vehicles to them, as I understand, by special designation; we give them to the Speaker of the House of Representatives and to the Vice President. I am not alluding to those at all, for while some differ as to the propriety of doing that, those are not matters of great abuse.

I am speaking of vehicles, for which there is no detailed information furnished Congress, which are being used for the private convenience of officials. Therefore I should like to know if the Senator from Wyoming, in charge of the bill—I, in a private way, endeavored to put the committee on notice that I was going to ask for this information to-day—is in possession of the information as to the number of vehicles, carriages, horses, pairs of horses—for they do not deign to use but one horse—coachmen, who are necessarily paid high wages and whose sole occupation seems to be to furnish officials of the Government, who are not particularly designated as those entitled to these vehicles, with the means of transportation for themselves and their families up and down the streets of this city. I should like to know if the Senator can give us the information as to the number of these vehicles, their cost, and the uses to which they are put.

Mr. WARREN. Mr. President——

Mr. BACON. The Senator from Florida [Mr. TALIAFERRO] suggests to me aside, and very properly, that I should not inquire of the Senator from Wyoming as to anything except that which relates to the War Department; and, of course, while I do not mean to limit what I have to say to the War Department, because I do not know that the abuse is any more excessive there than in any other department, I must limit this particular inquiry to the War Department.

Mr. WARREN. I assume the Senator would not ask me at this time to refer to any transportation except that of the Army—of the War Department.

Mr. BACON. Of course not; or those employed in the War Department.

Mr. WARREN. In the War Department there are certain allowances by law for horses and carriages that have existed for many years. The matter of automobiles, motor cycles, and so forth, is something that has come up later. The amendment which is now before the Senate is to close up the matter of accounts, amounting to $5,000 or $6,000, that have been suspended or disallowed by the comptroller in cases where automobiles have been used in place of the usual transportation. They are not expending money or contracting bills in the same line now.

I will give the Senator some information, if I may have his attention, as to how these charges occurred. For instance, one of the charges is for furnishing an automobile for use at West Point in place of horses and carriages.

In several cases the allowances have been in connection with the use of an automobile by a surgeon who has to visit his patients in various places. For example, in Washington an officer of the Army is entitled to the attendance of a surgeon. He may be in the Walter Reed Hospital, some miles out; he may be at his residence, which he may have erected or rented here; or he may be at headquarters. The transportation allowance that a surgeon has, as the Senator probably knows, is a riding horse. I think the Senator from Georgia will concede that transportation on horseback is hardly the proper mod of transportation for a visiting surgeon who has instruments, medicines, and so forth, to carry with him. Therefore, up to the time of the decision of the comptroller, those surgeons have had the use of these automobiles.

This is a provision, as I have said, to close those suspended or disallowed accounts, which amount to five or six thousand dollars altogether. In some instances it is a case where an officer has crossed the city of New York or has been to a post that is distant from some railroad station, and the account would probably have passed through had it been for a horse and carriage, but being for an automobile the auditor or comptroller failed to find language in the law which authorized it.

As to the general matter of automobiles for private uses, the Senator will find, if he investigates as I have done, that quite a number of officers of the Army have their own automobiles, their own chauffeurs, and may be seen on the streets at all times. I have never been able to ascertain or to satisfy my own mind that officers of the Army were furnished by the Government with automobiles for their own personal or family use. There are altogether 27 gasoline and steam machines owned and used by the Quartermaster's Department. Some of those are trucks, and I may say that the time, in my judgment, is very near at hand when about all the trucking, where the roads are fit, will be done with gasoline machines as being much cheaper than transportation in the usual way with horses.

I do not think that in the Army this privilege is being greatly abused. The Quartermaster's Department is, of course, supplied with certain spring wagons and horses for the general handling of their business. Most of this automobile service has been in the Medical Department. They have two or three auto-

mobiles which are owned by the Government, and which are plainly marked to show that fact.

Mr. BACON. Mr. President, I will ask the Senator if he does not know the fact that, outside of automobiles, there are vehicles, not trucks, not spring wagons, but carriages with the small letters "Q. M. D.," probably two-thirds of an inch or half an inch long, painted under the driver's seat, where they can not be seen as far away as the Senator is from me now, and would be noticed by nobody, and that those carriages are being driven up and down these streets every day by subordinates in the departments? I do not know whether or not the occupants are officers, because they are not in uniform; but I am not limiting what I say to officers. They may be civilians; there are a great many civilians employed in the War Department, and I am not directing what I say particularly at the officers of the Army. I am talking about the department. I ask the Senator if he does not know the fact—and if he does not, if he will go with me I will show it to him any day he wants to see it—that there are such vehicles running up and down these streets, carrying officers backward and forward from their residences to the department, or carrying employees, for I do not know whether they are officers or employees, and in many instances carrying their families about the city? Does not the Senator know that fact?

Mr. WARREN. Mr. President, I do not know that that is the case to the extent the Senator states it.

Mr. BACON. Mr. President, this is a matter not simply of my observation, but it is known to everybody, or to almost everybody. An officer high in the Army recently talked to me about it, and made a suggestion that the law should provide that all carriages and vehicles that were used by the departments should be drawn by mules. He thought if that were done that the vehicles would not be so readily employed for social and other purposes. [Laughter.] I think it a very good suggestion. That was made to me by an officer of high rank in the Army.

Mr. WARREN. Speaking of mules, I consider them most appropriate and certainly reliable. Did the officer feel that he was guilty himself and that he was abusing his privilege?

Mr. BACON. I am confident he was not, by his stating that to me. I do not suppose that all of them participate in this abuse.

Mr. WARREN. I myself have seen these things in a cursory way, and have investigated a great many cases. Not long since, after an evening entertainment, I was invited to enter an automobile with a general officer of the Army. I was rather curious to know whether it was a Government automobile or not, and so when we drove around to his house I said they might leave him first. He turned to the driver and said, "You will charge that to my account." I found, as I have often found, that it was an automobile hired from a garage in the city, and he paid for it.

Mr. BACON. I have no doubt that frequently occurs.

Mr. WARREN. On the other hand, a surgeon starts in the morning here to go, perhaps, to the Walter Reed Hospital on his duty. Very likely his wife or his children may ride with him. I presume the Senator would not object to that.

As to the transportation being purchased and used for private use, and thereby costing the Government more money because of unlawful private use, I am satisfied that that charge could not be made good to any appreciable extent. There are certain allowances in the Quartermaster's Department, and the officers do not exceed them, and there are certain allowances for others.

I would be very glad, if the Senator has any reasonable proposition to suggest to bring about what he desires, if he would present it. I agree with him that the Government should not spend money for the families of employees of the Government other than those——

Mr. BACON. I am surprised that the Senator does not know the fact, which is notorious to everybody in Washington, that that is constantly being done.

I do not mean to say, and it is unfair for the Senator to suggest, that I mean that every time an officer is riding he is riding either improperly in a public carriage or that he is not riding in his own carriage. I have no doubt they frequently ride in their own carriages, and I have no doubt they frequently ride properly in public carriages on official business. I do not dispute that at all; and it is not fair for the Senator to suggest that what I have said can have any such meaning. But I do not understand that it is a proper use for a carriage to be sent to the house of an officer—and when I say "officer" I mean civil or military, whether he is an employee or an officer of the Army—every morning to take him to the department at 10 o'clock in the day. Mr. President, if we have any extra money for expenditures in the deparments I think a little of it had better be expended on the poor clerks in the departments instead of on these gentlemen who can ride around in such style. That is my judgment in that matter.

Mr. WARREN. That opens up a wide subject and would hardly come up in this bill or in this connection.

Mr. BACON. Before the Senator concludes I want to say this: There was a Senator in the Chamber a few moments ago who narrated to me this experience: Some time ago he was walking along the sidewalk, as most of us have to do. If there were any need for carriages there is a great deal more need for carriages for Members of Congress. They have to go around a great deal. I do not think anybody would approve their being furnished us. I would not vote that we should have them. The Senator was walking along the sidewalk, and an employee of one of the departments came along in a carriage and drew up alongside and asked him to take a seat with him. The Senator accepted his invitation and rode some distance, and then complimented him on having such a fine turn-out. The employee said, "This is not mine; this belongs to the Government." And the employee was a subordinate officer. I am sorry the Senator who told me that is not here. Another Senator told me of a similar experience in some post remote from Washington.

I do not think it is consistent with our Republican institutions that, except in the exceptional cases I have mentioned, where there are specific reasons given and where specific provision is made, the public money should be used in the furnishing of conveyances for the private convenience of officers or of their families.

This has ended just as it has ended every time heretofore, and I was possibly imprudent in doing that which is not a very pleasant thing to do and which it would be very much more agreeable to refrain from doing. This is going to end to-day just as it has ended every time, and I think, Mr. President, it is due—impracticable, perhaps—that at some time in the future it should be known what vehicles there are and to what uses they are put. I think there are very few necessities for officers of the executive departments to have carriages for them to ride about the city in. There are very few uses, very few necessities.

I have accomplished all I had expected to accomplish—simply to bring attention to it. I did not expect to effect anything, because I have made the effort several times before and failed, just as I have failed to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "hundred," to strike out "thousand seven hundred" and insert "and sixty-seven thousand nine hundred;" in line 19, before the word "dollars," to strike out "fifty thousand" and insert "one hundred thousand;" and on page 43, line 3, after the word "this," to strike out "appropriation may be used for the purchase of 1¼ sections of lands located on Dead Mans Creek, S. Dak., for the protection of the water supply of Fort Meade, S. Dak.," and insert "sum may be used for the protection of the water supply of Fort Meade, S. Dak., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings 1¼ sections of land located on Dead Mans Creek, S. Dak.," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the purchase and repair of fire apparatus; for the disposal of sewage; for repairs to water and sewer systems and for hire of employees, $2,267,903.27: *Provided*, That not to exceed $100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell target and maneuver reservation, Wyo., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation: *Provided further*, That not to exceed $17,200 of this sum may be used for the protection of the water supply of Fort Meade, S. Dak., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings 1¼ sections of land located on Dead Mans Creek, S. Dak.

The amendment was agreed to.

The next amendment was, on page 43, line 24, before the word "thousand," to insert "and fifty," and on page 44, line 1, after the word "thirteen," to insert: "*Provided*, That hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of the act of Congress approved April 23, 1904, entitled 'An act making appro-

priations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes,' as relates to the assignment of retired officers to active duty shall apply," so as to make the clause read:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, $150,000, to remain available until the close of the fiscal year ending June 30, 1913: *Provided*, That hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of the act of Congress approved April 23, 1904, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes," as relates to the assignment of retired officers to active duty shall apply.

Mr. JONES. I desire to ask the Senator in charge of the bill a question with reference to this amendment. Some time ago I introduced an amendment increasing the appropriation by $50,000, but providing that the amount should be expended on the trail or road between Cook Inlet and Iditarod. I want to ask the Senator in charge of the bill whether this increase is made in pursuance of the supplemental estimate sent down by the Secretary of the Treasury under date of January 25, and with the understanding that the money will be expended as suggested in this report.

Mr. WARREN. The proposed expenditure referred to by the Senator is included in this. The reason why the names of points are not put in is that it would require the keeping of different accounts and would cause an expense which the department considers unnecessary. The intention is to take up the very matter mentioned by the Senator, and which is estimated for by the department.

Mr. JONES. Yes.

Mr. NELSON. If the Senator will allow me, I have had some conversation with Maj. Richardson, who was at the head of this commission, and he intends to devote part of the proceeds to the very work the Senator refers to.

Mr. JONES. What I want to get at is whether it is the purpose to expend this additional $50,000 for this purpose.

Mr. NELSON. I think he will have to spend probably more than that—whatever is necessary to make the road to the Iditarod country.

Mr. JONES. I ask that the supplemental estimate may be printed in the RECORD, so that we may have a clear understanding of it.

The VICE PRESIDENT. Without objection, it is so ordered.

The supplemental estimate is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 25, 1911.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of War of the 24th instant, submitting a supplemental additional estimate of appropriation in the sum of $50,000 for construction and maintenance of military and post roads, bridges, and trails, Alaska.

The Secretary of War explains the necessity arising for the submission of this additional estimate at this time, and the reason why it was impracticable to include the same in his regular estimates submitted to the Congress.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

—

WAR DEPARTMENT,
Washington, January 24, 1911.

SIR: I have the honor to forward herewith, for transmission to Congress, a supplemental estimate of an appropriation of $50,000 required by the War Department for the service of the fiscal year ending June 30, 1912, for the construction and maintenance of military and post roads, bridges, and trails in Alaska.

The submission of this estimate is deemed imperatively necessary for the reasons stated by the president of the board of road commissioners for Alaska in the footnote thereto, namely, to provide additional funds for this purpose, owing to the rapid developments which have taken place in the interior district of the Iditarod, where there are at present approximately 3,000 people who are receiving but one mail a month via a circuitous route—Valdez-Fairbanks, down the Yukon to Kaltag, and back to the Iditarod—a distance more than twice that of the proposed new route from Cook Inlet.

It was impracticable to include this item in the regular annual estimates of the War Department for the fiscal year 1912, for the reason that sufficient details covering the same were not presented to the department until after the regular estimates had been submitted to Congress, through the Treasury Department, as required by law.

The President has sanctioned the submission of this estimate.

Very respectfully,

J. M. DICKINSON, *Secretary of War.*

The SECRETARY OF THE TREASURY.

Supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1912, by the Alaska Road Commission.

WAR DEPARTMENT—ALASKA ROAD COMMISSION.

Construction and maintenance of military and post roads, bridges, and trails, Alaska:	
For the construction and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the Board of Road Commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved Jan. 27, 1905, and to be expended conformably to the provisions of said act (acts Jan. 27, 1905, vol. 33, p. 616, sec. 2; Mar. 23, 1910, vol. 36, p. 257, sec. 1)	$50,000
Amount appropriated for the current fiscal year, ending June 30, 1911	100,000

NOTE.—The additional sum here estimated for is to be applied to the construction of a winter trail from the end of the Alaska Northern Railway on Cook Inlet across the Rainy Pass, through the valley of the upper Kuskokwim River and the Iditarod mining district, to Kaltag, on the Yukon, where it joins the main route of overland mail and travel westward to the Seward Peninsula. This route, besides supplying a means of communication to a large and growing district in the interior, now very much isolated, becomes also a short line for mail and communication from the open water of the coast to the military posts of Fort St. Michael and Fort Davis, near the town of Nome, on Bering Sea. It is the smallest amount considered absolutely necessary to cut through a primitive winter trail for dog teams and single horse sleds for a distance of more than 400 miles, and the route is a part of the general system of cross-country communication laid out by the Board of Road Commissioners, for which appropriations have heretofore been made under the head of "Military and post roads, bridges, and trails, Alaska." The sum of $100,000 already appropriated by the House of Representatives is $25,000 less than the amount estimated by the board as necessary for the repair and maintenance of the roads already constructed under this head, and to divert any portion of that amount to the work here proposed would be a loss to the work already constructed, of equal importance, and which the board considers its first duty is to maintain.

The imperative necessity for this additional sum at this time is due in a measure to the rapid developments which have taken place in the interior district of the Iditarod, above referred to, where there are at present approximately 3,000 people, who are receiving but one mail a month via a circuitous route—Valdez-Fairbanks, down the Yukon to Kaltag, and back to the Iditarod, a distance more than twice that of the proposed new route from Cook Inlet. (W. P. Richardson, major, Thirteenth Infantry, United States Army, president Board of Road Commissioners for Alaska.)

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Militia Affairs was, on page 46, after line 23, to insert:

Transportation of officers' horses: The accounting officers of the Treasury are hereby authorized and directed to remove any suspensions in the accounts of quartermasters for the fiscal years 1909 and 1910 for payments for the transportation of officers' authorized horses during the said period; and payment from unexpended balances in the Treasury of the appropriation "Transportation of the Army and its supplies" for the fiscal years 1909 and 1910, is hereby authorized and directed to be made to common carriers having claims against the United States for transportation of officers' authorized horses during the period hereinbefore mentioned; and reimbursement is hereby authorized and directed, from unexpended balances hereinbefore mentioned, to officers of the Army for payments made by them to disbursing officers on account of suspensions made by the accounting officers of the Treasury for transportation of their authorized horses.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 56, line 14, before the word "the," to strike out "That for" and insert "For," so as to make the clause read:

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, etc.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BULKELEY rose.

Mr. WARREN. There are certain committee amendments which I will first offer. I offer the following amendment.

The SECRETARY. On page 5, line 17, after the word "dollars," insert a comma and the words "of which sum $25,000 shall be immediately available."

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 34, line 9, after the word "mounts" at the end of the line, insert a comma.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 34, line 10, after the word "Engineers," strike out the semicolon and insert in lieu a comma.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 37, line 10, after the word "on," insert "or near."

The amendment was agreed to.

Mr. WARREN. I ask the Clerk if, on page 40, lines 12 and 18, he has inserted a comma after the word "official."

The VICE PRESIDENT. That has been done.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 41, line 3, it is proposed to amend the committee amendment, after the word "That," by inserting the word "hereafter."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 56, between lines 12 and 13, insert as a paragraph the following:

The Secretary of War is hereby authorized and directed to release to the city of St. Augustine, Fla., a strip of land not exceeding 23 feet in width on the north line of the Fort Marion Reservation for the purpose of restoring the street formerly known as Clinch Street, extending from San Marco Avenue, on the western boundary of said reservation, eastward to the Matanzas River.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 57, line 19, strike out the words "until expended" and insert "and to remain available until the end of the fiscal year 1913."

The amendment was agreed to.

Mr. WARREN. I ask the Secretary to turn to page 5, line 18, where, after the word "than," I move to strike out "two hundred and fifty" and insert "one hundred and twenty-five."

The SECRETARY. On page 5, line 18, before the word "thousand," strike out "two hundred and fifty" and insert "one hundred and twenty-five."

Mr. HEYBURN. Mr. President——

Mr. WARREN. In line 19——

Mr. HEYBURN. I rose to ask to have the proviso read as amended. It will perhaps be better for the Senator to conclude the amendments to the proviso.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WARREN. In line 19, after the word "for" cut out the remaining three words, "any purpose except."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 19 strike out the last three words in the line, "any purpose except."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HEYBURN. How will the proviso now read?

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Provided, however, That not more than $125,000 of said amount shall be used for the purchase, maintenance, operation, and repair of aeroplanes and other aerial machines.

The VICE PRESIDENT. Does the Senator from Wyoming desire to offer any further amendments from the committee?

Mr. WARREN. I do not.

Mr. BULKELEY. I desire to offer an amendment, to come in on page 49, after line 9.

Mr. WARREN. I will ask if that is the dental-surgeons amendment.

Mr. BULKELEY. It is. A bill for the purpose has passed the Senate twice.

Mr. WARREN. The bill has passed the Senate twice and, I think, has been favorably reported on the other side in a former Congress. I am inclined to accept the amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 49, after line 9, insert:

Hereafter there shall be attached to the Medical Department of the Army a corps of dental surgeons, which corps shall not exceed in number the actual requirements nor the proportion of 1 to 1,000 authorized by law for service in the Regular Army, and all original appointments to said corps shall be made to the rank of first lieutenant. The appointees must be citizens of the United States, between 22 and 30 years of age, graduates of standard American dental colleges, of good moral character, and of unquestionable professional repute, and shall be required to pass the usual physical examination and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects in a standard dental college course: *Provided,* That dental surgeons attached to the Medical Department of the Army at the time of the passage of this act may be eligible to appointment, three of them to the rank of captain and the others to the rank of first lieutenant, on the recommendation of the Surgeon General, and subject to the usual physical and professional examinations herein prescribed: *Provided further,* That the professional examination may be waived in the case of dental surgeons whose efficiency reports and entrance examinations are satisfactory to the Surgeon General; and the time served as dental surgeons under the act of February 2, 1901, shall be reckoned in computing the increase service pay of such as are appointed under this act. The pay, allowances, and promotions of dental surgeons shall be fixed and governed by the laws and regulations applicable to the Medical Corps; that their right to command shall be limited to the members of the dental corps; that their right to promotion shall be limited to the rank of captain after five years' service and to the rank of major after ten years' service: *Provided,* That the number of majors shall not at any time exceed one-eighth nor the number of captains one-third the whole number in the said dental corps. The Surgeon General of the Army is hereby authorized to organize a board of three examiners to conduct the professional examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Surgeon General from the contract dental surgeons eligible under the provisions of this act to appointment to the dental corps. The annulment of contracts made with dental surgeons under the act of February 2, 1901, shall be so timed and ordered by the Surgeon General that the whole number of contract and commissioned dental surgeons rendering service shall not at any time be reduced below 30.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. BULKELEY].

The amendment was agreed to.

Mr. BRIGGS. On page 57, after line 21, at the end of the bill, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 57, after line 21, insert:

Upon the passage of this act every line officer on the active list who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, shall be immediately advanced to the grade and position that he would have held had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps in which he is now serving, with rights of promotion in accordance with his new rank: *Provided,* That the officers advanced to a higher grade under the provisions of this act shall be additional officers in the grades to which they are promoted and in the grades to which they shall thereafter be promoted by seniority: *And provided further,* That nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. BRIGGS].

Mr. ROOT. Have we any information as to the number of extra officers who will be covered by the amendment?

Mr. WARREN. A similar bill was reported favorably in the House and we have the House report before us.

Mr. ROOT. I am not ready to vote on this proposition, sir. I think it is a subject which ought to receive consideration. It is attempting to go back and reverse the order of promotion in the Army which has obtained for 20 years past. I do not like to see the Army concentrating their attention too much upon their own rank, their own promotion. I think we ought to know whether there is a real injustice that has endured for these 20 years and which we ought to cure by advancing these gentlemen, and we ought to know how much and how many the advances are to be.

Mr. President, I raise the question as to whether the amendment is in order. It seems to me to be new legislation.

Mr. WARREN. Mr. President, if the Senator will withhold the point of order for a moment, I will simply say the measure is one which has passed the Senate once or twice, that it is a measure that has been favorably considered on the House side and reported from the House Military Affairs Committee, and hence the chairman of the committee in charge of this bill saw no reason why he or the committee should object. I think it is very proper that there should be put into the RECORD some explanation of it and that a thorough understanding should be reached.

Possibly a brief statement from the Senator from New Jersey [Mr. BRIGGS], who offers the amendment, would put the Senator from New York in possession of the facts.

Mr. BACON. Mr. President, I hope the Senator from New York will not insist on his point of order and let the amendment be passed upon by the Senate on its merits, at least. There is not much opportunity for it to be done otherwise than upon this bill.

I confess I do not sympathize with the criticism of the Senator from New York on the sensitiveness of Army officers in reference to their rank. That is about the principal thing they have in life. Their sphere is very much more circumscribed for personal gratification and personal advantage than that of a Senator of the United States or of anyone else who is in official position. An officer's rank is almost as dear to him as his character would be. Of course his character is more dear than anything else, but his rank comes next, possibly, so far as he is personally concerned.

If I understand it, there would be very little expense to the Government if this is done. It is true that additional officers are to be appointed, but they are not officers whose appointment will add permanently to the number of officers in the Army. Their appointment is in effect on the number of officers temporary simply. They are advanced to a certain grade and when they die or are retired their places are not filled, and when they have passed from the scene there will be no more officers in the Army than there are now.

As I understand the proposition, these officers have been unfortunate in not having kept pace with their brother officers by reason of the former law, which confined promotions to promotions in their particular regiments. I understand the purpose is simply to give them these increased ranks without displacing anybody else. The scheme is to do it in such a way as not to do injustice to any other officer, if I understand it correctly. There will be, of course, officers appointed in addition to make up the number which have been added by this promotion, but it is not, I repeat, an addition of a permanent character.

These officers are most of them old men. If I understand it, Mr. President, the difficulty grows out of this fact. Of course the Senator from New York knows more about this subject than I possibly can know. He was once a distinguished Secretary of War. But if I understand it correctly, the old law confined an officer's opportunity for promotion to vacancies in his own regiment. Therefore two officers may have graduated at the same time at West Point and then they went into the service together, one in one regiment and the other in another. One of those officers, by reason of vacancies occurring through death or otherwise, would be advanced to the position of a field officer—a major, lieutenant colonel, or colonel—while his classmate, who graduated at the same time, who went into another regiment, by reason of the differing conditions and differing circumstances at that same time may not have risen above the rank of captain or first lieutenant.

It was seen that great injustice was done to officers of the Army by that method of promotion, and we changed the law so that officers, when vacancies occur, are now promoted without regard to their regimental affiliations or connections, and an officer is now promoted according to his time of service and the relative rank he has in the Army at large, or in his branch of the service, and his promotion is not confined to the accident of vacancies in his own regiment.

Growing out of that change in the law it happens, I understand, that there are some officers who started with their fellows who have performed no more meritorious service, who started on the same level, and yet by accidents of vacancies in their regiments, before the change of the law, had far advanced beyond the rank of the officers with whom they had thus started on a level.

This proposition is, as I said, confined in its effect to officers who are old men, men to whom their rank is dear, and justly dear; and it ought to be dear to them, and we ought to protect them in it, if we can.

Now, this is simply a proposition that whereas these inequalities have grown up under this system, we will try to remove them, and without displacing any officer or giving him any inferior relative rank. It is simply putting these old officers abreast of the fellows with whom they started; and when I say "fellows," I am not using the word in the ordinary acceptation. I mean those with whom they were associated; those who were on an equality with them. It is simply to put them abreast of them.

And, Mr. President, are they not entitled to it? They are men who have given their whole lives and devoted them exclusively to the public service, and the character of whose services is such that they can not have had any advantages such as others of us in the public service have had. Is it not right that we should now equalize them, if we can do it without doing an injustice to anybody, without putting anybody down, without putting anybody ahead of anybody else, but simply putting them abreast with those with whom they started, when in a few years the whole thing will pass away and we will have the same number of officers at last that we have now?

I confess, Mr. President, it appeals to me very strongly, and I hope the Senator from New York, the former Secretary of War, the former head of the Army, will agree with us who have not had the same connection with it in doing this simple act of justice to these old officers.

Mr. BRIGGS. Mr. President, of course the Senator from New York is as well aware as anyone in this body of the injustice and inequalities that have come up under the old system of regimental promotion, but for the information of the Senate I am going to give one instance:

At the time of the Custer massacre and shortly after the cadets who had graduated in that year had been assigned to their regiments, nearly all as second lieutenants—nearly all the first lieutenants of the Seventh Cavalry were killed—two or three young men, fresh from the academy, who had not joined their regiments and did not join them until two or three months afterwards, had been assigned to the Seventh Cavalry. Of course, under the system of regimental promotion they were promoted to the grade of first lieutenant, and officers who had graduated several years before were transferred to the Seventh Cavalry and placed below them. That is only one example of what was likely to occur at any time under the system of regimental promotions.

In regard to the number of officers benefited and the expense, the report which I send to the desk on a similar bill in the House of Representatives states the number of officers. I think in all there are something like 20 officers. The expense the first year will be $96,000, and it will pass away, as the Senator from Georgia has said, as these men are placed on the retired list. They are nearly all men who have, at the most, but five or six years to serve. It seems to me that it is a matter of justice that they be accorded the right to retire in their proper place on the rolls of the Army.

I hope the Senator from New York will withdraw the point of order.

Mr. ROOT. I withdraw my point of order.

The PRESIDING OFFICER. The Senator from New York withdraws the point of order, and the question is on agreeing to the amendment.

Mr. DU PONT. I ask that the report may be read.

Mr. WARREN. Unless some one desires to have it read, since the point of order is withdrawn, would not the Senator from New Jersey be as well satisfied to have the House committee report inserted in the RECORD without reading? I dislike to take so much time when the Senator from Washington [Mr. JONES] is ready to take the floor.

Mr. BRIGGS. Very well. It is not a long report.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD.

The report is as follows:

[House Report No. 2059, Sixty-first Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 24013) to remedy in the line of the Army the inequalities in rank due to the limited application given section 1204 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it be amended by striking out all after the enacting clause and inserting the following:

"That upon the passage of this act every line officer on the active list who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, shall be advanced to the position that he would have held had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps in which he is now serving: *Provided*, That the officers so advanced shall be additional officers in the grades to which they are promoted, and nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law."

As thus amended the committee recommend that the bill do pass.

The bill as amended does not deprive any officer of rank or promotion in the Army, as it provides—

"That the officers so advanced shall be additional officers in the grades to which they are promoted, and nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law."

The Secretary of War was called upon for a report on a similar bill during the Sixtieth Congress, and following is the report received:

WAR DEPARTMENT,
Washington, April 1, 1908.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives.

I have carefully read this bill (H. R. 16502) and the accompanying memorandum thereon by the Chief of Staff.

I fully and cordially concur in this effort to bring about a gradual readjustment of rank for the sole purpose of promoting the greater efficiency of the Army. At the same time I think the officers who have lost rank through no lack of merit and no fault of their own have a just claim in equity and are entirely deserving of the relief contemplated by this bill. Though it will result in depriving some other officers of enjoying still further advantages, gained through no merit of their own over less fortunate comrades, it will not deprive them of any rank already gained, neither will it prevent their ultimate rank as high as they would attain were the present inequitable condition continued. On the contrary, unless the present condition be rectified many officers now in the Army will be deprived of ever rising even as high as colonel, and a number of others could not go beyond the rank of major before being retired for age.

WM. H. TAFT, *Secretary of War.*

Lists showing the present and lineal rank of all officers concerned have been prepared, and from these the effect of the bill (which is simply H. R. 24013 as originally introduced stated in a simpler form) on the officers concerned.

From these we ascertain that immediately on the passage of the bill—were it to become a law to-day—the following promotions would result:

In the Cavalry the following lieutenant colonels would become additional colonels: Watts, Bishop, Edwards, and Sibley. The following majors would become additional lieutenant colonels: H. L. Scott, McCormick, Sickel, H. J. Slocum, Nicholson, Brewer, Foster, Blocksom, and Galbraith.

As the first four additional lieutenant colonels (Scott, McCormick, Sickel, and Slocum) simply take the places of the four additional colonels, they are no additional expense to the Government, this additional expense being for—

4 additional colonels, at $5,000 each	$20,000
5 additional lieutenant colonels, at $4,500 each	22,500
9 additional officers	42,500

The nine promotions which as a result follow in the lower grades are no additional expense, as these officers take the pay of those of the next grade above who have been promoted.

In the infantry the following lieutenant colonels would become additional colonels: Lassiter, Cecil, Young, Mann, Buttler, Febiger. The following majors would become additional lieutenant colonels: Kirby, Howe, Pendleton, Noyes, Truitt, Parke, Howell, May.

As the first six lieutenant colonels (Kirby, Howe, Pendleton, Noyes, Truitt, and Parke) take the place of the six lieutenant colonels just promoted to additional colonels, they are no additional expense to the Government, this additional expense being for—

6 colonels, at $5,000	$30,000
2 colonels, at $4,500	9,000
	39,000

The eight promotions which follow in the lower grades are no additional expense, as these officers take the pay of those in the next grade above who have been promoted.

In the Field Artillery there is but one officer, Lieut. Col. Hoyle, to be promoted, he being made an additional colonel, at an expense of $5,000. The resulting promotions in the lower grades are no extra expense, as these officers take the pay of those in the next grade above who have been promoted.

In the Coast Artillery the following majors would become additional lieutenant colonels: Ruckman, Haynes—two lieutenant colonels, at $4,500, $9,000.

The two promotions which follow in each of the lower grades are no additional expense, as these officers take the pay of those in the next grade above who have been promoted.

The following, therefore, is the summary of the expense:

Cavalry:	
4 colonels, at $5,000	$20,000
5 lieutenant colonels, at $4,500	22,500
Infantry:	
6 colonels, at $5,000	30,000
2 lieutenant colonels, at $4,500	9,000
Field Artillery: 1 colonel, at $5,000	5,000
Coast Artillery: 2 lieutenant colonels, at $4,500	9,000
Additional officers (20)	95,500

Those who have worked out the details of this matter find that there is a possibility of the number of additional officers being at some time as high as 26, though the probabilities are that it will never go above 22.

Indirectly some 80 other officers—19 in the Cavalry, 56 in the Infantry, and 14 in the Artillery—are benefited by gaining in files only, finding themselves higher up on their respective lists and therefore nearer promotion. As each officer who lost rank is "advanced to the position that he would have held had promotion been lineal," these officers gain in proportion to what they have lost, though generally they do not gain all that they have lost, for this can not be done without retarding the advancement of those who have gained by regimental promotion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. BRIGGS].

The amendment was agreed to.

Mr. BACON. If the committee has finished with its amendments, I desire to bring an amendment to the attention of the Senate. I am not sufficiently familiar with the bill to indicate the point at which I desire to have the amendment inserted if it should meet with the approval of the Senate. I desire that there should be an amendment increasing the item of $300,000 wherever it occurs for the equipment of the coast volunteer organizations, or, at least, the equipment of the coast volunteer organizations included in the item.

Mr. WARREN. Probably the Senator alludes to what appears on page 23, under the heading "Equipment of Coast Artillery, armories, Organized Militia."

Mr. BACON. That is the item with which the appropriation of $300,000 is connected. I desire to offer an amendment, which I trust the committee will accept, increasing the appropriation of $300,000 by the amount of $38,170. I wish to make a statement as to the importance of that increase.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment, which the Secretary will read.

Mr. BACON. I have it not formulated, but the clerks will understand the particular point at which it comes.

The importance of the amendment is found in the facts which I am about to state. A part of our present volunteer military organization, or National Guard organization, is in those organizations which are trained in the use of coast artillery at the various coast defenses.

It seems that there is a department in the Government called the Division of Militia Affairs, which makes estimates of the amounts required for equipments in order that these organizations may be effective. The Chief of the Division of Militia Affairs, in his report, which I have not at hand but which is cited in the correspondence which I have before me, and which I shall subsequently have read, estimates that for the volunteer organization at Savannah for use at Fort Screven there is required the sum of $38,170 to furnish what is known as the dummy equipment. Owing to the desire to cut down estimates generally as much as possible, that was cut out, although it was originally included.

I would hand this correspondence to the Secretary to read but for the fact that it is not necessary to read it all. I can read it more readily, selecting the parts myself, than I can indicate them to the Secretary. I will just read a small part of it. I have before me a letter from the Secretary of War.

Mr. WARREN. Shall I call the Senator's attention to the estimate I have here? Perhaps it will assist him in arriving at some conclusion. I find here in the estimates that the Chief of the Coast Artillery recommended various States and the number of companies of Organized Militia from each State which should participate in the drills and maneuvers in conjunction with the Regular Army, including the Coast Artillery. He says this:

The amount estimated for the year 1910—11 was sufficient to provide an installation as indicated.

Mr. BACON. I can not hear what the Senator is reading.

Mr. WARREN. Well, I shall not undertake to read it, but will state that the report here is that the amount appropriated will cover certain points.

Mr. BACON. I know.

Mr. WARREN. And that they are arranging for certain other points, and as soon as plans, and so forth, can be submitted, then the estimates will be submitted for the other points. I presume that Savannah is one of the places that was delayed and was not estimated for in the official estimate.

Mr. BACON. The Senator is mistaken; Savannah was estimated for.

Mr. WARREN. About what am I mistaken?

Mr. BACON. If the Senator had allowed me to proceed I would have gotten through and shown him exactly.

Mr. WARREN. We have the estimates here from the Treasury Department.

Mr. BACON. I understand that; but, as I have stated, the estimate made by the Chief of the Division of Militia Affairs is $38,170.

Mr. WARREN. Very well, and it got no further. The estimate that comes to the Congress does not come from the employees of the department, but comes from the Treasury of the United States—the Secretary of the Treasury.

Mr. BACON. I do not differ from the Senator at all as to that, but the Senator has not permitted me to state the reason for this and the exact status of it.

Mr. WARREN. I wanted to advise the Senator as to it, so that he might place his argument upon the proper basis.

Mr. BACON. But I have a letter in my hand from the Secretary of War which does not indicate that that is the proper basis, and I was trying to read it.

Mr. President, I hold in my hand correspondence between Representative EDWARDS from my State, who represents the district in which Savannah and Fort Screven are situated, and the Secretary of War. Without going through the entire correspondence, I will read first a short extract from Mr. EDWARDS's letter to me under date of January 14:

The bill as it passed the House carries $300,000. You will note from the letter of Secretary Dickinson that it is not his intention to apply any part of the $300,000 carried in the bill to the equipment of the Savannah Volunteer Guards.

I want to state that the Savannah Volunteer Guards is a battalion, not simply one company, but several companies, and that they are Heavy Artillery companies. They were formerly infantry. It is an organization of long standing and high perfection.

Mr. WARREN. There are two companies, are there not?

Mr. BACON. At least two, if not three; but certainly two.

Mr. WARREN. The report is that there are two.

Mr. BACON. And they are first class, too.

Mr. WARREN. There is no doubt about that.

Mr. BACON. They are extraordinary in their excellence, and very much above the ordinary militia volunteer companies.

The Secretary of War wrote a letter to Mr. EDWARDS in regard to this matter. I will say first, however, that the purpose of the amendment is to furnish dummy armament. Under date of December 19, 1910, this information was given by the War Department:

The item for appropriations for dummy armament for armories of Coast Artillery troops of Organized Militia is included in the Army appropriation bill. The amount necessary to make the installation for Savannah, as given on page 51 of the Report of the Chief of the Division of Militia Affairs, is $38,170. If Congress should increase the amount for dummy armament by the amount specified, it would be possible for the department to make the installation as soon as manufactured; otherwise it would be necessary to await future appropriations.

A letter from one of the officers of that company showing the necessity for the equipment recites this fact:

Included in the equipment which the War Department desires to furnish to the Savannah Volunteer Guards, that being the Coast Artillery Corps of Georgia, is what is known as dummy armament. This consists of a complete model of a 10-inch disappearing gun and also a complete model of a 12-inch mortar. Two of our companies are assigned for duty at the disappearing guns and two at the mortar bat-

tery at Fort Screven. It is essential that we have the equipment, including the dummy armament, upon which the men can be regularly drilled in order that we may attain that degree of proficiency which would render us of immmediate value to the Government in case of need.

The Government has already sent to us a large quantity of equipment, including plotting boards, range-finding instruments, etc., which remain practically useless to us until we can have the dummy armament (model gun and mortar) in connection with which it can be used.

That is the necessity for it. That is not a play organization by any means; it is an organization which, when properly drilled, can man the heavy guns at Fort Screven. Here is what the Secretary of War says as to the purpose of the department under the $300,000 appropriation:

This year, in view of the necessity for rigid economy, Army estimates are greatly reduced, and the total amount asked for, for armory installation, was only $300,000. This is barely sufficient to equip the armories at Seattle and Tacoma, Wash.; Astoria, Oreg.; San Francisco and San Diego, Cal.; Boston, Mass.; Brooklyn, N. Y.; and New York, N. Y. (2); and at Bridgeport, Conn.

Not a single dollar for any coast defense south of Cape Charles or around the entire Gulf coast; but all of it for the Pacific coast and the North Atlantic coast. I will say, Mr. President, that this is certainly a case where Congress should supply the needed dummy armament.

Mr. WARREN. The committee is willing that the amendment should go in the bill and go to conference.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, in line 14, before the word "dollars," it is proposed to strike out "three hundred thousand" and to insert "three hundred and thirty-eight thousand one hundred and seventy."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSOURI RIVER BRIDGE AT ATCHISON, KANS.

Mr. STONE. Mr. President, Mr. MCKINLEY, a Member of the House of Representatives from Illinois, requested me to introduce for him a bill to have a bridge constructed across the Missouri River. There is pressure for it now. The bill has been reported from the Committee on Commerce. It is merely a bridge bill, and I ask unanimous consent that it may be taken up and passed at this time. It is Senate bill 10594.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10594) to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from Illinois, by the legislature of the State, made in obedience to Senate resolution No. 264.

Mr. BAILEY. Mr. President, I had intended to address the Senate on the day after to-morrow on this matter; but the calendar shows that all of that day and, with the announcements which have been made this morning, every day of this week has been preempted. While I am rather averse to giving these notices, I am persuaded that unless I do so I will be in the way of somebody else who may desire to address the Senate; and believing, as I do, that this matter ought to be brought to a conclusion with as little delay as possible, and in order that I may not get in the way of anybody else who desires to address the Senate on it or on any other question, I now give notice that at 2 o'clock on Monday next, that being the first day open, I will address the Senate on the report of the Committee on Privileges and Elections.

Mr. JONES. Mr. President, ordinarily we accept the conclusion of a committee upon any matter that it has carefully considered, even though we may have some doubts as to its correctness. We are especially justified in so acting when that conclusion is reached by the almost unanimous judgment of the committee. In fact, with the hundreds of bills reported upon hundreds of different subjects, we must be guided largely by the decision of the committee. Whatever may be the verdict of the Senate on the question now under consideration, the country should not overlook the fact that in this case, involving the election of a Republican to this body, only one Democrat and only one Republican hold that the evidence shows the election of Mr. LORIMER to be void. Only one of these heard the testimony, saw the witnesses, and was able to weigh their evidence in the light of their appearance and demeanor while testifying. The very fact that seven Republican Senators and four Democratic Senators, men of as high character and ability as any in this great body, have, after hearing and considering the testimony most carefully, agreed that the election of Mr. LORIMER was valid and not secured by fraud should make those at least who have not read the testimony hesitate to denounce their conclusion and charge them with favoring fraud and corruption and with a disregard for the rights of the people.

There are those who seem to delight in finding something wrong with our public men and who grasp eagerly any evil charge against them and assume it to be true. There is a hysterical "holier-than-thou" class who see nothing but evil in those who do not agree with them in their opinions and judgments and who encourage the people to believe that the Government will be ruined and our liberties lost unless they and their dogmas are implicitly accepted and followed. Such may sometimes lead the people astray, but upon great policies, whether in finance, commerce, or any other great business or governmental activity, I believe that the ultimate aggregate judgment of the people is very apt to be correct, and a legislator is justified in following and carrying out that judgment and will, even though it may be contrary to his individual or preconceived opinion.

There is a widespread belief that improper influences have often been exerted in the selection of United States Senators, as well as other officials. This belief, I fear, is well founded; I wish it were not. This belief, however, even though well founded, does not justify us or the country in assuming in any particular case that charges of bribery and corruption are true, but every such case should be decided only after a careful investigation of all the evidence for and against such charge. There also is a widespread belief that our public men are dishonest and corrupt. I do not want to believe this; I do not believe it. Instead of hunting for corruption, let us look for purity. Our search will more often be rewarded, and the pleasure certainly will be much greater. Instead of looking for dishonesty, let us look for integrity. Instead of looking for sordid and treasonable motives, let us look for lofty ideas and patriotic sentiments. The world will look better, life will be sweeter, and our pride in our Government, its officers and institutions, will be wonderfully strengthened, and our public servants will be truer to their trust by knowing they have the confidence of the people. It is not much encouragement to a man to do right to feel that he receives no more credit than if he does wrong.

The vilification of public men who have made our country great, and who have made the history of the last 30 years of which we are so justly proud, is a shame and a disgrace to our people. Instead of holding these men up to scorn and ridicule, and instead of charging them directly or by innuendo with being enemies of the people and dangerous to our liberties, we should teach our children to honor and respect them as honest, great, and patriotic men, worthy of our highest respect and emulation. When I lose confidence in the honesty, integrity, and patriotism of our public men, I shall despair of the Republic.

On the question now before the Senate we have the almost unanimous report of the committee. This report is not to be lightly or sneeringly cast aside, nor is the honesty and sincerity of those who made it to be questioned here or elsewhere. If its judgment is indorsed by this Senate, those who have heard but one side should not condemn such action simply because there is a general belief that bribery is common in election cases or that bribery was used in the election of Mr. LORIMER. And if that verdict is not sustained the public should not then exultantly rejoice that the Senate has found that his election is illegal and void by reason of corruption and bribery.

Mr. President, I believe most earnestly in the purity of our elections. The exercise of the elective franchise is one of the highest rights and duties of the American citizen; and every vote, whether in the legislature, in primaries, or regular elections, should be honestly cast and honestly counted; and the strongest and swiftest condemnation should be visited upon corruption or attempted corruption of the ballot of any kind or character. Elections to this body should be above suspicion. It is of transcendent importance that every safeguard should be thrown around the membership of the Senate so that the people may feel that its Members hold their positions by the free and undefiled will of those whose duty it is to select them, and that every Member of this body is free from all sinister influences and is here to do only the will of the people and the States he represents.

Representative government rests largely upon the purity of its elections. Hence any question involving a seat in this body is one of tremendous magnitude. It really is not a legislative question, involving policies upon which there may be honest differences of opinion and upon which we may be justified in waiving our individual judgment and opinions in deference to the opinion and judgment of the committee which has given it special consideration. As the chairman of this committee said in his powerful address, we are "a court composed of 92 judges, each oath bound to support the Constitution of the United States," which makes us the judges of the election and qualifications of our Members. We do not discharge our full duty in this case, however, by simply accepting the judgment of the committee. There is an individual responsibility that can not be shirked, and every Senator must, and in my judgment will, vote on this case as his judgment and his conscience dictate, unmoved by "public clamor, however boisterous, or private appeals, however potential and commanding." My sense of duty and responsibility as a judge in this case has led me to read and reread the testimony taken and the briefs and arguments of counsel as well as the addresses of the Senators who have thus far spoken. I have endeavored to stay within the record. Newspaper statements have been thrown to the wastebasket without reading and outside statements have been disregarded.

I hoped to agree with the committee in its conclusions; I wanted to do so. I wanted to do it because I would like to find all elections to this body honest and free from corruption. I also wanted to agree with them because of my high personal regard for the Senator whose seat is in question. I served with him in the House of Representatives; I served with him on the same committee, and have the highest personal regard for him as a man and a legislator. I have read with interest and with much satisfaction the story of his life, which has appealed to me as one that should be an inspiration to every struggling youth in the land. The story of his character, history, and achievements, condensed in a few words by the senior Senator from Kentucky, is one to command our respect and admiration, and it is one that should make every man hesitate long before voting to deprive him of a seat in this exalted tribunal, to which he holds a certificate from one of the great States of the Union.

The Senator from Kentucky said that Mr. LORIMER's father died, leaving a widow and six children, in 1871, and—

> Upon WILLIAM LORIMER, the eldest child, then 10 years of age, fell the burden of relieving the rest of the family from want. It was a heavy burden for one so young to assume. He had the courage and tenacity of the race from which he sprang, and by peddling newspapers, blacking boots, and running errands he kept the rest of the family from want. As his strength and ability increased the comforts of the family correspondingly increased. Besides, he thus enabled the other children to attend school. He had but little time to devote to his education, as most of his time was given to supporting the family, so that the other children might be afforded an opportunity to acquire an education. He worked in the stockyards, on the street car, as a house painter, building contractor, real estate dealer, brick manufacturer, and in the end became a general contractor. His industry and ability gave him success. He has been a man of perfect morals. He has a wife and eight children, and his domestic life is beautiful.

He might have added that Mr. LORIMER was elected seven times to represent the people of his district in the House of Representatives of the United States Congress, and that during that time no charge affecting his personal honesty and integrity has been made against him. Such a character is not to be lightly torn down, and such a character and such accomplishments should cause Senators and the people of this country to hesitate before they condemn this man upon a charge that he has purchased a seat in this great body.

The testimony was taken and the evidence heard by a subcommittee of seven members. This subcommittee reported to the full committee, and the full committee holds that—

> There was no testimony offered during the investigation which would tend in the remotest degree to implicate Senator LORIMER in any personal act of bribery or attempted bribery or corrupt practices of any kind.

This finding is agreed to by all the committee except two, and one of these, the Senator from Tennessee, says in his separate statement:

> While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

The law seems to be well settled that—

> To deprive a sitting Member of the Senate of his seat the Senate must be satisfied by legal evidence that he was personally guilty of bribery or that he was personally connected with the bribery or the corrupt use of money to procure his election or that he had personal knowledge of such corrupt use of money or personally sanctioned the use thereof to insure his election.

The subcommittee unanimously, and the full committee excepting one member, agree that Mr. LORIMER is not personally guilty of bribery, and that he is not personally connected with the bribery or corrupt use of money to procure his election, and that he had no personal knowledge of such corrupt use of money, and that he did not personally sanction the use of money to insure his election, and in this conclusion I am willing and glad to concur. I am most reluctantly compelled, however, to dissent from its conclusion that—

> the title of Mr. LORIMER to a seat in the Senate has not been shown to be invalid through the use or employment of corrupt methods or practices.

The law seems to be equally well settled that if the Senate is—

> satisfied by legal evidence that a sufficient number of the members of the legislature were bribed by the friends of the sitting Member to secure enough votes of the members of the legislature to insure his election, and that without the votes thus corruptly obtained the sitting Member would not be declared elected—

then the election of the sitting Member is void.

After a careful study of the evidence in this case, and the briefs and arguments of counsel, I am forced to the conclusion that members of the Illinois Legislature voting for Mr. LORIMER were bribed, and that as the result of their bribery they cast their votes for him, and that a sufficient number of the members of the Illinois Legislature were so bribed and so cast their votes as to insure his election, and that without them he would not have been elected on the 26th of May, 1909.

The testimony has been analyzed again and again, and I shall not go into it more fully than I feel is absolutely necessary. In weighing the testimony in this case, we can not overlook the conditions that all seem to agree existed not only during the legislature which elected Mr. LORIMER, but which apparently had existed for some time. There seems to have been a general system of taking of money for use to further or throttle legislation. The committee finds that there was a jack-pot fund that was used for or against legislation. It had been in existence for many years. It had become a well-known appurtenance of the Illinois Legislature. There seemed to be a general understanding that such a fund existed and that after the adjournment of the legislature it would be distributed. This throws much light, it seems to me, upon the testimony of the witnesses in this case who confessed that they were paid money after the election, but that no promise had been made to them before that they were to receive any money, and also that when they did receive the money they asked no questions. It was not necessary to promise any money; it was not necessary to ask why the money was paid. This was a part of the system. When Link and Beckemeyer and Holstlaw were asked to forsake their party and party principles and cast their votes for one of opposite faith, they knew what to expect without asking why or making any promises.

The Senator from South Dakota [Mr. GAMBLE] says:

> The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the "jack pot" had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of it being inaugurated elsewhere to the extent that funds raised and paid to affect legislation irrespective of its merits were held and pooled, and later distributed after the close of the legislative session.

Thus one of the Senators who was on the subcommittee and actually heard the testimony is convinced that there has been for several years a jack pot, and that its operation has been reduced to a system, and that it is not paid out when legislation is passed or defeated, but after the close of the legislative session. The chairman of the committee says in his address:

> I think the Senate will find when they examine the testimony that there was a jack pot, which was a fund raised to defeat or promote legislation.

So under this system it is doubtless true that if a member was indicted for bribery in connection with legislation, he could say that he had not been promised a dollar to support or oppose such legislation, and that he had not received any money in consideration of his vote thereon, and that nothing had ever been said to him in regard to it.

Under such a condition of things what would naturally happen? Those men who were looking for money for any act in connection with their legislative duties would flock around this jack-pot fund and around those handling it like vultures around a dead carcass. When they came to the fountainhead there was a complete understanding as to the course of procedure without anything being said. All they had to do was to do as they were asked and then reward would come in due time. How natural it would be for these men interested in the jack-

pot fund to surmise that there would be part of this fund used in the settlement of the senatorial contest which was carried on with such bitterness, and how natural it would be for those handling the jack-pot fund, and who naturally would be intrusted with any moneys to be used in connection with the senatorial contest, to approach those whom they knew were approachable in connection with the senatorial matter, and how natural it would be for those approached to conclude that the men handling the jack-pot fund and becoming interested in the senatorial election were authorized to use a part of this fund to assist in the settlement of the senatorial fight. I submit that this would be an inevitable conclusion, and that their promise to vote for the man for whom these distributers of the jack-pot fund were working would be based upon the natural expectation that when the time came for distribution they would receive their part of any moneys that might be available in the senatorial contest, whether it were kept in the jack-pot fund or not. Democratic Leader Browne seemed to be the handler of the jack-pot fund, and would of course feel justified in distributing it to those of his followers who would vote as he desired, and who he knew would expect to be remembered, and they knew he could be trusted, and most of them asked no questions before they voted, and none when they innocently received their money.

We are left to surmise as to the source of the senatorial money. The committee seems to have made no attempt to find out who put it up. I state this as a fact and not by way of criticism. We also are left to surmise as to the source of the jack-pot fund. It, of course, came from those interested in legislation. My judgment is that, while these moneys came from different outside sources, it all went into a common fund, to be distributed by the same hands as might be deemed best. Browne handed out the senatorial money, and evidently had the distribution of the jack-pot fund and would have handed it out at St. Louis, instead of Wilson, if he had not been sick. Broderick handled the senatorial money in the senate and he also handled the jack-pot money. There were men in the legislature who, apparently, were organized to carry out the designs of those on the outside. They doubtless acted for a consideration, and this consideration came from various sources and for various purposes, and it went into a common fund.

There was bitter and determined opposition to the reelection of Senator Hopkins. All through the testimony this appears. There was strong opposition to him in the Republican ranks, and it also appears that among the Democrats there was a very intense hostility to him especially, and this opposition had something behind it besides the personal opposition of the members of the legislature, and if there were interests outside of the legislature that habitually contributed to the jack-pot fund to control legislation, it takes no stretch of the imagination to believe that there were outside interests that would be perfectly willing to contribute to the jack-pot fund for the purpose of defeating Mr. Hopkins. Money was used to defeat him, and this money was put in the hands of the same person who handled the jack-pot fund, if it was not put into the fund itself. The money was not money to elect LORIMER; it was money to defeat Hopkins. It could be used to elect anyone they could elect, so it was not Hopkins. This is the reason why Browne was so insistent that his men should not vote for LORIMER until he was sure that there were enough votes "to put it over." Failure meant no money. The men putting up the money were men who could be trusted to pay when the "goods were delivered," and not otherwise. I am irresistibly forced to the conclusion that the system under which the jack-pot fund was distributed was put in operation in this senatorial election.

Four members of the legislature have confessed to receiving money. It is true that most of them tried to make it appear that their votes were not influenced or given by the hope of reward, but they took the money and asked no questions. They took it under the system above described. Much is said of the character of these men, and they are condemned most vigorously. No one can question the justness of this condemnation; but who would expect men of honesty, integrity, and high character to be connected with a jack-pot fund for throttling legislation or electing United States Senators? The witness White is condemned by everybody, and especially by the majority members of the committee. White! What a name for such a character! Perjurer, bribe seeker, bribe taker, blackmailer! No one can see any good in him. Words can not pen his character, and the more he is studied in the light of his own words and actions, the more despicable he becomes. As he discloses his full character, well might he say:

> Judge if hell with all its powers to damn,
> Can add one blot to the foul thing I am.

The more he is condemned, however, and the more his real character is brought forth, the more probable his story becomes. He is just the kind of man who would seek a jack pot and the distribution of jack-pot funds, whether used to elect Senators or to throttle legislation; and the testimony brought forward to show that, when drinking, he made threats as to how he would hold up men and make them "come across," and of his wanting money for holding up legislation, and so forth, instead of impeaching, simply adds to the probability of his story. Of course, White's testimony by itself and uncorroborated would be cast aside as wholly worthless; but the devil himself can tell the truth, and we must believe him if he is substantially corroborated; and in such case his testimony is as strong as that of an angel of heaven. White's testimony is corroborated in so many important particulars that I can not avoid the conclusion that it is true in the main.

Special activity was manifested in connection with the senatorial election about May 24. The prospects of defeating Hopkins seemed to be better than ever, and it began to look as if a man had been selected upon whom a sufficient number of Republicans and Democrats could unite to insure an election. Browne had been seen several times before. He had canvassed the situation fully and had concluded that Mr. LORIMER could be elected. As the leader of his faction he had promised his support upon the express condition that not a single Democratic vote that he had any influence with should be cast until Mr. LORIMER's election was assured. He said:

> I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that I would not consent to having a single one of the Democratic votes that I had any influence with cast for Senator LORIMER unless his election was an assured thing. I would not have those votes cast uselessly. I told him, and I told them both, that I should rely upon their words, their words as men, to see to it that no roll call was started for the election of Mr. LORIMER for Senator until enough votes all told were secured.

And when asked why he insisted that no votes should be cast for Mr. LORIMER until enough were assured to elect him, he said, "Because the world loves a winner and does not like a loser." And, again, he said, "I did not propose to have those gentlemen, with my consent, go down in a lost cause." Was this the real reason? No. This was a mere quirk, a mere pretext. He knew that if he failed "to put it over" there would be no money for his system. He had decided a week or 10 days before to support LORIMER. He had conferred with many of his followers, but he did not yet have enough. He had gotten as many as possible honestly, but he must have a few more, by fair means or foul.

At this stage of the game it was natural for Browne to talk with White, in view of his character. Although a Democrat, it likely would be very easy to induce him to vote for a Republican. Browne knew this. He talked with White, according to White's statement, and he himself admits it. Why should he not talk with White? He knew his man and knew him to be one who could be bought. He was the very kind of a man for whom Browne was looking. White was not the only one talked to about this time. Beckemeyer was called to Browne's room and they talked over the senatorial situation. Browne showed him a list of those that would vote for LORIMER. Browne very likely knew the weakness in Beckemeyer's character, and Beckemeyer knew the working of the system. Browne also talked with several others, and one or two said they "were from Missouri and had to be shown," or something of that kind. Browne talked with White again on the 25th, and so he did with Beckemeyer. When Browne spoke to Link, the latter knew so well what to expect from the system that he took special pleasure in saying to Browne, "Lee, I have got the laugh on you; I beat you to it."

About this time things began to move in the State senate, and Broderick spoke to Holstlaw the night before. Holstlaw had been advised in some way a couple of days before how things were going, and so, when Broderick said to him the night before election, "We are going to elect Mr. LORIMER to-morrow, aren't we?" very naturally said that they were, and he was given a plain hint of what the system would do in the statement, "There is $2,500 for you." White seemed to be more anxious than any of the others to have a distinct understanding before the vote was cast as to what he should get. The others seemed to know more of the system or to have more confidence in a just distribution of whatever funds might be available after the close of the legislature than did White. So, when Browne talked with him about voting for LORIMER, he asked him how much he would get, and Browne replied, according to White's testimony, "You are not afraid to trust that to me, are you, old boy?" This, under the circumstances, was a very natural answer upon the part of Browne. I have no doubt but that the sharers of jack pots before had found Browne to be absolutely honest and square so

far as its distribution was concerned, and they were not afraid to trust him. White had not reached the point where he could fully trust Browne, or he did not fully understand the system. Furthermore, he was naturally grasping and suspicious. Beckemeyer and Link were more trustful characters or knew more of the system, and they were probably satisfied to await the distribution that they knew would come. Not so with White; and when told he would get a thousand dollars, he wanted to know whether there would be anything coming to him from "other sources," and Browne said, "You will get about that much or a little more."

Great efforts seem to have been made by counsel and by members of the committee to have it appear that the thousand dollars that he was to get for his vote for LORIMER was entirely free and distinct from the "other sources." To my mind, however, it is perfectly plain that White, while he probably would have voted for LORIMER for the thousand dollars, or for $5, for that matter, proposed to get everything he could for his vote, and in order to make sure of his proper share in the distribution from other sources, he gave Browne to understand that he would have to be sure of this in addition to the thousand dollars when he gave his vote for Senator. And yet under the system he would have been just as sure without these promises as with them.

White was paid his thousand dollars; one hundred at Springfield and the balance at Chicago; $50 June 16 and $850 June 17. When analyzing the testimony all the facts corroborate his statement in this respect, and I am satisfied that he was paid this money as he testifies. When he was paid his $850, June 17, Browne told him that about July 15 he would be paid about that much more. On the 16th of June Holstlaw was being paid $2,500 by Broderick in Broderick's saloon away out on the west side in Chicago, where Holstlaw had never been before, and where there was no earthly reason for his going excepting upon a call from Broderick. Holstlaw is corroborated in this by the testimony of Mr. Newton, chief clerk of the State Bank of Chicago, where the money was deposited.

When Browne paid White the $850 he told him he would be in St. Louis in a few days to pay the southern members their senatorial money. White asked Browne to notify him when he would be in St. Louis, but Browne did not do it. He did not care to consult White further just then. At that time there was nothing to consult him on, so he sent him no notice; had no occasion to see him; but Beckemeyer received a letter from Browne asking him to meet him at St. Louis June 21. Beckemeyer met Browne at St. Louis on the 21st, and says he received from Browne $1,000. Shephard was there at the same time. Link had an invitation from Browne to meet him at St. Louis on the 21st, did so, and says he was paid $1,000. Browne also met Luke at St. Louis. Luke is now dead. He is not here to say whether he received $1,000 or not, although evidence was offered to show that he had received that amount. Of course Browne denies that he paid money to any of these men at St. Louis. He does not deny, however, that he was there on the 21st of June and saw Luke, Beckemeyer, Link, Shephard, and others.

When asked why he wanted to meet them, he was very evasive in his answers and seemed to think that it would be very difficult for him to make the committee and attorneys understand just why he was there. He seemed to think it doubtful if they had been in the "political game," and therefore they would not be able to understand his position, but upon the suggestion of Senator FRAZIER that "perhaps the committee has been sufficiently in it so that they can understand you," and upon the request of the chairman to "do the best you can," Mr. Browne said:

> Beg your pardon, Senator. Now, these men I had sent these notifications to, caused them to be sent to, were all men that had been with me, stood by me through this session of 1909, which, by the way, was an extraordinary one, a very stormy one for all of us, and I intended to be a candidate for the legislature again. I intended to run for the minority leadership again if permitted. I intended to stay in the political game if permitted. Furthermore, there was coming up almost immediately the question of the distribution in Illinois of minority patronage from the governor. Where the governor stood, whether with our crowd or so-called Sullivan crowd, was a mooted question and was very difficult to determine. I discussed the matter with my friends in Chicago and discussed it with some of my friends in Springfield, as I now recall. And I wanted to see the boys down there to see if any—among other things, to talk the matter over to see if there was anything we could do to get into the good graces of Gov. Deneen and land some, or at least a part, of these minority appointments. I afterwards saw Gov. Deneen along that line. Now, that was my object in going to St. Louis.

There is, to my mind, one strong circumstance in connection with this transaction corroborating White that might seem in itself rather insignificant. White says that Browne told him in Chicago that he would be in St. Louis in a few days to pay off the southern members. Browne denies this. But Browne was in St. Louis about the time that White said he told him he would be there. Browne says he was there to talk over political matters, and that he invited these men because they had stood by him through the session of 1909. Why did not he invite White to meet him there to talk over all these political matters? White had stood by him; White had been one of his followers from the beginning, and it would seem that he was one of those that he would naturally confer with. White was not invited. Why? Because he already had been given his first payment. He had received his money in Chicago and it was not necessary to see him further. These other men were invited there not to discuss political issues, but to receive their share in the distribution that was to be paid them for the election of a United States Senator.

Browne told White in Chicago, when he paid him the balance of his thousand dollars, that he would get as much more about July 15. On July 14, 1909, the following telegram was sent to White from Chicago:

> [Received at 3.35 p. m., July 14, 1909—Dated Chicago, Ill.]
>
> To Hon. CHARLES WHITE, *O'Fallon, Ill.*:
>
> Meet me to-morrow forenoon, without fail, at Southern Hotel, St. Louis. Wire me answer at once, care Briggs House, Chicago.
>
> ROBERT E. WILSON.

White met Wilson July 15 at the Southern Hotel, in St. Louis, and says Wilson paid him $900 in $100 bills. Beckemeyer also met Wilson at St. Louis on July 15, and he says that Wilson paid him $900, and on the same day he deposited $500 of it in a bank in St. Louis, and this the bank's records show. Link met Wilson at St. Louis July 15. He also says he was paid $900.

It will be noted that White was not left out this time. He was invited to this meeting July 15, in St. Louis, and Browne was so solicitous about White and so sorry that he could not see him himself that on July 16 he wrote him the following letter:

> OTTAWA, ILL., *July 16, 1909.*
>
> Hon. CHAS. A. WHITE, *O'Fallon, Ill.*
>
> FRIEND CHARLEY: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis. I was taken very ill in Chicago Monday night, with an attack of ptomaine poisoning, and have had a pretty serious time of it. I did not dare to attempt the trip. I hope everything is all right with you, and satisfactory, and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.
>
> Very sincerely, your friend, LEE O'NEIL BROWNE.

This clearly shows that Browne had intended to make this trip. It corroborates White's statement that Browne told him in Chicago that there would be about the same amount coming to him about July 15, and it will be noted that the same men met Wilson in St. Louis July 15 that met Browne in St. Louis June 21, to wit, Beckemeyer, Luke, Shephard, and Link, except that White was not invited to meet him at St. Louis on the 21st for very obvious reasons. Clark also met Wilson at St. Louis on July 15, but claims he did not meet Browne at St. Louis on June 21, although others swear that he was there, and Browne himself says that he was under the impression Clark was there, but, if Clark says he was not, he thinks he must be wrong in that impression.

The testimony of Wilson and Browne with reference to this meeting at St. Louis and its purposes is not convincing. It has the appearance to me of being manufactured for the occasion, and there is also some pretty definite testimony which goes to show that it was so manufactured.

Much is made of the custom of meeting southern Illinois members at St. Louis to discuss political matters, and yet Browne does not seem to have been doing this very much until after the adjournment of this legislature. He says himself that he had never been in St. Louis but twice in his life prior to his visit of June 21, and he was anxious to stay two or three days there and visit. It is rather significant that Browne should so suddenly become so much interested in the southern Illinois members. This is another excuse or subterfuge for explaining his visits there. Wilson did not say whether he sent the notices to these gentlemen to meet him at St. Louis, or whether they might have been sent by Mr. Giblin, who was Browne's secretary. While I recognize that the committee depended upon the attorneys representing each side of this controversy to produce all the evidence before them, I can not understand why one side or the other did not produce Giblin and get his testimony, not only with reference to the meeting which, it would appear, must

have been arranged by him, but also with reference to several other matters which it appears he had a great deal to do with. For instance, White says that after his trip to Chicago, when he caroused with Browne, Giblin sent him $200, or something like that, for Browne. Did Giblin do this? His testimony would have been pertinent and to the point.

Wilson would have it appear that he did not go to St. Louis at the instance of Browne. Yet White says Wilson told him Browne was sick and he had come for Mr. Browne. White is corroborated to this extent, that Browne writes him that he is sorry he could not meet him at St. Louis, but that he was sick. Wilson has to admit that probably Giblin sent out the notices of the meeting, and Giblin was Browne's secretary. Browne does not want to admit that Wilson went there for him, but his excuse for Wilson's going is a most flimsy one, and in it he brings in the excuse made in the letters manufactured and sent to Beckemeyer and Link. Wilson claims that he went to St. Louis to confer with these members with reference to a banquet for Browne, and yet when he gets there there does not seem to have been very much said about a banquet. Clark says he suggested it to him, but that was all, and I am satisfied that this banquet is nothing but a subterfuge, and this is borne out by direct testimony from Link and Beckemeyer. Beckemeyer received a letter, as follows:

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

FRIEND BECKEMEYER: Doc Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future, in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes, I am,

Very truly, yours, ROBERT E. WILSON.

A similar letter was sent to Link, and both of them swore that they did not receive this letter until about the first week in May, 1910, or nearly a year after it was dated. In other words, after they had heard of the disclosures of White they deemed it necessary that some good reason would have to be presented for Wilson's visit to St. Louis in July, 1909, and his meeting with all these various persons; and this letter was prepared and dated back so as to furnish an excuse for the meeting. Wilson and Browne both testified in regard to Wilson's trip to St. Louis, and I shall submit the testimony of each one of them without special comment:

Q. Mr. Browne, did you know that Wilson was going to St. Louis?—A. Yes, sir.

Q. Who advised you of that fact?—A. He advised me of it himself.

Q. When?—A. Before he went.

Q. Sent you a telegram?—A. No; I was in Chicago, as I told you, and had been for a week, sick with ptomaine poisoning, at the Briggs House. I was just up and around and in a very weak condition.

Q. Yes.—A. I think I went home that night. I am not sure as to that.

Q. Yes. Now, you have been intending to go—you had intended to go to St. Louis with Wilson?—A. No; I did not intend to do anything of the kind.

Q. Did you expect to go to St. Louis?—A. No; I did not know that he was going to St. Louis until practically the time that he went.

Q. Well, he went on the 16th or 17th of July, didn't he?—A. I can not give you the exact date.

Q. You have no remembrance of the time?—A. I know it was in there somewhere.

Q. Well, let me understand you. When did you reach Chicago?—A. When?

Q. In July?—A. In July.

Q. Yes.—A. Well, now, I would have to think. I am not sure whether I went back to Chicago on the night of the 14th—back to Ottawa from Chicago on the night of the 14th of July or the 15th of July, I can not tell you.

Q. Do you know when Wilson left Chicago for St. Louis?—A. No. My knowledge of the testimony on the two trials of my case would indicate to me that he went down there, I think, on the 14th.

Q. The 14th of July?—A. I would think so.

Q. And you left Chicago when for Ottawa?—A. Well, I do not know whether it was on the day he left for St. Louis or the next day.

Q. Either the day he left for St. Louis or the day after?—A. I think so.

Q. Well, when you saw Wilson, did you leave—when did you see Wilson before he left?—A. Well, my recollection is that I saw him that day that he left.

Q. And you knew he was going to St. Louis?—A. I knew it a short time before he went that he was going.

Q. What do you mean, "a short time," the same day, or "a short time," a few days before?—A. No, no, no; my recollection, my best recollection is that I did not know it until that day.

Q. That day?—A. Yes.

Q. Did you and he discuss it?—A. No; I have tried to refresh my recollection as to whether I knew the purpose of his going to St. Louis before he went, or whether he told me after he came back, I can not be sure about it.

Q. You don't know whether he disclosed why he went before he went or not?—A. I knew he was going down there to see the southern Illinois members, I knew he was going down there to see the southern Illinois members, but whether or not he disclosed to me before he went his exact purpose, or whether he did that after he returned, I am not sure.

Q. Do you know whom he was going to see there?—A. Yes.

Q. Who?—A. The southern Illinois members.

Q. The same ones you mentioned before?—A. Yes, sir.

Q. Including White?—A. Yes.

Q. And Clark?—A. Yes, sir.

Q. And the ones you have mentioned?—A. Yes, sir.

Q. Now, do you know what his purpose was in going there?—A. I know what he told me.

Q. And what did he tell you?—A. He told me—now, in order to make it clear to you, Dr. Allison had spoken to him, and I guess to one or two others about the advisability of giving me a banquet. Now, I am trying to tell you just how I am concerned. I am serious about it, Mr. Austrian, of giving me a banquet there in Ottawa or Chicago, one place or the other, and only giving invitations to the Democratic members that belonged to my crowd. I had frowned upon that proposition, upon the theory that it still further divided the two factions of the Democrats, and still more, prevented any amalgamation of them in the future. I told him I did not want anything of the kind done. He took the matter in hand himself. He told me there before he went, or after he went, that his purpose in going to St. Louis was to see these men and discuss the matter with them.

Q. The banquet?—A. Yes; now, that is what he told me, and he told me that he had talked it over; he told me they had left it with him to do as he and the fellows in the north end of the State saw best.

Q. Now, Mr. Browne, if Mr. Wilson was going to St. Louis to talk over the question of giving a banquet for you, why should you be present at the time that matter was discussed?—A. There would be no reason in that that would warrant my being there; on the contrary, modesty would suggest that I would not be there; but as I explained to you a little while ago, the object of my visit down there with them in June, his going down, my being at Chicago at the time, I would have gone down with him well enough, in order to see them get in touch with the men.

Q. You just saw them less than three weeks before?—A. That is very true.

Q. You had seen them on the 21st of June?—A. I used to see the boys up in Chicago every week, every two weeks.

Q. You used to come to Chicago every week or two?—A. Not always; sometimes I did, sometimes a month, sometimes a week, maybe every week for several weeks.

Q. But Chicago was the place where you made your headquarters, wasn't it?—A. No, no, no.

Q. You had never been to St. Louis before you went there on the 21st of June, 1909, had you?—A. Oh, yes; oh, yes.

Q. How often?—A. I had never been there in the neighborhood of the session of 1909, of that year, rather, I had never—well, it was not that year; I was there a little bit before the session of 1909 opened.

Q. And that is the only time, isn't it?—A. It was the only time for a considerable period of time.

Q. I understood you to say that you had only been in St. Louis once or twice?—A. Twice.

Q. In your life?—A. Twice to my recollection.

Q. Prior to the 21st of June, 1909?—A. Twice to my recollection, unless just before the session opened.

Q. In December or November, 1908?—A. Yes. And once after I became a member of the legislature, but several years before when an investigating committee went down there.

Q. Three or four years ago, those are the only two times?—A. Yes. I may have been there, but those are the only two.

Q. Now, you have been with these gentlemen, Shephard, Link, Clark, Luke, and all the fellows you mentioned, and Wilson, continuously, from the 4th day of January—when I say continuously, I mean every day up to the 5th day of June?—A. The 4th day.

Q. The 4th day of June, 1909?—A. Yes, sir.

Q. And then you saw them on the 21st day of June for the purpose——A. Yes.

Q. For the purpose of talking politics in the Southern Hotel?—A. Yes.

Q. And you would have gone there again on the 15th day of July, would you?—A. Yes, sir.

Q. For the same reason?—A. Yes, sir.

Q. And you were a busy, practicing lawyer down in the central part of Illinois, weren't you?—A. Well, I am very much afraid that my law practice has not been helped very much by my political aspirations and doings in the past 10 years.

Q. Yes; but you were a busy lawyer; that is, a busy lawyer in Ottawa, Ill., weren't you?—A. Good for the country law practice.

Q. One of the best, isn't it, in Illinois?—A. No.

Q. It is not?—A. No.

Q. Now, when Wilson went down there, you knew that he was going?—A. I told you about that.

Q. Yes, sir. That is all I want you to say, that you did. And then you saw Wilson there immediately before he went, when he disclosed the purpose of his visit, or after he came back, when he disclosed the purpose of his visit, is that correct?—A. He either disclosed it before he went or after he came back before I knew of it.

Q. And you say that the only purpose of his visit was the giving of the banquet to you?—A. I do not think so.

Q. What other purpose did he have?—A. I don't know.

Q. The only purpose that he disclosed to you?—A. Yes, sir.

Q. Well, why did you write to White on the 16th day of July that you were awfully sorry that you were unable to be with him yesterday forenoon in St. Louis?—A. Because it was true.

Q. You were sorry to be with White; is that right?—A. Yes, sir.

Q. Even though the only purpose of the visit, so far as you knew, on the 16th day of July, when you wrote that letter, was the fact that they were discussing the banquet for you?—A. That was not the purpose I would have seen White for.

Q. What would you see White for?—A. The same thing I went down there before, simply a political gathering with my adherents.

It does not seem to me possible to read this testimony and not conclude that it is a lame attempt to explain away the force of the testimony as to the real purpose of that trip to St. Louis. Wilson's testimony in regard to it is equally frivolous:

Q. Now, Mr. Wilson, you went down there for what purpose?—A. I went down to see some of the southern members of the Illinois house with regard to a banquet to be given Lee O'Neil Browne.

Q. And you went down because Tippett had given his followers a banquet; Tippett had given his followers a banquet, had he not?—A. Yes.

Q. And Tippett had given his followers a banquet prior to the adjournment of the session in Springfield, the adjournment having taken place the 4th of June?—A. I don't know the date.

Q. If the legislature adjourned on the 4th of June, that is correct, is it not?—A. I think so.

Q. Yes, sir; and no steps were taken with reference to Mr. Browne's banquet until about the middle of July?—A. Well, it had been spoken of; that night of adjournment when we came over from the house to the hotel in Springfield it was talked of.

Q. No further steps had been taken toward ascertaining the minds of the southern Illinois members on that subject until the 15th day of July?—A. There was talk about it.

Q. Beyond talking about it, nothing definite was done until July 15, had there?—A. Nothing.

Q. You never talked to anybody yourself about it until the 15th of July, did you, Mr. Wilson?—A. Oh, yes.

Q. With whom?—A. Dr. Allison.

Q. Anyone else?—A. Murray.

Q. Murray you talked to in Chicago?—A. Yes.

Q. Did you talk to anyone else?—A. No.

Q. And you were a Chicago member and there were a number of Chicago members in the house belonging to the Browne faction, and you never discussed the banquet? You never discussed it with anyone save Mr. Murray and Dr. Allison?—A. Anyone?

Q. Yes; with anyone.—A. Yes, sir; at the house there were several of us.

Q. Then you did discuss the subject with more members besides Murray and Allison?—A. Yes, sir.

Q. How many more?—A. I could not say, but when we came back to the hotel it was common talk that Mr. Tippett got one the best of us by giving that banquet.

Q. You condoled with each other on account of it?—A. Yes, sir.

Q. You then and there immediately had a discussion about arranging for a banquet for Browne? Is that correct?—A. The arrangement was not spoken of at that time; no. But some members thought we should do it.

Q. Then you did nothing about it from the time of the adjournment of the legislature until July 15, 1909? Is that correct?—A. Yes, sir.

Q. Now, you knew when you went to St. Louis on the night of July 14, what Browne's attitude was with reference to a banquet for himself?—A. I did, in a way.

Q. And Browne had expressed what his views on that subject were a great many times, Mr. Wilson?—A. I don't know.

Q. Well, whenever you talked about it he expressed his views?—A. He said——

Q. I am not asking what he said. He expressed his views and frowned upon it. He said he frowned upon the banquet because it would make the factions separate further than they were already separated. Is that correct?—A. I don't know as he went into it so strong; before I went over to see Mr. Clark——

Q. He did frown upon it?—A. He said he had some personal reason.

Q. When you came back from St. Louis did you report to Browne or Allison on the subject of the banquet?—A. Yes, sir.

Q. Which one?—A. I reported to Browne——

Q. To which one did you report, Browne or Allison?

Judge HANECY. He said Browne. I submit he ought to be permitted to answer.

Q. I am asking him to which one he reported.—A. I reported to Browne.

Q. Did you report to Allison?—A. I think I did; yes.

Q. Will you tell this subcommittee you did?—A. I think I had Allison on the phone afterwards and told him that the boys—I don't think—I don't know whether it was on the phone or whether he came to Chicago, whether I saw him in Chicago; I told him that Browne was opposed to the banquet; and it seems as though I spoke to him and told him that Browne was opposed to the banquet and that some of the boys agreed that it would not be the best thing to have it.

Q. The boys you met in St. Louis were willing to do what Browne wanted them to do?—A. They left that to me, as far as the banquet was concerned.

Q. You knew Browne's view before you went there?—A. In a way I did.

Q. You did not know where Dr. Allison lived when you testified before the grand jury?—A. I don't know where he lives now.

Q. You called him on the telephone, you said.—A. I called him on the telephone without knowing where he lived; anyone can get any one on the telephone in any town.

Q. You don't know the town in which he lives now?—A. Oh, yes; I do; I never said I did not know in what town he lived—Essex——

Q. When did you ascertain it?

Senator BURROWS. Is that material?

The WITNESS. I never said I did not know the town——

The CHAIRMAN. Wait a moment, Mr. Wilson; the committee can not have so much time taken up by what seems to be unnecessary.

Mr. AUSTRIAN. Very well, Mr. Chairman.

Q. Mr. Wilson, Allison was the man who asked you to go to St. Louis?—A. He did not ask me to go.

Q. Who did ask you to go?—A. I took it upon myself.

Q. No one requested you to go? A. No, sir.

Q. You went on your own initiative for the purpose of finding out whether the banquet should be given to Browne, six weeks after the close of the session, is that right?—A. Yes, sir.

Q. When you got to St. Louis and met the members whose names you have mentioned here, did you have any discussion with them on the subject of the banquet?—A. I did; yes.

Q. Can you tell the committee what, if any, talk you had with any one member of the southern Illinois members?—A. What I said?

Q. Yes.—A. No, sir; I can not tell you the conversation.

What did happen at this meeting? No one but Clark remembers talking about a banquet, and even he does not know very much about it.

White says that Wilson invited him into the bathroom and there paid him $900. Of course, no one else can corroborate him in the payment of the $900, because he and Wilson were the only ones in the bathroom at the time. White does say that after some talk Wilson invited Shephard into the bathroom. Shephard corroborates White in this. Wilson does not recollect White going into the bathroom with him, but does say that Shephard went in, but does not remember what for or what was said. What does Shephard say he was called into the bathroom for? Not to pay him money, because Shephard denies receiving any money, so he must give some other excuse. He says that Wilson asked him into the bathroom to ask him who the lady was he saw with him at dinner in the St. Nicholas Hotel in Springfield some time before. This excuse speaks most eloquently for itself.

It is sought to impeach White by showing that one of the Yarboroughs was not in his room on the night of May 24, when White says that Browne called at his room and found them there with him. Whether or not they were both there it seems to me is entirely immaterial, but, if taken materially by counsel on either side, why did they not bring before the committee the two Yarboroughs and have them testify in regard to the matter instead of getting two or three witnesses to swear they saw one of the Yarboroughs in Chicago at that time? It does not appear that there would have been any difficulty to secure the presence of one or both of the Yarboroughs before the hearing.

The testimony seems to be clear that White had considerable sums of money at the times he testifies to have received it from Browne and Wilson. It is shown that after he received the money in Chicago he took a package to the Grand Leader store at St. Louis and left it there, marking on it "$700" or "$800." Mr. Kirkpatrick, who is entirely disinterested, corroborates White in this particular. It is shown that he paid off a great many bills of varying amounts, made a trip to Tennessee, gave a $50 bill to his mother, one to his father, and other various sums to different persons. After he received the money at St. Louis he went to Chicago and spent some time carousing with Browne, and Browne himself claims that he took a couple of hundred dollars from his person while he was in a condition not to look after himself and kept it for him.

I have gone into the testimony more than I should, in view of the many exhaustive reviews that have been made of it. I am convinced that White, Link, Beckemeyer, and Holstlaw were corruptly influenced to vote for Mr. LORIMER. I also am convinced that Browne, Wilson, and Broderick corruptly influenced them. The bribe giver is just as corrupt, if not more so, as the bribe taker. These seven votes were corrupt votes and should be deducted from the vote cast for Mr. LORIMER. These may not be all the corrupt votes cast; I do not think they are. I believe the evidence shows clearly and definitely other corrupt votes. I also am convinced that the tainting of Browne's vote under the circumstances tainted every vote among his faction that followed him, unless such vote is shown clearly not to be corrupted. Under my view of the law, seven tainted votes are sufficient to invalidate the election, but if more were necessary, they could easily be pointed out.

The law is perfectly plain as applied to the facts as I see them. The statute with reference to the election of Senators provides that if anyone fails to receive a majority of each house on the day set for voting—

> The joint assembly shall then proceed to choose by viva voce vote of each member present a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected.

This does not seem to need construction; it is perfectly plain. In this case no one received a majority of both houses when the vote was taken separately in the joint assembly. When Mr. LORIMER was declared elected, there were 202 members present and voting in the joint assembly, and, therefore, no one could be elected without receiving at least 102 votes, a "majority of those present and voting." Mr. LORIMER received 108 votes, or only 6 votes more than enough to elect under the statute.

As I view the testimony, at least seven of these votes were tainted, and deducting these from his vote Mr. LORIMER received only 101 legal votes, or one less than enough to elect on that day. It is said that Mr. LORIMER received 108 votes and there were 94 votes against him, thus giving him a majority of 14 over his competitors. That is true; but a Senator is not elected by having a majority, simply, over his competitors. He must have a majority of all the votes present and voting, and this he did not have if seven votes must be taken from him because they were tainted. He would then have 101 votes, or seven majority over his competitors, but one less than the majority required by law. This seems to me to be so plain that he who runs may read. In saying this I do not desire to reflect upon the great Senators and the great lawyers who do not take this view of it.

The senior Senator from South Dakota is a great lawyer, the senior Senator from Kentucky is a great lawyer, members of the committee who have filed this report are great lawyers; and it may seem presumptuous in me to question their view of the law, and I do so with much diffidence. The committee does not rest boldly upon the conclusion that it is not shown that tainted votes were cast for Mr. LORIMER. It seems to appreciate the weakness of this position and is not willing to rest upon

it. Conceding seven tainted votes, or 11, it nevertheless contends that, under the law, Mr. LORIMER still had a legal majority and was duly elected. It seems to me they would have been on safer ground to have rested upon the contention that the evidence does not show the corruption of any votes for Senator.

What do these great lawyers contend? Their contention is that if seven votes are tainted and therefore to be rejected, we must not only reject the tainted votes, but we must, nunc pro tunc, eject the voters from the joint assembly of the Illinois Legislature. That, I submit, would be a high-handed proceeding not warranted by the statute or by the Constitution and beyond the power of this mighty body. These learned Senators contend that those who cast these tainted votes were not really present in the joint assembly, although they did in fact answer to their names when the roll was called, and even though one of them made a violent speech, stating that "you can not cash dreams," the senior Senator from Kentucky says "they were mere excrescences on that body"—referring to the joint assembly of the Legislature of Illinois—or, perhaps, more properly speaking, they were "mere derelicts" and, having rejected their votes and made "mere excrescences" or "mere derelicts" of them, having bodily ejected them from the joint assembly, he and his colleagues make that joint assembly consist of only 195 members, and, as Mr. LORIMER had 101 votes left, they find that he had a majority of this nunc pro tunc joint assembly, and therefore was duly elected. I do not dare characterize this argument, because I do not want in any way to reflect upon the good judgment and legal learning of these great lawyers and Senators. This argument does not appeal to me. I hardly think, with all due deference, it will appeal to the lay or legal mind of the country. Would it be impertinent to ask what might have been the result if these "excrescences" or "derelicts" had been ejected from the joint assembly before the vote was cast? Is it not likely that many of Browne's followers would have gone on voting their party faith? Might not "Bellwether Manny Abrahams" even have followed along the path of party faith and fealty that he had been so faithfully traveling so many days had not "Derelict" Browne been present to inspire and direct? I fear me much that an election would not have occurred on this date if these "excrescences" or "derelicts" had been absent. This contention leads to such absurdities that it refutes itself.

Under this theory, if LORIMER had received 151 votes and Hopkins 50 and Stringer one and it had been shown that 99 votes had been bought for LORIMER, still he would have been elected, because if these 99 "excrescences" or "derelicts" were removed, the joint assembly would consist of 103 members, of which LORIMER would have 52 untainted votes, or a majority of one, and we would have to declare his election valid. I may be wrong, but I can not get the consent of my mind to a rule of law or an interpretation of law that would sanction such a monstrous result.

Furthermore, this rule of rejecting illegal votes and ejecting the voter might result in the actual election of some candidate who might not learn that he was elected for two or three years afterwards. If, instead of finding that seven illegal votes were cast it should be shown that 63 illegal votes were cast for Mr. LORIMER, then we would have the amazing result that Mr. Hopkins was actually elected in the joint assembly May 26, 1908, and has been for almost three years entitled to his certificate of election, for if 63 illegal votes were cast, then there were only 139 members in the joint assembly. Mr. Hopkins received 70 votes, or a majority of that joint assembly. Again, under this contention, if 103 votes were cast in the joint assembly and Mr. Hopkins had received 102 of them and Mr. LORIMER one, and it should be shown that this one vote was cast corruptly, then the election of Mr. Hopkins would not be valid, because there would be no legally constituted joint assembly. A rule of law or an interpretation of law that produces such absurd results is not worthy of very favorable consideration.

The men who cast these votes must be considered a part of the joint assembly. They were members of the legislature. They had been duly elected. They were actually present in the joint assembly; they cast their votes in the joint assembly. They were a part of it, even though their votes were illegal. The declaration that their votes were illegal and should be rejected does not affect their presence or the fact that they actually voted and does not eliminate them from the joint assembly, but they must simply be deducted from Mr. LORIMER'S vote, and this would leave him 101 votes, or one less than a majority of the votes cast in the joint assembly.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. DEPEW in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SUTHERLAND. Mr. President, I have been very much interested in the Senator's discussion of the legal question involved here, and I think he is undoubtedly correct, but I wanted to put this phase of the matter to the Senator and ascertain whether or not he had thought about it. As I recall the evidence, it was agreed that none of the Democratic votes—some 30—that were following Mr. Browne should be called upon until enough had been secured to bring about the election of Mr. LORIMER. Enough votes were not secured to bring about his election until seven votes, or four votes at any rate, had been corrupted. So the corruption of those seven votes or four votes, as the case may be, was the thing that brought about the casting of the votes of the other 23 men who followed Mr. Browne in the legislature. Has the Senator thought of that phase of the matter?

Mr. JONES. I have.

Mr. SUTHERLAND. And whether that would not invalidate the election?

Mr. JONES. I think I have touched upon that matter, possibly when the Senator from Utah was not here; that was the thought suggested when I stated that, in my judgment, when Browne's vote was tainted it tainted every man who followed him in that vote, unless it was shown clearly that they were not actually tainted; in other words, the tainting of Browne's vote tainted those who followed him. I will refer later on to the fact that there were some who followed him right or wrong.

Mr. SUTHERLAND. I was not speaking of the tainting of Browne's vote and the effect that that might have had upon those who agreed to follow him, but upon the proposition that it was agreed that the other votes, assuming them to be untainted, were not to be cast until enough votes had been procured to elect Mr. LORIMER. Enough votes were not procured to elect Mr. LORIMER until those seven votes had been corrupted. So the corruption of the seven votes really brought about the casting of the votes which elected Mr. LORIMER. That is the point.

Mr. JONES. I think that position can be well maintained.

Mr. SUTHERLAND. I wanted to call the Senator's attention to that.

Mr. JONES. I have not gone into very many points that are suggested to my mind, and which also have been covered by many others, but I think the point which the Senator suggests can be well maintained.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Certainly.

Mr. FLETCHER. If it will not disturb the Senator's line of thought, I should like to suggest in that connection that the testimony is that Mr. LORIMER'S friends were to furnish sufficient votes, or they were to know that he had sufficient votes, before any of the 30 were to be delivered. It was not an understanding that some or enough of the 30 were to be purchased in order to make Mr. LORIMER'S election sure. The election was to be made sure by the procurement of votes from his side politically, which, added to the 30 that Browne influenced as followers of his, would bring about Mr. LORIMER'S election. That is the testimony, as I understand it, and it is not in accordance with the suggestion of the Senator from Utah.

Mr. JONES. Mr. President, one might spend days analyzing this testimony and taking different positions according to the different viewpoints at which he might look at the testimony. I have simply endeavored to sum up my opinion of the testimony and my conclusions from it after very careful study. I have not presented these matters with the hope or even the desire to influence anybody's vote in this Chamber, but I have simply presented the case as one of the judges in this body in explanation of the vote that I expect to cast when the resolution comes before the Senate for voting.

There is no difference of opinion in regard to the law until it is sought to avoid the effect of conceding that there were seven tainted votes cast; and I do not find that this Senate has ever decided in any case that has come before it that illegal or tainted votes causes the person who casts such votes to be actually eliminated and ejected from the joint assembly in which he participated. In the case of Henry B. Payne, Senate Election Cases, page 700, quoted by the senior Senator from South Dakota, I do find this clear, plain, direct, unequivocal statement of the law:

> If these corrupted votes gave the innocent Member his seat, the deprivation of these corrupted votes vacates his seat.

These seven corrupted votes did give Mr. LORIMER his election on the 26th day of June, 1908. Therefore, under the Payne

case, "the deprivation of these corrupted votes vacates his seat." This is a wise, reasonable, and sensible rule of law and simple and just in its application, and no case can be found where it has been departed from.

Mr. President, I will go as far as we can safely go to protect and insure the purity of elections to this body. If it is a safe rule to say that one tainted vote should vitiate an election to the Senate, I am in favor of such a rule, but I am not now prepared to say that it is a safe rule, and it is not necessary to go that far in this case. It is a splendid theme upon which to make a great oration and to appeal to the sentiment of the people, which is strongly for pure elections, but it will bear study and reflection in its application.

The rule laid down that if the tainted votes can be eliminated and a legal majority still remain the election should stand is probably correct if you can determine definitely what the tainted votes are. In the case before us it seems to me that it would be practically impossible to determine definitely and surely all of the tainted votes. The tainting of Browne's vote did not stop with him. There were men like "Manny" Abrahams who voted as he voted, right or wrong. How many, no one knows; but the tainting of his vote tainted theirs even though they were not guilty of any wrong intent. The testimony itself shows—aye, Browne so testifies—that there were men in the Illinois Legislature who voted as Browne voted, whether right or wrong, and any investigation in my judgment tainting Browne's vote also taints these votes. His influence was different from that of the ordinary member of the legislature. Many looked to him as friend, leader, and guide. Whatever he did they accepted as correct, and those who were looking to influence an election by improper means would accomplish a great deal more by influencing Browne's vote than by influencing the votes of dozens of others. It was plain to be seen that if Browne could be bribed, not only would his vote be bought, but that there would be bought with it many other votes.

If in this case there was no testimony showing that Wilson had anything to do with this transaction, and if Broderick even was not brought into it with Holstlaw, but if White and Beckemeyer and Link and Browne were the only ones involved, as they are involved in the testimony here, with Browne at St. Louis on the 15th of July instead of Wilson, I would not be willing to say that a sufficient number of votes were not corrupted to render the election of Mr. LORIMER illegal, because I am convinced that, under such circumstances, to eliminate White's, Beckemeyer's, Link's, and Browne's votes would not eliminate all of the tainted votes in the transaction, and I would be compelled to say that by the tainting of Browne's vote an indefinite number of other votes also were tainted, however innocent of a corrupt intent or purpose the men may have been who actually cast those votes, and Mr. LORIMER's election should be held invalid. In other words, if the tainted vote stands out clearly and distinctly by itself; if it does not appear that it affected or influenced any other vote then we can probably safely stop with its elimination. If, however, there is any doubt as to its influence or effect, if there is any doubt how far any corrupt influence extended or how many votes it affected, we should resolve the doubt against the election in the interest of pure and honest elections and sound and stable government.

Mr. President, I have tried to discharge my duty as a judge in this case. I do not question the judgment, courage, or honesty of anyone who does not see the facts as I see them. I base my action on the record. Newspaper reports and outside statements I have thrown in the wastebasket without reading or consideration. Letters from my constituents I have, of course, read, but they have not influenced me in making up my judgment. I have no sympathy with the criticism made of the members of this committee. They had a trying duty to perform. I believe they have done that duty honestly and conscientiously, and all the more bravely by reason of the popular clamor.

When the Senator from Kentucky says, "In the consideration of the judicial question that is before us, if I knew that every man, woman, and child in Kentucky were of the opinion that I should vote to unseat Mr. LORIMER I would not do it," I know he states the truth. When he says, "If I knew that my vote would retire me from public life, it would not alter my course in this matter," I believe it and his people should honor him for this brave stand for what he believes to be right; and such is my opinion of each of the members of this committee with whom I disagree. History will honor their courage and devotion to duty if it does not vindicate their judgment.

Mr. President, I have wished to sustain the verdict of the majority of this committee because of their learning and ability, their integrity and patriotism. I have wished to sustain their verdict because of my intimate association with Mr. LORIMER in the House of Representatives and my high opinion of him as a man and a citizen. I have wished to sustain it for the honor of the great State of Illinois, in which I was born and reared, and whose glorious history has enriched the annals of the Republic with the fame and achievements of Palmer, Yates, Oglesby, Logan, Grant, and Lincoln, but I am compelled by my oath, under the facts as I see them and the law as I understand it, to vote to declare the election of Mr. LORIMER illegal and void.

ELECTION OF SENATORS BY DIRECT VOTE.

During the delivery of Mr. JONES's speech,

The PRESIDING OFFICER. Will the Senator from Washington kindly suspend for a moment while the Chair lays before the Senate the unfinished business, which the Secretary will state?

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. The Senator from Washington is now occupying the floor and I do not know of anyone who will, after he closes, desire to discuss the joint resolution to-day. But before asking to have it laid aside, I want to make a brief statement.

After the Senator from New York [Mr. ROOT] has spoken upon this subject on Friday, I will feel that it is my duty, in view of the shortness of the session, to try to hold the matter before the Senate until it is finally disposed of. I do not know of anyone else who desires to speak on the subject after that time. I simply make this suggestion so that those who may desire to speak upon the joint resolution may have notice.

Mr. SMITH of Michigan. Is it the expectation of the Senator from Idaho that he will reach a vote on the joint resolution this week?

Mr. BORAH. In view of the fact that Saturday is set apart for another purpose, I have my doubts about it, but what I have hoped to do was to keep it before the Senate so that we might dispose of it very early next week.

Mr. SMITH of Michigan. I am very much interested in the joint resolution and I would dislike to be absent from the Senate when the vote is taken. A number of Senators, however, will attend celebrations of the birthday of Lincoln on Saturday, and I was going to suggest to the Senator from Idaho that we would appreciate it very much if we were to be advised that the matter would not be brought to a vote at that time.

Mr. BORAH. The Senator from Idaho will not undertake to press it at a time when any Senator who is in favor of it is absent. I will take into consideration the suggestion of the Senator from Michigan.

Now, Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Washington will proceed.

Mr. CRAWFORD. Mr. President, I suggest the absence of a quorum. I think there should be more Senators here.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Heyburn	Richardson
Borah	Cullom	Jones	Root
Bourne	Cummins	Kean	Scott
Bradley	Curtis	La Follette	Shively
Brandegee	Depew	Lodge	Smith, Md.
Briggs	Dick	McCumber	Smith, Mich.
Bristow	Dillingham	Martin	Smith, S. C.
Brown	du Pont	Nelson	Smoot
Bulkeley	Fletcher	Nixon	Stephenson
Burkett	Flint	Oliver	Stone
Burnham	Foster	Overman	Sutherland
Burrows	Frazier	Owen	Swanson
Chamberlain	Frye	Page	Taylor
Clapp	Gallinger	Percy	Thornton
Clark, Wyo.	Gamble	Perkins	Warner
Clarke, Ark.	Gronna	Piles	Warren
Crawford	Guggenheim	Rayner	Watson

Mr. BACON. I desire to announce that my colleague [Mr. TERRELL] is detained from the Senate by illness, personal illness.

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Washington will proceed.

SENATOR FROM ILLINOIS.

After the conclusion of Mr. JONES's speech,

Mr. FLETCHER. Mr. President, as a member of the Committee on Privileges and Elections, personally I wish to thank the Senator from Washington [Mr. JONES], who has just taken his seat, for his kind reference and for the very fair way in

which he has presented the subject from his standpoint. In a plain and concise way I desire to state my impressions and conclusions in this case and the reasons therefor, based on the evidence as presented.

The Legislature of Illinois met on the 6th day of January, 1909, the Forty-sixth General Assembly.

In due course balloting for United States Senator began, January 19, 1909, the first joint ballot being January 20.

There was no election until May 26, 1909, when WILLIAM LORIMER was declared elected United States Senator.

The governor of the State of Illinois so certified to the Senate under date of May 27, 1909.

On June 18, 1909, the said WILLIAM LORIMER took the oath and signed the roll and became a Member of this body.

On April 30, 1910, the Chicago Tribune published an article furnished by Charles A. White, purporting to set forth corrupt practices in the legislature of 1909, the Forty-sixth General Assembly.

May 28, 1910, Senator LORIMER delivered a speech in the Senate in the nature of an answer to the charges which involved him and his election.

The Legislative Voters' League of the State of Illinois, by its president, Clifford W. Barnes, wrote to Senator CULLOM, under date of June 6, 1910, attaching an affidavit by Mr. Barnes and the article by White, and these were presented to the Senate June 7, 1910.

On June 20, 1910, the Senate passed the resolution authorizing and directing the Committee on Privileges and Elections, or a subcommittee thereof, to investigate these—

Certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used or employed corrupt methods or practices.

A subcommittee was appointed and began its investigation in Chicago September 22, 1910. It concluded the taking of testimony in Washington the 7th day of December, 1910. It made report to the full committee December 17, 1910, and on the 20th day of December, 1910, the full committee adopted the report with the exception that two members, neither dissenting nor consenting, reserved the right to submit minority views. On the 21st day of December, 1910, the report of the committee, concluding with the finding that the election of Mr. LORIMER was legal and valid, was submitted to the Senate. On the 19th day of January, 1911, the views of the Senator from Indiana [Mr. BEVERIDGE] were presented, with a resolution. On the same day the Senator from Oklahoma [Mr. OWEN] submitted a resolution. Both the last-mentioned resolutions declared that Mr. LORIMER was not duly and legally elected. On the 30th day of January, 1911, the Senator from Tennessee [Mr. FRAZIER] submitted his views, differing with the majority.

At the first public hearing in Chicago Mr. Barnes stated to the subcommittee:

It seems to me, Mr. Chairman, if I may add just a word, that the time and effort which the Tribune has put into this investigation clearly places them in the front rank as a party qualified to give testimony. It is quite without the province of the Legislative Voters' League to employ lawyers in this matter, nor have we the evidence at hand which would make it possible for us to submit to your honorable body such testimony as would give you the proper data on which you should act. I feel confident that the Tribune can do this (p. 14).

The chairman then asked Mr. Barnes:

I understand you do not care to appear personally or by attorney?

Mr. Barnes replied (p. 15):

No, sir; I should prefer not to.

Mr. Barnes urged that the investigation proceed, and stated (p. 22):

We have, to be sure, been out in the State trying to defeat such men as Mr. Lee O'Neil Browne and Mr. Shurtleff and Mr. Broderick, and others who represent those parties and who stand for dishonesty, who stand for the lowest kind of corrupting politics.

Again, he says:

You have it in your power to bring evidence which the court here in Cook County could not consider, and I have no doubt at all, as the Hon. Judge Hanecy has remarked, that should you see fit to call Lee O'Neil Browne and Mr. Broderick and Mr. Shurtleff and others here, the testimony they would give would be so damaging that they would doubtless be defeated at the coming election (p. 23). * * * I wish, Mr. Chairman, that you might hear from the representative of the Tribune, Mr. Austrian, who is now acting as temporary counsel.

These remarks suggest the question whether the purpose was to use this committee to defeat Mr. Browne and others at the approaching election as the main object of the investigation.

Mr. Austrian appeared before the subcommittee and stated (p. 27):

Now, I say that we have the names of and we have the witnesses, we have the documentary proof and the evidence, and we, the Chicago Tribune, are thoroughly responsible; no one will gainsay that for a moment; we ask in all fairness, not as prosecutors, but simply to aid, assist, and help you in this matter as much as possible.

On the 23d of September the chairman announced that the committee would permit the appearance of Mr. Austrian for the Chicago Tribune and Judge Hanecy for Mr. LORIMER as counsel in this investigation, and denied the motion for postponement of the hearing.

In his remarks, Mr. Austrian (p. 25) laid down the law governing the case in the following language:

No two rules of law are better settled and established than these: First, that you must either connect the sitting Senator with the direct charges of bribery himself, or, second, that you must say that so many votes have been swung to the Senator-elect as to, by corrupt methods and practices of bribery, take from him that majority which he had.

The same rule, in substance, is announced in Election Cases, Senate of the United States (Taft, Furber, Buck, vol. 3, p. 706), as follows:

Your committee are also of the opinion that if the evidence fails to show that the sitting Member was guilty of bribery of any member of the caucus or the legislature, or had any personal knowledge or agency in the bribery, or the corrupt use of money to secure his election, then the Senate must be satisfied by legal evidence that a sufficient number of the members of the legislature were bribed by the friends of the sitting Member to secure the votes of enough members of the legislature to insure his election, and that without the votes thus corruptly obtained the sitting Member would not have been declared elected.

This was the case of Henry B. Payne, of Ohio, who qualified to take his seat in the Senate as Senator from the State of Ohio March 4, 1885. The report of the special committee of the house of representatives of Ohio appointed to investigate charges of bribery against four of its members, together with the evidence taken by that committee, was presented in the Senate April 26, 1886, and was referred to the Committee on Privileges and Elections May 11. Other data were filed with the committee, as shown by the report of the case. July 15 three reports were submitted by the members of the committee. Two of these, signed, respectively, by four and three of the Senators composing the committee, reached the conclusion that there was not sufficient evidence offered to warrant the Senate in proceeding with an investigation, while the third, signed by two of the committee, held that an investigation should be made.

It was not questioned by any member of the committee that to deprive a Member of his seat it must be shown by legal evidence that he was personally guilty of the corrupt practices charged or that the corruption took place with his sanction and encouragement, or else that a sufficient number of votes was changed by the fraud or corruption charged to affect the result and to secure an election which otherwise would not have been obtained (p. 700).

Upon consideration of the report, a resolution authorizing the committee to investigate the charges affecting the title of the said Henry B. Payne was lost—yeas 17, nays 44. On the question to agree to the recommendations of the committee in its report, that the Senate make no further investigation of the charge involving the right of Henry B. Payne to his seat, that the committee be discharged from the further consideration of the matters referred to them, and that the whole subject be indefinitely postponed, the yeas were 44 and the nays 17.

It appears from the record that in the primary in which the candidate for the United States Senate was nominated Mr. LORIMER was not a candidate, and it further appears that the primary ballot for United States Senator showed the following vote:

Albert J. Hopkins	168,305
William E. Mason	86,596
GEORGE EDMUND FOSS	121,110
William G. Webster	14,704

The Democratic nominee was Lawrence B. Stringer.

It further appears that the legislature was Republican by a majority of some 50 votes on joint ballot, and the total membership of the house (153) and senate (51) combined was 204 (p. 38).

Mr. Austrian said (p. 78):

We will endeavor to show by evidence from this witness stand that more than enough votes were obtained by corrupt methods and practices, which, if they had not been obtained in that way, would have defeated Senator LORIMER'S election. In other words, the burden is upon us to show that at least six or seven votes, whatever the number may be, were obtained by corrupt methods and practices, from bribery, promises of reward, or otherwise.

And again, when Judge Hanecy was objecting on the ground that "these acts that they are attempting to charge Senator LORIMER with inferentially are acts that he had nothing to do with," Mr. Austrian replied:

We do not contend that he had anything to do with it. If you should prove that I bribed 53 members of the legislature, and was a second cousin to Senator LORIMER, and never talked with him, but gave each member of the legislature $10,000 to vote for Senator LORIMER, and 53 of them did vote for him, that that would not vacate his seat—that is not the law.

So at the outset it was practically conceded that there was no evidence and no purpose to attempt to establish the first condition of illegality, to wit, that the sitting Member himself participated in or had knowledge of bribery or corruption practiced in his behalf.

Equally it was announced that the case of the parties bringing or instigating the charges would rest on the other condition necessary to defeat the election, to wit, that enough members were corrupted by bribery or otherwise to produce the majority necessary to an election by their votes, which, if eliminated, would leave the winning candidate without the required number.

It has been argued here that Mr. LORIMER combined and conspired when the legislature met, and before, to organize the legislature, to elect Shurtleff speaker of the house and Lee O'Neil Browne leader of the Democratic minority. There is no evidence to support this contention. The assumption of any understanding or cooperation between Shurtleff and Browne, by which Browne was to help Shurtleff become speaker, and Shurtleff to help Browne become minority leader, for legitimate or illegitimate purposes, is without justification by the evidence.

It is even a more unwarranted assumption that Mr. LORIMER had anything to do with such supposed combination.

It is a still more violent assumption, wholly without a sustaining circumstance, that this combination was effected with the idea and plan to bring about the election of Mr. LORIMER.

It appears that Mr. LORIMER was at Springfield and before the legislature "active on the matter of deep-waterway legislation" for a considerable time before his candidacy for United States Senator. Browne did not know what he was doing there, except that "he was very active on the matter of deep-waterway legislation" (p. 649).

This was before he became a candidate; therefore he was not there at first as a candidate.

The first Browne knew of Mr. LORIMER possibly becoming a candidate was about three weeks before May 26. He says (p. 592):

> I think probably two weeks or more—it might have been three—before the election of Senator LORIMER, another member of the house, a Republican, a friend of Mr. LORIMER'S, came to me and broached the subject of Mr. LORIMER'S election, and wanted to know what I thought about it; wanted to know how many of my boys, as he put it, or my fellows, would vote for LORIMER. I told him at the time it was a matter I had not considered at all. I told him things had gotten in a condition, owing to the length of the deadlock, that a good many of them were willing to do anything within reason to end the condition. I told him that I could not speak for anyone but myself, and that as for myself, I could not tell him whether I would be for Mr. LORIMER or not because I would have to think it over. * * * I think it was between two and three weeks (p. 593) before the election.

One Shannahan "did suggest something about Mr. LORIMER becoming a candidate," but it made no impression, and there was no discussion. The man first referred to was the speaker, Mr. Shurtleff (p. 594).

Within a week or about two weeks before the election Browne made up his mind what he would do. Later he notified Shurtleff what his conclusions were, and within a week or 10 days or less of the 26th of May he saw Mr. LORIMER and had his first talk with him about his election (p. 595). He had made up his mind "to be with Mr. LORIMER," and had so told Mr. Shurtleff. He then told Mr. LORIMER that, conditionally—that is, that he would not consent to having a single Democratic vote that he had any influence with cast for Mr. LORIMER unless his election was an assured thing (p. 595). This was not an unusual or unreasonable condition. There was nothing in that stipulation either strange or new. It does not at all follow that the effect of it was to increase the market price of votes. It is a mere inference, scarcely well founded, based necessarily on a general suspicion only, that the purpose was to make more valuable the votes which Browne, as chosen leader, might influence. The reason given by him for that condition was not novel or absurd.

So that the evidence is the contrary to the claim that Browne and Shurtleff were furthering the scheme to elect Mr. LORIMER Senator when the legislature was organized.

We first find Mr. LORIMER mentioned in that connection after a protracted deadlock lasting four months or more.

Alschuler first knew of Mr. LORIMER'S pronounced candidacy three days before his election (p. 473). Mr. De Wolf testified to the same effect. There was no hope of electing a Democrat. It was clearly demonstrated the Republican primary choice, Hopkins, could not be elected. Plainly it was a "dark-horse" proposition. Many Democrats were personal friends of Mr. LORIMER. Many of them were in accord with his views on the waterway question and believed he had rendered great service in that cause and could be of still greater usefulness if placed where the opportunities would be found. There is no suggestion that any other man occupied so favorable a position.

The logic of the situation led straight to LORIMER. He was no stranger. He was not a person unheard of save for his money. He was not unknown in public life. He was not without merit and strength. He had been before the people on numerous occasions and he had made a record in Congress. He had a personal, a party, and a nonpartisan following. We may say he was no novice in the game of politics. We may also say he had made a reputation in the field of statesmanship. A politician is a trader, a manipulator of forces—not necessarily corrupt. A statesman may be a good politician. A good politician may never become a statesman.

Why, under the circumstances mentioned, should the fact that Democrats turned to Mr. LORIMER, and Republicans likewise, as their choice when, after many months of an unending deadlock, they found their respective primary nominees could neither be elected, give rise to suspicion of wrongdoing?

Was there anything extraordinary in such a course? Plainly a crisis had been reached when either there would be no election or a compromise candidate must be decided upon. At that stage it can not be argued that by reason of his reputation, his character, his standing, or that because of want of qualifications, or fitness, the choice of Mr. LORIMER was so absurd or unreasonable as to justly give rise to the suspicion that corrupt methods had been pursued or corrupt practices resorted to in his behalf.

Quite otherwise; in the circumstances he was the natural selection, the logical solvent of all the difficulties, and the fact that the minds of those who were looked to for suggestions and guidance turned to him is indicative of good faith and patriotic purpose, uninfluenced by any ulterior motive. Nor is it strange that Shannahan should think of LORIMER about May 5 and that Shurtleff should come to Browne about that time with the inquiry whether the Democrats would vote for Mr. LORIMER or not, and even express the hope that they might consider it and see their way clear to do so. That course of things was entirely natural and reasonable. There is no evidence anywhere that Mr. LORIMER or his friends had been spending money in entertainment or in any way to help along this sentiment. There is no evidence that at any time during the session Mr. LORIMER or his friends exhibited or showed evidence of having money or of employing it in a significant or questionable way. The most that can be said is that some vague rumors to the effect that money was being used or undue influence exerted were in the air, but these were too indefinite and uncertain to be entitled to consideration. Probably no legislature entirely escapes rumors or reports of that kind. The "striker" and the "grafter" will see to it that a suggestion of that kind is started, at least. Mr. Donohue testified that the first thing he "heard at Springfield was that Hopkins was trying to buy some votes" (p. 520).

So that leading up to the 26th of May nothing can be pointed to in the occurrences that would warrant suspicion of improper conduct on the part of Mr. LORIMER or his friends.

The choice of Mr. LORIMER that day in itself had no feature of the remarkable or startling about it. So far as the record shows, it occasioned no surprise; in fact, it shocked no one except possibly the defeated and thereby disappointed. On the first roll call of that day he received 108 votes out of the 202 cast on joint ballot. He was declared elected. The legislature adjourned on June 4, 1909. The governor issued the State's certificate May 27, 1909, and Mr. LORIMER entered upon his duties here June 18, 1909, without a protest or word of objection or suggestion of irregularity from anyone. There were three weeks in which complaint or charges of corruption and protests might have been submitted before Mr. LORIMER presented his credentials and took the oath of a Senator.

After serving here over a year the documents forming the basis of this inquiry were presented, and then for the first time it was claimed, when more than 12 months from the adjournment of the legislature had passed by, that bribery was rampant in the legislature and money was used in a most reckless way in the purchase of votes of members for Mr. LORIMER; that the legislature was reeking with corruption, and it was everywhere discussed; and that the election of United States Senator ought to be declared illegal and void.

The rottenness now pictured it would seem would have smelled to heaven, and no disinfectant could have disguised or deodorized it at that very time. Yet a year passes before the charges are made. We must remember that the legislature had more on its hands than the election of a Senator. There were furniture contracts; probably some public-utilities proposals; maybe some prohibition proposition. The means of supplying the customary jack pot were likely ingeniously -and as usual—devised. There were members of that legislature who were not as white as snow. Quite a few of them had no sprouting wings. I will go so far as to say some of them were no credit to the great State of Illinois. I will go further, and say it is almost inconceivable that some of those men could have been chosen to make laws for their State. No law they could make they were not willing to break. I hesitate to further characterize them, but I may be permitted to adopt the language of a citizen

of the State, actuated by high purpose, when he refers to some of those members, although I do not adopt the application, as those "who stand for dishonesty, who stand for the lowest kind of corrupting politics," and to further employ the words of Mr. Barnes when he appealed to the committee to "help us purge out of the State a lot of rascals who ought to be removed by force." Of course, this was a task beyond the jurisdiction and the power of the committee. The great State of Illinois will be able to clean her own house. But, Mr. President, the question arises, Is every man who had to do with that legislature to be smirched by reason of that situation? Is Mr. LORIMER to be condemned simply because some of this type of legislators voted for him? These men each had a vote. That vote was to be cast and counted for some one. Were none of such votes cast for others than Mr. LORIMER? Because they were capable of corruption must we assume they were corrupted, and in respect to the election of United States Senator? Because there was a general corruption fund, if there was, in which they participated—customarily provided, one of the established institutions of the Illinois Legislature, accumulated in the irregular course of promoting or preventing legislation, usually divided out about three weeks, when all was quiet, after the legislature adjourned—are we to visit that stigma upon every act and every vote of the members of the legislature?

Are we justified in concluding that because Mr. LORIMER was elected by such a legislature he was a beneficiary of this boodle, that these boodlers would not vote without "the necessary;" therefore some one supplied it and the vote for Senator was cast in consideration thereof? I submit that would scarcely be warranted. We must not forget that the presumption in the outset is in favor of the regularity of the election. Prima facie, Senator LORIMER has a valid title to his seat. No act of his has been shown to cause its forfeiture. No conduct on his part contributed to procure it fraudulently or corruptly. He had a right to aspire to the office. He had a legal right to be in Springfield and to listen to and even encourage his friends in legitimate plans and steps which might lead to his election.

His conversation with Shephard, wherein Shephard says he promised that he would do all he could to prevent either Richards or Becker from being appointed postmaster, upon which condition Shephard said he would vote for him (p. 332), could scarcely be construed as a bribe. With all deference to the distinguished Senator from Ohio [Mr. BURTON], I think this occurrence has been exaggerated in circumstance and importance.

It appears both the men are in the same office still. It does not follow but what Mr. LORIMER's actions would have been the same whether Shephard voted for him or not. He may have considered the request perfectly proper and legitimate and he may have been perfectly willing to grant it if he was placed where he would be consulted about it.

It would be going very far to class that promise in the category of bribes. Under the circumstances, a promise of that kind was not unreasonable to exact. Candidates are often required to state their position on public questions in advance of an election and to state their attitude on even local matters. In doing so, they may be properly influenced by conditions and facts, such, for instance, as the statement by Shephard that the men in question had been pursuing and persecuting him for years, one of them a man who had "maligned" him "in his newspaper for nine or 10 years" (p. 318).

This is the only direct act calling for criticism on the part of Mr. LORIMER himself.

It seems to me we could not safely base a condemnation of his election upon that. It would make a very dangerous precedent. Such a promise might be made with no moral delinquency in contemplation of either party. The precise words used and the res gestæ would have to be considered in each instance. It would not be wise to adopt a rule unseating an officer on that showing alone.

The question, then, is, Who and how many, if any, members of the legislature were bribed or were induced to vote for Mr. LORIMER for a corrupt consideration?

When the report of the subcommittee was submitted to the full committee it contained this language:

> Four members of the general assembly which elected Mr. LORIMER testified to receiving money as a consideration for their votes.

I called attention to that clause, and stated I did not so understand the testimony—that while they testified to receiving money, each of them said he voted for Mr. LORIMER without consideration of any kind being paid or promised. I understood the chairman and the committee to agree with that, and the chairman to state he would have the wording corrected. I find that language carried into the report (p. 3) filed December 21, and I think it is a mistake. I do not so understand the testimony and will refer to the record in discussing it later.

How does all this trouble originate? What is the source of all the dirty disclosures appearing in this record?

One Charles A. White was a member of that legislature, and as a grafter, a boodler, and all-round crook he might be termed, in the language of the street, "the limit."

Counsel for the Tribune, and certainly the Senators who have spoken in support of the minority views, have about exhausted the vocabulary in holding White up to ignominy and scorn. I would not attempt to add to their designation. The compensation of the legislators was about $2,000, with an allowance of $50 for stationery. This was more money than most of them could earn at their ordinary occupations for the same time. They ought to have saved quite a little. Besides, they had their mileage. But White was a riotous liver, a spendthrift, a dissipated "sport," and unconscionable scapegrace generally. He borrowed wherever he could, was always in debt, and when the legislature adjourned he had nothing unless there was a final payment due him by the State as a member of the general assembly then made, and matters went from bad to worse. He appealed to Lee O'Neil Browne, whom he supported as minority leader, who felt kindly toward him and desired to aid him, and did make him several loans. White gave his notes and wrote appealing letters to Browne—not at all after the manner of a man who had his hand on Browne's throat. They were begging letters, not demands. Browne endeavored, in response to his pleading, to get a job for him, but he was not satisfied with an ordinary position. He did not want or intend to work. His aim and effort were directed to getting money without work. He conceived the idea of writing up his experiences as a lawmaker. Of course, that would bring no money if it did not contain some inside disclosures of a sensational character. Undoubtedly there is some truth in the story. Not all of it is fabrication. Mr. President, there are three kinds of truth—one is "the truth," another is "the whole truth," and the other is "nothing but the truth." White has not observed that, if he knows it. The narrative was more salable if it pretended to locate corruption in the senatorial election than if it placed that sort of thing somewhere else. White was after money; it was easy money, not easy conscience, with him. He reasoned that Mr. LORIMER himself might submit to blackmail.

If he did not, he had enemies or there were enthusiastic reformers who would want the article and be willing to pay for it if it was "salty" enough. He devised a story—not to tell, but to sell. Note his boasts to his friends. That was a shrewd conception, and he got about all the idea and the effort were worth. He capitalized it at $3,500, and apparently has been well treated and taken care of ever since the story was published last April. It was quite a stroke for White. It touched some sore places, too, and it was the foundation for some proceedings which have clarified the atmosphere to some extent and let in sunlight on the workings of the legislative department of a great State. It may have had some relations to the promptings of consciences whereby half a county in a certain State came forward to confess to the barter and sale of their votes. It may have stirred inquiry into the conduct of the last election in the Danville district. But what had it really to do with the election of Mr. LORIMER to the Senate?

So, then, we find the origin of these charges in the delectable White, who gloats over his accomplishments as a bribe taker, and his penchant for lying and his capacity for indulgence in varied and steeped rascality. This is the fountain source of the story of the foul stream of corruption which flowed through the capitol at Springfield, and which, it is alleged, poisoned the senatorial election. It does not follow that there was no health in anything that was produced there. It would be going too far to claim that the very air was so polluted that it vitiated every act of the legislature and penetrated every individual. Bad and reeking as the slime of corruption is painted, it would not be fair to hold it besmirched everyone who had any relations with that general assembly.

The whole membership was not made up of the material which, after a year of search, has been placed on the griddle as this record shows. No one would punish the most worthless human being on the testimony of White alone. White's praise would be a curse, his assault a credit, to any decent man. Browne never knew him until he was elected to this legislature (p. 39). May 24, 1909, he says he had his first conversation with Browne about voting for Mr. LORIMER (pp. 39, 40). He favored Browne as minority leader, and it was natural they should become well acquainted.

On May 25 he says he asked Browne what he was to receive for voting for LORIMER, and he said:

> You will get $1,000, and it will be ready cash, too (p. 41).

He wanted to know how much he would get "from the other source," and he says Browne replied:

You will get about that much or a little more (pp. 41, 47).

In reference to "the other source," White said:

I was told by certain members that had been there before that there was a split up at the end of the session, and that had been an established custom.

Asked the purpose of this jack pot, he said:

Well, sir, I don't know, except for the strangling or killing of legislation or the passing of legislation. I don't know. That was the understanding, and Mr. Browne did not tell me from what source the money came, and we did not discuss that phase of the question (p. 47).

Asked if the jack pot had an influence upon his voting for Senator LORIMER, or if it was a part of the promise to so vote, White replied:

I had drawn no conclusion to that effect at that time (p. 49).

And he said further he would have voted for Mr. LORIMER for the $1,000 and without the jack-pot division (p. 49).

He says he received from Browne $100 in Springfield about the close of the session, and $900 in the Briggs House in Chicago—$50 June 16 and $850 June 17 (p. 54).

White borrowed $50 from Browne September 8, 1909, and gave his note (p. 118) due in six months.

Again, September 23, 1909, he tried to borrow $100, but got $50, sending his note (pp. 122–123).

These notes for $50 each were paid after the 30th of June, 1910.

White lived at O'Fallon and Browne at Ottawa. White wrote:

Now, I am going to ask you to try and do me a favor, and, if you can, I promise you that the obligation will be met, and that you won't lose a penny. Will you see if you can get me the money on the note I am inclosing to you ($100)? That will make $150 I have borrowed from you since I saw you in Chicago about the last of August (p. 121).

On October 1 White wrote:

I am inclosing you herewith a note for $50 you loaned me. I appreciate the assistance very much. I will pay this note off as soon as possible, also the other note for $50 you hold against me. * * * Have my ring in pawn for several dollars and am financially down and out (p. 122).

These letters are not consistent with the relation of bribe giving and bribe taking between these men. White was not the man to fail to assert and use any advantage he might have, especially when he was in such need of money. If he had been where he could disgrace and ruin Mr. Browne, he would have been making demands, not appeals; he would have specified the amount wanted and made no mention of a promise to repay. He certainly would not have taken the trouble to execute notes to cover the loans.

But White swears he was bribed; swears it strongly and repeatedly. He says Browne paid him $1,000 to vote for Mr. LORIMER, and Wilson paid him $900 as his part of the jack pot. White, Link, Clark, Shephard, and Luke went into Wilson's room on July 15, 1909, at the Southern Hotel in St. Louis (pp. 81, 722). Wilson invited Shephard into the bathroom, and after he came out White was invited in, and says:

He (Wilson) counted nine $100 bills into my hand, and said that was all of it, and he was glad to be relieved of the burden (p. 81). He said Mr. Browne was sick and he had come down for Mr. Browne (p. 81). I remained in Mr. Wilson's room until such time as he was ready to go to the depot.

The remarkable thing here is that White did not see each and every man go into the bathroom and come out wreathed in smiles and with pockets bulging. But he did not. White, wonderful to relate, said:

I was called in after Mr. Shephard; no one else went in there that I saw or know of.

He was there all the while and left the room with Wilson. Shephard swears no money was received by him. So does Clark. Luke is dead.

Wilson swears that he met Beckemeyer, Luke, Shephard, Link, Clark, and White in St. Louis, July 15, and that he expected to meet them (p. 723). Wilson swears he—

went down to see some of the southern members of the Illinois house with regard to a banquet to be given to Lee O'Neil Browne (p. 727).

Tippett had given his followers a banquet in June (p. 727). This may be a "punk proposition for pale people," but it does not follow that the meeting had to do with the senatorial election.

Clark, Link, Shephard, White, Luke, and Beckemeyer were in the room at the Southern Hotel with Wilson (p. 729). Wilson testified as follows (p. 729):

Q. Did you pay Mr. White any money on that day?—A. No, sir.
Q. Did you pay Mr. Beckemeyer any money on that day?—A. No, sir.
Q. Did you pay Mr. Link any money on that day?—A. No, sir.
Q. Did you call Mr. White into the bathroom?—A. No, sir.
Q. Mr. Wilson, did you ever pay White, Link, Beckemeyer, Holstlaw, or any other member of the general assembly any money or anything of value at any time to vote for WILLIAM LORIMER for United States Senator?—A. Absolutely no.
Q. Did you ever pay anybody any money or any other thing of value, at any time, because they or anybody else had voted for WILLIAM LORIMER for United States Senator?—A. No, sir (p. 743).

There is no testimony whatever that Shephard or Clark received any money or participated in any distribution on this occasion. They swore positively they did not. Neither is there any evidence that Luke went there for money, or received any.

Mr. Browne says:

Wilson was not one of my lieutenants; he did not make a trip to St. Louis for me (p. 549).

That he never paid White $1,000 or any sum at any time or place on promise he was to vote for Mr. LORIMER, or because he had voted for Mr. LORIMER, and he makes the same answer with reference to Beckemeyer and Link (p. 649).

He denies the conversation in toto with White the latter sets forth in reference to voting for Mr. LORIMER. He swears "nobody, either before or after Mr. LORIMER's election, placed any money in my hands for campaign purposes" (p. 661). He denied that he was paid or promised any money or thing of value for voting for Mr. LORIMER. Browne went to Chicago, then to Springfield on business, then to St. Louis, where he met Shephard, Link, Beckemeyer, and Luke on June 21, 1909. His explanations of the purpose of that meeting are reasonable, as given on page 605. There were three meeting places for the Democrats—those from southern Illinois at St. Louis, those from central Illinois at Springfield, and those from northern Illinois at Chicago (p. 606). Browne swears he did not pay Beckemeyer or Link any money (p. 608).

A point was made by the Senator from Idaho [Mr. BORAH] that Mr. Browne could not give the conversation he had with the different members he met in St. Louis as recited at page 606, but the following question and answer appear immediately after those quoted and furnish a reasonable explanation, to wit:

Q. Can you tell anything you said to any one of these men or any one of these men said to you at that conference that you had with them in the Southern Hotel at St. Louis on the 21st of June?—A. You ask me if I can detail any specific conversations there, in substance or in words; I say no; if you ask me what we talked about, I can tell you.
Q. Well, tell us.—A. I have; just what I went there to talk about.

He had already given the purpose and nature of the conference.

Although it has been stated here Meyers's testimony as to conversation with Browne on the floor of the house was uncontradicted, except by the page and a member of the house, the fact is Browne swore positively that he did not send for Meyers during the roll call, did not have the conversation Meyers testified to with him, and that Meyers did not come to his desk (pp. 647–648), as he states.

Browne denies that he ever gave White any money at the close of the session, as White says (p. 640), and, in fact, denies every material fact and circumstance tending to show that he participated in any corruption with respect to the senatorial election. His testimony throughout gives the impression of truth and frankness. Under severe cross-examination, at times exasperating to the point of insult, he maintained his composure and gave straightforward, unequivocal answers, without evasion or concealment. White is the only man who swears he was bribed to vote for Mr. LORIMER. He is impeached by a large number of witnesses—about 15. He was hard pressed for money and capable of any performance to get it. It shocks the moral sense to be asked to place any reliance whatever on any statement he might make.

So we pass to the others he names.

WILSON.

It is not claimed that Wilson paid any money to anyone to vote for Mr. LORIMER, or promised any consideration for any such vote. No one has attempted to show that Wilson's vote for Mr. LORIMER was a corrupt vote. He denies positively that he received, for himself or others, any money or other thing of value to promote the election of Mr. LORIMER. If he opened any jack pot and divided the contents—and the weight of the testimony is against such conclusion—they were the spoils pertaining to legislation, and had no connection with the election of a Senator. We would not be justified in concluding, if a general corruption fund or graft accumulation was shown to exist, that some portion of that fund came from Mr. LORIMER or his friends, without some evidence to that effect. Wilson's vote has not been shown to have been purchased; nor is it shown that he purchased other votes.

BRODERICK.

Holstlaw says Broderick paid him $2,500 on the 16th of June. It appears Holstlaw was in trouble about a furniture deal—furniture for the statehouse (p. 565).

Broderick denies that he paid Holstlaw any money. He was a senator—there were no factions in the senate. He "never knew Mr. Browne much." He says:

I do not think I exchanged three words in my whole life with Mr. Browne.

He was asked:

Did you ever pay any money to any member of the legislature for any purpose?

And he replied:

No, sir (p. 568).

He was further asked:

Did you vote for Mr. LORIMER on the day he was elected because he asked you to vote for him on that day?

He answered:

No, sir; I would vote for him anyway, if he had not asked me.
Q. Would you have voted for Mr. LORIMER a week prior to that time had he requested you to do so?—A. I would two months before that, because I knew we had no chance with our man (p. 568).

He further testified he never gave anyone money for voting for Mr. LORIMER; never told Holstlaw there would be $2,500 in it if he voted for LORIMER (p. 548). That he voted for Mr. LORIMER—

Because he has been a friend of mine for many years, * * * not because of anything of value offered me (p. 549). Mr. LORIMER came to me that morning, May 26, and told me he was going to be elected, and asked me to vote for him (p. 560).

The following appears (p. 561):

Q. Now, Mr. Broderick, did you know of any financial transactions with reference to the election of United States Senator?—A. No, sir.
Q. Never heard of any?—A. No, sir.
Q. At no time?—A. No, sir.
Q. Or place?—A. No, sir.

Holstlaw himself testified he had made up his mind to vote for Mr. LORIMER weeks before the election, and that the $2,500 and $700 he claims to have received from Broderick were not paid him to induce him to so vote or as the price of his vote. He was indicted for perjury in connection with the furniture deal mentioned, and he got relieved of that indictment by telling the story of the $2,500.

The distinguished Senators from Idaho [Mr. BORAH] and New York [Mr. ROOT] made a point that Broderick refused to answer certain questions on the ground that his answer might incriminate him.

It will be remembered that Broderick is under indictment. His counsel advised him, and he acted on that advice with reference to his examination before the committee, and it is not sufficient to discredit him that, on the advice of counsel, he did not feel that he should disclose his defense and his witnesses which he expects to use in his own case (p. 551).

He told the committee:

Mr. Chairman and gentlemen of the committee, there won't be any difficulty in getting me to answer every question that is put to me until he puts one to me that might interfere with my defense when my trial comes off (p. 554).

The argument has proceeded as if Broderick had refused to answer any questions of consequence. An examination of the record will show he answered directly every question put to him as to conversation with Holstlaw and the payment of money and other material facts.

It is astonishing that the point should be made and the discussion proceed just as if Broderick had refused to testify at all. Turning to the record of this case it will be found that he did testify:

At time Holstlaw was in my saloon must have been 10 or 12 at bar and maybe 20 or 30 farther back; I stood at side of the bar.
Did not hear of any jack pot any more than I might read in newspapers; do not know of any fund contributed or paid to members.
Did not, so far as I know, ask any member to vote for LORIMER; talked I was going to vote for LORIMER if opportunity presented.
Do not think I ever discussed election of Senator with Holstlaw any further than I might say "It looks like LORIMER could be elected."
Had been asked to vote for LORIMER by good many men.
Have been elected to the general assembly twice.
Holstlaw and I did not go into my front office; he remained mostly at lower end of bar; refuse to answer who else were present; my barkeeper was present; possibly 10 or 15 people there.
Holstlaw had been waiting for me when I came to my place of business.
Holstlaw remained in my place presume half or three-quarters of hour; did not go out with him when he left.
Holstlaw was indicted in Sangamon County on the furniture deal; no connection with election of Senator.
Holstlaw's object in putting that story on me was he got indicted in Sangamon County, etc.
Never got anything of value because I had voted for LORIMER.
Never had any business dealing with Holstlaw; never paid any money to any member of legislature.
Never had any financial transaction with Holstlaw.
Never heard of any financial transactions with reference to election of Senator.
Never knew Holstlaw in my place of business but once; think it was about month of June, in forenoon.
Never on any occasion gave Holstlaw $2,500 or any money; did not give him $700; never gave anyone money for voting for LORIMER.
Never said to Holstlaw there would be $2,500 in it for him if he voted for LORIMER.
Voted for LORIMER for Senator because he has been a friend of mine for many years, etc.; not because of anything of value offered to me.

It will be found that Broderick's examination was quite complete.

Should the fact, if it be true, that Holstlaw got $2,500 and $700 from Broderick be ascribed to corrupt practice in connection with the senatorial election, when there is positive testimony it had nothing to do with that election, and there is other testimony regarding deals and contracts with which Holstlaw was connected in a corrupt way?

HOLSTLAW.

If Holstlaw intended to vote for Mr. LORIMER anyhow and would have done so, and he so states, the subsequent payment of money to him by Broderick, without any previous promise or understanding, would be most reasonably ascribed to some other transaction not connected with the election of Senator, they both being in favor of Mr. LORIMER, without any reward or the hope thereof. The evidence does not show that either Broderick or Holstlaw voted for Mr. LORIMER in consideration of money or other thing of value. Again, Holstlaw secured a dismissal of the indictment against him by signing a statement and swearing to it, that $2,500 and $700 were paid him by Broderick, who said, according to Holstlaw, after he announced he would vote for Mr. LORIMER that there was $2,500 in it for him. This was the price of the dismissal of the indictment. It follows that neither of those votes should be necessarily rejected as illegal.

Senator PAYNTER asked:

Did you understand from either District Attorney Burke, or any officer of the court there, the judge, or this firm of lawyers that this indictment was to be dismissed against you if you signed this paper?—A. Yes.

The paper referred to was a statement reciting the furniture transaction and also the conversation and transaction with Broderick to which he now testifies.

Q. And that was the agreement between you?—A. Yes, sir. * * *
Q. You were anxious to get rid of the indictment against you?—A. Yes, sir.
Q. You were really more interested in that, weren't you, than you were interested in signing the statement which tells the truth, as you say?—A. I was very much interested in that.

Holstlaw is claimed to be corroborated as to receipt of $2,500 from Broderick by the bank-deposit slip which he filled out and in which, as it appears, he incorrectly spelled his own name, as pointed out by the Senator from South Dakota [Mr. GAMBLE]. He did not even remember the name of the bank in which he had made the alleged deposit. He is not corroborated, however, in any single statement or inference that this money came from Mr. LORIMER or anyone for him. His own statement that as a member of the committee contracting for furniture he was promised $1,500 shows he had other things on hand whereby he had arranged for perquisites in addition to his salary. His predicament can not be traced to the senatorial contest. Besides, it overstrains credulity to be asked to believe Holstlaw's story. No reason appears why Broderick should voluntarily make him a present of $3,200.

We are unable to share in the great sympathy expressed for this legislator by the Senator from Idaho [Mr. BORAH], when we read his own statement that he sold his vote and influence to a furniture company for $1,500, he being a member of a committee charged with the purchase of some furniture for the State.

That surely had no relation to any corrupt practices in the senatorial election. The downfall and disgrace of Holstlaw he brought on himself in the rascally furniture transaction (pp. 348–349). The "immunity bath" washed that sin away.

CLARK.

There is no testimony which tends to show this was a corrupt vote for Mr. LORIMER, except only that Clark was in St. Louis July 15, where White, Wilson, and others were. No one attempts to show he participated in any corrupt fund, jack pot or other kind, and he testified that he was not promised and did not receive any money or thing of value for voting for Mr. LORIMER (pp. 364–365). He never even talked with Browne or any member of the legislature with reference to his vote (p. 352). No one ever asked him to vote for Mr. LORIMER (p. 351). And yet it is seriously argued that every one of the 30 votes which came from the Browne faction were corrupt.

He said St. Louis was one of the most convenient places for southern and south central people to meet (p. 359).

Mr. Clark is a police magistrate and in the lumber business at Vandalia.

He says Wilson gave as the reason for the meeting in St. Louis that he wanted to talk over the banquet to Browne (pp. 367–368), and that was talked about there. Although indicted

in Sangamon County, charged with some illegal transaction concerning furniture, the pressure has not been harsh or strong enough to compel any "confession" from this Browne-Shurtleff-Lorimer Democrat.

Mr. Clark says he voted for Mr. LORIMER in order to break the deadlock. He had voted consistently for Stringer. He "would have voted for Shurtleff as quick" (p. 359) as for LORIMER.

We must indulge in very violent presumption to find a reason for declaring this vote corrupt and illegal.

I do not think we would be justified in doing so.

LUKE.

The statement was made here that Luke's wife testified he had $950 in cash when he returned from St. Louis.

The record shows quite a different state of facts. Mrs. Luke testified that after her husband returned from St. Louis he did not show her any amount of money. She said:

Before he went to St. Louis I saw $950 in his possession (p. 495).

There is no suspicious circumstance in his having $950 in his possession when he returned from the session of the legislature, where the members received a salary of $2,000 and $50 allowance for stationery, and mileage besides.

Luke died February 21, 1910.

The fact only he met certain members of the legislature in St. Louis in June who had all voted for Mr. LORIMER, including Shephard and Clark, who received no money there, would not be sufficient to justify a denunciation of his vote as corrupt and illegal. The presumption of regularity would not be overcome and corruption established by that fact.

BECKEMEYER.

Beckemeyer testified Browne paid him $1,000 on June 21, 1909, in St. Louis with the statement that it was "Lorimer money" (p. 256).

Browne denies it. He said Wilson handed him $900 in his room at the Southern Hotel, in St. Louis, July 15, 1909 (p. 228).

Wilson denies it.

He swore that Browne asked him if he could vote for a Republican several days before Senator LORIMER was elected, and he replied:

Well, I might if I knew who the Republican was. * * * The fact of the matter is, we discussed voting for most anybody to beat Hopkins for quite a while before there was any election, and there were quite a number of us expressed a willingness to vote for Shurtleff quite a number of times; and I think, if I am not mistaken, some of the boys did vote for him (p. 232).

Mr. LORIMER was first discussed a week or 10 days before the election (p. 233), he says.

He further swore he did not vote for Mr. LORIMER because of any promise, agreement, or understanding, directly or indirectly, from anybody or from any source, that he would receive anything of value for voting for him or after he had voted for him; that he was—

willing to vote for Senator LORIMER for United States Senator without regard to any money or compensation or other thing of value being given to him by anyone (p. 235).

He wrote the following letter to the managing editor, Chicago Daily News:

CARLYLE, ILL., *May 2, 1910.*

No one ever talked to me about money for voting for LORIMER. I did it of my own free will and accord. I knew nothing of a jack pot that was distributed, nor did I ever hear of it. I am willing to testify any place on this matter.

After the publication of the White story, Beckemeyer was summoned before the grand jury some three times, was placed in the custody of an officer, and threatened with indictment. He was in custody of an officer from the first week in May until June 30 (p. 260). He escaped indictment upon making the statement that Browne and Wilson had paid him the particular sums.

Beckemeyer admits he has made more than a half dozen contradictory statements about whether he received anything or not; some of them under oath. Which one can we believe? If he voted for Mr. LORIMER conscientiously, without inducement or the promise of compensation, as he says he did, in all his statements, shall we discard his vote because, under severe pressure, he swears differently from what he did at first, to the effect that he was paid money after the legislature adjourned by Browne and by Wilson, which they both swear is not true. Why should credence be given him as to a part of his testimony—that which is damaging—the testimony of a shameless perjurer and bribe taker—as he makes himself out—in preference to the testimony of Browne and Wilson? Are we after the whole truth or only that which will invalidate votes for Mr. LORIMER? This man would have us believe that he neither received nor expected compensation for his vote and yet, after the election, Browne and Wilson, when there was no obligation or understanding to that effect, made him a payment of $1,000 and $900, respectively. The story as a whole is unbelievable and we can have no excuse for picking out any portion of it, and finding that part to be true, when it is contradicted by himself and by others. We must be convinced he is capable of fabricating the whole or any part of his story, and he has made such a mess of the whole, we can not justly conclude, in effect, that he was bribed to vote for Mr. LORIMER, or was paid money because he did.

LINK.

With respect to voting for Mr. LORIMER, Link said some 10 days before the election, he saw Mr. LORIMER, and said, "How do you do," and so forth, and "I personally promised him my vote." Some three or four days before the election Browne asked him would he vote for a Republican for the United States Senate, and he replied that it was according to what Republican he had in view, and Browne replied:

How would Mr. LORIMER suit you, Mike (p. 278)?

He replied that he had "promised Mr. LORIMER a week or 10 days ago personally."

Further, he swears:

I did not sell my vote; I personally promised it to Mr. LORIMER (p. 287).

He says he met Browne at the Southern Hotel, in St. Louis, in June, after the legislature adjourned; went to Browne's room, and Browne said, "Here is a package for you," and handed him $1,000. He did not ask Browne what it was for, but thought it was campaign money (p. 281).

That at this hotel in July he met Wilson, Shephard, Clark, Luke, and White (p. 283).

Beckemeyer was not there—at least, he did not see him (p. 283). He did not go, nor see anyone else go, into the bathroom. Wilson handed him a package and said, "Here is some money," or "Here is a package," and it contained $900. He considered it as campaign money (p. 284).

Link did not ascertain or have any knowledge that anyone else was paid any money (p. 286).

In May, 1910, Link was summoned before the grand jury of Cook County, was put in charge of an officer, and was continuously in charge of some officer until he was permitted to go home, about a week, from Tuesday to Saturday (p. 292). The next week he got a subpœna to appear before the grand jury at Springfield, and went there, and a detective went home with him and stayed with him for four days, and until he insisted he should be called off (pp. 292-293). Link lives 15 miles from St. Louis (p. 293). He was indicted for perjury by the grand jury of Cook County because he had testified that he had not met Wilson in St. Louis (p. 294). The State's attorney kept flaunting the indictment in his face and—

Told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man (p. 295).

What happened to Link is quite fully set out in the report.

He says from time to time for years members of the legislature have been meeting in St. Louis.

He was subpœnaed to appear before the grand jury of Cook County about May 5, 1910.

The State's attorney asked him if he had been paid anything for voting for Senator LORIMER. To him and to the grand jury, he says—

I denied receiving any money for voting for Senator LORIMER.

He was placed in the custody of an officer when he left the grand-jury room and the officer remained with him from Wednesday until Saturday, when he was allowed to go home. On arriving at home he got a subpœna to go to Springfield before a grand jury there. He went to Springfield the following Monday. That evening he returned home and an officer went with him and remained with him at his home four days, claiming it was for his protection, but Link told the officer he needed no protection, that he could protect himself. He went to Chicago with the detective and remained until about June 1. The first trial of Browne commenced about June 7. Link was indicted for perjury. The State's attorney, assistants, and detectives talked with him, flaunted the indictment in his face, spoke of his disgrace, the loss of his home and wife, the penitentiary, and other dire consequences; they advised him to say Browne had paid him $1,000, and finally the State's attorney told him if he would go before the grand jury and tell what he wanted him to he "could go home a free man and not a perjurer in any manner, shape, or form."

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to?"—A. That in substance.

Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received $1,000 from Browne, and that I had received $900 through Robert Wilson. * * *

Q. Did you tell the grand jury that you had received that money, or any part of it, for voting for Senator LORIMER for United States Senator?—A. Positively not.

Q. Just before you went before the grand jury that last time, did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to, you would keep out of trouble and keep him from disgracing your family?—A. Yes, sir.

The indictment for perjury was dismissed. Link went home a free man and with no charge against him. Beckemeyer was taken to Indiana by an officer and remained a week in order to keep from testifying before the Springfield grand jury (pp. 258–259). In the criminal court building, a week before the Browne trial, Beckemeyer said to Link:

Our testimony will be alike, word for word.

And Link replied:

No, Beck, I have the best of you; I promised to vote for LORIMER a week or 10 days before Browne spoke to me about it.

He further said:

Beck, I don't believe that LORIMER ever put up a dollar for his election or that anybody else ever put up a dollar for him.

To which Beckemeyer replied (p. 300):

I don't believe he did, either. (Rept., p. 12.)

Link further testified that he never received any money or thing of value at any time from any person because he had voted for Mr. LORIMER, and that he voted for him solely because he liked him and because of his attitude toward the waterway scheme.

Link told the grand jury he did not meet Wilson in St. Louis at first. This was a fact easily proven. He was indicted for perjury. To get that indictment dismissed, he not only had to correct that statement, but he had to go further and say Browne paid him $1,000 and Wilson paid him $900.

Nowhere has Link ever connected Mr. LORIMER's name or his election with the alleged transactions with Browne and Wilson. He positively asserts they had no connection with the senatorial election or with his vote for Senator.

Taking his statement as true regarding the receipt of money, which both Browne and Wilson deny, on the whole it does not show his vote for Mr. LORIMER was given for any consideration, or the promise or hope thereof, but the contrary. In that case shall it be rejected? If there was a jack pot or other corruption fund utilized and participated in, unless it appears in some way connected with Mr. LORIMER's candidacy or election, it would scarcely be fair or proper, by mere inference or on suspicion, to visit the sin of that debauchery and corruption upon him.

The methods pursued in extorting what was wanted from Beckemeyer and Link by the authorities can not be approved. They were high handed, tyrannical, and contrary to the spirit of our institutions. They smack of a time when liberty and freedom and due process of law were unknown. If they resulted in bringing to light the covered truth, teaching a salutary lesson to betrayers of public trust, and bringing to the bar of justice bribe takers and bribe givers that deserved punishment should be administered unto them, and in laying before the public a vile condition in the public service, calling for the people's indignation and wrath, we might to a large extent overlook the means resorted to. But have these men done more than "befoul their own nest," bring reproach upon the legislature of a great State, and outrageously lie about each other?

It would appear this scandal suffered a severe attack of infantile paralysis; but when it was considered worth while to risk $3,500 on it new interest was aroused, and under diligent nursing it became quite robust. Great possibilities of an expert and efficient physician in such a case can be found in a willing State's attorney, well equipped with special officers, detectives, and contingent funds, able to grind out indictments at will and quash them at pleasure, and grant immunity to witnesses; and under his arbitrary and skillful treatment almost any scandal, however feeble and disowned, can be sufficiently vitalized and strengthened to be released from its incubator.

Browne was hurried to trial. These witnesses testified. There was a mistrial. He was again placed on trial before a jury in Cook County—not where he lived—and was acquitted. He, Broderick, Wilson, and about all the members who were candidates for reelection mentioned in this scandalous story of White have been reelected by their constituents, some of them with larger majorities than they ever received before.

It would appear there has been an utter failure to convince the courts or the people that there was truth in these charges. The subcommittee, which had these witnesses before them and could judge of their credibility and weigh their testimony, decided, six to one, that there was no reliance to be placed in White or most of those who undertook to corroborate him.

There is still another witness who had a similar experience to Holstlaw, Beckemeyer, and Link, and his vote is said to be tainted.

SHEPHARD.

Mr. Shephard said (pp. 318–319):

I relied on Mr. LORIMER's promise to do all in his power to prevent Richards or Becker being appointed postmaster; that was absolutely the only cause for my voting for LORIMER.

He told Browne what he would require as to the postmastership, and Browne said, "Oh, that can't enter into it" (p. 317). He gave the conversation with Mr. LORIMER in full (pp. 318–322). He met Browne in St. Louis at the Southern Hotel in June. He also met Wilson there in July. Wilson took him into the bathroom and asked him a question about a lady (pp. 329–330). He swears he—

Did not get any money for voting for Mr. LORIMER or anyone else; never was offered any money, and never heard of any money going to be paid in the Lorimer election and he never expected any money (p. 329).

He did not see Wilson give any of the individuals who were in his room in the Southern Hotel any money or package (p. 322). It was a common practice for people of southern and central Illinois to meet in St. Louis (p. 332).

He was subpœnaed before the grand jury of Cook County. He testified there on Wednesday, and was placed in charge of an officer and so continued until Friday night. He was called back to Chicago Wednesday morning and was examined again. He was required to stand while being questioned, and he is in poor health consequent on a spell of malarial and typhoid fever followed by pneumonia.

As an example of what he, Beckemeyer, Link, and Holstlaw were put through let him tell (pp. 323, 324, 325, 326, 327). This testimony has been quite fully quoted by the Senator from Kentucky [Mr. PAYNTER] in his able address, and I will not repeat it. He was placed in charge of an officer, threatened, persuaded, humiliated, ill treated shamefully. It required considerable courage, patience, and resoluteness on the part of Shephard to persist in the truth, that neither Wilson nor Browne had paid him anything.

CONFESSIONS.

What has been said indicates the circumstances under which the alleged confessions were wrung from the men who said they received money after the election, but not promised or agreed upon before. Holstlaw was indicted for perjury May 28, 1910. After he signed that statement and "confessed" that money had been paid him the indictment was quashed (p. 215). He said he did not know if anyone was being paid to vote for Mr. LORIMER (p. 208). Broderick first approached him this way—

We are going to elect Mr. LORIMER to-morrow, aren't we?

And he said:

I think so, and I am going to vote for him (p. 208).

Mr. LORIMER had not been a candidate or voted for before (p. 209). In spite of this and the improbability of his story, coercion and the temptation offered in relief from prosecution in another matter, we are told Holstlaw's vote must be rejected.

White, thoroughly discredited, "confessed;" and behind that was the miserable wretch, out of money, desperate, and with no prospects; ahead of it was $3,500. Holstlaw, Link, and Beckemeyer "confessed," and behind each was an indictment for perjury as to the first two, and threat of indictment as to the last, the grilling by the prosecuting officers, the threats of loss of home, disgrace, incarceration, and the hounding of detectives, and expenses of defense; before was the quashing of the indictments, expunging of the record, and personal freedom.

The mass of contradictions, false swearing, mixed with intimidation, leaves us in a fog as to what to believe. The yearning for personal liberty and the fears of the power of the prosecution were no small forces impelling a course which would secure the one and avoid the other. It was not the weight of the leaden heel of remorse but the fear of having their liberty interfered with that prompted the alleged confessions.

Conscience was likely to be silenced under such circumstances. Considering the positive denials of Browne, Wilson, and Broderick, as to the payment of any money, the nature of these alleged confessions, and the res gestae, the presumption of regularity to be overcome by competent, trustworthy evidence, I am unable to conclude that in the election of Senator LORIMER there were used or employed corrupt methods or practices as charged, but I find that under the evidence submitted the charges should be dismissed.

If the Senate will hold that the action of any legislature, among the members of which, during its session when a Senator of the United States is to be elected, a jack pot is established, meaning the accumulation of a fund derived from graft in respect to legislation, to be divided up after the adjournment

among the boodlers, or where corrupt deals are made in the purchase of State supplies, shall be void as applied to the election of a Senator by joint ballot of members of the two houses of such legislature, and a conclusive presumption of corruption shall arise and extend to and cover such election, I will not dissent from such a rule. But that is not the present law or precedent. If the Senate shall hold that whatever the majority may be if one act of bribery is shown to change one vote, although not participated in by the candidate elected, that shall invalidate the election, I will go that length. But that is not in accordance with existing law and precedent. And I would not agree to that rule, except upon condition that the one bribe shall be conclusively established by indisputable evidence. No one can place White in the category of reputable, unimpeached witnesses, and this case would have to be decided in favor of the sitting Senator, even under that rule. Mr. President, I am not one of those who would feel at liberty to throw aside precedent and disregard decisions heretofore made in such cases. They should count for something.

I will not take time to review the testimony further, except that I would call attention to that of one or two, briefly, and particularly to that of Mr. Shurtleff, who is charged with being a leader in the Lorimer conspiracy. He was the Republican speaker—elected by 24 or 25 Republican votes, and all the Democratic votes but two. He is an attorney, evidently in good standing, was speaker of the house in the session of 1905, again in 1907, elected by Republicans, and the third time in 1909. He testified as follows (p. 696):

Q. Did anybody ever give you any money, or other thing of value, at any time or place, to aid in any way in the election of WILLIAM LORIMER as United States Senator?—A. They never did; no, sir.
Q. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, or any member of the joint session, to vote for WILLIAM LORIMER for United States Senator?—A. I never did.
Judge HANECY. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, any member of the joint session, to vote for WILLIAM LORIMER for United States Senator?—A. I never did.
Q. Did you ever give any money, or other thing of value, to anybody, any member of the joint session, or anybody else, because any member of the joint session had voted for WILLIAM LORIMER for United States Senator?—A. I never did.
Q. Did you ever make any promises on behalf of Senator LORIMER, or on behalf of yourself, or patronage or any other favors or considerations to induce any member of the joint session to vote for WILLIAM LORIMER for United States Senator?—A. I have no recollection of anything of that sort.
Q. Well, you would know it if there was anything of that kind?—A. I never made any promise of any kind to anybody or anything.
Q. Did you authorize anybody to make promises for you or for WILLIAM LORIMER that they would be paid or would receive any money or other thing of value if they did vote for WILLIAM LORIMER, or because they had voted for WILLIAM LORIMER for United States Senator?—A. I never did; no, sir.

The first joint ballot was cast January 20 (p. 708), the last May 26, 1909.

During all this time, as an opponent of Hopkins and a friend of LORIMER, as charged, is it possible that he would not know what was going on, and if any questionable methods were being employed would he not have known of them? Can you say we may disregard his testimony?

I do not feel at liberty to do so. And, Mr. President, I stop to say now that it seems to me we are to consider this case on the testimony as contained within the covers of this document, Report No. 942, and that we are not at liberty to go outside this record for our facts.

I can not believe the story as related by White; nor the tale of Holstlaw; nor the account as given by Beckemeyer; nor the statement of Link. Each one of these narratives, taken in connection with the circumstances of its shaping, the unscrupulous or worse than weak character of its author, carries within itself unmistakable marks and brands of falsity. In this conclusion I join company with the jurors, apparently, and a large number of the electors of Illinois, but if I stand alone I can not escape it, and having reached it I do not hesitate to declare it.

To illustrate, somewhat at the expense of repetition—who believes that Broderick made Holstlaw a voluntary gift of $3,200? If you do not believe that, how can you escape serious doubt as to his other statements? The purpose for which the money was paid him was certainly most material. Who believes that Link received $1,000 from Browne and $900 from Wilson as contributions to his campaign expenses?

If you do not believe that statement, must you not have grave doubt as to whether he was paid those sums at all?

Similar questions arise as to Beckemeyer's testimony.

White is so thoroughly impeached it would be a waste of time to show that he has "sworn deceitfully" and his utter unreliability.

Holstlaw positively swears that Broderick paid him $3,200 when he was under no obligations in the world to do it, and he neither exacted nor expected it. That was a voluntary gift. If Broderick had LORIMER's money, under those circumstances he would have shoved it farther down in his pocket. If it was his own money, there was no reason why he should make a present of it to Holstlaw.

Who believes it, I ask? And that is the testimony of another of the witnesses relied on here, one of the chief witnesses—Link—that the money which he says was paid him, $1,000 at one time and $900 at another time, was turned over to him for campaign expenses. And if you can not believe these stories as they are related, what dependence can you put in the testimony of these witnesses who are produced here to sustain these charges?

ALSCHULER.

Another important, responsible, unimpeachable witness testifies to facts which refute the suggestion that all the friends of Browne were, through him, probably corrupted. The testimony squarely contradicts the inference that Mr. LORIMER or his friends were using money to promote his election. We are no more warranted in holding that all the 30 supporters of Browne were corrupted than we would be that all of the 53 Democrats who voted for Mr. LORIMER were bought. And we could only hold that on the assumption that no Democrat could find it in his conscience to vote for a Republican until that conscience was "seared as with a hot iron."

What business have you to assume that because Browne was the leader of the minority of 30, that all 30 of them were corrupt because they were Democrats and voted for a Republican? Why do you not condemn the whole 53 who voted for LORIMER?

Mr. George W. Alschuler (p. 470), in the real-estate business at Aurora for 25 years, a brother of the Democratic candidate for governor in 1900, was a supporter of Browne, voted for Mr. LORIMER, and says that George W. Meyers never went to Browne during the balloting, as Meyers said (p. 471). He says, further, he talked with Democrats about voting for LORIMER, when he saw the Democrats had no opportunity to win, and that all along he had been doing all he could to defeat Hopkins. Surely it was not remarkable that Hopkins had Democratic opposition. Mr. Alschuler says for several days before the election of Mr. LORIMER—

I endeavored to get as many of my Democratic friends as I could to vote for Mr. LORIMER; yes, sir; I did that.

There is no pretense that Alschuler was bribed or paid any money except this broad, sweeping charge that all the men on the Democratic side who voted for LORIMER were bought, at least all of the 30 Browne followers. He was asked the question:

Q. Did you succeed, or not?—A. Yes, sir; I think I did.

Asked when Mr. LORIMER became a candidate, he said:

I would say an avowed candidate about three days before the vote (p. 473).
Q. Was there any money down at Springfield for the election of United States Senator?—A. Not that I know of.
Q. Do you say there was?—A. I will say there was not.
Q. And you don't believe there was?—A. I don't believe there was; no.

Mr. De Wolf, a Browne Democrat, called by the complainants, says he voted for Mr. LORIMER and there was no attempt to bribe him; that Mr. LORIMER told him about three days before the election he was thinking of running, and inquired if he would vote for a Republican. He felt the deadlock ought to end; said he could and that he would vote for Mr. LORIMER if he became a candidate.

An entirely reasonable state of mind for any member of that joint asssembly to be in. He said he could and he would vote for Mr. LORIMER if he became a candidate. That was the whole of his offense.

Broderick was indicted in Sangamon County and charged with bribing Holstlaw. His trial is pending (p. 556).

There is no evidence that he received any money, except only the testimony of Holstlaw that he did the absurd thing of paying him $2,500 and $700 when he had assured him he would vote for LORIMER, and did vote for LORIMER without exacting or expecting any reward.

Holstlaw was indicted in Sangamon County, charged with perjury in connection with a furniture deal. This had no connection with the election of Senator (pp. 565–567).

It had reference to contract for some furniture for the statehouse, desks and chairs.

The indictment was quashed (p. 221) after he signed the paper setting forth in effect what he now testifies to.

Broderick denied the conversation alleged with him and the payment of any money whatever. There was no occasion to pay him any money for his vote.

Link was indicted in Cook County, charged with perjury.

The indictment was dismissed when he testified he received money from Browne and Wilson.

Beckemeyer was in charge of an officer, threatened with indictment for two months, and until he said he received the same amount of money at the same time as White and Link alleged, from Browne and Wilson, and then he was given his freedom.

Shephard and Clark could not be coerced. There was no lack of effort to have them join Link and Beckemeyer and White.

Browne, Wilson, Shephard, and Clark flatly contradict the stories of this graceless trio—White, Beckemeyer, and Link.

The conversation between Beckemeyer and Link in the witness room, when both were in charge of detectives, wherein Beckemeyer stated their stories must agree with respect to receiving money from Browne and Wilson, taken in connection with the extraordinary inquisitorial methods, threats, and force exercised by the State's attorney, strongly suggests a conspiracy finally hit upon to substantiate White's story and destroy Mr. LORIMER. Remember that Beckemeyer is on hand in the witness room when Shephard is brought in and undertakes to suggest to Shephard the story about Browne and Wilson. Shephard indignantly denied any knowledge of the payment of money. Was Beckemeyer being used by the State's attorney to get a confession from Shephard?

A strange thing that this man Beckemeyer, accompanied by an officer for two months and a part of the time taken out of the State and into Indiana, should be on hand in the witness room, right in front of the grand jury, with detectives and officers and assistant prosecuting attorneys; and as they sent out constables and what not to bring in Shephard and Link, Beckemeyer is there to suggest to them that their stories must agree and that they got money from Browne and Wilson at St. Louis.

Add the testimony of Speaker Shurtleff and that of Mr. Alschuler to that of Browne, Shephard, Clark, and Wilson, and Broderick, it seems to me to outweigh that of White, Holstlaw, Beckemeyer, and Link, two of whom were indicted for perjury and got the indictments dismissed by telling what was wanted of them, one of whom was threatened with indictment, was in custody for two months, and procured his liberty by joining in the same or similar story, and the other shaped up the whole narrative and obtained $3,500 for it, and all of whom, out of their own mouths, brand themselves as "boodlers," "grafters," and purveyors of falsehood, and do not halt at false swearing.

If we admit a lamentable condition obtained, I can not feel justified, on such testimony, in holding that deplorable state of things extended to and involved the senatorial election and that corrupt practices were indulged in in respect to that election.

If it be argued that when it was shown that Holstlaw had money, that White had money, and Luke had money, that it was somebody's money and the burden shifted to Mr. LORIMER to show by his testimony or otherwise that it was not his money, I submit that the testimony of Messrs. Alschuler, Shurtleff, De Wolf, Clark, and Shephard—all clean, all friends of Browne, all voting for Mr. LORIMER, saying nothing of the testimony of Browne, Broderick, and Wilson—would fully meet that burden.

Even Link, Beckemeyer, and Holstlaw swear they had determined to vote for Mr. LORIMER before any money was promised or paid them, and Link swears it was not "Lorimer money" that was paid him.

The investigation has not been in vain. It has called public attention to the great need of a general awakening which will make for an elevation of the tone and standards of official conduct. It may cause the individual citizen to take more interest in his Government and hold to stricter account those who are selected as representatives.

But we need not be taken off our feet by exciting predictions of dangers to the Republic. The State of Illinois will go forward in line with her glorious past, no matter what decision is reached in this case. The Senate is anchored here and in no peril. The Government founded by our fathers for the protection of life and property and for the pursuit of happiness will continue on its even way, undisturbed by what is done in this matter.

White, Beckemeyer, Holstlaw, and Link are not dangerous people. They are simply weak, with no moral or physical courage and no scruples. Illinois will take care of them and of her local conditions.

In this instance the legislature, according to law, elected the Senator; the proceedings were regular, and the record was duly made up. By the governor, under the great seal of the State, such election was certified to this body. Twenty-two days elapsed. No suggestion of wrongdoing was made; no intimation that anything had occurred which ought to be considered in connection with such election; no protest or complaint was filed here. The credentials furnished by the State were then presented to this body, accepted, and the Senator qualified.

Twelve months, lacking 12 days, passed by before the charge was made here that corrupt practices were indulged in when that election took place. Promptly this inquiry was ordered. It is proper to exercise the power necessary to preserve the integrity of the Senate. At the same time United States Senators are not elected here. This is not a self-electing body. The action of a sovereign State in respect to the election of a Senator is not to be set aside, nullified, declared void without deliberate, careful consideration and the establishment of sound and substantial grounds and reasons. Some excuse can always be found for the assumption of power. Generally some precedent can be uncovered for every usurpation. Care must be taken that a partisan majority in this body shall not find it in its power, right or wrong, and also be able to show the authority of precedent, to maintain that majority. It is very easy to charge that money was used in an election. It may be very easy to make use of such a charge to accomplish ulterior ends. Clear, unimpeachable evidence should be exacted to overcome the deference and respect due the returns from the State.

We have no right, just on general principles, because a charge of corruption has been made in connection with an election for Senator and attempted to be sustained in the way and by the character of witnesses here produced, raising in the minds of the public a suspicion, even an opinion, rising to clamor, to do an injustice or work, by our votes, a wrong.

In saying this and in arriving at the conclusions I do in this case I wish it understood that I fully realize the danger attendant on that situation, and I would bar with all my might the coming of the time, when money is made the controlling power, when money is the ruling desire, when money is the universal passion, and the prizes of the State are for sale. I realize that between the poorest wretch who sold his vote in the comitia to the Senator who bought it there was but small choice, and the result of that demoralization was that Sylla was soon lighting his watch fires in the forum! I am not unmindful of the teachings of history, that when the 300 senators of Rome established their oligarchy by bribes, and the spirit of the people was crushed, barbarian kings had no trouble in bribing the senate, and then the days of Roman dominion were numbered, a wild scramble for plunder set in, followed by the ruin of the country. No one will go further, in reason, to make impossible the day when such history might repeat itself. This case does not properly awaken any such apprehension.

Mr. CULLOM. Mr. President, I had expected to say something this evening, but as it is late, I will ask the Senate to give me its attention for a few minutes to-morrow.

OMNIBUS CLAIMS BILL.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, the original having been lost; and there being no objection, the request was ordered to be complied with.

WATER RIGHTS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 6842) to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes, which were, in line 4, after "notice," to insert "heretofore;" in line 7, after "applications," to insert "heretofore;" and in line 8, to strike out "such withdrawal" and insert "the passage of this act."

Mr. CURTIS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INSPECTION OF LOCOMOTIVE BOILERS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, which was, on page 10, after line 11, to insert:

SEC. 10. That the total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of $300,000.

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

REGENTS OF SMITHSONIAN INSTITUTION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 133) providing for the filling of a vacancy,

to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which were, in line 3, to strike out "will occur" and insert "occurred;" and to amend the title so as to read: "Joint resolution providing for the filling of a vacancy which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOMESTEAD ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 8916) extending the time for certain homesteaders to establish residence upon their lands; which were, on page 2, line 3, to strike out all after "further," down to and including "land" in line 8, and insert: "That this act shall not affect an adverse claim initiated prior to the passage of the act and after the expiration of the time allowed an entryman for establishing residence on the land;" and on page 2, line 14, to strike out "residence" and insert "absence."

Mr. GAMBLE. I move the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADMINISTRATION OF OATHS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4239) to amend section 183 of the Revised Statutes; which were, on page 1, line 10, after "Navy," to strike out "or"; on page 1, line 10, after "Corps" to insert "or Revenue-Cutter Service;" on page 1, line 12, after "military" to strike out "or;" and on page 1, line 12, after "Naval" to insert "or Revenue-Cutter Service."

Mr. FLINT. I understand my colleague desires that the amendments shall be concurred in. I therefore move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming; and

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 26656. An act to prevent the disclosure of national-defense secrets;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 31063. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

H. R. 31165. An act to regulate procedure in United States courts in certain cases;

H. R. 31534. An act to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;" and

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large; and

H. R. 30281. An act to provide for the entry under bond of exhibits of arts, sciences, and industries.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service; and

H. J. Res. 143. Joint resolution in reference to the employment of enlisted men in competition with local civilians.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a division intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River, near Byron, Ill.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

H. J. Res. 248. Joint resolution amending section 32 of the act of Congress approved July 2, 1909, providing for the Thirteenth and subsequent decennial censuses, was read twice by its title and referred to the Committee on the Census.

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes, was read twice by its title and referred to the Committee on the Philippines.

H. R. 30889. An act to amend the irrigation law was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

MINING LAWS FOR ALASKA.

H. R. 31068. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was read twice by its title.

Mr. SCOTT. Let the bill be referred to the Committee on Mines and Mining.

The PRESIDING OFFICER. The Chair thinks that its subject is rather under the Committee on Territories or the Committee on Public Lands.

Mr. SMOOT. I think all those bills go to the Committee on Public Lands.

Mr. SCOTT. The chairman of the Committee on Mines and Mining is not present, but I am sure if he were here he would insist on its going to that committee. It certainly belongs there.

Mr. SMOOT. The question is as to whether it affects the coal-land laws or the mining laws. If it applies to the mining

laws, of course it should go to the Committee on Mines and Mining; but if to the coal-land laws, it should go to the Committee on Public Lands.

Mr. NELSON. If it relates to the title of public lands it should go to the Committee on Public Lands.

Mr. HEYBURN. Still we have extended the mining laws to Alaska.

Mr. SCOTT. I understand that it is a bill to amend the mining laws of the country so that it will apply to the Territory of Alaska. If it does that, of course it should go to the Committee on Mines and Mining.

The PRESIDING OFFICER. The bill will be referred to the Committee on Mines and Mining, if there is no objection.

BUCKHANNON & NORTHERN RAILROAD CO.

Mr. SCOTT. Mr. President——

Mr. CULLOM. I rose to make a motion to adjourn, but I will allow the matter the Senator from West Virginia wishes to call up to be disposed of.

Mr. SCOTT. I should like to call up, by unanimous consent, the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co. It is a bill of only three or four lines, granting a right through a military reservation for the building of a railroad. It is the only bill that my late colleague, the junior Senator from West Virginia Mr. Elkins, introduced, and it would be a compliment to him to put it on its passage.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, which were, in line 4, after the word "grant," to insert "the Buckhannon & Northern Railroad Co.," and in line 7, after the word "locks," to strike out the remainder of the bill, in the following words:

And to permit such encroachments on said bank of said river as may be necessary along the line of the railway proposed to be constructed by said railroad company, as may be permitted without detriment to navigation—

And in lieu thereof to insert:

Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to grant the Buckhannon & Northern Railroad Co. a right of way through lands of the United States, on the western bank of the Monongahela River, in the State of West Virginia, adjacent to Locks Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE INDIAN ALLOTMENTS.

Mr. OWEN. I present a memorial of the Keetoowah Society of Cherokee Indians, and I ask that it be printed as a document. It is very short.

Mr. SMOOT. I should like to know something about what the memorial is.

Mr. OWEN. The memorial relates to the lands of the Cherokee Indians which have been allotted to the children born since July 1, 1902, and up to March 3, 1906. It is in relation to the right of the United States to distribute that property contrary to the agreement of July 1, 1902, and it is a notice and a warning to the United States that if the property is so distributed, the United States will be subject to a demand of $10,000,000.

Mr. SMOOT. Is it a memorial from the State legislature or from individuals?

Mr. OWEN. It is from the Keetoowah Society, an organization——

Mr. SMOOT. I am not going to object to the printing as a document, but I do believe that in the future such requests for printing should go to the Committee on Printing. I will state now, not because of this particular document, but so that all Senators will understand, that it is very much better for the Committee on Printing to act upon such questions, and the committee are always willing to act just as quickly as they can get together.

Mr. SCOTT. I object to the request. Let it go to the Committee on Printing.

The PRESIDING OFFICER. Objection is made, and the motion to print will be referred with the memorial to the Committee on Printing.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 8, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 7, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will proceed with the Calendar for Unanimous Consent, in order to-day under the rules.

VALIDATION OF HOMESTEAD ENTRIES.

The first business was the bill (H. R. 26290) providing for the validation of certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July 1, 1911.

SEC. 2. That in all cases where contests were initiated under the provisions of the act of May 14, 1880, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this act.

With the following amendment:

Line 10, page 1, strike out the word "eleven" and insert the word "twelve."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The next business was the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct and maintain a dam across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend on page 1, in line 6, by striking out the word "and" and inserting a comma after the word "construct" and the word "maintain," and by inserting before the word "a" the words "and operate;" and amend further by inserting after the word "at" the words "a point suitable to the interests of navigation at."

Amend on page 1 by striking out in line 14 the words "An act entitled 'An act,'" and on page 2 strike out lines 1 and 2 and insert in lieu thereof the following: "the act approved June 23, 1910, entitled 'An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.'"

Amend on page 2, in line 3, by inserting after the word "to" the word "alter."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

The next business was the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, be, and is hereby, authorized to construct, operate, and maintain

a bridge and its approaches thereto across the Mobile River and its navigable channels in the counties of Mobile and Baldwin, in the State of Alabama, on a line opposite the city of Mobile, to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 5, page 1, amend by striking out the words "be, and is" and insert in lieu thereof the words "its successors and assigns, are."

In line 7, page 1, amend by inserting after the word "channels" the words "at a point suitable to the interests of navigation."

In line 3, page 2, amend by striking out the word "and" and inserting in lieu thereof the word "or."

Amend further, by adding as section 3 the following:

"SEC. 3. That the act of Congress approved March 26, 1908, entitled 'An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.,' is hereby repealed."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGES ACROSS TENNESSEE RIVER AT CHATTANOOGA, TENN.

The next business was the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Tennessee River, between a point 400 feet north of West Sixth Street on the north, and Nineteenth Street (formerly Henry Street) on the south, in the city of Chattanooga, Tenn., to the opposite bank of said Tennessee River, in said county of Hamilton, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Amend in line 6, page 1, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill (H. R. 31649) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at some point on said Tennessee River above the present bridge from Walnut Street, in the city of Chattanooga, to Hill City, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 6, page 1, after "River," insert "suitable to the interests of navigation."

Mr. MOON of Tennessee. Mr. Speaker, I also offer the following additional amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 7, after the word "above," insert the words "or below."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, PA.

The next business was the bill (H. R. 31656) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, is hereby extended one and three years, respectively, from the 25th day of June, 1911.

SEC. 2. That the bridge authorized to be constructed by said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled 'An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County.'"

BRIDGE ACROSS ST. CROIX RIVER, WIS. AND MINN.

The next business was the bill (H. R. 31860) permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to H. L. North, W. E. Webster, and H. J. Anderson, of Hudson, Wis., and their heirs, personal representatives, and assigns, to build a wagon and trolley-car bridge across the St. Croix River, also known and designated as Lake St. Croix, from a point on the east bank of said river between the north line of section 25 of township 29 north, range 20 west, and the east and west quarter line of said section, in St. Croix County, Wis., to a point on the west bank of said river almost due west from the place of beginning, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend in line 8, page 1, by inserting after the word "point" the words "suitable to the interests of navigation."

Amend on page 2 by striking out all of section 2.

Amend on page 2, in line 9, by striking out the figure "3" and inserting in lieu thereof the figure "2."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes;

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; and

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3897) for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; to the Committee on the District of Columbia.

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion to be held at Little Rock, Ark., in May, 1911; to the Committee on Military Affairs.

MEMORIAL COMMEMORATING THE DISCOVERY OF LAKE CHAMPLAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain.

The Clerk read as follows:

Be it enacted, etc., That the commissions which were appointed by the States of Vermont and New York to have charge of the recent celebration commemorating the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain, and which have been authorized by said States to build a suitable memorial commemorating said discovery, are hereby granted permission to erect such memorial upon the Crown Point Lighthouse Reservation, N. Y.: *Provided*, That before any actual work of construction shall be begun upon the structure the plans and specifications therefor, both preliminary and detailed, shall be submitted to the Secretary of Commerce and Labor for his approval, and after they have been approved by him they shall not be deviated from without his prior approval.

SEC. 2. That upon the completion of the structure in accordance with the provisions of this act the Secretary of Commerce and Labor is hereby authorized and directed to accept the same, free of expense, for and in behalf of the United States.

SEC. 3. That upon the acceptance of the structure by the United States the same shall be maintained as an aid to navigation at the expense of the appropriations for maintenance of the Lighthouse Service.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INSPECTION OF LOCOMOTIVE BOILERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

The Clerk read as follows:

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 2. That from and after the 1st day of July, 1911, it shall be unlawful for any common carrier, its officers or agents, subject to this act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of $4,000 per year and the assistant chief inspectors shall each receive a salary of $3,000 per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. The office of the chief inspector shall be in Washington, D. C., and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

SEC. 4. That immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into 50 locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for the district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission 50 inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinbefore named. Each inspector shall receive a salary of $1,800 per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector $600 per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

SEC. 5. That each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: *Provided, however*, That if any carrier subject to this act shall fail to file it rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as hereinafter provided: *Provided also*, That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however*, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

SEC. 6. That it shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this act and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinbefore provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided* that a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler reexamined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within 15 days from date of notice. If upon such reexamination the boiler is found in serviceable condition the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the reexamination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within 30 days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective.

SEC. 7. That the chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

SEC. 8. That in the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

SEC. 9. That any common carrier violating this act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of $100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive

boilers to give information to the proper United States attorney of all violations of this act coming to his knowledge.

The committee amendment was read, as follows:

Insert as a new section the following:
"SEC. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of $300,000."

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will some one explain the details of this bill?

Mr. MANN. Mr. Speaker, this bill is the result of a large amount of labor both on the part of the railroad officials, the officials and representatives of railway employees' organizations, and of the committees both in the House and in the Senate. Those committees have had before them a number of bills in reference to boiler inspection on the railroads. The original provision was that the Government itself should make the inspection. A number of different bills have been introduced at different times, and the committees of the Senate and the House have had hearings on those bills. Last summer the railways had a special committee appointed for that purpose to consider safety-appliances legislation, including the boiler-inspection bill. The railway employees' organizations had under consideration the boiler-inspection bill. I said to Mr. Melcher, the chairman of the railroad special committee, last summer, that, in my judgment——

Mr. BARTLETT of Georgia. He represented the railroads?

Mr. MANN. The railroads.

Mr. BARTLETT of Georgia. The companies.

Mr. MANN. Yes; that it was quite certain, in my judgment, that Congress was disposed to pass a bill governing the inspection of boilers, and that I thought it would be a desirable thing, it being a matter of expert knowledge, if the railroads and the railway employees, who were especially interested in the subject, would be able to get together and agree upon the terms of a bill, reserving, of course, to Congress the authority to make any changes it might please, to determine what it would pass, and especially the subject of the form and method of administration and the expense. The committee from the railroad organization, with the chiefs or heads of the various railway employees' organizations, did get together and agreed last summer tentatively upon the general provisions of a bill. Subsequently they had a meeting in Washington and made some changes in the form of the bill, and then afterwards they had another meeting and agreed to some other changes. And the changes they finally agreed upon have been incorporated in the Senate bill, which is now before the House. I have printed in the report upon this bill a letter from Mr. Wills, who is the national legislative representative of the various railway organizations, four large organizations of railway employees, and also a letter from Mr. Melcher, the chairman of the special committee of the railroads; also a letter from Mr. Holder, who is on the legislative committee of the American Federation of Labor; also a letter from ex-Senator Faulkner, who has represented the roads in matters of that sort, and they all ask that this bill shall pass in the form that it is now presented to the House, without amendment.

Mr. FITZGERALD. Is it believed the result of this legislation will be the lessening of railroad accidents?

Mr. MANN. It is the belief of all people concerned, both the railroads and the employees, that the passage of this bill will materially result in the lessening of boiler explosions. In fact, since these bills were introduced at the beginning of this term of Congress, there has already been a lessening of boiler explosions, because of the increased precautions taken by the railroads in reference to the inspection of boilers, simply because the matter was pending in Congress.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Has the Brotherhood of Railroad Engineers agreed to this?

Mr. MANN. They have. The Brotherhood of Railway Trainmen, the Order of Locomotive Engineers and Locomotive Firemen, the Order of Railway Conductors, and I think that one other organization, the switchmen's organization, have all agreed to this.

Mr. STEPHENS of Texas. I would like to state that I have received several letters from my district from railroad employees favoring the passage of this bill. I have not received any letters or statements from the railroads in reference to the matter, but from the employees, and they all favor it.

Mr. MANN. Mr. Wills, a very capable man, who succeeds in Washington Mr. Fuller, who was here for years as the legislative representative of the brotherhood, represents the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen. He asks the passage of the bill in the form that it now is, and does not do this merely on his own volition, because the bill in its present form has been submitted to the heads of all of these orders and meets their approval.

Mr. BARTLETT of Georgia. May I interrupt the gentleman a moment?

Mr. MANN. Certainly.

Mr. BARTLETT of Georgia. Should it not be stated also that in the last annual meeting of the Railway Trainmen and the Order of Railway Conductors and the Order of Locomotive Engineers this bill was indorsed by them?

Mr. MANN. Yes; I might say the bill is not perfect in form. It is a departure from the past policy of the Government in these matters, except as to the inspection of steamboat boilers. It will not be found, in my judgment, to work perfectly, so far as the matter of administration is concerned, but evils that are disclosed in that respect can be corrected at subsequent Congresses.

I yield to the gentleman from Colorado [Mr. MARTIN], who has been very active in this matter.

Mr. MARTIN of Colorado. Mr. Speaker, I merely wish to assure the Members, as perhaps the only Member of this House who is directly affiliated with the railway brotherhoods of the country, that this measure is agreed upon by and is satisfactory to them at this time in its present form. Of course, it is anticipated that the bill may present difficulties of administration and that defects may be developed in its details and practical application which will perhaps require future attention at the hands of Congress. But they feel that this is the recognition and the establishment by Congress of a much-needed principle—to protect the lives and limbs of railway employees—and that is what they are chiefly concerned in with reference to the present measure.

The regulation and inspection of locomotive boilers by State governments is practically impossible, because there are but few locomotives which do not operate in two or more States. Besides, all other parts of train equipment are now under Federal regulation and inspection and governed by Federal law.

We require driver brakes to be placed upon locomotives; we require air brakes; we require uniform automatic couplings; and we have recently passed an act relative to the equipment and inspection of handholds, steps, ladders, and running boards; so that the locomotive boiler is practically the only part of the train which is not now subject to such regulation and inspection. I trust, therefore, that no objection will be urged and that we may complete a series of acts which are doing so much to protect the railway employees of the country, and the traveling public as well.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. MARTIN of Colorado. Certainly.

Mr. MADDEN. All the marine boilers in use in the United States are inspected by the Government of the United States before being allowed to be used?

Mr. MARTIN of Colorado. They are.

Mr. MADDEN. Is there any reason why the department of inspection having jurisdiction of the inspection of marine boilers should not take jurisdiction over the inspection of these boilers?

Mr. MANN. We think it is not practicable. We asked that very same question of Gen. Uhler.

Mr. MADDEN. It seems to me the establishment of a new bureau for this purpose is creating an additional and unnecessary expense, because the bureau which is already in existence is one of the most efficient bureaus in the Government service. No boiler used in marine work anywhere on the waters under the jurisdiction of the United States is permitted to be operated except after the most rigid inspection and examination by the inspectors in that bureau. And if any bureau established under this law should give as rigid an inspection to boilers on the railroads as the inspection given by the marine bureau of inspection there would be a great deal more safety in the operation of the boilers on the railroads.

Mr. KENDALL. Will the gentleman yield?

Mr. MADDEN. I have not the floor. I was just asking a question.

Mr. KENDALL. Mr. Speaker, I want to inquire what the parliamentary status of the matter is.

The SPEAKER pro tempore (Mr. OLMSTED). As the Chair understands it, the gentleman from Illinois [Mr. MANN] has the floor. He yielded to the gentleman from Colorado [Mr. MARTIN], who yielded to the gentleman from Illinois [Mr. MADDEN]. The right to make objection was reserved by the gentleman from New York [Mr. FITZGERALD].

Mr. MADDEN. I am perfectly in harmony with the theory of the bill, but I think that the provisions of the bill would be better executed under the bureau which is already in existence,

and which has experience, than it would be by the establishment of a new bureau.

Mr. MANN. We do not establish a new bureau by this bill, I will say. Now, Mr. Speaker, if anybody desires to object, all right. There are a good many gentleman who would like to be heard on this bill. I was going to ask unanimous consent, if no objection was made, that Members have leave to print on this bill for five legislative days.

I hope the gentleman will not at this time ask to address the House in reference to the bill, because it was understood that we would not take a great deal of time on this bill on the Unanimous Consent Calendar.

Mr. ROBINSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ROBINSON. Did the gentleman's committee have information as to the number of accidents and the number of injuries that have recently been occasioned by boiler explosions?

Mr. MANN. Oh, yes; we have those reports all the time.

Mr. ROBINSON. I am heartily in sympathy with the purpose of this legislation, and from the limited inspection that I have been able to give the bill I believe that it ought to pass.

During the last session many telegrams and resolutions were received by me strongly indorsing the principle of this legislation. Its enactment will diminish the number of accidents occasioned by defective boilers and will give some greater degree of security to those engaged in the very hazardous business of operating railway locomotives.

State legislatures can not deal with the subject adequately. It is desirable that uniform requirements be made throughout the country. This can only be accomplished by the action of Congress.

Some sections of the bill might be improved by amendment. Yet the Committee on Interstate and Foreign Commerce has given careful consideration to the bill, and it is perhaps as near perfect as any measure could be before being tested by practical operation. As stated by the chairman of the committee, the provisions of this bill have been agreed upon by representatives of the interstate railroads and of the various organizations of employees directly concerned in its passage. It is therefore better that the bill be passed without amendment. Its defects can be easily corrected by future legislation should they become apparent.

The many accidents occurring on railroads in the United States as compared with some foreign countries emphasizes the necessity of enacting this measure. It is of the highest importance that every practicable means be adopted for guaranteeing safety to operatives and to passengers. I have not the slightest doubt that the systematic inspection of boilers on locomotives used in interstate commerce, sought to be established by this bill, will in a very short time reduce to a minimum accidents arising from defective boilers. Surely no one can be blind to the desirability of accomplishing such an end. It can work no harm to anyone. The railroads, realizing the demand for the legislation, have aided in the preparation of this bill, which, while not without some objections, has the approval of all the members of the very busy and important committee of this House which has considered and reported it. I express the hope that the bill will be speedily passed.

Mr. COOPER of Wisconsin. Will the gentleman from Illinois yield?

Mr. MANN. I will yield to the gentleman.

Mr. COOPER of Wisconsin. On the last page of the bill, line 5, it says it is the duty of such attorneys—that is, the United States district attorneys—"subject to the direction of the Attorney General, to bring such suit upon duly verified information," and so forth. Suppose such duly verified information be filed with the United States district attorney showing a violation of these rules and regulations, would the United States district attorney have to write to or in any way consult the Attorney General before he could bring suit?

Mr. MANN. No; he would not under that language. It is unnecessary to have that provision, in my opinion, and if I had been drafting the bill I would not have put it in, because district attorneys under the law are under the direction of the Attorney General.

Mr. COOPER of Wisconsin. They are after the suit is brought, but the question here is as to the bringing of the suit in the first instance. Could they, under this language, bring the suit without first consulting the Attorney General?

Mr. MANN. Yes. There is similar language in other bills where that language has been construed.

Mr. KENDALL. It means that they shall prosecute under the general supervision of the Attorney General.

Mr. COOPER of Wisconsin. But the language of the bill is:

It shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring suit.

"Subject to the direction of" means the same as "subject to the approval of;" and the language of the bill means the same as if it read in this way: "It shall be the duty of such attorneys, subject to the approval of the Attorney General, to bring suit."

Mr. MANN. It is subject to his direction; he could direct them not to bring suit.

Mr. COOPER of Wisconsin. Suppose a boiler exploded in Colorado; the United States district attorney would have to consult the Attorney General here and receive his approval or direction before he could bring a suit.

Mr. MANN. I think there is nothing in the point the gentleman suggests. I will say frankly that I do not think the language is very good.

Mr. COOPER of Wisconsin. I think that my construction is the correct one.

I have made this suggestion because of an experience in Wisconsin. My State had a statute requiring manufacturers to put gates about elevator shafts and in various ways to protect employees against dangerous machinery and punishing those who disobeyed the law. This law authorized inspectors to lodge complaints for violations of it. An attempt was made to amend the law so as to require a local inspector first to secure the consent of the State commissioner of labor before he (the inspector) could begin an action. Immediately there was a great uproar, because, owing to the large number of violations of the act, and for other reasons, it would be utterly impossible for the labor commissioner of the State properly to examine into the cases without occasioning such delay as practically to nullify the law.

Mr. MANN. I think this is perfectly plain. If it said by direction of the Attorney General he could bring suit, that would be one thing. The Attorney General could order him not to bring suit, and he has that authority in any suit.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. Where the Attorney General by statute is given control of litigation, the language is clear that the suit or action shall be subject to the direction and control of the Attorney General. But this relates to the bringing of the suit. The language of the pending bill is that it is the duty of the district attorneys, "subject to the direction of the Attorney General, to bring suits." That is quite another thing.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to extend remarks in the RECORD on this bill for five legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask unanimous consent that the first five pages of the report from the Committee on Interstate and Foreign Commerce be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the first five pages of the report of the committee on this bill be printed in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

[House Report No. 1974, Sixty-first Congress, third session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, beg leave to report the said bill back to the House with the recommendation that it be passed with the following amendment:

Insert as a new section the following:

"SEC. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of $300,000."

The subject of locomotive-boiler inspection has received careful and lengthy consideration by the committees of the House and the Senate having jurisdiction of the bills introduced relating thereto. The matter has also been the subject of careful consideration and conference between representatives of the railroad companies and representatives of the associations of railroad employees. The different railway employees' organizations have given great consideration to the questions involved. Many of the railroads acting together appointed a committee to consider this and other safety-appliance legislation.

The bill as now reported has the approval of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen, as shown by the letter hereto attached from Mr. H. E. Wills, the national legislative representative of those organi-

zations. It also has the approval of the special committee on relations of railway operation to legislation, representing the railroads, as shown by the letters hereto attached of Mr. F. O. Melcher, the chairman of that committee and the second vice president of the Rock Island lines of railways. It also has the approval of the American Federation of Labor, as shown by the letter hereto attached from Mr. Arthur E. Holder, of the legislative committee of that organization. Letters from other representatives of railways are hereto attached acquiescing in or approving the measure.

The bill now reported forbids the railroads from using locomotive engines propelled by steam power in moving interstate or foreign traffic unless the boilers and appurtenances thereof are in proper condition and safe to operate, and unless such boilers shall be inspected from time to time in accordance with the provisions of the act. It provides that the inspection of the boilers shall be made by the railroads in accordance with rules and instructions to be prepared in the first instance by the railroads, but subject to approval and modification by the Interstate Commerce Commission, which may itself prepare the rules and instructions for any railroad if that road fails to prepare and file the same.

The bill provides for the appointment of one chief inspector and two assistant chief inspectors of locomotive boilers, to be confirmed by the Senate. The chief inspector to receive a salary of $4,000 and each of the assistants $3,000. It provides for the division of the country into 50 locomotive boiler inspection districts and the appointment of 50 inspectors, who shall be in the classified service and be appointed through the Civil Service Commission. The 50 inspectors are each to receive a salary of $1,800 and traveling expenses, and, in addition may receive an annual allowance for rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not exceeding for any inspector $600. It requires the railroad companies to file with the inspector of the district a sworn report of each inspection and also a sworn statement as to repairs of the defects disclosed by the inspection. It authorizes any district inspector to order any locomotive out of service if he finds the boiler or apparatus pertaining thereto not in serviceable condition, subject to an appeal to the chief inspector, and a further appeal from the chief inspector to the Interstate Commerce Commission, but provides that pending the appeal the requirements of the inspector shall be effective.

It provides that in case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, statement must be made by the railroad to the chief inspector, and that such accident shall be investigated by a Government official, and that the results of such investigation shall be made public in such manner as the Interstate Commerce Commission deems proper.

It provides a penalty of $100, to be recovered by suit brought by the United States district attorney, for any violation of the act or of any rule or regulation made under its provisions, or of any lawful order of any inspector.

HISTORY OF THE PROPOSED LEGISLATION.

On May 17, 1909, Hon. PHILIP P. CAMPBELL, of Kansas, introduced in the House a locomotive boiler inspection bill, being H. R. 9786. A similar bill had previously been introduced in the Senate on March 22, 1909, by Senator BURKETT, of Nebraska, S. 236, and similar bills were introduced in the House by Mr. KINKAID of Nebraska, on May 20, 1909, H. R. 9965, and by Mr. MARTIN of Colorado on June 21, 1909, H. R. 10889. These bills made specific requirement as to the equipment of locomotive boilers and provided for an inspection under the Secretary of Commerce and Labor of each boiler at least once in every three months, and forbade the use of locomotives which had not thus passed a Government inspection.

Hearings were had before your committee upon the House bills, commencing in January, 1910, and the Senate committee also had hearings upon the Senate bill. As a result of these hearings there was introduced into the Senate on February 23, 1910, by Senator BURKETT, of Nebraska, Senate bill 6702, and a similar bill was introduced into the House on March 1, 1910, by Mr. TOWNSEND, of Michigan, as H. R. 22066. The hearings and conferences and discussions in reference to the various bills pending were continued from time to time and on May 16, 1910, Mr. TOWNSEND, of Michigan, introduced another bill on the subject, H. R. 25924. On June 21, 1910, the Senate Committee on Interstate Commerce reported a substitute amendment for the original Senate bill, S. 6702.

No final action was taken by either House of Congress upon these bills at the last session, though the hearings and discussions of the committees continued concerning them, as well as conferences between the railroads and railway employees specially interested.

During the vacation following the adjournment of the last session of Congress various members of your committee gave special attention and study to the matters involved in the proposition, and Mr. MANN, the chairman of your Committee on Interstate and Foreign Commerce, prepared the draft of a bill, a committee print of which was made and furnished to the officials of the railroads and railway employees' organizations for consideration and discussion. Following the reassembling of Congress in December last, Senate bill 6702, which had been reported on June 21, 1910, with a substitute, was recommitted to the Senate Committee on Interstate Commerce, and that committee reported the bill back to the Senate on December 16, 1910, with a new substitute. Prior to that time, at the request of the representatives of the organizations of railway employees and the American Federation of Labor, Mr. MANN prepared an analysis of his draft of a bill and of the Senate substitute which had been reported to the Senate on June 21, 1910, which analysis was printed and furnished to the parties in special interest.

During the summer vacation the committee representing the railroads and the officials of the employees' organizations had conferences in reference to the propositions involved, and subsequent conferences were held in reference to the Mann draft of bill and the Mann analysis of the Senate bill, which set out various objections to the form of that bill. As a result of all this consideration and discussion various changes were agreed upon and recommended by the respective representatives of the railroads and their employees, which changes were agreed to by amendment in the Senate in S. 6702, as it passed that body on January 10, 1911.

While it is doubtless true (and certainly is in the opinion of the writer of this report) that the bill now reported might be improved by amendment, yet, in view of the thorough consideration which has been given to this matter, and in view of the fact that the bill in its present form is agreeable to the two parties most interested, to wit, the railroad companies and the railway employees, your committee believes it to be desirable to pass the bill in its present form, with the amendment suggested, putting a limitation on the expense to the Government involved, which limitation is also agreeable to those who have given special consideration to the subject, as above set forth.

The letters referred to and the various bills and other papers referred to, except the hearings, are herewith attached as a part of this report, in order that the changes which have been made from time to time may be more easily traced.

OPINION OF RAILWAY EMPLOYEES.

WASHINGTON, D. C., *January 17, 1911.*

DEAR SIR: Confirming conversation had with you to-day, in company with ex-Senator Faulkner and Mr. F. O. Melcher, in reference to the locomotive boiler inspection bill, will say:

In speaking for the four railroad organizations which I represent, I wish to most earnestly request that you use your influence for the favorable consideration in your committee and the passage in the House, without alteration or change, of what is known as bill S. 6702, that passed the Senate on the 10th instant, this bill having been agreed to by the representatives of the railroads and myself, together with others who have been interested in favoring Government supervision of locomotive boilers.

Thanking you, personally, as well as your committee, for the kind and courteous consideration I have received at your hands during the hearings last winter and during our several conferences this winter upon these and other objects, I am, with kind regards,

Very truly, yours, H. E. WILLS,
National Legislative Representative.

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

OPINION OF RAILROAD OFFICIALS.

SPECIAL COMMITTEE ON RELATIONS OF
RAILWAY OPERATION TO LEGISLATION,
Washington, D. C., January 17, 1911.

DEAR SIR: In response to your letter of January 12, 1911, and carrying out the assurance given at the conference this morning at your office, at which were present Messrs. Faulkner, Wills, and Melcher, I beg to advise that Senate bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, embodies the requisites of a boiler-inspection bill, which were agreed upon after conference between the special committee and Mr. H. E. Wills, representative of the employees.

The negotiations which preceded the agreement consisted of several conferences at which various amendments were considered and agreed upon.

This communication is to advise you that the special committee for the railways it represents acquiesces in the passage of this act by the House of Representatives.

I have sent copies of this communication to Mr. H. E. Wills, representative of the employees, and to the Hon. Chas. J. Faulkner.

Yours, very truly, F. O. MELCHER.

Hon. JAMES R. MANN,
Chairman of Committee on Interstate and Foreign
Commerce, House of Representatives, Washington, D. C.

ROCK ISLAND LINES,
Chicago, January 12, 1911.

DEAR MR. MANN: There is one thing that I did not mention to you in our talk yesterday in view of our limited time, and I also omitted mention of it in my letter which was dated yesterday.

It is this: That the American Railway Master Mechanics' Association has adopted by informal ballot, for recommended practice of the association, uniform rules for the inspection and care of locomotive boilers.

I call your attention to the fact that these rules are included in Bulletin No. 11 of this committee, a copy of which you have.

I am simply bringing this to your attention in order that you and your committee may know the progress the railroads have made in this matter, and you will appreciate that this is one step in the direction of simplifying the processes of the supervision of boiler inspection.

Yours, very truly, F. O. MELCHER.

Hon. JAMES R. MANN,
Chairman House Committee on Interstate and
Foreign Commerce, Washington, D. C.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 20, 1911.

MY DEAR MR. MANN: The bill S. No. 6702, passed by the Senate on January 10, for the purpose of promoting the safety of employees and travelers upon railroads, by compelling common carriers to equip their locomotives with safe and suitable boilers and appurtenances thereto, meets with the general approval of the organization I have the honor to represent; and if it will be possible for your committee to report this bill to the House and secure its enactment without change, I am confident it will meet with hearty approval and will be highly appreciated.

Thanking you personally, and through you the members of your committee, for the painstaking consideration given this important measure, I am,

Very truly, yours, ARTHUR E. HOLDER,
Legislative Committee, American Federation of Labor.

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

WASHINGTON, D. C., *January 21, 1911.*

MY DEAR SIR: Representing certain railroads, and especially the committee of which Mr. F. O. Melcher is chairman, I had several conferences with Senator CUMMINS, chairman of the subcommittee having charge of Senate bill 6702, being "An act to promote the safety of employees and travelers upon railroads by compelling carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," at which conferences were present representatives of the Boiler Makers' Association, representatives of the Federation of Labor, and Mr. Wills, representing the four brotherhoods of railroad employees. The bill which passed the Senate was the result finally reached in these conferences and acquiesced in by all who were present.

Under these circumstances, I feel that I should make no further opposition to the passage of this bill, unless its provisions should be changed from the form in which they passed the Senate.

With great respect, I remain, very truly, yours,

CHARLES J. FAULKNER.

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

Mr. COOPER of Wisconsin. Mr. Speaker, I shall not object to consideration of the bill; but had it not been announced here that it has been agreed that the bill is to pass exactly in its present form, I should have offered an amendment to cover the point which I have raised.

Mr. MANN. I will say that had not circumstances been just as they are, I should have offered several.

Mr. COOPER of Wisconsin. In my judgment the only interpretation to be put on that language is that the United States district attorney can not, except subject to the direction—that is, the approval—of the Attorney General, bring a suit.

Mr. BARTLETT of Georgia. Mr. Speaker, may I state that there are many inaccuracies and awkward expressions in this bill. I hesitate to say that, because it comes from the Senate. The committee would like to have corrected them and made several expressions more accurate and correct in many instances from what they are now. But we realized that this was important legislation—a step in the right direction—for the protection not only of the lives and the limbs of the employees of the railroad, but of the property of the railroad and the property of the public, and as it had come from the Senate without opposition, we thought it was proper not to undertake to delay by suggesting amendments that probably not only might delay but defeat the measure.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. ADAMSON. Mr. Speaker, I desire our colleagues in the House to understand that this bill does not entirely represent the ideas and wishes of any one of our committee. All of us doubtless would have offered amendments and insisted on other features, but the subject has been discussed and pressed a long time, and when the parties immediately at interest agreed upon the text of this bill, seeing that it did to a large extent protect the public, and fearing we would secure nothing if we did not take what was agreed upon, we unanimously determined to report this bill because thereby we would secure some very much-needed benefits.

Mr. PETERS. Mr. Speaker, the inspection of locomotive boilers in the interests of the traveling public and of railway men has for some time received public attention. No form of accident in modern industry is more terrible or more unnecessary than the boiler explosion. The demand for adequate inspection of boilers by the Government has resulted in this bill. The Committee on Interstate and Foreign Commerce reports this bill favorably, and I wish to emphasize to the House the importance of indorsing the committee's action.

We gave this problem the most careful consideration and extensive public hearings were held at which appeared representatives of the railroad companies, the unions, and the railroad employees' organizations. The Brotherhoods of the Locomotive Engineers and Firemen, the Order of Railway Conductors, and the legislative committee of the American Federation of Labor have all indicated their approval of this bill. Several experts from the operating departments of the railroads have testified to its practicability of operation. This bill assures the maintenance of a higher standard of safety in locomotive boilers and appurtenances than has heretofore been required. The requirements are absolute and unavoidable. The inspectors provided for in this bill must at any time order to the shops a locomotive which falls below the required standard. The bill also provides for the investigation and special report of all accidents due to faulty boilers.

Public hearings were held by the committee in January, 1910, on this subject. This bill was prepared and passed in the Senate, and it embodies, in the opinion of the House committee, the requisites for efficient legislation on this subject, as shown by our own investigations. While some of us wish it were more complete in many provisions, I believe the bill will attain the desired result. An attempt to amend the bill will necessitate, if successful, its return to the Senate and its probable failure to become law at this session.

The Members of this House are aware of the danger that may come to operatives and passengers through defects in boilers of locomotives. Steam is kept at a high pressure, oftentimes 200 pounds to the square inch. Defects can not be detected except by careful inspection by experts, occasionally from the inside of the boiler. In the rush of traffic railroad companies sometimes yield to the temptation of running their engines without adequate inspection. Many terrible explosions involving ghastly loss of life have occurred.

Marine boilers are already subject to Government inspection, although a much lower steam pressure is there required. Federal legislation has already required air brakes, up-to-date couplings, and other safety appliances upon railroads in the interests of employees and the public. The enactment of this measure is necessary for the completion of this humane program. Trainmen and employees generally strongly favor it. No valid argument can oppose its enactment. I regard it personally as a measure of the most vital importance, and I wish to record myself most emphatically in favor of its passage.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

DAM ACROSS NIOBRARA RIVER.

The next business was the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric-light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time given Charles H. Cornell, his assigns, assignees, successors, and grantees, by an act of Congress entitled "An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation," approved June 18, 1906, in which to construct and to put into operation such dam, and to construct and suspend wires across the said Fort Niobrara Military Reservation for the purpose of transmitting electric light and power, and to complete the construction of telegraph wires across said military reservation; also, the time in which to complete the construction and commence the operation of the trolley or electric railway, with telegraph and telephone lines, over said Fort Niobrara Military Reservation, be, and the same is hereby, extended for five years from the date of the approval of this act: *Provided*, That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War, in the event of which, on the further order of the Secretary of War so to do, any or all of the construction of any kind, improvements, fixtures, or appurtenances, shall be removed by the owner of the same at his or its own expense and cost, and without any claim of any kind from the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, when was this authority first given?

Mr. MANN. In 1906.

Mr. KINKAID of Nebraska. Mr. Speaker, all this bill seeks is an extension of five years in which to construct a dam across a small stream. It is called a river out in that country, where we do not have the greatest amount of water, but in reality it is only a creek, and to abut the dam on the side on which a military reservation exists. A privilege was also granted to construct a railway across the military reservation. The time will lapse on the 18th of June next. There have been about $20,000 expended on the project in making surveys for the railway, which will be something over 100 miles in length if constructed.

Mr. MANN. Will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Yes.

Mr. MANN. On page 2 the proviso says:

That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War.

Will the gentleman agree to an amendment to strike out the words "for any military reason or public necessity," so that it will read—

That the privileges granted in said act may be revoked by order of the Secretary of War.

Mr. KINKAID of Nebraska. If I have to, in order to get the bill through, I will do so.

Mr. MANN. There will be a controversy at once, if the Secretary of War endeavors to revoke the privileges granted, as to whether it was a military reason or a public necessity, which would require the construction of a court.

Mr. KINKAID of Nebraska. I desire to explain why it is here, why that clause was used instead of the other clause which the gentleman doubtless has in contemplation. It is because the promoters of this railway undertook to finance it, and on account of this clause which the gentleman would pro-

pose they could not finance the proposition. They were informed that with this clause which is in the bill they could finance the proposition. So I carried the letter containing this clause to the legal adviser of the War Department, the Judge Advocate General, and he approved it. The bill was referred to the Secretary of War afterwards.

Mr. MANN. Well, that is all right. We passed a great many of these bills in relation to dams through the committee of which I am a member, but we do not give any such authority as this.

Mr. KINKAID of Nebraska. I would say to the gentleman this military reservation is not in use and may be abandoned at any time entirely. It has not been in use for several years, and it may be abandoned at any time. It may possibly be used for maneuvering purposes, but I would very greatly prefer to have this clause continued.

Mr. MANN. But if the Secretary of War is to have the right to revoke the privileges granted then he ought to have that right, and not require him to go to a court to establish such right. That has never been the policy of the Government.

Mr. KINKAID of Nebraska. I understand he would have the right to determine whether or not a military necessity did exist.

Mr. MANN. He would not have any such right under the terms of the bill; that is for the court to determine. So that he would not revoke it except for some reason.

Mr. KINKAID of Nebraska. I think that is as broad as the other, but they can finance it with this proposition and could not with the other.

Mr. MANN. Oh, they will not have trouble about that; that was because of the panic; and they ought not to have any trouble if it is a proper enterprise.

Mr. KINKAID of Nebraska. That is what the brokers said.

Mr. MANN. They always want to get as broad and wide an authority as they can get, and they are not to be blamed for that. It is our business to protect the interests of the Government. Will the gentleman object to that amendment?

Mr. KINKAID of Nebraska. No; I will have to submit.

Mr. MANN. Oh, no; the gentleman does not have to submit at all. I do not want to coerce the gentleman.

Mr. KINKAID of Nebraska. Then go ahead with your amendment.

Mr. MANN. I shall object unless the gentleman cheerfully agrees.

Mr. KINKAID of Nebraska. Certainly; offer the amendment and I will agree to it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman agree to the amendment?

Mr. KINKAID of Nebraska. Oh, yes.

Mr. MANN. In lines 13 and 14 strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural. That is necessary to correct the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 13 and 14, strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire to offer a further amendment, which is "The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section to read:
"The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GOVERNMENT FREE BATHHOUSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to paupers.

The Clerk read as follows:

Be it enacted, etc., That only persons who are paupers or impecunious and are suffering from ailments for which bathing in the water of the Hot Springs Reservation will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Ark., and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized under the laws of the State of Arkansas to administer oaths for general purposes as the superintendent of the Hot Springs Reservation shall designate, that he is a pauper or an impecunious person, and any person desiring to bathe at the free bathhouse on the Hot Springs Reservation making a false oath as to his financial condition shall be deemed guilty of willful perjury and be punished in the manner provided by law for the crime of perjury.

The following committee amendments were read:

In line 3 strike out the words "paupers or impecunious" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

In line 13 strike out the following words: "a pauper or an impecunious person" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

Amend the title as follows:

"A bill limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I merely want to ask the gentleman from Arkansas in reference to a technical matter, and that is in reference to taking oath before an officer duly authorized under the laws of the State of Arkansas. Would not authorizing these officers to administer oaths and also all Federal officers who are at the Hot Springs be a desirable thing to do?

Mr. ROBINSON. Mr. Speaker, I have no objection whatever to the amendment suggested by the gentleman from Illinois, and I therefore move——

Mr. FOSTER of Illinois. It seems to me, Mr. Speaker, we ought to have an explanation of this bill respecting this change. It is an important question.

Mr. ROBINSON. Mr. Speaker, I shall be very glad to explain the provisions of this bill. It was prepared by the Department of the Interior and is in line with the suggestions contained in the report of the superintendent of the Hot Springs Reservation. There is maintained in the city of Hot Springs, at Government expense, a free bathhouse, which, under the law as it now exists, is designed for the use of indigent persons. During recent years it has been so crowded as to make its results unsatisfactory. Persons who are not truly entitled to the privileges of the free bathhouse, and who are believed by the superintendent to be able to pay for their baths, have availed themselves of its privileges under the belief that there is more merit in the baths administered there than at other places. And this practice has resulted in crowding out to some extent persons who are, in fact, indigent. As an illustration of the crowded condition of the free bathhouse, more than 200,000 baths were administered there during the last year, and an average of almost 600 persons have bathed there daily during the year 1910—the total number rising as high as 900 on some days. This bill, as amended, requires persons applying for free baths to make an affidavit that they are without means and unable to obtain the same to pay for baths, and it is thought by the superintendent of Hot Springs Reservation that this will reduce the number of persons availing themselves of the privilege of the free bathhouse by at least one-fifth.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ROBINSON. With pleasure.

Mr. FITZGERALD. What is meant by a person's affidavit that he is unable to obtain means to pay for the bath?

Mr. ROBINSON. It means exactly what it says. He can not obtain the money to pay for it.

Mr. FITZGERALD. He can not go out and earn it or borrow or steal it or what?

Mr. ROBINSON. It means that he does not have it, and can not get it in any lawful way, of course. There are some persons who go there who get "busted," to use a common expression, who might be able to raise the money, and it is not thought that they should be admitted to the privileges of the free bathhouse to the exclusion of the persons who are really indigent.

Mr. MADDEN. In all the great municipalities of the country they are establishing free bathhouses, and they expect anybody to come there and get baths. Why should the Government of the United States impose conditions that are not imposed by the municipalities of the United States?

Mr. ROBINSON. On account of the extraordinary conditions that prevail there.

Mr. MADDEN. What are they?

Mr. ROBINSON. The existence of the hot waters, which attracts a great number of indigent persons to the city of Hot Springs. They come there in greater numbers than perhaps to any other place in the world. The city is unable to maintain free bathhouses, and the Government is not maintaining free bathhouses in sufficient numbers to enable every person who comes there to avail himself of them, and this is designed to

make those persons who are able to pay for baths pay for them and give the privilege of the free bathhouse to indigent persons.

Mr. FITZGERALD. In the interests of the Bathhouse Trust?

Mr. ROBINSON. There is no Bathhouse Trust; but to the number of persons excluded it would help the bathhouses, of course. My attention is called to the fact that the Government owns the waters there and controls them.

Mr. TILSON. How much does it cost in Arkansas to obtain the jurat to an affidavit?

Mr. ROBINSON. Twenty-five cents, as a rule.

Mr. TILSON. Then a man would have to have 25 cents in order to pay for the jurat to his affidavit before he could get a bath, would he not?

Mr. ROBINSON. Unless the bathhouse would make provision to take his affidavit, which unquestionably would be done. That would give him the right to bathe continuously.

The measure, I will say in this connection, is not of overwhelming importance; it is a departmental measure, and it is thought its passage will improve the administration of the free baths at the Government bathhouses.

Mr. FITZGERALD. You punish these men for a false affidavit by perjury?

Mr. ROBINSON. That is the language of the bill.

Mr. FOSTER of Illinois. Does the gentleman think that a man ought to be convicted for perjury for wanting to take a bath? [Laughter.]

Mr. ROBINSON. I think some gentlemen ought to be punished for not taking baths. [Laughter.]

Mr. FOSTER of Illinois. I do not think when he is anxious to take it he ought to be punished for perjury. I would suggest to the gentleman that he ought to strike that out.

Mr. ROBINSON. If the gentleman insists on that amendment, I do not think I should object to it.

Mr. FITZGERALD. Why not make the man guilty of a misdemeanor?

Mr. ROBINSON. If the gentleman will offer that amendment, I will accept it. I would not like to have the bill amended so that persons can make false affidavit without any penalty. In view of the suggestion, Mr. Speaker, I move an amendment.

The SPEAKER pro tempore. The question of consideration should be first disposed of. Is there objection to the consideration?

Mr. FOSTER of Illinois. Mr. Speaker, reserving the right to object, the only question in my mind is whether we ought to restrict the right of people to bathe there. The Government, as I understand, owns the Hot Springs Reservation.

Mr. ROBINSON. They control absolutely the land around the springs, and all of the hot water.

Mr. FOSTER of Illinois. It is under the control of the War Department?

Mr. ROBINSON. Under the control of the Interior Department.

Mr. FOSTER of Illinois. They have established one spring there where it is supposed to have more virtue than other springs for the use of the general public of the United States.

Mr. ROBINSON. Mr. Speaker, I do not wish to detain the House further with this bill; if gentlemen have any objection to it, I wish they would make it now.

Mr. FOSTER of Illinois. There are some matters to be stricken out of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, in view of the suggestion made by my colleague, I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "of," in line 7, page 2, and insert in lieu thereof the following: "a misdemeanor, and upon conviction thereof shall be subject to a fine of not to exceed $25 or 30 days' imprisonment, or both."

Mr. KEIFER. Mr. Speaker, I want to say a word about this amendment. I understand that it is the first proposition ever made in the Congress of the United States to reduce the crime of perjury to a misdemeanor. It is known in all statutes of all the States, as well as in the Federal statutes, as a felony, and it was so in common law. Now, is it proposed to give a lighter sentence and reduce the crime of perjury to a mere misdemeanor?

Mr. ROBINSON. In reply to the gentleman from Ohio, I will say that this amendment, if adopted, will not define the offense as perjury, but will define it as a misdemeanor. I think it is eminently proper in view of the suggestion that a man should not be convicted of a felony, for making a false statement as to taking a bath. It is not defined as a felony in this amendment.

Mr. KEIFER. But it is perjury to make a false oath; is not that the definition of perjury? I only wish to call attention to the matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

Mr. ROBINSON. Now, Mr. Speaker, I offer this amendment:

Line 11, after the word "authorize," strike out the words "under the laws of the State of Arkansas."

The Clerk reported the amendment, as follows:

Page 1, line 11, strike out the words "under the laws of the State of Arkansas."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

STEEL MAIL CARS.

Mr. MURPHY. On the 30th of last month, Mr. Speaker, a wreck occurred on the St. Louis & San Francisco Railroad 1 mile west of Dixon, Pulaski County, Mo., the town in which I was partially raised and wherein I spent most of my boyhood days. The train was known as the "Meteor," one of the fastest on that road, its schedule, including stops, being about 40 miles an hour. The cars used in that train are of steel construction, and the result of this wreck demonstrates the wisdom of the Congress in providing that mail cars should be so constructed. The character of the wreck, its extent and the injuries to the passengers, are best told in an article which appeared in the Dixon Progress, a weekly newspaper published in that little city, bearing date of February 3, 1911, as follows:

One of the worst wrecks, from the amount of damage done, happened at about 7.30 last Monday morning when the Meteor, or No. 10, became derailed about a mile west of town. No. 10 is one of the Frisco's fastest trains, and being a little behind the schedule, was making an effort to regain the lost time. A defective rail caused the engine and four coaches to leave the track and plow their way over ties and ballast until the engine swerved and plunged into the embankment. The shock caused the tender to be thrown directly across the track, while the mail car, baggage car, smoker, and chair car were piled into the banks on either side of the roadbed. Luckily none of them were overturned, and their steel construction prevented them telescoping. This fact alone saved many lives, for had the coaches been of the old wooden type they would undoubtedly have been crushed like eggshells.

The passengers and train crew were all badly shaken up, but with the exception of the fireman, Bernard Crail, of Newburg, were not seriously injured. Several received cuts and bruises and were treated by our local physicians, who hurried to the scene.

PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECK.

The next business was the bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for collectors of customs and of internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of duties on imports or internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this act, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

SEC. 3. That section 3009 of the Revised Statutes and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall be effective on and after June 1, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to ask what objection there is to permitting the acceptance of certified checks on State banks and trust companies.

Mr. McCALL. Mr. Speaker, I think this bill was reported by the gentleman from Connecticut [Mr. HILL]——

Mr. MANN. It was reported by the gentleman from New York [Mr. PAYNE], who is ill and who is not here. The bill was prepared by the Treasury Department.

Mr. McCALL. It is recommended by the Treasury Department. I was not present at all of the hearings, but I think the gentleman from New York [Mr. HARRISON] was.

Mr. HARRISON. Mr. Speaker, in answer to the question of my colleague, I will say that I see no personal objection to including State banks in the provisions of this act. In fact, in the consideration of this matter by the committee I stated it seemed to me that this measure gave an additional and undue advantage to the national banks as against the State banks, because people doing business with the customhouse must under the necessity, under the terms, of this measure make their deposits in national banks against which certified checks are to be drawn.

Mr. FITZGERALD. Of course I can see one objection that might be urged, and that is that this act gives the United States a preference, a first lien upon the assets of the national bank.

Mr. BARTLETT of Georgia. And that could not be upon a State bank.

Mr. FITZGERALD. If banks should be closed prior to the payment of the certified check, the obligation of the person who has given the check still remains. In a community like Boston or New York City, to permit the payment of the customs duties by a certified check on a national bank, and to exclude the use of certified checks on State banks and trust companies, would unquestionably result in the development or the acquisition of a certain amount of business in national banks at the expense of State institutions.

Mr. MANN. I do not think practically it would make any difference. Nearly all of the large importing houses carry accounts in more than one bank.

Mr. McCALL. And then, if the gentleman will permit me, I will ask——

Mr. FITZGERALD. Just permit one other statement, and then the gentleman can answer both at once. I am under the impression that at present collectors of internal revenue accept certified checks on State banks and trust companies.

Mr. CALDER. I can assure my colleague that they do.

Mr. FITZGERALD. The law does not require the payment of internal-revenue taxes in gold, as it requires the payments of customs duties in gold. Under this law permitting the collectors of customs and internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks alone might easily be construed to prohibit the continuance of the present practice of the collector of internal revenue accepting certified checks drawn upon State banks and trust companies.

Mr. McCALL. Mr. Speaker, in the first place, with reference to the gentleman's first suggestion, the national banks are the depositories of public money. The public moneys are not deposited, as I understand, in the State banks; so that if checks were paid to the Government for customs dues they would be deposited by the Government in national banks.

I can not see that there would be any particular advantage in having the provision for payment by check applied at State banks if it was necessary to make a corresponding provision that these checks shall be a first lien upon the assets of the bank. That might create confusion altogether out of proportion to any advantages that would accrue by the simple right to draw checks which would have to be deposited in a national bank and collected by a national bank. But I will say to the gentleman that this was a report by the gentleman from Connecticut [Mr. HILL], I think.

Mr. HILL. This was a unanimous report.

Mr. MANN. The gentleman wants to know why State banks are not included.

Mr. HILL. I presume the reason why State banks are not is they are not national depositories and can not be.

Mr. CALDER. But the gentleman knows that internal-revenue collectors accept certified checks on State banks and trust companies.

Mr. HILL. Certainly, and I think that is a mistake.

Mr. BARTLETT of Georgia. Mr. Speaker, I would like to call the attention of my friend from New York [Mr. FITZGERALD] to the fact that this bill also provides that a certified check shall not be considered as payment of customs duties until it is itself paid, so that it is a mere bill for the convenience of the merchant and of the customs officer, and it provides it shall be a lien upon all property of the bank upon which it is drawn and also that the merchant who gave the certified check shall still be liable to the Government for the duties until the check itself is paid.

Mr. KEIFER. Is not that the effect of the law now?

Mr. FITZGERALD. I desire to call the attention of the gentleman to this fact: I believe in almost every State in the Union debts to the United States have a preference over all other debts under any circumstances.

Mr. McCALL. That requires a knowledge of the different statutes of States, which I do not possess. Of course national banks are entirely under the jurisdiction of the National Government. I think this is a unanimous report from the committee, but the chairman who made the report is not present.

Mr. FITZGERALD. Would the gentleman have any objection to permitting an amendment to be offered to include State banks and trust companies? And if there should be any good reason for its elimination later that could be done.

Mr. HILL. What amendment does the gentleman propose?

Mr. FITZGERALD. To provide that after the words "national banks," to insert "State banks and trust companies."

Mr. MANN. Will the gentleman from New York allow me to suggest a matter? That would require the entire redrawing of the bill, because plainly we would have no authority to hold a preferred lien for these checks on State banks when one fails. We have no control over the State banks.

Mr. FITZGERALD. Under this bill if a certified check upon a State bank or trust company was refused payment, it would not constitute a payment of the customs duties at all, and the importer would still be liable.

Mr. MANN. The bill contains a provision which I suppose was considered necessary, that upon the failure of the bank those checks should have priority of payment, and this we can not extend to the State banks.

Mr. HILL. Mr. Speaker, if the gentleman will yield to me, I suppose the reason, the real reason, why the Treasury Department confines this to national banks is because the national banks of the country are under a uniform charter throughout the United States. Collectors of internal revenue under the regulations of the Treasury Department now receive checks on State banks or national banks, but they do so with State banks on their own individual responsibility by the consent of the department, but not by law. Now, with State banks in almost every State in the Union the conditions under which they are chartered are entirely different. Trust companies are in a still worse situation so far as variation in their responsibility to the Government is concerned, as to their reserves, as to the amount of money that they are required to keep on hand; all their conditions of banking are different. Forty-five different conditions, you may say.

If the regulations throughout the United States were such that they were required to carry the same reserve as national banks, if they were not permitted to loan on long time and on real estate, which the national-bank law forbids, if they were conducted on purely a commercial system of banking, it might be well; but they are under a broader, a wider, a much larger system of banking than national banks are. It might well be permitted in many cases, but in many cases it might be dangerous.

Mr. FITZGERALD. The gentleman is going far——

Mr. HILL. You have to go far to cover all of the State banks and trust companies in the whole country, including Porto Rico, Alaska, Hawaii, and the Philippines.

Mr. FITZGERALD. But the gentleman is mistaken. The collectors of internal revenue are permitted in their districts——

Mr. HILL. And they are individually responsible.

Mr. FITZGERALD. Just let me make a statement now. They are permitted to accept these certified checks on State banks and trust companies. Under the banking laws of all the States, as far as I am informed, the acceptance of a certified check in payment of a debt is the discharge of the debtor, and recourse must be had against the bank for collection. If the bank fails the collector of internal revenue must make good under his bond to the amount he has collected; but this bill changes the law entirely regarding the effect of accepting certified checks. It provides that the giving of a certified check will not be considered as the payment of an obligation, and therefore the payment the gentleman speaks about is completely eliminated. If the check be not paid, the persons originally liable for taxes or customs or internal revenue are still liable.

Mr. HILL. Under the terms of this bill if a collector of customs accepts a certified check he is relieved from responsibility. Under the old law and under the present system if the collector of internal revenue accepts a check his responsibility continues. There is all the difference in the world.

Mr. FITZGERALD. The gentleman is mistaken. The bill specifically provides that no person who may be indebted to the United States on account of duties, or imports, or internal-revenue taxes, or shall have tendered a certified check or checks as provisional payment for such taxes or duties, in accordance with the terms of this act, shall be relieved.

Mr. HILL. Yes; but it does not include the collector. It releases him.

Mr. FITZGERALD. It says he shall be relieved from the obligation to make ultimate payment thereof until such certified check so received shall be duly paid.

Mr. HILL. But it does not include the collector. The collector under this is released when he accepts a certified check, and the Government has a right to designate what the character of the certified check is to be.

Mr. FITZGERALD. Mr. Speaker, I am somewhat familiar with conditions affecting the banking business, at least in the city of New York——

Mr. HILL. Certainly.

Mr. FITZGERALD. And the giving of such a right to certified checks of national banks, and not to State banks and trust companies, would be to work a gross injustice to institutions created by the State itself. Such a bill can not pass here by unanimous consent, with that discrimination in it. The national banks to-day are given sufficient aid and assistance and advantage over State institutions already without having such additional advantages.

Mr. UNDERWOOD. I would like to ask the gentleman from Connecticut whether the provision in the bill which I objected to before the committee, the part of the bill that provided that these checks could be received and must be received, and that there was no power to compel the importer to pay gold, if the Treasury Department elected to call for gold, is still in the bill.

Mr. HILL. The law, as I understand it, still makes it discretionary with the Secretary of the Treasury to demand gold when he sees fit. This accommodation to the business world and the United States will be lawful under such regulations as the Treasury Department may make. It is a concession to business convenience. Now, it would be very cruel to say that the business men, not only in New York, but San Francisco and New Orleans, and all customs ports, should not be allowed to tender certified checks to collectors allowed to receive them.

As I said a moment ago, as it stands to-day, a collector of internal revenue can receive them, but he receives them on his own personal responsibility, and his responsibility extends clear up to the final payment. The Government says, "We will let up on that so far as this: We will accept certified checks on the national banks over which we have control, and release the collector from the responsibility and look to the national banks; and if it is not paid we will have a first lien on their assets, and if it is not paid then we will go back to the importer of the goods and make him pay." In other words, the Government proposes to be perfectly safe. So far as State banks are concerned, if they were in the same condition there would not be any objection to it. So far as payment of gold is concerned, which the gentleman asks about, it is entirely within the power of the Secretary of the Treasury to suspend this proposition and require payment of gold just as he can require it now under the law, but does not do it.

Mr. HARRISON. Does not the gentleman from Connecticut think that is an added danger? Suppose at a time when gold exports are taking place the collector of customs in New York should suddenly suspend the privilege of paying customs duties by certified checks and require payments in gold.

Mr. HILL. He has the right to do it now. As the gentleman knows, the obligations of the United States Government are payable by law, the interest and principal of its bonds, in terms of gold, and to take away from the Government the right to demand gold and compel them to pay it would be a travesty on the legislation.

Mr. HARRISON. It would be much better for the business community not to put it in the power of the collector of customs to cause a corner in the gold market and bring about a stringency.

Mr. HILL. There has been a settled rule of exchangeability of all forms of money since 1890, and there never has been a break, but in the case of the very condition which the gentleman names the Government should have authority to demand gold.

Mr. HARRISON. So it should.

Mr. HILL. So it should, and it is given it under this bill. It is a matter of convenience to the business community, and there is not an importer in New York or Brooklyn but would hail with glee the passage of this bill as a matter of convenience and economy, and so in every city where there is a customhouse.

Mr. UNDERWOOD. If the gentleman will yield, I want to make this statement: I have no objection to the customhouse officers receiving a certified check from a bank in payment of customs duties when it is left optional and entirely optional with the customhouse and Treasury officials to determine when they will take a check and when they will not.

Mr. HILL. That is all this bill does.

Mr. UNDERWOOD. But the bill, in section 2, has this provision:

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

That goes very much further than the provision in reference to receiving certified checks. It changes the fundamental law of the country.

Mr. HILL. But let me call the gentleman's attention to the fact that this is the very thing which the gentleman from New York insised should not be done. So you gentlemen do not agree.

Mr. UNDERWOOD. I am not trying this on the position of the gentleman from New York.

Mr. McCALL. Is not what the gentleman has just read as changing the fundamental law of the country in the law of the country now? Is not that the exact provision of the law to-day?

Mr. UNDERWOOD. The gentleman contends it is by interpretation. I understand the gentleman contends that under the recent law the Treasury Department is required to cash all classes of money in gold. I doubt whether that is the correct interpretation. I want to say that the bonds and securities of the United States are payable in gold, and the only way the Government can get gold to-day is to require the importers to pay it at the customhouse or sell bonds.

Mr. HILL. That is right.

Mr. UNDERWOOD. Now, I am not willing to say that the Government of the United States shall be forced to sell bonds of the United States alone when the imported goods in the country can be required to pay it in gold. I can not consent to the bill going through.

Mr. HILL. The proposition does not change the power of the Secretary of the Treasury, except to enable him to broaden the scope and make it lawful for business men in any customhouse port in this country to send a certified check in lieu of gold, or any of these forms of money, except that it includes the notes of national banks to be receivable for customs and internal taxes.

Mr. UNDERWOOD. I do not understand the bill in that way. As far as the certified check is concerned I have no objection, but I do object to clause 2, and without the gentleman is willing to strike out clause 2, I shall be compelled to object, because I say it weakens the power of this Government to meet its securities payable in gold.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman if he strikes out clause 2, if it would not be necessary to strike out section 3, the repealing clause. I would like to call his attention to the existing law as to the character of coin or currency in which duties now should be paid. Section 3009 of the Revised Statutes is as follows:

SEC. 3009. All duties upon imports shall be collected in ready money, and shall be paid in coin (or coin certificates) or in United States notes, payable on demand, authorized to be issued prior to the 25th day of February, 1862, and by law receivable in payment of public dues.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. UNDERWOOD. I object.

POCATELLO NATIONAL FOREST RESERVE.

The next business was the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands, to wit, sections 3, 4, 5, 6, 7, 8, and 9, township 9 south, range 35; section 22, township 8 south, range 34; and section 1, township 9 south, range 34, all in Bannock and Oneida Counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Pocatello National Forest Reserve.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I desire to know how many acres there are in the forest reserves now in Idaho.

Mr. HAMER. Mr. Speaker, we have about 50 per cent of the surface area of Idaho in forest reserves at the present time, but the reservation proposed by the bill now under consideration is absolutely necessary to preserve the purity of the water supply of the city of Pocatello.

Mr. FITZGERALD. Fifty per cent of the State of Idaho is now in forest reserves?

Mr. HAMER. Yes.

Mr. FITZGERALD. The gentleman and other representatives in another body have been condemning everybody connected with the Federal administration for the policy of creating forest reserves in his State, has he not?

Mr. HAMER. In that event, the gentleman certainly ought not to object when I ask for additional area to be included in

the forest reserves. It may be an indication of reformation on my own part.

Mr. FITZGERALD. In view of the gentleman's own statements in the past, unless he can give a very conclusive reason for adding to the already great burdens of the people of his State in this way, I will be compelled to protect them, even if he is not likely to do so.

Mr. HAMER. The best reason that I can give, Mr. Speaker, is that the inclusion of these lands in forest reserves is absolutely necessary for the protection of the water supply of the city of Pocatello, as the gentleman will find from reading the report of the Forester, who approves of this legislation.

Mr. PARSONS. Is this timbered land?

Mr. HAMER. Part of it is and part is not.

Mr. PARSONS. None of it heavily timbered?

Mr. HAMER. No.

Mr. PARSONS. But this is a living instance of where the people do want some land to go into the National forest reserve of the State of Idaho, even though it is not heavily timbered?

Mr. HAMER. Yes.

Mr. PARSONS. And some of it not timbered land?

Mr. HAMER. Yes; this is one of the isolated cases.

Mr. FITZGERALD. What about the homestead rights that have been acquired on this land?

Mr. HAMER. They will not be interfered with in any way.

Mr. FITZGERALD. Will the gentleman agree never again to criticize the creation of forest reserves in his State, if this bill goes through by unanimous consent? [Laughter.]

Mr. HAMER. I can not take such a solemn obligation at this time. [Laughter.]

Mr. FITZGERALD. This is about the only timbered land in the State of Idaho, is it not—these 5,000 acres?

Mr. HAMER. No, indeed.

Mr. FITZGERALD. Has not the complaint of the gentleman been that the administration has not been segregating forest land, but segregating large tracts of land without any timber, under the pretense that they were required to create forests in the future?

Mr. HAMER. Yes; that has been the criticism out there to some extent, but it is not the criticism in this particular case, and, so far as the people of Idaho are concerned, there is no criticism.

Mr. FITZGERALD. Reading this report, the inference is quite reasonable that this is one of the best pieces of timber land in the State of Idaho. Is not that a fact?

Mr. HAMER. No. The gentleman is evidently not familiar with the timber of Idaho.

Mr. FITZGERALD. I will read what the report says, if the gentleman denies that statement:

> The topography of this area is high, rolling land, with an altitude of from 6,000 to 8,000 feet. The forest is chiefly of the red fir type and embraces 1,500 acres of timber, which has an average stand of 3,000 feet to the acre——

Mr. HAMER. Yes; that is not heavy timber.

Mr. FITZGERALD (continuing)—

> making approximately 4,500,000 feet b. m. in the proposed addition.

Is not that one of the best timbered sections of the State?

Mr. HAMER. Four million five hundred thousand feet would not be a very important timber acquisition.

Mr. FITZGERALD. In spite of the fact that 50 per cent of the gentleman's State has been included in the forest reserves, he is anxious to have this included?

Mr. HAMER. Under the circumstances, I am very anxious to have this included in the Pocatello Reserve.

Mr. MANN. It would be worth its passage to hold it up against him hereafter. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, in view of the peculiar circumstances and the fact that the gentleman from Idaho not only approves but is attempting to include in the forest reserves in the State of Idaho lands never even contemplated by the administration, I will not object.

Mr. PARSONS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Idaho whether this protects the water supply of the city of Pocatello.

Mr. HAMER. Yes; that is the purpose and desire.

Mr. PARSONS. They are dependent upon the forest reserve for protecting their water supply.

Mr. HAMER. Well, in part, they are. Their water supply undoubtedly rises up in these mountains there and it is necessary to protect it from sheep and other forms of contamination.

Mr. PARSONS. And if this gets into the national forest the administration of the forest will be such that the water supply of the city of Pocatello will be protected.

Mr. HAMER. That is the hope and expectation.

Mr. PARSONS. And the people there are confident it will be so.

Mr. HAMER. The people evidently desire this acquisition at this time in the hope that it will preserve from contamination their water supply.

Mr. MANN. If it had not been for a recent act of Congress or a provision in a recent act of Congress, which was inserted at the request of certain gentlemen from Idaho, there would be no necessity for this bill, I believe. The Government before that had the authority to make these reserves without any act of Congress.

Mr. HAMER. We would prefer, I will state to the gentleman from Illinois, at all times to have something to say as to what particular territory shall be included in these forest reserves, believing that perhaps the citizens of my State and the residents within its borders are abundantly able to determine what should be included in a forest reserve—more able, perhaps, than some people, say, from New York.

Mr. PARSONS. Mr. Speaker, I do not object.

Mr. MANN. Had it not been for recent legislation, which I will not say the gentleman from Idaho urged unless he desires to say so himself, but certain gentlemen from that part of the country urged, there would be no necessity for this legislation, and he would have no difficulty in providing what he is now seeking and in a way which he probably will not accomplish. However, this is a Senate bill—even the Senate retracts here what they said before.

Mr. FITZGERALD. The real effect of this bill is to saddle on the Federal Government the cost of preventing the water supply of this city in Idaho from being contaminated.

Mr. HAMER. Oh, no; I do not think that is the effect of the bill.

Mr. FITZGERALD. What other excuse is there?

Mr. HAMER. Will the gentleman from New York tell the House how it would be possible for the people of Pocatello to institute any regulations to prevent the contamination of this watershed by sheep when it is public land? The people of Pocatello are absolutely helpless so far as protection on this particular piece of ground is concerned, because it is largely public land. Of course there is some settlement on the public lands, but no part of it is in the corporation limits of the city of Pocatello. The only way it can be protected from contamination is by extending some Government regulations to the area in question.

Mr. FITZGERALD. Did it occur to the gentleman that perhaps his State could purchase this land through some law from the Federal Government? The State of New York purchased its forest reserve and watershed from private individuals.

Mr. HAMER. But the city of New York is a wealthy city and one of the oldest in the Nation, whereas Idaho is a young State.

Mr. FITZGERALD. It is not only wealthy but has the willingness to pay for the things it desires and does not come to the Federal Government for them.

Mr. HAMER. Of course it would be possible, and I would cheerfully agree, for the people of New York to take up a collection and present it to us, and we will accept it as a monument——

Mr. FITZGERALD. Is the gentleman inclined to accept the amendment suggested by the Secretary of the Interior?

Mr. HAMER. I propose to offer an amendment. It is to strike out the word "Reserve."

The SPEAKER pro tempore. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. HAMER. Mr. Speaker, I move to amend by striking out the last word in line 10, so as to read "Pocatello National Forest" instead of "Pocatello National Forest Reserve."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

> Line 10, strike out the word "Reserve."

Mr. MONDELL. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. Is there objection to the amendment? Does the gentleman from Wyoming [Mr. MONDELL] offer an amendment to the amendment?

Mr. MONDELL. I offer an amendment striking out the word "is."

The SPEAKER pro tempore. That is a separate amendment. The question is, first, on the amendment offered by the gentleman from Idaho [Mr. HAMER].

The question was taken, and the amendment was agreed to.

Mr. MONDELL. I offer an amendment to strike out the word "is," in line 8, and insert the word "are."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, strike out "is" and insert in lieu thereof the word "are," so as to read "the same are hereby."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Speaker, a moment on my amendment. There has been considerable said about this legislation, as if there were something extraordinary about it. Gentlemen have expressed surprise that the American people, or any portion of them, should prefer to have Congress legislate rather than to have a bureaucratic organization—an executive official somewhere, the fourth secretary of somebody—conduct their affairs. It seems to me it is not extraordinary that people living under a free government in an American Commonwealth should prefer to have the legislative body of the United States legislate for them rather than to have their affairs looked after and conducted by a bureau somewhere. So much for that.

Gentlemen have suggested that it is remarkable that a request should be made for the inclusion of this sort of land in a forest reserve. The law providing for forest reserves provides for the inclusion of lands timbered and necessary for the protection of water supplies, so that these lands are clearly within the purview of the forest-reserve law and therefore properly brought within the reserve. And my opinion is that this is the wise, proper, and reasonable way to add to reservations in the States.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. MANN. This bill was reported from the gentleman's committee, I believe.

Mr. MONDELL. It was.

Mr. MANN. I understood the gentleman from Idaho [Mr. HAMER] to state that the purpose of this bill was to keep sheep off this land in order to protect the water supply for the city of Pocatello.

Mr. HAMER. That is one of the purposes.

Mr. MONDELL. One of the ways in which the water supply is preserved and protected is by preventing overgrazing, and the keeping of sheep off this particular territory would, I presume, in the opinion of the people interested, prevent the contamination of the water.

Mr. MANN. The gentleman knows that this proposition means that at the expense of the Government this piece of land is to be maintained from overgrazing and in order to furnish a water supply at Pocatello, not at the expense of the city of Pocatello, but at the expense of the Federal Government.

Mr. MONDELL. But the gentlemen who have been favorable to the inclusion in reserves of hundreds of millions of acres have considerable to say about a suggestion to include in a reserve 5,000 acres of timbered land.

Mr. MANN. But we have not objected to the consideration of the bill, nor do we object to the passage of the bill; but we take some exception to some of the reasons given by the gentleman for now coming up and proposing to revoke a law that a few years ago he was ardently seeking to have passed.

Mr. MONDELL. None of the gentlemen are proposing to revoke that law, but they think that the proper and orderly way to arrange these matters is to have the Congress of the United States legislate in regard to them.

Mr. PARSONS. And that it is proper to put the lands in a national forest so that the water supply of the city can be properly protected?

Mr. MONDELL. The forestry law, the law of the land, provides for the inclusion of lands protecting water supplies within a forest reserve. And therefore they may properly be placed in a reserve.

A gentleman, the other day, suggested we should include the lands in a reserve that were not timbered and not needed for the protection of water supply. Of course they could not be placed in a reserve legally.

Mr. PARSONS. That is not what the gentleman said. What the gentleman said and pointed out in connection with this bill was that there were a number of bills pending——

The SPEAKER pro tempore. Does the gentleman from New York wish to be heard in opposition to the amendment?

Mr. PARSONS. I wish to point out that there are a number of bills pending to take lands out of the national forest and give them to cities that want a water supply, whereas the forestry service has a system by which, if lands are left in the national forest, it administers them in such a way that they can be properly forested, and such lands as are proper for grazing can be grazed and the water supply be protected without transferring the title to the city and giving the city the right to cut all the timber, which it would have if it got the title.

Mr. MONDELL. The gentleman from New York is not quite accurate. This inclusion of land in the forest reserve is helpful and beneficial to a certain extent, but in cities of any size they prefer to own their own watershed and take care of it, and in doing so there can be no question but that the Government is relieved from any responsibility to protect the water supply.

Mr. PARSONS. Is not the water supply in Portland, Oreg., in a national forest?

Mr. MONDELL. The water supply of a good many cities is, to a greater or less extent, in national forests, but cities generally prefer to buy the land.

Mr. HUGHES of New Jersey. Mr. Speaker, if the gentleman will permit me, as I gather, the gentleman from Wyoming, and certain other gentlemen on that side, are of the opinion that national forest reserves should not be created except when the gentlemen in the immediate vicinity want them created. Is not that correct?

Mr. MONDELL. No; I have not taken exactly that position. I think no forest reserve should be created except under and within the law, and I do think that the people in the locality should be consulted in all cases.

Mr. FITZGERALD. Has the Department of the Interior the authority under existing law to include this particular land?

Mr. MONDELL. No; there is a general law prohibiting the increase of the area of reserves in particular States.

Mr. FITZGERALD. Idaho is included in those States?

Mr. MANN. Yes; by an act passed in 1907.

Mr. FITZGERALD. The ink on the act is hardly dry before Idaho itself tries to repeal it and wants it increased.

Mr. MONDELL. Well, three years is quite a time.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. HAMER. Mr. Speaker, I move to strike out the last word in the title.

The amendment was agreed to.

EXTENSION OF EXTRADITION LAWS.

The next business on the Unanimous Consent Calendar was the bill (H. R. 24746) to extend the extradition laws of the United States to China.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall apply to the jurisdiction of the United States in China for the arrest and removal therefrom of any citizen of the United States who is a fugitive from justice charged with or convicted of the commission within the jurisdiction of any foreign government or power of any of the crimes provided for by the treaties between the United States and such foreign government or power, and for the delivery by a foreign government of any citizen of the United States charged with or convicted of crime within the jurisdiction of the United States in China: *Provided*, That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite a citizen of the United States has made adequate provision for reciprocal extradition of citizens of the United States seeking asylum therein to the jurisdiction of the United States in China: *And provided further*, That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question, and that the provisions of this section are therefore in force as regards such foreign government.

Such fugitive from the justice of a foreign government aforesaid may, upon a warrant duly issued by an official of the United States in China vested with judicial authority, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such official, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the jurisdiction of the United States in China.

For the purposes of this section, the order or warrant for delivery of a person committed for extradition prescribed by section 5272 of the Revised Statutes of the United States shall be issued by the minister of the United States to China, or in his absence the chargé d'affaires, under his hand and seal of office, and not by the Secretary of State.

Such fugitive must be delivered within two calendar months to the authority making the request for a surrender, unless causes have arisen which are sufficient, in the opinion of the authority competent to make the surrender, to justify the extension of the period of commitment for surrender; but such extension shall in no case exceed an additional period of four months.

SEC. 2. That the provisions of section 1014 of the Revised Statutes of the United States, so far as applicable, shall apply throughout the United States or to any territory or country governed, occupied, or controlled by the United States, for the arrest and removal therefrom to the jurisdiction of the United States court in China of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States within the jurisdiction of the United States in China, and shall apply within the jurisdiction of the United States in China for the arrest and removal therefrom to the United States, or to any territory or country gov-

erned, occupied, or controlled by the United States, of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any official of the United States in China vested with judicial authority and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned or admitted to bail, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the United States court for China seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute.

SEC. 3. That the provisions of sections 5278 and 5279 of the Revised Statutes of the United States, so far as applicable, shall apply to the jurisdiction of the United States in China, which, for the purposes of said sections, shall be deemed a territory within the meaning thereof: *Provided*, That for the purpose of this section the executive authority of the jurisdiction of the United States in China shall be the minister of the United States to China, or in his absence the chargé d'affaires: *And provided further*, That the provisions of this paragraph shall apply only to citizens of the United States.

SEC. 4. That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall be extended so as to include within the terms and meaning thereof the extraterritorial jurisdiction in China of any foreign government with which the United States has concluded or may conclude an extradition treaty for the arrest and removal thereto of persons who, being citizens or subjects of such government and having been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States committed within the extraterritorial jurisdiction of such foreign government in China, shall seek an asylum or be found within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, and for the delivery by such foreign government of its citizens or subjects who have been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States, committed within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, who shall seek asylum or be found within the extraterritorial jurisdiction of such foreign government in China: *Provided*, That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite the citizens or subjects of such foreign government has made adequate provision for reciprocal extradition of citizens or subjects of such foreign government seeking asylum therein to the jurisdiction of the United States in China: *And provided further*, That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question and that the provisions of this section are therefore in force as regards such foreign government.

SEC. 5. That when, under sections 2 and 3 of this law, it is desired to obtain the provisional arrest and detention of a fugitive in advance of the presentation of formal proofs, such detention may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive, addressed to the authority competent to grant such surrender: *Provided*, That such request for provisional arrest and detention be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority preferring such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained: *And provided further*, That the expenses of detaining a fugitive upon telegraphic request shall be borne as provided for in sections 5278 and 1014 of the Revised Statutes: *And provided further*, That no person shall be held in custody under telegraphic request by virtue of the provisions of this section for more than 90 days.

SEC. 6. That the provisions of sections 5409 and 5410 of the Revised Statutes of the United States are hereby made applicable to proceedings in extradition instituted in accordance with the provisions of this act.

SEC. 7. That the terms "citizen of the United States" and "citizens of the United States" used in this act shall for the purposes of this act include any person or persons whose permanent allegiance is due to the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HARRISON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. This is an extension of the extraterritorial powers of the United States in China?

Mr. DENBY. It is to extend the extradition laws in China.

Mr. HARRISON. And trust the execution of them to the extraterritorial courts in China?

Mr. DENBY. Yes.

Mr. HARRISON. Does the gentleman think the House of Representatives has the right to originate any legislation in the nature of a treaty?

Mr. DENBY. This is not a treaty.

Mr. HARRISON. What powers have we to enforce it?

Mr. DENBY. We have the same power to enforce this as we have to enforce the powers of the United States court now existing in China. It is a mere extension of the power of the United States court and other officials in China.

Mr. HARRISON. It is the power of might. Is not that all?

Mr. DENBY. There is no extradition treaty with China. It is the power by acquiescence of the Chinese Government.

Mr. HARRISON. Do they acquiesce or have they been consulted at all?

Mr. DENBY. Yes; they acquiesce, because they have acquiesced in similar exercise of power by other Governments, of this same character.

Mr. HARRISON. The gentleman does not know whether they would regard this as an unfriendly act?

Mr. DENBY. I know as a matter of moral certainty that they would regard it as a highly friendly act on the contrary.

Mr. HARRISON. Do we have these extradition rights in other extraterritorial countries?

Mr. DENBY. We have the general exercise of power of extradition as a matter of international comity, simply asking the country in which we exercise extraterritorial jurisdiction to render up a fugitive as a courtesy.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman from Michigan whether we have any extradition treaty at present covering the powers in this bill.

Mr. DENBY. No; we have no extradition treaty at all with China; and that has occasioned great embarrassment which makes this bill necessary, because we can not secure the person of a fugitive who commits a crime in China and goes to the United States, and we can not secure the person of a fugitive who commits a crime in the United States and goes to China.

Mr. STAFFORD. What prevents our Government entering into an extradition treaty with China covering these powers?

Mr. DENBY. The fact that we do not concede to China the right to lay a finger on an American citizen, and therefore we could not ask China as a matter merely for our interest to promise to secure the person of American citizens and send them back to the United States. We reserve wholly the power to touch our own citizens in China, and that is inconsistent with negotiation of an extradition treaty.

Mr. STAFFORD. This bill extends to others than American citizens?

Mr. DENBY. Yes.

Mr. STAFFORD. To foreign citizens who have committed crimes in this country and take refuge in China, and to those who have committed crimes in China and who take refuge in the United States?

Mr. DENBY. Yes.

Mr. STAFFORD. As to those classes there is nothing that would prevent our Government entering into an extradition treaty with China.

Mr. DENBY. As to those classes, we do not need the extradition treaty with China. We do, however, have an agreement with foreign powers that they will reciprocate the privileges which we extend to them in this law, and the law specially provides that it is not to be operative until the foreign powers guarantee to us the same privilege that we grant to them here.

Mr. STAFFORD. Is there any other instance where the Government exercises extraterritorial powers as are proposed to be exercised by this bill?

Mr. DENBY. The Government exercises extraterritorial powers in Morocco, and it did in Korea until Korea became a possession of Japan, and it does in Turkey and in Persia and in Siam and a modified power in Egypt. That is, we have a court in Egypt, but in all the oriental countries, practically speaking, we exercise the extraterritorial power, and none of them may punish or lay a finger upon an American citizen. The result is that a crime is committed and the citizen flies to China and he can not be punished. We have had some very striking examples of the necessity for this legislation. A murder was committed in Hongkong, under the British Government, and the man fled to China, an American citizen killing an American citizen. We had no right to touch him. The British Government made demand on us, but we could not touch him. We did eventually secure the person of the murderer in Manila, and then the extradition laws of the United States with Great Britain became operative and we surrendered him from Manila, but if he had remained in China he would have remained at large, a menace to the community.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. HUGHES of New Jersey. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether this language on page 2, beginning with the words "such fugitives," to the end of the section, contemplates the trial of the fugitives before the officer.

Mr. DENBY. I did not catch the gentleman's question; will he kindly repeat it?

Mr. HUGHES of New Jersey. On page 2, beginning with the words "such fugitives," line 16, which prescribes some form of procedure before the United States representative in China, I would ask the gentleman whether that procedure contemplates the trial of the offender before the officer, or what does the following language mean?

Mr. DENBY. It contemplates an investigation of the question before the district judge in China, the United States judge in China.

Mr. HUGHES of New Jersey. There is no chance for the judge to try a man for his life?

Mr. DENBY. There is a chance in China, but not under this act. Of course the judge in China has full authority and jurisdiction over American citizens and may try them for their lives, and they have been so tried; that is, for a crime committed within the jurisdiction of his court.

Mr. HUGHES of New Jersey. But not a fugitive from this country?

Mr. DENBY. No; he can only try, as in this country, the question of extraditability.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SALE OF BURNT TIMBER ON THE PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or damaged by forest fires prior to December 1, 1910, the proceeds of the sale of such timber on lands within the States and Territories named in section 1 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, entry, or appropriation substituting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

SEC. 3. Any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who at the date of application for the sale has not abandoned his claim, shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law, such payment to be made by the Secretary of the Treasury from the special fund provided for in section 2 upon the certificate of the Secretary of the Interior that such settler or entryman is entitled thereto: *Provided*, That the remainder of the amount received from the sale of timber on his claim shall be paid to such settler or entryman from such special fund by the Secretary of the Treasury whenever the Secretary of the Interior shall certify that such settler or entryman has established his right to a patent for the land from which such timber was sold.

SEC. 4. Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman, from the special fund provided for in section 2, the amount arising from the sale of such timber.

SEC. 5. Whenever any filing, selection, location, entry, or appropriation shall be canceled because of failure of claimant to perfect title in accordance with the provisions of law governing the same, the proceeds from the sale of timber on such claim shall, if upon lands in a national forest, be disposed of as proceeds from other sales of timber within national forests, and, if upon public lands within the States and Territories named in section 1 of the act entitled "An act to appropriate receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and if upon other public lands the proceeds shall pass into and form a part of the general funds of the Treasury.

The committee amendments were read, as follows:

After the comma after the word "forests," in line 7, page 1, insert: "not covered by a valid subsisting selection or entry made prior to December 1, 1910."

After the word "or," at the end of line 7, insert "seriously."

In section 2 strike out the words "sell or" in line 7.

In line 8, after the word "or," insert "seriously."

Strike out the following words in lines 10 and 11: "lawful filing, selection, location, entry, or appropriation subsisting on," and insert in lieu thereof the following words: "valid subsisting selection or entry made prior to."

Strike out all of lines 16, 17, 18, 19, and 20, page 2.

Strike out all of sections 3, 4, and 5.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MARTIN of South Dakota. Mr. Speaker, reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, reserving the right to object——

Mr. MANN. So do I.

Mr. MARTIN of South Dakota. Mr. Speaker, I would ask the gentleman from Wyoming—I notice that this bill provides for the sale of burnt timber in cases where timber was burnt prior to a certain date, December 1, 1910. Of course I am aware that timber fires in the West, particularly the far West, were more numerous and extensive in the last year than usual. I would like to suggest to the gentleman whether the same considerations that would make this bill desirable would not suggest that the law be made general, and that these limitations in the bill to a certain date, December 1, 1910, should be by amendment stricken out.

Mr. MONDELL. I will say to the gentleman that I think he realizes the danger of the suggestion that he makes. If everybody was honest, if everybody proceeded always in good faith, it would be perfectly safe to provide for the sale of timber fire killed hereafter, but it is not wise to tempt men to set fires; the committee has often considered that particular question, and the members of the committee have always felt that it was dangerous to tempt men to cause forest fires by providing generally for the sale of fire-killed timber.

Mr. MARTIN of South Dakota. Of course in practical experience there is not a season which passes but that there are forest fires more or less extensive, and under the administration of that question, the timber in many instances, in fact, in most instances, is allowed to entirely rot and become of no value, whereas if there were the authority to dispose of it in a proper way it would be a great saving. At the same time I appreciate the force of the gentleman's suggestion and would not object to the consideration of this bill because of that limitation. Now I would ask a further question. Upon page 1, the amendment inserted by the committee limits the authority of the Secretary of the Interior to lands not covered by valid subsisting location and entry, and very properly, I think. Upon page 2, in section 2, provision is made, notwithstanding, that the Secretary in case where fires have taken place upon valid entries, may permit the sale of timber upon such entries, a provision which I think is very wise; but the gentleman will notice whereas in the first section the word "location" is inserted, in the second section where it gives authority to the Secretary to give permission, the word "location" is left out. I think the word "location" should be inserted after the word "selection" in section 2.

Mr. MONDELL. I will say to the gentleman that the use of the word "location," in line 8, page 1, is an error made in transcribing the amendment. The words should have been "selection" or "entry." Those are the words that we use in section 2.

Mr. MARTIN of South Dakota. What is intended to be covered by the word "selection?"

Mr. MONDELL. A valid selection by a State under a grant or a selection in lieu of other lands, which give the selector a right to the property, and is in the nature of an entry whenever full compliance with the law has been had.

Mr. MARTIN of South Dakota. I think the word "location," in the first section, should remain there, and also be inserted in the second section. As the gentleman well knows, the preliminary title that is held to the homestead is expressed by the word "entry," and when we speak of a homestead entry we speak of lands that the title has been initiated, but not passed to final proof or patent. The preliminary title to a mining claim is expressed by the word "location." There is the same reason for authority in the Secretary of the Interior to make the sale of timber upon mineral lands not covered by valid mining locations and permit the sale in cases covered by valid mining locations that would apply to agricultural lands when covered by an invalid in one instance and a valid homestead entry in the second instance.

I know of cases now where fires have gone over the forest where valid mining locations existed. Under the law the mining locator is expected, until he obtains his patent, not to cut his timber except for the purpose of timbering his mine. When he gets his patent he has complete control over the timber and everything else. I know instances where fire has gone over valid mining claims——

Mr. MONDELL. If the gentleman will allow me, we all agree——

Mr. MARTIN of South Dakota (continuing). And the controversy arises right away as to the authority to permit the sale of the timber thus damaged by fire, or whether it must stay there unused till perhaps it is of no value.

Mr. MONDELL. Now, I want to say to the gentleman that there is not any question about the provision of the bill, providing it is amended as I suggest, in regard to the matter he refers to. It was not the intention of the committee to author-

ize the owner of a mining location to secure the right to cut the dead timber on his location, under section 2.

I desire to call the gentleman's attention to the fact that we are now acting upon a Senate bill. And the thought of the committee was to carry out the desire of the Interior Department with regard to the matters involved and to meet the views of the other branch of Congress so far as we could, and at the same time get legislation that would be fair and reasonable. The bill as it came to us provided that the Secretary of the Interior could only cut timber from land entirely free from all sorts of entries, locations, filings, and appropriations. In other words, under the legislation as it came to us from the Senate the Secretary could only cut timber, or allow timber to be cut, on unentered, unclaimed public lands on which no sort of a claim had been made.

Then, section 2 of the Senate bill provided that the Secretary could, however, provide for the cutting of timber on all lands entered, selected, located, and appropriated, but the money received went into a "burned timber fund," and in the case of a homestead entryman they had a complicated system of bookkeeping whereby the homestead entryman should receive the proportion of the money received from the sale of timber on his homestead that the length of time he had lived on his homestead bore to the entire five years which he must live there.

Now, these provisions, it seemed to us, were illogical in this, that while the Secretary could not on his own motion cut the timber from land contained in a location or an appropriation, which might mean a piece of land that had been claimed by any sort of shadow of claim or right, he could get somebody's permission to have it cut, but the funds arising from the sale went into the Treasury just as though he had cut the timber from unclaimed land on his own motion.

Now, this is the theory of the House bill, that except on lands covered by homestead entry or a State selection or any other selection which is in the nature of an entry, the validity of which can be quickly determined by the department, that except on those lands the Secretary has the right to cut the dead timber from all classes of the lands. In other words, where they are still Government lands not covered by a claim that is in the nature of an entry, the Secretary shall have the right to cut the timber, and the money arising from the cutting of such timber shall flow into the National Treasury.

But, on the other hand, that land covered at the time of these fires, not now, not in the future, but at the time of the fires, by an entry, a homestead entry or a valid selection which is in the nature of an entry, that as to those lands the claimant had acquired such a right or title that he ought to be given an opportunity to have the timber cut for his benefit, and therefore we simply provide that the Secretary may allow him to cut—it is discretionary with the Secretary—allow him to cut under rules and regulations which the Secretary is to provide.

That is the theory of the House bill. The House committee did not believe that in the great territory yonder, burned over by forest fires last year, the man who had simply asserted a claim, which might never ripen into an entry, should be allowed the proceeds of the timber cut upon land so claimed. But, on the other hand, we did not think we ought to pursue the roundabout process of the bill as it came to us, under which the Secretary must go to the man and get his permission and have the timber cut, and after getting his permission keep the proceeds.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. MANN. The gentleman understands that he has now occupied 20 minutes on this bill and to-day was set apart especially for suspensions under the rule.

Mr. MONDELL. I want to say that neither the bill as it came from the Senate nor as reported from the House would authorize a locator of a mining claim to have the timber cut from his claim and receive the proceeds. Neither committee seems disposed to do that, and if the gentleman from South Dakota insists on that, it would mean that we would not have any legislation at all, because the legislation did not come to us in that form.

Mr. MARTIN of South Dakota. The legislation came to the committee in the form that a valid mining claim location and a valid homestead entry would be on the same basis.

Mr. MONDELL. If the gentleman will read section 2 he will find that is not so at all; they are on the same basis, so far as the manner of cutting is concerned, but by the terms of the Senate bill the homesteader would receive part of the proceeds and the mining locator none.

Mr. MARTIN of South Dakota. Both in the same position.

Mr. MONDELL. He will find that after the timber was cut from it the locator did not receive a penny of it.

Mr. MARTIN of South Dakota. That proposition I should oppose, and I should oppose just as strenuously taking the property from a valid mining locator and passing it over to the Government. There is no higher title than a valid mining location, except a patent.

The SPEAKER. Does the gentleman from South Dakota object?

Mr. MARTIN of South Dakota. If the gentleman will consent, at the end of line 18, page 2, to insert the word "location," I will not object. Otherwise I shall object.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. Has there ever been any other bills passed that provided for the sale of timber, except dead and down timber? Have the words "damaged timber" ever been in a bill before?

Mr. MONDELL. The words "dead and down timber" have not proved very happy in their operation in law always.

Mr. COOPER of Wisconsin. As the bill came from the Senate it provided for "damaged timber."

Mr. MONDELL. We say "seriously damaged."

Mr. COOPER of Wisconsin. Under that language they could cut live timber.

Mr. MANN. The Forest Service has to pass upon it.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman a question as to the special reclamation fund in section 1.

Mr. MONDELL. It provides that the sums received from the sale of timber shall fall into the reclamation fund, just as the funds from the sale of land do.

Mr. STAFFORD. What provision is made here for the expenses borne by the Secretary of the Interior in cutting this land to be charged up against the persons who have some claim to the damaged timber?

Mr. MONDELL. The administration of the law and the expenditures under it would be paid out of the general appropriations. The Government would be to no expense with regard to the cutting of timber on the lands belonging to individuals.

Mr. STAFFORD. Why not?

Mr. MONDELL. All the Secretary has to do is to grant them the right to cut the timber on their lands or refuse to do so.

Mr. STAFFORD. Will the gentleman explain what right the Government has to take and cut timber on Government lands outside of the forest reserves?

Mr. MONDELL. There is no law providing for the sale of timber on public lands.

Mr. STAFFORD. Has the Government any authority to cut down any dead timber?

Mr. MONDELL. No authority now.

Mr. MANN. Mr. Speaker, the discussion of this bill has shown it is too important to pass in this way. Therefore I object.

The SPEAKER pro tempore. Objection is heard.

PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECKS.

Mr. HILL. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 30570) relating to the payment of import duties, and so forth, by certified checks, which was laid aside a few moments ago. I think that all objections to it have been met, and there will not be the slightest objection to the provisions of the bill as amended.

Mr. SLAYDEN. Mr. Speaker, in recurring to a bill that has been laid aside, it is entirely probable that great detriment will be done to the balance of this calendar.

Mr. HILL. It will not take more than five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, in line 5, page 1, after the word "banks," by inserting the words "State banks and trust companies."

Strike out section 2 and section 3, and renumber section 4 as section 2.

Mr. HILL. That covers all objections.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the committee amendments.

The committee amendments were agreed to.

Mr. BENNET of New York. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 4, before the word "internal," strike out "and," and after the word "internal" insert the words "and immigration."

Mr. HILL. Mr. Speaker, that question was distinctly understood and discussed in the committee, and the committee did not care to enter upon that.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that it is not germane. This is a bill providing a method for the payment of customs and internal revenue. This amendment attempts to include the head tax under the immigration law, and it clearly has nothing to do with it.

The SPEAKER pro tempore. The bill relates to duties on imports, and also to internal taxes, and the Chair thinks a third object, such as that referred to, might be inserted as an amendment and be germane to the section.

The Chair overrules the point of order.

Mr. SLAYDEN. Mr. Speaker, I would like to ask some explanation of the amendment offered.

Mr. MANN. We will vote it down.

Mr. SLAYDEN. I understood from the gentleman from Connecticut that this matter was brought up in committee and voted down, and now it is sprung here at the last moment, in the consideration of amendments that we were assured had been agreed to and would not consume the time of the House.

Mr. HILL. That is correct.

Mr. SLAYDEN. What is the object of the amendment?

Mr. BENNET of New York. Mr. Speaker, the object of this bill, as I understand it, is to relieve business men from the necessity of taking actual currency down to the customs houses and paying it over, when they could just as well pay with certified checks.

Mr. CLARK of Missouri. Is this the bill about certified checks? Well, it ought to pass without a dissenting voice.

Mr. BENNET of New York. There is paid into the customhouses throughout the country during the year about $4,000,000 in head taxes, so the argument that applies to custom duties applies to the head tax, and there is no reason under the shining sun why the men who are in this business and who have to take and cart this gold and silver down to the customhouse should not be relieved of that burden. All that this amendment does is to extend the provisions of the statute to the steamship people who pay $4,000,000 a year, and I hope, therefore, the amendment will be agreed to.

Mr. HILL. Mr. Speaker, I have no authority to speak for the committtee in regard to the matter. I would simply state to the House this, that the question of receiving this money from the steamship companies by certified check was not considered by the committee. The subject was brought up but it was not deemed wise to enter upon it and the House must act upon its own responsibility. My own judgment in regard to the matter is there ought to be a hearing upon this question, as there was upon the pending bill, and the wisest course to pursue is for the gentleman to offer his amendment before the Senate committee, where it can be heard and discussed, and not here on the floor of the House. At the same time, I personally have no objection to it, but I have no authority from the committee to act on the matter.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes appeared to have it.

Upon a division (demanded by Mr. BENNET of New York) there were—ayes 26, noes 33.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HOMESTEAD ENTRIES, RED LAKE INDIAN RESERVATION, MINN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The Clerk read as follows:

Be it enacted, etc., That hereafter all lands ceded under the act entitled "An act to authorize the sale of what is known as the Red Lake Indian Reservation, in Minnesota," approved February 20, 1904, and undisposed of, shall be subject to homestead entry at the price of $4 per acre, payable as provided in section 3 of said act, for all lands not heretofore entered; and for all lands embraced in canceled entries the price shall be the same as that at which they were originally entered: *Provided*, That where such entries have been or shall hereafter be canceled pursuant to contests, the contestant shall have a preference right to enter the land embraced in such canceled entry, as prescribed in the act of July 26, 1892.

The committee amendment was read, as follows:

Provided further, That all lands entered under this act shall, in addition to the payments herein provided for, be subject to drainage charges, if any, authorized under the act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FERRIS. Mr. Speaker, I reserve the right to object.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to inquire of the gentleman having the bill in charge as to the reason why any of this land is withdrawn from entry and why the bill places $4 as the minimum price when under the original act there was no limit at all upon the amount that should be paid for this land.

Mr. STEENERSON. Mr. Speaker, the original act, the act of February 20, 1904, provided that the land should be offered at public auction and subject to the homestead law; that is, the privilege of taking a homestead was put up at auction and sold, and some of this land sold at a very high price, and still the purchaser had to comply with the homestead law. This law provided that, after that auction sale was over, for a period of five years the land should be subject to homestead entry at $4 an acre, and this unsold portion has been subject to homestead entry from 1904 until last summer. Then the law provided, after it had been open to homestead entry for five years and untaken, it could be sold at $4 an acre without any homestead requirement, and the Secretary of the Interior was authorized to sell it; that is, he could sell to speculators at $4 an acre, that being the minimum price. Some of this original tract of a quarter of a million acres embraced some wet land, and for that reason those lands have not been taken because too wet for agriculture. But since that time Congress passed an act authorizing drainage assessments under State laws, the same as privately owned land, and such improvements have been projected, and these will, it is believed, make these lands fit for settlers. The Secretary of the Interior, in view of this, withdrew the land and suspended sale thereof until Congress could pass appropriate legislation, and this bill is the result. The bill has been unanimously reported by the Committee on the Public Lands and is approved by the Interior Department.

Mr. HAMMOND. Will my colleague permit a question?

Mr. STEENERSON. I yield to my colleague.

Mr. HAMMOND. I have not the bill before me, but I understand that part of these lands will be opened for homestead settlement at $4 an acre?

Mr. STEENERSON. That is true.

Mr. HAMMOND. And that other lands will be open for homestead settlers at a price per acre equal to that paid when original entry was made?

Mr. STEENERSON. That is true.

Mr. HAMMOND. Will the gentleman please explain the necessity for the difference in price?

Mr. STEENERSON. The bill as originally introduced did not make that distinction, but the Secretary of the Interior in recommending it suspected that somebody who had offered in 1904 at auction sale more than $4 an acre and had not proved up might possibly relinquish his land and then buy it at $4 an acre.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEENERSON. There was no danger of that, because they have all proved up by this time, with very few exceptions.

Mr. FITZGERALD. This land was Indian land, was it not?

Mr. STEENERSON. It was Indian land.

Mr. FITZGERALD. And the proceeds are to go to the Indians?

Mr. STEENERSON. Yes.

Mr. FITZGERALD. And the tract was very valuable, and it was well known this land would bring more than $4 an acre?

Mr. STEENERSON. It was sold for more. It was sold for as high as $46.50. All of the land that was of any particular value was sold five years ago. This is the remnant. This is the swamps that have not been taken.

Mr. FITZGERALD. It is not swamps, because you would not get $4 an acre for the swamp lands.

Mr. STEENERSON. They have been too wet for settlement.

Mr. FITZGERALD. Who is going to homestead on these swamps at $4 an acre?

Mr. STEENERSON. They are proposing to build ditches that will reclaim them, and then we believe it will be fit.

Mr. FITZGERALD. Now, if this land is drained, it will be worth much more than $4 an acre, will it not?

Mr. STEENERSON. Because of drainage——

Mr. FITZGERALD. The gentleman forgets this does not belong to the United States, but is land belonging to the Indian tribe, and the United States, as trustee, is to sell it and collect the proceeds for the benefit of these Indians.

Mr. STEENERSON. If the gentleman from New York will permit me to say, before any legislation on this subject was had,

Indian Inspector McLaughlin made a written agreement with these Indians to buy this quarter million of acres at $4 an acre, or $1,000,000, and Congress refused to appropriate the money outright; but it provided that the land should be sold as I have described. We have now realized $1,074,879, so that when these 43,000 acres are sold at $4 an acre the Indians will get a quarter of a million dollars more, approximately, than they agreed to take for them. It is to the interest of the Indians to have this bill pass, because by inducing settlers to go on the land in proximity to land that the Indians own it will enhance its value. The settlement and development of the country naturally enhances the value of the adjoining land. It is all the land is worth, anyway. The gentleman from Minnesota [Mr. VOLSTEAD], a member of the Committee on Public Lands, visited that region last year, and he says in his report on this bill that the price fixed as a minimum price is the price that similar land is offered for in that vicinity of similar character.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. STEPHENS of Texas. I would like to ask the gentleman if it would not be better to offer this land at public auction and let it bring whatever it is worth, and allow the people who desire to buy it to purchase it in 160-acre plats with the right then to homestead it.

Mr. STEENERSON. I do not think so, and the department is of the opinion it would be better to give it to homesteaders at $4 an acre, which is all it is worth, and it will bring more that way than if it were sold to speculators.

Mr. STEPHENS of Texas. Will the gentleman inform us why the department makes a difference between his State and the State of Oklahoma, where they have sold millions of acres of land at competitive sale and placed the burden of homesteading the land in connection with having to buy it at open auction?

Mr. STEENERSON. I am not familiar with conditions in Oklahoma, but I am satisfied the interests of the Indians are well protected in this bill, and there has been no tract of land ever ceded by Indians in the United States for which they have realized 25 per cent more than they agreed to take for it outside of this tract that is here in question.

Mr. STEPHENS of Texas. Why not permit them to sell the land to the highest bidder?

Mr. STEENERSON. We did have an auction sale on these lands for six months, and every piece of land that was desirable was sold to the highest bidder, subject to the homestead laws. After that it was open to homesteads for five years more at $5 an acre. But these lands were in such a condition that no one up to date has been willing to take them, and then the law provided that they might be sold at auction to speculators, but it was thought that because of the prospective drainage improvements that settlers might be induced to take them instead of speculators, and that it would be for their benefit.

Mr. STEPHENS of Texas. The idea seems to be that the department wants to keep it out of the hands of the speculator. Could not they do it better by extending the homestead law to the land?

Mr. STEENERSON. The homestead laws have been applicable to the land for five years.

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to this bill?

Mr. FITZGERALD. Reserving the right to object, we want to make some inquiries.

Mr. MANN. I will withdraw the demand for the regular order.

Mr. FITZGERALD. How much will the land be worth an acre after the drainage proceedings instituted by the State?

Mr. STEENERSON. The idea is that they will be worth what it costs to drain them and what is paid to the Indians. It will cost $4 or $5 an acre to drain, and $4 has to be paid to the Indians, so that a settler will have to pay about $9 an acre.

Mr. FITZGERALD. Yes; but how much will it be worth?

Mr. STEENERSON. Well, it would not sell for any more than $9, probably.

Mr. GOULDEN. If the gentleman will pardon me, this land is practically worthless now.

Mr. STEENERSON. Yes.

Mr. GOULDEN. Who proposes to do the draining?

Mr. STEENERSON. That is rather a complicated matter. It is done under State law by permission of an act of Congress. The amount proportioned to each tract is levied against the land. The paramount lien is the purchase price to the Indians—$4—and then the cost of drainage assessment for the proposed ditch, which will be $5 or $6 an acre more. When it is all done, we expect settlers to take it.

Mr. GOULDEN. Is there any certainty that the drainage will be done so that the lands will be put on the market?

Mr. STEENERSON. I think there is a good prospect of it.

Mr. GOULDEN. How much land is there?

Mr. STEENERSON. About 43,000 acres. There was originally 250,000 acres, but something over 200,000 acres have been disposed of.

Mr. GOULDEN. And the gentleman thinks it is for the advantage of the Indians who own the land and who will receive the money?

Mr. STEENERSON. I think so. It is the unanimous report of the Committee on Public Lands, and is approved by the department.

Mr. FERRIS. Mr. Speaker, I was not present when this bill was considered in the committee, but it seems to me that the bill ought not to have been considered by the Committee on Public Lands, but should have gone to the Committee on Indian Affairs. Now, I want to ask the gentleman if he would have any objection to the insertion of three words in line 7, page 1, the words "not less than" after the word "of" and immediately preceding the word "four," so that it would read "not less than $4."

Mr. STEENERSON. I have no objection to that.

Mr. FERRIS. It seems to me not at all necessary and not at all proper to say that 43,000 acres of land scattered indiscriminately over this Indian reservation should be sold for a fixed price of $4 an acre. I take it there must be land there worth $40 or $50 an acre.

Mr. STEENERSON. Oh, no.

Mr. FERRIS. In 1904 some of these lands sold for as high as for $4 up to $40 an acre.

Mr. STEENERSON. They sold the best land. These lands have been open for homestead entry for five years and nobody would take them.

Mr. FERRIS. I take it that the improvement of the land that has been made renders the balance of it more valuable.

Mr. Speaker, I offer the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. STEENERSON. I will accept the amendment.

The Clerk read as follows:

On page 1, line 7, before the word "four," insert the words "not less than."

The question was taken, and the amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ALIENS AND STOWAWAYS.

The next business was the bill (H. R. 32441) to amend the immigration law relative to aliens and stowaways.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, that is a rather long bill and a very important one, and I do not think could be disposed of today without occupying more time than we ought to give to it. I therefore object.

The SPEAKER. Objection is heard.

UNITED STATES COURTS, IDAHO AND WYOMING.

The next business was the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming, approved June 1, 1889."

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 3 of 'An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming,' approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"'SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district.'

"SEC. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"'SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the

fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

"'That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court, and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City.'"

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The amendment in the nature of a substitute was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and was passed.

INTERNATIONAL PEACE.

The next business was the bill (H. R. 32084) to incorporate the Carnegie Endowment for International Peace.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, this is a very important bill, and I would like to know if we could not have the question submitted as to whether anybody objects, before it is read through.

The SPEAKER pro tempore. Without objection, the Chair will now submit the question. Is there objection to the consideration of this bill?

Mr. McDERMOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. PARKER. Mr. Speaker, that kills the bill for the whole session to do that, and it is really pretty hard to have an objection made.

Mr. SLAYDEN. I will ask the gentleman from Illinois to withhold his objection for a few minutes.

Mr. McDERMOTT. I will withhold it for a short while.

Mr. McCALL. Mr. Speaker, I demand the regular order.

RECONSIDERATIONS.

Mr. MANN. Mr. Speaker, before the gentleman from Massachusetts proceeds, I will ask his indulgence to ask unanimous consent to enter a motion to reconsider the bills that were passed to-day, and that that motion lie upon the table.

The SPEAKER. Is there objection? [After a pause.] There is none.

Mr. MANN. And also to lay upon the table the bills H. R. 11593, 11664, 17848, 26411, 28624, on the calendar, similar bills having already been passed.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

ORDER OF BUSINESS.

Mr. PARKER. Mr. Speaker, I rise to a parliamentary inquiry. The gentleman from Illinois withheld his objection.

The SPEAKER. But the regular order was demanded.

Mr. PARKER. The gentleman has withheld his objection. Does this bill go over as on the Calendar for Unanimous Consent?

The SPEAKER. It goes off the calendar under the rules.

Mr. PARKER. But the gentleman withheld his objection.

Mr. McDERMOTT. Mr. Speaker, I object.

MONUMENT TO ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 9449) to provide a commission to secure plans and designs for a monument or a memorial to the memory of Abraham Lincoln, with an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That WILLIAM H. TAFT, SHELBY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK are hereby created a commission, to be known as the Lincoln Memorial Commission, to procure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress.

SEC. 2. That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and to avail itself of the services or advice of the Commission of Fine Arts, created by the act approved May 17, 1910.

SEC. 3. That the construction of the monument or memorial, herein and hereby authorized, shall be upon such site as shall be determined by the commission herein created, and approved by Congress, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon and approved by Congress, and shall be prosecuted to completion, under the direction of said commission and the supervision of the Secretary of War, under a contract or contracts hereby authorized to be entered into by said Secretary in a total sum not exceeding $2,000,000.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans or designs for a memorial or monument, as herein provided, there is hereby appropriated the sum of $50,000, to be immediately available.

SEC. 6. That said commission shall annually submit to Congress an estimate of the amount of money necessary to be expended each year to carry on the work herein authorized.

SEC. 7. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. McCALL. Mr. Speaker, this bill provides for the appointment of a commission to determine upon plans for some suitable memorial to Abraham Lincoln in the city of Washington. It comes to this House with the sanction of having been introduced in the other House of Congress by the venerable Senator from Illinois, who was for many years a friend of Mr. Lincoln. An attempt was made by various gentlemen, including myself, two years ago, just before the one hundredth birthday of Abraham Lincoln, to provide for some suitable monument to him in the Capital City of the Nation that he saved.

A half century nearly after his death and the close of the Civil War there is nothing in the city of Washington to remind one that Abraham Lincoln ever existed except perhaps the scarecrow in front of the District court building and the statue of which we must all speak in terms of veneration and respect which was raised by the contributions of ex slaves. We have a great monument here to Washington and are soon to have a splendid memorial to Grant, and the object of this bill is to provide that there shall be erected here in this city a memorial to Abraham Lincoln. We were unable two years ago to procure the passage of suitable legislation because of the advocacy of so many different plans. There was a plan for a bridge, there was a plan for some sort of a structure in the new parkway; there was also a plan for a way to Gettysburg. All of these plans had more or less merit in them, but on account of the advocacy of all of them none was adopted.

I have nothing to say about the proposed plan of a way to Gettysburg, but it is very obvious that it brings in a new question and uses the fame of Lincoln to settle upon a policy upon which there is much discussion. If we build a magnificent highway through the States of Maryland and Pennsylvania to Gettysburg we shall have established a precedent which will be utilized for the purpose of having the National Government construct great ways at enormous expense in other States. What, for instance, could be more striking than a great highway from the city of Washington to the city of Richmond, which, but for Lincoln, might have been the capitals of two hostile nations, going through a country every inch of which was fought over by contending armies for three or four years? What could be more fitting, also, than a highway from Philadelphia to New York, through the region over which George Washington drove the British in the Revolutionary War? So we do not wish to complicate the simple question of having a memorial to Lincoln in the city of Washington with any of these other propositions, and the object of this bill is to secure its consideration by a commission. The commission must report to Congress, and it proposes to secure here, ultimately, in the city of Washington the construction of a suitable memorial to Lincoln. We have made an amendment on the Senate bill. We have added to the name of the commission those of the author of the bill, Senator CULLOM, of Illinois, and also the name of the Speaker of the House, Mr. CANNON, who was a personal friend of Lincoln's; and we have reduced the sum authorized to be expended by the commission for the purpose of making the investigations from $100,000 to $50,000. I think I have sufficiently explained the general purposes of the bill, and I reserve the balance of my time.

Mr. BARTHOLDT. I am heartily in favor of this bill, Mr. Speaker, but, if I construe correctly the remarks of the gentleman from Massachusetts, the commission might feel inclined to eliminate this plan for a highway because of his objection. If I understand, this bill does not confine the commission to any particular plan or form of a memorial.

Mr. McCALL. No; it does not confine the commission to any plan, but it provides for the erection of a memorial in the city of Washington. Now, it will be entirely within the authority of the commission to recommend a memorial arch, for instance, at the proposed terminus of this way to Gettysburg, or something of that sort, but I should not consider it within the scope of the authority of this bill to provide for the construction of a highway outside of the District of Columbia, either to Gettysburg or to Richmond, although it would be proper if we reach any conclusion favorable to either of those projects for the commission to report that conclusion to Congress.

Mr. BARTHOLDT. Of course I shall not oppose the bill with the statement of the gentleman from Massachusetts, but I desire to express my regret that the hands of the commission should be tied to that extent. I think that probably a highway to Gettysburg, as a memorial to the memory of Lincoln, would be more compatible with the character of his life than any mere statue or monument would be, and there are a great many people in this city and in the country who believe that would be a better way to memorialize Lincoln than by a mere monument. I am very sorry this bill will not permit the commission even to consider favorably a plan of that kind.

Mr. MANN. Many of us are very glad, however.

Mr. GILLETT. I will say, for one, that I am very glad it did not. I would like to ask the gentleman from Massachusetts [Mr. McCALL] why such a large sum as $50,000 is needed? Why should they require any such amount for that purpose?

Mr. McCALL. Replying to my colleague, I will say that I do not know whether he heard the bill read or not, but as the bill passed the Senate it provided for $100,000, which the House committee has reduced to $50,000. Section 2 provides that in the discharge of its duties hereunder the said commission is authorized to employ the services of such artists, sculptors, architects, and others, as it shall deem necessary for the purpose of deciding upon some suitable memorial. It will take expert advice of the very highest character in order to develop a plan for this memorial, and I will say to the gentleman that the expenditure of the whole sum of $50,000 is not necessary, but is simply authorized to be expended.

Mr. GILLETT. I was inquiring whether it was intended they should select a particular marble, or if this money is to be expended for models, or, as I understood, was simply for some general scheme.

Mr. McCALL. It is to decide upon some precise and definite memorial or model for a memorial which the commission is willing to recommend to Congress; and then Congress must approve it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. FITZGERALD. Why does the gentleman include in here that we are to make contracts up to $2,000,000 for a plan to be submitted to Congress and to obtain its approval before any action is taken whatever?

Mr. McCALL. That was a provision in the Senate bill.

Mr. FITZGERALD. But it is such a bad one that I want to know why the gentleman did not strike it out.

Mr. McCALL. It is not a particularly bad one. It is rather the laying down of lines and limitations. I should construe that as meaning that we were to provide for a memorial of a very imposing character, that we might contemplate providing plans for a memorial that would cost $2,000,000, including the site and all the other accessories; but I do not think we are at liberty to make any contract or to involve the Government in the expenditure of any of that $2,000,000.

Mr. FITZGERALD. The bill provides that the commission shall agree upon some plan and submit it to Congress for its approval. Upon its approval the Secretary of War is authorized to enter into contracts for the carrying out of this plan at a total expenditure of not to exceed $2,000,000. Would it not be wise to have the plan prepared and details worked out and submitted to Congress before the extent of the contracts some officer shall be authorized to make in order is determined? My experience, I will say to the gentleman from Massachusetts, has been——

Mr. McCALL. Will the gentleman permit me a minute?

Mr. Speaker, how much time have I remaining?

Mr. FITZGERALD. I am taking my own time. The gentleman can take my time if there is any necessity for it.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] has nine minutes remaining.

Mr. HARRISON. Will the gentleman from Massachusetts yield to a question?

Mr. FITZGERALD. My experience has been that whenever Congress authorizes any public improvement or memorial, or public work of any character, and fixes in advance a limit of cost, it has never been able to obtain skilled services or architects, or other artistic services, resulting in a design for a building, a memorial, or an enterprise that could possibly be built within the limit of cost fixed by Congress.

If this $2,000,000 be inserted here, I am confident that a plan will be prepared of some memorial which, although it will be stated will not cost to exceed $2,000,000, will never be completed within, perhaps, $3,000,000, or at least half a million dollars more than the proposed cost. I should prefer to leave the commission that is to prepare a design of memorial to commemorate Abraham Lincoln in the city of Washington free to secure the best experts available to plan a design to be submitted to Congress, and when the various designs are submitted to determine which shall be adopted as the memorial, and authorize the expenditure of whatever money might be necessary. The only criticism I have of such a bill as this being considered at this time is the fact that it is possible to procure consideration of a bill for a very worthy purpose which is designed to impose an obligation of $2,000,000 on the people of the United States when it is utterly impossible to procure the consideration of any legislation whatever that will relieve them from many of the burdens under which they now labor. I suppose it is one of the misfortunes of our system of government, but I am inclined to think that it is due not so much to the system of government as it is to the fact that the party in control of the House is so unenlightened, and so obtuse, and so unable to appreciate the meaning of the recent election that it hopes to pile up authorization from now until the expiration of this Congress, with the knowledge that such action will make it difficult, if not impossible, for the succeeding Congress to relieve the people from any burdens under which they suffer. It would be a good thing, Mr. Speaker, for the country if this Congress should adjourn now instead of March 4.

Mr. MANN. On the other hand, we are liable to be in session for several months after the 4th of March.

Mr. FITZGERALD. Not this outfit.

Mr. MANN. Not so sensible a one.

Mr. GOULDEN. I understood my colleague to propose that there be a limit placed in the bill not to exceed $2,000,000.

Mr. FITZGERALD. Oh, no. I would strike out, if I had my way, all after the word "Congress," line 14, down to and including the word "dollars," in line 18, page 2.

Mr. GILLETT. You would not have any limit, then?

Mr. FITZGERALD. That is not a limit of cost; it is authority to enter into contracts to build a memorial on some plan or design not even yet in contemplation.

Mr. GOULDEN. Does the gentleman think that would be in the interest of economy?

Mr. FITZGERALD. I believe there would be less likelihood of the House being shocked after the work was completed, or when it was pretty well along, than it would by putting in the $2,000,000 authorization, because while this is intended as a limitation it will not be accepted in that sense, but on the theory that a plan must be designed which will require at least an expenditure of $2,000,000.

Mr. GILLETT. Will not the gentleman recognize that it is necessary for some suggestion to be made as to the extent of the cost? Otherwise the architect would not know anything about it.

Mr. FITZGERALD. When I look at the personnel of this commission—WILLIAM H. TAFT, SHELBY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK—all of them men of long experience in public life, all of them men who have displayed, at least at times, some appreciation of the value of public money, and in their public careers have shown a disposition to have it expended wisely, I think it is hardly necessary to have any intimation to these men that the passage of such a bill as this is not intended as an intimation that they should first ascertain how much money was available in the Treasury and then proceed to attempt to spend it.

Mr. McCALL. The gentleman would hardly deny that at least two of the commissioners—JOSEPH G. CANNON and CHAMP CLARK—are not spendthrifts when it comes to dealing with the national funds.

Mr. FITZGERALD. I just said that in view of the personnel of the commission it is not necessary. Of course I understand the modesty of the gentleman from Massachusetts makes it impossible for him to make the statement that persons of the artistic temperament and sensibilities of some of the members of the commission might possibly require some brake upon their impetuous desire to squander money, but so many distinguished economists who have endeavored to protect the Public Treasury from improper raids need no limitation. My

only fear is that this provision for the contract will give those members of the commission with the artistic impulse a club to coerce the more practical, economical members of the commission into paths that they otherwise would not stray.

Mr. HARRISON. Will the gentleman from New York yield me two minutes to ask a question of the gentleman from Massachusetts?

Mr. FITZGERALD. I will yield my colleague five minutes—two for the question and three for the answer. [Laughter.]

Mr. HARRISON. I have no doubt that gentlemen in this House will unite in a desire to do honor to the memory of Abraham Lincoln, and I feel certain that no Member will consider questions directed to the financial part of this plan as indicating any unfriendly attitude toward the purpose. But I would like the gentleman from Massachusetts [Mr. MCCALL] to explain to those of us over here who were so unfortunate as not to be able to hear the colloquy between himself and his colleague a few moments ago as to the necessity for appropriating $50,000 to defray the necessary expenses of the commission, and so on. Does that entail paying salaries to the members of the commission? Does it mean that you are going to pay salaries to a lot of clerks, secretaries, and people employed in various incidental manners in connection with this commission? What is the process of such a commission as this? The gentleman from Massachusetts has served on others of them, I believe, and is entirely familiar with them. Will he explain to me why $50,000 should be appropriated and why these gentlemen who are named here can not get together and ask for the submission of architects' plans without $50,000 being appropriated?

Mr. MCCALL. Mr. Speaker, with regard to the danger of paying salaries to the commission and to clerks, and so forth, I should have no hesitation in saying there is not a particle of danger of that being done. I never knew of any of these commissions having in charge the creation of works of art paying themselves salaries. I will say, furthermore, to the gentleman from New York, that I think he knows perhaps something of my own position with regard to entering into collateral expenses in the building of memorials, such, for instance, as the paying of sums of money for the preparation of historical matter.

Mr. HARRISON. Have we the assurance of the gentleman from Massachusetts that he will oppose any such suggestion in connection with this?

Mr. MCCALL. As far as the gentleman from Massachusetts is concerned, he certainly will.

Mr. HARRISON. What about the payment of clerks and secretaries for the commission? How many of those will be necessary?

Mr. MCCALL. I should imagine that perhaps one man might be necessary, but no more than that.

Mr. HARRISON. What is the $50,000 to go for?

Mr. MCCALL. I will read section 2 of the bill:

That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, etc.

It will be necessary, as I said, to secure the assistance of the best artistic talent in the country in order to adopt some suitable plan.

Mr. HARRISON. Does this include the architects' fees?

Mr. MCCALL. The architects' fees, the fees of artists who are called upon to advise and to suggest plans; but I do not believe that this commission would expend even $10,000 for that purpose if it were not necessary; but it is a purpose that will require the expenditure of money in getting the very best advice we can before we shall decide upon some definite memorial to recommend to Congress. I would say to the gentleman, further, that the Senate considered the expenditure of $100,000 necessary for that purpose, but that the Committee on the Library of the House reduced the amount to $50,000.

Mr. HARRISON. The gentleman does not suppose that these artistic gentlemen will confine their attention to $10,000, when they can see in the bill that they might get $50,000.

Mr. MCCALL. They will confine their bills to just such amounts as the commission think they should reasonably charge.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO MAJ. GEN. NATHANAEL GREENE.

Mr. THOMAS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground in North Carolina as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the battle of Guilford Court House: *Provided,* That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further,* That the site for said monument within the limits of said battle field of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further,* That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United Staes shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from North Carolina [Mr. THOMAS] is entitled to 20 minutes, and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, this bill is reported by me from the Committee on the Library of the House of Representatives. Bills having the object of the erection of a statue to Maj. Gen. Greene have heretofore passed the Senate of the United States in four Congresses, the Fifty-fourth, Fifty-ninth, Sixtieth, and the Sixty-first.

The Committee on the Library of the House, in considering the Senate bill, deemed it wise to erect a monument upon the battle field of Guilford Court House to commemorate not only Gen. Nathanael Greene, but the great battle fought there, and also to commemorate and honor the officers and soldiers of the Continental Army who fought with Gen. Greene. This battle ground is situated near Greensboro, N. C., by the way, located near the place of birth of the distinguished Speaker of the House. There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island and a resident of Georgia after the war, this bill links together New England and the South, and this tribute of respect and honor to Gen. Greene has been too long neglected and delayed. Gen. Greene, Mr. Speaker, was born in Rhode Island and died in Georgia upon his plantation. This plantation was given him by the State of Georgia in recognition of his distinguished services in the War of the Revolution. It is interesting to note he was of Quaker descent and yet became a soldier.

On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army and participated in the battles of Trenton and Princeton and commanded the left wing of our Army under the eye of Washington, at Germantown, Pa., October 4, 1777. Gen. Greene possessed the confidence and regard of the great commander in chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis Washington sent him to command the forces in the South. On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. It is said Guilford Court House, in results, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown. When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, "Another such victory would destroy the British Army." The historian Wheeler says:

The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, and was the main blow that broke the chain of tyranny which bound our country to England.

The same author says that Greene "was one of the bravest, most sagacious, and most successful officers of the Revolution." He was probably second only to Washington. And I believe to-day that practically the unanimous verdict of the American people is that he was second only to Washington.

We look around us in the National Capital and we see statues to many a distinguished general of foreign birth who aided us—

Lafayette, von Steuben, Kosciusko, Rochambeau, and others—but of the great generals born in America, Greene was, in my opinion, the most distinguished, if not second to Washington.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. GOULDEN. Was not this bill reported from the Committee on the Library of the House on one occasion?

Mr. THOMAS of North Carolina. I do not think so. On many occasions it has passed the Senate, but I believe my report is the first from the House committee, of which I am a member.

Mr. GOULDEN. I thought we had it up for consideration in the House last year.

Mr. THOMAS of North Carolina. No; I do not think so. I do not think it has ever been reported from the House committee before. I was asked this Congress to report it by Senator OVERMAN and the Representative of the fifth district [Mr. MOREHEAD], but I have not been able to get it favorably reported before this Congress, and it has not been considered before in the House.

Mr. GOULDEN. I had an impression we considered this question last year.

Mr. THOMAS of North Carolina. No; I think the gentleman is mistaken. Now, Mr. Speaker, there is no question about the importance of this battle ground, and I shall incorporate in my remarks the report of the committee which sets forth its importance. The Battle of Guilford Court House so crippled Cornwallis that he marched north. Greene was called "the savior of the South," and when he died, we are told, he left "a fame that will remain as long as patriotism is admired." Guilford Court House made Yorktown possible.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. I would prefer to finish first, and then I will answer any questions. The battlefield upon which it is proposed to erect this monument to commemorate Gen. Greene, his officers and soldiers, and the battle, has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson, to Col. Joseph Winston, to Col. Benjamin Cleveland, and other revolutionary heroes and distinguished patriots. It is a mecca of patriotism. Every year, on July 4, many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some revolutionary character or event. The late Gen. Henry V. Boynton said of it that—

> The vast body of the Revolutionary patriots of the North should take notice of this North Carolina work—a field preserved and paid for with its history collected and preserved on tablets and monuments.

I hope that the bill will pass under suspension of the rules, and we shall at last erect to Gen. Greene and his soldiers this long-delayed tribute of respect and honor. Now I will answer questions. [Applause.]

Mr. Speaker, I desire to print the committee report as part of my remarks.

The report is as follows:

[House Report No. 1698, Sixty-first Congress, second session.]

The Committee on the Library, to whom was referred the bill (S. 5379) entitled "An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground in North Carolina," respectfully report the same with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That the sum of $30,000 be, and the same is hereby, authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the Battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto."

Amend the title as follows: "A bill to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C."

Bills having the object of the erection of a statue to Maj. Gen. Nathanael Greene only, have heretofore passed the United States Senate in the Fifty-fourth, Fifty-ninth, and Sixtieth Congresses, and the present, or Sixty-first, Congress.

The Committee on the Library of the House, in considering the Senate bill, deem it wise to erect a monument upon the battlefield of Guilford Court House to commemorate the great battle fought there, as well as in especial memory and honor of Maj. Gen. Greene and the officers and soldiers of the Continental Army who fought with him, thereby somewhat enlarging the scope of the original bill and increasing the Senate's appropriation $5,000.

A similar appropriation has been made for the Kings Mountain battle ground for a similar amount. The plans, specifications, and designs for the monument are to be approved by the Secretary of War with the assistance of the officers of the Guilford Battle Ground Co.

The monument will probably include inscriptions in honor of Maj. Gen. Greene and other inscriptions in honor of his officers and soldiers, and possibly it might include upon the monument an equestrian statue of Maj. Gen. Greene.

There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island, and a resident of Georgia after the war, this bill furthermore links together New England and the South, and this tribute of respect and honor to Gen. Greene has been long neglected and delayed.

The following part of the Senate Report No. 275 of the Sixtieth Congress, first session, is reprinted herewith:

"Gen. Nathanael Greene was born in Warwick, R. I., May 27, 1742, and died at his home on Mulberry Grove plantation, on the Savannah River, in Georgia, on June 19, 1786, from the effects of a sunstroke received a few days prior thereto while in Savannah. He left a wife and five children. After the Revolutionary War he removed from Newport, R. I., to this plantation, which was given to him by the State of Georgia in recognition of his distinguished services in the Revolution.

"He was the son of Nathanael Greene, a preacher of the Quaker denomination and a lineal descendant of John Greene, who came from England, following Roger Williams. On July 20, 1774, he married Catherine Littlefield. He read law, but the times required him for a more active life. On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army. He participated in the battles of Trenton and Princeton, and commanded the left wing of our Army under the eye of Washington, at Germantown (now in Philadelphia), October 4, 1777, where Gen. Francis Nash was killed. Gen. Greene possessed the confidence and regard of the great Commander in Chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis in August, 1780, Washington sent him to command the forces in the South.

"On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. Though Greene ordered a retreat, he was not defeated. Of it Thomas E. Watson, in his Life of Jefferson, says: 'Guilford Court House, in result, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown.'

"When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, 'Another such victory would destroy the British army.'

"The historian Wheeler says: 'The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England.' The same author says that Greene 'was one of the bravest, most sagacious, and most successful officers of the Revolution.' He was probably second only to Washington.

"The Battle of Guilford Court House so crippled Cornwallis that he avoided a second conflict for the time being, and began a retrograde movement, leaving his wounded under the care of the Americans. Gen. Greene then marched to South Carolina, then under the dominion of the British. At Eutaw Springs, on the 8th of September, 1781, a bloody battle was fought, in which Greene routed the enemy. The historian above quoted says that 'after suffering incredible hardships from want of food and clothing for his troops his patience and firmness triumphed over all obstacles. He drove the invaders from the country, and they sailed from Charleston on December 17.' He was called 'the savior of the South,' and when he died we are told he left 'a fame that will remain as long as patriotism is admired.'

"The bill proposes to erect the monument on the battlefield of Guilford Court House. This is the scene of Gen. Greene's greatest and most fruitful work. Of it Mr. Benton, in his Thirty Years' View, in his chapter on Nathaniel Macon, says the Battle of Guilford disabled Cornwallis from remaining in the South and sent him to Yorktown, and continues:

"'The philosophy of history has not yet laid hold of the Battle of Guilford, its consequences and effects. That battle made the capture of Yorktown. The events are told in every history, their connection and dependence in none. It broke up the plan of Cornwallis in the South and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New York with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet cooperating) in that city, and thereby putting an end to the war.

"'All his preparations were going on for that grand consummation when he got the news of the Battle of Guilford, the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage—an easy prey—and the same result if successful. Cornwallis or Clinton, either of them captured would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general, captured him and his 7,000 men, and ended the Revolutionary War. The Battle of Guilford put that capture into Washington's hands, and thus Guilford and Yorktown became connected, and the philosophy of history shows their dependence and that the lesser event was father to the greater. The State of North Carolina gave Gen. Greene 25,000 acres of western land for that day's work, now (in 1854) worth a million of dollars, but the day itself has not yet obtained its proper place in American history.'

"This battlefield has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has beautiful groves; meadows; abundant waters, including Lake Wilfong; springs; grass plats; a keeper's home; association buildings; a museum filled with Revolutionary relics, many of them of rare value; a pavilion with a large seating capacity; and has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson (these two erected by an act of Congress), to Col. Joseph Winston, Col. Benjamin Cleaveland, and other Revolutionary heroes and distinguished patriots.

"A line of the great Southern Railway traverses the battlefield. The relative positions of the opposing forces are shown by granite markers. It is a mecca of patriotism. Every year on July 4 many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some Revolutionary character or event.

"The late Gen. Henry V. Boynton said of it that 'the vast body of the Revolutionary patriots of the North should take notice of this North Carolina work * * * a field preserved and paid for, with its history collected and preserved on tablets and monuments.'"

Mr. MANN. I understood the gentleman to say Congress has passed bills three or four times providing——

Mr. THOMAS of North Carolina. The Senate, I said.

Mr. SHEPPARD. Has this North Carolina association ever received any aid from the Federal Government?

Mr. THOMAS of North Carolina. None, except that when W. W. Kitchin, our former colleague, now the present governor of North Carolina, was in Congress he secured the passage of an act to erect two arches at the entrances of Guilford Court House battle ground in memory of Gens. Nash and Davidson, to carry into effect an act or resolution of the Continental Congress. That much has been done by the Federal Government, and nothing more.

Mr. SHEPPARD. Beyond that, however, the State association has assumed all the expense?

Mr. THOMAS of North Carolina. Has assumed all the expense.

Mr. PARSONS. Will the gentleman yield to me a minute?

Mr. MANN. I yield to the gentleman.

Mr. THOMAS of North Carolina. I yield, also.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the amendments were agreed to, and the bill as amended was passed.

IMPROVEMENT OF NAVIGATION IN ST. LAWRENCE RIVER.

Mr. YOUNG of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32219.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] moves to suspend the rules and pass the bill H. R. 32219, which the Clerk will report.

The Clerk read, as follows:

A bill (H. R. 32219) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands.

Be it enacted, etc., That the Long Sault Development Co., a corporation organized under a law of the State of New York, entitled "An act to incorporate the Long Sault Development Co., and to authorize said company to construct and maintain dams, canals, power houses, and locks at or near Long Sault Island, for the purpose of improving the navigation of the St. Lawrence River and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," which became effective May 23, 1907, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate for navigation, water power, and other purposes for a period of 99 years a dam or dams in so much of the St. Lawrence River as lies south of the international boundary line between the United States of America and the Dominion of Canada, near Long Sault, Barnhart, and Sheek Islands, either independently or in connection with like works now erected or to be erected in so much of said river as lies north of said international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto: *Provided*, That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 23, 1910: *Provided further*, That such bridge or bridges and approaches thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *And provided further*, That the Secretary of War shall cause a survey of that portion of the St. Lawrence River to be affected by said improvements to be made with a view to securing a navigable channel, suitable for commerce up and down said river, from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor, and all rights herein granted to the Long Sault Development Co. shall be conditional on its improvement of said channel at its own expense, in accordance with said plans and specifications, said channel to be completed simultaneously with the other works herein authorized, all expenses connected with such survey and the preparation of such plans and specifications to be paid by the said company, its successors, or assigns.

SEC. 2. That said Long Sault Develpoment Co., its successors and assigns, shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada, proclaimed by the President of the United States on the 13th day of May, 1910.

SEC. 3. That the actual construction of the works hereby authorized shall be commenced within two years and shall be completed within 15 years from the date of the passage of this act; otherwise this act shall be void, and the rights hereby conferred shall cease and be determined.

SEC. 4. That if said Long Sault Development Co., or any other company or companies acting with it in such development, shall develop power by the construction of works a part of which shall be located north of the international boundary line, at least one-half of the power generated shall be delivered in the United States: *Provided*, That when in the opinion of the Secretary of War and the Chief of Engineers use can not be found in the United States for the full share thus assigned to this country the surplus may be temporarily diverted to Canada, but shall be returned to the United States when in the opinion of said officers it is needed: *Provided further*, That nothing herein contained shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said wroks in the St. Lawrence River.

SEC. 5. That should the works hereby authorized be or become at any time, in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or an interference with, the navigation of that portion of the St. Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense thereof shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

SEC. 6. That the Long Sault Development Co. shall execute a bond obligatory on itself, its successors and assigns, with good and solvent sureties in the sum of $500,000, payable to the United States, for the use and benefit of the riparian and other landowners in and among the St. Lawrence River conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams, and the work of construction shall not commence until said bond is executed and approved by the Secretary of War and deposited in the War Department.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I demand a second.

Mr. YOUNG of Michigan. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. YOUNG] is entitled to 20 minutes, and the gentleman from Mississippi [Mr. HUMPHREYS] to 20 minutes.

Mr. YOUNG of Michigan. Mr. Speaker, this bill is in reality a committee substitute for a bill introduced by the gentleman from New York [Mr. MALBY], the local Member of Congress from the district where the proposed works authorized in this bill are to be situated. The St. Lawrence River is navigable from Lake Ontario to its mouth, except at certain rapids. One of these is the Long Sault Rapids. Down them very few boats can go, and up them no boat can go. If the river is to be navigable at all within its boundaries, these rapids must be improved.

Some time before the introduction of this bill in Congress the State of New York, by a special act, granted a charter to the Long Sault Development Co. for the development of power at the Long Sault Rapids. The State of New York was the owner of the bed of the river, and, under the law, had a right to develop, or to leave to others the right to develop, power. It transferred that right for a large and valuable consideration in the form of a rental to the Long Sault Development Co. The matter now comes up for the authorization of Congress in the interests of navigation. Your committee examined the matter with great care, and we have provided in this bill that as a condition for granting these rights to the Long Sault Development Co. it shall make a navigable channel suitable for commerce up and down the rapids through this entire stretch of bad water.

That is the condition imposed upon it; and that it shall do that to the satisfaction of the Secretary of War and the Chief of Engineers; and that they shall then keep that channel in a condition satisfactory to such officials, that if the changing needs of commerce shall from time to time require greater facilities, it shall furnish them at no cost to the Government of the United States; and in no case shall the Government of the United States be responsible for the cost of any changes; and if these parties fail to make them, the United States can make them at their expense. The result of all this is that these parties are required to do at their own expense as a condition for using the water power owned by the State of New York

just exactly what the Nation would have to do at its own expense to improve the river if we did not pass this legislation.

Mr. SULZER. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes, sir.

Mr. SULZER. Was this bill unanimously reported from the committee?

Mr. YOUNG of Michigan. Yes, sir. There is no minority report.

Mr. SULZER. Is it not a fact that the authorities of the State of New York are opposed to the passage of this bill?

Mr. YOUNG of Michigan. No, sir. The State of New York is favorable to the passage of this bill.

Mr. SULZER. I understand the State of New York at the present time is not in favor of this bill, and that there is going to be an effort made to repeal the law which was passed a year or so ago.

Mr. YOUNG of Michigan. I think the gentleman is entirely mistaken, because the State of New York has known from day to day what we were doing here, and has made no objection. I now yield five minutes to the gentleman from Louisiana [Mr. RANSDELL].

Mr. SULZER. Let me ask the gentleman if the authorities of New York were represented before the committee in favor of or in opposition to the bill.

Mr. YOUNG of Michigan. They were not. I think I know what the gentleman has in mind. The State of New York asked the committee to refrain from passing the additional legislation in regard to Niagara River until they could examine the question, but that was not this bill.

Mr. SULZER. My information is that the State of New York is now opposed to this bill.

Mr. RANSDELL of Louisiana. Mr. Speaker, I had the honor to be a member of the subcommittee which had charge of this measure. We devoted a great deal of time to its investigation. The proposal to put a great lock and dam in the St. Lawrence River with a view to generating 500,000 horsepower is one of considerable importance. This dam is to be constructed at a point in the State of New York where few people are living. It is almost a desert section, at a point where there are great rapids in the river, these rapids being overcome by a canal on the Canadian side and the elevation being surmounted by seven locks. The work under contemplation proposes to do away with the necessity for these seven locks; to permit the navigation using the canal to pass up and down the main river through a single lock; and where there are now seven locks there will be one. In my judgment it is distinctly in the interest of navigation. Not a dollar is to be expended by Congress.

As stated by my colleague, Mr. YOUNG, this company has secured a grant from the State of New York. It owns all the riparian rights. It is proposed to make it give a bond for any damages that may accrue to individuals. This bill is safeguarded in every imaginable way. The right of Congress to alter, amend, or annul it at any time is reserved. In my judgment the passage of this bill will result in a great work at that point, a work that will cost at least $40,000,000, a work that will generate half a million horsepower that is now going to waste. For time immemorial the waters of this great stream have run down to the sea without being utilized, absolutely wasted.

This private corporation under grant from the State of New York and without one dollar of expense to the Government proposes to create something there where nothing exists now.

I wish to say, as suggested by my colleague Mr. MADDEN, that the company proposes to pay a very material rental every year to the State of New York for this grant. It is paying a small sum now, but when the works are completed a very considerable sum will be paid.

Mr. SULZER. How much?

Mr. RANSDELL of Louisiana. It depends upon how much power is generated; but it will be a very considerable sum if the full amount contemplated is generated. Associate Justice Hughes, of the United States Supreme Court, was governor of New York when the measure was passed, and he is said to have investigated it with the greatest care. It received thorough consideration on the part of that great man and was approved by him as being distinctly in the interests of the Commonwealth of New York.

Mr. SULZER. Will the gentleman tell us who is behind this franchise—who is going to put up the $40,000,000?

Mr. RANSDELL of Louisiana. I understand that it is the Aluminum Co. of America.

Mr. SULZER. That may be a big company, but I never heard of it.

Mr. RANSDELL of Louisiana. It is a big company, but there are some things the gentleman has not heard of. This company proposes to generate there a large amount of horsepower.

Mr. SULZER. Will the gentleman mention the names of the men interested in this company?

Mr. RANSDELL of Louisiana. The president of the company is Mr. Davis, of the city of Pittsburg, who appeared before the Rivers and Harbors Committee, along with a number of other gentlemen who were associated with him. We thrashed the project out before that committee day in and day out for several weeks, hearing both sides and giving the fullest consideration to both sides of the controversy, for some people are opposed to it.

Mr. SULZER. Now give us the names of some of the gentlemen who are opposed to the bill.

Mr. RANSDELL of Louisiana. Mr. Allison, who owns a rival power plant on the river, seems to be at the head of it, and there was also a navigation company.

The SPEAKER. The gentleman's time has expired.

Mr. YOUNG of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, while this bill comes with a unanimous report from the Committee on Rivers and Harbors, or, rather, while it comes without the intervention of any minority report, it comes, I will say, without violating any of the secrets of that committee, with the distinct understanding and declaration at the time that there were a number of us who reserved the right to vote for an amendment, when the bill reached the House, limiting the privilege or permit that Congress is asked to grant to 50 years, but for reasons that I understand fully this bill is brought up under suspension of the rules when no amendment is possible. This was done, I know, not because it was desired by those in charge of the bill to cut us off unnecessarily from the privilege of amending it, and certainly not in any bad faith on their part in view of the understanding in the committee, but because of the fact, which is known to us all, that calendar Wednesday is preempted, and perhaps the only possible way to get this bill before the House was under suspension of the rules, and as we can not possibly pass it with the privilege of an amendment I have demanded a second, and without the privilege of voting to limit the grant in this bill to 50 years I shall oppose it.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHEPPARD. This bill gives a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; it is not perpetual in this bill. The Aluminum Co. of America, which controls the entire output of aluminum in this country, has under another name been granted a charter by the State of New York, which is perpetual, and under that charter they have acquired rights to go into this river and to develop water power.

They have acquired property on both sides and due consideration of course will be had for the riparian owners if they are injured by flowage or by ice jams in the river. They have gone to the State of New York and made an arrangement with the proper State authorities under which arrangement they will pay the State an exceedingly small rental, in my opinion; but that I conceive is none of my business. They made an arrangement with the State of New York to pay annually in no instance less than $25,000; 75 cents per horsepower up to 25,000 horsepower and 50 cents per horsepower after that up to 100,000 horsepower, and beyond that 25 cents per horsepower. It is believed by engineers who have examined it that the horsepower development here will equal 500,000, the greatest horsepower development ever undertaken in all the history of this world, possibly twice as much as is developed at Niagara to-day, and under the grant by the State of New York this single company is to control this magnificent water power throughout all the years of time.

Mr. SHEPPARD. Is not that practically a perpetual franchise?

Mr. HUMPHREYS of Mississippi. I shall come to that. They came to Congress then and asked Congress for permission to go into this river and erect these dams, improve the navigation of the river and operate these dams and locks under the supervision of the Secretary of War. It was insisted that Congress had nothing to do with the limitation of the time, that if the State of New York saw fit to grant a perpetual charter it was none of the business of Congress to interfere. I am perfectly willing to agree with that, so far as the State of New York can act, but it has come to us by the chance of fate or perhaps by the fate of chance that we are to pass judgment upon it here, in so far as the Federal Government is concerned.

They can not go into this river and do anything without the consent of Congress. When they came to this Congress and asked for that permission we inserted in the bill that they might come in and make improvements under the supervision of the Secretary of War and the Chief of Engineers for the term of 99 years.

Mr. BUTLER. Mr. Speaker, I understand that the Government has some right at that point, or else we would not be here considering this bill.

Mr. HUMPHREYS of Mississippi. That is my position exactly. If we had no power to act, they never would come to Congress. We have absolute power, and nothing can be done until we act, and my objection is that we are making an exception in this bill in favor of this company that does not apply to any other company. We passed at the last session a general dam act, and under the provisions of that law no company can build a dam across any navigable stream in this country, except under the limitations of that bill, which is fixed at a period of 50 years, except such companies as may at that time have entered upon an enterprise of that sort, and had expended a certain amount of money. This company is the only one, so far as I know, that comes within that exception, and the proposition now comes to us to except this company from the provisions of the bill which applied to all other companies, giving them a lease for 99 years instead of 50 years.

Mr. BUTLER. I would like to ask the gentleman if the Government has any practical rights here, and if the Government is asked to part with that, how much is the Treasury of the United States to be helped by it?

Mr. HUMPHREYS of Mississippi. How much is the Treasury—I did not catch the question of the gentleman.

Mr. BUTLER. If the Government has any rights to part with, what benefit will the Government obtain?

Mr. HUMPHREYS of Mississippi. The Government will obtain a benefit from this bill, in my opinion a very great benefit. I think it would be a great aid to navigation, and the improvement will be made there without a single dollar of cost to the Government. My objection is not to that. I believe the bill is properly safeguarded, but I believe that we ought to fix a time at which this privilege should end.

Now, it is insisted that the provisions of this bill are carefully guarded by the right to repeal or to amend the act. We know that amounts to nothing. That puts the burden on the Government. It will be upon us to put a bill through this House and to put a bill through the Senate and then go to the joint commission provided by treaty with Canada and get their consent to it before we can ever ingraft any amendment on it. We agreed with Canada, by solemn treaty, that no such construction as this could be put in the St. Lawrence River without the consent of the Canadian Government, the United States Government, and the approval of this joint high commission, and I believe that hereafter, if we should ever undertake to interfere with the privilege we have granted to this company, we would have to have that same consent.

Mr. AUSTIN. Will the gentleman permit a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. AUSTIN. Is it not a fact that Congress granted to the Hale Bar Development Co., just below Chattanooga, a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; they held them to 99 years.

Mr. AUSTIN. Does the gentleman think that any company with means sufficient to develop this water power and improve navigation will go on and expend $40,000,000 on a 50-year franchise?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I heard the chairman of the great Committee on Rivers and Harbors, when that question was submitted to him, say that this was a bill to float steamboats and not to float bonds, and I am going to make that reply to the gentleman.

Mr. AUSTIN. But does the gentleman think he could proceed on that theory——

Mr. HUMPHREYS of Mississippi. I do not know. I never undertook to finance a $40,000,000 corporation or to float its bonds.

Mr. SULZER. Is the gentleman in favor of perpetual franchises?

Mr. AUSTIN. Yes; where it means as much for navigation, the development of our resources, the expenditure of $40,000,000, and a just revenue to the State of New York as this company proposes to do.

Mr. HUMPHREYS of Mississippi. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. HUMPHREYS of Mississippi. I now yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Under this bill the entire water power is owned by this development company.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LONGWORTH. Is there any limit fixed as to what charge they may make to other users?

Mr. HUMPHREYS of Mississippi. None.

Mr. LONGWORTH. The only limit is as to the amount that shall be paid to the State of New York.

Mr. HUMPHREYS of Mississippi. That is all.

Mr. LONGWORTH. They would have the right to charge any amount they saw fit——

Mr. HUMPHREYS of Mississippi. Any amount they can collect.

Mr. LONGWORTH. How much would the capacity of this company be—how much horsepower? I see they expect to develop 500,000 horsepower.

Mr. HUMPHREYS of Mississippi. Well, that question is not satisfactorily answered; perhaps certainly not more than 50,000 horsepower.

Mr. LONGWORTH. Then that would leave 450,000 horsepower that it might dispose of in any way it saw fit.

Mr. YOUNG of Michigan. If the gentleman will permit——

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I can not yield now; the gentleman can explain in his own time. Now, Mr. Speaker, I do not object to this because it is a corporation that is being granted this franchise. I have no quarrel with corporations as such. I do not object to it because it is big business, because it is a great corporation, because it is the greatest undertaking in all the history of this country. I am willing to give the permission of Congress to this great corporation, to this great giant, because it will require a giant to go into that river and harness the power that is now running to waste, but I do not want to create a giant that will prove a Frankenstein monster to return and plague us. It is not advisable, in my opinion, for us to give, so far as it lies in our power, to any one company the right, the exclusive right, to go into that river for any purpose for all the years of time. And I believe it ought to be subjected to exactly the same limitations which apply to every other company when they undertake to build a dam across any other stream in this country for the purpose of developing water power, and that is 50 years.

I now yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the bringing of this very important bill into the House to be passed under suspension of the rules shows again the absolute necessity for another amendment to the House rules. There should be a suspension calendar, so that gentlemen may know what measures are to be considered, and especially that any measure of this magnitude is to come up. It is just as important to have a suspension calendar as to have a Unanimous Consent Calendar. In my judgment, if the committee will pardon me for saying it, it is asking a good deal to ask the House of Representatives to pass a bill of this character under suspension of the rules and after a debate of only 20 minutes on a side. It involves the expenditure of $40,000,000. It involves the giving to a private corporation the control, practically, of a great stream, one of the most important in the world, and gives it to them for 99 years.

Mr. SULZER. Perpetuity.

Mr. COOPER of Wisconsin. Practically. It seems that there was objection made to the bill while before the committee. We have been told that there appeared before the committee a little man who made some complaint, as did also a transportation company. I would like to know what the objections of the little man were, and also what protests the transportation company made.

I am opposed to legislating in this way. I will not vote to give any corporation a 99-year franchise in the St. Lawrence River after only a 20-minute debate on either side of the House and with no opportunity for amendment.

Mr. HUMPHREYS of Mississippi. Does the gentleman from Michigan intend to conclude in one speech? I suggest that he use his time.

Mr. YOUNG of Michigan. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. YOUNG of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Speaker, the objections to the passage of this bill would seem to be those only stated by the gentleman from Mississippi [Mr. HUMPHREYS] with reference to the extent of this franchise.

I think it must be conceded by all that the State of New York, as well as most other States in the Union, owns the bed of navigable streams and also owns the water power. This being so, this company sought the proper authority, to wit, the Legislature of the State of New York, and was granted by it a perpetual franchise and charter, in consideration of the company paying to the State of New York, when the full maximum power of 500,000 feet is ever reached, $156,000 a year, and also bearing the entire expense of making suitable provisions for navigation. It is not exempted from taxation for any other purposes whatsoever. The Government of the United States has no property rights in this enterprise. The only right it has is to provide for navigation, which is derived from that provision of the Constitution which authorizes Congress to regulate commerce. So far as the business proposition is involved, it is entirely within the jurisdiction of the State of New York and with which the Government of the United States has no interest and is without authority. We have made no objection to Congress inserting anything in this bill which it thought necessary to protect and improve navigation, and we have raised no objection to the Committee on Rivers and Harbors inserting in this bill any condition which they please to improve commerce, which is their constitutional right. And they have no other authority or right, I respectfully insist, legal or equitable, under the Constitution.

Mr. SULZER. Will the gentleman be content to limit this valuable franchise to 25 or 50 years?

Mr. MALBY. No; we would not. Nobody would undertake to expend $40,000,000 on the St. Lawrence River at a point where there is not a single horsepower demanded at the present time and which will require 10 or 15 years to develop under a 50-year franchise, and no one ought to be found outside of an insane hospital who would suggest that even with a 50-year franchise anyone would be so foolish as to invest his money in it.

With all due respect to my friends here, I submit, as a matter of law, that the National Government has no legal right to limit the lifetime of a corporation where it has received its charter from a sovereign State, the State alone having absolute power to determine the lifetime of a charter created by it.

Mr. PARSONS. Will my colleague yield to a question?

Mr. MALBY. I will.

Mr. PARSONS. What is the effect of section 7 of the act, which reserves the right to alter, amend, or repeal the act, and provides that the United States shall incur no liability because of the alteration, amendment, or the repeal? Even if they had spent their $40,000,000, could not the Congress then repeal the act?

Mr. MALBY. That is one of the safeguards that is mentioned in the bill. Congress has the right to repeal this charter at any time, without the 50 years' limitation, or without a 10-year limitation, or, indeed, without the limitation of any time, should they see fit for good reason to do so.

So that a limitation in this bill means very little, except that it would be impossible to float any bonds whatever upon such a project by reason of the fact that investors would be frightened by such a provision. Now, I want to say one word in reference to the suggestion of my friend from New York, Mr. SULZER. This matter has been in Congress four years. It has been considered by the River and Harbor Committee during all of that time. Two committees have visited the site in question, one recently, during the fall. The Secretary of War, the Chief Engineer of the United States, the International Waterways Commission have considered it, and it has met with the unanimous approval of all. It applies to the district I have the honor to represent. I know very well that in order to set this gigantic proposition in motion it is absolutely necessary that the bill should be passed as it is and without limitations.

Furthermore, not one word of objection has ever come to any Member of Congress that I have heard of, certainly to no committee having the matter in charge, that the State of New York objected to it. More than that, I heard a rumor such as the gentleman from New York mentioned, that the New York authorities were opposed to this measure, and I telegraphed to Mr. Merritt, of St. Lawrence County, who passed the bill four years ago in the New York Legislature, and asked him the question whether anyone in authority in New York State was opposing the passage of this bill, and in reply thereto received a telegram from him this morning which reads as follows:

Am assured no interference whatsoever. Have written.

E. A. MERRITT, Jr.

And a little later a further telegram, reading as follows:

ALBANY, N. Y., *February 7, 1911.*

Hon. GEO. R. MALBY,
House of Representatives, Washington, D. C.:

Gov. Dix directs me to assure you that he has not interested himself in matter of the Long Sault Co., and has not authorized any person to express for him any wish or opinion, officially or otherwise, regarding the bill pending in Congress affecting such company.

E. A. MERRITT, Jr.

So far as I know there is no objection anywhere, and if this enterprise is to go on the company must have the 99-year provision that is mentioned in the bill, and I trust the House will enable them to make some use of this marvelous water power which for centuries has contributed no good to any live human being wherever he may reside. [Applause.]

Mr. HUMPHREYS of Mississippi. I now yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, as one of the members of the committee, I voted to report this bill to the House, because I think that it is properly safeguarded in every respect, except as to the time of the grant. I did object to that feature of it, and I regret very much that it has been brought into the House under the suspension of the rules, where no opportunity is given for amendment. I am not criticizing the gentleman who brought it in, however, because we all know the emergency that now exists in trying to get legislation through. But I do not believe that we ought to grant a franchise for 99 years. I see no reason why this company should be made an exception simply because it is a large company. That does not appeal to me as a reason why it should be 99 years instead of 50 years, the same as we grant to others.

For that reason, as much as I regret it, I believe the House ought not to pass the bill in the shape in which it now is. As I said in the beginning, I think the bill is well guarded. It is a great undertaking, and it will be of advantage in many ways to the Government, but I do not believe we can afford to make an exception in this particular as to this company.

Mr. MARTIN of South Dakota. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. MARTIN of South Dakota. I would like to get the gentleman's opinion as to how the bill, if passed, would affect what is the commonly understood policy of the Government in conserving the control of water power.

Mr. HUMPHREY of Washington. I do not think there is any danger in that regard. I think the interests of the Government are properly conserved, except I do not believe that we ought to extend the permit to 99 years.

Mr. HUMPHREYS of Mississippi. I now yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill contemplates the greatest development of water power ever before attempted under one charter. The capital stock of the Long Sault Development Co. is $1,000,000. It is all owned by the Aluminum Co. of America, which has a paid-in capital of $20,000,000 and has the absolute monopoly of aluminum in the United States. The Long Sault Development Co., chartered by the State of New York, May 23, 1907, is given by its charter the exclusive right for all time to the use of the waters of the St. Lawrence River for the development of electrical power "at or near Long Sault Island." The amount expected to be developed is a minimum of 500,000 horsepower. The total developed and potential electrical horsepower for the United States in 1908 was 1,827,000 horsepower, and the total developed at Niagara was 274,040 horsepower.

This is a most important measure, not only to the people of the State of New York, but to the people of the entire country. It should not be rushed through Congress. It ought not to be brought up now for expedition under a suspension of the rules, with no opportunity for amendment or thorough consideration by the membership of this House. I am informed the authorities of the State of New York at the present time are opposed to this bill, and that an effort is going to be made to repeal the State charter; but be that as it may——

Mr. YOUNG of Michigan. Will the gentleman give the source of his information?

Mr. SULZER. I refer the gentleman to the Hon. Charles E. Littlefield, a former Member of this House.

Mr. YOUNG of Michigan. He was the gentleman that appeared before the committee stating that he represented 10 or 12 companies in his opposition, and afterwards admitted that he represented but one.

Mr. SULZER. I have great respect for Mr. Littlefield's judgment. Does the gentleman from Michigan dare to challenge his assertions?

Mr. YOUNG of Michigan. In that respect, yes.

Mr. SULZER. Very well; but let me say to the gentleman that if this franchise bill does not go through to-day, watch out, because I think Mr. Littlefield will stop it. [Laughter.]

Now, Mr. Speaker, it appears from the statements we have before us that the compensation reserved by the State of New York in its charter is grossly inadequate. If the State of New York and the United States believe that their natural resources should be properly conserved, I submit that it should not begin the process of conservation by contracting for a compensation

for all time that is grossly inadequate, and with the peculiar provision that might, by virtue of the action of the Canadian Government in asserting its proper rights, deprive the State of New York of substantial compensation. It is believed that when the Canadian Government acts with full information and in accordance with its present well-settled policy, it would not dream of granting these vast rights under conditions which make them practically a princely gift rather than the assumption of any burden appreciable in its character by the donees of the rights.

In his presidential message at the opening of this Congress, President Taft indicated clearly the policy that should be pursued by the Federal Government, which would require a leasing—

for not exceeding 50 years upon a proper rental, and with a condition fixing rates charged to the public for units of electric power; both rentals and rates to be readjusted equitably every 10 years by arbitration or otherwise, with suitable provision against assignments to prevent monopolistic combinations.

Congress adopted a similar policy at the Sault Ste. Marie with reference to the Michigan Lake Superior Power Co., then in the hands of receivers, with an expenditure of about $7,000,000 already made in developing water power, when it provided—

That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said St. Marys River by the United States, whether utilized in said river or in any lateral canal (Michigan Lake Superior Power Co.), said compensation to be fixed by the Secretary of War.

What is the proposition before us? We are asked to ratify a franchise admitted to be worth at least $40,000,000, but in reality estimated to be worth hundreds of millions of dollars, which gives to a private corporation the power rights of the St. Lawrence River, the greatest power monopoly perhaps outside of Niagara Falls in this country. There is another bill pending in the Committee on Rivers and Harbors, from whence this bill comes, to give another company the power monopoly of Niagara Falls, but there has been so much opposition to it that the committee have not dared to report it. These bills should not be passed without conserving the rights of the people. We represent the people here, and we should conserve the people's rights. I have listened to speeches in this House for months and years against granting monopolies in water powers. Here is an opportunity to practice what we preach. Here is a chance to conserve the rights of all the people. No man in favor of real conservation of our natural resources can vote for this bill, which violates every principle of our conservation policy.

In conclusion, let me say this bill ought not to pass to-day. It should come up in the regular way, and every Member given an opportunity to debate it and to amend it. In the judgment of those most familiar with the underlying facts the Congress will not be justified in concurring with the New York Legislature in making effective its attempt to turn over to the Aluminum Co., with its monopoly of aluminum products, for practically no consideration, the monopoly of these stupendous natural resources of the St. Lawrence River. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. YOUNG of Michigan. Mr. Speaker, just a few words in reply to some of the gentlemen who have spoken. First, I would like to say to my friend from Pennsylvania, who asked a question in regard to the property rights of the United States in this stream, that under numerous decisions of the Supreme Court of the United States they have no property rights in this stream, and the State of New York has, and the State of New York has provided in her statute that she shall be amply compensated for their use. The right the United States has is the jurisdiction to preserve the rights of navigation, and that we have amply provided for in this bill at the expense of this company.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes.

Mr. PARSONS. Has the War Department made any objection to this bill?

Mr. YOUNG of Michigan. The War Department has distinctly approved it.

Mr. PARSONS. Has the State Department made any objection to it?

Mr. YOUNG of Michigan. It has not.

Mr. FISH. Will the gentleman yield for a moment?

Mr. YOUNG of Michigan. Yes.

Mr. FISH. Has the State Department been consulted by the committee?

Mr. YOUNG of Michigan. The State Department, as far as I know, has not been consulted; but I will say this, that a representative of the ambassador of Great Britain who was before us was advised to go before the State Department and consult with the Secretary, and if he had any objection, or if the ambassador after such consultation had any objection, it could be brought to our attention, and we never heard another word from him.

Mr. HUMPHREYS of Mississippi. When did the War Department approve it, and how?

Mr. YOUNG of Michigan. Last winter.

Mr. HUMPHREYS of Mississippi. The bill provides that the War Department shall make examination to ascertain whether or not they will approve.

Mr. YOUNG of Michigan. Oh, no; that is the construction—the work that is to be done.

Mr. MARTIN of South Dakota. Does the gentleman from Michigan claim that the State of New York has any other or further rights over the bed of this stream than any State has over any navigable stream?

Mr. YOUNG of Michigan. Why, certainly; about two-thirds of the States of this Union own the bed of the streams and about one-third do not.

Mr. MARTIN of South Dakota. Then I have probably come to the right source for information.

Mr. HUMPHREYS of Mississippi. Has not the War Department to pass on these plans?

Mr. YOUNG of Michigan. Absolutely.

Mr. HUMPHREYS of Mississippi. But the gentleman stated all they had to do was to pass on the work.

Mr. YOUNG of Michigan. That is the nature of the work. I hope the gentlemen will not take all of my time. Another objection has been raised here. It was suggested that this would mean an exception under the general dam law. Why, this bill is exactly under the general dam law.

The dam law itself provides that franchises shall be limited to 50 years, except in cases where a company has already received a charter from the State or the United States and expended money under it. That is this case. This company has already expended one million and three-quarters of money. Another gentleman asks how does this fit in with the doctrine of conservation? I wish to say that it fits in absolutely. Under the legislation of the State of New York compensation is exacted by that State, and under this bill this company is compelled to provide for navigation. Under this joint legislation of State and Nation the waters of the St. Lawrence River are conserved and taught to do the work of man. Without this or similar legislation they will run to waste in the future, as they have run to waste for countless ages in the past.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. YOUNG of Michigan) there were—ayes 66, noes 84.

So (two-thirds not having voted in favor thereof) the motion was rejected.

TO PROTECT LOCATORS OF OIL AND GAS LANDS, ETC.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32344.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill indicated. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

Be it enacted, etc., That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or to a corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding 160 acres in any one claim shall issue to the holder or holders thereof, as in other cases: *Provided, however*, That such lands were not at the time of entry into possession thereof covered by any withdrawal.

The SPEAKER. The Chair understands the gentleman to move to agree to the amendment contained in the bill and to pass the bill as amended. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. SMITH] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. SMITH of California. Mr. Speaker, I do not care to occupy the time in discussing the bill other than is stated in the report, unless there are questions which the gentleman desires to propound.

Mr. MANN. If the gentleman does not wish to occupy time in the discussion of the bill, neither do I.

Mr. SMITH of California. Then, Mr. Speaker, I call for a vote.

Mr. JAMES. I think the gentleman ought to explain the bill.

Mr. MANN. We can pass a pig in poke here, I believe, under suspension of the rules.

Mr. SMITH of California. I thought perhaps the gentlemen had read the report, which, I think, states the case fully. In a nutshell, the bill provides for the relief of those who made placer-mining entries, and conveyed them to a corporation or to another party before the discovery of the metal. Now, that practice was followed for a number of years and finally it was stated before the Interior Department, and upon a thorough and careful examination of the law the Interior Department was obliged to conclude that if the conveyance was made before discovery it conveyed nothing, and therefore the grantee had taken nothing from the grantor and could not proceed to patent. Now the department heartily recommends this relief for those who made these conveyances before the new ruling on the law.

Mr. JAMES. Will the gentleman permit a question?

Mr. SMITH of California. Certainly.

Mr. JAMES. It has always been the law, though, that the locator had to be in good faith and had taken the land for his own use.

Mr. SMITH of California. Not necessarily for his own use in mining cases; they were always subject to conveyance before patent.

Mr. JAMES. But I understand that must be the original purpose when he lays claim to the land.

Mr. SMITH of California. Yes.

Mr. JAMES. Now, under this bill which the gentleman has before the House these persons who have gone and made these locations would be denied under the law a patent to land from the Government because they had deeded or contracted to deed that property to corporations. This would give the corporations the right, or rather the men the right, to have this land patented, which in effect would go into the hands of corporations.

Mr. SMITH of California. No; it does not give the right to the corporations. I will ask the gentleman from Wyoming [Mr. MONDELL] to explain this.

Mr. MONDELL. I will say to the gentleman from Kentucky the mining laws are peculiar and differ from all other land laws of the United States in this, that the locator of a mining claim—not a coal claim, but a mining claim—has the right to transfer it at any time. He can agree to transfer even before he makes the location. The difficulty in these cases, however, is this: That the legal initiation of a mining claim depends upon a discovery of mineral, and in case the land contains oil or gas the oil or gas lies at such a depth that the discovery can not ordinarily be made at the time the locator goes upon the land. It requires deep drilling to make the discovery. Now, if the discovery were made, the locator could transfer to a corporation, or various locators could form a corporation, and it would be entirely regular; but in the Yard decision, rendered a few days ago, the department held if the transfer was made prior to the actual discovery it amounted to an abandonment, and that therefore even the locators themselves, though they still retained their interest, if that interest was in the form of an interest in a corporation, could not obtain title to the land.

Now, ever since the placer law has been applied to oil and gas lands the department has paid no attention to the question of when the discovery was made, but in the recent Yard decision they said the discovery must be made prior to a transfer. The department, however, saw that the effect of that decision would be to practically nullify a large number of locations that had been made, and so suggested that we provide that as to locations heretofore made they should be relieved from the effect of the Yard decision, and, if in all other respects the claim is regular, it should go to patent.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. JAMES. What corporation is this bill primarily introduced for?

Mr. MONDELL. This is practically intended to relieve every oil locator in the United States. I have had some knowledge of the way in which oil locations are made, and I think there are very few cases where the original locators, all of them, as individuals, hold their rights as individuals at the time when the discovery is made, because even though all the original locators retain their interest, they ordinarily retain them in the form of a corporation, because the sinking of a well is a very expensive procedure, and the ordinary individual or copartnership can not raise the money to carry on the work.

Mr. ROBINSON. Will the gentleman yield?

Mr. MONDELL. In just a moment. So it is intended to relieve the great majority of the oil and gas locators in the United States, and the department was so impressed with the fact that this was practically the universal practice under the placer laws as related to oil and gas lands, that they recommended they be relieved.

Mr. JAMES. If this law does become effective, the result will be that in as much as the Government heretofore provided a citizen could only take up 160 acres of land, it will practically lodge into the hands of corporations many times 160 acres of land?

Mr. MONDELL. I will say to the gentleman, it does not affect the mining law in any respect whatever, except that in passing upon the validity of claims the question as to when the discovery is made, whether it was made by the original locator or made by his grantees, shall not be raised, and it never has been raised in all the history of our Government until the Yard decision a few days ago.

Mr. ROBINSON. Will the gentleman from Wyoming yield to me to make a statement?

Mr. MONDELL. I will be glad to yield to the gentleman to make a statement.

Mr. SMITH of California. I will yield to the gentleman from Arkansas [Mr. ROBINSON] five minutes.

Mr. ROBINSON. Mr. Speaker, this measure has received very careful consideration by the Committee on the Public Lands. The situation existing in the oil-producing sections of the State of California, especially with regard to oil and gas lands, demands that some such legislation be enacted. The statutes that relate to oil and gas lands permit, briefly stating it, persons to enter 20 acres each, and as many as 8 persons to combine their interests. The sole purpose of this bill is to give relief in a class of cases which, in my judgment, are meritorious. It developed in the very extensive hearings had by that committee that in the operations that have occurred, especially in the State of California, it has been necessary for persons to combine their interests, under the statute, in order that capital may be secured to prosecute discoveries and to operate with after discovery. This bill is intended to permit parties to secure patents where the transfers were made prior to discovery, the decision in the Yard case, which has been applied to oil and gas lands by the Department of the Interior, holding that where the transfer was made before the discovery of oil only 20 acres should be patented. It does not in any other respect change the statute.

The hearings developed the fact that the conditions require that some speedy relief be granted, and I sincerely hope that the bill may be passed.

Mr. MARTIN of South Dakota. Are there conflicting claims to any portions of the land that would be affected by this legislation?

Mr. ROBINSON. Not that I know of.

Mr. MARTIN of South Dakota. Is any portion of these lands affected by the withdrawal of June, 1910, referred to in the report?

Mr. ROBINSON. The amendment which the committee adopts provides that such lands were not at the time of entry into possession thereof covered by any withdrawal. This bill does not affect withdrawals.

Mr. MARTIN of South Dakota. Yes; but has the withdrawal been made since the transfer of the claim and before discovery?

Mr. ROBINSON. I did not hear distinctly the gentleman's question.

Mr. MARTIN of South Dakota. I am unable to quite understand the purpose of this legislation. For instance, a location, we will say, is transferred before the discovery is made. If the tranferee proceeds and makes a discovery, there is a way for him to proceed.

Mr. ROBINSON. He could not get a patent under the decision in the Yard case for more than 20 acres. This will permit him to get a patent to 160 acres.

Mr. MARTIN of South Dakota. Then the purpose is to give him a larger area?

Mr. ROBINSON. Yes; but the statute now permits a consolidation to be made to an amount of 160 acres, but the departmental construction denies patent where the transfer was made before the discovery.

Mr. MARTIN of South Dakota. The purpose is to allow the transferee to obtain title to 160 acres, whereas the original locator, if it had been held in the hands of the original locator, could not obtain but 20 acres.

Mr. ROBINSON. They could obtain title to 160 acres, provided the discovery had been made before the consolidation.

Mr. MARTIN of South Dakota. But the discovery was made afterwards.

Mr. ROBINSON. Then they could only get 20 acres.

Mr. FOSTER of Illinois. Will the gentleman yield to me?

Mr. ROBINSON. Certainly.

Mr. FOSTER of Illinois. Why is it necessary to secure more than 20 acres?

Mr. ROBINSON. That is a pertinent question, and that was entered into fully in the hearings before the committee. It developed there, and, I think, to the satisfaction of everybody, that it was necessary in order to secure sufficient capital. The investment required for sinking oil wells in the California fields and for the operation of them is very large. It has been disclosed by the hearings that as much as half a million dollars in a single plant was in some instances invested before oil was found, and it is considered necessary, and, in fact, the statute recognizes it by permitting the consolidation of as many as eight entries, to combine the 20-acre holdings for operation.

Mr. SMITH of California. I hope the gentleman on the other side will use a portion of his time.

Mr. MANN. I yield to the gentleman from Illinois [Mr. FOSTER] five minutes.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask this question: The gentleman from Arkansas claims that it is necessary to have a larger amount than 20 acres of ground for oil purposes?

Mr. ROBINSON. That is the unanimous statement of men engaged in the operation of oil claims. I want to say that the law now in existence recognizes that fact, because it permits as many as eight separate claims to be consolidated. That is a distinct recognition of the fact. If they had made the discovery before the transfer, the patent would have been permitted, but since the discovery was not made before the transfer, the patent is not permitted to more than 20 acres, notwithstanding discoveries have since been made.

Mr. FOSTER of Illinois. Suppose eight men each have 20 acres of ground and there is oil under it, it is not necessary for those eight men to consolidate in order to lease or do the drilling. The fact is that ninety-nine out of every hundred, I might say, almost universally, men who own land that has oil under it do not develop that land themselves, but lease it to some company, who takes the contract and pays them a royalty. So I am unable to understand, under these conditions as they exist, wherever oil is found in the United States, why it is necessary that they should consolidate and have 160 acres, except that it gives some individuals more territory to drill on; not that they would use it themselves, but that each one of them leases to some party who does the developing.

Mr. PARSONS. They have nothing to lease until they get a patent to it. This is to give them a patent.

Mr. CRAIG. Will the gentleman from Illinois yield?

Mr. FOSTER of Illinois. Yes.

Mr. CRAIG. The gentleman from Illinois assumes that there is oil on the 20 acres, but, as a matter of fact, the men who are affected by this legislation are mere prospectors. They do not know whether there is oil under the 20 acres or not, or whether there is oil under the 160 acres. They go and drill; they drill a hole here and a hole yonder, and spend perhaps $20,000 or $30,000 and get nothing, and under the law as it stands to-day they have no right to transfer——

Mr. FOSTER of Illinois. I would like to ask the gentleman this question: In case they find oil on the Government land, do they pay a royalty to the Government?

Mr. CRAIG. In case they find oil, they get their patent under the law, but nobody gets any rights under the mining law until the discovery is made, and the discovery of oil is not made until it comes up out of the ground.

Mr. FOSTER of Illinois. This proposition exists wherever you find oil, that a man goes out and leases land and takes his chances as to whether he finds oil or not, and if he finds oil, then his lease is worth something, but it is not worth a dollar until he does find it, if it is on private land. Now, I have seen a little something of this myself, and I know it is said here that men spend $20,000 or $30,000, but that does not make any difference, whether on Government or private land, because the same thing is done on private land in every oil field in the United States.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes.

Mr. PARSONS. Has not the gentleman the situation in mind where the oil underlies private land and in such cases can not a corporation do the drilling so as to make the discovery?

Mr. FOSTER of Illinois. Well, they do it under the Government land in the same way.

Mr. PARSONS. They do not; and that is just the difficulty.

Mr. FOSTER of Illinois. When they find the oil, then they get the patent.

Mr. PARSONS. If you want to raise money and do it in the form of a corporation, you can not do it now unless you pass this bill, because your chief expenditure is your initial expenditure of drilling your well.

Mr. FOSTER of Illinois. You would meet that difficulty any place, whether on public or private land.

Mr. PARSONS. On private land people can combine in the form of a corporation and spend the money of the corporation in drilling the land, but as the law now is, under this provision referred to, that can not be done on Government land.

The result is that lots of people, not knowing that that was the law because there had never been a ruling on it, as the papers did not show whether there had been a transfer before its discovery or not, and so this decision came only recently—lots of people who wished to discover oil and wished on Government land to make use of the means of raising money that they would in discovering oil on private land, after they made their locations by having a corporation drill and then discover oil, found that the law did not allow that. It is to allow them after they have made their locations to combine together and raise their money and make their discoveries.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Does that apply to all lands?

Mr. PARSONS. Government lands everywhere—California, Idaho, Wyoming, Oklahoma, Colorado—everywhere.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky, Mr. JAMES.

Mr. JAMES. Mr. Speaker, my objection to this bill is simply this. The Congress of the United States has made certain laws relative to the patenting of coal and mineral lands. Now, it seems as if every time a corporation gets hold of some of this land and finds out that in order to make its title secure it has to violate the law; they come to Congress and tell us to repeal the law that they have to violate in order to get possession of the land that the ordinary fellow down in my country or anywhere else in the United States is denied the right to title by the Government for the very same reason that the corporation was denied the right and title to that land. The ordinary citizen bows obediently to the law; the corporation or syndicate says repeal it; get it out of our way.

The corporation goes and gets possession of land. They find out that in order to make their title secure they will have to remove a law made and passed by Congress which is in their way. Then they come to Congress and ask us to repeal the law. I believe that every law placed upon the statute books ought to stand there against every applicant, big and little, corporation or private individual, every man alike. Every man should stand upon the same footing; all should look alike and be treated alike.

Now, you take the Cunningham coal claims. There are many men who have gone to Alaska, some of them poor men. They have made claims there under the law. The law has denied those poor men the right to the land, but along comes a mighty syndicate with millions like that back of the Cunningham claims, and it finds in its way the same law the poor man found in his way, but not like the poor do they bow to it, but they come and ask us to repeal it, and let them get it out of their way so that they can get the land. [Applause.] I do not know anything particular about this bill here except what is shown by the report on it, but if the men who deeded this oil land to the corporation could not, as the department said, deed something that they did not then own and did not know of this law and it denied to the ordinary man the right to a patent to that land, the same law denied this corporation the right to a patent to the land. If laws are bad ones repeal them, so that all may benefit by the repeal, but do not enter into the practice of repealing laws for the favored few.

Mr. SMITH of California. Will the gentleman permit a question?

Mr. JAMES. Yes.

Mr. SMITH of California. Does the gentleman not know, as a matter of fact, 10, 12, or 15 years, the Government did give a patent to these corporations and individuals who held guarantees before discovery, and that practice was universal?

Mr. JAMES. The gentleman has asked me a question, and I will try to answer it. All I know is this, that we find the gentlemen who compose a corporation for whom this bill is primarily intended find a law standing in their way that prevents them from getting a title to the public land. That is the same law that applies to every individual in the United States, and I am opposed to making flesh of one and fowl of another. [Applause.] If you are going to make these laws liberal, so

every man can get part of the spoils, then make it that way, but do not make it one way, and then when the poor man runs up on it he has to lay down, and when the rich man or corporation runs up on it they proceed to ask Congress to repeal it.

Mr. PARSONS. This is primarily on behalf of the poor man, because the poor men have to combine to get the money.

Mr. JAMES. I doubt that exceedingly; but whatever the facts, I am opposing the repeal of law for some and the enforcement of it against others.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I would like to ask the gentleman from Wyoming one or two questions. The first is in regard to proposed amendment:

Provided, however, That such lands were not at the time of the entry into possession thereof covered by any withdrawal.

Mr. MONDELL. It is not intended to grant this relief to any one entering upon lands covered by withdrawals.

Mr. LENROOT. Does this clause enlarge the general law in any respect?

Mr. MONDELL. Well, I think it makes it better, because it makes it very plain that relief from the Yard decision shall not extend to any one who went upon the lands while they were withdrawn.

Mr. LENROOT. I say to the gentleman: In the law we passed last year this provision is found:

That the rights of any person who at the date of any order of withdrawal, heretofore or hereafter made, who is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as the occupant or claimant shall continue in diligent prosecution of said work.

Now, it occurs to me that the last clause in this bill touching this matter may enlarge that somewhat.

Mr. MONDELL. I will say to the gentleman the intent of it was not to enlarge it, if I understand what he means by enlargement, but to make it clear that this relief should not be granted to anyone who was on land when withdrawn. Now, there may be a question as to whether withdrawals of land prior to the passage of the so-called picket bill will be held by the courts to be valid, or if they were held to be invalid, still we insist that whether it be valid or not no one shall have the benefit of the law who was on the land when its withdrawal was made.

Mr. LENROOT. And so far as the law itself is concerned it is limited solely to the question of not refusing a patent because of the transfer.

Mr. MONDELL. I understand, but we limit the relief from the effect of the Yard decision to those who went on land when there was no sort of withdrawal against it of any sort or kind, and the intent was to go further than we did in the picket bill, if possible, and to limit this right to those where there can be no question of good faith.

Mr. LENROOT. Is it not possible with this language the construction would be that where withdrawals have taken place and entries have been made, and the entrymen have not complied with the law, that they, too, will be given the benefit of this law?

Mr. PARSONS. No; it is broader than that. The controversy in the committee, I will say, is this: This relief was sought on property of locators who had gone on oil lands after the Executive withdrawal and before we passed that act; but the committee was unwilling that the act should give any relief to people who had gone on in the face of the Executive withdrawal, even though they claimed, and even though the law may say that the withdrawal was not legal, and we have thought it ought to be wiped out, and that is why the proviso was put on.

Mr. LENROOT. One other question. Under the mining laws is it necessary that the claimant initiate his entry in good faith? That question is suggested here.

Mr. MONDELL. No; not as we understand it under the other land law. He discovers mineral, and it is his to do with as he sees fit. He can, in fact, make a contract before he locates his claim.

Mr. LENROOT. He can make his claim and immediately transfer, without any thought of making the discovery or working the claim himself, and it is perfectly lawful?

Mr. MONDELL. Yes; that has always been the case under our mining laws.

Mr. LENROOT. I yield back the balance of my time.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. I yield two minutes to the gentleman from Alabama [Mr. CRAIG], a member of the committee.

Mr. CRAIG. Mr. Speaker, this bill endeavors to put the oil locator on practically the same footing that the gold locator now is; the difference between the two being that the gold locator makes his discovery in the first instance, while the oil locator often does large amounts of work without making any discovery at all. In other words, he hardly ever digs unless he finds something on top. If he finds even a little piece of gold his discovery is made, and he or his transferee can get a patent. The oil locator comes along and prospects a piece of land. He has got to drill possibly 2,000 to 3,500 feet deep before he can discover anything whatever. He has no discovery on which to base his patent before doing the work, and sometimes not even after much work is done. Therefore, under the Yard decision, if he transfers to any person whomsoever, his transferee gets nothing. The Yard decision says that the transfer is equivalent to an abandonment of his claim. Then, if the transferee of the oil locator goes ahead and spends his money and makes a discovery, even then he can not get a patent under the Yard decision. This bill is intended to relieve that situation.

Mr. HARDY. Can he lease it without forfeiting his claim?

Mr. CRAIG. There is no provision for leasing at all. He has no title unless he makes a discovery; he has no such interest as would give him a patent. As to the corporation that the gentleman from Kentucky [Mr. JAMES] is so afraid of, I want to say that this bill is intended to relieve hundreds of individual locators, who, under the existing law, have combined their eight separate locations of 20 acres each into a 160-acre tract and are about to be deprived of their patents because of this Yard decision.

These individual locators had to combine, according to the testimony before the committee, in order to get credit upon which to operate their claims; and one of them stated to me that that credit had been withdrawn and that their locations were in jeopardy because they could not get the money upon which to operate; that the Yard decision had rendered their holdings so uncertain that the banks had lost faith in oil developments on Government lands in California, and many locators were absolutely in need of the relief which this bill will provide.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the balance of my time to my colleague from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, this legislation is requested by the oil operators in the West. For many years it has been the practice for eight individuals to go upon the public domain, each locating a claim of 20 acres, and then to form either a copartnership or a corporation, then each to deed his claim to such copartnership or corporation, and upon the discovery of oil on 20 acres to obtain patent to the whole 160 acres. Under that policy nearly 200 patents granting 160 acres each have been issued in the State of California alone. During the last year the department decided that in such cases patents could only be issued to 20 acres, and as a result millions of dollars invested in oil in the West was jeopardized and investors refused to put more money into oil development, because it costs from $25,000 to $100,000 to make a discovery of oil by the sinking of wells. And the oil development of the West is waiting for the relief asked for in this bill. The oil people of California had a State-wide mass meeting, and they sent to Washington a committee representing all those interested in the oil industry of California, and as a result the Committee on the Public Lands has unanimously reported this bill, which is now before the House of Representatives. Unless we get this relief the development of oil in the West must stop, because people will not invest from $25,000 to $100,000 to make a discovery of oil when it is only possible to obtain patent to 20 acres of land. This legislation simply carries out the policy which has been going on for years, and which oil operators and locators have relied upon in good faith, and is not in the interest, as the gentleman from Kentucky [Mr. JAMES] seems to think, of corporations alone, but is in the interest of the locators, the individual miners as well, and is demanded by all of the people of the West, and they are looking to us for this relief. And I say in all sincerity that this legislation ought to be passed without delay.

The SPEAKER. The question is on the motion to suspend the rules.

The question was taken; and two-thirds having voted in favor thereof, the amendment was agreed to, and the bill as amended was passed.

PURCHASE OF EMBASSY, LEGATION, AND CONSULAR BUILDINGS ABROAD.

Mr. LOWDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as

may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however,* That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place), and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

The SPEAKER. Is a second demanded?

Mr. CULLOP. Mr. Speaker, I demand a second.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWDEN. Mr. Speaker, the bill before the House, H. R. 30888, authorizes the Secretary of State to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish such buildings. It further provides that the buildings acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment. It also contains a provision that not to exceed $500,000 shall be expended for these purposes in any one year, and that not to exceed $150,000 shall be expended at any one place, except by new and express authorization of Congress.

Under the rules of the House any provision contained in a general appropriation bill for the purchase of an embassy, legation, or consulate, no matter how badly needed, would be subject to a point of order. Therefore at the present time it is practically impossible to secure an appropriation for this purpose. The Committee on Foreign Affairs has been unable to discover any appropriate remedy for this except by the general authorization conferred upon the Secretary of State, which this bill contains. If the bill becomes a law, in the future it will be possible for the proper appropriation bill to make provision, within the limitations of this bill, for those places where the need is most imperative.

This bill has been subject to much consideration by the Committee on Foreign Affairs, and the principle of the bill has been very fully debated on the floor of this House. On January 5, 1909, the bill H. R. 21491, from which the present bill has been evolved, was discussed most thoroughly in Committee of the Whole House on the state of the Union. Much of the opposition to the bill was directed to the matter of form. It was urged strongly that too much discretion was given to the Secretary of State as to the amount to be expended at any one place. Those who favored the bill decided not to bring the matter to a vote, but to attempt to redraft the bill so as to meet the objections as to form. This was done and the bill H. R. 15814, introduced on December 17, 1909, was the result.

The latter bill was identical with the one now before the House, except that it contained no express limitation as to the amount to be expended in any one place. However, in view of the fact that but $500,000 could be expended under the terms of the bill in any one year, the proponents of the bill urged that this was practically a limitation, and, further, that in some of the capitals of Europe this amount would be required to purchase and furnish a suitable embassy. This limitation was regarded by the House as too large and the bill was defeated.

The committee then, on March 7, 1910, reported out favorably House bill 22312, a bill identical in terms with the bill before the House. The point of order was raised to the bill that it was the same in substance as House bill 15814, which had been defeated, and therefore could not be brought forward again at the same session. Upon being submitted to the House, the point of order was sustained.

The present bill was reported out at this session by the Committee on Foreign Affairs with a favorable recommendation. While it is true that under this bill, with its present limitation, it will not be possible to purchase embassies in some of the capitals of Europe where land has become very expensive, it will be possible, within the limitation of $150,000, as proposed, to purchase embassies and consulates, while there is yet time, in Mexico, South America, the Orient, and in most of the cities of Europe. A few of the greater cities will have to wait for some other and special legislation.

It will thus be seen that this bill has traveled a long and thorny road, and I submit to the House that I have been a patient and good-natured advocate of the measure. Two years ago I changed it to meet objections, and a year ago I changed it to meet objections. I now hope that the resources of the gentlemen who have opposed the bill in the past will not be equal to finding some new objection which hitherto has not been raised.

The President, in his last annual message to the Congress, recommended this legislation. He said:

During many years past appeals have been made from time to time to Congress in favor of Government ownership of embassy and legation premises abroad. The arguments in favor of such ownership have been many and oft repeated and are well known to the Congress. The acquisition by the Government of suitable residences and offices for its diplomatic officers, especially in the capitals of the Latin-American States and of Europe, is so important and necessary to an improved Diplomatic Service that I have no hesitation in urging upon the Congress the passage of some measure similar to that favorably reported by the House Committee on Foreign Affairs on February 14, 1910 (Rept. No. 438), that would authorize the gradual and annual acquisition of premises for diplomatic use.

The work of the Diplomatic Service is devoid of partisanship: its importance should appeal to every American citizen and should receive the generous consideration of the Congress.

I also quote the following from a letter of Mr. Bryan, of Nebraska, written in 1906 from Austria-Hungary:

I have been intending for some time to speak of the matter of permanent buildings for our embassies and Vienna is a case in point. Our ambassador at Vienna, Mr. Francis, has had difficulty in finding a suitable place for the embassy. I discussed the subject during my former visit abroad, and my observations on this trip have still further strengthened the opinion that our country owes it to itself as well as its representatives to purchase or erect at each of the foreign capitals a permanent embassy building. At present each new ambassador or minister must begin his official career with a house-hunting expedition, and the local landlords, knowing this, are quick to take advantage of the situation. At one place an American ambassador was recently asked to pay double what his predecessor had paid, and as he was not willing to do this, he is still living at a hotel. There are not many suitable buildings from which to select and our representative is at the mercy of those who control the limited supply. Diplomatic requirements are such that the embassy must be centrally located and sufficiently commodious to enable the ambassador or minister to return the courtesies which he receives. Small apartments are numerous, and there are a few palaces which can be rented, but the former are not large enough and the latter much larger than necessary. Our Government ought to own a building conveniently located and suitable for the offices and home of the ambassador. It must either do this or choose between two systems, both of which are bad, viz, compel the representative to spend more than his salary for house rent or continually increase the salary of diplomatic representatives to keep pace with the growing rent in the capitals of the world.

To throw the burden upon the Government's representative is undemocratic; to risk constantly increasing rent is false economy. It is not in harmony with our theory of Government to have an important branch of the public service open to rich men only, and that is the case under the present system. No poor man can afford to accept an appointment as an American minister or ambassador to any of the principal countries of Europe, and as the years go by the expense of a diplomatic residence will become greater as the value of urban property increases. While the telegraph and the cable have somewhat decreased the responsibility of the foreign representative, by bringing him into closer contact with the home Government, still much depends upon the ability, the sagacity, and the discretion of those whom we send abroad. Our Government ought to be in a position to select from the whole citizen body those most competent for the work to be intrusted to them, and it goes without saying that efficiency in the public service is not measured by the amount of money which an official has either inherited or accumulated.

There is another argument in favor of the building of permanent embassy buildings which ought to have weight with our people. If diplomatic representatives are chosen only from those who are able to spend more than their official incomes, it naturally follows that some will be richer than others and that the establishments maintained will differ in expensiveness. In fact, experience has shown that a new representative is sometimes embarrassed by the lavish expenditures of a preceding one. The standing of our Nation abroad demands that our ambassadors and ministers shall live in a style in keeping with our ideas, and extravagance is as offensive as parsimony. By owning its own embassy buildings our Government can regulate the standard of living and entertainment of those who represent it at foreign courts. There is no doubt that our Nation must ultimately come to this plan, and the sooner it adopts it the better.

I wish to state, as briefly as possible, some of the considerations which have impelled me to the advocacy of this bill. In the first place, there ought to be no position in the public service which is beyond the reach of the trained, but poor man. Under existing conditions, only the very rich can afford to represent this country abroad. Rents are enormously high in the older cities of the world, and constantly tend to grow higher, and even a simple and unpretentious home costs many of our foreign representatives more than half of their salary. How can you expect them to live upon the remainder?

Besides, in many of the large cities it is impossible to rent any sort of suitable place, however modest, without waiting for a year or two.

Mr. Andrew D. White, while ambassador to Berlin, was practically ousted from an apartment which he rented, as the whole building had been sold to the Grand Duchy of Baden, to be used as its legation.

It does not comport with our dignity as a great Nation to send our foreign representatives abroad under conditions where they are at every disadvantage with the representatives of other even inferior nations.

Everyone is familiar with the fact that important negotiations on behalf of a country can not be conducted successfully under vastly unequal conditions. Mr. Andrew D. White, in his autobiography, is authority for the statement that the failure of his negotiations in the Bering Sea controversy was due directly to the superior policy of Great Britain in maintaining a preponderant diplomatic, political, and social influence at the Russian capital, and he adds that this cost our Government a sum which would have bought suitable houses in several capitals.

President Roosevelt put the Consular Service on a merit basis, and President Taft has put the Diplomatic Service, below the ranks of ambassador and minister, on the same basis. We have the beginning of a profession of diplomacy. We should make it possible for every man in the service to feel that the largest prizes in the service await him who exhibits the highest ability and devotion to his country's interests.

Our foreign relations are becoming vastly more important all the time. Last year the Secretary of State announced before the Committee on Foreign Affairs that the business of the State Department had doubled since the Spanish-American War. In the recent tariff legislation the executive branch was charged with the duty of ascertaining what countries were discriminating against our trade, by tariff regulations or otherwise. This has added much to the work and importance of the Department of State.

Another reason: It is good business. What great business enterprise, permanently established, could afford to rent the premises required in its business for not to exceed four years at a time, paying, as it would have to, large rentals under so short a term of lease? Add to this the almost certainty that such a business would be compelled to remove to new quarters at short intervals, with all of the expense that such a removal involves, and it is not difficult to foresee the end of such a business policy.

Parties may come and go, but the American Government is the most permanent institution upon this entire continent. We all have faith that America will be engaged in business in the capitals and cities of the world for generations yet unborn. Let us own our own plant. Let us be the beneficiary, not the victim, of the so-called unearned increment in the value of city lands. No one can doubt but that if we had entered upon this policy when this agitation began we could have purchased what we need for half of what it now will cost us. We owe it to the Nation, we owe it to our representatives abroad, we owe it to the interests of economy and efficiency in the administration of foreign affairs, to pass this bill and to pass it now. [Applause.]

Mr. RUCKER of Colorado. Mr. Speaker, this bill authorizes the Secretary of State, when Congress appropriates the sum for such purposes, to expend not more than $500,000 for diplomatic and consular establishments in any fiscal year for the purchase of sites, buildings, or the erection of buildings upon sites acquired, but in no event to expend more than $150,000 at any one place.

The objections made to this measure at the last session—in that the expenditure authorized was a much larger sum—has been fully met by this bill, as the gentleman from Illinois [Mr. LOWDEN] has so ably and fully shown. I advocated the former measure then, and it affords me pleasure to lend my full indorsement to the bill now. There prevailed at that time among my friends on this side of the Chamber an idea that the plan of building and maintaining these establishments abroad was primarily a Republican policy, another Republican extravagance, and for those reasons many withheld from it their support. In fact, I believe we had only a handful of votes on this side for the measure. I want to say to my friends on this side, however, that it is demonstrable that not only is it not primarily a Republican measure, but it is not an extravagant one. The policy received its first inception under the Democratic administration of Adams, followed by Jackson, and obtained its best impetus under the Cleveland administration, and, contrary to its being an extravagant policy, it is one having for its foundation the essence of economy. But, Mr. Speaker, party consideration, even were it involved, with me loses its appeal, however, when my name is called to vote on the merits of any measure, and I believe this is no less so with a great majority of the Members of this House. I am as much opposed to extravagance in the administration of our national affairs as any Member of my party, yet I can not close my lenses to the great benefits we will derive as a Nation by following progressive lines in the passage of laws such as are suggested by this bill.

One will only have to look about him in this our Capital City, observe the magnificent structures in which the leading nations of the earth have housed their diplomatic servants, see the flags of their countries kissing the breezes from the house tops, their coats of arms emblazoned on the front doors—in fact, all the settings at once spelling dignity and patriotism and a due appreciation of the honor of being our guests—to be duly impressed.

The visitor from one of these countries, represented as it is by these tokens of loyalty, is rebaptized with patriotism for his fatherland. More than that, in the capitals of all the leading nations the other nations own as superb structures, symbols of their dignity, signifying as well an appreciation of the honor of their representatives being their guests. On the other hand, our position is most pitiful; we neither dignify our country nor recognize our obligations as guests with such emblems. Our flag floats from the house top in only one place in all Europe where we own the realty upon which the house is situated and the only one approaching respectability, namely, in Constantinople. In Tahiti, Tangiers, and Peking we have small holdings, and, adding a dilapidated, old-fashioned house in Tokyo, the pitiful sum of $250,000 would cover the entire cost of all our possessions in Europe and the Orient. More than that, all these countries pay to their representatives salaries from 50 to 75 per cent more than we, and in nearly every instance an allowance is made for incidental expenses, such as for entertainments, servants' hire, and so forth.

If we regard the question from the theoretical standpoint, that in our form of Government every citizen is the equal of the other and has equal opportunity for place in political life, station, or responsibility, it is most appalling, because, coupled with the rentals he must pay, incidental expenses, living in a fashion even semirespectable and reflecting even a minimum credit on the country he represents, the man of small means, however otherwise worthy and peculiarly qualified for the diplomatic service, in a contest for the place is truly out of the running. The position, of necessity, must go to one of independent fortune. It is no longer a secret that this condition often brings to the position its embarrassment, for it is not only known by us that he is not chosen exclusively because of his merit, but it is also known to the country to which he goes.

If we regard this question from the standpoint of efficiency, we know from our own relationship with our fellow-men that equipment for the maximum service called for in these positions may well be found outside of the ranks of the wealthy. It was to illustrate this idea that President Taft was led lately to say:

> We boast ourselves a democratic country. We say that there is no place within the gift of the people to which we may not select the most humble inhabitant, providing he be fit to discharge its duty, and yet we have an arrangement which makes it absolutely impossible for anyone but a millionaire to occupy the highest diplomatic post.
>
> Now, I ask you whether that is consistency; whether it is not the purest kind of demagogy? By demagogy, I mean the advancement of an argument which seems to be in favor of democracy, but which, when it actualy works out, is in favor of plutocracy.

Mr. Bryan has strongly advocated this measure in an address made to the committee from which the bill emanates.

Samuel Gompers, president of the American Federation of Labor, said:

> As an American citizen, proud of the history of our country and expectant of its glory in the future, I am glad to associate myself with this movement. When I arrived in London, and repaired to our embassy offices in Victoria Street, I own that, though I am not given to pomp or ostentation, I felt that I was entering an office that might have been fit for a second-class lawyer. Appearances have their influences. I would not have a baronial mansion for the American embassy, but I would have a building that would impress the beholder with the dignity and strength of our country.

Whose voice in this Chamber will be heard to say that the wishes and desires of the American people are not reflected by the utterances of these three distinguished Americans?

If we regard it from the standpoint of business expansion alone, a no less strong argument can be made. It is well known that in our struggle to procure that part of the commercial business to which we are entitled in other countries, we are handicapped by our shabby and cheap appearance. It was the cynic side of Carlyle's nature which advanced the idea that the man dignified any old coat he put on his back, and it is all very well for us to harp upon and remember the simplicity of Jefferson, but every man who is acquainted with foreign ideas and conditions knows the importance of outward appearance. And this can be had without mimicry and without that distasteful ostentation the narrow-minded opponents of this measure credit its proponents with being bent upon bringing about. We merely want to appear in these countries in an attire which will spell modesty and simplicity, and at the same time a full appreciation of the might, dignity, and importance of the greatest of all nations, and a corresponding recognition of amenities and obligation to them for the reception of our representatives as their guests.

Again, one must visit these countries to appreciate more fully the necessity for the expenditures provided by this bill for other reasons; for instance, when he is compelled to search up and down the byways and alleys, and is finally rewarded by finding a miserable building identified as the home or office of our representative only by the flag of our country flying from its leaky roof; when no sooner does he enter and meet our representative than he is made to listen to an apology for the beggarly surroundings and inconveniences, and is immediately made to send out a search warrant for some excuse to offer for declining an invitation to lunch or dinner, which he knows will be in order before his departure from his generous but overtaxed host.

But, if these appeals do not prevail, let me draw your attention to an economical view of the subject. No one seriously thinks that the time will ever come when the nations will abandon the present system of diplomatic representation, and, even should it ever terminate, the constantly rising price of real estate the world over would insure a handsome profit on the investment if made now. By not having vigorously pursued in the past this policy which is now advocated, we have suffered incalculable loss on account of the enhanced values of real estate and cost of building material. I know personally where we lost several excellent opportunities to procure building sites within the last two years, and when it is known that we are now paying over $200,000 per annum in rentals alone for the housing of our servants abroad, the merest tyro in mathematics can determine for himself whether the claim of extravagance can be maintained and where the economy comes in.

The original idea of having these representatives of the Nation at the capitals was to cultivate friendships, the maintenance of more friendly relations and better understandings, to the end of removing the possibilities of war, and history is replete with accomplishments along this line. Is there one here, in the face of these historic achievements, to say that one battleship can do as much? Yet, year after year we pile these chips on our shoulders by building two of these engines of war at a cost of more than $20,000,000, and the per annum expense for their upkeep is over $2,000,000. The cost of one of these battleships and the cost of its upkeep for 10 years would allow us to continue the erection of these edifices of peace and commercial assets for 40 years. Within such time, and with such an expenditure, we would be on at least equal footing with our sister nations, and thus demonstrate to the world that we are for peace in fact as well as by profession. Let us pass the bill. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask the gentleman from Indiana if he will use some of his time now.

Mr. CULLOP. Mr. Speaker, it seems to me that entering upon a policy of this kind is a very dangerous thing for this Government. To commence erecting buildings all over the world at the foreign capitals for our dress-parade officials could serve no good purpose in this country and only be the source of much expense. By the report of the committee I see it is expected to expend $5,000,000 for this purpose—$500,000 to be expended each year, and not more than $150,000 at each capital. This is but the beginning of a system for exploiting the Public Treasury to an amount in the end no one is able to compute. I do not understand why this Government should enter upon this policy at this time, when the condition of the Public Treasury is as low as it is to-day. The drain upon it has been enormous in the last few years, and its disbursements now exceed its receipts and we face a deficit. Already distinguished gentlemen upon that side of the House have opposed the passage of a pension bill to pension the old soldiers of the rebellion because the Government had not the money to spare to pay the expense it would incur, and yet to-day, with these needy and worthy men all over the country in distressed circumstances appealing to us for recognition, men high in the councils of the Republican Party opposed that legislation and have failed to make an appropriation for them to carry it into effect. And the same men who practiced parsimony as to those old heroes propose now to pass this bill which will appropriate $500,000 a year to build fine houses in foreign capitals solely for the purpose of dress parade and to make display in foreign countries. They can have no other object in view.

In all the history of this Government, so far as I am informed, no man has ever refused to hold a foreign ministry because the Government did not furnish him a home in a foreign country to which he was sent, and yet now when it is said upon that side of the House that we are unable to appropriate money for the rural routes of the Government, to put them in a good condition and furnish adequate compensation to men who do daily toil and provide conveniences for our home people, you are proposing to appropriate money—enormous sums and fasten a policy of extravagance on the people in this bill—to build fine houses for rich officeholders in foreign countries. This policy no man can justify in the face of conditions existing throughout the entire country. It will be opposed all over the country.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. HENRY of Texas. I want to state that I have been informed by a former foreign ambassador from our country to one of the European countries that we could perhaps lease these buildings for one-fifth or one-tenth of the amount we propose to expend under this bill. I understand that we are to expend $5,000,000 under this bill.

Mr. CULLOP. Yes; in the next 10 years. So it provides.

Mr. HENRY of Texas. But that if we adopt the plan of purchasing these buildings the cost will be a great deal more than if we lease them for a term of years. If the gentleman has studied that question and made any comparison, I think the information would be very valuable to the House.

Mr. CULLOP. I am not informed upon that proposition, but I have no doubt that the gentleman's information is correct. We can lease them for much less and to better advantage.

Mr. HENRY of Texas. I think it would be fair to state to the gentleman that this foreign minister was the Hon. Hannis Taylor, who was minister to Spain under Mr. Cleveland. He stated that he had submitted his proposition to Mr. Cleveland and to Mr. Olney, who was Secretary of State, and they had come to the conclusion that it was the most economical method of maintaining our embassies abroad.

Mr. CULLOP. I have no doubt that it is otherwise. Now, I think that before we enter upon a policy of that kind we had better build up certain institutions of benefit to the people of this country, such as to provide public buildings for the use of this Government at home in the transacting of its own business. Take, for instance, our own post-office facilities, and in many cities all over the country no public buildings are provided, and in many places the facilities rented are inadequate and inconvenient for people who patronize them. Supply these accommodations at home for the people who pay the taxes and sustain the Government. Before we enter upon a policy of public buildings in foreign countries, sending our money abroad, let us supply our own people with public buildings, expend our money at home, and improve the property of our own citizens. This policy would meet a more cordial approval from our countrymen than the one here proposed, and it would be of more advantage to our people. Supply our own domestic wants first.

This will also furnish a splendid opportunity for land sharks to speculate, and that seems to be the very foundation of the idea of building foreign homes for our ambassadors in foreign countries. Speculators will buy land where it is proposed to build these places and make great profit in handling the real estate upon which the houses are expected to be built. They will be able to sell the lands to the Government through some kind of manipulation that will be very profitable to them. There are many things in this country, many institutions of benefit and convenience to the people of the country all over it that need attention, and the appropriation of money hereby intended for this purpose I think ought not to be made. I hope this measure will be defeated.

I desire to call the attention of my Democratic colleagues that if this bill passes it will be unloading on the Sixty-second Congress another deficiency in the appropriations for which our party, when it comes into power next December, must provide for. It is another plan devised to swell appropriations by the next House, and to be charged up to the Democratic party, and I warn you that for this reason, if no other, we should defeat it. It would be wisdom on our part to do it. True, it only proposes to expend $5,000,000, but no man on this floor will dare undertake to compute its ultimate cost to the American people, and the expense it will entail upon the Government. You promised the people a reduction in public expenditures, economy in appropriations, and it is now up to you to make good those promises. [Applause.]

I now yield five minutes or as much time as he may desire to the gentleman from Mississippi [Mr. SISSON]. [Applause.]

Mr. SISSON. Mr. Speaker, this seems to me to be rather an unusual departure on the part of a Republic. In addition to what the gentleman from Indiana [Mr. CULLOP] has said, one of the chief objections to this bill is that after we shall have builded all of these houses at the various capitals of the various nations and at the principal consulates of the various nations, the maintenance, support, repair, and furnishing of them will require a very large amount of money that will have to be provided for annually out of the Treasury. If the mere building of these houses could be limited to $5,000,000, and after the

houses had been completed this ended the expense, there would be less objection to it; but the proposition to expend $500,000 annually——

Mr. KELIHER. Will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. KELIHER. Does the gentleman find anything in this bill that commits the Government to such expenditures as he has just described?

Mr. SISSON. Mr. Speaker, I am surprised that my colleague from Massachusetts supposes that houses do not have to be repaired, that houses do not have to be looked after, that houses do not have to be cared for. I am surprised that my friend said, as has been argued here, that the men who go to these places are not able to maintain themselves in homes that they may rent of their own selection. By this proposed scheme they will be compelled to occupy and furnish a home, the limit of cost of which will be $150,000. Does the gentleman imagine that these men who are unable to rent a modest home will be able to furnish the sort of a house provided for in this bill and live up to the establishment? The next demand will be that money be expended to furnish these houses in accordance with the dignity of the United States Government, and there is no end to the limit of expenditure.

Mr. KELIHER. Does not the gentleman believe that when a tenant rents a house, and that house has to be repaired, the tenant eventually pays the expense so incurred in increased rent? Does the gentleman see any difference in this respect between the United States as a tenant and an individual as a tenant? If it is economy for an individual to own rather than rent, why would not economy to the United States follow the passage of this bill?

Mr. SISSON. My contention is, sir, that a man who is appointed ambassador or consul can go, if he desires, and rent a modest home in a modest neighborhood and live plainly and modestly with no expense to the Government, but under this bill it will become necessary for the Government to keep up the repairs on a house costing not less than $150,000, and in the last analysis it will be necessary that you buy furniture, keep the furniture in condition, and as often as you change ambassadors, you will not want to give them second-hand furniture, certainly not, and——

A MEMBER. Will not the buying of furniture by the United States have to be by coming to Congress and securing an enactment of the law so that you can buy?

Mr. SISSON. That is true, and that follows as night follows day. When the United States Government puts its hands to the plow it does not turn back until it finishes the job, and we know what that means. It means the expenditure of money, and I am surprised at my Democratic colleague from Massachusetts, who must know that a Democratic Congress will have to provide for this $500,000, and when he is not to be in the Congress——

Mr. KELIHER. I want to say to my friend that I stood for this proposition in a Republican Congress and when a Republican Congress had been decreed by the people, and I was elected to the succeeding Congress because I represent a district that believes in upholding the dignity and prestige of this great Republic abroad, and I stand for the same to-day. In so doing I reflect the sentiment of one of the strongest Democratic districts in the country.

Mr. SISSON. I am afraid my friend then had to reckon with his constituents when he went back home.

Mr. JOHNSON of South Carolina. May I say to the gentleman that this bill specifically provides these buildings shall be repaired and restored——

Mr. SISSON. Of course.

Mr. JOHNSON of South Carolina. And it is not any future legislation, but this bill provides for it.

Mr. SISSON. Of course; and if it had not, the Congress would have to provide for the care of these places after they are erected.

Mr. RUCKER of Colorado. But that comes out of the same appropriation.

Mr. SISSON. But do you not know that when they go to build one of these homes the chances are that you will find that the $150,000 will not build the house, and they will come back and ask an additional appropriation to complete the building, and we know how these appropriations for public buildings in our own country are—they sometimes get twice as much as we started out to pay? Talk to me about Congress controlling these expenses, when the men behind this movement know that they are simply opening up the door of extravagance when at this particular time it ought to be closed, and I am unwilling to give my consent to this extravagance at this time. If you ever permit the camel to get his nose under the tent he will soon get his whole body under. Some gentlemen who are advocating this bill have been frank enough to state on the floor during this debate that this bill did not go far enough, but that it was a step in the right direction. Some gentlemen have been frank enough to say that—

By the passage of this bill the United States will enter upon a policy that will eventually place us on an equal footing with the other great world powers which own the most creditable diplomatic buildings.

What does this mean but an admission that the Congress is to embark into a contest with other great nations in a display of grandeur and splendor which will lead to great extravagance. It means palaces of splendor in all the great capitals of the world where extravagant and rich Americans may exploit their wealth in the presence of royalty.

I have been asked what the rent paid for homes abroad is. It only amounts, as I am informed, to about $135,000. Now, there are missions where we have ministers in the following countries:

Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Chile, China (no rent; premises owned by Government), Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Germany, Great Britain, Greece and Montenegro, Guatemala, Haiti, Honduras, Italy, Japan (no rent; premises owned by Government), Liberia, Mexico, Morocco (no rent; premises owned by Government), Netherlands, Nicaragua, Norway, Panama, Paraguay and Uruguay, Persia, Peru, Portugal, Roumania and Servia, Russia, Salvador, Siam, Spain, Sweden, Switzerland, Turkey (no rent; premises owned by Government), and Venezuela.

We have consulates and agencies at the following places:

Acapulco, Mexico; Aden, Arabia, Adis Ababa, Abyssinia; Aguascalientes, Mexico; Aix la Chapelle, Germany; Aleppo, Syria; Alexandria, Egypt; Algiers, Africa; Amoy, China; Amsterdam, Netherlands; Antung, Manchuria; Antwerp, Belgium; Apia, Samoa; Asuncion, Paraguay; Athens, Greece; Auckland, New Zealand; Bagdad, Turkey; Bahia, Brazil; Barbados, West Indies; Barcelona, Spain; Barmen, Germany; Barranquilla, Colombia; Basel, Switzerland; Batavia, Java; Batum, Russia; Beirut, Syria; Belfast, Ireland; Belgrade, Servia; Belize, Honduras; Bergen, Norway; Berlin, Germany; Berne, Switzerland; Birmingham, England; Bluefields, Nicaragua; Bogota, Colombia; Boma, Kongo Free State; Bombay, India; Bordeaux, France; Bradford, England; Bremen, Germany; Breslau, Germany; Bristol, England; Brunswick, Germany; Brussels, Belgium; Bucharest, Roumania (office in connection with legation); Budapest, Hungary; Buenos Aires, Argentina; Bursiem, England; Cairo, Egypt; Calais, France; Calcutta, India; Calgary, Canada; Callao, Peru; Campbellton, New Brunswick; Canton, China; Cape Gracias a Dios; Cape Haitien, Haiti; Cape Town, Cape of Good Hope; Cardiff, Wales; Carlsbad, Austria; Cartagena, Colombia; Catania, Italy; Ceiba, Honduras; Charlottetown, Prince Edward Island; Chefoo, China; Chemnitz, Germany; Chihuahua, Mexico; Christiania, Norway; Chungking, China; Cienfuegos, Cuba; Ciudad Juarez, Mexico; Ciudad Porfirio Diaz, Mexico; Coburg, Germany; Cognac, France; Cologne, Germany; Colombo, Ceylon; Colon, Panama; Constantinople, Turkey; Copenhagen, Denmark; Corinto, Nicaragua; Cork, Ireland; Cornwall, Ontario; Curacao, West Indies; Dalny, Manchuria; Dawson, Yukon Territory; Dresden, Germany; Dublin, Ireland; Dundee, Scotland; Dunfermline, Scotland; Durango, Mexico; Durban, Africa; Edinburgh, Scotland; Ensenada, Mexico; Erfurt, Germany; Fernie, British Columbia; Fiume, Hungary; Florence, Italy; Foochow, China; Fort Erie, Ontario; Frankfort, Germany; Frontera, Mexico; Geneva, Switzerland; Genoa, Italy; Georgetown, Guiana; Ghent, Belgium; Gibraltar, Spain; Glasgow, Scotland; Gothenburg, Sweden; Grenoble, France; Guadalajara, Mexico; Guadeloupe, West Indies; Guatemala City, Guatemala; Guayaquil, Ecuador; Habana, Cuba; Halifax, Nova Scotia; Hamburg, Germany; Hamilton, Bermuda; Hamilton, Ontario; Hankow, China; Hanover, Germany; Harbin, China; Harput, Turkey; Havre, France; Hermosillo, Mexico; Hobart, Tasmania; Hongkong, China; Huddersfield, England; Hull, England; Iquique, Chile; Iquitos, Peru; Jerez de la Frontera, Spain; Jerusalem, Syria; Johannesburg, South Africa; Karachi, India; Kehl, Germany; Kingston, Jamaica; Kingston, Ontario; Kobe, Japan; La Guaira, Venezuela; La Paz, Mexico; Leeds, England; Leghorn, Italy; Leipzig, Germany; Liege, Belgium; Limoges, France; Lisbon, Portugal; Liverpool, England; London, England; Lourenco Marques, Africa; Lyon, France; Madras, India; Madrid, Spain; Magdeburg, Germany; Malaga, Spain; Malta (Island); Managua, Nicaragua; Manchester, England; Mannheim, Germany; Manzanillo, Mexico; Maracaibo, Venezuela; Marseille, France; Martinique, West Indies; Maskat, Oman; Matamoras, Mexico; Mazatlan, Mexico; Melbourne, Australia; Mersine, Syria; Mexico City, Mexico; Milan, Italy; Moncton, New Brunswick; Monrovia, Liberia (no expenses charged consulate); Monterey, Mexico; Montevideo, Uruguay; Montreal, Quebec; Moscow, Russia; Mukden, Manchuria; Munich, Bavaria; Nagasaki, Japan; Nanking, China; Nantes, France; Naples, Italy; Nassau, West Indies; Newcastle, New South Wales; Newcastle on Tyne, England; Newchwang, China; Niagara Falls, Ontario; Nice, France; Nogales, Mexico; Nottingham, England; Nuevo Laredo, Mexico; Nuremberg, Bavaria; Odessa, Russia; Orillia, Ontario; Ottawa, Ontario; Owen Sound, Ontario; Palermo, Italy; Panama, Panama; Para, Brazil; Paris, France; Patras, Greece; Pernambuco, Brazil; Plauen, Germany; Plymouth, England; Port Antonio, Jamaica; Port au Prince, Haiti (office in connection with legation); Port Elizabeth, Africa; Port Limon, Costa Rica; Port Louis, Mauritius; Prague, Austria; Prescott, Ontario; Progreso, Mexico; Puerto Cabello, Venezuela; Puerto Cortes, Honduras; Puerto Plata, Dominican Republic; Punta Arenas, Chile; Quebec, Quebec; Rangoon, Burma; Reichenberg, Austria; Rheims, France; Riga, Russia; Rimouski, Quebec; Rio de Janeiro, Brazil; Rome, Italy; Rosario, Argentine Republic; Rotterdam, Netherlands; Roubaix, France; Rouen, France; Saigon, Cochin China; St. Etienne, France; St. Gall, Switzerland; St. John, New Brunswick; St. Johns, Newfoundland; St. Johns, Quebec; St. Michaels, Azores; St. Petersburg, Russia; St. Pierre, St. Pierre Island; St. Stephen, New Brunswick; St. Thomas, West Indies; Salina Cruz, Mexico; Saloniki, Turkey; Saltillo, Mexico; Sandakan, New Brunswick; San Jose, Costa Rica; San Luis Potosi, Mexico; San Salvador, Salvador (office in connection with legation); Santiago

de Cuba; Santo Domingo, Dominican Republic; Santos, Brazil; Sarnia, Ontario; Sault Ste. Marie, Ontario; Seoul, Korea; Seville, Spain; Shanghai, China; Sheffield, England; Sherbrooke, Quebec; Sierra Leone, Africa; Singapore, Straits Settlements; Smyrna, Turkey; Southampton, England; Stavanger, Norway; Stettin, Germany; Stockholm, Sweden; Stuttgart, Germany; Suva, Fiji Islands; Swansea, Wales; Swatow, China; Sydney, New South Wales; Sydney, Nova Scotia; Tabriz, Persia; Tahiti, Society Islands (no rent; consular premises owned by Government); Tamatave, Madagascar; Tampico, Mexico; Tamsui, Formosa; Tangier, Morocco (no rent; consular premises owned by Government); Tapachula, Mexico; Tegucigalpa, Honduras; Teneriffe, Canary Islands; Tientsin, China; Toronto, Ontario; Trebizond, Turkey; Trieste, Austria; Trinidad, West Indies; Tripoli, Africa; Tsingtau, China; Turin, Italy; Turks Island, West Indies; Valencia, Spain; Valparaiso, Chile; Vancouver, British Columbia; Venice, Italy; Veracruz, Mexico; Victoria, British Columbia; Vienna, Austria; Vladivostok, Siberia; Warsaw, Russia; Windsor, Ontario; Winnipeg, Manitoba; Yarmouth, Nova Scotia; Yokohama, Japan; Zanzibar, Zanzibar; Zurich, Switzerland.

If the Government finally spends $150,000 at each of these places, it will mean for sites and buildings alone $51,450,000. This is a conservative estimate, too, because it is doubtful if a suitable lot could be purchased in London, Paris, or the other great cities for much less than $150,000; and even if in some places sites and buildings could be had for less than this sum, in many others the amount will be very much more, so this will be a fair average.

When these palaces are erected, the Government will have to care for and maintain them, which furnishes another great item of expense, for no poor man could afford to move into one of those palaces and hire enough servants to keep it up. So every argument made that this is to enable poor men to get these places falls to the ground unless you propose to furnish his home and servants and a certain amount to keep up the grandeur out of the Treasury.

It is better and cheaper for the Government to pay rent, because it now costs the Government only $138,562.38 rent, whereas if the Government owned these places it would cost at least $1,000 a year each to maintain them, or over $343,000 annually. Add to this the interest on $50,000,000 at 3 per cent, the amount the Government will finally have invested, and the annual expense will be $1,500,000, so that in round numbers the Government would save $1,650,000 each year if my views of what this will finally lead to is correct. Let us not open up this new method of wasting and squandering the people's money.

Mr. CULLOP. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. CULLOP. I yield that time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this proposition. One reason is that I am opposed to the entire system that the country and the world now recognizes of appointing ambassadors and ministers to foreign countries. I believe the system is as antiquated and out of date as the system of riding in a stagecoach as compared to riding in a railroad train. The system of sending a foreign ambassador to represent us abroad was inaugurated at a time when a country a few hundred miles away from another was as far removed in time and ability to reach it as it is to the furthermost point of the earth to-day. To-day there is not a capital at which we have a foreign ambassador or minister that can not be reached by the telegraph wire. There is not a country in which the communications by mail between it and this country are not nearer and faster than they were a hundred years ago between the States of the Union. Now, I believe this entire system of our sending ambassadors to foreign courts should come down. There is no necessity for it. As a matter of fact, we send some distinguished gentleman to a foreign court to represent us there, and yet when an important matter comes up we send a special envoy or special agent to represent the United States Government and do the work that the minister is supposed to do.

I believe that, instead of the organization that is now in vogue and that it is proposed to perpetuate by building legation houses in foreign countries, we should abolish the entire system. We should have certain men well trained, well educated, understanding the business, who can be sent to a foreign country to negotiate our business whenever a particular question arises that needs representation at a foreign court.

Now, as to the consular service, it is a different thing. The consular agents represent the business portion of our people and the business interests of the Government. We should maintain the consular system, but I can see no duty that a foreign minister or a foreign ambassador has to perform as to the great questions involved between the countries of this world that can not be done and accomplished equally well by a special ambassador sent when the exigencies of the case require. And as to the protection of life of our citizens abroad or protection of their rights, a foreign consul or a consul general, as a rule, looks after those matters and is thoroughly capable and competent to represent and protect our citizens under such circumstances. As a matter of fact, in most of the great countries of Europe where we are proposing to build legation houses the American citizen is entirely protected to-day and perfectly safe under the government of the country without intervention on the part of an ambassador. So I think to build legation houses to-day would be to extend the system that we have, but which I believe the world should abandon, a system that is unnecessary and that is not up to modern ideas and modern thought.

Therefore I am opposed to our entering into a plan that will further tie to us this antiquated system as one of the portions of our Government.

Mr. SHEPPARD. Will the gentleman permit?

Mr. UNDERWOOD. Certainly.

Mr. SHEPPARD. Is it not a fact that the bill commits the United States to the wholesale policy of erecting buildings, not only at the capitals where ambassadors are located, but at other places where consular officers and other minor representatives are located?

Mr. UNDERWOOD. I have no doubt that if the bill was passed it would be a wedge in that direction.

Mr. SHEPPARD. It provides without qualification for the diplomatic and consular establishments of the United States.

Mr. UNDERWOOD. I understand the bill provides just what the gentleman from Texas states.

Mr. CULLOP. So that in every two-by-four capital in a foreign country this Government would spend $250,000 that some man might have a home.

Mr. LOWDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twelve minutes.

Mr. LOWDEN. I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I have listened with great interest, as I always do, to the remarks of the gentleman from Alabama [Mr. UNDERWOOD], for I have a very high respect for his opinion on all matters of public moment. But it does not seem to me that the argument that he makes applies to the question that is before us.

It is not a question, Mr. Speaker, of whether or not the present system of communication between the great nations of the world is a good thing or not; it is not a question whether diplomacy should be abolished; it is a question as to whether, so long as that system continues, we will provide that the really competent, educated, and suitable men to hold those positions for our country can serve the country in that capacity. I want to make this point clear, that this proposition is not to improve the condition of those who now represent us in foreign countries, but to make possible a condition upon which another class of men may represent us.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LONGWORTH. Yes; but I have not much time.

Mr. FITZGERALD. I want to ask the gentleman if he now believes that we are represented by uneducated, unintelligent, and an incompetent class of men.

Mr. LONGWORTH. Of course, Mr. Speaker, I do not mean to be construed as saying anything of that kind.

Mr. MANN. You are not.

Mr. LONGWORTH. We are fortunate in having to-day men to represent us who are, most of them, educated and fitted for those positions, but they also happen to possess a qualification which is necessary to-day for those positions, but which the great majority of other men at least equally fitted to represent us have not, and that is to say, "the price."

Why, the gentleman from Indiana says that he has never heard of a case where the position of ambassador was offered to an American citizen who refused it. As a matter of fact, Mr. Speaker, there are hundreds of such cases, and, in fact, the President of the United States, in considering whom he can appoint as ambassador to England, is impeded from appointing a number of men who are admittedly fitted for the position for the reason simply that they can not afford it, and have refused that position on this ground alone.

Mr. CULLOP. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CULLOP. I would like to ask the gentleman right on that point if a man who can not accept that because of his impoverished financial condition, how could he do it if he had a $150,000 residence to keep up?

Mr. LONGWORTH. Mr. Speaker, there are two ways of enabling an American citizen of moderate means to accept these great positions. One is to raise the salary to a point which shall put him at least on a comparatively equal basis with those

men who would be his colleagues at that post. The other is to furnish him with a suitable residence in which to live. There is no question in my judgment as to which of these two things is preferable.

We ought to have a residence which shall be the same, whether it is occupied by Mr. Smith, who is a multimillionaire, or Mr. Jones, who is a patriotic scholar. It ought not to be apparent, on the face of things, as it is to-day, that one ambassador is a millionaire if he happens to live in a palace, and another is only a patriotic scholar because his means compel him to live in a boarding house. That condition has continued for years, until now a situation has grown up which I regard as utterly repugnant to all democratic theories of government.

We have developed a real office-holding aristocracy, an aristocracy more repugnant than any other, because it depends not on birth alone, but simply and solely on money. Now, Mr. Speaker, this is a democratic measure.

I may say for the benefit of some of my friends on the other side that it bears the hearty indorsement of a man who I think no one will deny is a good Democrat, Mr. William J. Bryan, of Nebraska. [Applause.] It carries also the indorsement of another gentleman who, I think, no one will deny is a Democrat, Mr. Samuel Gompers. [Applause.] It carries the indorsement of a Republican of democratic instincts—and when I say democratic I mean in the broad sense of the term—the President of the United States. [Applause.]

We have now the opportunity, Mr. Speaker, to put these positions, which, outside of the Presidency, are the only ones that represent the whole American people, within the reach, as every American office ought to be, of a man who is fitted by learning, training, and patriotism to represent this country, and not one who is fitted simply and solely by his pocketbook. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. MACON]. [Applause.]

Mr. MACON. Mr. Speaker, there is a vast difference between extravagant expenditures and legitimate expenditures, as all of us are bound to recognize. A year ago, when a similar bill to this was before the House, upon my motion it was defeated. [Applause.] That bill, Mr. Speaker, carried an appropriation of $5,000,000 each year, and had a limit of cost of $500,000 for each embassy building that was to be erected abroad.

I felt then that $5,000,000 per year was more than the Treasury of the United States could afford to spend on buildings of that character. I felt that $500,000 for a building for a poor man was too exorbitant. I knew that if fortune or anything else happened to send the average Member of Congress abroad as an ambassador and he was forced to live in a $500,000 mansion he would rattle around in it like a pea in a dry pod. [Laughter.] In the homes provided for in this bill it will be entirely different. They are to be furnished out of the amount provided for each of them, and hence a man of moderate means can live in them comfortably and respectably upon the salary paid him by the Government. No true American representative should want to live beyond a comfortable and respectable style, and no proud American citizen ought to want him to live in any other manner while he is representing the greatest Republic in all the world.

I did not think in reason and common sense or in justice to the taxpayers of this country that we ought to expend that much money upon homes abroad for our ministers and ambassadors, but this bill proposes that we shall have an expenditure of $500,000 a year for that purpose. That sum, at the ordinary rate of interest which the Government is required to pay, would amount to only about $10,000 a year, if the Government had to borrow the money with which to erect these buildings. Therefore I am inclined to think that the expenditures that are now being made by this Government for the offices that are now occupied by the ambassadors and ministers will be, and are now, far in excess of $10,000, the sum that the interest would amount to upon this $500,000 investment. Therefore, in the interest of economy, I can not help but believe that it would be wise to make this expenditure.

I differ with the gentleman from Alabama when he says that he thinks that the policy of having ambassadors and ministers abroad is now inadequate and ought to be abandoned. I might not have favored such a proposition in the incipiency of our Government, but the policy is as fixed now, in my judgment, as a part of the policy of the Government as is the tariff policy fixed as a part of the policy of the Government. If I had had to do with the organization of the Government, I would have insisted upon raising our revenues in a different way than by a tariff; but it was organized in that way, and now the tariff system is fastened upon us as a part of the policy of the Government and we can not get rid of it. It is absolutely necessary for us to have ambassadors and ministers abroad to represent this country in foreign countries as it is to have representatives in this city, because it is impossible for us to write letters to foreign Governments that will be sufficiently explanatory about everything that arises of an international character between this and every other country, and we could not afford to take up complex and delicate questions of state with them in such a slow and uncertain manner as that at this day and time of progress if we desired to do so.

Therefore it is absolutely necessary for us to have representatives in foreign countries if we are to keep abreast with the progress of the age in the matter of trade relations, as well as in the interest of universal peace—a thing devoutly hoped for by the peace-loving citizens of all the world, and prayed for by good people everywhere. Therefore, if we must have representatives abroad, it is necessary that they should be properly housed, and the time has come when it is the duty of the Government to house them. Every other important country in the world is doing that for their representatives and we can not afford to lag behind in matters of such moment. The provisions of this bill are not extravagant, when we consider the high price of real estate in all of the important cities of the world, and hence, I will cast my vote for it with great pleasure. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I only want to call the attention of Members of the House to the fact that we are now expending for rent of consulate agencies and the various domiciles for our diplomatic and consular officers abroad over $135,000 a year. That, as I calculated rapidly in my head, is about 4 per cent on $3,500,000. It would take us, under this present bill, something like seven years to expend that amount. I do not think anyone need be worried about this overweaning expense.

Mr. KNOWLAND. I think the gentleman has left out a very important item. The total annual rent for embassies and legations alone is $65,784.55, and for consulates and agencies $135,000, as the gentleman from New York has stated, a grand total of over $201,000.

Mr. OLCOTT. I thank the gentleman for the correction.

Mr. LOWDEN. Mr. Speaker, I just want to say a word in answer to the argument of the gentleman from Alabama [Mr. UNDERWOOD] who asserts that we do not need the personal element in our relations with foreign countries. If that be true, why is it that modern business has not developed genius enough to be able to transact its business without traveling men or without personal agents? If modern business has an important transaction 10,000 miles away it does not rely simply upon correspondence, but some one is sent to be there in the flesh to enter into negotiations with those representing the other side, and as long as this Government stands, and as long as the peace of the world is a great thing to be desired, this Government would be recreant to its duty if it ever attempted to dispense with the personal foreign service which it has had in the capitals of the world from the very inception of the Government.

Mr. AUSTIN. I would like to ask the gentleman if all the commercial and business organizations of the country do not also favor this bill.

Mr. LOWDEN. In answer to that I would say, Mr. Speaker, that every board of trade and chamber of commerce and every body of men who represent business so far as I know anywhere is for this measure. Every Secretary of State from Richard Olney down has recommended it. The President, as I have said, recommends it in his annual message. The present Secretary of State is very urgent that the bill be passed, and I submit that now, when we have become a world power, whether it was in accordance with our will or not, we have got to meet the nations of the earth upon something like equal terms, and we will not do that until we have established our permanent homes in the capitals of the world.

Mr. SULZER. Mr. Speaker, for many years I have been in favor of this Government acquiring and owning diplomatic and consular establishments for its representatives in the principal countries of the world. This bill is a step in that direction and meets with my earnest approval.

What the United States requires, in my opinion, in the great capitals of the world, are official residences, which shall be permanent homes for its diplomatic and consular representatives, whether they be rich or poor, in which they shall reside in a position consistent with democratic institutions. I believe the taxpayers of the country favor it because it will mean the maintenance of the dignity of our people and the enhancement of

the prestige of the Republic. Such a policy will produce an external uniformity in the outward semblance of each and conceal the difference between the rich diplomat and the poor, yet, perhaps, far abler scholar and statesman. The price of a modern battleship would provide proper homes for most of our ministers and ambassadors abroad and give these official residences the dignity that is associated with permanency.

The diplomatic representatives of our country in foreign capitals should reside in suitable homes, owned and furnished in a proper manner by our Government, and be paid a salary sufficient to enable them to live in a way befitting the greatness and the glory of the United States. We are a world power of the first magnitude, and we should live up to it in the diplomatic family of nations. I believe in economy. I like democratic simplicity; but I have traveled some, and, like others who have been in foreign lands, I know what a sorry figure we generally cut in diplomatic circles. If we want to be abreast of the political and commercial spirit of the times we must yield to modern progress in these important matters of the world and lay aside the ultraconservatism of the past and the rigid simplicity of bygone days.

If Congress is unable to understand the exceedingly mean figure that is cut by the United States in foreign capitals when its diplomatic representatives are obliged to spend their yearly salaries in providing themselves with a roof over their official heads, then the case is hopeless. If our ambassador is an object of derision, if the United States is the subject of contemptuous remarks by all the little whippersnappers of diplomacy who have been better provided for, the fault lies in the Congress of this great country. Rich and powerful as we are as a Nation, we belittle our own dignity and that of our representatives in foreign lands by refusing to establish permanent homes for them where the Stars and Stripes may ever fly.

Sir, how can we expect our diplomats abroad to be treated with the same respect as those of other countries when the very houses in which they live invite invidious comparisons? It is just as important for the envoys representing our people to be housed in a manner befitting the wealth and power of our country as it is for the President of the United States to live in the White House; and the saddest commentary on it all is the knowledge that men of ability, men of experience, but lacking riches, in view of present conditions, can not hope to represent this country in foreign lands. It would be more becoming to our pretensions of democratic simplicity, in my judgment, if Congress should now place our Diplomatic Service on a basis where brains and not dollars alone will be the essentials for diplomatic office in foreign countries.

If I am any judge of public opinion, I venture the assertion that popular sentiment favors the enactment of this legislation, and I indulge the hope that this bill will be a law ere we adjourn. We can not escape the logic of the case and the force of the contention that our country must have fitting official homes for its representatives in foreign capitals, flying Old Glory, and tenanted by patriotic citizens with an eye single for the welfare of America.

The SPEAKER. The question is, Will the House agree to suspend the rules and pass the bill?

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CULLOP. Mr. Speaker, a division.

The House proceeded to divide.

Mr. CULLOP. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Twenty-three gentlemen have arisen, not a sufficient number. Upon this question the ayes are 141, the noes are 39. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken, and also those who did not have time to speak, may extend their remarks in the RECORD for five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PHILIPPINE ISLANDS.

Mr. OLMSTED. Mr. Speaker, I move to suspend the rules and pass Senate bill 7400.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 7400) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes."

Be it enacted, etc., That section 2 of the act of Congress approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"SEC. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the issuance of said bonds, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of $10,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

The SPEAKER. Is a second demanded?

Mr. HARRISON. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania has 20 minutes and the gentleman from New York has 20 minutes.

Mr. OLMSTED. Mr. Speaker, this is a Senate bill with a very formidable title, but the bill has but a single purpose. Under the present law the authority of the Philippine Government to issue bonds is limited to $5,000,000, which already has been exhausted. The single object of passing this bill is to extend that limit to $10,000,000. No additional bonds can be issued under it beyond the present five millions, unless the authority for the issue shall have originated in the Philippine lower house, composed entirely of native Filipinos, and then have passed the upper house, and finally been approved by the President of the United States. With all these safeguards it seems to me that this bill should pass. It has passed the Senate, received the unanimous report of the Committee on Insular Affairs, and is desired by the Secretary of War and the President, as well as the Philippine officials. The Resident Commissioners have both appeared before the Committee on Insular Affairs, and Mr. QUEZON, only a few days ago, insisted that it was the universal desire of everybody in the Philippine Islands, whether American or native. I do not care to discuss it further, Mr. Speaker, unless there shall be——

Mr. HULL of Iowa. Will the gentleman yield for one question?

Mr. OLMSTED. I will.

Mr. HULL of Iowa. Does the United States Government guarantee these bonds?

Mr. OLMSTED. Not at all; not in any way.

Mr. HULL of Iowa. They did in the railroad bonds, but not the Philippine bonds.

Mr. OLMSTED. Not at all.

Mr. FITZGERALD. They have had an issue of five million?

Mr. OLMSTED. Yes.

Mr. FITZGERALD. What did they do with them?

Mr. OLMSTED. They used the money in improving the ports and highways and building schoolhouses.

Mr. FITZGERALD. When will they finish those improvements?

Mr. OLMSTED. They have very important and necessary public works which they are very anxious to finish. I wish to state, Mr. Speaker, that all these improvements have to be done by the General Government; there is no county government, and, of course, no State government.

Mr. FITZGERALD. What rate of interest did we fix on the railroad bonds guaranteed to the Philippine Government?

Mr. OLMSTED. I think it was 4 per cent. I am not certain about that.

Mr. FITZGERALD. Why do we borrow money and pay 4½ per cent when the railroads over there can borrow with the Government guarantee at 4 per cent?

Mr. OLMSTED. We do not expect that it will be necessary to pay 4½ per cent. The Philippine bonds which were issued to bear 4 per cent were sold at a premium, which brought the interest down to about 3 per cent.

Mr. FITZGERALD. This provides 4½ per cent.

Mr. OLMSTED. Well, we do not know what the rate of interest may be at the time of the issue of the bonds, but they probably will be sold so as to reduce the interest to 3 or 3½ per cent. Four and one-half is named as the maximum.

Mr. FITZGERALD. What objection is there to making these improvements out of the current revenues of the islands?

Mr. OLMSTED. Well, there are improvements needed of such importance and of such probable expense that it would be burdensome to impose the tax upon the people all at once.

Mr. FITZGERALD. What are the revenues of the islands now?

Mr. OLMSTED. The revenues are some $8,000,000 or $9,000,000 per annum.

Mr. FITZGERALD. Are those merely the customs, or do they include all kinds of taxes?

Mr. OLMSTED. They include all kinds of taxes—land taxes, licenses, and so forth.

Mr. HARRISON. What are the annual expenses of the Government?

Mr. OLMSTED. The annual expenses are very nearly that, but they have not expended quite their entire revenue. They have a small surplus all the time.

Mr. HARRISON. What is the amount of that surplus now?

Mr. OLMSTED. At the present time the surplus unappropriated is, I am informed, about $1,000,000.

Mr. HARRISON. Where is that surplus?

Mr. OLMSTED. It is in the custody of the treasurer of the Philippine Islands. I can not say just where it is.

Mr. HARRISON. Is it on deposit in banks in the United States?

Mr. OLMSTED. I do not think the workable surplus is.

Mr. HARRISON. What have they on deposit in the United States?

Mr. OLMSTED. Some of their deposits are in the United States. Some portion of the fund which they are required to keep to maintain the parity of money—how much I can not say—is deposited in the United States banks.

Mr. HARRISON. Is it six or eight or ten millions?

Mr. OLMSTED. Not as much as that.

Mr. HARRISON. How much of that are they required by law to keep on deposit?

Mr. OLMSTED. They have the amount they are required to keep.

Mr. HARRISON. So there is no surplus of working balance in the United States?

Mr. OLMSTED. There is no such surplus in the United States that could be used for this purpose.

Mr. HARRISON. So they have only an actual working surplus of a million dollars?

Mr. OLMSTED. A million dollars; something like that.

Mr. HARRISON. Can the gentleman tell us what the necessity for this bond issue? Why should the Philippine Government undertake public work far in excess of their revenues?

Mr. OLMSTED. Every government does that, and every city and every State has to do it. This, of course, is a comparatively new government. The relation of the Philippine Government to the city of Manila is something like the relation of our Government to the city of Washington. All the improvements there are built by the General Government, all the schoolhouses are built by the General Government, all the roads are built by the General Government, all the bridges are built by the General Government, and the harbors are improved by the Government. The harbor at Manila now has not much more than half the capacity of the demands upon it.

Mr. HARRISON. What responsibility, if any, does our Government assume in connection with this permission to issue bonds?

Mr. OLMSTED. Not a particle.

Mr. HARRISON. Why is it, then, deemed necessary to require that the President shall sign the law?

Mr. OLMSTED. It is thought a wise provision, because to a certain extent we are responsible for the well-being of those people and for their good government, and it was thought advisable to put that in, so that they would not have any extravagant expenditures.

Mr. HARRISON. The gentleman evidently, then, believes that at least the moral responsibility will be assumed by the United States?

Mr. OLMSTED. No financial responsibility; but, of course, it would be discreditable to the United States if that Government should be mismanaged.

Mr. HARRISON. If the backing of the United States is behind these bonds, why do we have to borrow money at 4 or 4½ per cent?

Mr. OLMSTED. I do not think we have to do so. As I have already stated, the $5,000,000 of bonds that they did sell bear 4 per cent and were sold at a premium that made a handsome profit. This is merely a maximum.

Mr. HITCHCOCK. Do I understand the gentleman to say the credit of the United States is not involved in these bonds?

Mr. OLMSTED. It is in no way pledged.

Mr. HITCHCOCK. But what about the railroad bonds which have been used over there?

Mr. OLMSTED. I do not understand that the United States is responsible for the railroad bonds. If so, it was by act of Congress. But that does not apply to these bonds. It is not proposed this Government shall be bound for one farthing.

These people need all these improvements, and they have them in contemplation on some of the works proposed. They need bridges, and they need roads, and they need improvements in the harbors, and they need schoolhouses.

Mr. HITCHCOCK. What does the gentleman mean by "these people?"

Mr. OLMSTED. The Filipino people.

Mr. HITCHCOCK. What action has their assembly or legislative body taken in regard to this law?

Mr. OLMSTED. Their Representative here has demanded the passage of this act. Mr. QUEZON appeared before our committee and said that every inhabitant of the island wanted it—Filipinos, Americans, and Igorots.

Mr. HITCHCOCK. I would like to ask the gentleman, Has there been some charge before this committee that money of the Philippine Government has been expended in the supposed improvements or in making this general improvement which, in fact, has been expended for the improvement of private property over there?

Mr. OLMSTED. No; I think not. There was a suggestion that something of that kind had occurred in the friar lands, that something of that sort had been promised to one of the estates, but there was no evidence of the fact. There was a road built through or near some estate, but I forget when or what it cost.

Mr. HITCHCOCK. Was not the answer made that the improvement was justified because it was a part of the contract when the friar lands had been sold, or that there was an assurance that the road would be built out of public funds as an improvement of the property?

Mr. OLMSTED. No. I do not care, Mr. Speaker, to use any more of my time, and I reserve the balance.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question. You say that there can not be more than $10,000,000 of indebtedness?

Mr. OLMSTED. This increases it $5,000,000; from $5,000,000 to $10,000,000.

Mr. COOPER of Wisconsin. Suppose the maximum was reached under this, what would the total debt of the island be?

Mr. OLMSTED. Ten million dollars, and there are $4,000,000 of bonds in Manila and the friar-land bonds, which the gentleman knows about, against which there is a contingent fund.

This bill, which I think passed the Senate unanimously, was carefully considered in the Committee on Insular Affairs and unanimously reported to this House. Its one and only purpose is to authorize the Government of the Philippine Islands to issue additional bonds from time to time to an amount not exceeding $5,000,000, for the purpose, as stated in the bill itself—

Of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof.

It is favored by the Secretary of War and by the President, as may be seen from the letter of the Secretary, addressed to me as chairman of the Committee on Insular Affairs, under date of April 8, 1910, and reading as follows:

WAR DEPARTMENT,
Washington, D. C., April 8, 1910.

MY DEAR MR. OLMSTED: I have been advised by Gen. Edwards of your letter to him of the 7th instant, concerning Senate bill 7400, which has passed the Senate and is now before your committee, increasing the limit of indebtedness which may be incurred by the Philippine Government for public works and improvements from $5,000,000 to $10,000,000.

By section 2 of the act of February 6, 1905, the Philippine Government was authorized to incur indebtedness for public works and improvements, but the indebtedness of said government under that authority was limited to $5,000,000. Under this authority the Philippine Government has issued bonds as follows:

March 1, 1905, $2,500,000; February 1, 1906, $1,000,000; August 1, 1909, $1,500,000.

Ample sinking funds have been provided by the Philippine Government for the payment of the principal of these bonds when due, and there has been no difficulty in meeting promptly the interest payments. The financial condition of the Philippine Government is at present excellent.

With the proceeds of these bond issues the Philippine Government has constructed important public works, notably the harbor improvements at Manila, Cebu, and Iloilo, and has expended considerable amounts for the construction and maintenance of highways. There had been expended at the end of the last fiscal year all but $410,000 of the proceeds of the $3,500,000 bonds at that time outstanding. This balance and the proceeds of the sale of the remaining $1,500,000 of bonds have been appropriated for public works now under way or authorized.

The Governor General of the Philippine Islands is anxious that there shall be no delay in carrying on the work at present authorized or which it may be necessary to undertake in the near future, due to the lack of funds, and with the approval of the Philippine Commission he has earnestly recommended an increase of the limit of indebtedness which may be incurred for the purpose indicated from $5,000,000 to $10,000,000.

After carefully considering this matter I have decided to recommend that this authority be granted, and in this the President concurs. Bonds can not be issued under this authority, except in pursuance of legislation by the Philippine Government approved by the President of the United States. This insures a careful consideration of the subject before any issue can be made, and it is largely because of this assurance that I recommend this legislation.

I hope that the committee may see fit to favorably report the bill, and that it may be enacted into law at this session of Congress.

Very sincerely, J. M. DICKINSON, *Secretary of War.*

Hon. M. E. OLMSTED,
Chairman Committee on Insular Affairs,
House of Representatives.

Neither the passage of this bill nor the issuance of the bonds will involve the expenditure of any money by the United States nor the loan of the credit of this Government in any way. It has been suggested that this Government is the trustee or the guardian of the Philippine Islands. What sort of a guardian would it be who would not expend, or permit his ward to expend, out of his own money an amount sufficient for his necessary expenses? Except for restrictions placed upon the Philippine Government by act of Congress, it might borrow as much money as it needed. Why shall they be unreasonably restricted in making the improvements which the development of the islands so imperatively demand? With this added authority, even should it be exercised to the fullest extent, the indebtedness of the Philippine Islands would be far within the constitutional limitations placed by the various States upon the creation of indebtedness by their own municipalities. There is no danger that the fund raised by the sale of these bonds will be squandered or misused. The only argument squinting in that direction is based upon the proposition that the Philippine Government has built a few miles of road, the necessity for which no one has denied, leading out from the city of Manila, the most important and populous city in the islands. The only objection urged is that the road leads in the direction of a property leased by an officer of the Philippine Government with an option to purchase, but which option, it might be added, was never exercised. The necessity for the road amply justified its construction, even though it did include a necessary bridge, which cost some $10,000.

Mr. Speaker, there is no State in this Union nor any city within any State whose financial affairs have been more wisely and honestly handled than those of the Philippine Islands since the American occupation. It is a matter of which we have great reason to be proud and upon which we ought to congratulate ourselves, as well as the Filipino people. No fault is found upon that side of the water. It is only here that unjust criticism is heard. Under this bill, if it shall become a law, not a single bond can be issued without the authority of the Philippine Assembly, composed entirely of natives of the islands. A measure providing for the issuance of bonds must originate in that body. It could not originate in the Philippine Commission, which is the upper house of the Philippine Legislature; but after it shall have passed the lower branch, it must have the approval of the upper house. When all that has been done, the bonds can not be issued without the approval of the President of the United States. Surely, with all these guaranties, we may safely rely upon the careful, judicious, wise, and honest exercise of the limited power to issue bonds sought to be conferred by the passage of this bill. [Applause.]

Mr. HARRISON. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not believe in borrowing money on bonds unless it is imperatively necessary. It has always seemed to me that when the present generation desires to make improvements at the expense of their children they are taking an unfair advantage of those who will come after us. That is particularly true where we propose to authorize the people in the Philippine Islands to make improvements which we desire to have made, and which we propose that the children of the Filipinos shall pay for, and their children's children, perhaps. I do not believe in it.

I do not believe we ought to try to exploit the Philippine Islands in any way. I can see no reason why, if they need improvements over there, ordinary improvements, they should not make them out of the current revenue.

It has been proposed here at times that our Government should borrow $500,000,000 or $5,000,000,000, or some other sum like that, for various public improvements. We have not inaugurated any such policy, and I can see no reason why we should inaugurate such a policy in the Philippine Islands. We give them the best end of the import duties, we give them every opportunity to raise money for current expenses, and they ought to make their improvements out of that money.

Mr. OLMSTED. Will the gentleman yield?

Mr. MANN. If the gentleman will yield me more time.

Mr. OLMSTED. I have but little time. These Filipinos would have a right to borrow this money, would they not, if Congress had not restricted them?

Mr. MANN. Very likely, and they would have a right to do a great many things if Congress had not restricted them.

Mr. OLMSTED. Does the gentleman think it is fair for Congress to restrict them from spending their own money on needed improvements in their own country? Is it not the same as it would be if the Government should restrict the State of Illinois?

Mr. MANN. Not at all. The constitution of the State of Illinois, and probably of Pennsylvania—if it does not it ought to—has restrictions against municipal bonded indebtedness. Every constitution of every proper State in the Union has provisions which limit the amount of indebtedness.

Mr. PARSONS. Yes; it limits the amount.

Mr. MANN. It limits the amount, and it would be a blessed good thing if in the city of New York there was a limitation of the amount, and properly enforced, because the time is not far distant when the people of New York will find that the payment of interest on their bonded indebtedness is more than equal to the current needs for additional improvements.

Mr. OLMSTED. Will the city of Chicago pay for current improvements out of its current revenues?

Mr. MANN. The city of Chicago does pay for current improvements out of the revenue of the city of Chicago. The city of Chicago has indebtedness now which was incurred more than 40 years ago, and which is still outstanding, raised for the purpose of making improvements which have passed away. The indebtedness is not yet paid, the improvements are out of date, and the children yet to come have the indebtedness to pay and will derive no benefit whatever from the improvements. That is exactly what will occur in the Philippine Islands if we let this sort of thing go through. I am opposed to it.

Mr. OLMSTED. I would like to state that the limit of debt provided for here would be less than 3 per cent on the assessed valuation. Does the gentleman known of any State which has in its constitution so rigid a restriction as this bill would enforce upon the Filipinos?

Mr. MANN. I am not going to argue that question with the gentleman. It has nothing to do with this question whatever.

Mr. OLMSTED. It has a great deal to do with it.

Mr. MANN. Not at all.

Mr. OLMSTED. We are crippling them by restrictions.

Mr. MANN. How much indebtedness does the State of Pennsylvania have outstanding?

Mr. OLMSTED. It has not got a dollar outstanding.

Mr. MANN. Well, why does it not borrow money to make improvements? Why does not the State of Pennsylvania borrow money to build a road from here to Gettysburg?

Mr. OLMSTED. They are about to borrow fifty millions to complete roads. They are contemplating that.

Mr. MANN. Very likely they are contemplating, and if they do, somebody will live to regret it.

Mr. OLMSTED. They did borrow heretofore more than $50,000,000 for public improvements, but they have paid that off.

Mr. MANN. Yes; they borrowed large sums of money possibly to build a statehouse, and we have heard of that statehouse and the use that the money was put to. It never appealed to me very much, I will say to the gentleman from Pennsylvania, although I don't know anything about it.

Mr. OLMSTED. The statehouse is paid for, and it is the handsomest one in the United States.

Mr. MANN. It is the most expensive one at least.

Mr. OLMSTED. No; it is the cheapest.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I had not intended to say anything whatever about this measure, but a question—and a rather embarrassing question under the circumstances—was put to the chairman of the committee by a Member on this side with reference to a matter involved in the investigation now

pending before his committee, and upon which he is supposed to pass as a judge and therefore perhaps he could not very well answer that question. The question asked the gentleman was whether the funds of the Philippine Government had been expended to improve or build roads and bridges to and upon private estates. I want to say, for the information of this committee, that it has been developed before the Committee on Insular Affairs by officials of the Philippine Government, that the public funds of that island have been so expended, and that the Philippine Government entered into a contract with one of the Philippine officials, to whom it sold one of these friar estates, or to whom it gave a lease with the option of purchase, that the influence of the officials would be used to secure the construction of roads and bridges to and upon that estate.

Now, it is true that the evidence does not show that any roads or bridges have been built upon the land itself, but it does show that they had been built from the city of Manila to the estate, and one of these officials—in fact, the official who has the lease on the estate—produced a photograph of a concrete steel reinforced bridge the construction of which he said had cost about $10,000 in gold. He also admitted that there had been one smaller bridge of that character and 15 or 16 concrete steel reinforced culverts built on the road from Manila leading up to his estate, and that about a mile of that road had been macadamized.

Mr. PARSONS. How many miles was that bridge from Manila?

Mr. MARTIN of Colorado. Well, it is only 7 miles from the city limits to the nearest point on this estate, but it does not make any difference how many miles the bridge is from Manila. The fact remains that that bridge and all of these other bridges were built subsequent to and in pursuance of the terms of an agreement entered into between the Philippine Government and one of its leading officials, when it gave this lease with option to purchase one of these friar estates which were taken over from the original owners for the ostensible purpose of distributing them among the tenants and among the Filipino people. Nor is it pertinent to the inquiry as to how much money has been expended in this way.

It is not a question to be measured merely by the expenditure that has been made, but it is a question of the character of the agreement that has been entered into, and it is a question of what may be expended under such an agreement. That is one way in which this money could be expended. If it was right to sell one of these estates to one Philippine official and build roads and bridges for him, then it would be right to sell to all the other Philippine officials and build roads and bridges to their estates. There is no difference in principle or in any of the attaching circumstances in this case.

But there is another way in which this money may be expended. In the Philippine Islands they have a summer capital up in the mountains, established for the comfort and convenience of the Philippine Government, and it is a sort of mountain summer resort, and all of the leading officials of the Philippine Government have bought themselves tracts of land in this summer capital. Some of them own as much as 12 or 15 acres of land and they have spent a large sum of money—I do not know how much, but not large by way of what will eventually be expended—in improving and beautifying this summer capital.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I yield the gentleman five minutes' additional time.

Mr. MARTIN of Colorado. So it is fair to assume some of this additional bond issue will be wanted to improve the summer capital at Baguio. Perhaps some more will be wanted to finish the famous Benguet Railroad, which, by the way, is a road——

Mr. OLMSTED. If the gentleman will read the bill, he will see that railroads are not among the proposed improvements.

Mr. MARTIN of Colorado. I was about to say this Benguet Road is a wagon road of about 40 miles in length——

Mr. SHEPPARD. The term here, "other public improvements," will include almost everything.

Mr. MARTIN of Colorado. Yes; I think the suggestion of the gentleman from Texas is pertinent, and that the words "other public improvements" might include anything and everything. But I say some of this proposed bond issue might be expended on the Benguet Road, which extends from the nearest railroad point to Baguio and is a wagon road about 40 miles in length, which is said to actually have cost over $1,000,000, though some one has stated that it has cost $2,000,000 or $3,000,000, and it is not finished yet. It is said to be the worst piece of extravagance and incompetence, not to use a worse characterization, of the American administration in the Philippine Islands.

Probably some part of this bond issue will be devoted to finishing the Benguet Road, so that our Government over there will have a safe, suitable, and convenient method of travel from Manila to the summer capital.

Now a word with reference to taxation. I am sorry I did not know this bill was coming up. I have in my office a copy of a memorial from the Filipino Chamber of Commerce in Manila to the Secretary of War when he made his recent visit to the Philippine Islands, and it paints a vastly different picture of the conditions existing there from that given by the Secretary of War to Congress and the country on his return. The statement, among other things, is that the Filipino people are now taxed about $21,000,000 per annum, and that the amount of their taxation exceeds the circulating medium of the Philippine Islands $21,000,000——

Mr. COOPER of Wisconsin. Twenty-one million pesos.

Mr. MARTIN of Colorado. Twenty-one million pesos, and that amount exceeds by about ₱1,000,000 the entire circulating medium of the islands. So it is, perhaps, for some of these purposes that some of this bond issue is intended. I would like to ask the gentleman from Pennsylvania a question, and that is, Under what provision of law the Philippine Government guarantees the interest on railroad bonds and indebtedness on railroads constructed by private persons or companies?

Mr. OLMSTED. I desire to say to the gentleman that I never made the assertion that our Government has guaranteed——

Mr. MARTIN of Colorado. Well, I make the assertion the Philippine Government has at this time guaranteed the interest on half a million dollars or more of railway bonds.

Mr. MANN. We passed such a law here a few years ago.

Mr. OLMSTED. That was authorized by act of Congress, as I understand it.

Mr. MARTIN of Colorado. Then, that being the case, will any part of the fund to be raised by this additional bond indebtedness be devoted to making good those guaranties of interest?

Mr. OLMSTED. No; it would not.

Mr. MARTIN of Colorado. Or be held as a reserve to guarantee the payment of future issues by the Philippine Government of that character.

Mr. OLMSTED. The bonds issued under this bill could not be used for that purpose.

The SPEAKER. The time of the gentleman has again expired.

Mr. HARRISON. Will the gentleman on the other side consume some of his time?

Mr. OLMSTED. We prefer to hear the gentlemen on that side.

Mr. HARRISON. Mr. Speaker, it is not my intention to make any extended remarks about this measure. My purpose in demanding a second was primarily to obtain an explanation from the gentleman from Pennsylvania, although I was then and am now, after hearing that explanation, opposed to the bill. In acting for the people of the Philippine Islands we act as trustees. Now, the reason assigned by the gentleman from Pennsylvania for this additional bond issue is simply that the people of the Philippine Islands want it. We are their guardians or trustees, and the primary consideration in our minds should not be what those people want, but what they ought to have.

Mr. OLMSTED. They need it.

Mr. HARRISON. We are their guardians, just as if they were children. They are not fit for self-government. If they were, we ought to cut loose from them to-day and make them independent and self-governing. They are not fit to do that, and before we force a bond issue which will be a burden upon them and their descendants for years to come, some proper measure of justification should be advanced in explanation of this bill. Such measure has not been advanced, in my judgment, by the gentleman from Pennsylvania [Mr. OLMSTED]. He says they want this money for public improvements. I have no doubt if we let them do it they would go ahead and use two or three hundred millions of dollars and have a perfect carnival of improvement there. We do not allow the Indian tribes to enter into financial burdens. We guard over them, and just so we have to guard over the people of the Philippine Islands. It is not a very grateful task. They are far from us here in Washington, and we have to be very careful of every step we take in their financial development. The gentleman from Pennsylvania [Mr. OLMSTED] no doubt meant to give us all the information he had on the subject.

Mr. OLMSTED. I meant to give all I could in the short time.

Mr. HARRISON. But he did not make it plain to me what the necessity was for this issue; he did not make it plain to me what the current working balance of the Philippine Islands was; he could not state to me whether the sum of money they now have in the United States is $5,000,000 or $10,000,000, or just how much it is; and at the last session of this Congress he was unable to enlighten the House as to just where that money was on deposit. He knew full well that this Capitol was filled with rumors that the treasury of the Philippine Islands had been favoring a certain clique of bankers in New York City to the exclusion of other banking interests of this country, and he could not give us the names; he can not give us the amount now; he can not give us the working balance of the Philippine Islands.

Mr. OLMSTED. Two million dollars.

Mr. HARRISON. Two million dollars. He conceded that statement after having a good many questions showered upon him.

Mr. Speaker, in my judgment, the House does not know enough about this measure to jam it through under suspension of the rules, and I hope the House will vote it down.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. Mr. Speaker, this bill has the unanimous recommendation of the Committee on Insular Affairs, of which I have the honor to be a member. After a very careful consideration of the bill, the committee recommended its passage. Why? Because there was a great necessity for the money which these bonds will provide.

The gentleman from New York [Mr. HARRISON] inquires what the necessity is for the issuance of these bonds and the raising of this money. The answer to that is the purposes for which the money is to be expended. What is the necessity of any new, undeveloped country for ports and harbors? What is the necessity of any undeveloped and wild country for roads? What is the necessity of any new and only partially civilized country for schoolhouses? That is the answer. [Applause.] Those things are absolutely imperative for the development of the Philippine Islands.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. MADISON. I beg the gentleman's pardon, but I have only five minutes.

Mr. HITCHCOCK. Just a question.

Mr. MADISON. No; not at this time. I want to pursue the thought which I am trying to develop here.

The American Government has done a wonderful work in the Philippine Islands. The man who would cast an aspersion upon the work of that Government in those islands ought to think twice before he does it. Some of the bravest, wisest, and best of our countrymen have gone over there and given up their lives and all the splendid opportunities existing for them in their own land to labor for the upbuilding of those people, and the money that has come into their hands has been woefully meager for the accomplishment of the tasks that has been placed upon them. They need the funds these bonds will provide to expedite their work—the development of the material resources and the civilization of the islands. They are not asking for this money in their own behalf, and they do not plead alone, but the entire Filipino people are asking for it. It was stated by the chairman of the committee that Mr. QUEZON, who represents a party in the Philippine Islands that is asking for immediate independence, asks upon behalf of his people for this money. Why? I have no doubt that it is because he realizes that it is necessary that his countrymen shall be educated; that his country shall be developed, in order that the Filipino people may at some time be prepared to assume the responsibilities of government, a government that will be the head of a civilized and prosperous nation.

I want to say this, gentlemen, from my conviction of what is for the greatest good of the Filipino people, that no man who earnestly desires the development, the growth, the civilization of these people should for one moment hesitate in casting his vote for this measure.

No bonds will be issued without the consent of the Filipinos. They have the matter in their own hands through their legislature. The bill that authorizes the issuance of these bonds must originate in the Philippine Assembly. Every man who has a seat in that body is a Filipino. Then the bill must go to the Philippine Commission, composed partly of Americans and partly of Filipinos, and be approved there, and then must receive the sanction of the President of the United States.

Now, not a single bond for a single dollar will be issued with these checks, unless it is necessary, and if bonds are issued we have every assurance, from the experience of the past, that every dollar realized from their sale will be honestly expended. But if you leave these improvements to be paid for from the meager current funds of the Philippine Government, the roads will not be builded, the schoolhouses will not be erected, the harbors and ports will not be improved, and you will retard the growth of the Philippine Islands and fail to do your duty as the guardians of an alien people. [Applause.]

Mr. OLMSTED. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HARRISON) there were—ayes 67, noes 34.

Mr. OLMSTED. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. OLMSTED and Mr. HARRISON.

The House again divided; and the tellers reported that there were—ayes 63, noes 44.

So (two-thirds not having voted in favor thereof) the motion was lost.

IMMIGRANT STATION, BOSTON.

Mr. KELIHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 10221) to authorize the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for an immigrant station at Boston, Mass., for another suitable site, the additional cost not to exceed $30,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. KELIHER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELIHER. Mr. Speaker, a law authorizing the purchase of a site and erection of an immigration station at Boston passed the last Congress. The money needed for these purposes was appropriated and is now available. The Secretary of Commerce and Labor, acting under that authority, purchased a site in Boston. After the Government took title, the State of Massachusetts appropriated $3,000,000 to be expended for the development of Boston's water front. That development would have been greatly marred, if not rendered impossible, if the Government utilized its present site. Consequently it was deemed necessary by the Boston Chamber of Commerce to ask the Government to exchange its site for one that would not interfere with the development scheme. A better site was tendered the Government in exchange and at the same cost per square foot, and far more desirably situated, in the same locality.

As Congress was adjourning for the summer, believing that the exchange might be desired to be made during the recess of Congress, a proviso was written into the public-buildings bill which authorized the Secretary of Commerce and Labor to make the exchange at no additional cost. I drew the proviso but made this mistake, instead of having it read "no additional cost per square foot," I made it read "no additional cost," thus binding the hands of the Government and making the exchange impossible. Consequently the Secretary of Commerce and Labor, although offered a site worth far more per square foot at the same price that was paid for the original site, could not make the exchange. The new site contains more land, and in order to bring about a rectification of the mistake the passage of this bill is asked.

Mr. MANN. I suppose the gentleman from Massachusetts will pay the additional expense.

Mr. KELIHER. Willingly. [Laughter.] The additional expense will come out of the money already appropriated for the purchase of a site.

Mr. STAFFORD. Is the Government going to receive the same amount from the old tract that is to be abandoned for the benefit of municipal government?

Mr. KELIHER. The Government is not only going to get as much as it paid for in the old site, but a great deal more and far better land in order that the great work of development of our dock system may be carried on. Great concessions are being made by individual owners to the Government that these plans may be successfully carried out by the State of Massachusetts.

Mr. STAFFORD. I understand the additional amount of land to the Government property is the reason for this increase?

Mr. KELIHER. Yes; it is larger and a far more practical location than the original site.

Mr. STAFFORD. I have no objection.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RELIEF OF SUFFERERS IN CHINA.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32473) for the relief of the sufferers from famine in China, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to transport, under the supervision of the National Red Cross Society, all supplies donated by the people of the United States for the relief of the sufferers from famine in China, and for this purpose may order one of the Army transports from Seattle, Wash., to China.

The SPEAKER. Is a second demanded? [After a pause.] If not, the question will be taken on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

DISPOSITION OF SURPLUS WATERS OF PROJECTS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation acts, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under the projects, the Secretary of the Interior, preserving a first right to lands and entrymen under the projects, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contracts shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contracts for impounding, storing, or carrying water for any irrigation system, corporation, association, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored, or the canal by which it is to be carried, and such charges shall be just and equitable as to water users under such project.

In fixing rates and charges in such contracts for the storing or carrying of water to any irrigation system, corporation, association, water users, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reclamation project, and such rates and charges shall be just and equitable as to water users under such project. No irrigation system, district, association, or corporation so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid by it to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through its works.

SEC. 2. That in carrying out the provisions of said reclamation act and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water users' associations, corporations' entrymen, or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users' associations, corporations' entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act: *Provided further*, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate 160 acres: *Provided*, That nothing contained in this act shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

SEC. 3. That the moneys received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act and the acts amendatory thereof or supplementary thereto.

The title was amended so as to read: "An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. Mr. Speaker, this bill will have the effect of expediting the irrigation of lands in the West on account of these conditions. In many of the irrigation projects there is a large amount of land which can be irrigated. There is generally but one right good place to impound the waters, and the Government has followed the plan of separating the project into units, and in doing so certain lands that could be irrigated can not be irrigated for a number of years, yet a large per cent of the initial expense for the whole project is necessarily made at first. This bill provides that when the Government has undertaken a project and started in to build a reservoir and ditches, if private individuals desire to come in and take another unit of that same project and assist in building the dams and ditches and paying for the extra expense necessary to this land, the Government will permit the impounding of the waters therefor in the reservoir and carry this water in Government ditches.

Mr. MANN. Will the gentleman yield?

Mr. REEDER. Yes, sir.

Mr. MANN. If the gentleman will permit, I will not occupy any of my own time, but use some of his. The gentleman is the chairman of the committee which reported this bill, which is a Senate bill. The bill as reported is materially different from the bill as it passed the Senate. The Senate bill, in my opinion, is very objectionable. Is it the intention when this bill passes the House in the shape that it is reported to the House to reinstate the provisions of the Senate bill without even controversy?

Mr. REEDER. Mr. Speaker, I think I am safe in saying that the Senate will not ask that such provision be reinserted. If they do, we will certainly insist that our provisions remain in the bill, for the reason our changes have been made largely if not entirely with the idea of not establishing a system of selling water, but simply of permitting the impounding and carrying of the water which is appurtenant to their lands.

Mr. MANN. It was feared by many, Mr. Speaker, when the Reclamation Service was provided for, that it would lead in the end to the Government expending large sums of money for the benefit of private individuals who were then owners of lands. That fear is in part realized by the provisions of this bill. I am not entirely certain, but they are in part realized by the provisions of the bill as amended by the House committee. I have always been perfectly willing to provide for the Reclamation Service. I am not in favor of the Government, at Government expense, providing for the irrigation of the lands of individuals or turning over the water to companies out there to make profit by being middlemen between the water which is reserved and the water which is used. With those observations, as far as I am concerned, I do not propose to say anything more.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

WATER POWER ON IRRIGATION PROJECTS.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32172) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation projects: *Provided, further*, That the Secretary of the Interior is authorized to make such lease for a longer period not exceeding 50 years, with the approval of the water users' association, or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act, approved June 17, 1902."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. The object of this bill is simply to permit the lease of the power obtained from the escape of water from these irrigation reservoirs when it is to be used for irrigation, and that the time fixed for such lease be 50 years. This length of time is set by the amendment, because the general policy in leasing water powers by the Government seems to be 50 years, for the reason that they can not be profitably improved for a shorter time.

Mr. MANN. But in the bills which we have passed in reference to dams elsewhere and in the general dam law, the Government reserves the right to make such alteration or amendment in reference to the projects as it pleases.

Mr. REEDER. But this is not a bill that pertains to a dam.

Mr. MANN. Does not the gentleman's bill propose to give to the Secretary of the Interior power absolutely to give these water rights for 50 years in such a way that Congress can not in any way interfere with them after that is done, and Congress will have no control?

Mr. REEDER. This has nothing to do with the building of a dam, but when a reservoir is built and the water is permitted to escape therefrom to irrigate the land the power produced can be leased for a term of 50 years.

Mr. MANN. I fail to see where we put control over a man who puts in a dam we should fail to put control over where we put Government money into a dam, and perhaps produce water power. It does not seem to me that makes a strong case for the gentleman.

Mr. REEDER. Every particle of the money that goes into these reservoirs is the people's money who own the lands to be irrigated from these reservoirs.

Mr. MANN. It is not the people's; it is the money of the United States.

Mr. COLE. Mr. Speaker, there are two changes to existing law in this bill. In existing law the Secretary of the Interior is authorized to make leases for a period not exceeding 10 years of any water power developed in conjunction with one of these Government irrigation projects. The theory underlying that is that at the expiration of the 10-year period this power would be owned by the Water Users' Association. Now we provide that the Secretary of the Interior shall be authorized to lease this power for a longer period than 10 years, not exceeding 50, with the approval of the Water Users' Association. Why? Because the Water Users' Association has an equity in the water power which the Secretary of the Interior can not and is not under existing law, or under any law, authorized to dispose of. In conjunction with the project down in New Mexico and Texas the Water Users' Association want to develop this water power for certain purposes, and they are asking for the passage of this amendment because they can not develop this power on a lease for only a period of 10 years.

That is the reason, Mr. Speaker, they are asking Congress for relief at this time. It is simply putting into the hands of the Water Users' Association, who own this power at the expiration of 10 years, the power to approve or disapprove of the action of the Secretary of the Interior. It occurs to me it is placing the power where it belongs—in the hands of the men who are paying for the project.

Mr. MARTIN of South Dakota. If the gentleman will permit me, of course after the 10 years the property would pass over to the Water Users' Association and they could lease for any period of time they desired.

Mr. COLE. Yes.

Mr. MARTIN of South Dakota. This bill would permit the binding up of that power for a period of 50 years and during the period when the project was in its formative state.

Mr. COLE. With their consent.

Mr. MARTIN of South Dakota. Certainly; with their consent, but does the gentleman think it a wise policy in the early stages of the development of irrigation enterprises of that kind to put a lien upon the power that might be developed for a period of 50 years?

Mr. COLE. Now, Mr. Speaker, let me answer in the same way that the representatives of the Water Users' Association placed it before the committee. They claim that by the installation of this machinery during the development of the property they can effect great economy, and that is the reason why they want these leases extended at that time. They can not float these bonds in the 10-year period. They must have a longer period of time.

Mr. MARTIN of South Dakota. The Government, in the first instance, and the Water Users' Association, in the second instance, would be under obligation to maintain the power.

Mr. COLE. This bill incurs no liability on the part of the Government whatever. It only modifies existing law in those two particulars.

Mr. MARTIN of South Dakota. Of course, ordinarily when we consent to a long lease of water privileges we expect the lessee to make the improvements and make the expenditures, but here is a proposition where you practically bind the Government, in the first instance, and the Water Users' Association, in the second instance, to maintain this reservoir and dam over a period of 50 years. It might be a burden upon this enterprise and absolutely swamp the irrigation project.

Mr. COLE. They might agree at the end of 10 years as at present.

Mr. MARTIN of South Dakota. I think it is wrong to put on these reclamation projects, which are organized primarily to irrigate lands for settlers, an obligation to bind them up for 50 years to maintain a condition by which power could be delivered to any company or association of individuals. This is evidently a subject that ought not to be disposed of in this hop-skip-and-jump manner after 6 o'clock in the afternoon.

Mr. COLE. I agree with the gentleman that this is a serious matter, and perhaps should have more consideration than the House can give it this afternoon. But we are nearing the closing hours of this session and it is necessary to pass judgment in important matters in a short period of time.

Mr. MARTIN of South Dakota. But here is a policy that has been developed for years, and, as one of the members of the committee that drafted the reclamation law, certainly I should oppose putting onto it a subsidiary power proposition for a term of 50 years that might in the end prove very embarrassing.

Mr. COLE. I have also been a member of this committee for a period of six years. I have watched with great interest the development of many of these irrigating projects, and when these gentlemen appeared and asked for this relief, and demonstrated to the satisfaction of the committee that it would work an economy of at least $1,000,000 to this project, it occurred to me that it was the duty of this committee and Congress to grant the relief asked for.

Mr. MARTIN of South Dakota. I think it would be much better to pass an act to relieve that particular situation rather than to pass a measure to take on all projects of this sort.

Mr. REEDER. Let me read for the gentleman's benefit, beginning on line 13, page 2, of the bill:

> No lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further,* That the Secretary of the Interior is authorized to make such a lease for a longer period, not exceeding 50 years, with the approval of the water users' association or associations under any such project, etc.

It can not be made a detriment to the water users, and then, too, it is with their consent. It seems to me it is a perfectly safe proposition.

Mr. MONDELL. Mr. Chairman, it seems to me this legislation ought to be enacted. I can not conceive of any condition which could arise under which a burden would be placed upon a reclamation project by this legislation. What we are providing for is an income to the project. Surely, the Secretary of the Interior will make no contract under which a water users' association or the Reclamation Service will be placed under any obligations to deliver any power, or any water for the production of power, which it does not possess. At the end of about 10 years these projects, if they move along in an orderly way, pass into the hands of the people—the water users' association.

Now, it seems to me it might occur during that period of 10 years that it would be greatly in the interest of the project and in the interest of the people who live under it, that they have an opportunity to enter into a contract with parties desiring to use power for the surplus power developed by the project. And that is what this act proposes. It is true the contract is made by the Secretary of the Interior, but it, in fact, is made by the water users' association, because except the water users' association approve of it, it can not be made beyond the period of 10 years, and as these projects do develop a considerable amount of water power, and we are leaving in the hands of the people directly interested the opportunity to say whether or no the contract shall be made, and what the form of the contract shall be, the legislation, it seems to me, is clearly in the interest of the people directly interested in the project and those who own the land under the project.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Chair announced that the ayes seems to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 28, noes 26.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was lost.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 5873. An act for the relief of John M. Blankenship;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 8353. An act for the relief of S. S. Somerville;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;"

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;"

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 8583. An act for the relief of Malcolm Gillis; and

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution.

MONUMENT AT GERMANTOWN, PA.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9137) to appropriate the sum of $30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the expenditure of the sum of $25,000 is hereby authorized to aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America: *Provided*, That no part of the sum herein authorized shall be expended until there shall have been raised and made available for the erection of said monument an additional sum of at least $25,000: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the State of Pennsylvania, and the president of the National German-American Alliance; and the money for the erection of the said monument shall be expended under the supervision of the Secretary of War, the governor of Pennsylvania, and the president of the National German-American Alliance: *And provided further*, That the responsibility for the care and keeping of the said monument shall be and remain with the city of Philadelphia, Pa., it being understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The title was amended.

WEIGHING SILVER COIN.

Mr. McKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, 1½ grains."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STANDARDS FOR COINAGE.

Mr. McKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3548 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated."

SEC. 2. That section 3549 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a 1-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to 25 pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Mr. MOON of Tennessee. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation, and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection for United States troops at or near the Chickamauga and Chattanooga National Military Park. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near to said park for the purposes herein stated, and report fully as to probable number of acres of land necessary to purchase, and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by December 1, 1911, and communicated to Congress thereafter as soon as practicable by the President.

SEC. 2. That the members of said commission shall serve without pay, but shall be paid their necessary expenses for traveling and hotel bills out of the appropriation for Chickamauga and Chattanooga National Military Park.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended, and the House joint resolution was passed.

MEMORIAL TO COMMODORE PERRY.

Mr. KEIFER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 29503) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I make the point of no quorum. I do not think we ought to sit here and appropriate $250,000 with so small a number of Members present.

The SPEAKER. The Chair sustains the point of no quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. JAMES) there were 29 ayes and 24 noes.

So the motion was agreed to; accordingly the House (at 6 o'clock and 29 minutes) adjourned until to-morrow, Wednesday, February 8, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting findings as to claims of letter carriers of Greater New York for additional salary (H. Doc. No. 1361); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for maps (H. Doc. No. 1362); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting the report for the year ended December 31,

1910 (H. Doc. No. 1363); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. H. 32473) for the relief of the sufferers from famine in China, reported the same with amendment, accompanied by a report (No. 2079), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NYE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 32221) to establish a new judicial district in the State of Kansas, reported the same with amendment, accompanied by a report (No. 2083), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. J. Res. 132) authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon, reported the same without amendment, accompanied by a report (No. 2084), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 3662) for the erection of a monument over the grave of President John Tyler, reported the same without amendment, accompanied by a report (No. 2087), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 29806) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported the same with amendment, accompanied by a report (No. 2082), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRAPER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2080), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10327) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2081), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2469) for the relief of Alfred Childers, reported the same without amendment, accompanied by a report (No. 2085), which said bill and report were referred to the Private Calendar.

Mr. ENGLEBRIGHT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 30969) for the relief of William Porter White, reported the same without amendment, accompanied by a report (No. 2086), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 28500) granting an increase of pension to James B. Graham; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 28923) granting an increase of pension to Edward Skahan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WANGER: A bill (H. R. 32570) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, and the licensing of the operators thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MADISON: A bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest; to the Committee on the Public Lands.

By Mr. ESTOPINAL: A bill (H. R. 32572) increasing the limit of cost of construction of the courthouse and post-office building at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. GRANT: A bill (H. R. 32573) to amend section 2 of the act of Congress of June 27, 1890; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 283) relating to the harbor improvement at Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A memorial of the Legislature of South Dakota requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A memorial of the Legislature of South Dakota, requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32574)) granting an increase of pension to Henry Stork; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32575) granting an increase of pension to Jacob Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32576) granting an increase of pension to Henry M. Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32577) granting an increase of pension to Williamine M. Van Marter; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 32578) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 32579) granting an increase of pension to Jacob Desmuke; to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 32580) for the relief of Mrs. Henty Myers; to the Committee on War Claims.

By Mr. CAMERON: A bill (H. R. 32581) to enable the city of Phoenix, in the county of Maricopa and Territory of Arizona, to issue and sell its bonds to the amount of $400,000 for the purpose of providing a sanitary sewer system in and for said city, and to apply out of the proceeds of the sale of said bonds an amount not exceeding the sum of $60,000 for the purchase of the sewer system of the Phoenix Sewer & Drainage Co.; to the Committee on the Territories.

By Mr. CAPRON: A bill (H. R. 32582) granting an increase of pension to Waldo Raynsford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32583) granting an increase of pension to Zina W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32584) granting an increase of pension to Ernest S. Cash; to the Committee on Pensions.

Also, a bill (H. R. 32585) granting an increase of pension to Hannah E. Crowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32586) granting an increase of pension to Ella F. Bussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32587) granting an increase of pension to James Kerns; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 32588) granting an increase of pension to Sallie A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32589) granting an increase of pension to James F. Rowley; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 32590) granting an increase of pension to James A. McIntosh; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 32591) granting a pension to Frank D. Morse; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 32592) granting an increase of pension to William B. Doris; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 32593) for the relief of Charles S. Keller; to the Committee on Claims.

By Mr. GREENE: A bill (H. R. 32594) granting a pension to Arthur W. Martin; to the Committee on Pensions.

Also, a bill (H. R. 32595) granting an increase of pension to Charles McCallion; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 32596) granting an increase of pension to Moses R. Leland; to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 32597) granting a pension to Adelaide Lowe Heim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32598) granting an increase of pension to Henry W. Wisecup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32599) granting an increase of pension to Edward Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32600) granting an increase of pension to Alonzo E. Fox; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 32601) granting pension to Kate B. Meister; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 32602) for the relief of the beneficiaries under the will of John G. Winter, deceased; to the Committee on War Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 32603) granting an increase of pension to Martha H. Cooper; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32604) granting an increase of pension to Aaron M. McCown; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 32605) granting a pension to Andrew J. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32606) granting an increase of pension to Harrison Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32607) granting a pension to S. P. Breeden; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 32608) for the relief of the children and heirs of Elizabeth Haak, Michael Haak, and Sarah Haak, all deceased; to the Committee on War Claims.

By Mr. SHEFFIELD: A bill (H. R. 32609) granting an increase of pension to Margaret O'Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32610) granting a pension to Sarah W. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 32611) granting an increase of pension to Rachel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32612) granting an increase of pension to Mrs. Joshua C. Drown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32613) granting an increase of pension to Sara M. Brown; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 32614) granting an increase of pension to Augustus L. Dyer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 32615) granting an increase of pension to Peter Findling; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of metal polishers of Fremont, Ohio, for enactment of the illiteracy-test immigration law; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of business firms of Van Wert, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Papers to accompany bill relative to title of the United States to lot 20, square 253, in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BUTLER: Petition of Rockdale Council, Junior Order of United American Mechanics, of Glen Riddle, Pa., and of Trades Council of Royersford, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Royersford and Spring City Trades Council, against change of method in printing paper money; to the Committee on Expenditures in the Treasury Department.

By Mr. CREAGER: Petition of the Keetowah Society, on behalf of Cherokee Indians under the Cherokee allotment act, July 1, 1902, etc.; to the Committee on Indian Affairs.

By Mr. DRAPER: Petition of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of executive committee of the Retail Merchants' Association, favoring reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of New York, for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FOELKER: Petition of Chamber of Commerce of New York and New York Mercantile Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Seward Republican Club and Wyckoff Heights taxpayers, of New York, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Central Labor Union of Brooklyn, N. Y., for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Republican Club of New York, against Senate joint resolution 134, amendment to Constitution on senatorial election; to the Committee on the Judiciary.

By Mr. FULLER: Petition of 52 retail merchants of Yorkville, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the People's National Fire Insurance Co., favoring the Esch phosphorus bill, H. R. 20022; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens on the rural routes in North Dakota, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of stockholders in the United Wireless Telegraph Co. of New York, for investigation of all wireless telegraph companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HEALD: Petitions of Councils No. 9, of Wilmington; No. 6, of Delmar; No. 11, of Townsend; No. 33, of Camden; No. 5, of Wilmington; No. 30, of Dagsboro; No. 1, of Farmington; No. 26, of Smyrna; and No. 20, of Roxana, of Junior Order United American Mechanics; and Camps No. 22, of Grubbs Corner, and No. 20, of Camden, of Patriotic Order Sons of America, all in the State of Delaware, urging upon Congress the enactment of legislation excluding undesirable immigrants; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Chamberlain Council, No. 2, Junior Order United American Mechanics, of New Britain, Conn., favoring illiteracy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Moody, Tex., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Papers to accompany bills for relief of W. H. Jones, William Blackburn, and Henry J. Boles; to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Washington Camp No. 98, Patriotic Order Sons of America, of Dunellen, N. J., for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Metal Trades Council of Newark, N. J., favoring building of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. JAMES: Petition of Butler Council, Washington Council, and Cumberland Council, all of the Junior Order United American Mechanics, in the State of Kentucky, for H. R. 15413, restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Kentucky, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Paper to accompany bill for relief of Edward S. Kahan (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. KENNEDY of Ohio: Petition of Local No. 9, of East Liverpool, Ohio, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Kiln Men's Local Union No. 9, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. KNOWLAND: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for suitable housing of our diplomats abroad; to the Committee on Foreign Affairs.

Also, resolutions adopted by the Los Angeles Chamber of Commerce, Los Angeles, Cal., urging the passage of House bill 6862, for permanent consular improvement and commercial enlargement; to the Committee on Foreign Affairs.

Also, resolutions passed by the Chamber of Commerce of Los Angeles, Cal., urging the opening of the coal lands in Alaska for public use; to the Committee on the Territories.

By Mr. LAFEAN: Petition of Jacob Jones Council, Junior Order United American Mechanics, of Dover; Washington Camps Nos. 443, 778, 433, and 328, Patriotic Order Sons of America, of Davidsburg, Newberrytown, La Bott, and Hanover, all in the State of Pennsylvania, for House bill 15413, providing for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: Petition of citizens of tenth Kentucky congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of First Presbyterian Church of Kings, State of Illinois, for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McCREDIE: Memorial of the Washington Educational Association, of Tacoma, Wash., favoring an appropriation of $75,000 for special lines of industrial education; to the Committee on Education.

Also, memorials of Tacoma Chamber of Commerce and the Rotary Club, of Tacoma, Wash., favoring an appropriation of $50,000 for the improvement and protection of the Rainier National Park; to the Committee on the Public Lands.

Also, petition of Washington Camp, No. 1, Patriotic Order Sons of America, Tacoma, Wash., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, memorial of house and senate of Washington, against any Federal supervision of fisheries within limits of the State; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of house and senate of Washington, for Senate bill 9476, providing for a soldiers' pension of not less than $50 per month for blindness; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of Methodist Episcopal Church of Hillsdale and Lima, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Stranahan and other citizens of Michigan, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Memorial of the Legislature of California, favoring Senate joint resolution No. 9; to the Committee on Irrigation of Arid Lands.

Also, petition of Los Angeles Chamber of Commerce, relative to opening Alaska coal fields; to the Committee on the Territories.

Also, petition of Los Angeles Chamber of Commerce, favoring the Cullom-Sterling consular bill (S. 1053 and H. R. 6862); to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Local 105, Pride of the Valley, Junior Order United American Mechanics, New Kensington, Pa., for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY W. PALMER: Petition of Washington Camp No. 259, Patriotic Order Sons of America, of Drifton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bert Millard and 52 others, of Luzerne County, Pa., for battleship construction in a Government navy yard; to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: Petitions of Washington Camp No. 498; Wykoff Commandery, No. 39; and Washington Camp, Patriotic Order Sons of America, of Pen Argyl, Easton, and Audenried, all in the State of Pennsylvania; and Ackermanville Council, Saxton Council, No. 591; Annette Council, No. 732; and Local Council No. 973, Junior Order United American Mechanics, of Saxton, Philipsburg, and Penns Park, all in the State of Pennsylvania, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Petition of Nicholas Bros., Merryville, and J. J. Kinguey, Kinder, La., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Arthur Perry and five other citizens of Rhode Island, of the Society of Friends, against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, paper to accompany bill for relief of Betsey A. Streeter and Sophie M. Kinnicutt; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of C. R. Halleck, of Brent Creek, Mich., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of railway mail clerks of the Northwest, relative to increase of compensation and investigation of conditions and other matters; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of the Potomac Valley Council, of Bernie, W. Va., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolutions of Local Union No. 897, Brotherhood of Carpenters and Joiners of America, located at Norristown, Pa., in behalf of the bill (H. R. 15413) to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 10, Glass Bottle Blowers' Association of the United States and Canada, of Royersford, Pa., in behalf of House bill 29886; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Washington Camps Nos. 1, 12, and 7, Patriotic Order Sons of America, of Lambertville, Milford, and Trenton, all in the State of New Jersey, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *February 8, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5873. An act for the relief of John M. Blankenship;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for the relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, in Dale County, Ala.;"

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

LADING AND ENTRY OF VESSELS, ETC.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6011) to

provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes, which was, on page 5, line 18, after "provided," to insert "the said extra compensation to be paid by the master, owner, agent, or consignee of such vessels."

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

THOMAS HOYNE.

The joint resolution (H. J. Res. 209) for the relief of Thomas Hoyne was read the first time by its title.

Mr. JONES. That is a short measure and one similar to it has been reported by the Senate committee and is now on the calendar. I ask unanimous consent that it may be put on its passage.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Thomas Hoyne, in full satisfaction of his claim for damages by destruction of his property by Indians, July 6, 1867.

Mr. HEYBURN. There is no law under which we can authorize the Secretary of the Treasury to pay money out of the Treasury of the United States. It is the Treasurer who pays out the money. I think there has been an inadvertence, and the joint resolution had better be amended.

Mr. JONES. What is the point made by the Senator from Idaho?

Mr. HEYBURN. We do not authorize the Secretary of the Treasury to pay money. That is not within the limit of his functions. It is the Treasurer who pays the money. The Secretary authorizes it, but the Treasurer pays. He merely advises it.

Mr. JONES. I ask that the joint resolution may lie on the table for the present.

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

Mr. JONES subsequently said: I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 209) for the relief of Thomas Hoyne, which has just come from the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. JONES. I offer the amendment to the joint resolution which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In line 3, after the word "That," it is proposed to strike out "the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated," and after the word "dollars," in line 6, to insert "is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay."

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. KEAN. Let the joint resolution be read as it will stand if amended.

The VICE PRESIDENT. The joint resolution will be read as proposed to be amended.

The Secretary read as follows:

Resolved, etc., That the sum of $3,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay to Thomas Hoyne in full satisfaction of his claim for damages by the destruction of his property by Indians July 6, 1867.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. The bill (S. 10526) for the relief of Thomas Hoyne will be indefinitely postponed.

ST. JOHN RIVER BRIDGE, ME.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9552) to authorize the construction of a bridge across St. John River, Me., which was, on page 1, to strike out line 3, down to and including line 3, page 2, and insert:

That the consent of Congress is hereby given to the construction, maintenance, and operation by the State of Maine and the Dominion of Canada, jointly, of a bridge now in course of erection across St. John River between Van Buren, Me., and St. Leonards, New Brunswick, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, said bridge to be used only as a common highway for passengers and common vehicles, and in no case used for steam, electric, or other railways.

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

MONUMENT TO ABRAHAM LINCOLN.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9449) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, which were, on page 1, line 3, after "WILLIAM H. TAFT," to insert "SHELBY M. CULLOM, JOSEPH G. CANNON;" on page 1, line 10, to strike out "their" and insert "its;" on page 1, line 12, to strike out "they" and insert "it;" on page 1, line 13, to strike out "themselves and insert "and itself;" on page 2 to strike out all of section 5 and insert:

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans or designs for a memorial or monument, as herein provided, there is hereby appropriated the sum of $50,000, to be immediately available.

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM MINNESOTA.

Mr. NELSON presented the credentials of MOSES E. CLAPP, chosen by the Legislature of the State of Minnesota a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10221) authorizing the Secretary of Commerce and Labor to exchange the site for the immigration station at the port of Boston.

The message also announced that the House had passed, with amendments, the following bills, in which it requested the concurrence of the Senate:

S. 3315. An act amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898;

S. 5379. An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina;

S. 6953. An act authorizing contracts for the disposition of waters of projects under reclamation acts, and for other purposes;

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The message further announced that the House had passed the following bills and joint resolution:

H. R. 9137. An act to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America;

H. R. 24746. An act to extend the extradition laws of the United States to China;

H. R. 24885. An act to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins;

H. R. 24886. An act to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporaion existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;"

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest;

H. R. 32473. An act for the relief of the sufferers from famine in China; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate the annual report of the Washington Gas Light Co., of the District of Columbia, for the fiscal year ended December 31, 1910 (H. Doc. No. 1363), which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of $10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit: The United States Land Office, the United States Post Office, the United States Weather Observatory, also the United States District Forestry Bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now therefore

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of $250,000 for the purpose of constructing such building of such a capacity to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 2, with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BROWN. I present a telegram in the nature of a petition from the Legislature of the State of Nebraska, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the telegram was read and referred to the Committee on Pensions, as follows:

LINCOLN, NEBR., *February 7, 1911.*

Senator NORRIS BROWN,
Washington, D. C.:

I am instructed to transmit the following resolution passed to-day by the Nebraska house of representatives, letter follows:

"Be it resolved by this Nebraska house of representatives, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending, known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House of Representatives in this behalf."

HENRY C. RICHMOND, *Chief Clerk.*

Mr. BRIGGS presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Literary Club, of Bound Brook; the Children's Aid and Protective Society of the Oranges; and of Mrs. Grace Nicoll, of Morristown, all in the State of New Jersey, praying for the passage of the so-called children's bureau bill, which were ordered to lie on the table.

He also presented petitions of J. M. Tucker Post, No. 65, of Newark; Zabriskie Post, No. 38, of Jersey City; Hexamer Post, No. 34, of Newark; Sheridan Post, No. 110, of Newark, all of the Grand Army of the Republic, Department of New Jersey; and of Rev. W. W. Case, pastor of the Olivet Baptist Church, of Trenton, all in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the petition of C. J. Baxter, State superintendent, department of public instruction of New Jersey, and the petition of Dr. Ebenezer Mackey, supervising principal, board of education of Trenton, N. J., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which were referred to the Committee on Education and Labor.

He also presented petitions of Zucker, Steiner & Co., of Newark; Elias & Samuels, of Long Branch; and the Wholesale Liquor Dealers' Association of Jersey City, all in the State of New Jersey, praying for the enactment of legislation providing an allowance for loss of distilled spirits deposited in internal-revenue warehouses, which were referred to the Committee on Finance.

He also presented petitions of Washington Camp No. 6, of Trenton; Camp No. 28, of Asbury Park; Camp No. 111, of Asbury Park; Camp No. 1, of Lambertville; Camp No. 64, of Phillipsburg; Camp No. 139, of Columbus; Camp No. 7, of Trenton; Camp No. 85, of Red Bank; Camp No. 78, of Elizabeth; Camp No. 29, of Merchantville; Camp No. 20, of Trenton; Camp No. 35, of Delanco, of the Patriotic Order Sons of America; and of Local Union No. 542, United Brotherhood of Carpenters and Joiners, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CRAWFORD. I present a joint resolution of the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

A joint resolution and memorial requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of cavalry.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring):

Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which reservations there are many thousand Indians; and

Whereas the lines of railroad now in operation and in process of construction will offer transportation facilities over four lines in four different directions, forming a basis for military movements enabling troops to quickly reach any point of trouble from any cause; and

Whereas the hospital records of Fort Meade, as given by the report of the Surgeon General of the United States Army, show that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade has a large timber reservation within the Black Hills Forest Reserve upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation 2 miles by 6 miles, which in order to accommodate a full regiment of cavalry requires the purchase of land 2 miles in addition on the north and 2 miles in addition on the east in order to have sufficient drill, target, and maneuver grounds, and obtain Bear Butte Mountain as a target butt, thus furnishing for the garrison and other troops which may from time to time be assembled for maneuvers, including the State militia, the level and rolling prairies, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, and all varieties of country for maneuvers; and

Whereas it appears to be the policy of the War Department to concentrate troops so far as possible in complete organizations, it would appear to be economy to provide for a full regiment of cavalry at Fort Meade, inasmuch as more than $1,000,000 has been spent at that post in the last 10 years in permanent improvements in the way of stone, brick, and concrete officers' quarters, barracks, hospital, commissary and quartermaster's storehouses, powder magazine, bakery, firehouse, water and sewerage systems, band barrack and administration building, stables, concrete and macadamized roads, etc., all of the public buildings being sufficiently large to accommodate a full regiment: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States, either by direct appropriation or by allotment by the Quartermaster General, to provide the sum of $250,000 for the purchase of lands above referred to, viz, lands lying 2 miles north and 2 miles east of the present military reservation of Fort Meade, S. Dak., for the purpose of enlarging the reservation to a sufficient size to accommodate a full regiment of Cavalry.

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

—

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE, SECRETARY'S OFFICE.

I, Samuel C. Polley, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 11, as passed by the legislature of 1911, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota.

Done at the city of Pierre this 4th day of February, 1911.

[SEAL.] SAMUEL C. POLLEY,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Mr. SHIVELY presented petitions of Jay Council, No. 31, of Portland; Lincoln Council, No. 56, of Terre Haute; and of Lyford Council, No. 70, of Clinton, Junior Order United American Mechanics; and of the Trades and Labor Council of Kokomo, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Browand Post, No. 505, Grand Army of the Republic, Department of Indiana, of Kendallville, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Local Lodge No. 1899, United Brotherhoood of Carpenters and Joiners of America, of Hobart; of Local Lodge No. 599, United Brotherhood of Carpenters and Joiners of America, of Hammond; and of the Trades Assembly of Logansport, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the joint memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

House joint memorial 10.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the senate and house of representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country and realizing that those who took part in the War with Mexico and in the Civil War are reaching that time in life when they should especially receive our tender solicitude and care—

We therefore urge upon you the passage of what is known as Senate bill 9476, providing for a pension of not less than $50 per month to any soldier or sailor of the Mexican War or the Civil War, who is now or may hereafter become totally blind, or some such similar bill to Senate bill 9476, granting such relief; and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes and beyond any aid of optical assistance." Be it

Resolved, That a copy of this resolution be forthwith transmitted to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States and a copy to Senator PENROSE, of the Senate of the United States, and a copy each to Senators and Representatives in Congress of the State of Washington.

Passed the house January 24, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 30, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the senate and house of representatives of the State of Washington, respectfully petition that—

Whereas during the year ending June 30, 1910, Government statistics show that more than 1,000,000 aliens landed in the United States, of which number more than 600,000 came from southern and eastern Europe and western Asia, the most undesirable emigrants known; and

Whereas the effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workingmen: Therefore be it

Resolved by the house and senate of the State of Washington, That the Congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the most undesirable foreigners whose presence tends to destroy American standards of living; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation.

Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 24, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. DICK. I present a telegram from the chairman of the executive committee of the Ohio State Grange, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

COLUMBUS, OHIO, *February 7, 1911.*

Hon. CHARLES DICK,
United States Senate, Washington, D. C.:

The Ohio State Grange stands opposed to any reciprocal relations that fail to protect the agricultural equal with other interests. Therefore we are opposed to the Canadian reciprocity treaty as now proposed.

L. G. SPENCER,
Chairman.
EUGENE F. CRANSE,
Secretary of Executive Committee Ohio State Grange.

Mr. BULKELEY. I present a telegram from the master of the Connecticut State Grange, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WILLIMANTIC, CONN., *February 6, 1911.*

Hon. MORGAN G. BULKELEY,
Capitol, Washington, D. C.:

Fourteen hundred grangers in Connecticut protest against the so-called Canadian reciprocity treaty. We, as farmers, do not want to be discriminated against. Our motto, "Protect the American farmer or protect no one."

L. H. HEALEY,
Master, Connecticut State Grange.

Mr. BURKETT. I present a telegram from the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 7.*

Senator ELMER J. BURKETT,
Washington, D. C.:

I am instructed to transmit the following resolution passed to-day by the Nebraska house of representatives. Letter follows:

"*Be it resolved by this Nebraska house of representatives*, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending, known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House of Representatives in this behalf."

HENRY C. RICHMOND, *Chief Clerk.*

Mr. BURKETT. I present a telegram from the secretary of the State Senate of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 8, 1911.*

Hon ELMER J. BURKETT,
United States Senate, Washington, D. C.:

Following resolution unanimously adopted by Nebraska state senate to-day, and by its direction transmitted to you to be presented to Senate of United States:

"*Resolved by this senate*, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House in this behalf."

WILLIAM H. SMITH,
Secretary State Senate.

Mr. PILES presented a joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

House joint memorial 10.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the senate and house of representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country, and realizing that those who took part in the war with Mexico and in the Civil War are reaching that time in life when they should especially receive our tender solicitude and care;

We therefore urge upon you the passage of what is known as Senate bill 9476, providing for a pension of not less than $50 per month to any soldier or sailor of the Mexican War or the Civil War who is now or may hereafter become totally blind, or some such similar bill to Senate bill 9476, granting such relief; and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes and beyond any aid of optical assistance. "Be it

Resolved, That a copy of this resolution be forthwith transmitted to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States, and a copy to Senator PENROSE, of the Senate of the United States, and a copy each to Senators and Representatives in Congress of the State of Washington.

Passed the house January 24, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 30, 1911.

W. H. PAULHAMUS,
Speaker of the Senate.

Mr. PILES. I present a joint resolution adopted by the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

House joint resolution 2.

Be it resolved by the house (the senate concurring), That the people of the State of Washington, through their legislature now assembled, most emphatically and earnestly protest against the Federal Government of the United States assuming or attempting to assume the jurisdiction and control of any of the fisheries within the territorial limits of the State of Washington, and we particularly protest against the joint control of any part of said fisheries by the United States Federal Government and the Dominion of Canada, as proposed by a treaty convention between the United States and Great Britain, signed at Washington on April 11, 1908.

The State of Washington hereby reaffirms its title to all the public fisheries within its territorial limits, and insists that it has the exclusive right, by virtue of its sovereignty, to keep, control, and regulate all the fisheries within its borders without Federal interference.

Be it resolved further, That a copy of this resolution be forthwith transmitted to the United States Senators and Representatives from the State of Washington, and that they be hereby requested to use all honorable means within their power to prevent any action of the Congress tending to ratify or make said treaty effective.

Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 26, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that—

Whereas the withdrawal of over 16,000,000 acres of land in the State of Oregon for forest conservation constitutes a serious obstacle to the settlement and development of this State and deprives the State and several counties thereof of vast tracts of taxable lands; and

Whereas these resources are being conserved for the benefit of the people of the whole of the United States; it is therefore inequitable to place the burden of providing these resources so largely upon the people of this State: Therefore, be it

Resolved, That we petition the honorable Congress of the United States to so amend the law under which the national forests are maintained as to give to this State at least 50 per cent of all moneys derived from the lease, use, or sale of any of the resources contained within these national forests.

Adopted by the senate January 27, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house January 31, 1911.

JOHN P. RUSK, *Speaker of the House.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 2 with the original thereof, which was adopted by the senate January 27, 1911, and adopted by the house January 31, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the honorable, the senate and house of representatives of the State of Idaho:

Would respectfully represent and make known that the development of irrigation has been very rapid in the West, there having been millions of acres added to our irrigation area during the last few years;

That the settlement on these new lands has been almost wholly by people from the East, who have practically no knowledge of irrigation; that irrigation farming is an intricate science which requires considerable study; that the interests of the millions of farmers in the irrigated portion of the West, and of the West wholly, demand that these settlers learn irrigation farming in the shortest possible time.

Wherefore your memorialists urgently petition that the Government of the United States provide more liberally for education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture, and, that at some place centrally located in the irrigation belt, a permanent institute be established at which instruction in the subject of irrigation and allied subjects be made a specialty, and that said subjects be there taught to all those who desire instruction therein.

This memorial passed the house of representatives on the 30th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 30th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 4 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of House joint memorial No. 4, by Nihart, providing for a more liberal education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture (passed the house January 30, 1911; passed the senate January 30, 1911), which was filed in this office the 2d day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 2d day of February, A. D. 1911.

[SEAL.] W. L. GIFFORD, *Secretary of State.*

Mr. DEPEW presented petitions of the Chamber of Commerce, the Mercantile Exchange, the Retail Merchants' Association of the Chamber of Commerce, and Manufacturers' Club of Buffalo, the Corn Exchange of Buffalo, and of sundry citizens of Cedarhurst, New York City, Buffalo, Long Island, and Lockport, all in the State of New York, praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Central Labor Union of Brooklyn, N. Y., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented memorials of the United Irish-American Societies of Brooklyn and Long Island, and of the Wolfe Tone Club of Brooklyn, all in the State of New York, remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Chamber of Commerce of Watertown; the Board of Trade of Carthage; the American Paper and Pulp Association, of New York; of Local Grange No. 583, Patrons of Husbandry, of Central Square; of the Empire State Forest Products' Association, of Watertown; and of sundry citizens of Lawrenceville, Niagara Falls, New York City, and Carthage, all in the State of New York, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of O'Brian Post, No. 65; Holt Post, No. 403; Horsfall Post, No. 90; Walter A. Wood Post, No. 294; Horace E. Howard Post, No. 267; James M. Brown Post, No. 285, Department of New York, Grand Army of the Republic, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of Local Typographical Union No. 52, of Troy, N. Y., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of St. Ann's Branch, No. 24, Catholic Mutual Benefit Association, of Buffalo, N. Y., remonstrating against any appropriation being made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of Local No. 125, of Utica; Local No. 1715, of New York City; Local No. 8079, of Mineville; Local No. 754, of Fulton, United Brotherhood of Carpenters and Joiners of America; the Central Labor Union of Brooklyn; the Central Labor Union of Amsterdam; General Wayne Council, No. 48; Excelsior Council, No. 108; Brooklyn Council, No. 21; Highland Council, No. 5; Rifton Council, No. 36; and America Council, No. 67, Junior Order United American Mechanics, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Business Men's Association of Auburn, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of T. D. Welch Division, No. 641, Brotherhood of Locomotive Engineers, of Hornell, N. Y., and a petition of Local Lodge No. 827, Brotherhood of Railroad Trainmen, of Poughkeepsie, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of Washington Camp No. 27, Patriotic Order Sons of America, of New Creek; of Local Council No. 185, of Wise; of Local Council No. 144, of Arnoldsburg; and of Local Council No. 62, of Junior, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented the memorial of C. W. Norquist, manager of the Norquist Department Store, of Coeur d'Alene, Idaho, and a memorial of the Idaho Mercantile Co., of Coeur d'Alene, Idaho, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1116, Carpenters and Joiners of America, of Twin Falls, Idaho, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of 25 citizens of the United States, praying that an investigation be made into the affairs of all wireless telegraph companies doing business in the United States, which was referred to the Committee on Naval Affairs.

Mr. FLINT presented a resolution adopted by the Legislature of California, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
Sacramento, Cal., January 30, 1911.

Hon. FRANK P. FLINT,
United States Senator, Senate Chamber, Washington, D. C.

MY DEAR SIR: I have been instructed by the Legislature of the State of California to transmit to you the following copy of senate joint resolution No. 9, passed on the 24th day of January, 1911:

"Senate joint resolution 9.

"Whereas it appears that California's contributions to the reclamation funds have been very great, and that the State is entitled to a large share of the regular reclamation funds, as provided by the reclamation act; and

"Whereas the Klamath project is among the most worthy in the United States, and its early completion is desirable both to the sections to be developed through its construction and to the United States, to secure the earliest possible return of the construction funds for use elsewhere; and

"Whereas it appears that the unconstructed portions of the Klamath project are to be equally divided between the States of California and Oregon: Therefore be it

"*Resolved*, That our Senators and Representatives in Congress be, and they are hereby, memorialized to use their earnest efforts to secure funds sufficient for the continuous construction of all approved units of the Klamath project, and that they endeavor to secure the cooperation of the Senators and Representatives from Oregon in securing the completion of the Klamath project without unnecessary delay or the elimination of any of its important details, since both States are equally interested in its construction. The secretary of state is hereby instructed to transmit without delay a copy of this memorial to each of the Senators and Representatives of the State of California in Congress."

Respectfully, yours,

FRANK C. JORDAN, *Secretary of State.*

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to increase the efficiency of the consular service, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the mining committee of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the leasing of coal and coal lands in the Territory of Alaska, which was ordered to lie on the table.

Mr. WATSON presented a petition of Custer Post, No. 8, Grand Army of the Republic, Department of West Virginia, of Clarksburg, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Washington Camps No. 32, of Capon Bridge; No. 22, of Berkeley; and No. 27, of New Creek, Patriotic Order Sons of America; of Local Council, of Berkeley Springs; of Local Council No. 62, of Junior; and of Local Council, of Arnoldsburg, Junior Order United American Mechanics, all in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BULKELEY presented petitions of Chamberlain Council, No. 2, of New Britain, and of Ben Miller Council, No. 11, of Danbury, Junior Order United American Mechanics, in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WETMORE presented a memorial of the Rhode Island Society of Friends, remonstrating against any appropriation being made for the fortification of the Canal Zone, which was referred to the Committee on Interoceanic Canals.

Mr. BRISTOW presented sundry papers to accompany the bill (S. 10510) granting an increase of pension to John Calvin, which were referred to the Committee on Pensions.

Mr. SMOOT presented a memorial of sundry citizens of Provo, Utah, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. CLAPP presented a petition of sundry inmates of the Soldiers Home, Minnesota, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. WARREN presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. BURKETT presented a petition of Wilson Post, No. 22, Grand Army of the Republic, of Geneva, Nebr., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. OWEN presented petitions of the Maine State Grange, of Maine; of the Board of Trade of St. Albans, W. Va.; of the

Chamber of Commerce of Olean, N. Y.; of the Commercial Club of Covington, Tenn.; and of the Citizens' Commercial Club Co., of Delphos, Ohio, praying for the creation of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on Commerce, to which was referred the bill (S. 9864) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the Territory of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 1103) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

A bill (H. R. 30793) to authorize the Fargo & Moorhead Street Railway Co., to construct a bridge across the Red River of the North;

A bill (H. R. 31927) authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

A bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

A bill (H. R. 30899) to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River; and

A bill (H. R. 31171) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907.

Mr. GALLINGER, from the Committee on Naval Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector (Rept. No. 1104); and

A bill (S. 9271) for the relief of William H. Walsh (Rept. No. 1105).

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment authorizing the President of the United States to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States, intended to be proposed to the diplomatic and consular appropriation bill, and move that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (S. 7650) for the relief of Thomas N. Boyle, reported it with amendments and submitted a report (No. 1106) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to which were referred certain bills, to ask that the committee be discharged from their further consideration and that they be referred to the Committee on Indian Affairs, as they relate to Indian matters.

There being no objection, the Committee on Claims was discharged from the further consideration of the bills, and they were referred to the Committee on Indian Affairs, as follows:

A bill (H. R. 18589) for the relief of W. F. Seaver; and

A bill (H. R. 32264) for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31859) to authorize the Chuckawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal. (Rept. No. 1112); and

A bill (H. R. 31661) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury (Rept. No. 1111).

Mr. PERKINS. I ask that the bills being Order of Business 988, Senate bill No. 10417, and Order of Business No. 967, Senate bill No. 10284, of the same titles, be indefinitely postponed, and that the House bills just reported by me take the place on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 18857) for the relief of Laura A. Wagner, reported it without amendment and submitted a report (No. 1107) thereon.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I move to recommit to the Committee on Public Buildings and Grounds the bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 30890) to authorize the Chicago Great Western Railway Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn. I ask that the House bill be substituted on the calendar for Senate bill 10586, a bill for the same purpose.

The VICE PRESIDENT. Without objection, the House bill will be substituted on the calendar for the Senate bill.

Mr. CLAPP. I ask unanimous consent for the present consideration of the House bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and there being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. The Senate bill should be indefinitely postponed.

The VICE PRESIDENT. Senate bill 10586, with like title, will be postponed indefinitely.

HORACE P. RUGG.

Mr. BROWN. I am instructed by the Committee on Military Affairs, to which was referred the bill (H. R. 26722) for the relief of Horace P. Rugg, to report it favorably with an amendment and I submit a report (No. 1110) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any of the laws conferring rights, privileges, or benefits upon persons who have been discharged honorably from the military service of the United States Horace P. Rugg, who was formerly lieutenant colonel of the Fifty-ninth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as lieutenant colonel of said regiment on the 17th day of November, 1864: *Provided*, That other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BROWN. I report back from the same committee for indefinite postponement the bill (S. 9147) for the relief of Horace P. Rugg. It covers the same subject as the House bill.

The VICE PRESIDENT. The bill will be indefinitely postponed.

HANS N. ANDERSON.

Mr. BURNHAM. For the Senator from Arkansas [Mr. CLARKE] I report back from the Committee on Claims, without amendment, the bill (H. R. 20072) for the relief of Hans N. Anderson, and I submit a report (No. 1108) thereon. I call the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. That is a very small bill. I ask unanimous consent that it be put upon its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Hans N. Anderson, for services in carrying the United States mail between the post offices of Davenport, Iowa, and Green Tree, Iowa, from July 1, 1903, to September 15, 1903, $66.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 10717) granting an increase of pension to William Hise (with accompanying paper);

A bill (S. 10718) granting a pension to Herman Tichter (with accompanying papers); and

A bill (S. 10719) granting a pension to Robert M. Mann (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 10720) granting an increase of pension to Harriet V. Tiernon; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10721) for the relief of Henry N. Bird (with accompanying papers); to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 10722) granting an increase of pension to Mary Rebecca Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10723) granting an increase of pension to Patrick G. Murphy (with accompanying papers);

A bill (S. 10724) granting an increase of pension to Harry Jeremiah Parks (with accompanying papers);

A bill (S. 10725) granting an increase of pension to Elmer Howe (with accompanying papers);

A bill (S. 10726) granting an increase of pension to Willis G. Miner (with accompanying paper); and

A bill (S. 10727) granting an increase of pension to James H. Moser (with accompanying papers); to the Committee on Pensions.

A bill (S. 10728) for the relief of Simon P. O'Neil (with accompanying papers); to the Committee on Military Affairs.

By Mr. CRANE:

A bill (S. 10729) granting an increase of pension to James H. Morley; to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10730) for the relief of the estate of Mary H. S. Robertson, deceased; to the Committee on Claims.

By Mr. DICK:

A bill (S. 10731) granting an increase of pension to James M. Dalzell; to the Committee on Pensions.

ASSISTANT PAYMASTERS IN THE NAVY.

Mr. BURNHAM submitted an amendment relative to the promotion of assistant paymasters in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty, which was referred to the Committee on Claims and ordered to be printed.

RETURN CARDS ON STAMPED ENVELOPES.

Mr. CLAPP. I send to the desk a letter addressed to my colleague from the national joint committee replying to the Postmaster General's communication of February 6, relative to special return cards on stamped envelopes. I ask that the letter be printed as a document and that 25,000 additional copies be printed. I have compared it with Senate Document No. 809, presented by the Senator from Pennsylvania [Mr. PENROSE] a few days ago, of which 25,000 additional copies were ordered printed. I find that this letter contains very much less material, so that it will very easily come within the cost as restricted by law.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed 25,000 additional copies of Senate Document No. 814, Sixty-first Congress, third session, letter national joint committee to Hon. KNUTE NELSON, replying to the Postmaster General's communication of February 6 relative to special return cards on stamped envelopes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 24885. An act to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins;

H. R. 24886. An act to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 26290. An act providing for the validation of certain homestead entries; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 30571. An act permitting the building of a dam across Rock River, at Lyndon, Ill.;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River, at Chattanooga, Tenn.;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River, at Chattanooga, Tenn.; and

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 31662. An act granting five years' extension of time to Charles H. Cornwell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric-light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32473. An act for the relief of the sufferers from famine in China; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

H. R. 9137. An act to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, was read twice by its title and referred to the Committee on the Library.

H. R. 24746. An act to extend the extradition laws of the United States to China, was read twice by its title and referred to the Committee on Foreign Relations.

EMBASSY, LEGATION, AND CONSULAR BUILDINGS.

The bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad was read twice by its title and referred to the Committee on Foreign Relations.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the bill (H. R. 30088) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad, to report it favorably without amendment.

Also, I report back from the same committee, Senate bill 10367, precisely as the House bill, which has just been reported. I ask that the House bill may be substituted on the calendar for the Senate bill which I report.

The VICE PRESIDENT. Is there objection? The Chair hears none. The House bill will go to the calendar and the Senate bill will be indefinitely postponed.

CONVEYANCE OF LAND TO FORT SMITH, ARK.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of Senate bill 10348, which will not provoke any discussion, and unless it is passed here very shortly it will stand very little chance of being considered in the other House, according to my present information.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 10348) to cede and sell to the city of Fort Smith, State of Arkansas, a municipal corporation, a portion of a tract of ground adjoining the national cemetery in said city of Fort Smith, State of Arkansas, as described in the act herein.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out "That the United States of America hereby cedes, grants, bargains, and sells to the city of Fort Smith, State of Arkansas, a municipal corporation, the following tract of land," and insert "That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the city of Fort Smith, State of Arkansas, a municipal corporation, of such sum as he may determine to be the reasonable value of the premises, to convey to said city the following-described portion of the national cemetery reserve in the city of Fort Smith, State of Arkansas," and on page 2, line 4, after the words "of the," to strike out "land adjoining the," so as to make the section read:

That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the city of Fort Smith, State of Arkansas, a municipal corporation, of such sum as he may determine to be the reasonable value of the premises, to convey to said city the following-described portion of the national cemetery reserve in the city of Fort Smith, State of Arkansas, to wit: Beginning at a stone which is set approximately at the center of South Sixth Street and at the extreme northeast corner of the national cemetery reserve in the city of Fort Smith, State of Arkansas, for a point of beginning; thence in a westerly direction and along the line of said reserve 157.2 feet to a point; thence in a southeasterly direction 207.6 feet, more or less, to a point in the east line of said cemetery reserve and in the west line of South Sixth Street; thence in a northerly direction and along the line of said cemetery reserve for a distance of 145.5 feet to the point of beginning.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out the following sections:

SEC. 2. That the said city of Fort Smith, State of Arkansas, shall pay to the United States of America for said land above described the appraised value thereof, as herein prescribed.

SEC. 3. That the said city of Fort Smith, State of Arkansas, shall appoint one appraiser, and the Secretary of War, on behalf of the United States, shall appoint a second appraiser, and these two appraisers shall select a third appraiser, and in the event they can not agree upon a third appraiser, then a third appraiser shall be appointed by the United States district judge for the western district of Arkansas; and said appraisers shall, before entering upon the discharge of their duties as such appraisers, take the oath of office faithfully to appraise the above-described lands, and a majority of said appraisers shall be sufficient to determine the value of said lands, as herein provided. The said appraisers shall each be appointed within 20 days after the passage of this act, and shall proceed at once to appraise said above-described tract of land, and shall file a copy of their appraisement in the office of the Secretary of the War, and also a copy in the office of the district clerk of the United States for the western district of Arkansas, and shall also furnish the city of Fort Smith, State of Arkansas, with a copy of their appraisement. The said city of Fort Smith, State of Arkansas, shall pay the costs of said appraisement, including the per diem of said appraisers, which per diem shall not exceed the sum of $6 per day, and the said city of Fort Smith, State of Arkansas, shall also pay the expenses of said appraisement in addition to said per diem of said appraisers.

SEC. 4. That within 30 days after the appraisers shall file their appraisal with the Secretary of War the said city of Fort Smith, State of Arkansas, shall pay to the Treasurer of the United States the amount found by said appraisers as the value of said land, and shall also within the time pay to said appraisers their per diem and expenses for making said appraisement.

SEC. 5. That upon payment of said sum of money, as herein provided, all right, title, and interest of the United States of America in and to the above-described tract of land shall forever be vested in the said city of Fort Smith, State of Arkansas, its successors and assigns, and upon said payment being made by the said city of Fort Smith, State of Arkansas, the President of the United States is hereby authorized and empowered to execute, issue, and deliver to the said city of Fort Smith, State of Arkansas, a patent for the said tract of land above described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city."

FORTIFICATION OF THE PANAMA CANAL.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed. Without objection, the Chair will lay before the Senate a resolution, which the Secretary will state.

The Secretary read the resolution (S. Res. 325) submitted by Mr. MONEY on January 19, 1911, as follows:

Resolved, That it is the sense of the Senate that the Panama Canal should be fortified.

Mr. MONEY. Mr. President, when nearly three weeks ago I offered the resolution which has just been read it was with a purpose of speaking thereon within the limit of at least three or four days; but the day upon which it was offered I was taken sick, and have been confined to my room for over two weeks. I am not now quite able to make the speech which I should like to, but it is useless to postpone my effort any longer, because I do not know that I will get any better. I shall ask the indulgence of the Senate if I do not speak very loud. I do not know when I will conclude these remarks, but I will go on as clearly as I can and as far as I can, and, if I leave things unsaid that I should have said, there is no doubt that they will be much better said by some one following me; or, if they are not said at all, it will be no material loss.

This is a question, Mr. President, that may rank among those of first importance to this country. I will say for what it may be worth that I have given a great deal of study to this matter for more than 30 years. My convictions are very firm, and what I say about the subject is the result of a great deal of thinking on it and all the information that I could muster. Of course there will be much said on both sides.

The United States is about to realize, through its own energies and through its own Treasury, the dream of enterprising spirits for more than 200 years. Some one once said that no man ever looked at the map of Central America without a strong inclination to cut it in two with a pair of scissors at the Isthmus. The United States has desired this canal for a great deal more than half a century. It is within the memory of everyone here that the Clayton-Bulwer treaty, negotiated in 1850, between Sir Bulwer Lytton and Mr. Clayton, our Secretary of State, was extremely distasteful to the whole American people. It is a distinct waiver of the Monroe doctrine—in fact, a nullification of that utterance of Mr. Monroe in 1823—and it introduced into a purely American question a European Nation. The reasons for the ratification of the treaty by the American Senate, which afterwards protested loudly that they did not attach to it the meaning which the negotiators said they did, were two. The first was that there was no surplus capital in America, while Great Britain was redundant and applying her resources in every part of the globe to great industrial works. The second was that the sphere of British influence was rapidly extending in Central America, a country which we had been accustomed to look upon as peculiarly, since the enunciation of the Monroe doctrine, within the sphere of our legitimate influence.

At the time this treaty was negotiated an active diplomatic agent, Sir William Gore Ouseley, was negotiating with several Central American States treaties which we feared were to extend British influence. So, in a treaty in which we admitted Great Britain—very improvidently, in my opinion—into this arrangement, it was proposed that the sphere of her influence should not be extended any further. Upon that point there was a difference of opinion. The American Senate said that it considered that the influence it then had was to be reduced. The British, on the other side, said that it was not to be extended any further; and, unfortunately for our contention, both Sir Bulwer-Lytton and Mr. Clayton joined in notes affirming that their meaning was the one put upon it by Great Britain.

It was then proposed by Great Britain that they would have another convention and amend the treaty. We refused to do that. It was then proposed that they would have a convention and make an entirely new treaty. We refused to do that. It was then proposed to abrogate the treaty, and we refused to do that. Why? Because Sir William Gore Ouseley had not then finished his negotiations with the little republics in Central America; but when he had concluded them it was found that our apprehensions of the extension of British influence was not justified and the result altogether more satisfactory than we had hoped.

It will be recollected that in 1900 a new treaty, called the first Hay-Pauncefote treaty, was negotiated. I am speaking right now upon the point of our rights under treaty obligations, because I have observed in the press that some doubt is thrown upon our right to do as we please about this canal on account of restrictions in our treaties with other countries.

That treaty was ratified by the Senate after one of the most stubborn fights ever made upon a treaty, during which I had something to say quite often. One clause of that treaty forbade the fortification of the canal. Three attempts were made to amend that treaty by striking out that provision. If I recollect aright, one amendment was offered by my distinguished friend from South Carolina [Mr. TILLMAN], I think one by my distinguished friend the senior Senator from Texas [Mr. CULBERSON], and one offered by that distinguished gentleman from Ohio, ex-Senator Foraker, that repealed the clause that forbade the fortification of this canal by America. But when the treaty went back ratified by the Senate of the United States it was repudiated by the British ministry for several reasons, and a new treaty was immediately negotiated. That was promulgated, I think, in February, 1902, and I want to call attention to the fact that that treaty dropped from the text that provision against fortification, and it dropped out also the

words "open in time of peace and war," which had belonged to the other and had been drafted in from the Suez convention of 1888, held at Constantinople. Sir Julian Pauncefote was one of the commissioners in both conventions and was attached, I suppose, to that form of words.

Not only did this treaty with Great Britain give us the right to fortify, according to a reasonable interpretation of the late Hay-Pauncefote treaty with the previous one by striking out the clause forbidding fortification and the other words which I have just mentioned, but a significant illumination is thrown upon the whole transaction by a note of Lord Lansdowne, the British premier, to the British ambassador here. It throws a great light upon the interpretation to be afforded to the last Hay-Pauncefote treaty by the omission which I have mentioned. He expressed his satisfaction with the terms of the new treaty and said, "I am not prepared to deny not only that it is desirable for the sake of preserving the canal open to the commerce of the world, but the United States may find it of supreme importance to fortify the canal."

The other significant historical fact which still further illustrates the meaning of the British negotiations in omitting that provision is in the fact that the British military force that for so many years has been in cantonment on the Blue Mountains above Kingston, in Jamaica, has all been removed, and there is in that island now only a brigadier general with about 200 men doing mainly a sort of guard duty.

A further significant, historical, illustrating fact is that the great naval depot, dockyard, and shipyard at Port Royal, in the neighborhood of Kingston, which was the greatest on the Western Hemisphere, has been totally demolished; its guns have been removed; the property which was salable has been sold; and, further, the second in importance and in strength on this hemisphere, windward about 600 miles, at Santa Lucia, has been totally demolished, the guns removed, the property sold. There is no one there, and it is not even a saluting port. In other words, in the light of this treaty in which Great Britain is more interested than all the other nations of the world put together, save ourselves, we have a free hand to do what we think wisest and best, first for ourselves and then for the balance of the world.

It is evident that Great Britain is relying on the good entente of this country in stripping her island possessions in the Caribbean of her military and naval force and of her defenses, relying upon our good will to take care of her interests in this quarter of the globe.

Now, then, that disposes of the only Nation save one with whom we have any treaty relations whatever on this subject. The other nation is the little Republic of Panama. I shall not go through the history of the secession of Panama, which, in my opinion, is an indelible stain upon American honor, but I will say that she was an independent sovereignty, and when we passed the bill called the Spooner Act she had been recognized by 10 or more of the sovereignties of the world. She was as capable of acting for herself as the oldest and best established state in the world. That state made a treaty with us in which we not only got those concessions which we had hoped for, but more than any American statesman ever dreamed of. We not only got a concession of rights of way, but we received a relinquishment and grant in perpetuity of the sovereignty over a 10-mile strip to embrace the canal.

The language of that treaty does not use the word "cession," and I have found only one writer who has made note of the fact that the word used was not "cession" of this strip, but a relinquishment in perpetuity on the part of Panama and a grant in perpetuity to the United States of sovereignty over it.

The ultimate and legitimate effect is the same as relates to other persons with either phraseology; but that has not been attempted to be explained, and I will offer a brief explanation according to the best of my thought on this subject. A cession of territory is a total relinquishment in every shape, manner, and form without anything whatever, with no particular object in view. But a relinquishment of sovereignty means that the act is done with a particular object and purpose in view between the two contracting parties. That object was the building of a canal and the preservation and operation of that canal for the benefit of the commerce of the world, and in order to enable the United States to do that—in other words, to carry out its treaty obligations with the only two countries with which it is in treaty on this subject—it especially states that the United States may use any military force and erect any fortifications at the termini along the route of this canal that in the judgment of the United States may be good or necessary for its defense and protection.

So, as these are the only two countries in the world with whom we have any treaty relations, it is difficult to conceive how any one can say that we are disregarding any treaty obligations whatever. We are in the line, and we will be delinquent if we do not pursue that line, in erecting fortifications there to preserve this canal for the use of the commerce of the world.

That is the obligation we are under to Panama. That was the consideration—the good and valid consideration—for which she made her relinquishment of sovereignty. That is the good and valid consideration that Great Britain received which eliminated her from a purely American question where she never should have been, and permitted her to divert her resources of military and naval strength in the West Indies to other parts of her world-flung possessions.

Now, then, what are our relations to the balance of the world? We have invited, when this canal shall have been opened and operated, the commerce of the world to pass through it. That is in accord with the spirit of commerce and amity which we have with every civilized country in the world and with some of the half-civilized. This, however, is a guaranty which depends upon the will of the guarantor, to be preserved according to the terms of the treaty with Panama and Great Britain until the interests of the guarantor are affected, and then, like every other nation in all the annals of human history, she must assert her interest.

It has been said over and over again that the friendship of nations extends just as far as their interests go and no further. In this modern and commercial age of the world this is true. There have been magnificent and glorious exceptions in the history of the past, however, where nations generously sacrificed themselves for a friend and ally without any thought whatever of their own interest. But that was the heroic age of the world, Mr. President, which we are not likely to see repeated soon.

Our obligation to the balance of the world is this: That by our invitation they are to use this canal. Some of the reasons are that we want the tolls upon passing ships to help pay the operating expenses and the interest on the money invested. In the next place we want to get something, if we can, out of the passing cargoes or tolls, or whatever it may be, of interest to the people along the Canal Zone. But whenever in case of war it is necessary for us to exercise the powers of sovereignty we shall not hesitate to exercise them.

It has been quite common to compare the great Suez Canal with this as though they were either parallel or one a precedent for the other. It is impossible to take a hypothetical case and get two canals more fundamentally and radically different upon which there is less basis for laying a comparison. They are not to be compared, but contrasted. If the Senate will allow me to make a very brief retrospect, I desire to show as rapidly as I can the history of the Suez Canal. As far back as 1838 Mohammed Ali was the governor of the Pashalic.

He was very anxious, being a far-sighted statesman, to have the canal dug through that isthmus to connect the Red Sea and the Mediterranean. He sought advice in different quarters, and among others he sought the advice of Prince Metternich, who was then perhaps the leading statesman of Europe, the prime minister at the Austro-Hungarian cabinet. He advised him that the work was one, in his opinion, not only not engineeringly and economically feasible, but that it would be worthless to a dependent state unless there could be a guaranty by all the powers of Europe as to its neutrality. Time went on, and as the project began to assume form and the nations of Europe awoke to an interest in it Great Britain realized that it might be an accomplished fact, and true to her own interest, as always, she bitterly opposed the whole scheme of building the Suez Canal.

At that time Mr. Palmerston was in his glory, and so great a man as Mr. Palmerston, speaking upon this subject, said that it was the veriest bubble that ever engaged the speculation of mankind and that it was utterly impossible and impracticable. So acute a man as Benjamin Disraeli declared it was a vagary, that it was impossible, a mere vanity, and that nature would speedily efface by her energies all result of man's work upon that canal. There were other men, however, such men as Mr. Gladstone and, I believe, Mr. Roebuck and John Bright, and probably others whom I can not recall, who insisted that it was practical and would be immensely advantageous to British commerce.

On the other hand, it was replied that it would open an avenue for attack upon India, the greatest of all the British dependencies and the most vulnerable. In addition to this, the British diplomatic agents at Constantinople and Cairo warned the authorities of those countries that if they permitted the canal to be undertaken they might incur the displeasure of Great Britain. But when it was discovered that, in spite of all opposition, the canal would be built, Great Britain became very anxious that neutrality should be observed. The work was begun. A firman was first granted to De Lesseps for the mari-

time canal of Suez. It was built mainly by French capital, and the original stock was only $40,000,000.

In the meanwhile there were several quasi conventions held, discussing tonnage rights, this, that, and the other right, and all protesting that the canal should be free and open and not under the control of anyone. It was represented that Turkey, then called the "Sick Man of Europe," was unable to maintain the canal "free and open;" that Egypt, a mere dependency of Turkey, was utterly unable to do so, and there must be a guaranty of the powers for that purpose. None were more persistent in that cry than Great Britain, and when her commissioners met first, before the final convention of 1888, with the other commissioners, Lord Osborne was careful to instruct the commissioners that they should avoid the word "neutrality" or "neutralization," but insist upon the words "free and open." The meaning of these words in these instructions will become a little plainer when we get a little further down.

In 1878—the canal was opened to the world in 1869—Disraeli, with that acute business instinct which belongs to his race, immediately bought half the shares. In the meanwhile, however, the Pasha had become the Khedive under the royal firman of the Ottoman Porte. Khedive is the Arabic for king. Three years afterwards another firman was granted which made it almost an independent sovereignty. But in the meanwhile the finances of Egypt had become so involved that it required fiscal agents of France and Great Britain to secure anything like financial order, and very soon France was removed from that and Great Britain assumed the control by the consent of the Khedive.

At this point Great Britain, in 1878, acquired at what we might call a nominal price the Island of Cyprus, the most easterly of all the large islands of the Mediterranean and the most convenient to the Suez Canal, and the only one fitted for a base of military operations on account of the extent of its territory and the amount of its products.

In 1814 Great Britain had abandoned the island of Perim; which is in the straits of Bab-el-Mandeb, at the opening of the Red Sea into the Indian Ocean. She resumed the occupation of Perim about the time she acquired Cyprus, and built one of the strongest fortifications in the world on a barren volcanic rock, where there is little water. Then taking possession a little later of the rock of Aden on the Arabic coast, she made there in the crater of an old volcano, where there is also a lack of water, one of the strongest fortresses in the world. In the meanwhile she had the impregnable Gibraltar, at the straits of Gibraltar, which is only 8 miles wide. She had halfway down the Mediterranean the Maltese group, the chief of which, Valetta, is one of the strongest fortifications in the Mediterranean after Gibraltar. Having acquired these advantages, which gave her control of all the approaches to the canal, Great Britain was then willing to consider the canal to be free and open.

It is just as though the United States had built a fortress at the Bay of Limon, or at Colon, or at Panama, or at Gatun, and at every point of vantage along the whole route. No ship could come in and no ship could go out without going under the guns of a British fortress. These Far Eastern fortresses were under the nominal control of the presidency of Bombay.

But that was not all. You recollect the Russo-Turkish War of 1877. Russia was engaged in war with Turkey, and of course Egypt was engaged as one of her dependencies. Great Britain became alarmed, and she wrote an extremely vigorous note to each of the powers, in which she said she would resist with all the forces at her command any attempt on the part of either one in any way to obstruct the free navigation of the Suez Canal. Each of the three hastened to reply that nothing could be further from their intention. That was satisfactory to Great Britain, who then had undisputed control of the Suez Canal.

But to make it still better, some time after, when the Suez convention of 1878, held at Constantinople, met, she secured an abeyance of that clause so that they never have met since, because it did not suit the convenience of Great Britain that they should.

I am now showing the absolute ownership of that canal, not only on account of the stock it represents and the commerce of the canal, but in the way of sovereignty and control.

In 1882 there was a revolt in Egypt against the Khedive by Arabi Pasha. It extended so rapidly that the whole Egyptian army revolted and went over to Arabi and took possession of the delta of the Nile, an almost impregnable government fortress. Finally Great Britain, acting in the capacity of fiscal agent and comptroller of the affairs of Egypt, and also as the good friend of the Khedive, took, in her name, military possession of Egypt. She sent her fleet and she sent her army. There followed the massacre of Alexandria, which fired the world a little.

Then what did Great Britain do, who had insisted so strongly upon neutrality? So soon as she found that the canal would be built in spite of her, she submitted to the houses of Parliament a proposition to build a parallel canal at the cost of the British Government, and it was rejected by the House of Commons. Then Great Britain lands her forces there, and Arabi, who was the bosom friend of De Lesseps, was assured by that gentleman that he need take no concern about the canal. It was protected by all the agreements about its neutrality, with its free and open water, and so forth. But Great Britain paid no more attention to that treaty than she would to this one were she at war with us. In time of war nothing is truer than the old Latin proverb, "Inter arma silent leges." That is just as true to-day as when it was first uttered. At the first cannon shot all pacts and provisions fly; they are dissipated; the treaties go into thin smoke.

Great Britain not only landed her troops, but, in order to reduce Arabi, took possession of that canal whose neutrality she had so strenuously insisted upon. For 19 days she held it against the world. No opposition was made whatever, and, of course, Arabi was very speedily brought to subjection.

That is the history of the Suez Canal. Is there any parallel between that case and the one we have in hand? But, further, that was a case of a canal cut through territory that belonged to an absolutely incapable country, a sovereign who could make all the guaranties in the world, but not enforce a solitary one of them. Consequently the world, acknowledging that fact, at the petition of the sovereign, made its universal guaranty according to the convention of Constantinople.

Now, what is the case here? Instead of a canal 100 miles long over a dead level and almost connected by two navigable lakes, we have a canal that has some physical difficulties, the Culebra cut, principally, and the Chagres River, which rises 25 feet in two hours, and whose waters must be impounded or it will destroy at every freshet the whole canal. These are physical and engineering difficulties that have happily been overcome, I must say, much more rapidly than I had ever anticipated. The great trouble which I had anticipated all along has been entirely overcome, and that is the sanitation of the Canal Zone. That was a work that I thought impossible. It has been as completely done as in any ward of this or any other city in the United States.

Now, then, we are here with a canal across our own territory. It is neutral water. In what sense? Because anybody says it shall be neutral water? The law of nations has long since made neutral water all that which lies inside the country between the headlines of capes and 3 miles from the coast line. Why 3 miles? Because the only point in having an agreement among nations for neutrality was that neutral sovereigns power should not be injured in a contest between two belligerent powers.

So, while virtually a belligerent ship comes into our port at New York or Baltimore and is followed in by another on the other side of the contest, it is neutral waters, not that we are interested to take care of them, but because we are taking care of ourselves. In other words, there must be no combat waged that can endanger the life or the property of the neutral sovereign. It was fixed at the 3-mile limit, because when this became the understanding of nations 3 miles was the utmost limit of cannon range. Now it is 15 and 20 miles. But they fixed it and it is there yet.

It is true that for the understanding of nations there is no sanction whatever. There are no sanctions to international law. It is only the judgment of mankind that can reproach or rebuke a nation, unless nations combine to coerce, and they can do that in any event.

It is true that when a belligerent enters neutral water another belligerent may do him an injury, and then the injured Government can call upon the neutral power to make good that damage. There is great difference between "neutralized" and "neutral" and "free and open water." You will not find in the whole Suez convention the word "neutral," the word "neutrality," or the word "neutralization." The care of Lord Osborne omitted this phraseology and used the term "free and open."

The difference between neutrality, neutral, or neutralized waters is this. The neutral water is that which lies wholly within the territory of a sovereign or within 3 miles of a coast line. That is neutral water by the agreement of nations.

Neutralized water is that which is made so by a pact between a certain number of nations able to enforce it. There is an enormous difference between neutralized territory and neutralized water. We have some examples of neutralized

territory. Neutralized water and neutralized territory never happen to a power that is independent and able to take care of itself. It is always a weakling, a dependent one, that lives upon sufferance and the consent of its neighbors and not of its own right and its own strength to maintain it.

We have the little Duchy of Luxembourg, the most thickly populated, I believe, of the little duchies in Germany. That is neutralized, because, not desiring to come into the German union, it desired its independence, and it can not exist unless it is neutralized by neighboring powers.

We have the example of Belgium, and its neutralization arose in an extremely peculiar way, which shows how great nations regard the rights of one of their number. There was an insurrection in the High Netherlands, a province of Holland, against the King of Holland. After a vain effort of many years to put it down he appealed to the neighboring powers to put it down and reduce to their allegiance the revolting subjects. They held a meeting at Berlin for that purpose, and the result was not to reduce his revolting subjects to allegiance, but to set them up independently in a little kingdom that they had made, and they called it the Kingdom of Belgium, which is the most thickly populated country in Europe, I think 10,000 or 11,000 square miles and 6,000,000 people. That is neutralized because it is intended as a buffer against nations that are able to fight and to take care of themselves and to maintain their independence. All the nations have so far observed that neutralization. The next was the little confederation of Switzerland of about 15,000 square miles, flung among the Alps. It began with what were called the three forest Cantons, the old Grison Canton, Uri, and Schwiz. There were added to it other Cantons like Zurich and Basel, and on until to-day there are 22, 16 of them speaking the German language mainly, 4 speaking the French mainly, and 2 speaking Italian, and 1 the ancient Romanische.

They are held together there with a full spirit of independence and liberty, but because the nations of Europe have consented to their existence as another buffer sovereignty they have neutralized their territory and nobody yet in the face of the guarantors has dared to violate that neutrality.

We had a rather singular example in the conclusion of the Franco-Prussian War. After the disaster at Metz and Sedan, Gen. Bourbaki, a French general of distinction, collected a very considerable army, amounting to about 180,000 men, on the upper Loire. He moved down and attacked Belfort, held by the Germans, with tremendous fury. He was defeated with great loss, and then retreated to Besançon, and then he went over into Switzerland. He was pursued by the Germans, but they, however, never went beyond the frontier. Switzerland called her citizen soldiery, as she had no standing army, to go to the frontier and defend her rights. But it was unnecessary, the Germans respecting it. Another French general was compelled to take refuge a second time in Switzerland, and still the neutrality was respected by the Germany Army.

The reason is obvious. Germany would lose more by violating the neutral territory than she would gain by it. That is all.

Another difference between neutral territory and neutral or neutralized water is this: Everybody is invited to keep out of the neutral land. Everybody is invited to come into the neutral water.

Now, we have this canal about finished. The question is how are we to carry out our implied obligation or our moral obligation, as well as the treaty obligations, we have to keep it open to the commerce of the world. I do not suppose there is a man in the Senate who supposes for one minute that the Government of the United States as a government undertook this stupendous work, costing nearly $400,000,000, purely for its commercial value.

It is perfectly obvious that for 12 years at least this tremendous exaggeration about the commercial importance of the canal was just about as much overdrawn as it was possible for figures to make it. It was done by agents and attorneys of what was once called the Maritime Canal Co., that had a certain concession from Nicaragua. That concession expired, or was denounced as nonuser by the President of Nicaragua, and the next year denounced by the Congress of Nicaragua. The furniture was sold for office rent in New York. The few dredges and wooden houses rotted at San Juan del Norte and the thing was defunct. Yet efforts were being made in this Chamber to vote that concern $11,000,000 and to build that canal.

Mr. President, if I am not very much misinformed about it, and I have been thinking about it a good deal, the Government is not for any money that we can make out of this transaction. In my opinion, the use of it has been extremely overstated.

It will be of great commercial value to the United States. The next power that will use it in extent of tonnage and sails will be Great Britain. Yet it is only an alternate route of Great Britain to her South Sea and Indian Ocean possessions. It is the alternate route. Her natural route is by Suez. So is that the route, and the nearest route, and the best route of all Europe to any part of India, to all Australia, to the Straits Settlements, and to such southern ports as Shanghai and Canton and as far up as Peking. It is the shortest and the best route. Then, why should they go a longer and worse route in order to pass through Panama? The Suez Canal tolls are as cheap now as we will ever make ours.

One of the reasons is that there are no ports of call upon our route at all, and there will be only one port of call that will be at all easy. On the other route you have cities from the Straits of Gibraltar upward along the whole western coast of Europe to the Baltic, and down along through the whole Mediterranean, which is 2,540 miles long. Then you go to Alexandria, an old Egyptian city, and use the canal 100 miles.

It is 1,350 miles before you get out of the Red Sea into the Indian Ocean. Then the first great city is Bombay. It is only 6,000 miles from London to Bombay. It is only about 1,700 miles farther to Calcutta, the capital of the Empire, the extreme northeastern city, and it is the greatest in population and in business.

So there is no inducement in the world for any nation to come to this canal with commerce except Great Britain.

I do not mean there will not be tramp steamers and transient sailings. They are going everywhere. You can not tell where a chartered steamer will go. The commerce of the world to-day is carried by 92 per cent of steamers and a little less than 8 per cent of sailing vessels, and the disproportion is every day increasing on account of the shortness of the trip and the certainty, which means lessening of interest on sight drafts and on insurance.

Then we have a canal that is good for us commercially, good as an alternate route, mind you, for Great Britain, because Australia is nearer to Great Britain by Suez than it is by Panama. As far as that is concerned, she can send her freight steamers through the Straits of Magellan, a most difficult piece of water to navigate, one of the most difficult in the world, and reach Santiago de Chile or Valparaiso in a less number of miles than she can to sail through Panama and go down the west coast. She can get to Callao, the port of Peru, in almost the same number of miles.

What did we go into this enterprise for? Simply for its strategic value, and nothing else. When we found a possession on our west coast extending into a great empire building up great commercial cities and fronting Asia, we began to realize that we are in a position where we would be caught on either flank, and put to extreme disadvantage in case of war. As to whether we will ever have a war, every good man will hope that we will not, but war is incident in the life of every sovereign people. All this peace that the millenianites are talking about to-day is the baseless fabric of a vision. It is delusive. We will not have universal peace until God Almighty shall take man and resolve him into his original constituent elements, and eliminate every single chemical trace of greed, selfishness, or ambition; and when we get to that stage of human life we will need no fortifications of canals; we will need no treaties to neutralize these waters; we will have no war; we will need no Government. We will not even need a rule to bind together human society, because by that time individual man will be so perfect altruism will carry him to a plane where there is no compulsion of the many over the one, but each one operates by his own motion to do the best that can be done, and no longer is any government necessary.

But that is a condition not to be realized in my or your time, Mr. President, nor for many years and cycles of ages to come.

As I said, it is a mere dream, laudable, perhaps, in those who indulge in it. It happens that the people who are opposing this fortification in the main are of the best people in the world, but they are the emotional class of people; they are professors in universities, bishops, preachers, female writers, male writers, and effete statesmen—those who never were combatants and never will be with a million of opportunities. They are indulging in this daydream; but no practical legislative mind can consider these things for one single moment.

We have dug this canal for strategic advantage. In case of attack from either the east or the west we can concentrate our navies on the inner line of action, which all military men say is the safest and best, because it admits of the most rapid concentration; and Napoleon's first maxim was to "get there first with the most men." It will make unnecessary a fighting fleet of the size that would be essential if there were no canal. It would save us hundreds of millions of dollars in the defense of our Pacific coast.

If, on the score of economy, these fortifications are not to be built, then we ought to demolish and dismantle Fortress Monroe and the Ripraps down there, making those neutral waters; we ought to dismantle every fortress in New York Harbor, in Boston Harbor, and all the way around our whole seacoast, because it would be very much cheaper to do that.

The substitute offered by opponents of fortification for this defensive work is the Navy. Well, now, let us see about that. The cost of the proposition to fortify the Panama Canal is reduced to $12,000,000 and a little over, with an initial sum of $1,000,000, it being highly desirable that the fortifications should be begun and be finished almost synchronously with the completion of the canal.

The expense of one battleship, which the gentlemen who want no fortification tell you should defend that canal, is just $12,000,000, according to an estimate submitted here the other day—$11,983,000, I think it was—but my friend here, who is on the committee, knows; in other words, fortification will equal the cost of one battleship, which will last 15 years. Not only one battleship would be required, but one battleship at least at each end of the canal, if not two at each end, and no battleship will be stationed there unless reinforced by gunboats, torpedo boats, torpedo-boat destroyers, and a cruiser, because you can not make an army of cavalry alone or of artillery or of infantry, but you have got to have a distribution of the arms of the service; and the same is true of naval warfare.

Then the value of a navy lies in its absolute mobility, its ability to go instantly from this point to that, wherever it may be most needed. A fort can not go; big guns can not go unless they have the deck of a ship for their gun platforms. So it is deteriorating from the strength of the navy to keep it behind to defend a land work. It is just reversing the rule of warfare.

I am not a military man, but it is my opinion that the three great strategic points to-day are the Strait of Gibraltar, the Suez Canal, and the Panama Canal. I mention these waterways, because, first, they are open to the world, and for the further reason that it seems to have become an obvious fact that the warfare of the future will be very much more on sea and less on land than it ever was before. That is the tendency. Hence the desperate race for predominance in the machinery of war on the water.

If we are to preserve this line of strategy, which is necessary to the existence of the territorial integrity of the United States, we have got to protect this canal so that we can use it for ourselves and for others.

The fortification of the Panama Canal is not an infringement of any treaty; it is not an infringement of any moral obligation to the world, but it is simply a provision made for the safety of this Republic and the maintenance of the waterway for the commerce of the whole world.

Has anybody ever suggested to the German Emperor or to the German Reichstag that the Kiel or the Kaiser Wilhelm Canal should be neutralized? Has any American advocate of neutralized waters, by the consent of every government, ever addressed his mind for a minute to that thought? No nation has had the temerity to say to the German Empire that they would like to have the Kiel Canal neutralized. It would be considered an insult, which would be immediately resented.

Not only that, but the strongest fortification in all Europe—I might perhaps except Gibraltar—is on the Baltic, at the mouth of the Kiel Canal, and the next most important, probably, very near the North Sea, at the entrance to that canal, and no warship can go through there at all without a special permit from the German Government.

That canal runs through German territory. The Panama Canal runs through American territory. They were both built at some cost, but ours is very much more expensive; yet no one suggests that Europe will neutralize the Kiel Canal. No one says that they shall not put up a fortification there. Then why do they suggest that to us? Are we less able to take care of ourselves than is Germany? We have larger resources; we have a very much larger population; we have everything that goes to the immediate exertion of the fighting faculties of a great people in a contest with any nation of the world on any question; and why should the United States be insulted by a proposition from its own people or from the English people that their water, in their own territory, over which they have undisputed sovereignty, should be neutralized by the consent of other people? I consider it an insult to the American Nation.

Mr. President, the Panama Canal will not only be the inner line of action for the concentration of ships in time of war, but it will be the point of safety and for recruiting and repairing our Navy in the Caribbean and in the Pacific; it will be the key to any situation of war in the future. Everybody understands that, I hope, and if they do not they may be brought to a realization of it much more speedily than they think.

We had a document submitted—it seemed to me rather improvidently—by the Secretary of War to the House of Representatives. It was returned to that gentleman, with the information that the House would not receive such a paper. Immediately they got up what was called a war scare, about Japan, as usual, which I suppose was mainly the enterprise of our bright newspaper men more than anything else. Then hastily the book or pamphlet, or whatever it was, was ordered withdrawn and not to be published. In my opinion that was a great mistake. Every word of it ought to have immediately been published. If we are not prepared, it is very much better that the public should know it. To hoodwink and blind the people of the United States as to their lack of preparation is criminal. What defeated the French in the Franco-Prussian war was that the Marquis de Boeuf, the minister of war, constantly deceived Louis Napoleon as to the condition of his army chest, of his supply chest, and of his forces in the field.

If there is anything wrong, we ought to know it. We have the courage to undertake to remedy whatever is wrong, and we have the ability to do it. So far as Japan is concerned, the scare, of course, is located there. Well, it did not settle any future difficulty with Japan because this report was suppressed and information, which I suppose was true or it would never have been presented to either House of Congress, was denied to the American public. They have a right to know about those affairs. They are the sole source of authority in this country, and we are but their servants to do their bidding. The suppression of the report does not at all remove the possibility of war. I am not an alarmist; I am rather an optimist; I am of a cheerful disposition; and I am so sanguine that I always believe that my side is going to win, whether it has any chance or not; but with the present policy of expansion and of subjugation, to which we seem determined to adhere, war is one of the probabilities of the future, with not long to wait.

There is a tendency of an ethnological sort going on throughout the whole world that has been remarked, I suppose, by many of you, of the segregation of races of men into family groups. Already you hear "Asia for Asiatics"—the Mongolian family—and we are told by the best Japanese orators and statesmen and writers that the family instinct is the strongest power in Japan. They are grouping together everywhere. The brown people are going to themselves; the white people are steadily going to themselves; the black people will go to themselves, if they are allowed to do so; but, unfortunately, with a continent covering nearly 12,000,000 square miles, with a Negro population of over 100,000,000, there is not a solitary independent Negro State in the whole of it, and those 100,000,000 are under the subjection and control of a few thousand white people who have simply partitioned out and divided the whole continent among themselves. They have got together with a vengeance there, and they would elsewhere if they knew how to do it and could do it. It is that family feeling that may excite some difficulties.

You are still persisting in maintaining a sovereignty over the Filipinos. Of course I do not want to argue that question, and I am not going into it at all. A few nights ago I heard an after-dinner speech made by a very distinguished gentleman, who said that if we deserted our obligations to the Filipinos now and abandoned them it would be an act of cowardice. I can not see how the question of courage or the lack of it is involved. It is not a question of courage, but it is a question of common sense, of prudence, of wisdom, of statesmanship, of what is best for America; and as for our duty and obligation, while we have paid Spain $20,000,000 to get that duty and we spent some hundreds of millions of dollars in whipping the Filipinos in order to clinch that duty upon ourselves, we do not seem to be able to rid ourselves of it.

But, at any rate, there is a possibility of war. With wise forecasting, we have the Hawaiian Islands, a mid-ocean outpost that I hope will be strongly fortified. If so fortified, it will save us ten times as many millions in the fortification of our western coast. All the possibilities in the Orient simply emphasize the fact that Hawaii will be the great strategic point of the United States in its future wars.

Mr. President, as to the cost of the maintenance of the fortifications of the canal the answer is so ready, so obvious, and so very simple that it looks ridiculous that the question should ever be asked at all. As I have said, one battleship will pay for all the fortifications, and with fortifications that battleship will be ready to do twice the work elsewhere that it could do grinding her own beef bones in the harbor at Panama.

I have, Mr. President, thought very often of the condition in which we find ourselves as we extend far afield our line of fortifications and our sphere of influence, of the renewed responsibilities, as they are called, and moral obligations that are all the time resting upon us, and how entirely unsuitable are the preparations we are making to meet and carry out those

responsibilities. To neglect this one point would be worse than criminal, in my opinion.

Mr. President, I have only made a few observations on this question, but it seems indefinitely to expand and, like the mirage of the desert, to precede the traveler and lead him on and on; but I find that I am physically unable to speak longer.

Mr. ROOT. Mr. President, I wish to express my most decided and hearty concurrence with the conclusions which the Senator from Mississippi [Mr. MONEY] has enforced with the most interesting and instructive observations which he has addressed to the Senate. It seems to me that it would be as reasonable to leave one's door unlocked in the city because one is in favor of honesty as to leave this canal undefended because we are in favor of peace.

We must not forget, when the project of neutralizing the canal is proposed, that all the unjust wars in the world, in modern times at least, have been waged notwithstanding treaties of peace. No treaty can be made for the protection of the Panama Canal that would have a more binding effect than the treaties which exist to-day and the treaties that have heretofore existed, which have ineffectively interposed their feeble barriers against the wars of the past. When we once concede that there is to be defense, the question as between defense by fortifications upon land and by ships of the Navy becomes a technical question and not a question of principle or policy.

I am bound to say that the idea of defending the Panama Canal by stationing a battleship at either end and expecting a thousand American sailors to live inclosed in steel under the sun of the Tropics is visionary and absurd.

I do not know, Mr. President, that this question is as yet before the Senate in a form for action, but whenever it does come up for action my vote will unhesitatingly be for the proper fortification of the canal.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Mr. President, I have been expecting for two or three days to say a few words about my State and myself. I do not think it is worth while for me to say anything, but I feel as though my own State would expect me to do so.

Mr. President, I have been silent, as Senators know, while the discussion has been going on concerning the right of my colleague to retain his seat in the Senate. No matter what Senators may think, personally I did not believe it becoming on my part to discuss the case publicly or privately, and I do not intend to do so now. When the time to vote comes I shall vote according to the dictates of my own conscience. However, in the debate which took place last week the honor and integrity of my State were brought into question, and even my own election as a Senator from the State of Illinois referred to on the floor of the Senate, and consequently I deem it my duty to speak.

Senators will pardon me for first saying a few words in reference to my several elections to the United States Senate.

I was elected governor of Illinois in 1876 and reelected in 1880. Two years later, in the middle of my second term as governor, I was elected to the United States Senate as the caucus nominee of the Republican Party in the legislature, and on the joint ballot received every Republican vote with the exception of one member. That one was against me because he thought there was a constitutional objection to my election. Six years later I was reelected without opposition, receiving the caucus nomination and the vote of every Republican in the legislature. Again, at the expiration of my second term, I was a third time elected under similar circumstances. In 1900 I had a more serious contest, Hon. John R. Tanner being the principal candidate who, with one or two others, opposed me; but they all withdrew before the caucus met, and my name was the only one presented to the caucus, and I received every Republican vote in the legislature. The fifth and last time I was elected I went before the people on a direct primary, carried the popular vote by some fifty thousand majority, and carried a substantial majority of the senatorial districts, whereupon my opponent withdrew and I was again, without opposition, the Republican caucus nominee and received the entire Republican vote on joint ballot. On these five different occasions, when the people of Illinois so signally honored me, there was not even the slightest suggestion on the part of anyone of corruption or wrongdoing in the legislature in connection with my election. As a candidate for the legislature, as a candidate for Congress, as a candidate for governor, as a candidate for United States Senator, no one has ever charged that a single dollar was used to influence any voter to vote for me or to corruptly influence any member of the legislature to vote for me. I have always been a party man, and am now, and have always received the support of my party.

These are the facts. They speak for themselves. That is all I have to say concerning myself.

Now, a few words in reference to the State of Illinois. It has, as has been said here, had a great history. Admitted to the Union in 1818, its growth in population and wealth and its progress in education have been marvelous, and it is to-day an empire with a population of over 5,600,000, the third State in the Union, with a city which has grown within the past few years to be one of the foremost cities of the world. It has given to the Nation some of the greatest names in our national history—Lincoln and Douglas, Grant and Logan, Trumbull and Chief Justice Fuller, and many others. Its population, particularly its rural population, is largely composed of those and the descendants of those who came from the best classes in the New England and Eastern and Southern States. Senators have expressed great concern over its integrity and honor. Probably I have its integrity at heart to a greater degree than any Senator in this body. In my judgment, the State of Illinois needs no defense. Its people, as a whole, are as honest and honorable as the people of any other State in the Union. That corruption has existed on the part of certain members of the legislature should not affect the honor and integrity of the whole State and besmirch its fair name throughout the Nation.

If Illinois is to be condemned on account of corruption in its legislature, there are few of the great States in the Union not subject to similar condemnation. My record in public life for the past 50 years will show that I have always opposed corruption, and I do not hesitate to say now that anyone guilty of corruption, whether in the Legislature of Illinois or elsewhere, should be prosecuted and punished to the full extent of the law, but it is manifestly unfair and unjust to hold up the State to scorn on account of the corruption and wrongdoing of a comparatively few of its public officials.

Notwithstanding the uncalled-for sympathy expressed for Illinois here in the Senate, I want to say that the State will take care of itself and will unquestionably sweep away any corruption that may exist. I am not here to apologize for Illinois; I take great pride in representing it in this body, and I consider that its people by electing me for five successive terms have honored me to a greater degree than by an election to the highest office within the gift of the Nation.

INTERNATIONAL PEACE ENDOWMENT.

Mr. ROOT. I ask unanimous consent to call up the bill (S. 10491) to incorporate the Carnegie Endowment for International Peace. It could not be incorporated under the general statute, because of the limitation upon the amount.

Mr. BAILEY. Does this confine it to a District of Columbia incorporation?

Mr. ROOT. Yes. I propose to offer a committee amendment which will confine it to a District of Columbia incorporation. The bill has been drafted following the lines of several similar acts which have been passed by both Houses.

Mr. BAILEY. I myself have no objection if it is a District of Columbia corporation. From what committee does the bill come?

Mr. ROOT. It comes from the Committee on the Library.

Mr. BAILEY. I have no objection, with the understanding that it is a District of Columbia corporation.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from New York for the consideration of the bill?

Mr. KEAN. Let the bill be read.

Mr. JONES. What is the request?

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the immediate consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 10491) to incorporate the Carnegie Endowment for International Peace.

Mr. JONES. I object to its present consideration.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

CERTAIN LANDS IN MINNESOTA.

Mr. NELSON. From the Committee on Public Lands, to which was referred the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota, I report it favorably, with an amendment, and I submit a report (No. 1109) thereon. It is a local bill, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, before the words "four dollars," to strike out "not less than."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time, the bill was read the third time, and passed.

GUILFORD COURT HOUSE BATTLE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina, which were to strike out all after the enacting clause and insert:

That the sum of $30,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the Battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto.

The title was amended so as to read: "An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C."

Mr. OVERMAN. I move that the Senate concur in the House amendments.

Mr. GALLINGER. Is this a Senate bill, I will ask the Senator from North Carolina?

Mr. OVERMAN. Yes; it is a Senate bill amended by the House.

Mr. GALLINGER. There is a somewhat singular circumstance connected with the matter of erecting monuments to the great soldiers of the Revolution. I think this must be the third bill in the last two or three years that has provided for monuments in North Carolina.

Mr. OVERMAN. I think not, Mr. President.

Mr. GALLINGER. I have been instrumental in passing bills through the Senate six or eight different times for monuments to Gen. Stark and Gen. Miller, but they seem to get lost somewhere. However, North Carolina always turns up with favorable action. I am not going to play the dog in the manger in this matter, but I do hope that North Carolina will desist from further importunities until New Hampshire has some little recognition.

Mr. OVERMAN. I voted for the Senator's bill.

Mr. GALLINGER. Yes.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

THE CALENDAR—MEASURES PASSED OVER.

Mr. SMOOT. Regular order, Mr. President.

Mr. KEAN. Yes; let us have the regular order, which is the calendar under Rule VIII.

The PRESIDING OFFICER. The regular order is the calendar under Rule VIII, and the first bill in order will be stated.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as first business in order.

Mr. KEAN. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

The concurrent resolution (S. Con. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. SMOOT. Let it go over.

Mr. KEAN. Let that be passed over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

Mr. KEAN. I suggest that we begin on the top of page 4.

Mr. CULBERSON. We on this side of the Chamber are unable to hear the Senator from New Jersey.

Mr. KEAN. I suggest that we begin at the top of page 4.

Mr. BORAH. Regular order!

Mr. CULBERSON. The regular order has been demanded.

The PRESIDING OFFICER. The regular order is being executed.

The bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests was announced as the next business on the calendar.

Mr. JONES. The Senator from Idaho [Mr. HEYBURN] is not here. I know he is very much opposed to this bill, and I do not like to have it taken up during his absence. Therefore I will ask that it go over, though I should very much like to have the bill passed.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 7668) to grant certain lands to the city of Colorado Springs, the town of Manitou, and the town of Cascade, Colo., was announced as the next business on the calendar.

Mr. KEAN. Let it go over.

The PRESIDING OFFICER. The bill goes over.

RETURN OF LOUISIANA BONDS.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans was announced as next in order.

Mr. BULKELEY. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

MORTON INSTITUTION OF AGRICULTURE AND FORESTRY.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as next in order.

Mr. SMOOT. I ask that the bill be placed under Rule IX.

Mr. BURKETT. I ask the Senator from Utah not to have it placed under Rule IX. Some time before the session ends I desire to ask the Senate to consider the bill.

Mr. SMOOT. I will withdraw the request.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

Mr. PERCY. Mr. President, this question has been so long before the public and has been so thoroughly discussed and the arguments in favor of the joint resolution have been presented with such signal ability during the debate in this Chamber by the Senator from Idaho [Mr. BORAH], the Senator from Maryland [Mr. RAYNER], and others who have spoken on it, that I do not propose to add anything to the general discussion.

The State which I have the honor in part to represent has, through its legislature, declared in favor of the election of Senators by a direct vote of the people. In that State we have now, under the primary election system which obtains there, the benefits which are sought to be conferred by the joint resolution, having there a primary election by a majority of the electors. But there are some phases of the question which have been developed in the discussion here to which I should like to briefly advert.

The parts of the Constitution which will be affected by the joint resolution are section 3 of Article I:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years, and each Senator shall have one vote.

And that part of paragraph 2 of the section providing that vacancies during the recess of the legislature of any State may be filled by temporary appointments by the State executive. Paragraph 1 of section 4 provides the times, places, and manner of holding an election for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

The changes wrought by the proposed resolution are that Senators shall be elected by the people, the electors in each State having the qualifications requisite for electors of the most numerous branch of the State legislature, this being the provision now applicable to the electors of Members of the House of Representatives:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The provision giving Congress the power to make or alter such regulations is omitted. Vacancies in the Senate are filled by election by the people.

The effect of the amendment suggested by the Senator from Utah [Mr. SUTHERLAND] is that the provision giving Congress the power to make or alter regulations, except as to places of choosing Senators, shall be added to the resolution as reported by the committee. If the Republican friends of this resolution take the position that without the Sutherland amendment the resolution withdraws a substantial power from the Federal Government and they can not therefore support it, and the Democratic friends of the resolution take the position that with the Sutherland amendment a substantial power is conferred upon the Federal Government and with that amendment they can not support it, it is evident that the resolution will be defeated, and that it can be truly said to have been "butchered in the house of its friends."

What is the character of the power in Congress proposed to be withdrawn by the resolution as reported by the committee? It is true that the words giving Congress the power to make or alter the regulations prescribed by the State legislature are omitted, but the power that is conferred by those words is, in fact, almost a merely formal power, a power which never at any time it was contended could go behind the election of the members of the legislature, which accepted the organization of the legislature, and simply inquired into the manner of the election of Senators by that legislature as organized.

The power is correctly stated, as I understand it, by the Senator from Montana [Mr. CARTER] in his speech:

As to the conduct of elections of members of the State legislatures, the Federal Government is now absolutely powerless, under the ancient and unbroken line of holdings on that subject. We accord full faith and credit to the organized legislatures of the State, the body charged with the election of a Senator of the United States, and we inquire only into the conduct of the election by that legislative assembly. There is no power to go back to the polling places.

So the power conferred by that provision is limited merely to the election by the members of the legislature of Senators, and has no operation in the booths where those Members are elected. It is, so far as having control of the election of Senators, a formal power, a shell of a power, and that is the only power that is affected or sought to be withdrawn from the General Government by the joint resolution as reported by the committee.

The effect of the amendment suggested by the Senator from Utah would be to give Congress every power now possessed by it in regard to the elections of Members of the House of Representatives in regard to the election of Senators under the proposed resolution. The extent of that power, under the amendment, is, I believe, properly stated by the Senator from Utah [Mr. SUTHERLAND] in response to an inquiry by the Senator from Georgia [Mr. BACON]:

The effect of the addition proposed by the Senator from Utah, as stated by him, is that it will give the Federal Government power to put agents at elections of Senators to supervise these elections, to see the manner in which the votes were cast, and to enforce what might be thought to be the rights of electors in such elections.

In other words, the effect of the amendment of the Senator from Utah is to extend a substantial, a vital power to Congress which it does not now possess. In the one case, with the language omitted giving this power to Congress, a power is withdrawn which is in its nature formal. In the other case, with that verbiage retained, as it is in the present Constitution, a power is conferred which is in its nature vital.

The question has been asked, Why should there be a difference in the power of Congress in regard to the election of Senators and in regard to the election of Members of the House? The Senator from Montana propounded that query with dramatic effect, as follows:

Why should the power to control the elections of Members of the House be preserved and at the same time relinquished as to the election of members of the Senate, the election in each case being by popular vote as contemplated by the joint resolution? The boundless realms of reason can supply no answer to the question favorable to the attitude of the committee.

I submit, Mr. President, that the question can be answered by propounding the query, Why, because Congerss now has a power which in the judgment of many should never have been given to it, to regulate the elections of Members of the House of Representatives, should the power which it has never had be given to it to regulate the election of Senators?

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. PERCY. Certainly.

Mr. SUTHERLAND. The Senator from Mississippi says Congress has never had the power to regulate the times and manner of the election of Senators, as I understand it.

Mr. PERCY. No, sir; I said the power as it exists under the Constitution is a limited power, giving Congress no power to go behind the organization of the State legislatures.

Mr. SUTHERLAND. That is, the Senator from Mississippi means that Congress has not the power now under the Constitution to regulate the times or the manner of the election of Senators by a direct vote of the people, because no such right to elect Senators exists. Let me ask the Senator——

Mr. PERCY. Excuse me one second. That is not exactly a correct statement of the proposition. The proposition is that the power that does exist applies only after the organization of the legislature has been recognized, and that the vital power to go to the polling booths of the electors who elect members of the legislature has no existence under the Constitution as it stands to-day.

Mr. SUTHERLAND. The power of Congress extends over the electorate as it now exists under the Constitution. Let me ask the Senator from Mississippi: Suppose we pass a resolution here providing simply for the proposition that Senators shall hereafter be elected by a direct vote of the people, does the Senator not recognize the fact that the provision of the Constitution with reference to the supervisory power of Congress would at once, by the force of its own language, apply to such an election, and that it will require a change in the language of the Constitution with reference to the supervisory power to affect that result?

Mr. PERCY. With a change in the verbiage of the Constitution the existing power of Congress is more nearly preserved than with that verbiage left unchanged.

Mr. SUTHERLAND. But if we leave the Constitution as it is, if we simply provide for the election of Senators by a direct vote of the people, and go no further, then the provision of the Constitution with reference to the supervisory power of Congress will at once attach, will it not, to the election by a direct vote of the people as it now attaches to the election by a vote of the legislature?

Mr. PERCY. In my judgment, it would, and with the unchanged verbiage, by changing the method of election, you have extended the power of Congress in a vital particular.

Mr. SUTHERLAND. Then is it not true that the joint resolution seeks to change the Constitution in two particulars; first, to provide for direct election by the people, and, second, to take away from the election of Senators the supervisory power of Congress?

Mr. PERCY. No; because the supervisory power of Congress never has extended to the election of Senators in that vital particular, namely, in the election of members of the legislature who in their turn elect Senators.

Mr. SUTHERLAND. But it will extend——

Mr. PERCY. I do not believe I can state my position any more clearly. The amendment of the Senator from Utah, leaving the Constitution as it stands in that particular, with the unchanged verbiage, works an important and a substantial extension of the power of the Federal Government beyond what that Government has to-day.

Mr. SUTHERLAND. It continues the supervisory power of Congress over the election of Senators notwithstanding the change in the method of election. Is it not true that that is the only effect of it?

Mr. PERCY. That might be another method of stating the proposition, but I conceive that I have stated it more accurately; that it extends the power of Congress to a supervision of the electors at the booths, which power Congress has not under the Constitution and has never been considered to have.

Mr. President, this power conferred upon Congress as to the election of Members of the House of Representatives was conferred simply as an ancillary power to Congress by those who framed the Constitution. We heard from the Senator from Massachusetts [Mr. LODGE] the other day a tribute to the framers of the Constitution which we all appreciated and enjoyed, a tribute which in its ripe scholarship and happy verbiage probably could have been rendered by no other Senator here. And yet, beyond question, the dominant idea in the framers of the Constitution in regard to this clause of the Constitution was that it should only come into play upon the inaction of the States in providing for the election of Members of the House of Representatives. It was an emergent power, to provide against the negation of the Government by failure on the part of the States to act. Yet that emergent power, that ancillary power, by the strange alchemy of oratory here, has been transmuted into the main bulwark of constitutional government.

Why this power should not be extended as to the election of Senators of the United States can best be answered by the statement that the elections should be under the control of the States, that upon the patriotism, upon the honesty, upon the ability of the States to properly conduct those elections depends at last the perpetuity of our Government. In the case of Members of the House of Representatives, although the power in Congress to control their election has existed from the foundation of the Government, it has not been exercised, but these elections have been exclusively under the control of the States, except for 24 years, from 1870 to 1894, when the Federal election laws were on our statute books. I have no hesitancy in saying that in my judgment there never was a day in those 24 years when the welfare of the entire country would not have been promoted by having those election laws stricken from the statute books.

I would not be dealing with the matter frankly if I did not say that the fact that under this clause of the Constitution the Federal election laws were enacted, and under this clause of the Constitution those laws were attempted to be extended by the passage of what is usually known as the force bill, constitutes in my mind a controlling reason as to why this power should not be extended to the election of Senators.

I would not by any word inject any sectional discussion into this controversy, nor would I thresh over any old straw; but it is a mere statement of fact to say that the Federal election laws were regarded by the South as unwise, harsh, and oppressive, and the so-called force bill, under which it was said a bayonet could be put behind every ballot, and which failed of passage through this Senate by a technicality, would, in her judgment, then and now, have arrested her material progress, have destroyed her prosperity, and have given her chaos instead of government.

I know that much water has passed by the mill since the day when that act was offered here, and I believe those evil days of bitterness, misunderstanding, and mutual distrust have gone, possibly never to return. Yet one would find little warrant for that belief in the threat directed by the Senator from New York [Mr. DEPEW] to the Republican friends of this measure, that if they vote for the measure as reported by the committee the Republican Party in the doubtful States would feel the displeasure of the Negro vote in those States. That argument carries with it the suggestion that if the displeasures of that vote is so potential now, at some time in the future, when that vote may be more potential and more numerous than it is to-day, the desire to curry favor with it may prove to be a sufficient incentive for another attempt to enact a force bill for the Federal control of elections of Members of the House and of the Senate.

That same suggestion is carried out in the quotation from Willoughby on the Constitution, made by the Senator from Montana. In the quotation from that author, cited by the Senator, and doubtless with his approval, the author, after reviewing the difficulty attendant upon testing the suffrage provisions of the Southern States under the laws as they stand and under the decisions of the Supreme Court of the United States, makes the suggestion that Congress now has plenary power as to the election of Members of the House of Representatives, and under that power Congress can take control of the elections and of the registration for such elections, and could direct its registrars to refuse to register white voters offering to vote under suffrage provisions deemed by such registrars to be unconstitutional, and thereby such white voters would be forced to appeal to the Federal courts to test their right to vote, and an easy method would be thereby afforded of testing the validity of said suffrage provisions. I do not believe that I misconstrue the meaning of the author. To be certain that I am not misquoting him, I will read the extract:

> In the light of the foregoing unsuccessful attempts to obtain from the Supreme Court relief from the operation of the disfranchisement clauses of the State constitutions we have been considering, the question may properly be asked whether it is constitutionally proper for the Congress to provide by legislation means by which the constitutionality of these clauses may be fairly passed upon by Congress and the appropriate relief given. It would seem that much might be done. As regards congressional elections, Congress has, as we have seen, plenary powers to control and could take complete charge of both the elections and the registration of the voters. In such case the Federal registrars might refuse to register white voters under clauses of the State laws which they might hold to be in violation of the Federal Constitution, and the voter so refused registration would have to seek redress in the Federal courts and set up the validity of these State laws.

Notwithstanding the suggestions of the Senators from New York and Montana, the day may be far distant, if it will ever come, when any political party will again find it expedient to attempt to enact Federal laws for the supervision of elections. But this optimistic hope furnishes no safe reason for extending the power of the Government as to the enactment of such laws, and I would not be dealing in frankness with our Republican allies, who are supporting us in this measure, and for whose patriotism and earnestness in the support of it I have the profoundest respect, if I did not say to them that in my judgment the extension of the power of the Federal Government, as required by the Sutherland amendment, is a price greater than the South is willing to pay for the election of Senators by the direct vote of the people. I have no hesitancy in saying that it is a price greater than it should pay.

The Senator from Utah asks the question, "Is a withdrawal of power from the Federal Government more important than giving to the people the right to elect Senators by a direct vote?" I answer, "Is an extension of the power of the Federal Government more to be desired than that the people shall have the right to elect their Senators by a direct vote?"

I ask the friends of this measure to support the resolution as reported by the committee, a committee consisting of nine Republicans and six Democrats, with, I believe, only two dissenting votes on the report as made, and not to load it down with amendments which, I assure them, in my judgment, will result in the defeat of the resolution.

It has been suggested as one of the reasons for opposing the resolution in the form reported that it would limit the power of the Senate in investigating election frauds. The Senator from Montana has stated the effect of it to be that—

> the right of a person to a seat in the Senate could not be challenged on account of fraud, violence, or corruption at the polls, regardless of the extent to which citizens had been thereby denied equal protection of the laws or the right to vote.

But for the ability of the distinguished Senator making it I would unhesitatingly say that there is not the shadow of merit in the suggestion. Congress has no power and exercises no power to inquire into fraud or violence at the elections either of Members of the Senate or of Members of the House of Representatives under this clause in the Constitution. That power flows from section 1 of Article V, making each House judge of the elections of its own Members. It is under that power that the House of Representatives has been investigating the election of its Members, never stopping at the returns, investigating it fully as to all fraud, all corruption, all denial of the right to vote. Its power under that section is not amplified or extended by the power to take control of the elections of Members of the House, a power which is dormant and has not been invoked for 17 years.

That dormant power has given no additional power to the House of Representatives to investigate the election of its Members. So, Mr. President, the Senate would not be restricted by the fact that the Senate had no power to control the election of Senators as to the extent and scope of its inquiry in regard to the election of its Members, whether there had been fraud or corruption or a denial of the right to vote at such election.

Again, it has been suggested that this provision affects the fifteenth amendment. The Senator from Montana [Mr. CARTER] says that it is a limited, though a substantial, restriction on the fifteenth amendment, and the Senator from New York [Mr. DEPEW] says that it is a virtual repeal of the fourteenth and fifteenth amendments. Mr. President, Congress has never had the power under this clause to investigate the election of Members of the United States Senate in any manner which would directly or indirectly affect the enforcement of the fifteenth amendment. How, then, can the withholding of a power which it has never exercised before tend in any manner to affect the present efficiency of the laws enforcing the fifteenth amendment? In addition to this, as a part of that amendment, Congress, by section 2, is given the power to enforce this article by appropriate legislation. The efficacy of this section 2 to enforce the fifteenth amendment certainly can not be contended to be impaired or restricted by the adoption of the joint resolution as reported by the committee.

The suggestion was made both by the Senator from Montana and the Senator from New York that the chief incentive for southern Senators to support this joint resolution was some supposed recognition of the disfranchisement of the Negro vote. That would indeed be a poor tribute to the intelligence of the southern Senators supporting it.

Mr. President, the South, while contending against any extension of the power of the Federal Government over elections, while abating no jot of her deep-seated conviction that the qualifications for suffrage should have been, and should be, left exclusively to the States, yet is not seeking by direction or indirection to secure the repeal of the fifteenth amendment. Any appeal of that kind from her would fall on deaf ears. If such an appeal is ever to have potential effect, it will have to come from some other section of this Union, as come it may in the fullness of time from some Middle Western or Eastern State,

when the white men of those States shall have grown weary of having their political differences settled by the Negro vote. But until that day comes, or if it never comes, the South realizes that agitation for the repeal of this amendment from her or by her is senseless because of its absolute futility, is wicked because of the train of evil consequences attendant upon such agitation. Such agitation here would raise a sectional question, upon which she would find herself confronted, with past differences forgotten, by the balance of this Union in solid phalanx. In a hopeless minority, shorn of her influence, she would be helpless in the councils of this Nation; and at home agitation for the repeal of the fifteenth amendment would be the golden opportunity for the demagogue, the restless strife breeder, who would win brief popularity by appealing to race passion and to race hatred, by such appeals embittering the relationship between those two races which, under the fiat of Almighty God, for weal or for woe, must work out their fate on southern soil. Speaking for my own State, and I believe for the South, she is seeking to solve or to handle her race problem, the greatest that ever confronted the Anglo-Saxon race, in honesty, in justice, with infinite patience, with infinite charity toward the inferior race, under her own constitution and laws, the wisdom of which has been vindicated by the unparalleled prosperity that has come to both races since their adoption, and the validity of which has been upheld by the Supreme Court of the United States.

Mr. BORAH. Mr. President, I desire, if no one else wishes to speak upon this joint resolution, to ask unanimous consent to have the unfinished business temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent to temporarily lay aside the unfinished business. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

MONONGAHELA RIVER BRIDGE.

Mr. OLIVER. Mr. President, I ask unanimous consent that House bill 31656 may be now considered.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 31656) extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend for one and three years, respectively, from June 25, 1911, the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OLIVER. I move that the bill (S. 10438) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," be indefinitely postponed. It is similar to the House bill which has just been passed.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 7031, which is the code bill—the judiciary title.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. I ask that the Secretary proceed with the reading of the sections of the bill.

Mr. CLARKE of Arkansas. Before that is done, Mr. President, I wish to offer an amendment.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. HEYBURN. Yes.

Mr. CLARKE of Arkansas. I wish to offer an amendment to section 246, page 185, of the printed bill. I move to amend by striking out on line 8, on that page, the words "a time 10 years before" and inserting the words "the time of."

Perhaps I had better state what is the purport of the amendment. The purpose of the amendment, if adopted, will be to allow a retiring judge to receive the salary that he is receiving at the time he attains the age of 70 years and has been in service more than 10 years. As the law now exists, if a judge of one of the inferior courts is promoted to one of the superior courts, he is not entitled to receive the salary of the office which he is holding at the time of his retirement, if he should retire upon attaining the age of 70 years after serving 10 years, but is confined to the lower salary which he received as a judge of the inferior court. That operates a manifest injustice not only to the judge, but to the public. It sometimes operates to require judges to serve long after they have attained the age of 70 years in order to be entitled to the salary of the position which they were then holding. It is an obvious oversight in the law, and has no consideration founded in justice or in the efficient administration of the judicial service to support it.

Mr. HEYBURN. Mr. President, for the purpose of the consideration of the amendment proposed by the Senator from Arkansas, I move that the order entered adopting the section be reconsidered.

Mr. CLARKE of Arkansas. I did not know that the section had been adopted.

Mr. HEYBURN. Yes; and I now ask that the vote by which it was adopted may be reconsidered.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate reconsider its action in agreeing to section 246.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be stated.

The SECRETARY. On page 183, section 246, in line 8, it is proposed to strike out "a time 10 years before" and in lieu thereof to insert "the time of."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I think it is proper that the RECORD should show the effect of the proposed change. This will allow the entire time during which a judge shall serve in two courts to be added for the purpose of completing the term of service.

Mr. CLARKE of Arkansas. That is right.

The amendment was agreed to.

The section as amended was agreed to.

Mr. HEYBURN. Now, Mr. President, I suggest that we recur to the sections passed over. In a number of cases the objection that was interposed has been withdrawn, and to consider and adopt those sections will tend to consolidate the work that is completed.

The PRESIDING OFFICER. The Secretary will state the first section passed over.

The SECRETARY. Section 2, chapter 1, page 3, of the bill.

Mr. HEYBURN. Mr. President, that section had better be read.

The PRESIDING OFFICER. The Secretary will read the section.

The Secretary read as follows.

SEC. 2. Each of the district judges shall receive a salary of $6,000 a year, to be paid in monthly installments; and shall also receive reasonable expenses actually incurred for travel and attendance when designated or requested, in accordance with law, to hold court outside of his district, not to exceed $10 per day, to be paid on the written certificate of the judge; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. HEYBURN. Mr. President, for the purpose of making the record complete, I will call attention to the change represented by the proposed section.

In making appropriations for the traveling expenses of United States judges when holding court outside of their respective districts, the act of March 3, 1905 (33 Stat., 1208), imposed the restriction that the expenses should be "actually incurred;" and this restriction has appeared in each act making appropriations for such purpose since that time. Since this restriction seems to indicate the policy of Congress with respect to the allowance of traveling expenses to the judges, those words have been carried into this section.

The words "or requested, in accordance with law," have been added in the fifth line of the section for the reason that in certain instances (sec. 93) a district judge may hold court in another district upon the request of the resident judge, thus making this amendment necessary as a matter of practice. Aside from these proposed changes, the section states in concise terms the existing law.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The next section passed over was section 4, chapter 1, at the top of page 4, which the Secretary read, as follows:

SEC. 4. Except as otherwise specially provided by law, the clerk of the district court for each district may, with the approval of the district judge thereof, appoint such number of deputy clerks as may be deemed necessary by such judge, who may be designated to reside and maintain offices at such places of holding court as the judge may determine. Such deputies may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Mr. HEYBURN. Mr. President, section 558 of the Revised Statutes authorizes the judge to appoint deputy clerks, upon the application of the clerk. In view of the fact that in many special cases Congress has provided that the clerk shall appoint the deputies, the committee has so revised the section as to permit the clerk to appoint all deputies, with the approval of the district judge, and has conferred upon the clerk the power to remove any deputy, with the concurrence of the judge. The committee believes that since the clerk is held responsible for the acts of his deputies, he should be given the power of appointment.

Those are the only changes represented, except that the committee has also added a provision that the court may designate the place at which any deputy is to reside and maintain an office. That is for the convenience of the judge where the court is held, either on general or special order, at a different place from where it usually sits. I think those are the only changes it is necessary to call attention to. I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The next section passed over was section 28, chapter 3, page 21, which the Secretary read as follows:

SEC. 28. Any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought, in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending, or may hereafter be brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed.

Mr. HEYBURN. Mr. President, that is a composite of all of the removal acts since 1888. There are many provisions of law that have been enacted in pursuance of or in assistance to the act of 1888. At present when a case brought in a State court is removed to a Federal court it is removed to the United States circuit court. The rearrangement of these courts necessitates the accommodation of the language to the changed conditions which will result from the consolidation of those courts, and wherever such language is necessary to be inserted it has been made a part of the proposed section. The other changes are mere matters of form to adapt it to the changed practice. I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The PRESIDING OFFICER. The next section passed over will be stated.

The SECRETARY. Section 55, chapter 4, page 41——

Mr. HEYBURN. I inquire if section 51 was not passed over.

The PRESIDING OFFICER. It is marked as having been agreed to.

Mr. HEYBURN. Very well.

The PRESIDING OFFICER. The Secretary will state the next section passed over.

The Secretary read section 55, chapter 4, page 41, as follows:

SEC. 55. When in any suit commenced in any district court of the United States to enforce any legal or equitable lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks. In case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time, to be allowed by the court, in its discretion, and upon proof of the service or publication of said order and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district; and when a part of the said real or personal property against which such proceedings shall be taken shall be within another district, but within the same State, such suit may be brought in either district in said State: *Provided, however*, That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said district court, and thereupon the said court shall make an order setting aside the judgment therein and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law.

Mr. HEYBURN. Mr. President, this is existing law, except that the section covers a doubt raised by a decision of the United States Supreme Court as to whether or not the act of 1875 was entirely superseded by the subsequent act governing this matter. In order that there might be no question about it, your committee has, in apt language, incorporated the words of the exception referred to. The only change in the language other than that just referred to, consists in the omission of the word "that" at the beginning of the section and in the substitution of the words "district court" for "circuit court." I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The SECRETARY. The next section passed over was in the substitute for chapter 5, section 69, on page 6 of the substitute.

Mr. HEYBURN. Mr. President, the Senator from Arkansas [Mr. CLARKE], who was present a few moments ago, desires to propose an amendment to that section. I have sent for the Senator from Arkansas. In the meantime I desire to recur to section 76 of the bill.

Mr. CLARKE of Arkansas entered the Chamber.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Idaho to the fact that the Senator from Arkansas is now on the floor.

Mr. CLARKE of Arkansas. I have examined the assignment of counties to the several districts and subdivisions of districts in the State of Arkansas, and, so far as I am advised, they are about as we want them, and I have no objection to interpose to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. It is satisfactory?

Mr. CLARKE of Arkansas. Yes; it is satisfactory.

The PRESIDING OFFICER. Without objection, the section is agreed to.

Mr. HEYBURN. I ask to recur to section 76 in the bill. In the amendment it is section 76 also.

The PRESIDING OFFICER. What State?

Mr. HEYBURN. Idaho.

A bill that passed the Senate some time during the last session passed the House yesterday, I think; I have that bill here, and I will ask that it be inserted in lieu of the existing provision.

The SECRETARY. In lieu of section 76, as printed, insert the following:

The State of Idaho shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district.

SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court, and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City.

The amendment was agreed to.

Mr. HEYBURN. I move the adoption of the section as amended.

The section as amended was agreed to.

Mr. WARNER. In section 89, page 81, in line 13, I move the insertion of the word "Maries" after the word "Lincoln."

Mr. HEYBURN. I move that the action of the Senate in adopting section 89 be reconsidered and that the section be open to amendment.

Mr. WARNER. Pardon me; I did not know that it had been acted upon.

The PRESIDING OFFICER. The motion to reconsider is agreed to. The section is before the Senate, and the Senator from Missouri offers an amendment, which the Secretary will state.

The SECRETARY. In the revised chapter, page 34, line 25, after the word "Lincoln," insert the word "Maries," and on page 36, line 11, after the word "Howard," strike out "Maries."

Mr. WARNER. A bill for this purpose has passed the House and Senate.

Mr. HEYBURN. There is no objection to the amendment.

Mr. SMITH of Michigan. I move to amend, in section 86, page 29, line 9, by striking out the words "Shiawassee, Genesee," and inserting the words "Genesee, Shiawassee" after the word "Crawford," in line 4, page 29.

The SECRETARY. On page 29, of revised chapter 5, strike out the words "Shiawassee, Genesee" and insert them in line 4 after the word "Crawford," in the order "Genesee, Shiawassee."

Mr. HEYBURN. I call the attention of the clerk to the fact that that reference by number and page will have to be adapted to the bill, because the amendment becomes a part of the bill, and the paging will be consecutive in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

Mr. HEYBURN. Section 69 was reserved, as the Senator from Arkansas made some objection. The objection is withdrawn, and that is marked as adopted.

The PRESIDING OFFICER. It is marked as having been agreed to.

Mr. HEYBURN. It has been agreed to?

The PRESIDING OFFICER. It has been agreed to.

Mr. HEYBURN. Now we are ready to proceed in order.

Mr. SUTHERLAND. I desire to ask the Senator from Idaho whether all the passed over sections have been disposed of.

Mr. HEYBURN. They have not all been disposed of. We are taking them up in their order.

Mr. SUTHERLAND. I want to suggest one or two amendments.

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. My attention has been diverted, and I have not noticed just what point we have reached in the bill.

Mr. HEYBURN. We have disposed of some amendments that have been offered to various sections, and I believe section 55 is the order reached by the clerk in the reading.

Mr. SUTHERLAND. The amendment I have comes in later on.

Mr. HEYBURN. Section 55, on page 41, has just been adopted. The next number passed over, according to my memoranda, is 69.

The PRESIDING OFFICER. That section has been agreed to, the Chair is informed by the Secretary.

Mr. HEYBURN. What is the next number?

The SECRETARY. Section 104, page 53, is the next section passed over, the section relative to South Dakota.

The PRESIDING OFFICER. The section was passed over, having had several amendments placed to it agreed to. State of South Dakota, section 104.

Mr. HEYBURN. That is South Dakota in the amendment. The pages do not run the same.

The PRESIDING OFFICER. The paging is different.

Mr. HEYBURN. I will ask if there are any amendments with the clerk?

The VICE PRESIDENT. Several amendments have already been agreed to in the section.

Mr. HEYBURN. Then I move that the section be adopted as amended.

The VICE PRESIDENT. Without objection, the section is adopted as amended. Section 123 is the next section passed over, on page 123 of the bill.

The Secretary read as follows:

SEC. 123. The clerk of the circuit court of appeals for each circuit may, with the approval of the court, appoint such number of deputy clerks as the court may deem necessary. Such deputies may be removed at the pleasure of the clerk appointing them, with the approval of the court. In case of the death of the clerk his deputy or deputies shall, unless removed by the court, continue in office and perform the duties of the clerk in his name until a clerk is appointed and has qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. The next section is section 215, on page 165.

Mr. SUTHERLAND. I desire to suggest an amendment to a section which precedes this one—section 127, on page 126. I offer the following amendment.

The VICE PRESIDENT. Without objection, the vote by which section 127 was agreed to will be reconsidered. The Senator from Utah offers the following amendment.

The SECRETARY. On page 126, line 24, after the words "patent laws," insert "under the copyright laws."

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Utah is agreed to, and the section as amended is agreed to.

Mr. SUTHERLAND. On page 173, I desire to offer another amendment, in section 227 of the bill.

Mr. HEYBURN. Just a moment. That would cause us to jump over section 215. We will reach section 227 in a moment, when we have disposed of section 215; and unless the Senator particularly desires to present his amendment at this time, I would prefer to proceed in order.

Mr. SUTHERLAND. Very well; I will withhold the amendment.

The VICE PRESIDENT. Section 215 will now be considered. It has already been read. Is there an amendment to be offered? Does the Senator from Idaho desire the section reread?

Mr. HEYBURN. No; I do not ask that it be reread, unless the request comes from elsewhere. I move its adoption.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Page 172, section 225 is next [reading]:

SEC. 225. Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Mr. HEYBURN. It was passed over the other day on the motion of the Senator from New York [Mr. ROOT].

Mr. ROOT. Mr. President, I feel very strongly that there ought to be a contraction in the recourse to the Supreme Court for the purpose of the review of decisions of this character. But I have come to the conclusion that it is probably not practicable to secure such a consideration of the subject upon this revision as it ought to receive without imperiling the passage of the revision measure at the present session, and I shall accordingly withdraw my request to have this section passed over in the hope that upon a later occasion the subject may be taken up by a separate bill and the Supreme Court may be relieved from the burden of a number of appeals with which they really ought not to be burdened.

The VICE PRESIDENT. Without objection, the section is agreed to. Without objection, the vote by which 227 was agreed to is reconsidered; and the Senator from Utah offers the following amendment.

The SECRETARY. On page 173, section 227, in line 6, after the word "case," insert "civil or criminal," and in line 9, after the word "otherwise," insert "upon the petition of any party thereto."

Mr. HEYBURN. I call the attention of the Senator from Utah to the effect this amendment would have. Would that include the United States as a party?

Mr. SUTHERLAND. That is the object of it.

Mr. HEYBURN. It permits the United States to ask through certiorari proceedings for a review of a criminal case?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. It is a pretty wide departure, it seems to me. I do not want to enter into much controversy about it, but it seems to me that it is going a good ways from the established rule to allow the United States to review a criminal case by writ of certiorari.

Mr. SUTHERLAND. The object of it is this: Very often in the circuit court of appeals a criminal case has gone off on a purely technical proposition, and there is no way by which the question can be got to the Supreme Court of the United States. I think in some cases it is a great necessity that the Supreme Court of the United States should have the power to review such a case.

Mr. HEYBURN. We hesitated a long time before we allowed the right of appeal to the United States in criminal cases. It is only a few months since we enacted that legislation. Now, if we allow the United States, in a case where there is no right of appeal, to bring up upon certiorari a criminal case that has been decided adversely to the United States, it is going a long way. I will not do more than interpose these suggestions. I had not anticipated any such amendment being offered. It so radically widens the jurisdiction in the matter of appeals in criminal cases that it seems to me that it ought to go to a standing committee—the Judiciary Committee—of the Senate. But I am willing to let it pass in. It will be considered in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. SUTHERLAND. I desire to offer another amendment——

Mr. HEYBURN. Has the section been adopted?

The VICE PRESIDENT. The section as amended is adopted.

Mr. SUTHERLAND. I desire to offer a substitute for section 237, and if that is adopted I shall propose a substitute for the following section, 238.

The VICE PRESIDENT. Section 229 was passed over. It will be acted upon first, if there be no objection. The sections will be taken up consecutively.

The Secretary read section 229, as follows:

SEC. 229. An appeal to the Supreme Court shall be allowed on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds $3,000, or where his claim is forfeited to the United States by the judgment of said court as provided in section 176.

Mr. HEYBURN. The section went over on the motion of the Senator from New York [Mr. ROOT], and I call his attention to it.

Mr. ROOT. I am willing that it should be considered.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. The next section passed over is section 231, on page 174.

Mr. HEYBURN. That also went over on the objection of the Senator from New York.

Mr. ROOT. It may as well be considered.

Mr. HEYBURN. I move its adoption.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Section 234, on page 176, was also passed over. It reads:

SEC. 234. Appeals and writs of error may be taken and prosecuted from final judgments and decrees of the district court for the District of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases: In prize cases; and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court.

Mr. HEYBURN. It went over on the motion of the Senator from New York.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Section 235, on page 176, was also passed over.

Mr. ROOT. It should have the same disposition.

The VICE PRESIDENT. Without objection, the section is agreed to.

The Senator from Utah offers an amendment to section 237, which the Secretary will state.

The SECRETARY. It is proposed to insert as a substitute for section 237 the following:

SEC. 237. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States upon writ of error or appeal in the following cases:

(1) In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

(2) In prize cases.

(3) In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

(4) In cases in which the Constitution or any law of a State is claimed to be in contravention of the Constitution of the United States.

(5) In cases in which the validity of any authority exercised under the United States, or the exercise or scope of any power or duty of an officer of the United States is drawn in question.

(6) In cases in which the construction of any law of the United States is drawn in question by the defendant.

And, except as provided in the next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases. Writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Mr. SUTHERLAND. I will state, Mr. President, that the effect of the amendment is to allow an appeal in substantially the same class of cases in which an appeal is now allowed from the circuit court of appeals of the United States. It very much narrows the jurisdiction as it now exists. Under the existing law an appeal may be taken from the court of appeals of the District of Columbia in all cases in which the matter in dispute, exclusive of the costs, exceeds the sum of $5,000.

I see no reason why the Supreme Court of the United States should be burdened with that class of cases. Hence the amendment as I have suggested it very much narrows the class of cases which may be appealed to the Supreme Court of the United States, and to that extent will relieve that court from a great deal of work.

The court of appeals of the District of Columbia is an able court. It is as able a court as we have in the circuits, sitting as a circuit court of appeals, and I see no reason why the class of cases that is made final in the circuit court of appeals should not also be made final in the court of appeals of the District of Columbia.

Mr. HEYBURN. I am thoroughly in accord with the proposed amendment. The committee, as closely as possible, adhered to the rule that they would not introduce new legislation, and for that reason did not propose a change; but the amendment being before the Senate, it is entirely appropriate for this body at this time to make the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The section as amended was agreed to.

The VICE PRESIDENT. The Senator from Utah also offers an amendment to section 238.

Mr. SUTHERLAND. I offer a substitute for section 238.

The VICE PRESIDENT. That section was agreed to. Without objection, the vote by which the section was agreed

to will be reconsidered. The Senator from Utah proposes an amendment, which will be read.

The SECRETARY. In lieu of section 238 insert a new section 238, to read as follows:

SEC. 238. In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

Mr. SUTHERLAND. That simply confers the same power upon this court that now exists with reference to the circuit court of appeals.

The VICE PRESIDENT. Without objection, the amendment is agreed to, and without objection the section as amended is agreed to.

Mr. HEYBURN. That disposes of the sections that went over and brings us back to the consecutive consideration of the bill. There are some amendments that have been offered, one by the Senator from Virginia [Mr. MARTIN], who is not present. I inquire if the Secretary has a memorandum of any other sections passed over.

Mr. OVERMAN. I inquire of the Senator from Idaho if he has incorporated the amendment I proposed to the interstate-commerce law.

The VICE PRESIDENT. The Secretary's memorandum shows that sections 249 and 250 were passed over at the request of the junior Senator from Idaho [Mr. BORAH].

Mr. HEYBURN. My memorandum so shows, upon a closer investigation.

The VICE PRESIDENT. Without objection, the sections will be agreed to.

Mr. HEYBURN. No, Mr. President; those are the injunction clauses, and I think the Senate should know what they are considering in these cases.

The VICE PRESIDENT. The Senator suggests that the sections be read?

Mr. HEYBURN. I will ask that the junior Senator from Idaho be sent for. I ask that the amendments be read.

The VICE PRESIDENT. There are no amendments to the sections as the Secretary understands it.

Mr. HEYBURN. I understood that my colleague did propose amendments. It is quite sure that the Senator from Virginia [Mr. MARTIN] proposed an amendment. I ask the Secretary if he has the amendment on his desk.

The VICE PRESIDENT. The amendment offered by the Senator from Virginia appears to be to section 251.

Mr. HEYBURN. There is an amendment offered by the Senator from North Carolina [Mr. OVERMAN] as well, which went over.

Mr. OVERMAN. I think the Senator from Idaho is mistaken about that. He said he had the amendment himself to offer. I did not prepare the amendment.

Mr. HEYBURN. I said that I had a copy of it here merely for the convenience of the Senator.

Mr. OVERMAN. The Senator would introduce it, as I understand. It is part of the law of the land and it ought to be brought forward.

Mr. HEYBURN. It is a part of the law and it will be found in its appropriate place in the law as we present it. We have not overlooked it. It comes under the title to which it appropriately belongs.

Mr. OVERMAN. I merely wanted an assurance from the Senator that it would be brought forward.

Mr. HEYBURN. Yes; we are not striking out anything that is law. Everything that is the law will remain in the revision.

Mr. OVERMAN. I did not see it in this revision as reported.

Mr. HEYBURN. It does not come under this particular head.

Mr. OVERMAN. But under any head?

Mr. HEYBURN. Yes.

The VICE PRESIDENT. What disposition does the Senator from Idaho suggest to have made of sections 249 and 250?

Mr. HEYBURN. I will ask that they may go over until my colleague reaches the Chamber, and that we proceed to the next section. He has been sent for.

The VICE PRESIDENT. Without objection, that will be done.

Mr. HEYBURN. I beg pardon, Mr. President. I am advised that my colleague was merely asking on behalf of some other person that the matter be held over. I ask for the adoption of those sections as they are reported.

The VICE PRESIDENT. Without objection, sections 249 and 250 are agreed to. The Senator from Virginia offers an amendment to section 251.

Mr. MARTIN. I offer an amendment as a new section there. The Senator from Oklahoma [Mr. OWEN] I find had already, though I did not know it, offered a similar amendment, and I think he is very much interested in the matter. He is not in the Chamber. I hardly think it would be——

Mr. HEYBURN. I would like very much to close up the consideration of this matter to-day. The committee of conference will consider those amendments. They were offered in another body. I do not feel like entering upon a discussion of that labor question to-day. I hope the Senator from Virginia will let it pass by.

Mr. MARTIN. I will let it pass by, just so that it will not be finally acted upon.

Mr. HEYBURN. If possible I want to dispose of the bill this afternoon.

Mr. MARTIN. I can not agree to that. I think this amendment is entitled to careful consideration.

Mr. HEYBURN. Then let us have a vote on it. Let it be passed for the present. I hope the Senator will send for the Senator from Oklahoma.

The VICE PRESIDENT. The Senator from Oklahoma did not offer the amendment, as is evidenced by the Secretary's record. The amendment was printed at the request of the Senator from Oklahoma to be offered by him, but it has not been offered.

Mr. OVERMAN. Will the Senator inform me where that amendment is to be found?

Mr. HEYBURN. That is not a part of the chapter. It is a part of the interstate-commerce law.

Mr. OVERMAN. It really ought to be under this law, because it has nothing really to do with the interstate-commerce act.

Mr. HEYBURN. I will state to the Senator from North Carolina that the interstate-commerce act is being written into the law, and the subcommittee on form will transfer matters that have been legislated since this was printed and made up to the proper and appropriate chapter.

Mr. OVERMAN. With that assurance I have nothing further to say.

Mr. HEYBURN. That will necessarily follow. We are enacting laws constantly, and after we have completed the consideration of this title and other titles it will be necessary for the committee in determining the form and arrangement of them to transfer them to their appropriate chapters and titles.

Mr. OVERMAN. The reason I suggested it is because, as the Senator well knows, the amendment really is not a part of the interstate-commerce law. It ought to be under the proper head in this law.

Mr. HEYBURN. It will doubtless, in conference, be brought into the law under this head, but we are proceeding with a bill that was introduced and printed before the enactment of that law.

Mr. MARTIN. Mr. President, I send to the desk an amendment, which I offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Insert, after section 251, a new section, section 251a, as follows:

SEC. 251a. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant, or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

Mr. HEYBURN. I move to lay the amendment on the table. I do not think the Senator intends to press that.

Mr. MARTIN. I do not propose to go into any discussion of the matter, but I want the consideration of the Senate and a vote on it.

Mr. HEYBURN. Let it go to a vote, then; only I do not want to raise the question of a quorum.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on the adoption of the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the bill.

The SECRETARY. Page 196, chapter 12, section 274——

The PRESIDING OFFICER. Chapter 12 has been read. Are there any amendments?

Mr. HEYBURN. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the chapter.

Mr. HEYBURN. Not the whole chapter, but by sections.

The PRESIDING OFFICER. Then, the question is on concurring to section 274. Without objection, section 274, as amended, is agreed to.

Mr. HEYBURN. I call attention to the fact that, on line 2, page 197, after the word "the" where it first appears, the word "same" is inserted.

The PRESIDING OFFICER. The Chair intended to call attention to that amendment.

Section 275, without objection, is agreed to.

Section 276, without objection, is agreed to.

Section 277 is agreed to, without objection.

Section 278 is agreed to.

Section 279 is agreed to.

Section 280 is agreed to.

Section 281 is agreed to.

Chapter 13 has not been read. The Secretary will read it.

The Secretary read as follows:

CHAPTER 13.

REPEALING PROVISIONS.

Sec.	
282.	Sections, acts, and parts of acts repealed.
283.	Repeal not to affect tenure of office, or salary, or compensation of incumbents, etc.
284.	Accrued rights, etc., not affected.
285.	Offenses committed, and penalties, forfeitures, and liabilities incurred, how to be prosecuted and enforced.
286.	Date this act shall be effective.

SEC. 282. That the following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

Sections 530 to 560, both inclusive; sections 562 to 564, both inclusive; sections 567 to 627, both inclusive; sections 629 to 647, both inclusive; sections 650 to 697, both inclusive; section 699; sections 702 to 720, both inclusive; section 723; sections 725 to 749, both inclusive; sections 800 to 822, both inclusive; sections 1049 to 1088, both inclusive; sections 1091 to 1093, both inclusive, of the Revised Statutes.

Mr. HEYBURN. I think we might dispense with the reading of these clauses. They will have to be adapted to the action we have taken throughout the entire body of the bill. There will necessarily be changes with reference to some of them. They will have to be reinstated and some more changes made.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the reading of chapter 13 be dispensed with, and that it be agreed to?

Mr. HEYBURN. Yes.

The PRESIDING OFFICER. Without objection, that will be so ordered.

Mr. SUTHERLAND. Except section 286.

The PRESIDING OFFICER. That concludes the bill, unless some section has been passed over.

Mr. SUTHERLAND. The last section, section 286, should obviously be amended. It reads:

That this act shall take effect and be in force on and after July 1, 1910.

I move to amend by striking out the word "ten" and insert the word "eleven," so as to read:

That this act shall take effect and be in force on and after July 1, 1911.

The PRESIDING OFFICER. Without objection, the amendment is agreed to, and the section as amended is agreed to.

Mr. PILES. Page 3, line 15, I move to strike out the word "six" and insert the word "nine."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2 of the bill, page 3, line 15, before the word "thousand," strike out "six" and insert "nine," so as to read:

Each of the district judges shall receive a salary of $9,000 a year.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. PILES. On page 120, line 18, I move to strike out "seven" and insert "ten" before the word "thousand," so as to read:

They shall be entitled to receive a salary at the rate of $10,000 a year.

This relates to the circuit judges.

Mr. BRISTOW. That proposes to increase the salary of the circuit judges to $10,000?

The PRESIDING OFFICER. It does. It raises the salary from $7,000 to $10,000.

Mr. BRISTOW. I think on an important matter like that there ought to be a quorum to consider it.

The PRESIDING OFFICER. The Senator from Kansas raises the point of the absence of a quorum.

Mr. PILES. I withdraw the amendment for the present. I do not want to interfere with the bill.

The PRESIDING OFFICER. It is too late. The point of no quorum has been made. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	McCumber	Scott
Bourne	Cummins	Martin	Shively
Bradley	Depew	Nelson	Smith, Md.
Briggs	Dillingham	Oliver	Smoot
Bristow	du Pont	Overman	Sutherland
Brown	Fletcher	Owen	Swanson
Bulkeley	Flint	Page	Taliaferro
Burkett	Gallinger	Percy	Taylor
Burton	Guggenheim	Perkins	Thornton
Chamberlain	Heyburn	Piles	Warner
Clapp	Jones	Rayner	Watson
Clarke, Ark.	Kean	Richardson	Wetmore
Crane	Lodge	Root	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. PILES. The Senator in charge of the bill tells me he is very anxious to conclude it, at least in Committee of the Whole, this afternoon, and I will not press the amendment at the present time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HEYBURN. That disposes of the consideration of the bill.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If no amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. BRISTOW. I understand there was an amendment just incorporated increasing the salary of the United States district judges.

Mr. HEYBURN. No; it was withdrawn.

The PRESIDING OFFICER. That amendment was agreed to.

Mr. HEYBURN. All that goes out.

Mr. BRISTOW. Does it go out? That is what I want to know.

The PRESIDING OFFICER. Then the vote will have to be reconsidered.

Mr. HEYBURN. The Senator from Washington withdrew it. If the record shows it is in the bill, I move that the vote be reconsidered by which the section was adopted and the amendment was agreed to.

Mr. PILES. That is entirely satisfactory to me. It was my purpose to increase the salaries of the district and circuit judges and the Justices of the Supreme Court of the United States. Of course, I have no desire to increase one unless we increase all.

The PRESIDING OFFICER. The question is on reconsidering the vote by which an increase of the salary of the district judges was agreed to. Without objection, the vote will be taken as reconsidered, and the amendment is withdrawn. Section 2 stands agreed to without amendment.

Mr. ROOT. I move to strike out section 274. I do that because I wish to record a vote against the abolition and consolidation of the circuit and district courts. I do not wish to take up the time of the Senate. I assume it will follow the committee; but I am not satisfied with the provision, and I wish an opportunity to vote against it.

The PRESIDING OFFICER. The Senator from New York moves to strike out section 274, which consolidates the district and circuit courts.

Mr. BACON. Mr. President, I do not intend to detain the Senate with any argument on the subject. I wish to take issue, however, with the distinguished Senator from New York in the assumption that the Senate is going to follow the committee in that matter. I should be very reluctant to believe that the Senate, when I know they have not had the opportunity to consider it, would, upon so important a matter, follow the committee, and for one I shall vote in favor of the motion to strike out the section.

I am not willing, Mr. President, that a system of the judiciary which has lasted for 120 years, and about which there has been a complete adjudication of all their relative rights and

powers, shall be stricken out without the most thorough consideration, not simply by a committee but by the Senate itself, which I think it has not had. I, myself, am not in favor of it, and I am unwilling that the suggestion of the Senator from New York should pass and thereby indicate that it was regarded as a foregone conclusion. I should think that the conservative position of the Senate would be in the affirmative on the motion and in the negative on the proposed change until they had been satisfied that it was one thoroughly justified, and that I do not believe the Senate has had the opportunity to determine.

Mr. HEYBURN. Mr. President, if the section is stricken out, then all that has been done in this Congress will have gone for naught, because the entire bill is based upon that proposition, and it would have to be redrawn and reconsidered. I sincerely hope that the Senator will be content with expressing his objection either by remarks or through his vote, but it is too grave a matter; it is rather appalling to those who have had charge of it to suggest that the enacting clause—and that is what it amounts to—of the bill be stricken out at this period of the session of Congress and of the consideration of the bill. Every section of this bill is drawn upon the basis of the change. I sincerely hope the Senate will not strike it out. I say that very seriously to the Senator from Georgia.

Mr. BACON. I wish to reply to the Senator with the utmost seriousness, if he will permit me. I will wait until he has finished.

Mr. HEYBURN. I have yielded the floor.

Mr. BACON. I have not any disposition to interfere with the Senator.

Mr. HEYBURN. I have yielded the floor.

Mr. BACON. Thank you. Mr. President, the Senator suggests a very serious alternative, whether we shall adopt the amendment offered by the Senator from New York or whether we shall strike out all of the bill after the enacting clause. I want to say to the Senator with the utmost seriousness, equally so with that which he expresses for himself, that if the alternative is presented between the proper consideration by the Senate of legislation which affects the whole body of the Federal statutes, the serious and the careful consideration of that, or, on the other hand, the refusal to enact it without such consideration, I would unhesitatingly vote for striking out all after the enacting clause.

I wish to say, Mr. President, in the hearing of the Senate, that the thing which the Senator suggests as that which would constitute such an enormity, to wit, the striking out all after the enacting clause, relates to legislation of this grave and far-reaching character, in the consideration of which the Senate has taken no part. I do not minimize or depreciate in any manner the work which has been done by the committee. They have labored very arduously, and I have no doubt with the utmost fidelity; but it is a work which has been confined to that committee. Day after day we have been in the Senate with this most far-reaching legislation under consideration, with not an average of half a dozen Senators in this body listening to it. That is the truth. There has not been an average of half a dozen Senators sitting in this Chamber when there is a proposition to enact a body of laws which shall cover the entire civil code.

Mr. HEYBURN. Will the Senator permit an interruption there?

Mr. BACON. I do.

Mr. HEYBURN. It certainly was not the fault of the committee that there was not a sufficient attendance.

Mr. BACON. Oh, no.

Mr. HEYBURN. This bill has been on the desks of Senators and it has been in order for consideration since March 7, 1910, for almost a year.

Mr. BACON. The Senator is eminently correct in stating that it is not the fault of the committee; and there can be no reflection upon the committee in the matter.

I repeat that the committee have been most industrious and indefatigable in its work, and I have no doubt they have been guided solely by a desire to change the laws in such particulars in which they think it important that there should be changes. There is no question about that whatever. Nevertheless, the fact exists that it is a matter on which we are called to vote now solely upon the judgment of the committee, and that the Senate itself has not taken such part in its consideration as will enable Senators to judge by their own knowledge, but they are limited necessarily by their confidence in the committee.

Mr. SUTHERLAND rose.

Mr. BACON. I do not know whether the Senator from Utah desires to interrupt me.

Mr. SUTHERLAND. I did not desire to interrupt the Senator; but I wanted to reply briefly when the Senator had finished.

Mr. BACON. Very well. Mr. President, that is the sole proposition which I make; not that the committee has in any manner failed in its duty, but that the committee has been left so entirely to itself in this matter that Senators have not heard the discussion and the majority of them know nothing about the bill. Some few may have studied it in their rooms; I do not know; but it is a most serious proposition that the Senate shall, in utter want of personal information, vote for some of these far-reaching propositions, one of which is to entirely transform the framework of our judicial system and practically to wipe out the circuit court of the United States. For myself I am not willing to vote for it.

Mr. SUTHERLAND. Mr. President——

Mr. BACON. And I want to say, if the Senator will pardon me one moment, something I intended to say before. Of course, it is a matter of some delicacy for a member of a committee to suggest that a bill ought to be referred to that committee, especially when the bill has had the very careful consideration of another committee; but I do think, Mr. President, that I may be pardoned for saying that anything which relates to the great body of the law—not simply one bill, but to the great body of the civil portion of our law—should go to the Judiciary Committee of the Senate for its final consideration, no matter how careful another committee may have been in its consideration. You have a law committee; you have selected its members presumably with a view to their competency to deal with such questions; and while it is proper that there should have been a Committee on the Revision of the Laws when it is apparent, as it is here, that the committee has not been simply revising and codifying the laws, but that they are proposing serious changes, it seems to me it is nothing but proper that this bill, after it has been thus thoroughly considered by the Committee on the Revision of the Laws, should go for final consideration to the Committee on the Judiciary.

Mr. SUTHERLAND. Mr. President, as the Senator from Idaho [Mr. HEYBURN] has well said, if this section shall be stricken out of the bill, the entire bill might as well be abandoned, because it is framed upon the theory that we shall hereafter have but one court of original jurisdiction, instead of two, as we have at present. To my mind, if there is any absurdity in the Federal judicial system, it consists in the fact that we have to-day two separate and distinct courts of jurisdiction—a circuit court of the United States and a district court of the United States. Jurisdiction has been conferred upon the district court in a class of cases which might as well have been conferred upon the circuit court and jurisdiction has been conferred upon the circuit court which might as well been conferred upon the district court. The way in which the jurisdiction has been conferred upon these separate courts is altogether arbitrary. There is absolutely no reason why the circuit court should possess a certain class of jurisdiction rather than that it should be possessed by the district court. The vital thing is to have a court of original jurisdiction for the trial of cases, and then a court of appellate jurisdiction, which may review the decisions of the trial court.

I venture to say that if this provision in the bill is adopted it will save to the United States at least $250,000 a year in the judicial expenses of this Government. We have this condition of affairs, for example: There are some States in the Union in which court clerks, under the law, are allowed double fees.

Take California, for example. There are two district courts and two circuit courts, each possessing original jurisdiction in that State. There is a clerk of each of the circuit courts and a clerk of each of the district courts of those districts—four clerks—and they have double fees. The maximum salary allowed is $3,500, and, under the law which allows them double fees, each of those clerks receives $7,000, so that we have four clerks in that State in those four separate courts of original jurisdiction paid an aggregate of $28,000 for clerical services. If we will wipe out of existence this altogether useless circuit court and confine the original jurisdiction to the district court, we will wipe out of existence every condition of that kind, and there will, instead of being four clerks, be but two clerks. Under this bill each of those clerks will receive a maximum salary of $3,500 a year—$7,000 in the aggregate instead of $28,000 as at present.

Dockets are duplicated. If you go into a Federal court of original jurisdiction to-day, the clerk will first read the journal of the district court kept in a separate docket. That is approved. Then he reads the journal entries of the circuit court and they are approved. Two sets of books are in many instances kept, and there are two separate corps of clerks. There is

absolutely no need of that condition. I can see no reason in the world why the original jurisdiction should not be conferred upon a single court. The two courts were created at a time when there may have been some necessity for it, but the work of the circuit judges now is confined practically to sitting in the circuit court of appeals. This bill, however, does not destroy the flexibility which exists under the present law. The circuit judge may still go to the district court and hold court, only he will hold as a circuit judge presiding over the district court.

The flexibility, however, of the whole system which permits an interchange of judges is not in any manner affected by this change in the law while we are getting rid of the conditions of which I have spoken, which are immensely expensive to the Government.

I think this provision is the most vital, the most important, and the most valuable provision of this bill, and I think it would be a misfortune if it were stricken out.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. ROOT] to strike out section 274 of the bill.

Mr. CLARKE of Arkansas. Mr. President, I do not think this section is condemned by any defect in the parliamentary procedure by which it has been advanced to its present stage. It has merits of its own. They have been very succinctly and correctly stated by the Senator from Utah [Mr. SUTHERLAND]. They are familiar to every lawyer who practices in the smaller districts or in the smaller cities of the country. I do not know how they strike the Senator from New York [Mr. ROOT], because I am not familiar with the practice which obtains in New York. That is exceptional; and a condition that might make for the continuation of those courts at that particular place would be wholly inapplicable elsewhere.

As a matter of fact, the district judges have been holding circuit court for the last 15 years, and I doubt if there is a lawyer upon this floor who has ever seen within that time a circuit judge holding circuit court in his State. They are overburdened with business before the appellate court of which they are the judges. So much is that the case that the district judges are frequently called to the appellate bench to assist in the dispatch of business there.

The district courts were originally established and had all of the original Federal jurisdiction that was conferred by the acts of Congress. After a while the business became a little more congested, and additional judges were provided, who were called circuit judges. They were invested with appellate powers over certain criminal cases tried by district judges, certain admiralty cases tried by district judges, and patent cases tried by district judges, and, under the original bankruptcy law, certain cases were required to originate in the district court and be heard upon appeal by a circuit judge of the circuit court and, by assignment, by certain members of the Supreme Court.

That system prevailed until 1891, when it was found to have outgrown its usefulness, and more modern and effective methods were required to meet the judicial demands of the occasion, and circuit courts of appeal were created. Since that time it has been a rare exhibition to find a circuit judge holding a circuit court or a district court at nisi prius.

The purpose of this amendment is to simplify and to rationalize the courts of original jurisdiction. It gives to the judge of the district court all the jurisdiction that is now lodged in him as district judge and ex-officio judge of the circuit court. It has many useful features, which have been pointed out at some length by the Senator from Utah. The saving of expense and the simplification of procedure and practice are the things that justly commend it to lawyers who are actively identified with the business that transpires in those courts. Such a thing as, for instance, an appeal on an admiralty case being tried by a circuit judge never happens, and yet it can not be tried by the district judge who heard it; it must stand there until some circuit judge finds an opportunity to go down to the circuit and try it. This results in cumbersome and unnecessary practice, and it inordinately increases the expense by maintaining useless clerks and imposing upon the judges the necessity of diverting business from the circuit courts to the district courts. It is an excrescence upon the judicial system of the United States that ought to be simplified in the manner pointed out here.

That is the result of my observation, and I think it is the result which the American Bar Association has reached, because they formulated and favored just this change. I have never yet heard an objection to it that did not either consist of a desire to continue certain clerks in office or a sentiment, such as has been expressed by my distinguished friend from Georgia [Mr. BACON], in favor of the continuance of things that are somewhat old and have in many respects vindicated the wisdom of those who prescribed them.

I think we have reached a crisis—probably so strong a word as that should not be used—but I think we have reached in the revision of the laws the necessity for just such a change as is made here. It will promote the simplicity of practice and it will very largely reduce the expense. It will assign to their appellate functions the judges of the circuit court, and it will reserve their right to appear upon the district bench, just as it reserves in favor of the judges of the Supreme Court of the United States whenever an occasion of sufficient importance seems to make it necessary, the right to sit in the circuit court. Judges of the district court habitually hold circuit court now, so much so that lawyers of middle age can scarcely remember the time when a circuit judge appeared to aid them. I think the reform is called for by the demands which have induced its incorporation into this bill. I do not quite appreciate the force of the suggestion that the present procedure be retained simply because it has been the law for so many years in the past.

Mr. HEYBURN. Mr. President, I merely want to say before closing that this change is recommended by two of the present Justices of the Supreme Court of the United States, and you will find in the RECORD of January 27, when this bill was under consideration, where they expressly recommended it. The American Bar Association has recommended it more than once. It has been recommended by every judge to whom it has been presented. I know of no exception. I have not brought the letters here, but I have a great deal of correspondence from the foremost lawyers of the United States and from judges who are in daily contact with the situation.

As the Senator from Washington [Mr. PILES] suggests, in some sections of the country the clerk opens two courts, one right after the other, and has to close two courts, when, as a matter of fact, there is but one judge sitting on the bench. There are two books lying before the clerk, one of the district court and the other of the circuit court. I think, if Senators have given this matter the attention which I hope they have, that their minds will rest easy as to the wisdom of this change.

Mr. BACON. Mr. President, there is no doubt that there are very grave reasons in support of the proposed change. At the same time, there are many to the contrary. I desire to state, in response to the suggestion of the Senator from Arkansas [Mr. CLARKE], that whatever may be the practice in his part of the country, in other parts of the country the circuit judges do try cases at nisi prius. I think I can say with confidence that the year never passes, and has not passed in the last 15 years, that the circuit judges do not preside at nisi prius in the circuit courts in my State and in other States of the fifth circuit. The Senator from Virginia [Mr. MARTIN], who sits next to me, says that it is still the practice in his circuit for the circuit judges to preside in the trial court. I am not informed——

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Under the terms of the bill that will not be prevented in the future. The circuit judge may still hold court, only he will hold a district court instead of a circuit court.

Mr. BACON. Mr. President, I think the reply to that is that it is a matter of such grave importance that it ought to be examined into most thoroughly before we make the change, and therefore it ought to be considered, not in the way in which it can only be considered this evening, in an almost perfunctory manner, but that it ought to go to the Judiciary Committee, and it ought to be most thoroughly considered before it is determined upon.

What I was proceeding to say at the time the Senator from Utah [Mr. SUTHERLAND] made his suggestion was that I am not informed, as some Senators now say they are, of the action of the American Bar Association to the effect stated by them. I did not happen to be where I could be easily informed when the last meeting of the American Bar Association was had, but my information of their action, received from others, was to the contrary. I do know the fact that a very large body of lawyers who are members of that association joined in an extensive address, in which the reasons are set out at length why the particular change that is now proposed should not be had. That address was signed by lawyers from all of the nine circuits of the United States, prominent lawyers, headed by Mr. Choate, of New York, as one of them. I gave it to the Senator from New York [Mr. ROOT], and he now has it in his possession. I am sorry that I have not it here in order that it may be read. I had no idea that the Senator from Idaho proposed to have a final vote on this question this afternoon or I should have asked the Senator from New York to bring it here in order that it might be presented to this body.

Mr. ROOT. Mr. President, let me say that unfortunately I have not that paper here. I did not suppose that the bill would be pressed to a final passage this afternoon. It certainly is a paper entitled to very full and respectful consideration. I think, however, the action of the American Bar Association on this subject, to which reference has been made, was taken a good many years ago.

Mr. HEYBURN. Mr. President, I trust the Senator from Georgia will not ask that the bill go over. It has been a long story, and every Senator has had the opportunity to be heard. I sincerely hope that the Senator will not ask that it go over, because I am sure that the Senate is ready to act upon it now and get this bill in shape so that it may pass this and the other House of Congress at this session.

Mr. BACON. Mr. President, what I desired to call to the attention of the Senate was the fact that it is a great mistake to suppose that all lawyers are unanimous upon this subject; that the profession is agreed upon the propriety of this change. It is a change so radical in nature and so irrevocable when made that we, the conservative branch of the Congress, ought to pause and be certain of our step before we take it.

I have just been informed by the Senator from Louisiana——

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. BACON. Certainly.

Mr. CLARKE of Arkansas. Would it not have an enlightening effect on some of us for the Senator from Georgia to enumerate some of the reasons why he thinks the change ought not to be made, instead of telling us what is contained in a paper that certain lawyers have signed? Certainly I should like to know some reason why the change should not be made, and I have never yet heard one.

Mr. BACON. If the Senator will consent that the bill shall go over until another meeting, we will be prepared to present some reasons.

Mr. CLARKE of Arkansas. If they are so patent and so numerous the Senator ought to give some of them now.

Mr. BACON. Possibly it is my infirmity that I am not so well informed in these matters as my learned and distinguished and illustrious friend from Arkansas. I sometimes need a little preparation before I assume to say anything to the Senate, which shall be something which may not have occurred already to each and every Member of the body. Possibly the Senator from Arkansas is more fortunate in the fact that he does not need that opportunity. I do need it, and request it when I want it.

Mr. HEYBURN. Mr. President, I should like to say to the Senator from Georgia that the committee has not been favored with these protests or differing opinions to which he has referred. We have had this particular title under consideration for three years, and all that has come to the committee has been favorable to it. We have received the opinions of bar associations, judges, and lawyers from all over the country, and I was not aware——

Mr. BACON. The Senator will pardon me for saying that what I was about to say, at the time my learned and distinguished friend from Arkansas interrupted me, was that the Senator from Louisiana had informed me while I was standing upon the floor that since this matter has been up for consideration he has received a telegram from the president of the National Bar Association stating that the association would like to have the opportunity to further consider this matter before it is finally determined upon. Now there is some authoritative information on the subject. I will state that I myself have letters from circuit judges, in which they very gravely deprecate the change, and if I may have the opportunity I will take pleasure in presenting them to the Senate.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Does the Senator know of any reason that has been urged against this change, save the one that, under it, it is thought that the circuit judges will be prevented from sitting upon the trial bench?

Mr. BACON. Mr. President, I will say that I have a letter addressed to me by Judge Pardee, of the fifth circuit, in which, with reference to this particular proposed change, he sets forth the reasons why he thinks it would be to the disadvantage of the proper administration of the law—not simply the general question as to whether or not there should be a change the effect of which may be misunderstood by some people, but with the provision before him.

Mr. SUTHERLAND. Does the Senator recall any other reason that has been urged by lawyers?

Mr. BACON. I will repeat to the Senator from Utah what I said to the Senator from Arkansas, that I prefer, if I may have the opportunity to do so, to present the reasons properly and fully and not simply to be put upon the stand and be catechised as to particular reasons. I prefer that I shall get the paper which I handed to the Senator from New York, which probably would make four or five printed pages, or perhaps more, signed by the most distinguished lawyers from the nine circuits in the United States, all of them members of the National Bar Association and all of them signing as from the different circuits.

I would prefer that that should be presented in a way that the Senate could have a connected and comprehensive statement of the objections rather than that I should respond to cross-questions and give some few fragmentary and imperfect suggestions in regard to the matter.

Mr. SUTHERLAND. I hope the Senator from Georgia will not think that I was attempting to cross-question him, for I had no such idea; but I will say to the Senator, if he will permit me——

Mr. BACON. I had been subjected to it by the Senator from Arkansas, and I thought his colleague upon the committee was doing the same thing.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. BACON. I do.

Mr. CLARKE of Arkansas. I beg also to enter a disclaimer. I thought the Senator was approaching the subject in the nature of an objection to the methods by which the measure was brought forward. I thought at this late hour that if there were a great many reasons against the proposed change I should like to know what they were, because I have no interest in the matter, except the public interest, and only have a desire to meet what seems to be the public demand. I do not want to be understood as having offensively or intrusively addressed any inquiry to the Senator from Georgia; and if he has such an impression, I take the opportunity of disclaiming any such intention.

Mr. BACON. On the contrary, Mr. President, I thought the Senator was trying to add some gayety to the occasion, and not that he intended to be offensive in any way whatever.

The VICE PRESIDENT. The question is on the motion of the Senator from New York [Mr. ROOT] to strike out section 274.

Mr. ROOT. Mr. President, I feel very reluctant not to assent to the appeal of the Senator from Idaho [Mr. HEYBURN]. I know how long and faithfully he has labored over this bill, what excellent work he has done, and how grateful we always ought to be to him for doing more than his share of the work of the Senate upon it; but I feel as if I owe it to the gentlemen whose names were subscribed to the paper the Senator from Georgia [Mr. BACON] handed to me, to see that that comes before the Senate before final action upon this matter.

The Senator from Idaho has made very great progress with the bill to-day. He has got it out of the Committee of the Whole and into the Senate; he has got it where there is but one question to determine, which can be determined very shortly by a single vote, and I think the bill might well go over until to-morrow, and that really no very great hardship would be caused by yielding to a desire to look into this matter further.

Mr. HEYBURN. Mr. President, then I merely desire to suggest let us vote on the amendment and have a yea-and-nay vote if necessary. Let us make progress. The amendment is offered in good faith, and let us vote on it in good faith.

Mr. LODGE. Mr. President, this bill has been before the Senate for a year. As I understand, it proceeds on the reform which is embodied in the consolidation of these courts, and it seems certainly on this phase at least to be a very sensible reform. As I have said, the bill has been before the Senate for a year. The committee have taken the utmost trouble; they have brought the bill up here day after day; the Senate has had ample opportunity to consider every part of it; and now at the last moment, when the bill has actually gone out of the Committee of the Whole and is in the Senate, to propose an amendment which practically destroys the bill seems to me not only rather severe on the committee but a pretty serious waste of the time of the Senate. If the bill is all wrong ab initio, we ought to have dealt with it at the start and not now after having spent hours and days of labor over it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. ROOT], to strike out section 274.

The amendment was rejected.

Mr. CRAWFORD. I should like to ask the Senator from Idaho, as I was absent when the bill was being considered, whether the amendment to section 104, relating to the divisions in the State of South Dakota, was adopted—the one proposed the other day.

Mr. HEYBURN. I think the amendment offered by the Senator from South Dakota was adopted, and I think the Senator can rely upon its being kept in the bill.

Mr. CRAWFORD. That is entirely satisfactory.

Mr. HEYBURN. I will refer back to it if the Senator desires.

Mr. CRAWFORD. I only wanted to make sure that it had been adopted.

The VICE PRESIDENT. The Secretary's records show that the amendment was agreed to.

Mr. CRAWFORD. To section 104?

The VICE PRESIDENT. To section 104.

Mr. BRISTOW. Mr. President, of course this is a legal matter, and I have no technical knowledge in regard to it, but with a half a dozen Senators in the Chamber a few moments ago I happened to hear, in the low conversation that was going on between the Senator in charge of the bill and another Senator, that an amendment had been adopted increasing the salaries of all of the district judges in the United States from $6,000 to $9,000 a year.

Mr. HEYBURN. There has been no amendment of the kind adopted, and there has been no increase in the salaries of judges, and they are not dealt with except according to the lines of existing law.

Mr. BRISTOW. Mr. President, I repeat what I said before I was interrupted by the Senator from Idaho, that I was sitting in the Chamber with a half dozen other Senators and I heard it stated that an amendment had been adopted increasing the salaries of United States district judges from $6,000 to $9,000 a year, and another amendment was offered increasing the salaries of the circuit judges of the United States from $7,000 to $10,000 a year. I then suggested that so important an amendment as that should certainly have a quorum of the Senate present to consider it. The quorum was called, and the amendment was withdrawn. The section, as I understand it, was reconsidered, and the amendment that had been adopted increasing the salaries of district judges was withdrawn.

What I desire to inquire now is, How much legislation of this kind has been incorporated into the bill when the Senate was paying no attention to what was going on? How many amendments are there that change the laws of the country that those of us would like to vote against if we knew what they were?

Mr. HEYBURN. I can not tell, except from the fact that the Senator from Kansas is looking directly at me, whether he is propounding a question to me or whether he is in the position he was in a few moments ago when he was interrupted by my suggestion; I can not tell.

Mr. BRISTOW. To relieve the Senator's mind I will propound the question, How many amendments to the laws of this kind have been incorporated into the bill?

Mr. HEYBURN. Of course, I assume that the Senator from Kansas has given conscientious attention to the legislation of this body from beginning to end and that he is pretty thoroughly familiar with this measure. It has been almost constantly before Congress since the 7th day of March last, and it has proceeded upon the lines of incorporating no new legislation into it, except where new legislation was necessary for the purpose of combining statutes that were sometimes inconsistent or apparently conflicting. There is on the Senator's desk a statement that was furnished him, a copy of which I have in my hand, which tells in plain English every change made in every section of this law, and there is also in the Senator's desk a volume, which was placed there on the 7th of March last, which contains the provisions as found in the bill, and opposite that the existing law in full. That has been accessible to every Senator since that time.

And then, in order that Senators' minds might be refreshed, at this session of Congress I again had laid upon their desks, placed in the custody of the proper officers, other copies. So the Senator has had an opportunity to inform himself. Therefore I will simply say that the proposed amendment affecting the judges' salaries was withdrawn; no action was taken upon it; and it is neither a menace of anything that is proposed to be done or evidence of what was done.

Mr. BRISTOW. Mr. President, I desire to state that I had understood, after inquiring of a number of Senators, that there was no new legislation being incorporated into this bill; that it was simply the codifying of existing statutes without changing them; and I have not given that attention to it that I possibly should, because I am not a lawyer, and therefore not skilled in the interpretation of legal phrases. I have inquired frequently of Senators who are lawyers and perfectly capable of understanding the legal phrases that might be incorporated, if they thought any material changes were being made, and they said "No; and then the bill will never pass anyway, and what is the difference?" That reply has been made to me many times. I spoke to a Senator this afternoon, when I called for a quorum, and suggested that they were largely increasing the salaries of the Federal judges by this bill. "Oh," he says, "it will never pass anyway; what is the difference?"

But the bill is about to pass. The effort to incorporate these new amendments into this bill has made me somewhat suspicious. Certainly they were not simply the codification of existing law; and I am inquiring now if other amendments of a similar character have been incorporated into it when the Senate was paying no attention to what was going on, Senators believing that no new legislation was being proposed. That is the question I am asking.

Mr. HEYBURN. I endeavored to answer that question. I would suggest, in passing, that I think a Senator who would make a remark of the kind suggested by the Senator from Kansas would hope that it would be regarded as a confidential communication, because it is not the attitude toward legislation that a Senator would wish to confess—that he was neglecting a duty because he thought a bill would not pass.

Now, I think I have fully answered the Senator's suggestion in regard to new legislation, and, as I think, the Senator might perhaps have been fully informed had he been present when the bill was under consideration.

Mr. BRISTOW. I have been present almost continuously and think I have a very good record, especially as compared with other Senators, in my attendance here, even while this bill was being considered, which heretofore has been the signal for the desertion of Senators from the Chamber. I have not often deserted.

Mr. PILES. Mr. President, the Senator from Kansas seems to think that the matter of increasing the district and circuit judges' salaries, and those of the Supreme Court of the United States, is a new question in this body. It is not a new question here. It has been debated on the floor of the Senate time and time again since I have been here. I have supported amendments of similar import upon different occasions in the Senate. I short time ago an amendment was proposed to this bill in the House of Representatives increasing the salaries of judges along the lines of the proposed amendment which I offered. I do not now recall the extent of the increase. The increases which I sought to have incorporated into this bill did not come as a committee amendment. They came from me as an individual, although I am a member of this committee, and I offered the amendment because it has been considered before the Judiciary Committee time and time again, and that committee has favorably acted upon the proposed increase in the salaries of the district judges, the circuit judges, and the Justices of the Supreme Court of the United States.

Speaking for myself, I do not think this Government can justify itself in paying to the distinguished men who serve our country in the capacity in which they do the meager salaries which we now pay them, and, so far as I am concerned, upon every occasion I shall use my voice and vote, when necessary, to give them a reasonable salary for the services which they render to this country.

Mr. BRISTOW. I should like to inquire if the Senator from Washington had any difficulty in getting an able lawyer to fill the position of district judge in his State at the salary fixed by law when the recent vacancy occurred. I desire to state that in my judgment the United States judges are the best paid of all the Federal officeholders, with the exception of the President. Their life tenure, without additional expense incident to their office, and the great honor of the position makes the place exceedingly attractive to lawyers of ability and renown.

Mr. PILES. I do not care to take up any of the time of the Senate in a colloquy of this character. I withdrew my amendment at the earnest solicitation of the Senator from Idaho, who has labored incessantly for about three years in this work, as I know, because I have been with him, and he was exceedingly anxious to get the bill passed this afternoon. He said the amendment would lead to debate, and asked me as a personal favor to withdraw my amendment. I did so, and I will not take up further time in a colloquy of the character proposed by the Senator from Kansas.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 9, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1911.

SURVEYOR OF CUSTOMS.

Luther C. Warner, of New York, to be surveyor of customs for the port of Albany, in the State of New York, in place of William Barnes, jr., whose term of office will expire by limitation February 28, 1911.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Robert A. Herring to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 5, 1910.

REGISTERS OF LAND OFFICE.

William F. Haynes, of Washington, to be register of the land office at Waterville, Wash., his term having expired May 10, 1910. (Reappointment.)

John W. Price, of Wyoming, to be register of the land office at Douglas, Wyo., his term expiring February 12, 1911. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Alfred C. Steinman, of Washington, to be receiver of public moneys at North Yakima, Wash., his term having expired January 28, 1911. (Reappointment.)

Lucius B. Nash, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Samuel A. Wells, term expired.

John Edward Shore, of Leavenworth, Wash., to be receiver of public moneys at Waterville, Wash., vice Walker A. Henry, term expired.

Samuel Slaymaker, of Wyoming, to be receiver of public moneys at Douglas, Wyo., his term expiring February 12, 1911. (Reappointment.)

THIRD ASSISTANT POSTMASTER GENERAL.

James J. Britt, of North Carolina, to be Third Assistant Postmaster General, to which office he was appointed during the last recess of the Senate, vice Abraham L. Lawshe, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps with rank from February 6, 1911.

Omar Heinrich Quade, of Missouri.
Guy Logan Qualls, of Missouri.
Leopold Mitchell, of Louisiana.
Philip Barry Connolly, of New York.

POSTMASTERS.

IDAHO.

Charles H. Andrews to be postmaster at Wendell, Idaho. Office became presidential July 1, 1910.

NORTH DAKOTA.

H. F. Irwin to be postmaster at Tioga, N. Dak. Office became presidential January 1, 1911.

OHIO.

Lucius A. Austin to be postmaster at Granville, Ohio, in place of Lucius A. Austin. Incumbent's commission expired January 31, 1911.

Joseph A. Donnelly to be postmaster at New Lexington, Ohio, in place of Joseph A. Donnelly. Incumbent's commission expires February 12, 1911.

John B. Mullie to be postmaster at Rittman, Ohio. Office became presidential October 1, 1910.

William H. Tucker to be postmaster at Toledo, Ohio, in place of William H. Tucker. Incumbent's commission expired January 29, 1911.

PENNSYLVANIA.

Ada U. Ashcom to be postmaster at Ligonier, Pa., in place of Ada U. Ashcom. Incumbent's commission expires March 2, 1911.

William W. Wren to be postmaster at Boyertown, Pa., in place of William W. Wren. Incumbent's commission expires February 28, 1911.

RHODE ISLAND.

James T. Caswell to be postmaster at Narragansett Pier, R. I., in place of James T. Caswell. Incumbent's commission expires February 28, 1911.

George E. Gardner to be postmaster at Wickford, R. I., in place of George E. Gardner. Incumbent's commission expired January 10, 1911.

SOUTH DAKOTA.

Frank E. Saltmarsh to be postmaster at Miller, S. Dak., in place of Frank E. Saltmarsh. Incumbent's commission expires March 1, 1911.

TENNESSEE.

John T. Hale to be postmaster at Trenton, Tenn., in place of John T. Hale. Incumbent's commission expired February 12, 1907.

William A. Pamplin to be postmaster at Fayetteville, Tenn., in place of William A. Pamplin. Incumbent's commission expired May 7, 1910.

William Spellings to be postmaster at McKenzie, Tenn., in place of William Spellings. Incumbent's commission expired January 29, 1910.

TEXAS.

Samuel J. Hott to be postmaster at St. Jo, Tex., in place of Samuel J. Hott. Incumbent's commission expired January 16, 1910.

John B. Schmitz to be postmaster at Denton, Tex., in place of John B. Schmitz. Incumbent's commission expired April 3, 1910.

Jacob J. Utts to be postmaster at Canton, Tex., in place of Jacob J. Utts. Incumbent's commission expired January 28, 1911.

WISCONSIN.

Robert Downend to be postmaster at Osceola, Wis., in place of Robert Downend. Incumbent's commission expires February 28, 1911.

Herbert A. Pease to be postmaster at Cumberland, Wis., in place of Herbert A. Pease. Incumbent's commission expires February 13, 1911.

James D. Strickland to be postmaster at New Lisbon, Wis., in place of James D. Strickland. Incumbent's commission expires March 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1911.

ASSOCIATE JUDGE, COURT OF CUSTOMS APPEALS.

George E. Martin to be associate judge of the Court of Customs Appeals.

UNITED STATES MARSHALS.

George H. Green to be United States marshal, northern district of Texas.

Calvin G. Brewster to be United States marshal, southern district of Texas.

SURVEYOR GENERAL OF NEVADA.

Matthew Kyle to be surveyor general of Nevada.

RECEIVER OF PUBLIC MONEYS.

Louis T. Dugazon to be receiver of public moneys at Baton Rouge, La.

REGISTERS OF LAND OFFICE.

John Franklin Nuttall to be register of the land office at Baton Rouge, La.

David J. Girard to be register of the land office at Eureka, Cal.

PROMOTIONS IN THE NAVY.

Asst. Surg. Alexander B. Hayward to be a passed assistant surgeon.

Paymaster Edmund W. Bonnaffon to be a pay inspector.

Naval Constructor Guy A. Bisset, with the rank of lieutenant, to be a naval constructor, with the rank of lieutenant commander.

Second Lieut. Franklin H. Drees to be a first lieutenant in the Marine Corps.

POSTMASTERS.

ARIZONA.

Edward D. Holbrook, Silverbell.

COLORADO.

R. Lincoln Pence, Ault.

CONNECTICUT.

Leopold J. Curtiss, Norfolk.
Frank G. Letters, Putnam.

ILLINOIS.

William M. Checkley, Mattoon.

KANSAS.

John K. Cochran, Pratt.
Samuel Forter, Marysville.
William R. Jones, Hanover.
Robert D. Rodgers, Syracuse.
Lissie H. Shoup, Cimarron.

LOUISIANA.

Benjamin Deblieux, Plaquemine.
Goldman L. Lassalle, Opelousas.

MAINE.

Theophilus H. Sproud, Winterport.

MISSOURI.

John W. Ayers, Callao.
William T. Elliott, Houston.

NEW JERSEY.

Alfred M. Jones, Summit.

NEW YORK.

Warren B. Ashmead, Jamaica.
Willoughby W. Babcock, Prattsburg.
George H. Keeler, Hammondsport.
Adolph Lienhardt, Stapleton.
David G. Montross, Peekskill.
Robert Murray, Warrensburg.
Fred O'Neil, Malone.
John O. Thibault, Clayton.
Everett I. Weaver, Angelica.

NORTH CAROLINA.

Frank B. Benbow, Franklin.

PENNSYLVANIA.

J. G. Lloyd, Ebensburg.
John C. F. Miller, Rockwood.

VERMONT.

Stanley R. Bryant, Windsor.

VIRGINIA.

Robert A. Anderson, Marion.

WEST VIRGINIA.

Wilbur C. Baxter, Sutton.

WITHDRAWALS.

Executive nominations withdrawn February 8, 1911.

John T. Bolton to be postmaster at Carlsbad Springs, N. Mex.
Elmer B. Colwell, of Oregon, to be United States marshal, district of Oregon.

RECONSIDERATION.

The Senate reconsidered the vote by which the nomination of Elmer B. Colwell to be marshal for the district of Oregon was rejected on the 6th instant.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following conventions:

Concerning the protection of trade-marks. (Ex. G, 61st Cong., 3d sess.)

Relating to inventions, patents, designs, and industrial models. (Ex. F, 61st Cong., 3d sess.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 8, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present, and the Chair sustains the point of order.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander, N. Y.	Fornes	Langham	Rothermel
Andrus	Fowler	Langley	Sabath
Barchfeld	Gardner, Mich.	Law	Saunders
Barclay	Garner, Pa.	Legare	Sherley
Bartlett, Nev.	Gill, Md.	Lindsay	Simmons
Bates	Gillespie	Lundin	Slemp
Bennet, N. Y.	Goebel	McCreary	Smith, Mich.
Bingham	Graham, Pa.	McCredie	Snapp
Boehne	Hamill	McGuire, Okla.	Southwick
Burleigh	Hardwick	McKinlay, Cal.	Sperry
Cantrill	Hawley	McKinney	Stanley
Capron	Hayes	Maynard	Sterling
Clark, Mo.	Heald	Miller, Kans.	Stevens, Minn.
Conry	Hill	Millington	Sturgiss
Coudrey	Hinshaw	Morgan, Mo.	Swasey
Dalzell	Hobson	Mudd	Taylor, Colo.
Davis	Hollingsworth	Murdock	Taylor, Ohio
Denby	Howard	Needham	Thomas, Ohio
Denver	Howell, Utah	Palmer, H. W.	Townsend
Dickson, Miss.	Hubbard, W. Va.	Patterson	Vreeland
Douglas	Huff	Payne	Wallace
Edwards, Ky.	Hughes, W. Va.	Pickett	Washburn
Elvins	Johnson, Ohio	Poindexter	Weisse
Englebright	Keifer	Pou	Wheeler
Fish	Knapp	Rhinock	Willett
Fordney	Kronmiller	Riordan	Wood, N. J.

The SPEAKER. Two hundred and eighty gentlemen are present—a quorum.

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 31237) making appropriations for the Army, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. HAY. Mr. Speaker, I object.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HUFF to withdraw from the files of the House, without leaving copies, the papers in the case of William Conner, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLARK of Missouri, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 31237. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills and joint resolution of the following titles:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; and

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed

copy of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

The message also announced that the Vice President had appointed Mr. CLARKE of Arkansas and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.;

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy, which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.; to the Committee on Rivers and Harbors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.; and

H. R. 20072. An act for the relief of Hans N. Anderson.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.;

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes; and

S. 5379. An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina.

CODIFICATION OF THE LAWS.

Mr. OLMSTED assumed the chair as Speaker pro tempore.

Mr. MOON of Pennsylvania. Mr. Speaker, I call up the bill H. R. 23377, the codification bill, as the unfinished business.

The SPEAKER pro tempore. The Chair desires to state the parliamentary situation. One week ago, when this bill was last under consideration, the gentleman from Georgia [Mr. BARTLETT] offered an amendment. That amendment, upon a division, was declared lost, and the gentleman thereupon demanded tellers. A sufficient number did not rise to second the demand for tellers. Thereupon the gentleman from Georgia made the point of no quorum, and the House immediately adjourned.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to withdraw the demand for tellers and withdraw, also, the amendment that I offered, and to substitute in its place the one which I now send to the Clerk's desk.

The SPEAKER pro tempore. If the gentleman from Georgia withdraws his demand for tellers, then the amendment which he offered stands defeated.

Mr. MOON of Pennsylvania. I understand the gentleman from Georgia to withdraw that amendment.

Mr. BARTLETT of Georgia. No; that is defeated. I offer now the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Insert after line 21, page 143, the following as a new section:

"The Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June 1, 1865, under the provision of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof,' where the property so taken or when so sold the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statute of limitations to the contrary notwithstanding."

Mr. HUBBARD of West Virginia. Mr. Speaker, I desire to make a parliamentary inquiry. When this bill was under consideration on last Wednesday all amendments then pending to section 116 of the bill were, at the instance of the chairman of the committee, passed over until to-day, then to be the first thing considered. I have no objection to the consideration and disposition of the amendment now offered by the gentleman from Georgia, if it is understood that then the amendments pending to section 116 be considered; otherwise I will have to insist on the arrangement which, by unanimous consent, was made, that the amendments pending to section 116 should be the first thing considered to-day.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. Mr. Speaker, I understand the gentleman from Georgia has offered an amendment to this bill——

Mr. BARTLETT of Georgia. The gentleman is mistaken; I have not offered it. It is not along the line to which the gentleman has reference.

Mr. BUTLER. I can not hear the gentleman from Georgia. I would, if I could; but I can not.

The SPEAKER pro tempore. Gentlemen will suspend until the Chair obtains certain information from the Journal clerk as to amendments offered and laid over on a previous day and the orders then made by the House as to the time when they should be considered.

Mr. HUBBARD of West Virginia. Mr. Speaker, the arrangement was made on that day when the bill was first called up.

The SPEAKER pro tempore. The Chair remembers that certain amendments were held over one week ago, which were to come up for action to-day.

Mr. HUBBARD of West Virginia. That was expressly stated.

Mr. MOON of Pennsylvania. I will say, Mr. Speaker, that the request was made by me for unanimous consent on the condition that it should be first considered when the bill was first again under consideration.

The SPEAKER pro tempore. Accepting the statement of the gentleman from Pennsylvania as correct, without any further delay to ascertain from the clerk, the Chair will state to the gentleman from Georgia that the amendments and sections which were passed over one week ago will be first in order, after which the gentleman from Georgia will be recognized.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. I want to move at the proper time to strike out a part of section 166, and I do not want to lose my opportunity, and my purpose in arising is to ask the Chair whether or not it will be lost if the provision offered by the gentleman from Georgia is considered before I have that opportunity?

Mr. BARTLETT of Georgia. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I desire to make a parliamentary inquiry of the Chair, if the Chair will listen.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to offer to amend section 166, and this amendment which I offered on Wednesday last was an amendment to that section. Now, I have offered the one which I have sent to the Clerk's desk not as an amendment but as an independent section, and what I desire in reference to that is to have that pending for all the purposes that may be required, with the privilege of any Member of the House, the gentleman from Pennsylvania, myself, or anyone else, to amend section 166, if possible. That is all. That would not deprive a Member of offering an amendment to

section 166, and I offer this as an independent section. Would it, Mr. Speaker?

The SPEAKER pro tempore. The Chair desires to state that, having examined the orders of the House as kept by the Journal clerk, it would appear that at this time the amendment offered by the gentleman from New York [Mr. PARSONS], the amendment offered by the gentleman from West Virginia [Mr. HUBBARD], and another by Mr. PARKER of New Jersey, and one by Mr. MANN of Illinois will be in order at this time before the amendment offered by the gentleman from Georgia.

Mr. BARTLETT of Georgia. Another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. If that matter is disposed of, it would be then in order to consider the amendment I have sent to the desk.

Mr. PARSONS. Mr. Speaker, there was another section passed over also.

The SPEAKER pro tempore. The Chair will state that the amendments which were passed over to be considered to-day are first in order, if insisted upon, and until they have been disposed of, the section is open to amendment, including further amendments which may be made to this section. After that the amendment of the gentleman from Georgia will be in order.

Mr. CULLOP. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CULLOP. Mr. Speaker, I rise for the purpose of offering an amendment to a provision of the bill that it may be pending, to be taken up and considered at some other time. I desire to have it read and to have it put in the RECORD, so Members will be advised as to what it is.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to offer an amendment at this time, and have it be considered as pending. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 27a. That in cases tried by a jury, the court, in charging the jury, shall only instruct as to the law applicable to the case.

SEC. 27b. In all cases tried by a jury, if there shall be any evidence given by the parties in support of any affirmative issue tending to support all the material allegations thereof, it shall be the duty of the court to submit the case to the jury, trying the same for its consideration and determination under proper instructions governing the law applicable to said issue or issues.

Mr. MOON of Pennsylvania. Mr. Speaker, I understand that the gentleman from Indiana [Mr. CULLOP] desires only to have this pending.

Mr. CULLOP. That is all.

Mr. MOON of Pennsylvania. But I desire to reserve all points of order on these two pending amendments. I understand they are not to be discussed at this time.

The SPEAKER pro tempore. This appears to be an amendment to a provision of a bill which has already been passed. It can be returned to only by unanimous consent, and unanimous consent was not included in the request.

Mr. MOON of Pennsylvania. Mr. Speaker, therefore I reserve all points of order.

The SPEAKER pro tempore. The Clerk will report the amendments pending, coming from the last day when this bill was considered.

The Clerk read as follows:

Amendment proposed by Mr. PARSONS:

"Amend section 116 by adding at the end thereof, after the word 'circuit,' in line 19, page 120, the words 'and shall have throughout his circuit the powers and jurisdiction of a district judge.'"

The amendment offered by the gentleman from New Jersey [Mr. PARKER]:

"Insert after the word 'and' the following words, 'as well as the circuit justices.'"

The sentence will then read as follows:

"Each circuit judge shall reside in the circuit and, as well as the circuit justices, shall have throughout his circuit the powers and jurisdiction of a district judge."

To which the gentleman from West Virginia [Mr. HUBBARD] offered a substitute, as follows:

"Substitute for amendment proposed by Mr. PARSONS to section 116:

"'District court shall be held by a circuit judge of the circuit or by a district judge duly appointed or designated for the district sitting alone, or by such circuit judge and district judge sitting together.

"'When such judges sit together the judgment or decree shall be rendered in conformity with the circuit judge. Cases may be heard by each of the judges holding a district court sitting apart by direction of the circuit judge, who shall designate the business to be done by each.'"

Mr. HUBBARD of West Virginia. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HUBBARD of West Virginia. For the purpose of discussing that amendment, and, in addition thereto, the alternative proposition.

Mr. MOON of Pennsylvania. I understand the question now is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The SPEAKER pro tempore. That is correct. And upon that the gentleman from West Virginia [Mr. HUBBARD] desires to be heard.

Mr. MOON of Pennsylvania. I do not know whether the gentleman from New Jersey desires to be heard on that or not.

Mr. PARKER. The gentleman from New Jersey has already spoken on that amendment, and I think I have exhausted my time.

Mr. MOON of Pennsylvania. I desire to call the attention of the House to this amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. HUBBARD] has been recognized.

Mr. HUBBARD of West Virginia. I will cheerfully yield to the chairman of the committee for that purpose.

Mr. Speaker, I desire to discuss the general subject to which the substitute as well as these amendments relate. If the chairman of the committee desires to be heard on the amendment offered by the gentleman from New Jersey, I desire to give way to him.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say just one word. That was discussed by me also at the time the amendment was pending. The object of this amendment is to put a circuit justice who is a Justice of the Supreme Court of the United States into the district court as one of the judges of that court and to make him a constituent element of that court. That proposition, in my judgment, ought to be voted down.

Mr. PARKER. Will the gentleman yield?

Mr. MOON of Pennsylvania. Certainly.

Mr. PARKER. Is he not now a constituent justice of the circuit court and always has been, and is not the court he is now put into the same circuit court?

Mr. MOON of Pennsylvania. He is at the present time one of the justices of the circuit court, but the act that creates him as such limits the necessity of his visits to that circuit court to once in two years. I think every practicing lawyer knows how that duty is performed.

We all know that the Supreme Court Justices have no time to visit the circuit courts of appeals and take part in their deliberations, much less now to be put into the district court, of which they never were a part. We all know the time of the Supreme Court Justices is so occupied that they are seeking at the hands of this House relief from the pressure of a crowded calendar. They can not keep up with the litigation of the country.

In 1869 the necessity for their visiting the circuit courts was limited to once in two years, and that duty is not performed at greater intervals—I have no authority to justify me in saying that they do not perform the duty—but I do know from the necessities of the case that they must perform them generally in a perfunctory manner.

Never in our judicial scheme was a Justice of the Supreme Court qualified, much less required, to sit in the district court. He was originally an important factor in the then circuit court, but when the original jurisdiction of that circuit court was practically taken away by the act of 1891, or when its duties became chiefly of the appellate court, the Supreme Court Justice sat in the appellate court only. Now, it would be a great step backward, it would, in my judgment, if it means anything, seriously embarrass the work of the Supreme Court, and I ask that the amendment be not accepted.

Mr. HUBBARD of West Virginia. Mr. Speaker, the committee on the revision of this chapter, which has devoted to this work so much ability and industry, by revision proposes to abolish, not the circuit court in reality, but to abolish the name of the circuit court, and to consolidate with the present powers and jurisdiction of that court the present powers and jurisdiction of the district court—to give to that newly proposed consolidated court the name of district court. But I think gentlemen would be misled if they follow the suggestion of the chairman of the committee that this is to be considered merely as the district court. The newly proposed court is practically the former circuit court, so far as the great body of litigation with which that court has dealt is concerned, so that what is now christened the district court will in reality, if this bill be passed, be the former circuit court. I think the amendment proposed by the gentleman from New York [Mr. PARSONS] is proper. In principle I favor the amendment proposed by the gentleman from New Jersey [Mr. PARKER]. Just how much practical value that may have I am not prepared to say.

But, Mr. Speaker, neither of these amendments goes far enough. Under the existing law a very convenient and flexible

way of transacting the business of the courts is provided in that not merely the circuit justice but the circuit judge and the district judge can hold the circuit court, what will now, under this bill, be the district court. If the district judge be disqualified for any reason the circuit judge can now go on the bench at once and try that case or he can hold the whole term of the court, and a circuit justice may do the same thing.

Under the existing law, if there be an important case, a case which ought to be heard fully and carefully in the first instance, about which there may be popular clamor or deep and bitter feeling between litigants, two of those judges may hold the court, sitting together. Under this revision as proposed, these facilities for transacting business will be taken away.

Again, under the existing system, if there be work enough for two judges, two judges may sit separately if the circuit judge so directs. So, Mr. Speaker, the amendment I have proposed is intended and does in the words of the present statute, modified only so far as may be necessary to adapt them to the scheme of the committee in consolidating these courts, simply preserve in existence the powers of the judges, their jurisdiction, the control by them, respectively, of the business of the court, just as they now are under the existing law.

I submit, Mr. Speaker, that there has not been shown in anything that has been stated here any reason for changing that very convenient and efficient method. In the action taken by the Committee on the Revision of the Laws in this respect they seem to have taken a very hard and difficult way of doing a very easy thing. I said the other day that under the present system if a receivership affecting a railroad or real estate located in several districts is applied for, the circuit judge being a judge of the circuit court held in each district in his circuit, can make an order, practically extending through all the district, and there is no possibility of conflict between judges. But under this bill as it stands the district judge, having jurisdiction only in one district and only able to sit in the district court for that district, can make an order that simply relates to the territory or to the part of that railroad or real estate within that jurisdiction, and you may have a dozen receiverships, would be very likely to have two or three conflicting receiverships, in the several districts in that circuit.

To that suggestion a reply was made by the gentleman from Pennsylvania [Mr. MOON], that by an amendment, section 54a, there has been provided a remedy for that state of affairs. Now, that remedy, as gentlemen will see by referring to that amendment, is that an application may be made to a district judge for a receivership, and the order made by that district judge shall obtain in the other districts in which the territory lies, as well as in his own district, provided it is approved within 30 days by the circuit court of appeals or a judge thereof, and if it is not approved, then it becomes void. In toto? No. In a district other than that of the judge who ordered the receivership? No. Void outside of the State in which the judge's district is situated. So that under this roundabout and indirect way of providing for that contingency, which the committee recognized must be provided for, you must have, perhaps, a circuit court of appeals taking part in the original jurisdiction in that case, and then after that circuit court may have practically reversed the district judge, that amendment still, notwithstanding that practical reversal, proposes to keep in force in part of the circuit the receivership which has thus been discredited by the circuit court of appeals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUBBARD of West Virginia. Mr. Speaker, I ask unanimous consent to continue for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PARSONS. Will the gentleman permit a question?

Mr. HUBBARD of West Virginia. Certainly.

Mr. PARSONS. Will not the amendment that I offer do away with the necessity of section 54a?

Mr. HUBBARD of West Virginia. I think it will not wholly do so, but I think the substitute I offer will do it, because it restores the practice with which we are all familiar and under which everybody recognizes that the difficulty will be avoided, and in three lines there will have been accomplished that which the committee by section 54a has taken practically two pages of this bill to remedy, with the result that I have stated, as to which result I am sure the gentleman from New York [Mr. PARSONS] can not differ with me.

Mr. PARSONS. Does not the gentleman consider it advisable that my amendment should be adopted as well as his?

Mr. HUBBARD of West Virginia. I have stated that I see no objection—in fact, that I am in favor of the amendment offered by the gentleman from New York—and I may say in that connection, Mr. Speaker, that if this substitute meets with the favor of the House, I shall ask unanimous consent to have it transferred to the end of the section, where perhaps it more logically belongs, to be numbered section 22, taking the place of a section which has been omitted, I believe.

Now, Mr. Speaker, I apprehend that if the method of legislation which is proposed here shall obtain, besides what I have said as to the jurisdiction of the circuit court of appeals, there is this to be said: This bill proposes that whenever there is need for a circuit judge to act upon the bench, he must be designated for that purpose by the senior circuit judge. You have perhaps got to go to the other end of a circuit 1,000 miles long to find a senior circuit judge for the purpose, possibly, of designating himself, possibly of designating a junior circuit judge, who may be present in the place where it is desired that he sit.

Mr. Speaker, I apprehend that if the provisions of this revision which relate to this matter are enacted they will be rather calculated to put the judicial business of this country alongside of its postal business, in that sort of a fix which was so sententiously described the other day by the gentleman from Mississippi. It is for that reason, because it simply reenacts the law as it now is, with which we are all familiar and as to which there is no complaint, that I think this substitute should be adopted. I have no objection that it should be added to the amendment of the gentleman from New York.

Mr. PARKER. Will the gentleman permit a question?

Mr. HUBBARD of West Virginia. Yes.

Mr. PARKER. Is it not possible now for all three judges, if there are three in a circuit, circuit judges and the circuit justice, to sit, all of them, on the circuit bench?

Mr. HUBBARD of West Virginia. It is possible.

Mr. PARKER. As I understand the provision the gentleman has at the end of his substitute where the opinion of the circuit judge and district judges differs, when that relates to appeals from the district to the circuit court, it is intended to apply only to that section.

Mr. HUBBARD of West Virginia. No. Under existing law it is the section which relates to original jurisdiction.

Mr. PARSONS. If the gentleman will permit, that is section 614, which is the section dealing with appeals from the district court to the circuit court.

Mr. HUBBARD of West Virginia. But does the gentleman mean to say there is no provision now by which two justices may sit in the exercise of original jurisdiction?

Mr. PARSONS. Oh, yes; but what I am pointing out is that the language which says that the opinion of the circuit judge shall govern is only to be found in the section which is dealing with appeals from the district court to the circuit court judge.

Mr. HUBBARD of West Virginia. That may be, but the gentleman will concede that it is just as desirable and, in fact, just as necessary that if the two judges sit in the exercise of original jurisdiction the opinion of one of them must prevail.

Mr. PARKER. But if there were three?

Mr. HUBBARD of West Virginia. I was about to say if the House shall adopt the amendment proposed by the gentleman from New Jersey, I propose to offer a changed substitute which will provide for that condition and provides that where a circuit justice judge sits he shall preside. If he is not there, and the circuit judge sits with the district judge, he shall preside, and the opinion or judgment of the court shall be in conformity with the opinion of the presiding judge.

Mr. PARKER. Mr. Speaker, will the gentleman permit a further question?

Mr. HUBBARD of West Virginia. Certainly.

Mr. PARKER. Is not it of more importance that where there is a court of three, four, or even five judges, or six judges, as there could be in some circuits where there are three or four district judges——

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PARKER. I was proceeding to say, Mr. Speaker, is not it of more importance that judges should be called upon the bench, and they should vote according to their majority, as they do in all the other courts where the procedure is nothing more than a chairman of a committee, such as we have in Congress? Is not it dangerous to try to provide for every case, because will not the case run between one district judge, one circuit judge, one circuit justice, or two or three district judges. You can not provide for all cases.

Mr. HUBBARD of West Virginia. But, Mr. Speaker, if there be more than two judges upon the bench, the opinion of the majority would prevail, as a matter of course. The case to be provided for here is where only two judges sit. If they differ in opinion, you must have some opinion which shall prevail for the time, else your case will have been mistried and the time wasted.

Mr. PARKER. But you can take an appeal.

Mr. HUBBARD of West Virginia. But you must have some judgment to appeal from. From which judge, or from whose judgment, do you take an appeal?

Mr. KEIFER. Will the gentleman yield?

Mr. HUBBARD of West Virginia. Certainly.

Mr. KEIFER. In the case of two judges and one a circuit judge, the practice now is to certify a case upon a division of opinion, is it not?

Mr. HUBBARD of West Virginia. If so, I should think it would be difficult to apply that to a case like the one I am suggesting, where the judges are engaged in the trial of a case in which the record is not complete, in which witnesses are being heard.

Mr. KEIFER. Then the case is not ready.

Mr. HUBBARD of West Virginia. The case is ready. It is on trial at the time the diversity of opinion appears, and, indeed, that diversity may not appear until the judgment is to be entered. The judge who is presumably of higher rank and of greater experience, it seems to me, is the judge whose opinion should govern for the time. The appeal that the gentleman refers to still lies.

Mr. KEIFER. I am not speaking of appeal.

Mr. HUBBARD of West Virginia. The gentleman from New Jersey was.

Mr. KEIFER. That is right. But this is my point: When a district judge is sitting with a circuit judge in the matter, why is his opinion not to be regarded, unless it is in accord with the proceeding?

Mr. HUBBARD of West Virginia. For this reason: I think every lawyer who has had any experience in the trial of cases in the United States court has seen cases tried which involved matters of great popular interest, calculated to arouse popular clamor, enveloped, perhaps, in bitterness of feeling, in which the very fact that two judges were upon the bench put into the litigants confidence in the justice of the tribunal that was to decide upon those interests in which they had so much and such deep feeling that it was calculated to impress the community with an added sense of the dignity of that court, that it added weight to the conclusions of that court, that without reference to that it often satisfied counsel who might have been persistent enough to set up their own judgment and opinion against the opinion of one judge, and yet who, defeated by the judgment of two judges, were satisfied it was of no use to go further with that litigation; and the end there came to that controversy that which otherwise would have been protracted by the succession of appeals that has been suggested.

Mr. KEIFER. Granting all that you have just said to be true, and I think it is possible, what regard would litigants or counsel, or the public, when the public was interested, have for a decision where two judges presided and they differed absolutely, one being a circuit judge and the other a district judge?

Mr. HUBBARD of West Virginia. Then the litigants would be sure that there had been presented, not merely by their counsel but by one of the judges in the conference between the judges, all the arguments that could be suggested in favor of the contention, and would realize that when that case went to the appellate court, as in such a case it doubtless would go, it would go there with all the showing that he was entitled to.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. KEIFER. Mr. Speaker, I do not care to take but a moment, as I am not very familiar with this whole question, but I am always troubled when it is undertaken to change a policy in our judicial system, and it seems to me that which has just been suggested by the distinguished gentleman from West Virginia [Mr. HUBBARD] would change a policy that has obtained in this country in the trial of cases where a circuit judge and a district judge may come together for more than 100 years. And, if I understand the question fairly, I think there is no benefit to result from doing that. The public and the litigants, and nobody else, have much respect for the opinion that is delivered by one of two judges, the other dissenting. I think when you come to measure talent or rank, or presume extra ability merely by the title of the judge, the public will have but little confidence in it.

Mr. HUBBARD of West Virginia. Is it not the legislation proposed by this committee that is calculated and intended to change the organization of the courts and their methods as they have prevailed for 100 years, and not the substitute that I proposed?

Mr. KEIFER. Perhaps the substitute is only in line with that proposed. I said before that I was not very familiar with all this question, and it is always a little dangerous to talk about a matter you do not know about. My objection is still good, even if it reaches back to the bill as reported here. My recollection is that there has been no exception to the rule that where two judges, or even a number of judges, sit in the trial of a case or in the hearing of a question upon appeal, if it was on mere matters of law, and there was an equal division of the court—I mean a subordinate court—and there was no decision, the case was certified up for decision, and I understand the rule to be when it happens in the Supreme Court, where a case comes up, and it happens that an even number of judges hears the case and divide evenly, that the judgment of the court below has to be affirmed, because it can not be reversed.

Mr. HUBBARD of West Virginia. Will the gentleman yield?

Mr. MOON of Pennsylvania. Certainly.

Mr. HUBBARD of West Virginia. That prevails where there is a difference of opinion in the circuit court of appeals and the case goes to the Supreme Court. I think the gentleman is misled by a statement made by the gentleman from New York in reference to section 614, which that gentleman has interpreted as applying merely to a case where the district judge is sitting in an appellate capacity. Will the gentleman allow me to read section 614?

Mr. MOON of Pennsylvania. Certainly.

Mr. HUBBARD of West Virginia (reading):

SEC. 614. A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision: *Provided*, That such a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases shall be rendered in conformity with the opinion of the presiding justice or judge.

And such is the practice. Cases are not certified, but the opinion of the judge higher in rank prevails. The last sentence is independent of the first one, and relates to every case where the district court holds a circuit court with another judge.

Mr. MOON of Pennsylvania. Is the gentleman aware of the fact that that is not existing law, and has not been the law since 1891?

Mr. HUBBARD of West Virginia. I am not aware of it.

Mr. MOON of Pennsylvania. That section relates to the course of procedure upon an appeal from a district court to a circuit court. In 1891 the appellate jurisdiction of the circuit court was abolished.

Mr. HUBBARD of West Virginia. This was in existence long before 1891, and therefore could not have been subject to change as to its interpretation.

Mr. KEIFER. It was superseded and repealed, I think, in 1891.

Mr. MOON of Pennsylvania. Mr. Speaker, I understand the pending amendment is the amendment offered by the gentleman from New Jersey [Mr. PARKER] to the amendment offered by the gentleman from New York [Mr. PARSONS], and the gentleman from West Virginia has spoken not in relation to that, but in relation to his own amendment. I ask the Chair to put the amendment of the gentleman from New Jersey, and then I will briefly discuss the amendment offered by the gentleman from West Virginia.

Mr. BRANTLEY. Mr. Speaker, I do not hope to illumine this discussion, but I do desire to record my protest against the revolutionary change in our judicial system made by this codification bill. I have the greatest respect ordinarily for the judgment of the distinguished chairman and his associates who propose in this codification bill, not only to take away all original jurisdiction from the circuit courts, but in terms to abolish these courts; but in this instance I do not agree with him or them.

The several pending amendments—the one offered by the gentleman from New York [Mr. PARSONS]; the proposed amendment thereto offered by the gentleman from New Jersey [Mr. PARKER]; the amendment of the gentleman from West Virginia [Mr. HUBBARD]; the amendment proposed by the gentleman from Pennsylvania [Mr. MOON] and already adopted adding section 54a—are all designed to meet some of the difficulties, troubles, and confusion that must of necessity result if this codification bill is adopted.

Whether or not these amendments, or any of them, can reach the end of giving us the same perfect system we now have, I am not sure, but I gravely doubt it. I believe, however, that the effect of these amendments if adopted will be to save the necessity of the appointment of a large number of additional

United States district judges who would necessarily have to be appointed if this codification bill goes through in unamended form. I believe these amendments would to some extent relieve the bad situation that this codification bill will produce if adopted.

It occurs to me in this connection to say that if these amendments will restore us to the system we now have, with all its flexibility, why have made the change at all? If in the end we are going to get back to the place from whence we started, why have made the start? Why enact a lot of new statutes that must be construed and understood if in the end no change in our system has resulted?

Mr. Speaker, I am opposed to this codification bill because it abolishes the circuit courts. I do not believe we can improve upon our judicial system as it now exists—a system that has been tested and proven since the foundation of the Government. The subject under discussion is too important—is too far-reaching—to be dealt with through the limited investigation and discussion that can be given to it, legislating in this way. The statement is made that the proposition to abolish the circuit courts has the indorsement of the American Bar Association, and yet it is a fact that at the last meeting of the American Bar Association, held in Chattanooga last September, a resolution was adopted asking Congress not to enact this codification into law at this session because it abolishes the circuit courts. The association thought, and so declared in their resolution, that the matter is of such serious importance that final action should be deferred until the legal profession has thoroughly investigated and considered it.

The statement is made that heretofore the American Bar Association has indorsed this identical proposition. I am not a member of this association, and I have no personal information upon the subject; and yet I caused to be printed in the RECORD during the month of December a memorial or petition from a committee of the American Bar Association, composed of one lawyer from each circuit of the United States, whose names appear thereto, in which memorial the statement is made that the association, as an association, has never indorsed this change and that the records of the association will not support the statement that they had done so.

What the truth of this matter may be I do not know, but it does seem to me that before we proceed to enact into law this revolutionary change in our judicial system we ought, at least, to give to the American bar an opportunity to consider what the effects and the results of the change may be.

It has also been suggested upon the floor of the House as a reason for making this change that back in 1890, when the Congress enacted the law creating the circuit courts of appeal, this law as it passed the House included a provision abolishing the circuit courts, substantially in the form now proposed, and that therefore the House is upon record as having indorsed the proposition.

For my information, Mr. Speaker, to learn the reasons given at that time for such a change, and also to acquaint myself with the arguments made against the change, I took the trouble to go back and look at the CONGRESSIONAL RECORDS of that period. I discovered a rather interesting fact, one that is possibly of no value so far as the merits of the proposition are concerned, but a fact that is of value as showing that the action of the House at that time furnishes no precedent for the proposed action at this time. That fact is that a majority of the House did not vote to abolish the circuit courts.

[The time of Mr. BRANTLEY having expired, by unanimous consent, on the request of Mr. BUTLER, his time was extended for 10 minutes.]

Mr. Speaker, I discovered that when the bill creating the circuit courts of appeal was up before the House it included a provision to abolish the circuit courts. I found, however, that that bill was considered in the House under a special rule from the Committee on Rules, reported from that committee by the distinguished gentleman who is now the Speaker of this House, which rule limited debate until 5 o'clock of the day on which the rule was offered.

I discovered that there was intense opposition to the adoption of the rule because it did not afford the House an opportunity to discuss the questions involved, so that there were numerous roll calls upon the adoption of the rule, and when the rule was finally adopted the gentleman in charge of the bill in his opening statement to the House announced that 1 hour and 5 minutes of time only was available in which to discuss this bill; that is to say, one hour and five minutes was the sum total of time given by the House to the discussion of the bill. The statement was made upon the floor the other day that upon the passage of the bill there were only 13 votes recorded against it, and this was cited as an evidence of the unanimity of the House on the proposition at that time. There were but 13 votes recorded against the bill, but that is not the whole story. The RECORD of that time shows that the bill received 131 votes, with 13 votes cast against it, but that 183 Members did not vote at all. The RECORD further shows that the point was made that no quorum had voted, and that thereupon the then Speaker proceeded to count as present 30 gentlemen who had not voted, and announced that a quorum was present, and that the bill was passed.

I found, Mr. Speaker, that when the bill reached the Senate it was discussed at length, and that the provision abolishing the circuit courts was stricken from it, and that when the bill came back to the House from the conference committee with this provision stricken, a motion was made for the yeas and nays in opposition to the adoption of the conference report, but a sufficient number of gentlemen would not rise in the House to get a call of the yeas and nays on the adoption of the conference report. I take it, upon the whole, that not much value can be attached to the action of the House at that time, even though a different result had been reached, because, after all, the great question under discussion at that time was the creation of the circuit courts of appeals, and not the destruction of the circuit courts.

Mr. MOON of Pennsylvania. Would it embarrass the gentleman if I asked him a question? I do not want to take his time. His time will be extended.

Mr. BRANTLEY. Not at all. I will be glad to yield to the gentleman.

Mr. MOON of Pennsylvania. Is the gentleman also aware of the fact that after the Senate had refused to adopt the legislation of the House, in a few years thereafter the American Bar Association itself introduced, or prepared, a bill which was introduced by Senator Hoar, at whose objection the Senate refused to adopt the provisions abolishing the court? I ask the gentleman if he is aware of that fact, and that the bill prepared by the American Bar Association accomplishing just this purpose was introduced by Senator Hoar and referred to the then Commission for the Revision of the Laws, practically with instructions to make that change. Is the gentleman aware of that fact?

Mr. BRANTLEY. Mr. Speaker, I am not.

Mr. MOON of Pennsylvania. I have the RECORD.

Mr. BRANTLEY. I have just stated, and it appears in the RECORD printed last December, that a committee of the American Bar Association in their printed statement, over their own signatures, challenged the statement of the gentleman from Pennsylvania. They stated that the records of the American Bar Association will not sustain the statement that that association, as an association, has ever indorsed this proposition. I distinctly stated that I did not know the facts, but I called attention to the issue made thereon. One of the objections that I have to making this proposed change in our judicial system is one of the objections that was urged in the Senate at the time this change was proposed in 1890 and 1891. My distinguished friend from Pennsylvania is mistaken if he concludes from his reading of the RECORD of that time that only one Senator was opposed to this proposition. Mr. Speaker, the founders of this Government were wise, in my judgment, when they so framed our judicial system that the great judges of the Supreme Court and all the great appellate judges of the country would not be segregated and set apart and removed from all contact with the people.

It was the idea of the founders of this Government that these judges, who have the last say on the lives and fortunes and destiny of the people and the Republic, should not be isolated from the people and unknown to them. The idea of the founders was that it was good for the judges and the people, good for the Government, for these judges to come in contact with the bar and with the people, and so it was provided that the Supreme Court judges should sit in the circuit courts and be a part of these courts. [Applause.] That system has continued from then until now. Here is a proposition that says in terms that the Supreme Court judges shall not sit in nisi prius courts. It is bad enough for pressure of business to keep these judges away from the circuits, but it is infinitely worse to say, as matter of law, that they must keep away. Some of the brightest pages in the judicial history of this country have been written by Supreme Court judges, sitting in the circuit courts. When the pending proposition was before the Senate in 1890 a distinguished Senator, other than Senator Hoar, to wit, Senator Evarts, of New York, said he thought it a great misfortune—

that judges in banc are also not brought in contact with the profession and the suitors and the people in the courts of first instance as frequently as possible.

He also said that the circuit judges, when the work of the appellate court was completed, under the Senate bill—

would be left to take the very important part that they now take, and can not be spared, in my judgment, in the courts of first instance in equity cases and in matters that belong to first hearings of all important matters.

I do not desire to see a severance between these appellate judges, which the scheme of the House operates between the judges of that court and the jurisdiction in the first instance of the litigation that the circuit judges now discharge.

Another great Senator, Senator John T. Morgan, of Alabama, said in his speech in opposition to the House proposal:

Now, another point, and I think it is an important consideration. I want the circuit judges to do some nisi prius work. I have conferred oftentimes with the venerable judges of the Supreme Court about that. I have asked some of them about it. Indeed, I have made it a matter of serious inquiry to know what their opinions were about it, and why it was that they had not long ago recommended in the midst of their immense labors that they should be relieved of their circuit riding. They said, "It is a delight to us to go out and try causes at nisi prius. More than that, it improves us; it informs us of what the people are, what they think, and what they feel." They are not strangers in the land, and they are not strangers on the judgment seat when they go out among the people and find out what the people think and what they are doing. So I want the circuit judges to participate in the nisi prius work.

The oldest circuit judge to-day in commission is Circuit Judge Don A. Pardee, of the fifth circuit. In a letter written by him on March 26, 1910, he stated that he had then been a circuit judge for 29 years; that he was then 73 years of age and must inevitably soon vacate his office, so that he had no personal interest in opposing the proposition contained in this bill. Speaking from his long experience on the immediate point I am making he said:

In my opinion the legislation is ill advised. From the foundation of the Government until now the idea has prevailed that appellate judges should not be segregated and entirely cut off from the bar and people, but should from time to time sit and preside in the courts of original jurisdiction, giving these courts the benefit of their experience and bringing the high judges face to face with the great mass of people and the many active lawyers (who otherwise might never see them) to the advantage of all. Under this system Mr. Chief Justice can sit in the circuit courts of the fourth circuit and Mr. Justice White in the fifth circuit, and I have many times found it necessary to sit with the district judge in my circuit.

Gentlemen who talk about the circuit court judge not holding the terms of his court overlook the important fact that there is a volume of chambers matters and equity matters that he is constantly engaged upon. The amount of circuit court work that he does is not to be measured by the number of days that he actually holds court during term time.

To my mind, the chief argument that is urged for abolishing the circuit courts is the conclusive argument against abolishing them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BRANTLEY. Mr. Speaker, the thing that I object to mostly, and that the lawyers in my section of country protest against with most earnestness, is the fact that this codification not only abolishes the circuit courts, but abolishes and destroys the power of the circuit judge. Lawyers in my section of the country believe that one of the most beneficent influences, one of the most potent influences for good that now exists under our system of laws is the power of the circuit judge. He may not always hold the circuit court, but his power is always present to restrain the granting of improvident orders. It is his court, and he can step in at any time and take charge of it and the business therein. This bill destroys this power, and while it lets him go into the district court it sends him there as a district judge, with the power only of a district judge. His great supervisory power is destroyed, and his initial or original power in the administration of large properties covering more than one State is left by this bill, in an incomplete and imperfect state, in the district judge. This bill forces litigants, who want to complain sometimes of the orders of the district judges, to go through a tedious and costly appeal, whereas under the present system the circuit judge, by reason of his supervisory power over his own court, can grant the desired relief upon mere presentation of the matter to him. Gentlemen now complain that he has this power, and yet the founders of the Republic conferred it, and it has stood the test of more than a century of experience. To destroy the power of the circuit judge would be, in the opinion of a distinguished lawyer who recently wrote me, nothing short of a calamity. I concur in his view.

The amendment proposed by the gentleman from Pennsylvania—54a he calls it—authorizes the district judge to appoint a receiver where the property involved covers more than one State, the same as a circuit judge may now do, subject, however, to confirmation within 30 days by the circuit court of appeals. It seems to me that the gentleman loses sight of an important fact. I take it that as a rule, where great properties are subject to and ready for a receivership, both sides seek the protecting arm of the court. There is rarely a contest over the appointment of the receiver.

The place and the time where the power of the circuit judge is valuable and necessary is not in the mere appointment of the receiver, but it is in the granting of the administrative orders that follow the appointment of the receiver—it is the power that avoids clashing jurisdictions and gives one uniform administration; and this is the power that is taken away. A stock argument advanced for this bill is that we have too many clerks. It seems to me that a little law, a few lines in length, providing that where the district and circuit courts are held on the same day by the same judge, with the same clerk and other officers, that one per diem only for the officers of the court, the jurors, and witnesses shall be paid would be amply sufficient to reach that evil. In order to save a few dollars to the Government that could easily be saved otherwise it is proposed to revolutionize a system that has been in existence since 1789.

I make the prediction, Mr. Speaker, and the discussion now on the floor of this House, together with the pending and previous amendments, warrants the prediction, that if we make the change now proposed it will require another long line of judicial decisions to interpret the new law so that litigants and lawyers will know what the law is, and will know what the procedure is. Until the new law is judicially ascertained and known we will have chaos and confusion, such as has not existed since the early days. At the present time we have a system thoroughly established and understood. It works smoothly. The lawyers and courts understand it and there is neither friction nor delay. The distinguished gentleman who urges this proposition has stated that the present system is cumbersome and unwieldy, and yet as against his opinion, valuable as it is, a committee of the American Bar Association in 1909 announced that "the Federal circuit courts and circuit courts of appeals are a model of flexible judicial organization."

Mr. Speaker, the pending codification bill consists of 286 sections. In the neighborhood of 80 of these sections existing law is redrafted without any change. About 150 sections state existing law, with only such rearrangement and verbal changes as are necessary and proper in a codification. The remaining sections change existing law, and all these changes in the main are made necessary, by reason of the proposed abolishment of the circuit courts. As I read the bill I find it practically impossible to offer an amendment that will restore our existing judicial system. The objection that I urge to the bill can not be reached by an amendment. The only way that it can be reached is by recommitting the bill to the committee, with instructions to strike out of it all those portions whereby the existing circuit courts are abolished.

If the bill ever reaches that stage where such a motion would be in order, it should, in my judgment, be made, and the House should adopt it. The country has waited a long time for this codification, but the country can wait yet a while longer rather than obtain it accompanied by the extinction of the circuit courts and the destruction of the power of the circuit judge. The codification commission and the Committee on the Revision of the Laws have done a good work in this codification, and one for which they are entitled to the thanks of the bar and the people of the country. It is unfortunate that they have done more than was expected of them, and more than the country, so far as I am advised, desired should be done.

I am opposed, not only to the pending revolutionary change in our judicial system, but I am equally opposed to the revolutionary manner in which the change is sought to be effected. I do not charge the commission or the committee with exceeding the power conferred upon them, but, granting that they had the power to change substantive law in the manner proposed, I submit that two mistakes have been made. The first mistake was in conferring such power upon the commission. The second mistake was made by the commission in exercising such power although conferred. I believe that a codification commission should in its work be limited to codification. Such a commission should have no power to change substantive law, and when their report is submitted, I earnestly insist that it should be considered in the House under a rule that would prohibit any amendments in the House changing substantive law. The commission, if it should find that in its opinion certain changes in substantive law should be made, should submit such proposed changes in separate bills, which bills should go to their appropriate committees. In no other way, so far as I can see, can we preserve that system of safeguards in the mat-

ter of legislation that has been in force so long, not only in this body, but in all other legislative bodies.

Mr. Speaker, on each succeeding calendar Wednesday during this session, we have witnessed the spectacle of our entire body of law relating to the judiciary considered on the floor of this House, where each and every section is open to amendment, modification, or repeal, and all without investigation or consideration by any committee and without real investigation or consideration by the House itself. Our judiciary laws are not the work of a day. They are the evolution of more than a century of experience. It is unwise and dangerous to have these laws subjected to change and repeal without that careful and painstaking investigation and consideration that is always essential to wise legislation. The entire trouble with which we are now confronted grows out of the fact that the codification commission undertook the change of substantive law. If they can change substantive law, the House is certainly entitled to do so. If the commission had not changed substantive law, it would have been a comparatively easy matter to have prevailed upon the House not to do so, except in a regular and orderly manner.

Mr. Speaker, I thank the House for its attention. [Applause.]

Mr. HUBBARD of West Virginia. Will the gentleman allow me to ask him a question, as one who sympathizes very much with the views he has just expressed? I desire to ask him whether, in view of the possibility of the enactment of this legislation, it is not the part of wisdom to adopt the amendments that are now proposed. If the bill should fail on final vote, no harm is done; but if it should pass, will not these amendments, in his judgment, go far toward retaining the present powers of the circuit judge?

Mr. BRANTLEY. I take pleasure, Mr. Speaker, in stating that I expect to vote for each one of these amendments. I propose to improve, so far as I can do so, the bill as it comes from the committee. I think each one and all of these amendments tend to better the situation that will result if this codification bill goes through unamended. [Applause.]

Mr. HUBBARD of West Virginia. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Mr. Speaker, a few words in reply to the gentleman from Georgia. The gentleman has spoken about the Federal judicial system of the United States as a great and time-honored institution that ought not to be lightly changed or amended. He has paid a great tribute to it as a perfect historical judicial system. I want to say to the gentleman that I yield to no man in my admiration for the principles upon which our Federal system of judicature is based; that my reading and my study of that system show me that from the beginning its practical operation, its administrative methods, were only tentative; that in its earlier stage and practical application it had to be changed from time to time, and all these changes that were made by the various acts of Congress were made to perfect the administrative and judicial methods in the distribution of business as practical weaknesses developed in actual operation in the field.

The act of 1789, that created our judicial system, created these two courts—the district and the circuit court—the Supreme Court having been created by the Constitution; but, Mr. Speaker, it will be remembered that at that time the Supreme Court of the United States, which was almost wholly an appellate court and whose chief function was its appellate power, had no appellate work that it could possibly perform. No cases had been tried, no records had been made, no errors had been committed, and therefore that great court had no functions to discharge whatever, and the original circuit court was created with original jurisdiction and the Supreme Justices were made the judges of these courts.

I call the attention of the House to the fact that for 80 years, from 1789 down to 1869, there did not exist such a thing as a circuit judge. The circuit court was created as a nisi prius court and was made to consist of two Supreme Court justices and a district judge, and these unemployed Supreme Court justices went out upon the respective circuits to try cases and create records for which and upon which the Supreme Court of the United States was to sit on appeal. That act, the act of 1879, required two Supreme Court Justices to sit in the circuit court; and I called attention to the fact in the speech that I delivered on the floor of the House upon the introduction of this bill that these justices were obliged to travel the entire length of this country in that service, and that a position on that great bench, which is now regarded as the greatest judicial honor in the world, was not sought by the great lawyers of the country. I called attention to the fact that George Washington in the brief period of his administration appointed three Chief Justices of the Supreme Court, and that many of the great lawyers of the land who were appointed refused to serve, largely because of the fact that that court had no dignity and no power and was in fact only a nisi prius court, and I published in that an interesting letter from John Jay, who, when the position of Chief Justice was tendered to him a second time, after the resignation of Ellsworth, declined to serve and predicted that the court never could have any dignity and never could command the respect of the United States and never could fulfill the purposes for which it was created.

Now, Mr. Speaker, I do not desire to pursue that line of thought any further, but to say that the first circuit court was created and its judges were assigned only as a tentative proposition and that as early as 1783 Congress was obliged to amend that judicial act by requiring that thereafter that only one circuit court justice should be required to sit in a circuit, because experience had demonstrated that the changing requirements of the judicial business of these courts no longer required the two judges. And so from year to year as the weaknesses and imperfections of the legislation creating the original judicial system was developed, Congress altered by law various provisions of the original act. In 1869 when the appellate work of the Supreme Court had so greatly increased as to require all of the time of the Supreme justices in the work of the Supreme Court in Washington, the circuit court, as created in 1789, practically ceased to exist; the glory of that court was extinguished—it had fulfilled its mission.

That act created for the first time a circuit judge; the act of 1869 declared that a Supreme Court Justice need to visit the circuit court only once in two years; it further provided that that court might be held by a district judge sitting alone instead of two Supreme Court Justices sitting together.

Now, therefore, the entire original scheme, devised by Oliver Ellsworth, embodied in the judicial act of 1789, was practically rescinded, because the changed conditions required it. The necessity for nisi prius work by the Supreme Court Justices had passed away, and the tentative character of the original scheme was again demonstrated, and when in 1891 there arose the necessity to create a circuit court of appeals to relieve the calendar of the Supreme Court of the United States the House did, with only 13 votes against it, as I stated, devise the scheme of creating this intermediate court as a separate and distinct appellate tribunal and did abolish all the original jurisdiction of the circuit court and conferred it upon the district court. They believed then, as I believe now, that there was no longer any excuse for the existence of a circuit court. The Senate took a different view and amended the bill in such a way as to take away all of the appellate jurisdiction of the circuit court, but left that court with an original jurisdiction in many instances, in most instances concurrent with the district court, and in some particular instances, comparatively few, with an original jurisdiction that was exclusive.

Now, that act of 1891 as amended by the Senate, I repeat, took away all of the appellate jurisdiction of the circuit court, which at that time was really the only excuse left for its existence. They did take away all of that appellate jurisdiction. They created the new appellate court, the circuit court of appeals, and left these two courts, the district and the circuit courts, in the same field, with original jurisdiction practically concurrent in a great majority of the cases.

[The time of Mr. MOON of Pennsylvania having expired, by unanimous consent he was granted 10 minutes more.]

It is important, Mr. Speaker, that the House understand the exact attitude of the lawyers, the judges, and the American Bar Association, and the Congress of the United States upon this question. I say that in 1891 this House felt that the time had come to take away all of the original jurisdiction of the circuit courts and confer it upon the district courts and make the circuit court judges appellate judges wholly. I have already said how that was amended in the Senate and came back here. It will be remembered that the act was signed on March 3, 1891, which was the day before the adjournment of Congress. When it came back from the conference there were declarations made upon the floor of the House by eminent lawyers that they would not accept the Senate amendment—would not approve the mutilation of the House bill—except that to refuse at that late hour would defeat the possibility of any legislation at that session. Remember, the object of that legislation was to relieve the dockets of the Supreme Court of the United States.

They were then four years behind, and the House felt that it was absolutely essential to relieve that situation, and I repeat

that eminent lawyers did make the declaration upon the floor of the House that but for that fact, that they must accept that bill or none, they would vote against the conference report, and did say that they accepted it at that time with the hope and expectation that some later Congress would correct the error that they were then submitting to.

Observe that was in 1891. In 1899 the American Bar Association, which had taken a great interest in this legislation—and I want to say to the gentleman from Georgia [Mr. BRANTLEY] it was the pioneer in this subject of the consolidation of the courts—the American Bar Association prepared a bill, a copy of which I have before me, which in terms does absolutely what this bill before the House to-day does. It provides—

That all the powers, duties, and jurisdiction heretofore conferred or imposed upon or exercised by circuit courts of the United States be hereby conferred and imposed upon and shall hereafter be exercised by the district courts of the United States in their respective districts.

Mr. Hoar introduced that bill in the Senate in 1899. I did say in my address upon the floor of this House that Mr. Hoar led the opposition to the adoption of the act of 1891 that went over from the House making this provision. I did say then that Mr. Hoar was largely, and I may have said chiefly, instrumental in influencing the Senate in its refusal to accept that act. I did not say then, I did not think then, that he was the only man that voiced a sentiment against it, the only man who spoke against it, or the only man who voted against it. I spoke of him then and I speak of him now as the spokesman in opposition to that measure.

In 1899 the American Bar Association prepared their bill and submitted it to Mr. Hoar, who submitted it to the Senate, and as a report upon that bill he submitted a letter from Mr. Wetmore, then chairman of the committee on Federal legislation of the American Bar Association. He submitted this bill to the Senate accompanied by this letter as a report, and he made no other report upon it. I have that letter from the chairman of the committee on Federal legislation of the American Bar Association, and I shall insert it here in order that the House may know what that association thought of this legislation in 1899.

The bill introduced by Mr. Hoar is as follows:

[Fifty-fifth Congress, third session.]

A bill (S. 5584) in relation to the courts of the United States.

Be it enacted, etc., That all the powers, duties, and jurisdiction heretofore conferred or imposed upon or exercised by the several circuit courts of the United States are hereby conferred and imposed upon, and shall be hereafter exercised by, the district courts of the United States within their respective districts; and all the powers, duties, and jurisdiction heretofore conferred or imposed upon or exercised by the several judges of the circuit courts of the United States are hereby conferred and imposed upon, and shall be hereafter exercised by, the judges of the district courts of the United States within their respective districts. Such courts shall be, and be termed in all papers, actions, and proceedings, district courts of the United States. All suits and processes, civil and criminal, originally returnable to the United States circuit court in each district and pending and undetermined therein at the time that this act takes effect shall be transferred to the respective district courts of such districts and entered upon the dockets thereof, and such district courts shall have jurisdiction thereof.

SEC. 2. That all proceedings of a supervisory nature under any statute of the United States now pending in any circuit court in any district, including those referred to in chapter 407 of the laws of 1890, section 15; chapter 370 of the laws of 1898, section 4; and sections 1493 to 1496 of the Revised Statutes of the United States shall be transferred to and decided by the district court of the district in which such proceedings are now pending. Appeals and writs of error shall hereafter be taken and prosecuted from the orders, judgments, and decrees of the United States district courts to the Supreme Court of the United States, or to the circuit court of appeals for the circuit in which any district is situated, in the same manner and under the same regulations as appeals and writs of error are taken and prosecuted under existing laws from the circuit courts of the United States to the Supreme Court of the United States and to the circuit courts of appeals, excepting appeals in prize cases, which shall be governed by the law now existing as to such appeals.

SEC. 3. That all existing provisions of law relating to the jurisdiction, powers, and duties of the Chief Justice and the associate justices of the United States in respect of the circuit courts of the United States as the said courts have existed prior to the passage of this act shall relate and apply to the United States district courts.

SEC. 4. That the office of clerk of the United States circuit court in the several districts is hereby abolished, and the duties of such clerks shall in each district be performed by the clerks of the district courts. The records of the circuit court for each district shall be transferred to the custody of the clerk of the district court for that district. Any person now holding both the office of clerk of the circuit court and clerk of the district court in any district or in any division of any district shall retain the office of clerk of the district court, subject to the provisions of existing laws. In any district or division of a district in which the offices of clerk of the circuit court and clerk of the district court are now held by different persons, the office of clerk of the district court shall be vacated, and a clerk of the district court shall be appointed by the district judge of such district, subject to the approval of a majority of the judges of the United States circuit court of appeals for the circuit in which such district is situated.

SEC. 5. That nothing herein contained shall be construed to affect any provision of law relating to pensions allowed to judges of Federal courts, howsoever denominated. Service of a judge in any Federal court shall be included in the period of service which under existing law shall entitle him to a pension.

SEC. 6. That whenever from the accumulation or urgency of business in any district court as herein constituted the public interests require the designation and appointment hereinafter provided, the presiding judge of the United Staes circuit court of appeals in each circuit, or in case of his disability or absence the judge of said court next senior in commission, may designate and appoint the judge of any other district in the same circuit to have and exercise in the district first named the same powers that are vested in the judge thereof. In case of the legal disqualification, disability, or absence from the district of the district judge thereof, in which district any action, suit, or proceeding is pending, any district judge of the same circuit shall have power and authority to make any order necessary or proper in such action, suit, or proceedings.

SEC. 7. That the United States circuit courts of appeals in each circuit as now defined shall consist of three judges, of whom two shall constitute a quorum, to be hereafter denominated circuit judges of appeals, which three judges shall include the present circuit judges in each circuit; and in circuits where the number of circuit judges is now less than three an additional circuit judge of appeals shall be appointed by the President, by and with the advice and consent of the Senate. Until such appointment two circuit judges of appeals may hold such courts in circuits where the appointment of an additional judge is hereby authorized. Only circuit judges of appeals shall sit in said circuit courts of appeals.

SEC. 8. That any Federal judge who shall hold court in any place other than that of his residence shall be entitled to the same compensation for travel and attendance as provided by section 8 of an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

SEC. 9. That a writ of certiorari shall issue from the United States Supreme Court, as of right, to review any final judgment or decree of any United States circuit court of appeals, when it shall appear on petition, filed within six months after such judgment or decree shall be entered, that there is a conflict between the decision of the United States circuit court of appeals in that case and a decision of the United States Supreme Court or of any other United States circuit court of appeals on any question of law involved in the decision of such case. An appeal or writ of error in respect of any judgment or decree of the circuit court of appeals to the Supreme Court shall be had in any case by leave of said circuit court of appeals, or in any case in which the final judgment or decree of a United States district court shall have been reversed without the concurrence of all the circuit judges of appeals before whom the hearing is had in the circuit court of appeals, but the appeal or writ of error shall be taken or sued out within 30 days from the entry of such judgment or decree.

SEC. 10. That the United States circuit court of appeals in each circuit shall have appellate jurisdiction to hear and determine an appeal from interlocutory orders and decrees, appointing or refusing to appoint or discharging or refusing to discharge, receivers, or granting or refusing to grant injunctions, notwithstanding an appeal in such cases might, upon final decree, under the statutes regulating the same, go directly to the Supreme Court of the United States. Such appeals must be taken within 30 days after the entry of the interlocutory order or decree; and in case of appeal to the circuit court of appeals from any order or decree in equity of the district court, the circuit court of appeals, or any judge thereof, shall have power by order at any time to stay all proceedings under such order or decree pending the appeal, and to make such orders as to injunctions, receivers, or otherwise, as may be necessary or proper to protect the rights of persons interested, pending the appeal.

SEC. 11. That any United States circuit judge of appeals shall, when specially assigned in the manner hereinbefore provided for the assignment of district judges, and not otherwise, hold court alone or in conjunction with a district judge in any district in the circuit, but no such judge shall sit in the United States circuit court of appeals in review of his own rulings.

SEC. 12. That the Chief Justice of the Supreme Court of the United States, or in case of his absence from the country or disability, the associate justice senior in commission, shall have power to assign any circuit judge of appeals to sit in any circuit court of appeals in the United States, or in the district court of any circuit other than that of which he is a circuit judge of appeals. It shall be the duty of the Chief Justice, or associate justice, as above provided, to make such assignments from time to time as will secure at the sittings of each of the several circuit courts of appeals as constantly as practicable the presence of at least one judge from another circuit.

SEC. 13. That this act shall take effect and be in force from and after three months from the passage thereof.

The letter of Mr. Wetmore, which Mr. Hoar filed as a report upon the bill, is as follows:

[Senate Document No. 142, Fifty-fifth Congress, third session.]

NEW YORK CITY, *February 25, 1899.*

DEAR SIR: The American Bar Association, in pursuance of a suggestion received from yourself, appointed a committee to consider the subject of the Federal courts, and the proposed bill, which I inclose, is the result of their labors and has the approval of the association. If it meet with your own approval, will you kindly introduce it in the Senate?

In preparing the bill, the committee by correspondence and personal interviews obtained the views and suggestions of the Federal judges throughout the United States, and also of a large number of those in different parts of the country who, professionally or otherwise, were familiar with the working of the courts and seemed best able to throw light upon the question of what changes were needed. The following is a brief statement of the general scope and object of the bill and the reasons for some of its particular enactments. Our purpose was to make as few changes as possible consistent with the accomplishment of the main purposes of the act.

The main scope and object of the law is (1) to consolidate the district and circuit courts into a single court; (2) to augment the present provisions of law for the assignment of the judges for duty elsewhere than in their own districts so as to facilitate the accomplishment of the judicial business of the courts of first instance, which has become greatly congested; and (3) to enlarge the powers of appeal in some particular cases where such enlargement seems necessary.

The first three sections relate to the consolidation of the courts by transferring the powers, duties, and jurisdiction of the circuit courts to the district courts of the United States. This was deemed the best and safest way of bringing about the result instead of, in terms, abolishing the circuit courts. Practically, of course, it is the same as if the circuit courts ceased to exist.

The second section provides specifically for supervisory proceedings, appeals, and writs of error, in order to adapt them to the single court, and the third section for the same reason makes specific provision in regard to the justices of the Supreme Court as to sitting in the circuits and like matters. The desirability of having but a single court instead of the present circuit and district courts, and thus securing the advantages of simplicity, uniformity, and economy in the exercise of its jurisdiction, is so universally admitted that it is unnecessary to discuss the expediency of this provision of the law.

Section 4 relates to the clerks. The committee have been very desirous of avoiding, if possible, the necessity of legislating any of the clerks out of office, but it seems impossible to avoid this in circuits where there are two or more clerks and different persons hold the office of clerk of the circuit court and district court, respectively. Our proposal is to retain the present clerks where the same person performs the duty of district and circuit court clerk, and in the other cases leave the appointment of the clerk to the court, as provided in the section, and this will leave it possible to appoint the remaining clerk who may not be chosen first deputy. We did not see how it was possible to have two clerks, nor could we recommend that the deputy be paid the same salary that the clerk now receives. If any other way should occur to the Judiciary Committee of dealing with this question, so far as the proposers of the bill are concerned, we have merely suggested what seemed to us, on the whole, the best arrangement, and we shall leave it with the committee without argument to accept or modify it as may be deemed best.

Section 5 was inserted to provide against the possibility that, should the act go into effect, service in the circuit court prior to the taking effect of the act might not be deemed to be included in the period of service entitling the judge to a pension.

Section 6 provides for the assigning of the judges in one district to serve in another when pressure of business may make such assignment desirable. This is one of the provisions relating to the relief of the lower Federal courts in consequence of the large amount of business thrown upon them, and is urgently needed.

Section 7 was framed after much consultation. It relates to the court of appeals and provides that it shall consist of three judges, and by section 10 it is provided that the court of appeals judges may sit at nisi prius when assigned thereto. It is believed that the result of these two provisions, together with the provision of section 11, which provides for the circulation of the judges of the courts of appeals, will result in giving the judges of the courts of appeals sufficient work at nisi prius to keep them in touch with that branch of the judicial duties, while, on the other hand, the courts of appeals will be kept sufficiently distinct from the lower courts, and the tendencies operating to give them a local character will be checked. Under the present law all our circuit courts of appeals tend to become, in some degree, local courts, their decisions naturally taking some of the local hue and character of the part of the country to which their jurisdiction is confined. In the aggregate they exercise a considerable part of the jurisdiction formerly exercised by the Supreme Court of the United States, and it is highly desirable that, in the exercise of this jurisdiction, their decisions should be brought as near as possible to the standard of uniformity that prevails in a single court, and we think that the provisions of this proposed act, above referred to, will aid in bringing about that result.

Section 8 merely provides for the same traveling fees as are now provided by law, and needs no comment.

Section 9 somewhat enlarges the present right of appeal by granting appeals as of right to the Supreme Court where there is a conflict of decision between the courts, or in cases where the judges of the lower court and of the court of appeals, taken together, divide evenly, and, further, by allowing the circuit court of appeals to permit an appeal to the Supreme Court in any case. The usefulness and necessity of the circuit courts of appeals is fully recognized. They serve to relieve the Supreme Court of the pressure of business which would otherwise be overwhelming; but, as already stated, the great desideratum in regard to these courts is to preserve uniformity of decision and to have the supervisory jurisdiction of the Supreme Court felt throughout the system. For this purpose it is highly desirable that the decisions of the circuit courts of appeals should be corrected by the Supreme Court where they are conflicting, and that the court of appeals itself should have power to send any case to the Supreme Court which they may think a proper one for review.

They can now certify particular questions, but in practice this is not found to be, in general, a satisfactory method of appeal, and it makes no saving in time or expense that compensates for its disadvantages. Cases may arise where this method is very desirable, but it is not sufficiently comprehensive to meet the needs of the situation. While this provision may slightly increase the number of cases upon the docket of the Supreme Court, there is no reason to believe that it will do so to such an extent as to seriously inconvenience that court, and we believe the measure is most salutary in giving to the people of the United States the benefit of the final determination of judicial questions by that high tribunal which it was the intention of the Constitution to secure, and from sheer necessity the creation of the circuit courts of appeals is somewhat abridged. Everyone, we are sure, will concur in the opinion that that abridgment should be as small as experience shows may be possible.

Section 10 applies to appeals from orders in regard to injunctions and receivers. The object is to secure a speedy appeal in such cases to the circuit court of appeals, and likewise to confer upon the appellate court or a judge thereof full power to grant a stay of proceedings. This, as experience shows, is a most necessary provision. Most valuable interests may be put in jeopardy or destroyed by injunction or receiver orders or by the denial of such orders, and it is highly desirable in every case that their propriety should be reviewed by the appellate court and in the meantime that the property or interest affected may be preserved. The expediency of this provision, so far as we can learn, has been universally recognized.

Section 11 and section 12 relate to the assignment of judges of the courts of appeals, the reasons for which have already been discussed.

The committee made no provision in regard to the salaries of the United States judges, but we are profoundly convinced that both justice and the good of the public service requires that these salaries should be increased, at least for those judges who are compelled to live and perform their duties in parts of the country where the expenses of living are heavy. The utmost difficulty is found in obtaining men of the first rank in their profession to accept places upon the Federal bench, much as they would desire to do so, because they can not afford to leave their private practice and cripple themselves from making any adequate provision for their families by accepting the small salaries the law now allows. The result of this is that the possession of a private fortune is, in most of the circuits, if not a prerequisite, at least a consideration of great weight in determining the question of accepting an appointment to the Federal judiciary; and this result is one to be avoided. We hope, therefore, most earnestly, that Congress may entertain some measure for relief in this respect, but we did not feel that it fell within the scope of the duties with which we were intrusted to make such a provision in the act herewith submitted.

Very respectfully, yours, EDMUND WETMORE.

Hon. GEORGE F. HOAR,
United States Senate, Washington, D. C.

Mr. Hoar, in introducing the bill to the Senate said (in Senate proceedings of Feb. 27, 1899, RECORD, p. 2432):

Mr. HOAR. I ask leave to introduce a bill for reference to the Committee on the Judiciary. The bill relates to a very important subject, the reconstruction of the district and circuit courts of the United States and their relation to each other. It has been drawn by a committee of the American Bar Association, who had the matter before them for nearly a year. I wish to invite the attention of Members of the Senate to the bill during the recess.

The bill so introduced became S. 5584, entitled "A bill in relation to the courts of the United States."

Senator Hoar then continued (RECORD, p. 2432):

I move that a letter relative to the subject from the chairman of the committee of the American Bar Association be printed as a document.

The motion was agreed to.

The letter referred to was printed and became Senate Document No. 142, third session, Fifty-fifth Congress.

On February 28, 1899 (RECORD, p. 2553), the Senate having under consideration the sundry civil bill, Senator Hoar offered the following amendment in this language:

Mr. HOAR. By direction of the Committee on the Judiciary I offer an amendment to come in on page 124, after line 14, which has been submitted to the chairman of the Committee on Appropriations.

The SECRETARY. On page 124, after line 14, it is proposed to insert:

"It shall be the duty of the commission appointed to revise and codify the criminal and penal laws of the United States, to revise and codify the laws concerning the jurisdiction and practice of the courts of the United States, including the judiciary act and any amendment thereof and supplemental thereto, and all acts providing for the removal, appeal, and transfer of causes."

Mr. ALLISON. That amendment requires unanimous consent; but I do not object to it.

The amendment was agreed to.

That amendment, with slight modification, became a part of the sundry civil act of March 3, 1889, and is to be found in Thirtieth Statutes at Large, page 1116.

Therefore, Mr. Speaker, we have the American Bar Association preparing the bill; we have as a report upon it the letter of the chairman of their committee on Federal legislation, in which he advises exactly the plan that we have adopted and upon which he says he has received the opinion of all the leading judges of the country and most other people best advised upon the subject, and in which he tells us that the wisdom of the course is so universally admitted that it seems unnecessary to discuss that any further.

Mr. Speaker, at that time the Commission for the Revision of the Penal Code was in existence. It then had been engaged in work for a year or two upon that subject, and, upon the motion of Mr. Hoar, this bar association bill, this report, consisting of that letter from the chairman of the Federal judicial legislation section of that association, was referred to that commission, perhaps not in terms, but with the understanding that they had the power and received the instructions to make those changes.

Now, Mr. Speaker, I understand that some exception has been taken by the present members of the American Bar Association to my statement made upon the floor of the House that they did in 1898 adopt a resolution indorsing this legislation.

Mr. BRANTLEY. I stated, Mr. Speaker, that the American Bar Association had at the last annual meeting, in September, adopted a resolution asking Congress not to enact this legislation.

Mr. MOON of Pennsylvania. But the gentleman said more than that. He said that the statement of the gentleman from Pennsylvania upon the floor of this House had been challenged by the American Bar Association.

Mr. BRANTLEY. I put in the RECORD, and my friend from Pennsylvania has no doubt read it, a statement that the committee from the American Bar Association made a statement over their signatures that the association, as an association, has not indorsed this proposition and their records will not sustain this. I said I did not know who was right about it.

Mr. MOON of Pennsylvania. I possess the proceedings of the American Bar Association, and I have it before me at this moment, and I undertake to say to the gentleman from Georgia that I shall demonstrate from their own records that they did indorse this proposition in meeting regularly assembled, and that, too, after a full, prolonged, and thorough discussion of the whole subject by some of the leading lawyers of the country; and my recollection from reading it very recently is that nowhere in all that discussion did a single lawyer take exception to the principle. That is my recollection, and I think I am right.

Mr. PARKER. If the gentleman will pardon me, the real discussion was the year before on the subject of the division of the Supreme Court, and many eminent lawyers participated in that discussion—Mr. Edwards, Mr. Evarts, Mr. Merrick, of Washington, and quite a number of others present at that discussion. The great discussion was they insisted upon keeping the powers of the higher courts to hold cases down below.

Mr. MOON of Pennsylvania. The proceedings of the American Bar Association upon this subject appear in volume 21 of their reports, and are as follows:

On Thursday, August 18, 1898, at the meeting of the association in Saratoga Springs, N. Y., the subject was taken up for consideration, and Edmund Wetmore, of New York, chairman of committee on Federal legislation, presented a report, of which the following is an abstract:

"The committee on Federal courts of the American Bar Association report as follows:

"Your committee, after consultation and discussion, at a meeting held in Washington the 1st and 2d of April, 1898, formulated a series of proposed changes in the organization and jurisdiction of the Federal courts which seemed most desirable and practicable. These proposals were thereafter submitted to a large number of the judges of the United States courts in the different circuits, and to others especially familiar with those courts, and a large amount of correspondence and many personal conferences were had upon the subject.

"As a result, your committee presents its original proposals, with some modifications induced by the criticisms of those to whom they were submitted and subsequent consideration by the committee, and will recommend that they be advocated by the association.

"These proposed changes are as follows:

"It is the opinion of your committee—

"First. That the jurisdiction and powers of the present United States circuit courts should be transferred to the United States district courts within the several districts."

The other portions of the report relate to the detailed manner of carrying this recommendation into effect, and are not essential in the present discussion.

Mr. Wetmore then said:

I will ask that the report be received; and then, if no objection is made, I shall move the adoption of the various recommendations of the committee separately, as being the best method of bringing the subject matter before the association.

A lengthy discussion upon the report was had, many gentlemen of great prominence participating therein. In the course of this discussion Mr. Wetmore, in answer to a question of Mr. Moses, of Illinois, as to the scope of the report, said, among other things:

I would say, in answer to the gentleman's inquiry, that the first object is to consolidate the district and circuit courts. Upon that point, so far as we know, there has been unanimous accord. It is generally agreed that to maintain the two separate organizations is unnecessary, and that simplification is desirable—that instead of two courts we should have one. That is the basis of the change proposed, and, if carried out, it makes it necessary to make some other changes in the law.

The association, after extended discussion and after voting down several amendments, adopted the first article of the report of the committee without change. This article, as above set forth, recommended that the jurisdiction and powers of the circuit court be transferred to the district court. It will therefore be seen that my statement previously made upon the floor of the House respecting the indorsement by the American Bar Association is established by their own report, as these statements I now make I take from volume 21, American Bar Association Reports for the year 1898.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. MOON of Pennsylvania. I would like to have five minutes more.

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. Well, Mr. Speaker, I will not occupy any further time in a discussion of this point, but I hope I have satisfied this House that the American Bar Association, upon that point, has adopted a resolution recommending just exactly the change carried in this bill, and any assertion to the contrary is not warranted by the facts.

Mr. TILSON. May I interrupt the gentleman? But the gentleman can not say that they did not change their minds about it at the last meeting of the American Bar Association.

Mr. MOON of Pennsylvania. No; I am not saying a word about that.

Mr. TILSON. That is a fact; they did come to a contrary conclusion at the last meeting of the American Bar Association, and asked that this legislation be postponed until it could be more perfectly understood by the American bar.

Mr. MOON of Pennsylvania. I want to say that that is an amazing statement, that a subject that had been acutely agitated for 12 years, which they had before it by resolution and discussed day after day, that they should then ask that it be left open for further consideration in order that people might become better acquainted with it. There is a secret in this whole matter, and I am not sufficiently informed to speak of it now.

Mr. TILSON. Will the gentleman permit an inquiry whether, in his opinion, we should follow the advice of the American Bar Association or not?

Mr. MOON of Pennsylvania. I shall not assume to say, and I brought the American Bar Association into the discussion only because the gentleman from Georgia based his argument upon the American Bar Association records.

Mr. BRANTLEY. Did I understand the gentleman to say "based solely" upon what the American Bar Association did?

Mr. MOON of Pennsylvania. I did not say "solely." You began your speech with a reference to the action of the American Bar Association at Chattanooga.

Mr. BRANTLEY. The action of the American Bar Association was but an incident. It matters not to me whether they favor or oppose this proposition. I am able to exercise my own judgment as to what is right, and it is my judgment that is in opposition to this proposition.

Mr. MOON of Pennsylvania. I can only say in reply to that that the gentleman in his argument, made in December, when he rose to put in the RECORD the report of the American Bar Association, based the introductory portion of his remarks upon that action.

Mr. BRANTLEY. I object to the word "based." I merely referred to what the American Bar Association did.

Mr. MOON of Pennsylvania. Then I withdraw the word "based."

Mr. Speaker, let me tell you what some of the eminent judges of this country have said in later times about it. Perhaps one of the greatest circuits in the United States, or one, at least, that has had the most remarkable record for its members, is the sixth circuit of the United States. A few years ago that circuit consisted of Mr. Taft as senior judge and Judge Lurton and Judge Day as associate justices. Mr. Taft to-day is President of the United States, and Messrs. Lurton and Day are on the Supreme Court of the United States. After the Hoar bill had been referred to the codifying commission, and that commission had made a report recommending the change in the courts, a letter signed by Messrs. Taft, Lurton, and Day was sent to that association, which reads as follows:

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SIXTH CIRCUIT, JUDGES' CHAMBERS,
Cincinnati, November 3, 1899.

Hon. ALEX. C. BOTKIN,
Hon. DAVID K. WATSON,
Hon. DAVID B. CULBERSON,
Commissioners.

GENTLEMEN: We have read with much interest your proposed codification of the laws concerning the jurisdiction and practice of the courts of the United States and have especially noted with care the changes provided for in the district and circuit courts and the circuit court of appeals. We fully concur in your view embodied in the proposed legislation that there should be but one court of first instance, and we think that you have taken the wisest course in reaching that end by transferring all the jurisdiction of the existing circuit courts to the district courts.

The existence of the two courts of first instance has long been an anomaly, if not an absurdity, in the Federal judicial system, and their maintenance has been useful only as marking the unusual and in most respects praiseworthy conservatism which Congress has shown in dealing with proposed changes in the organization of the Federal courts.

* * * * * * *

Respectfully,

WM. H. TAFT,
HORACE H. LURTON,
WM. R. DAY,
Judges of the Circuit Court of Appeals for the Sixth Circuit.

Now, it seems to me, Mr. Chairman, in conclusion, having shown that this House in its wisdom at one time did adopt the method carried in this bill of consolidating the courts and that it was prevented from consummation by the action of the Senate; that the Senate of the United States eventually rescinded that position; that the American Bar Association in 1898, comprising many of the most active and eminent lawyers of this country, prepared the Hoar bill for the Senate, and in public meeting indorsed the action of the codifying commission in adopting it, and when its chairman sends to the Senate of the United States a statement that it has interviewed all the leading judges of the country and most other men capable of expressing an opinion upon that legislation; when it says that the wisdom of that course is so universal that they conceded it is unnecessary for them to dwell upon it any further; when I have shown you that the most eminent judges that this country ever had unqualifiedly indorse it and denounce the old system as archaic, absurd, and cumbersome, I thought I was perhaps justified in the remarks that I have made upon the floor of this House in so characterizing it, and I think this testimony is a complete answer to all that the gentleman from Georgia has said upon the subject.

I ask for a vote upon the pending amendment.

Mr. TILSON. Mr. Speaker, as bearing upon this immediate subject, I desire to extend my remarks in the RECORD by hav-

ing printed as a part of such remarks the report of a special committee of the State Bar Association of Connecticut, together with the attest of the secretary, showing the adoption of the report by that association at a meeting held in Bridgeport, Conn., on February 6, 1911. The gentlemen composing this association are lawyers and judges of high standing in my State. The special committee submitting the report is composed of leaders at the bar of my home city. The report itself is sufficient proof that they have given the subject careful study, and I desire that the House may have the benefit of it. I ask unanimous consent for that purpose.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Following is the report:

Report of the special committee of the State Bar Association of Connecticut on the judicial code pending in Congress.

To the State Bar Association of Connecticut:

The undersigned, having been recently appointed a special committee to examine the bill now under consideration in the Congress of the United States, to be known, if passed, as the judicial code, and to report thereon, respectfully report that they have procured, through the kindness of Congressman TILSON, a copy of the bill, which is submitted herewith.

The bill in question forms a part of the work of the Committee on the Revision of the Laws of the United States, and was reported in the Senate on March 9, 1910 (S. 7031), and in the House of Representatives on March 23, 1910 (H. R. 23377).

In the main, it is but a revision and codification of the existing laws relating to the judiciary.

In one respect, however, it seeks to make a very important and far-reaching change in the law by abolishing the circuit court of the United States and conferring all of its power and jurisdiction upon the district court. The judges of the circuit court are to sit in the circuit court of appeals and have appellate jurisdiction only, except when designated, as they may be, in cases of emergency, to hold district courts.

It is said that this change was recommended by the American Bar Association in 1898, but we doubt whether that body now entertains the same views, for the following resolution was, at the meeting of the association held at Chattanooga, Tenn., referred to its committee on judicial administration and remedial procedure:

"*Resolved*, That the proposition to abolish the circuit courts of the United States, contained in a bill now pending in Congress, is a matter of such serious importance that final action should be deferred till the profession has thoroughly investigated and considered the same.

"*Resolved further*, That the committee on judicial administration and remedial procedure be instructed to investigate the merits of said bill and report the result of such investigation to this association at its next meeting.

"*Resolved further*, That the Committee of Congress on Revision of the Laws be requested to postpone action on said bill at the next session of Congress."

Further information on this subject is to be had in the report of the American Bar Association for 1910, at page 497.

The reasons for the proposed change are contained in the report of the Committee on Revision.

So far as we have been able to ascertain these reasons do not wholly commend themselves to the profession.

We fail to see how this change can effect any substantial economies. It is not proposed to reduce the number of judges, nor is the volume of business likely to be reduced. The amount of clerical services depends upon the amount of litigation, and we fail to see how any great economy can result from this.

Where, as in this district, the same person is clerk of both courts, and the same officers and courtrooms are used, we see no advantage in this respect.

Judge Don. A. Pardee, of the fifth circuit, in a series of letters to Members of Congress, has discussed the proposed change very fully.

We concur in the criticism made by him that the bill is objectionable in that it abolishes the circuit courts and at the same time fails to provide in their stead any judicial officer having original cognizance of such matters as restraining orders, temporary injunctions, applications for the appointment of receivers of corporations, etc., whose territorial jurisdiction extends to the entire circuit. The result is that if a restraining order is desired, operative in the State of Connecticut, it can not be perfected in the absence of the district judge.

It is true that on page 184, lines 17–22, an attempt seems to have been made to partially escape this criticism by giving to any circuit judge of the circuit court in which the district is situated power to grant an injunction or restraining order pending in the district court "where the same might be granted by the district judge." The concluding phrase, however, leaves the extent of the authority thus conferred problematical. The district judge, for example, would not have any power to grant any restraining order unless he were at the time of granting such order within the territorial limits of his own district, nor could he then grant any order which would be operative beyond the limits of his own district. We do not believe that a circuit court sitting in the city of New York, for example, would under this statute assume the right to sign a restraining order operative within the district of Connecticut.

Theoretically, the provisions for the designation of another district judge in cases of necessity cover this defect, but practically, and for all the purposes of immediate or summary relief, no judge is available.

The difficulty which will result in the matter of receiverships of corporations doing business in several districts in the same circuit is sufficiently covered by Judge Pardee's letters, and it is quite untouched by the limited authority of the circuit judges above quoted.

We think the bill should in terms specify whether the jurisdiction in a given class of cases is intended to be exclusive or concurrent with the courts of the several States. The bill undertakes to do so in part, namely, in chapter 10, which provides for cases in which the jurisdiction of the United States courts shall be exclusive which, unfortunately, differ from the classification of matters of original jurisdiction stated in chapter 2. We think the classification in chapter 10 should correspond literally and exactly with that in chapter 2. But a more serious difficulty arises from the lack of any admission or exclusion of the concurrent jurisdiction of the courts of the several States in cases not referred to in chapter 10. The present statutes relative to the jurisdiction of circuit courts expressly provide for the concurrent jurisdiction of courts of the several States in many instances. What is the effect of the deliberate omission of that language in a so-called "revision," which is not a revision in the ordinary sense of that term, because it contains radical changes, especially changes in the very matter of jurisdiction itself?

Again, take such a case as that of an action brought under the seventh section of the Sherman Act to recover threefold damages. That section expressly confers jurisdiction on the circuit courts of the United States. Whether or not such jurisdiction is exclusive (a) when the special remedy is demanded; (b) when simple damages only are asked for, are questions which, if not easily determined, are at least to be determined in accordance with certain recognized principles of general law.

Assuming that jurisdiction in such cases is intended by this act to be transferred to district courts, we are met by the additional difficulty that the entire jurisdiction of these courts is now brought within a single act which purports to specify the classes of cases in which exclusive jurisdiction is conferred. Is it intended by this act to confer concurrent jurisdiction on the State courts of actions brought under section 7 of the Sherman Act? And of actions brought under other statutes of the United States, where the cause of action is created by the act, and the remedy is special? Or of actions brought under other statutes relating to matters within the exclusive jurisdiction of the Federal Government and not specially referred to in chapter 10?

These are questions which, it seems to us, ought to be answered by the act itself if it is to be in fact, as well as in name, "the Judicial Code."

Take, again, the matter of procedure in the district courts under the new act. Is it intended that the rules which are now in force in the courts of the several districts for the regulation of procedure in civil causes in law and in equity shall be the rules of the corresponding district courts?

Again, the special provision in respect of the terms of the district courts in the district of Connecticut seems to us very objectionable. It is provided that terms of the district court shall be held at New Haven on the fourth Tuesdays of February and August and in Hartford on the fourth Tuesday in May and the first Tuesday in December. In the first place, there is a serious objection to having four terms of the district court of general jurisdiction annually. Not only because of the accumulation of clerks' fees for continuances, etc., which will result, but because the expiration of a "term" of court involves certain consequences in the matter of perfecting appeals by writs of error from judgments rendered in actions at law, which simply will constitute an unnecessary trap for the profession which is unaccustomed on the whole to the technicalities of common-law procedure. At the present time we have two terms only of the circuit court, and it is unnecessary in our judgment to have more than one "term" annually. We realize that the court should be required by statute to sit at intervals for the disposition of criminal causes, at least, but these might be denominated "sessions," which would avoid clerks' fees and technical difficulties above referred to.

Finally, there is a very specific objection to having any "term" or "session" of the district court as a court of general jurisdiction beginning on the fourth Tuesday of August in New Haven. Under our practice our State courts are then closed and all of our rules of procedure requiring the filing of papers, etc., are suspended for the months of July and August. The present stated term of the district court at that time is never actually held, but always adjourned as a matter of formality. This is of little consequence in the case of a court of such limited jurisdiction, but if the jurisdiction of the court is to be extended as contemplated by this act and its terms of session are to be controlled by statute the statute should at least nominate some other time.

The present rule of our circuit court, adopted in January, 1910, provides that actions at law may be returned to court upon the first Monday of any month except July and August. With this rule in force there is no reason at all why there should be more than one "term" of the Federal court in this district for civil business.

Believing as we do that no substantial advantage is likely to accrue from the proposed abolition of the circuit courts sufficient to offset its obvious disadvantages, inasmuch as the present system of Federal courts is well understood and perfectly satisfactory, we look askance at the proposal to make this experiment.

We at least hope that it will not be made until it is understood and approved by a fair majority of the bar.

The bill is being considered by the House on Wednesdays, and many sections have been already adopted.

If any action be taken by this association it should be communicated to one of our Representatives in Congress before Wednesday next, February 8, 1911.

We recommend the passage of the following resolution:

"*Resolved*, That as at present advised the State Bar Association of Connecticut does not favor the abolition of the circuit court of the United States and respectfully requests that congressional action to that effect be postponed until the next session of Congress, to the end that the bar of the country may have a fuller opportunity to form and express an opinion as to the desirability of the change proposed."

Respectfully submitted.

GEORGE D. WATROUS,
JOHN K. BEACH,
GEORGE D. SEYMOUR,
Committee.

FEBRUARY 6, 1911.

The within and foregoing report was accepted and the resolution unanimously adopted and passed at the annual meeting of the State Bar Association of Connecticut, held in Bridgeport February 6, 1911.

Attest:

JAMES E. WHEELER,
Secretary State Bar Association of Connecticut.

Mr. BUTLER. Mr. Speaker, will the Chair state the parliamentary situation in order that we may understand it?

The SPEAKER pro tempore. The question is now on the amendment of the gentleman from New Jersey [Mr. PARKER] to the amendment offered by the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I just wish to explain the situation. The situation, so far as the American Bar Association

in the past is concerned, is that it favored the abolition of any provision for two trial courts. So did the judges. Now, we have already accomplished that in this bill, because in the first chapter we conferred all the jurisdiction that was in the circuit court as a trial court upon the district court. Now, if the House desires to continue in the circuit judges the powers they as judges of the circuit court had under the old system, then they must do it at this time by adopting some or all of these amendments. The American Bar Association has never said, nor did the judges quoted by the gentleman from Pennsylvania say, that the circuit court justices or circuit court judges should be taken out of the trial work or chambers work or motion work. It was only to provide that they should continue that work that I offered my amendment to section 116—a matter as to which members of the committee had differed—so that the judges would continue to do that work. The gentleman from New Jersey moved to amend it so that the circuit court justice would continue in that work, and the gentleman from West Virginia offers an amendment which he thinks has the effect to further perfect that system.

The SPEAKER pro tempore. The question is on the amendment offered to the amendment of the gentleman from New Jersey.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all these amendments may be again reported.

The Clerk again read the amendments offered by Mr. PARKER, Mr. PARSONS, and Mr. HUBBARD of West Virginia.

Mr. MANN. Mr. Speaker, I would like to make one inquiry. Is there any other proposition in the bill covering the circuit court judges at large as to their holding court?

Mr. PARSONS. No; except as they may be designated to do certain work. They will be allotted to circuits, as I understand, after they finish the work in the Commerce Court.

Mr. MANN. They are circuit judges at large; while appointed from distinct circuits their work is not required to be in those circuits.

Mr. PARSONS. They will be allotted to the circuits after they have finished the work in the Commerce Court.

Mr. MANN. They are appointed from the circuits.

Mr. PARSONS. Unless they are circuit court judges they are not covered by this provision.

Mr. MANN. They are appointed from five different circuits, but not circuit court judges of those circuits. They are circuit court judges at large.

Mr. PARSONS. Then there would be no circuit over which they would have the power and jurisdiction of a district judge.

Mr. MANN. But perhaps they ought to have.

Mr. HUBBARD of West Virginia. Is it not provided in the law that when their work is not required in the Commerce Court they shall be designated as judges of a certain circuit?

Mr. MANN. When they go out of the Commerce Court, what becomes of them?

Mr. HUBBARD of West Virginia. I understood that they were assigned to given circuits.

Mr. MANN. There is no such provision that I remember. They are circuit judges at large and can sit at any place.

Mr. HUBBARD of West Virginia. But they must be sent to some place, and when they are sent to a certain circuit they become a judge of that circuit.

Mr. MANN. The proposition of the gentleman from New York is that each circuit judge shall reside within his circuit and shall have certain jurisdiction. Now, how about one of these Commerce Court judges or circuit judges at large? He is not required to reside in any particular circuit, and I suppose he ought to have some jurisdiction.

Mr. PARSONS. I do not think that is so necessary, because the prime object of my amendment is to make the circuit judges available to litigants and lawyers.

Mr. MANN. I understand, and I am in sympathy with the purpose of the gentleman from New York. I did not know whether this was covered in any place, but there will be ample time to hereafter cover it if it is not already covered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey upon the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MOON of Pennsylvania) there were—ayes 31, noes 14.

So the amendment was agreed to.

The SPEAKER pro tempore. The question now is upon the substitute amendment offered by the gentleman from West Virginia.

Mr. PARSONS. Mr. Speaker, as I understand it, the gentleman from West Virginia really does not offer his amendment as a substitute, because he is in favor of my amendment as amended.

Mr. MANN. Does the gentleman offer his amendment as a further amendment?

Mr. PARSONS. He offers his amendment as a further amendment.

Mr. HUBBARD of West Virginia. Mr. Speaker, I gladly withhold it until the amendment offered by the gentleman from New York [Mr. PARSONS], as amended, is voted upon; and then I shall ask unanimous consent that my proposition, amended to accord with the action had on the amendment of the gentleman from New Jersey, may be considered as section 22 of chapter 1, where perhaps it would more appropriately belong. So I withhold it for the present.

The SPEAKER pro tempore. Does the gentleman from West Virginia withdraw his amendment?

Mr. HUBBARD of West Virginia. At this time.

The SPEAKER pro tempore. Well, if he withdraws it, he withdraws it.

Mr. MANN. The gentleman can not offer it at any other place.

Mr. PARSONS. As I understand the parliamentary situation, he may be allowed to offer it afterwards.

Mr. HUBBARD of West Virginia. Perhaps I can reach my purpose by moving this as an amendment at the end of the amendment which has been adopted.

The SPEAKER pro tempore. But the gentleman has offered his amendment as a substitute amendment. Does he withdraw it as such?

Mr. HUBBARD of West Virginia. As such, and move it as an amendment to come in at the end——

The SPEAKER pro tempore. That will come in later. Is there objection to the withdrawal of the substitute amendment of the gentleman from West Virginia? [After a pause.] The Chair hears none.

Mr. HUBBARD of West Virginia. Now, I offer it as an amendment, to come in at the end of the amendment proposed by the gentleman from New York.

The SPEAKER pro tempore. The gentleman from West Virginia now offers an amendment to the amendment offered by the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

Insert, at the end of the Parsons amendment as amended, the following:

"District courts shall be held by the circuit justice or by the circuit judge of the circuit or by a district judge of the district sitting alone, or by any two or more of the said judges sitting together. When two judges sit together, if the circuit justice be one, he shall preside, otherwise the circuit judge shall preside, and the judgment or decree shall be in conformity with the opinion of the presiding judge. Cases may be heard by each of the judges holding a district court sitting apart, by direction of the presiding judge designating the business to be done by each."

The SPEAKER pro tempore. The Chair desires to state to the gentleman from West Virginia that his amendment seems to be an amendment to the amendment offered by the gentleman from New Jersey, which has already been adopted.

Mr. HUBBARD of West Virginia. On the contrary, it is an amendment to the amendment of the gentleman from New York, which has already been amended on the motion of the gentleman from New Jersey.

The SPEAKER pro tempore. But it is an amendment to the amendment as amended.

Mr. HUBBARD of West Virginia. Exactly.

The SPEAKER pro tempore. The Chair will examine the amendment.

Mr. HUBBARD of West Virginia. Mr. Speaker, possibly it may afford some relief if I now ask unanimous consent to withdraw this, and that it may then be considered as offered as section 22, that section in the original bill having been since omitted. I ask for that unanimous consent.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that his amendment at this point may be considered as withdrawn and as pending to section 22. The Chair thinks the gentleman has a right to withdraw his amendment.

Mr. HUBBARD of West Virginia. I desire now to ask unanimous consent that when the pending amendment is determined, immediately after such action on the amendment of the gentleman from New York, what I have offered may be considered as offered as section 22 of the bill. Unless I can have that unanimous consent I do not care to withdraw it at present.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the amendment, if he now withdraws it, may be considered as pending and may be acted upon as an amendment to become section 22 of the bill. Is there objection? [After a pause.] The Chair hears none.

The question now is on the amendment of the gentleman from New York as amended, and without objection the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. Now, unanimous consent having been given, the gentleman from West Virginia offers an amendment to section 22.

Mr. HUBBARD of West Virginia. To come in as section 22, there being now no such section in the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert as section 22:

"District courts shall be held by the circuit justice or by a circuit judge of the circuit or by a district judge of the district, sitting alone, or by any two of the said judges sitting together. When two judges sit together, if the circuit judge should be one, he shall preside, otherwise the circuit judge shall preside, and the judgment or decree shall be in conformity with the opinion of the presiding judge. Cases may be heard by each of the judges holding a district court sitting apart, by direction of the presiding judge, that judge designating the business to be done by each."

Mr. MANN. Mr. Speaker, may I ask the gentleman a question? Is he quite sure that this will permit the holding of a district court by three judges? Apparently it would limit it to one or two judges.

Mr. HUBBARD of West Virginia. I had not considered that question in framing it.

Mr. MANN. Is not that the wording, that the district courts may be held by one or by two judges?

Mr. HUBBARD of West Virginia. It may be held by the circuit justice, the circuit judge, or the district judge, or by any two of them. I do not think it would necessarily interfere with the case the gentleman speaks of.

Mr. MANN. When you give express authority that one judge may hold a court, or two judges may hold a court, is that not an express limitation on three holding a court?

Mr. HUBBARD of West Virginia. I am inclined to agree with the gentleman.

Mr. MANN. There are cases where it would require three judges to hold a court.

Mr. HUBBARD of West Virginia. It may be two "or more." I will modify it in that way, without objection.

The SPEAKER pro tempore. Without objection, the amendment will be so modified. [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. Mr. Speaker, I will not engage in any extended discussion, but I am opposed to this amendment. I am opposed to it because if we adopt it we are humiliating a district judge; we enlarge the jurisdiction of his court, place upon him added duties and responsibilities, and then put the entire arrangement of the business in the hands of the judge of the circuit court. Under present conditions, during the past 15 years, the district judge has been doing nearly all the business of the circuit court, and now when we extend the jurisdiction of his court to include the jurisdiction he has so long exercised, by the same act we are asked to put the circuit judge in his court with absolute power to arrange the business and dispose of it as he sees fit.

Now, I do not propose to speak, but to read from experienced judges on this question. I read a moment ago from a letter from Judge Taft and Justices Lurton and Day, judges at that time, respecting another feature of this proposed codification. They say upon this subject, the subject of the arrangement and transaction of business in the district court:

We suggest the wisdom of a provision that shall enable the circuit court of appeals of a circuit or the circuit court, as it is called in the proposed code, by order made in open court to designate and authorize one of its members to hold a district court in an emergency. The requirement that this shall be done in open court by formal order will, it is thought, prevent the holding of district court by circuit judges save in exceptional cases. We know and approve the policy of confining the judges of the appellate court to that court and understand the apprehension felt by members of the bar that the constant association of members of the appellate court as colleagues makes it unwise to require them to consider in review the judgments of any one of them, but we feel sure that emergencies may arise rendering it most desirable that one of the circuit judges should be enabled to hold a district court in exceptional cases.

Now, upon the same subject I received only to-day a letter from a very distinguished district judge, whose name I can not mention, who has given this matter a very great deal of consideration. He called upon me a few days ago and discussed it. He has been reading all the discussions that have taken place, in the RECORD, and he writes me this:

* * * Now, as to the general proposition: I can not urge too strongly the objection to anything like Mr. HUBBARD'S amendment. For my part, I see no objection to a clause providing that a Justice of the Supreme Court and circuit judges shall be eligible to sit in the district court; but to create that court one of original jurisdiction in all matters and then to take away from the district judges even the exclusive jurisdiction that they now possess and make them one and all in effect dependents upon or deputies for the circuit judges, who are supposed to be members of the appellate court, to review their action, would, to my mind, be hurtful in the extreme. It would destroy the independence of the district judges, who have for more than a century performed the work of the two courts, in large measure, and entirely that of their own courts, and now to add to the importance of the court and detract from the authority of the judges holding them would seem to be unfortunate in the extreme. Heretofore the district judges have been entirely independent; and while they have done the work of the circuit judges, it has been optional with them, and if they were not permitted pleasantly to do the same they could quit. But the present proposition would reverse conditions entirely, and I can imagine an unfortunate situation, which would sometimes make the district judge's life anything but happy and his position one of extreme embarrassment and dependence.

Much as I desire to bring about the reform in consolidation of the courts, I believe that to adopt this amendment would be more injurious to the successful administration of our courts than it would be to leave the present system untouched. I hope the House will defeat the amendment.

Mr. HUBBARD of West Virginia. Mr. Speaker, so far from this bill and this amendment doing what is suggested by the gentleman from Pennsylvania, as far as the business of the circuit court is concerned, it simply preserves the present status. This bill proposes to deprive the circuit court judges of all power in the court of original jurisdiction. This amendment proposes to preserve to the circuit judge the power which he now has. Now, the only possible case in which a district judge has heretofore had exclusive jurisdiction and would no longer under this amendment have that exclusive jurisdiction is one of that class of cases in which there is no likelihood that the circuit judge would want to sit, and ordinarily would not sit. A district judge now has exclusive jurisdiction only in cases of admiralty, criminal law, and bankruptcy. Generally speaking, that is so. What harm would be done if the circuit judge, if he so desired, should sit in a case of one of those classes, I do not know. But the change of the name of the court as proposed by this bill would not change the nature of it. The great bulk of litigated business is business in the circuit and not the district court, and this bill proposes to deprive the circuit judge of all his power as a judge of original jurisdiction.

It is the very thing of all others that ought not to be done, as was convincingly demonstrated by the gentleman from Georgia [Mr. BRANTLEY].

Now, I do not see how the gentleman from Pennsylvania [Mr. MOON] can draw on his imagination enough to imagine that a district judge would feel humiliated simply because he has not succeeded, by virtue of the enactment of this statute unamended, in keeping the circuit judge from taking any part in the discharge of that sort of business in which he heretofore has had the right to sit. I do not think gentlemen need give themselves concern about the circuit judge interfering too often or unduly with the business of this court of original jurisdiction. The trouble has always been that it was too difficult to get a circuit judge to sit. They are as well convinced of the inconvenience of a district judge sitting in the circuit court of appeals in review of their own judgment in the lower courts as anybody can be. They are very loath to go into the court of original jurisdiction, particularly in a circuit where their decision may have to be reviewed by a court on which sits a district judge. There need be no apprehension either that the district judge would be humiliated because he is still allowed all the jurisdiction, practically speaking, that he has had, and no apprehension that the circuit judge will have any disposition to do any more work than in the exercise of his conscientious judgment he may feel called on to do upon consideration of the representations made to him by those concerned in the litigation.

Mr. MADISON. Mr. Speaker, I have been listening with a good deal of interest to the discussion that has taken place upon the amendment offered by the gentleman from West Virginia [Mr. HUBBARD], and I feel I do not want it to close without saying something upon the question under discussion, because I feel it is of the utmost importance that this amendment should be defeated. Why? It puts the district judge under the guardianship of the members of the circuit court of appeals. They review the judgments of the district judges when they go to them by appeal in the regular order, and if this amendment is adopted and a case of importance is brought into a district court and a judge of the circuit court of appeals wants to go down and control the trial and judgment of that case he can practically supersede the district judge of your lower court, take absolute control of the case, and his judgment is the judgment of the court. It does destroy the independence of the district judge. It is a humiliation of him. It does have the effect of striking directly at his independence, and if there is any man on the face of the earth that ought to be independent in

the matter of the exercise of his duties it is a judge. There ought not to be somebody over him, as this amendment provides.

Mr. CULLOP. Will the gentleman from Kansas permit a question?

Mr. MADISON. There ought not to be somebody that has the power to go to his court and take away from him the jurisdiction of a case pending before him.

Mr. CULLOP. Will the gentleman permit a question now?

Mr. MADISON. No; not at this time.

There ought to be an appeal and a fair review of his decision, and that is provided in this bill. The gentleman from Pennsylvania [Mr. MOON] has worked earnestly, together with a number of those with him upon the committee, following the line suggested—as I think he has clearly demonstrated it here—by the American Bar Association, for the purpose of giving us a judicial system that is workable, that is harmonious, and that will be the best that the country has ever had. And this amendment, in effect, strikes out one of the most substantial things that is contained in the bill that is now before this House. I assert, in conclusion, gentlemen, that it is a mistake to destroy the independence of your district judges, that it is a mistake to permit some man from Minneapolis or St. Louis or New York City, or some other place, to go at his sweet will and take away from the district judge the exercise of the functions that he is called upon to perform. [Applause.]

Mr. HUGHES of New Jersey. Mr. Speaker, I would like to ask the gentleman who has just taken his seat if the effect of this amendment will be—and I will say frankly that I do not understand the amendment; in fact, I do not think I was paying attention when it was read—to enable the circuit judge to go down and try a case originally?

Mr. MADISON. Oh, yes; and absolutely supersede the district judge who, under the law, is given the original jurisdiction.

Mr. HUGHES of New Jersey. If he does that, can that case, then, still be appealed to this court?

Mr. MADISON. Yes; and appealed to the same court and the same man who decided in the court below.

Mr. HUBBARD of West Virginia. Not to the same man.

Mr. MADISON. Well, to his associates.

Mr. HUBBARD of West Virginia. There is a prohibition of that.

Mr. MADISON. If that is true, I stand corrected. But an appeal to the court of which he is a member and to which there will come decisions that were rendered by other members of the court under the same conditions and which he must review. We found in the territories that it is a very bad system, the system of permitting appellate court justices to sit as nisi prius judges.

Mr. NORRIS. That was called to the attention of the House by the letter read by the gentleman from Pennsylvania [Mr. MOON] from Judge Taft, Judge Lurton, and Judge Day.

Mr. MANN. Of course, that is not involved in this amendment. That we have disposed of. What would you do where we have four circuit court of appeals judges and only three required to sit? The gentleman would not have one remain idle.

Mr. MADISON. I do not know why the four circuit judges should not sit in the court of appeals.

Mr. MANN. There is no reason why; but the law does not provide for it.

Mr. NORRIS. The law does not prohibit it.

Mr. MANN. It provides for three to sit.

Mr. MADISON. There are four in my circuit.

Mr. MANN. But only three sit in the court of appeals at once. It would not be advisable to have an even number of judges sit, I think the gentleman will agree to that.

Mr. MADISON. No; I would not if it was necessary in order to put the fourth judge at work.

Mr. MANN. That matter is not involved here. We voted that into the bill in another place. I do not quite understand the proposition before the House. The gentleman from West Virginia stated that these men have authority to sit—the district judge, the court of appeals judge, and the circuit court justice—and they might have a divided opinion. Now, what would be the judgment rendered?

Mr. MADISON. I think it is a mistake to give to the circuit judge of appeals the duties of a nisi prius judge. The bill as it now exists, as I understand it, takes away from the circuit judge—unless the amendment recently adopted——

Mr. MANN. The amendment recently adopted covers that.

Mr. MADISON. Gives to him the powers of a trial judge? I say frankly I was out at the time when that was adopted, and I do not know what it was.

Mr. MANN. That provides for a circuit judge of the court of appeals and the circuit justice to sit as a district judge.

Mr. MADISON. That being true, I would still be opposed to this amendment upon the ground that it does provide that a judge that holds the higher commission shall control the decision; that he may go down and sit with the district judge and, in fact, supersede him; because if it is his decision that controls, the practical effect of it is to supersede the judge below.

Mr. MANN. This is a very important matter.

Mr. HUBBARD of West Virginia. If the gentleman will permit me, I want to say that it has already been provided that the circuit court judge may, to all intents and purposes, be a district judge. Now, in every district you have two district judges. Assuming that they are to be assigned and the judges differ in opinion as to which shall hold the court or as to the division of their work, what is going to happen under the view of the gentleman from Kansas?

Mr. NORRIS. That is already provided for.

Mr. HUBBARD of West Virginia. Not at all.

Mr. MADISON. Then let it be provided for.

Mr. NORRIS. As I remember, back further in the bill it is provided that if they do not agree as to the distribution of the work between them then the senior circuit judge in the district shall determine and settle it. That is only from my recollection.

Mr. HUBBARD of West Virginia. Here is the question: Either of two judges can sit at a trial and each judge wants to do so; that is the assumption of the gentleman from Nebraska.

Mr. NORRIS. No, indeed; that is not my assumption.

Mr. HUBBARD of West Virginia. There is a difference of opinion between the judges.

Mr. NORRIS. I have not assumed anything of that sort.

Mr. HUBBARD of West Virginia. There is a difference of opinion between the two judges. Now, if there is no difference, then there is no necessity for the legislation, but where there is a difference between them the proposition in this bill is in a case of that sort that there shall be a preliminary trial before the senior circuit judge. Where we have two judges and each of them wants the jurisdiction of that matter, that the case shall be first heard before another judge, in order to determine who shall hold the court and try the case.

Mr. NORRIS. Oh, not at all.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that my time be extended five minutes. [Laughter.]

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. NORRIS. I think my friend from West Virginia has not given the proper construction to what I said I thought was another provision in the bill, where there is a district having more than one judge—and, as a rule, the districts have only one judge—but if a district has two judges in it, if they do not agree as to the division of the work between them, then this bill, as I understand it, provides that they shall submit the matter to the senior circuit judge.

Mr. HUBBARD of West Virginia. And try the question out there first.

Mr. NORRIS. I hope the gentleman will let me make my statement, and then he can make his. Assuming that there were five or six places of holding court and the two district judges could not agree as to which one should hold the court at A and which should hold the court at B, they would submit their dispute to the senior circuit judge, and he would say this judge shall hold court in these places and this other judge shall hold court in those places.

Now, the same case could not arise in two different places at the same time, and hence there would be no trial, as the gentleman from West Virginia [Mr. HUBBARD] assumes, of some particular case. The dispute would not arise as to who would try this case or that, but who should hold court at this place or that; and whatever case arose, of course the presiding judge would have to try.

Mr. HUBBARD of West Virginia. Does not the gentleman see that there might also be a question as to which judge shall try a case which must be tried at but one place?

Mr. NORRIS. If the senior circuit court upon a dispute should say that Judge A should try the cases that were pending in city A, then Judge A would try them there. There could not be a dispute between the district judges.

Mr. HUBBARD of West Virginia. Suppose there is only one place of session, and there is only one place where a case can be tried.

Mr. NORRIS. Very well, if there is only one place in the district where court can be held, I do not believe the gentleman will find that there are two district judges. There is not such a case in the United States.

Mr. HUBBARD of West Virginia. The amendment just adopted has made in every district two district judges—the district judge and a circuit judge—with full district judge powers.

Mr. NORRIS. Yes; but that has nothing to do with the dispute between two district judges as to which shall try cases in this place or that place. In the case the gentleman puts, the circuit judge, or if it happens to be the circuit justice, will be supreme and the district judge will have to submit.

Mr. HUBBARD of West Virginia. Why is that so? There is no provision that I can find in the statute, and that is the very purpose of this amendment.

Mr. NORRIS. Oh, no; as I understand the gentleman's amendment, it goes much further than that. It takes away from the district judge the same as though we provided in the gentleman's case, where the district judge or the circuit judge, if he is so called in the gentleman's State, would have the right to go down and try a lawsuit that some justice of the peace had under consideration or under trial.

Mr. HUGHES of New Jersey. Mr. Speaker, I simply rose for the purpose of attempting to discover whether or not the passage of this amendment and the fact that it enabled the circuit judge to go down into the district court would thereby do away with one trial or argument; and if I had been assured of that fact by the gentleman from Kansas [Mr. MADISON], for whose legal learning I have a great deal of respect, I would have been inclined to vote for it. I am sorry that the learned gentleman who is in charge of this particular measure has not seen his way clear to make some attempt to do away with these interminable appeals that are such an affliction to the American people; although I suppose I ought to say right at that point that there is no ill from which the American people are suffering of which they are so fond and so loath to part with as the right of appeal. I have noticed that everywhere, throughout my law practice. As soon as a man is beaten in a lower court, he is quite sure that if he can only get an appeal he is going to win, and that is what makes litigation——

Mr. NORRIS. Interesting.

Mr. HUGHES of New Jersey. Practically endless and profitable to the lawyers—interesting, of course, but still hardly calculated to promote justice.

Mr. JAMES. I would like to ask the gentleman what per cent of cases appealed from district courts are reversed when they appear in the circuit court.

Mr. HUGHES of New Jersey. A great many of them, I will say, but who is going to say that the judge who has the last guess made the right guess?

Mr. JAMES. Yes; but we have more of them to make the last guess.

Mr. HUGHES of New Jersey. I have seen this situation exist myself: I have seen a judge try cases, and try them upon a certain theory, applying certain principles of law, and apparently do justice and satisfy everybody.

Mr. JAMES. Of course the gentleman knows one particular case——

Mr. HUGHES of New Jersey. Wait until I finish my statement. I am not talking about one case. I am talking about one judge whom I regard as the greatest judge I ever came in contact with, and he used to try cases and apply principles of law to them which almost everybody thought had been applied properly. Some litigant would take an appeal and the question would be thrashed out before the Supreme Court, which, in my judgment, was no better qualified to pass upon it than the trial judge. For some reason or another the decision of the trial judge would be reversed, and I have seen, years after, after that judge had passed away, the Supreme Court come around to the theory of the law upon which he determined the case years before, and in the meantime the litigants were still in court. But the point I am trying to make is this, that in all human probability there is just as much likelihood of getting a case tried right the first time as the last time, even after a thousand intervening appeals, and in the meantime there has been the expense and anxiety of the litigants, to say nothing of the disrepute into which the entire practice of the law falls.

Mr. CULLOP. Mr. Speaker, I want to oppose this amendment for two reasons. The amendment, as I understand it, is to take one of the circuit judges and allow him to sit at trials with the district judge in the hearing and determination of causes. This gives the circuit judge domination over the business of the district judge, which, in my judgment, is objectionable. And the other reason that it ought to be defeated, in my judgment, is that whenever you appeal from the decision of a court thus constituted, you appeal to the appellate court of which the circuit judge so sitting at the trial is one of the members of the court. He has already expressed his opinion in the trial and reviewed it on motion for a new trial. He sits there to have that opinion affirmed and is an interested party as to the result. He is molded in his views of the matters which are brought to the appellate court to be reviewed, having already passed upon them at the trial. The appeal ought not to be made to a court of which such a judge is a member. It is unfair to litigants, it is unjust to the court, and for these reasons I think the amendment ought to be voted down in the promotion of justice and for the preservation of the dignity of the courts.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise? The Chair will state that there is one amendment pending under the order of the House, which is to be considered at this time. There are several amendments pending, passed over by general consent, no specific order being made for bringing them up to-day. The amendment now in order under the provisions of the order of the House is the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. PARSONS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PARSONS. What is the situation with regard to the amendments to sections 148 to 155?

The SPEAKER pro tempore. They were passed over generally without an order as to their consideration.

Mr. PARSONS. And we may recur to them at any time?

The SPEAKER pro tempore. They may be recurred to.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The amendment of the gentleman from Georgia, was that postponed?

Mr. BARTLETT of Georgia. His proposition would come up after mine. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. Do I understand the Chair to say that when this unanimous consent in reference to the disposition of amendments first shall have been disposed of, that my amendment would be in order?

The SPEAKER pro tempore. When this amendment has been disposed of, then the question recurs to section 166, which was pending when the House adjourned one week ago and to which the gentleman then had an amendment pending.

Mr. MONDELL. Mr. Speaker, on June 21 last the President of the United States sent to Congress a very brief message, as follows:

To the Senate and House of Representatives:

There are, perhaps, no questions in which the public has more acute interest than those relating to the disposition of the public domain. I am just in receipt from the Secretary of the Interior of recommendation that in disposition of important legal questions which he is called upon to decide relating to the public lands, an appeal be authorized from his decision to the court of appeals for the District of Columbia.

I fully indorse the views of the Secretary in this particular, which are set forth in his letter, transmitted herewith, and urge upon the Congress an early consideration of the subject.

WM. H. TAFT.

THE WHITE HOUSE, *June 21, 1910.*

In harmony with the suggestion contained in the message of the President, I introduced on June 22 a bill providing for appeals from the decisions of the Secretary of the Interior to the court of appeals of the District of Columbia, and for other purposes.

That bill was reported on June 22 last, and has since been on the calendar. It has been my hope that an opportunity would be offered for the consideration of that legislation by the House. A week ago to-day, when the bill now before the House was under consideration, the gentleman from Illinois [Mr. MANN] offered my appeals bill as reported by the committee as an amendment to the pending bill, substituting for the court of appeals of the District of Columbia the Court of Claims, amending it in that way, as I understand it, in order to make it germane to the bill at the point where offered.

Personally I should like very much to have the House pass upon the question involved in this legislation, but I feel it would be utterly impossible to secure a fair consideration of the measure on its merits at this time, and as an amendment to this bill, and for two reasons: First, because of the very reasonable and proper disinclination of the committee having this bill in charge to agree to or approve any new legislation as an amendment; and, second, because in order to make the bill germane at the point where offered, it was necessary to substitute for the court of appeals of the District of Columbia the Court of Claims, a court which, in my opinion, ought not to be given jurisdiction of these cases if we are to provide for appeals.

Therefore, in view of the fact that it would be impossible to secure fair and reasonable consideration of the measure on its merits under the circumstances, I hope that the gentleman from Illinois will withdraw his amendment.

The SPEAKER pro tempore. Of course discussion is pending on the point of order offered.

Mr. MANN. Mr. Speaker, it is very likely that a full discussion of this subject would take considerable time, and if it did take considerable time, of course, it would probably mean the absolute defeat of the passage of this bill at this session of Congress, and therefore would accomplish no good. It might accomplish considerable harm unless the bill itself when passed will be of great good, about which I have some doubt.

Mr. NORRIS. Does the gentleman refer to the Moon bill or the Mondell bill?

Mr. MANN. I have great doubts about the Mondell bill. In fact, I think it is not a good bill. I have considerable doubt about the Moon bill that is pending. I have no desire to occupy all the time of the House in discussing one bill to prevent the other bill passing. Therefore I withdraw the amendment.

Mr. MARTIN of South Dakota. The gentleman does not want to be understood as introducing an amendment with no expectation that it will pass, I hope.

Mr. HITCHCOCK. I raise a point of order. How can the gentleman from Illinois, Mr. Speaker, withdraw his amendment without unanimous consent?

Mr. MANN. I am perfectly willing to argue that point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman from Nebraska [Mr. HITCHCOCK] on the point of order.

Mr. HITCHCOCK. The amendment is before the House, and can not be withdrawn without the unanimous consent of the House.

Mr. MANN. The rule is that the amendment can not be withdrawn without unanimous consent. That is the special rule that was adopted many years ago at the time Congress was in a dispute about the extension of slavery. But that rule does not apply to motions or amendments in the House. I quote from page 380 of the Manual, paragraph 671, as follows:

> A motion may be withdrawn, although an amendment may have been offered and be pending; and in the House an amendment, whether simple or in the nature of a substitute, may be withdrawn at any time before amendment or decision is had thereon; but the rule is otherwise in Committee of the Whole.

There is a lot of authorities on that. That is the common practice in the House. There have been several amendments already withdrawn to-day.

Mr. HITCHCOCK. That was by unanimous consent.

Mr. MANN. I beg the gentleman's pardon; it was not by unanimous consent.

Mr. HITCHCOCK. There was an announcement made that there was a certain amendment withdrawn by unanimous consent, and there was no objection.

Mr. MANN. The gentleman is mistaken.

Mr. HITCHCOCK. Perhaps this can be expedited. Instead of making the point of order, I will reserve it for the purpose of asking this question: I would like to ask the gentleman from Wyoming [Mr. MONDELL] whether he intends at a future time during this session to press his proposition, or some proposition, to remove these land cases to a court. Now, if he does intend to do so, I say now is the time to start the discussion. If he does not propose to do so, I have no desire to make any obstruction.

Mr. MONDELL. Mr. Speaker, it seems to me that I am not called upon to enlighten the gentleman from Nebraska, although wishing to be entirely courteous to him, as to what I may desire to do in regard to legislation. I believe the bill which I have introduced is very good legislation, and if an opportunity could be given for a free and full discussion of it, and an opportunity to amend it, I should be very glad to have that done. I do not desire to have it brought into the House at any time except with opportunity for full discussion and amendment; and, as we are nearing the end of the session, I am rather inclined to the opinion that no such opportunity will be given. But I still believe the legislation to be good.

Mr. HITCHCOCK. I must confess that I was afraid it would be rushed through here without any discussion.

Mr. MONDELL. I wish to say to the gentleman that, so far as I am concerned, I do not wish to have it brought into the House without opportunity for amendment, nor would I favor it being brought into the House without opportunity for full discussion also.

Mr. JAMES. Will the gentleman permit me?

Mr. MONDELL. Certainly.

Mr. JAMES. Would the bill the gentleman has introduced as an amendment include or exclude the Cunningham claims?

Mr. MONDELL. The bill before the committee is a general bill that would allow an appeal on any decision of the Secretary of the Interior of any sort.

Mr. MANN. And would therefore include the Cunningham claims?

Mr. MONDELL. It would include any case that might be decided by the Secretary of the Interior.

Mr. JAMES. The gentleman is aware that the President has the Cunningham claims under consideration; that they have been briefed, and he is studying them. Would the gentleman take them away and lodge them in the district court?

Mr. MONDELL. The bill now offered as an amendment, which the gentleman from Illinois desires to withdraw, is a general bill providing for the appeal of claims from final decision of the Secretary of the Interior and would include any case where a final decision had been rendered, and therefore would not take the Cunningham or any other claims which have not been decided from the Secretary or the President.

Mr. JAMES. The gentleman from New York [Mr. PARSONS] says that such a bill or such an amendment as has been introduced would not take the Cunningham claim from the President.

Mr. MONDELL. It would not take any claims from the department, but it would allow a review of all decisions of the department after decision had been rendered.

Mr. PARSONS. If the gentleman will allow me, I want to say it would also allow the department, with the consent of the Attorney General, to certify questions of law to the circuit court of appeals, but they could not pass up the record and have questions of fact decided, and so be relieved of the decision of questions of fact.

Mr. MANN. Well, that depends on what the bill was.

Mr. PARSONS. I am talking about the bill before the Committe on Public Lands.

Mr. MANN. Mr. Speaker, if gentlemen will pardon me a word in reference to this matter. I introduced this amendment. I had made up my mind that the bill ought not to pass. I thought that possibly it might be disclosed, in a very short discussion in the House, that the bill could not pass as an amendment and that would end that question. I think the introduction of the amendment has disclosed the fact that it would not be agreed to even if the court of appeals was inserted instead of the Court of Claims.

Mr. JAMES. Was the fact that the gentleman from Illinois was opposed to the amendment and wanted it defeated the reason why he introduced it in the House?

Mr. MANN. That is absolutely the reason, and it has had the desired effect.

The SPEAKER pro tempore. The Chair is ready to rule. The gentleman from Illinois [Mr. MANN] offered an amendment and now proposes to withdraw it. The gentleman from Nebraska [Mr. HITCHCOCK] makes the point of order that it can not be withdrawn except by unanimous consent.

In the Committee of the Whole that is the rule. In the House it is otherwise. An amendment can be withdrawn in the House by the Member offering it before action has been had thereon. We are proceeding in the House as in Committee of the Whole, and the gentleman from Nebraska probably based his point of order on that proposition.

The Chair finds that this very question was before the House March 3, 1898, when Mr. Griggs, of Georgia, having offered an amendment desired to withdraw it. The point of order was made that it could not be withdrawn except by unanimous consent. The Speaker said:

> The Chair finds the matter in this rather curious position, that the House is considering the bill in the House as in Committee of the Whole. In the House the amendment can be withdrawn, and in the Committee of the Whole it can not.

The then Speaker decided that a Member offering an amendment could withdraw it without asking unanimous consent. That decision is found in the fourth volume of Hinds' Precedents thus stated:

> During the consideration of a bill in the House as in Committee of the Whole an amendment may be withdrawn at any time before action has been had on it.

That ruling was by Speaker Reed. Following that ruling, the Chair overrules the point of order. The amendment is withdrawn. We now recur to section 166, which was pending.

Mr. BUTLER. Mr. Speaker, I rise to offer an amendment to section 166.

The SPEAKER pro tempore. Does the gentleman from Georgia offer an amendment to section 166?

Mr. BARTLETT of Georgia. I yield to the gentleman from Pennsylvania, and will offer mine after his.

Mr. BUTLER. Mr. Speaker, this section involves the conduct of men, and I desire to strike from the section certain language which, in my judgment and within my knowledge and

within my observation and experience, is offensive to many men.

The SPEAKER pro tempore. Will the gentleman state his amendment?

Mr. BUTLER. My amendment is to the last part of section 166, and it begins at the semicolon. I move to strike out this language:

And the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 143, after the word "rebellion," in line 17, strike out all of the remainder of section 166.

Mr. BUTLER. I have not observed the studious care most gentlemen do when making such motions, for the very reason I have not the hope of success which usually attends such efforts, but I desire to relieve myself of a sentimental feeling that deeply affects me when I move to strike this language from the bill. It is unimportant to the Members of this House and the history of the Nation where I came from, but nevertheless I was born north of Mason and Dixon's line, in a country where most men were loyal to the Union during the Civil War, and where we have ceased to call the war a "rebellion." [Applause.] However, if I had been engaged therein as a Confederate, I would not have been offended at having the conflict called a rebellion. I belong to a race of people that never rebelled upon any occasion. They never joined an insurrection, neither did they deny the authority of their masters, revile their judges, or curse the rulers of their people. If they had been in rebellion they would not, I am sure, have been offended at the designation. This language should be offensive to them—Mr. Speaker, I refer to the class of people with whom you are well acquainted, such as the Dunkards, the Mennonites, and the Quakers, of Pennsylvania. These people, during the Civil War, lived in peace along in the valleys of York and Adams and Franklin Counties. Many of them did not esteem it necessary to bear arms in defense of our Union to manifest their allegiance to it; neither did they regard a noise as an evidence of their loyalty; neither did they deem it necessary, in order to preserve their constancy to their Government that they should commit acts of hostility. We all know that at a certain period of the Civil War Gen. Lee and Gen. Gordon did hold sway in the State of Pennsylvania. We all know that it is in history that at a certain time the Confederates appeared before Chambersburg, and there held dominion.

It is further known that for two days and a half, and for nearly three days, Gen. Lee held dominion or "sway," in the language of this bill, at Gettysburg, and it is further known that at another period slightly anterior to this Gen. Gordon did reach a point in Pennsylvania known as Wrightsville; whether or not he held sway, dominion, or control over the section traveled I do not know, and for the purposes of this statement it is unnecessary to know.

This section of the bill, Mr. Speaker, is complete and without this language answers all purposes designed. It must be offensive to the sense of many of the people for whom I speak—to me it is unbearable—that it should be thought of them, because they were unfortunate enough to live, unfortunate enough to dwell, voluntarily in the slaughter pens of the war, with their property at the will of the chief, that they should be charged with disloyalty toward a Union that they had maintained ever since their forefathers set it up.

Mr. Speaker, there is no necessity for this language which I move to strike out. I repeat what I said at the beginning. I have no hope that it will be stricken out. I will not be particularly sensitive about it if it remains in the bill. Mr. Speaker, I have had the opportunity of speaking for the people I have in my mind at this time and did have when I made the motion. They are a class of people who do not believe in the philosophy of the Vikings, that it was necessary to be wounded to be happy. I speak for that class of people who lived quietly and humbly in the shadow of their own trees, not listening to the instructions of false moralists who talk like angels, but who live like men. With great feeling I speak to this House, to its membership, this one sentence that is in my mind, that these people cared more to live with their faces turned toward the glories of heaven than to join in the demonstrations of hell.

I ask the membership of this House to consider whether it is necessary to any longer keep that language in this bill. [Applause.]

Mr. MOON of Pennsylvania. Mr. Speaker, my friend from Pennsylvania, my colleague [Mr. BUTLER], gives as the only reason why this language should be stricken from this section of the bill that it is obnoxious to the Society of Friends, to which he belongs.

Mr. BUTLER. If the gentleman will here excuse me; I hate to make the humiliating confession that I do not belong to the society. I only wish I did. [Applause.]

Mr. MOON of Pennsylvania. That statement seems to meet with applause in the House. I was about to state——

Mr. BUTLER. It is the credit of the good old Quakers they applaud.

Mr. MOON of Pennsylvania. I was about to state to the gentleman that I had about the same associations as he. I also come from the Society or Association of Friends. I call attention to the fact that this is only a war measure, only a rule of evidence. This only applies when men go into court. Now, the gentleman knows that members of the society to which he and I belong never go into court; that when they smite us on our right cheek we turn the left cheek also.

Mr. BUTLER. Then what? [Laughter.] Then the other fellow usually gets a licking. [Laughter.]

Mr. MOON of Pennsylvania. Then we are through with meekness. I must say to the gentleman that I am opposing his amendment because the section provides a law of evidence with respect to a very important class of claims. Do not let us forget, gentlemen, that we are dealing here with the Court of Claims. Do not forget what I stated on more than one occasion, that the establishment of the Court of Claims and the giving to the citizens of the United States the right to an action in that court is an act of pure beneficence on the part of the Government.

Now, this relates to war claims, and it was in 1868 that this provision was put in the law. During all these years—42 years—that provision has been in operation, and I have never yet heard of any hardships that have occurred under it or any difficulty about proving where the rebel forces held sway. Nobody ever attempted to say that they held sway in Adams and York Counties, in the State of Pennsylvania.

Mr. BARTLETT of Georgia. Mr. Speaker, the gentleman said that in all trial cases this had never worked any hardship. The gentleman, I know, is a great student, but he had probably forgotten a decision of the Court of Claims, which I thought was upon my desk——

Mr. MOON of Pennsylvania. The gentleman misunderstood me——

Mr. BARTLETT of Georgia. Where the Court of Claims has construed this very section. The fact that even where no act of disloyalty to the Union was shown other than the fact that the person remained in one of the seceding States and did not go away, though he was not shown to have done any acts of disloyalty—that fact as to his residence puts upon him and those who represent him the difficulty of showing he was loyal. The fact that he resided in any one of the localities described in this section prevents him from recovering, even when no act of disloyalty on his part is shown.

Mr. MOON of Pennsylvania. But the gentleman is aware of the fact that this says it shall be prima facie evidence only, and he could not convince this House that any man who was entitled, by reason of a loss, could not go upon the stand and testify and overcome the prima facie presumption that he had not committed an overt act.

Mr. BARTLETT of Georgia. The hardship arises by reason of the fact that a number of claimants I have referred to have passed away. The parties being dead, it was impossible to say anything other than that they resided in the section designated by this provision, and that was all the proof they had. I am sorry I do not have that decision in hand here.

Mr. BUTLER. Mr. Speaker, will the gentleman from Pennsylvania permit me to ask him a question?

The SPEAKER pro tempore. Will the gentleman from Pennsylvania [Mr. MOON] permit his colleague to ask him a question?

Mr. MOON of Pennsylvania. Yes; certainly.

Mr. BUTLER. Beginning at the one hundred and sixty-sixth section, down to the point where I moved to strike out the language spoken of, is not that section of the bill complete without this language? Is it not plain from this language that any suitor is compelled or may be compelled to prove his loyalty?

Let me ask my friend, with whom I have never had a dispute and with whom I never will, Is not his section complete without the language to which I object, and is it not within the power of anyone making the complaint to compel the suitor to prove his loyalty?

Mr. MOON of Pennsylvania. Unquestionably this is true, and this is only introducing a certain rule of evidence which says that certain facts existing shall be prima facie evidence which can easily be overcome. Now, the claims arising under

this section, which was put in in 1868, are gradually diminishing. They are becoming fewer and fewer every year, and I do not believe that the great and honorable Society of Friends, to which my friend and I belong, will suffer any imputation or injury. I do not think they would dream of it if this bill had not come upon the floor. I doubt if any one of them except my friend from Pennsylvania ever dreamed of it or thought that they would be hurt by it. I therefore ask the House to vote down the amendment.

Mr. MARTIN of South Dakota. I ask that the gentleman from Pennsylvania [Mr. MOON] have one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. In the judgment of the gentleman from Pennsylvania, does this language, "held sway," cover the case of a temporary control over a section like that covered by the contending armies at Gettysburg, where the Confederate forces held sway for two or three days?

Mr. MOON of Pennsylvania. I do not intend to construe what it means at all. It has been construed, perhaps, a hundred times, and the Court of Claims has decided. I do not know what it is.

Mr. MARTIN of South Dakota. If that is what it means, it seems to be an unjust division.

Mr. KENDALL. It is not a very vital inquiry, is it?

Mr. MOON of Pennsylvania. No; if it has not been adjudicated. The responsibility is not upon me. I am frank to say I do not know what the courts have held about it.

Mr. JAMES. Mr. Speaker, I arise for the purpose of supporting the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER]. The language of this section is as follows:

SEC. 166. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

It seems to me, Mr. Speaker, that the amendment of the gentleman from Pennsylvania striking out the latter part of this section ought to be adopted. The part referred to reads as follows:

And the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

The first part of this section requires three things to be proved by every person who had property taken or destroyed by Union forces during the Civil War: First, he must show that he was loyal to the Union; second, he must show that he did not give aid to the Confederacy; and, third, that he did not give comfort to them. But the latter part of the section creates a prima facie case against every claimant simply because he had residence in some place where, at "some time the forces of the Confederacy held sway." Take my State of Kentucky, a border State, one which refused to go out of the Union, and the Confederate forces and the Union forces alternated in control of the different parts of the State; or, as the section says, held sway at different times. And yet this section would require a person who lived in these localities to go in before the Court of Claims with a prima facie case against him, simply because he had the courage to remain within the lines and held his residence where the forces of the Confederacy held sway.

The forces of the Confederacy held sway in Indiana for a time, held sway in Pennsylvania for a time, held sway in Kentucky for a time, and yet you would by this section discriminate against these people who had their property and their all swept from them, who supplied the Federal forces with provisions and supplies, whose churches were destroyed, whose schoolhouses were torn down, whose homes were desolated, simply because they lived where they were born and from which places they refused to flee because the Confederacy held sway. Many soldiers went from Kentucky and other border States to fight for the Union. They left behind them families they loved, property they owned, and yet this brutal section would raise against these people a prima facie case of disloyalty when they come to atempt to collect from the Government [applause], which ought to be not only just but even generous to them. My father was a Union soldier; my mother's people were upon the Confederate side. I believe I can view the case dispassionately and fairly. Mr. Speaker, the war is over. This part of the section which the gentleman from Pennsylvania moves to strike out could not have found favor in any legislative body in the world except one permeated with passion. [Applause]. Almost half a century removes us from that dread internecine conflict. We do not recall it now, except to tell of the courage of two of the mightiest armies that ever went upon a field of carnage, one fighting for the Constitution as they had had it taught to them, the other fighting for what they believed to be right, both equally honest, equally sincere; but it is past—it is behind us. [Applause.]

The spirit of Lincoln and of Davis, of Lee and of Grant, of Stonewall Jackson and Winfield Scott Hancock, of Joseph Johnston and George B. McClellan looks down upon a reunited country from the parapet of the skies, seeing a contented and happy people, with all malice destroyed by the hand of time, with all feeling of bitterness forgotten, with the Stars and Stripes floating above a people loved by everyone [applause]; and, sir, I believe I speak the truth when I say that if Abraham Lincoln were alive this night there is not a foot of southern soil under Dixie's skies upon which he might not pitch his tent and pillow his head upon the knee of a Confederate soldier and sleep, and sleep in safety there. [Applause.] I sincerely trust this amendment will be adopted.

It should be adopted; this section should be stricken from our law; these people, whose property was taken, used, or destroyed, should be remunerated by the Government. Our Republic is too great and good to do wrong, is too generous to refuse payment of the claims of those to whom it is indebted. [Loud applause.]

Mr. MANN. Mr. Speaker, I do not think the provision in the bill, which has been in the law for many years, applies to the case stated by the gentleman from Kentucky. It applies to those cases where the government was on the Confederate side, and there ought to be a presumption that in such cases people remaining within the confines of that government were in hostility to the Federal Government. There ought to be that presumption. It is only a presumption. If you remove this provision from the bill and from the law, it is an assertion on the part of Congress that people living in those portions of the country distinctly in rebellion, distinctly under the Confederate control, are not to be considered as prima facie in hostility to the Federal Government.

Doubtless that would have been the rule at law without this provision being in the statute; but having been in the statute for years, to take it out is to remove that presumption in the minds of the Court of Claims. Why should a man remaining in New Orleans or Chattanooga or other portions of the South voluntarily, while those portions of the South were under Confederate control—why should it not be a presumption that he was in sympathy with the people with whom he was remaining?

I know the situation in Kentucky. All of my family came from Kentucky. Some of them who remained in Kentucky were on the Confederate side and some on the Federal side. As I understand the situation the gentleman from Kentucky alludes to it may be in some cases a hardship to some of them, although Kentucky did not go out of the Union, but this bill has never been construed to mean, and could not be construed to mean, "the sway for an hour."

Mr. JAMES. But it says wherever the Confederate forces or organizations held sway; it does not say that wherever a State seceded, but it says at "any time when Confederate forces held sway," no matter how brief the time—"any time" is the wording.

Mr. MANN. I understand what it says. It is perfectly plain what it means, and no one will, in my judgment, fairly construe it to mean—no court of law would construe it to mean—as the gentleman from Kentucky suggests. Nor has that been the construction that the Court of Claims has ever put upon it.

Now, what is the fact in reference to it? These claims, as a rule, arise from supplies which were taken by the Federal Army. It has already been held that as to organizations, societies, and corporations there can be no presumption of disloyalty, because, in the opinion of the court, they were not individuals and could not have any loyalty or disloyalty. I am not in favor of this Congress undertaking now, unless it knows what it is doing and does it deliberately, to attempt to pay back to the people all their losses for property seized or destroyed in the Civil War. Unless they can prove loyalty they ought not to expect to be paid. It is impossible for the Government to prove disloyalty in these cases; it must depend on the people to prove loyalty. I think no one has yet proposed—although the time may come when we will pay the people their losses regardless of whether they were loyal or disloyal to the Federal Government, or loyal or disloyal to the Confederate government—but I think the time has not yet arrived when Congress desires to do that.

Mr. JAMES. I desire to ask the gentleman, if his construction is correct, to which I do not agree, that this section applies only to those States that seceded from the Union, if the converse to that proposition is not true, that wherever claimants, say in my district of Kentucky, lost property the presumption would be that they were loyal to the Government because Kentucky remained in the Union——

Mr. MANN. Oh, no; there are many cases where States had seceded from the Union where the Union Army was in possession. There was no presumption of disloyalty. I say that this section was never intended to mean, and never has been construed to mean, what the gentleman from Kentucky suggests. I think with him that such a construction would be abhorrent, and I do not think that we ought to undertake at this time to change that rule of evidence.

Mr. GRAHAM of Illinois. Will my colleague yield for a question?

Mr. MANN. Certainly.

Mr. GRAHAM of Illinois. Is not every idea expressed in the last five lines of the section included in what precedes it? In the first lines of the section it specifically provides:

> Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

That language clearly imposes upon the claimant the burden of proving his loyalty.

That being so, why is it necessary to go on and, as the gentleman from Pennsylvania well stated, add additional language which is offensive and unnecessary?

Mr. MANN. I do not see anything offensive about it.

Mr. GRAHAM of Illinois. It does not make the burden of proof any greater than the language which precedes it makes that burden.

Mr. MANN. I can see nothing offensive in the language, and I quite agree with my colleague from Illinois that if this were an original proposition I would not repeat what is apparently the same thing twice.

Mr. GRAHAM of Illinois. It is stronger in the first than in the second statement of it.

Mr. MANN. But having been in the law for 40 years the court must construe striking it out as meaning something. If it is the same that is already there it does no good to strike it out. If it is different, as the court must hold, if we strike it out, it means that the court must construe that we have made a substantive change in the law, which, according to the gentleman's own suggestion, we do not desire to do.

Mr. GRAHAM of Illinois. Upon that point the court would have the right to go to the record of the proceedings in this House to ascertain as well as it could what views were expressed in the debate as to what the intention of the body was.

Mr. MANN. Well, I do not think so.

Mr. GRAHAM of Illinois. And the discussion here will show very clearly to the court that the striking of it out was not intended to remove the burden from the claimant.

Mr. MANN. I think, on the contrary, the court would find that it was the intention to remove the burden from the claimants, even from the discussion which has taken place here.

Mr. GRAHAM of Illinois. Oh, no; so far as the House can have intention, or the Members of it can form intentions, the discussion is the other way. Mr. Speaker, permit me to again call attention to the absolutely unnecessary character of the language proposed to be stricken out. The more one reads what precedes it the clearer it appears that the language it is moved to strike out is merely surplusage, and without necessity there at all. Reading the whole section preceding that makes it very plain:

> Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion.

Now, there is a condition precedent. There could be no recovery on such a claim until the claimant affirmatively proved loyalty to the United States Government. Nothing could be stronger than that. That is much plainer than the lines which follow it, stating, as the gentleman from Pennsylvania said, only a rule of evidence. In the language I read it requires satisfactory evidence, not mere prima facie proof, but satisfactory proof, that the claimant was always loyal to the United States Government, and the striking out of what follows, in view of what still remains, could not be construed by any court anywhere at any time as intending on the part of Congress to change the law, to change the requirements as they existed heretofore, for the language would still remain that the claimant must affirmatively prove those very things.

Mr. KENDALL. If it is not the purpose to change the rule of law, what is the purpose of it?

Mr. GRAHAM of Illinois. The purpose of the amendment of the gentleman from Pennsylvania? He stated it quite clearly, and if the gentleman from Iowa was here when he made his statement he must have understood it.

Mr. KENDALL. I understood the gentleman to bottom his demand for the amendment upon the theory that some language offensive to him and his people in the statute ought to be removed, but if the effect of this amendment will not be to serve notice on the Court of Claims that it desires the adoption of a different rule than the one which now prevails, I submit to the gentleman, What will be the effect of the amendment?

Mr. GRAHAM of Illinois. The effect of the amendment will be to remove the offensive language and in no way change the rule.

Mr. BUTLER. I would not vote to change the rule. I believe any man who claims to have a right given him during the Civil War as against this Government should prove his loyalty, and I would not ask to change that rule.

Mr. GRAHAM of Illinois. Regardless of what the gentleman would or would not do, the language remains that the claimant must prove affirmatively that such persons did consistently adhere to the United States and did not give aid or comfort to the rebellion.

That language remains in it, and while it remains in it the striking out of the lesser provision can not change the effect of the greater which yet remains.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and sixteen gentlemen are present—not a quorum. The question is on the amendment offered by the gentleman from Pennsylvania. The doors will be closed, the Sergeant at Arms will bring in absent Members, the Clerk will call the roll, and those who are in favor of the amendment will answer "aye," and those who are opposed will answer "no."

The question was taken; and there were—yeas 166, nays 75, answered "present" 6, not voting 137, as follows:

YEAS—166.

Adair	Cullop	Hull, Tenn.	Randell, Tex.
Adamson	Davis	Humphreys, Miss.	Ransdell, La.
Aiken	Dent	James	Rauch
Alexander, Mo.	Denver	Johnson, Ky.	Richardson
Allen	Dickinson	Johnson, S. C.	Roberts
Anderson	Dickson, Miss.	Jones	Robinson
Ansberry	Dies	Kelliher	Roddenbery
Ashbrook	Dixon, Ind.	Kinkead, N. J.	Rothermel
Austin	Driscoll, D. A.	Kitchin	Sabath
Barclay	Dupre	Korbly	Saunders
Barnhart	Edwards, Ga.	Langley	Shackleford
Bartlett, Ga.	Ellerbe	Latta	Sheppard
Beall, Tex.	Ferris	Lee	Sherwood
Bell, Ga.	Finley	Lever	Sims
Bennet, N. Y.	Fitzgerald	Lively	Sisson
Booher	Flood, Va.	Lloyd	Slayden
Borland	Floyd, Ark.	Loudenslager	Slemp
Bowers	Foelker	McDermott	Small
Brantley	Foster, Ill.	McGuire, Okla.	Smith, Tex.
Broussard	Foster, Vt.	McHenry	Sparkman
Burgess	Gallagher	Macon	Spight
Burleson	Garner, Tex.	Maguire, Nebr.	Stanley
Burnett	Garrett	Martin, Colo.	Steenerson
Butler	Gill, Mo.	Martin, S. Dak.	Stephens, Tex.
Byrd	Glass	Massey	Sulzer
Byrns	Godwin	Mays	Taylor, Ala.
Candler	Gordon	Mitchell	Thistlewood
Carlin	Graham, Ill.	Moon, Tenn.	Thomas, Ky.
Carter	Gregg	Morgan, Okla.	Thomas, N. C.
Cary	Griest	Morrison	Tou Velle
Clark, Fla.	Guernsey	Moss	Turnbull
Clayton	Hammond	Nicholls	Underwood
Cline	Hardy	Nye	Wanger
Cocks, N. Y.	Harrison	O'Connell	Watkins
Collier	Hay	Olcott	Webb
Covington	Heflin	Oldfield	Weisse
Cowles	Helm	Olmsted	Wheeler
Cox, Ind.	Henry, Tex.	Page	Wickliffe
Cox, Ohio	Houston	Palmer, A. M.	Wilson, Pa.
Craig	Hubbard, W. Va.	Peters	Woods, Iowa
Cravens	Hughes, Ga.	Poindexter	
Crumpacker	Hughes, N. J.	Rainey	

NAYS—75.

Ames	Gillett	Küstermann	Plumley
Calder	Good	Lawrence	Pratt
Cassidy	Graham, Pa.	Lenroot	Prince
Chapman	Greene	Lindbergh	Scott
Cooper, Wis.	Hamer	Longworth	Sheffield
Currier	Hamilton	McKinley, Ill.	Smith, Iowa
Davidson	Hanna	Madison	Snapp
Dawson	Haugen	Malby	Stafford
Draper	Hayes	Mann	Sterling
Driscoll, M. E.	Henry, Conn.	Miller, Kans.	Sullaway
Dwight	Higgins	Miller, Minn.	Swasey
Ellis	Hill	Moon, Pa.	Taylor, Ohio
Fish	Howell, N. J.	Morse	Tilson
Focht	Howland	Moxley	Townsend
Fordney	Hubbard, Iowa	Murphy	Volstead
Foss	Kendall	Nelson	Wiley
Fuller	Kennedy, Iowa	Norris	Wilson, Ill.
Gardner, Mass.	Kennedy, Ohio	Parsons	Young, Mich.
Gardner, N. J.	Kopp	Pearre	

ANSWERED "PRESENT"—6.

Fairchild	Goulden	McMorran	Young, N. Y.
Goldfogle	Howell, Utah		

NOT VOTING—137.

Alexander, N. Y.	Englebright	Knapp	Payne
Andrus	Esch	Knowland	Pickett
Anthony	Estopinal	Kronmiller	Pou
Barchfeld	Fassett	Lafean	Pray
Barnard	Fornes	Lamb	Pujo
Bartholdt	Fowler	Langham	Reeder
Bartlett, Nev.	Gaines	Law	Reid
Bates	Gardner, Mich.	Legare	Rhinock
Bennett, Ky.	Garner, Pa.	Lindsay	Riordan
Bingham	Gill, Md.	Livingston	Rodenberg
Boehne	Gillespie	Loud	Rucker, Colo.
Boutell	Goebel	Lowden	Rucker, Mo.
Bradley	Graff	Lundin	Sharp
Burke, Pa.	Grant	McCall	Sherley
Burke, S. Dak.	Hamill	McCreary	Simmons
Burleigh	Hamlin	McCredie	Smith, Cal.
Calderhead	Hardwick	McKinlay, Cal.	Smith, Mich.
Campbell	Havens	McKinney	Southwick
Cantrill	Hawley	McLachlan, Cal.	Sperry
Capron	Heald	McLaughlin, Mich.	Stevens, Minn.
Clark, Mo.	Hinshaw	Madden	Sturgiss
Cole	Hitchcock	Maynard	Talbott
Conry	Hobson	Millington	Tawney
Cooper, Pa.	Hollingsworth	Mondell	Taylor, Colo.
Coudrey	Howard	Moore, Pa.	Thomas, Ohio
Creager	Huff	Moore, Tex.	Vreeland
Crow	Hughes, W. Va.	Morehead	Wallace
Dalzell	Hull, Iowa	Morgan, Mo.	Washburn
Denby	Humphrey, Wash.	Mudd	Weeks
Dickema	Jamieson	Murdock	Willett
Dodds	Johnson, Ohio	Needham	Wood, N. J.
Douglas	Joyce	Padgett	Woodyard
Durey	Kahn	Palmer, H. W.	
Edwards, Ky.	Keifer	Parker	
Elvins	Kinkaid, Nebr.	Patterson	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. PICKETT with Mr. WALLACE.

Mr. LOUD with Mr. LAMB.

Mr. BINGHAM with Mr. TALBOTT.

Mr. TAWNEY with Mr. PADGETT.

Mr. MCKINNEY with Mr. GOLDFOGLE.

Mr. SMITH of Michigan with Mr. LEGARE.

Mr. JOHNSON of Ohio with Mr. GILLESPIE.

Mr. MOREHEAD with Mr. POU.

Mr. WOOD of New Jersey with Mr. SHERLEY.

Mr. MURDOCK with Mr. CONRY.

Mr. DOUGLAS with Mr. GILL of Maryland.

Mr. DALZELL with Mr. CLARK of Missouri.

Mr. HAWLEY with Mr. CANTRILL.

Mr. WOODYARD with Mr. HARDWICK.

Mr. ALEXANDER of New York with Mr. WILLETT.

Mr. BURKE of Pennsylvania with Mr. TAYLOR of Colorado.

Mr. BURLEIGH with Mr. ESTOPINAL.

Mr. CAPRON with Mr. HAMILL.

Mr. HEALD with Mr. HAVENS.

Mr. KAHN with Mr. HITCHCOCK.

Mr. KNOWLAND with Mr. HOWARD.

Mr. KNAPP with Mr. JAMIESON.

Mr. KRONMILLER with Mr. LINDSAY.

Mr. DENBY with Mr. HAMLIN.

Mr. LAFEAN with Mr. LIVINGSTON.

Mr. MCCREARY with Mr. PATTERSON.

Mr. LUNDIN with Mr. MOORE of Texas.

Mr. MILLINGTON with Mr. REID.

Mr. MOORE of Pennsylvania with Mr. RHINOCK.

Mr. PRAY with Mr. RUCKER of Colorado.

Mr. RODENBERG with Mr. RUCKER of Missouri.

Mr. PAYNE with Mr. SHARP.

Until Thursday noon:

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

From February 2 to February 8, inclusive:

Mr. HUGHES of West Virginia with Mr. BOEHNE.

From February 8 to February 9, noon:

Mr. FAIRCHILD with Mr. HOBSON.

Mr. BURKE of South Dakota (in favor) with Mr. MCLACHLAN of California (against).

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present; the amendment is agreed to, and the doors will be opened.

Mr. CLARK of Florida. Mr. Speaker, I desire to offer an amendment to the section.

The SPEAKER pro tempore. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 143, section 166, in lines 12, 13, and 15, strike out the word "rebellion" and insert in lieu thereof the words "Civil War."

Mr. MOON of Pennsylvania. Mr. Speaker, I shall make no objection to that amendment.

Mr. BARTLETT of Georgia. Mr. Speaker, I suggest the words "Civil War" will not actually cover the purpose that my friend from Florida has in view. I suggest the language:

The forces or government of the late seceding States during the Civil War.

Mr. CLARK of Florida. I will accept that.

Mr. MOON of Pennsylvania. I would suggest to the gentleman from Florida that he add that.

Mr. BARTLETT of Georgia. I offer, Mr. Speaker, as a substitute the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. BARTLETT] offers a substitute amendment, which the Clerk will read.

The Clerk read as follows:

Strike out "late rebellion," in line 12, page 143, and insert:
"The forces or government of the late seceding States during the Civil War."

Mr. BARTLETT of Georgia. Will the gentleman from Florida [Mr. CLARK] permit me to say that the amendment I sent to the Clerk's desk covers all these words?

Mr. CLARK of Florida. Let me suggest that the gentleman from Georgia [Mr. BARTLETT] offer his entire amendment as a substitute for mine.

Mr. BARTLETT of Georgia. Then, Mr. Speaker, with my friend's consent, I offer the substitute, which I have sent to the Clerk's desk, for his amendment.

Mr. CLARK of Florida. I accept it, Mr. Speaker.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask that the amendment be now reported.

Mr. BARTLETT of Georgia. That covers the whole of it. I offer that as a substitute for the amendment offered by the gentleman from Florida. I would ask that the Clerk read it all.

Mr. MANN. Let us have the amendment reported, so that we can tell.

The SPEAKER pro tempore. The Chair understands the gentleman from Florida withdraws his amendment?

Mr. CLARK of Florida. Yes, sir.

The SPEAKER pro tempore. Now, the gentleman from Georgia [Mr. BARTLETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "late rebellion," in line 12, page 143, and insert:
"The forces or government of the late seceding States during the Civil War."

Mr. MANN. Mr. Speaker, does not the gentleman think he is going a little far? We accepted an amendment the other day providing for defining the War of the Rebellion as the "Civil War." Now, the gentleman proposes to have Congress declare that they were seceding States. The Supreme Court of the United States has declared there were no seceding States.

Mr. BARTLETT of Georgia. Then I will change that to "Confederacy" if it will suit the gentleman better.

Mr. MANN. Why do you not put it as you did before, namely, "Civil War?"

Mr. BARTLETT of Georgia. The gentleman will find that it will not suit the other language of the bill. The words "Civil War" will not make any sense there. I will accept any suggestion my friend makes about it. It could not be the "forces of the late rebellion." That is all. It could not be the "forces of the Civil War."

Mr. MANN. As far as I am concerned and as far as the language is concerned, so long as it means anything, I am perfectly willing to let the gentlemen from the South write it as they please, though I never could understand the force of their feeling against the word "rebellion." I rebel so often

myself, and have no apology to make for it, that I can not understand the feeling. Just so that it means what you want to accomplish, that is all I want.

Mr. BARTLETT of Georgia. That is all I mean for it to do, Mr. Speaker. Do I understand that the gentleman from Illinois [Mr. MANN] objects to it?

Mr. MANN. The words "late seceding States" would seem to declare they seceded. While I think they did, the Supreme Court thinks they did not.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask to amend the amendment by saying:

Forces of the late Confederate States.

I trust that will suit my friend better. It suits me better.

The SPEAKER pro tempore. Without objection, the amendment of the gentleman from Georgia [Mr. BARTLETT] will be modified as he has suggested, and the Clerk will again report the amendment as modified.

The Clerk read as follows:

Strike out "late rebellion," in line 12, page 143, and insert:
"The forces or government of the late Confederate States during the Civil War."

The SPEAKER pro tempore. The gentleman from Georgia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "rebellion" in line 13 and insert the words "Civil War." Strike out the word "rebellion" in line 15 and insert the words "Civil War."

The SPEAKER pro tempore. Without objection, the amendments will be considered together.

The question was taken, and the amendments were agreed to.

Mr. CLARK of Florida. Mr. Speaker, in line 17 I move to strike out the word "rebellion" and insert in lieu thereof the words "Confederate service in said Civil War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 17, the words "said rebellion" and insert in lieu thereof the words "Confederate service in said Civil War."

The question was taken; and on a division (demanded by Mr. CLARK of Florida) there were 74 yeas and 38 noes.

So the amendment was agreed to.

Mr. BARTLETT of Georgia. Now, Mr. Speaker, I ask to have the amendment read which I have sent to the Clerk's desk.

The Clerk read as follows:

Amend by inserting as a new section, to be known as section —:
"SEC. —. That the Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof on the judgment of said court; and full jurisdiction is given to said court to adjudge said claims, any statutes of limitation to the contrary notwithstanding."

Mr. BARTLETT of Georgia. Mr. Speaker, if I can have the attention of the House for a few minutes, I think I can indicate to the House clearly what this amendment proposes to do, and I believe I can convince the House of its absolute fairness, justice, and the right to have it considered now and adopted.

Under the law as passed on the 23d of March, 1863, known as the captured and abandoned property act, there is now in the Treasury of the United States—or was at the time this report from the Secretary of the Treasury which I have here was made—something like $4,690,774.79 arising from the sale of cotton taken by the officers of the Army and agents of the United States after hostilities had ceased; all of it after the 1st of June, 1865, and a large quantity of it in December, 1865, and January and February and March, 1866.

I have not time to read this report, but the report I refer to is one made by the Secretary of the Treasury on June 30, 1894, in which he calls attention to the amount and the sources from which the amount is made up in the Treasury of the United States at that time arising from the sale of all captured and abandoned property that had been seized by the United States forces and sold under that act.

There was at that time in the Treasury of the United States a fund amounting to about $10,000,000 arising from the sale of all kinds of captured and abandoned property; but the cotton seized—and I read from the report—after June 30, 1865, yielded $4,886,671, and of this amount there was returned under the act of 1872, $195,876.20, leaving $4,690,774.79. So that this report of the Secretary of the Treasury in 1894 is an admission that the Government has in its Treasury from cotton seized in the Southern States after the 30th of June, 1865, this sum of $4,690,774.79.

I hold in my hand a report of the Secretary of the Treasury, known as Senate Document No. 23 of the Forty-third Congress, second session, in which the Secretary uses this language:

The cotton collected after the close of the war, with the exception of about 3,000 bales, was sold by supervising special agents and the proceeds disbursed for agency expenses, was consigned by such agents to Simeon Draper, United States cotton agent at New York, by whom it was sold, and the proceeds thereof accounted for to the department.

The sales were made at semimonthly intervals, between July, 1865, and October, 1866, and immediately after each sale the proceeds were deposited in the National Bank of Commerce, New York, United States depository, and transferred from time to time between October, 1865, and November, 1866, to the assistant treasurer at New York to the credit of the Treasurer of the United States, with whom they remained until covered into the Treasury as receipts from captured and abandoned property.

Mr. Speaker, attached to that document is a list of the names of the parties from whom each bale of cotton was taken, the amount and number of bales, when it was sold, where it was taken, and what it brought and the expenses incident to its sale. Each party who is entitled to this property, if entitled at all under the law—and I think I will demonstrate in a few minutes that he is—is named, and admitted by the report of the Secretary of the Treasury, particularly in this last document to which I have called attention, and in the report of the Secretary of the Treasury in 1894—admitted to have in the Treasury of the United States the proceeds of this property paid into the Treasury to this particular fund, every bale of which was taken after the 1st and most of it after the 30th of June, 1865, and large quantities of it in October and December, 1865, and January, March, and April, 1866.

[The time of Mr. BARTLETT of Georgia having expired, by unanimous consent he was granted leave to continue five minutes.]

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. BARTLETT of Georgia. I yield to the gentleman.

Mr. MANN. Was any of this property placed in the Treasury of the United States?

Mr. BARTLETT of Georgia. Property! I said proceeds.

Mr. MANN. But the gentleman's amendment refers to property which is placed in the Treasury of the United States.

Mr. BARTLETT of Georgia. Where the property is so taken or when sold and the proceeds placed in the Treasury of the United States.

Mr. MANN. But it says that the Court of Claims shall have jurisdiction, and so forth, where the property was taken or when sold.

Mr. BARTLETT of Georgia. That is an error, and I thank my friend for calling my attention to it—where the property so taken was sold and the net proceeds placed in the Treasury of the United States. I thank my friend for his courtesy and for calling my attention to this.

Mr. Speaker, time presses, and I do not desire to detain the House. The Supreme Court has decided in several cases, but notably in the case of the United States against Klein (80 U. S., 13 Wall., 128), that this property was held by the United States Government in trust for its true owner. I will read:

The act of March 12, 1863—

Which is the act I have named in the amendment—

to provide for the collection of abandoned and captured property in the insurrectionary districts within the United States, does not confiscate or in any case absolutely divest the property of the original owners, even though disloyal. By the seizure the Government constituted itself a trustee for those who were entitled or should thereafter be recognized as entitled to it.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. BARTLETT of Georgia. Yes; with pleasure.

Mr. WILSON of Pennsylvania. I would like to inquire if the gentleman fixes the date of the 1st of June, 1865, because that is officially recognized as being the date of the close of the Civil War.

Mr. BARTLETT of Georgia. No. Of course, I see the purport of that question, and I am going to be frank, as I always am. No, the Supreme Court decided in one of these cases I have here that in the State of Georgia, in the case of Lamar against the United States, in Ninety-second United States, that the war ended in Georgia the 22d of April, 1866. They decided in a later case, not reversing this, that the war in all the States did not end until the 22d day of August, 1866. The Supreme Court decided that all hostilities ceased virtually when Lee surrendered, on the 9th day of April, 1865. Johnston, I think, surrendered on the 19th or 20th of April, 1865. Now, the Secretary of War, in this report which I have just read, uses this language:

The cotton collected after the close of the war.

Now, the war had actually closed, the final conflict had ended forever, and the flag of the Confederacy had taken its

flight to join the souls of the heroes who had laid down their lives in its defense, and our people had surrendered their arms, had gone back to their homes to again work out in peace their destiny in their respective sections. There was no longer fighting; the last gun was fired by the Confederates at Columbus, Ga., before any of this property had been seized. There was some suggestion that there were some unsurrendered bodies, insignificant in numbers, of the Confederate forces that had gone to Mexico, or intended to go to Mexico; but Gen. Richard M. Johnston, commanding the Confederate forces in Mississippi and Alabama, had surrendered, and Gen. Wilson, of the Federal forces, was sweeping all over the country and had reached Macon, Ga., where I reside, but there was not a gun in the hands of any man who belonged to the Confederate Army raised or offered to be raised against the Federal forces.

Mr. WILSON of Pennsylvania. Will the gentleman permit me another interruption?

Mr. BARTLETT of Georgia. With pleasure.

Mr. WILSON of Pennsylvania. The reason for my question was based upon this: That I understand that the Government, for the purposes of considering and determining the question of desertion, had placed June 30, 1865, as the termination of the war. I think the gentleman will find that the case if he examines it, and I wondered if that was the basis upon which the gentleman's amendment was drafted.

Mr. BARTLETT of Georgia. The gentleman will find in these decisions, if he will take the time to examine them, that in the Klein and Lamar cases the Supreme Court decided in the Lamar case the war was ended so far as Georgia was concerned on the 22d of April, 1866, but they fixed the date as August 22, 1868, as the date when for all purposes the war ended. Now, I can not recall the reason for that except that there were some legal questions that were not determined at that time.

Mr. WILSON of Pennsylvania. I think if the gentleman will examine the matter he will find that so far as the Army and Navy is concerned that regulation has been made in reference to the consideration of deserters, and I supposed that was the basis upon which the gentleman's amendment was made.

Mr. BARTLETT of Georgia. I do not recall that. There is this about it. War had actually ceased, all hostilities were at end, all the armies disbanded. By the terms of this act of 1863 the statute of limitations has attached, and proof of loyalty has been required; all we ask by this amendment is that this trust fund in the hands of the United States, who holds this property as the trustee, keeping it as a separate fund, shall, upon proof as to the identity of the true owner, be paid to the true owner, after the Court of Claims has adjudicated and determined the question as to the true ownership. That is all I desire to say.

Mr. SHEPPARD. Will the gentleman permit me to ask, What date does the gentleman assign for the close of the war in his amendment?

Mr. BARTLETT of Georgia. I do not assign any. I provide all property taken after June 1, 1865, and the proceeds thereof paid into the Treasury shall be subject to be sued for under this amendment.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. MOON] desire to be heard?

Mr. MOON of Pennsylvania. Yes. Does the gentleman from Texas [Mr. SHEPPARD] desire to speak?

Mr. SHEPPARD. Just a couple of minutes.

Mr. MOON of Pennsylvania. If the gentleman desires to speak, I will withhold.

Mr. SHEPPARD. Mr. Speaker, my able and good friend from Georgia [Mr. BARTLETT] states that the last battle of the Civil War was fought in Georgia. It has been my understanding that the last battle of our great civil conflict was fought at Palmito Ranch, in Texas, on May 13, 1865, and that the Confederates in that battle won a notable victory, although they were largely outnumbered. If there is no objection, I will place in the RECORD a description of that battle, taken from Wooten's History of Texas. The account is as follows:

Col. Ford, who was in immediate command of the Confederates, by 3 o'clock p. m. had made such preparations as were possible with his inadequate force to meet the enemy. Anderson's battalion of Cavalry, commanded by Capt. D. M. Wilson, was placed on the right, and Geddings's battalion on the left, and one section of Capt. O. G. Jones's battery of Light Artillery placed in the road, one on the left and the other held in reserve. In a short time the skirmishers became engaged and then the Artillery opened with quite a rapid fire. The shot and shell did considerable execution and seemed to throw the enemy into confusion. It was evident that they were not aware that the Confederates had any Artillery until the guns opened, and this was afterwards confirmed by the prisoners captured. The Artillery fire checked the advance of the main body of the enemy, thus leaving their skirmish line unprotected; and as soon as Col. Ford discovered this he ordered the Cavalry to charge. This they did with impetuosity, and captured the whole of the skirmish line. By this time the main body was in full retreat and a simultaneous advance was made along the whole Confederate line. The Artillery moved forward at a gallop amid the shouts of excited men, now and then taking positions on the elevated points adjacent to the road and firing at the routed and retreating enemy; and the Cavalry harassed their flank and rear with repeated charges, in which great gallantry was displayed. Thus the fight continued for 7 miles, the enemy now and then endeavoring to make a stand and check the pursuit, but as fast as they did so they were driven from their positions before they had time to recover from their demoralization. Many of the Union soldiers jumped into the Rio Grande, some swam over to the Mexican shore, and many were drowned in the muddy waters of the river. The strength of the Union force engaged was about 800 infantry, and they lost 30 killed and 113 prisoners, and two stands of colors, one of which belonged to the Thirty-fourth Indiana Regiment, and a great quantity of guns, accouterments, and clothing were scattered along the whole line of retreat. The Confederate forces engaged consisted of Geddings's and Anderson's battalions of Cavalry, the former commanded by Capt. W. N. Robinson and the latter by Capt. D. M. Wilson, their combined strength being about 300 men, and Capt. O. G. Jones's battery of Light Artillery of six guns, with Lieuts. G. H. Williams, Charles I. Evans, J. M. Smith, and S. Gregory, and about 70 men.

Their loss was five men wounded, but none of them dangerously. It was learned for the first time from the prisoners who were captured that the Confederacy had fallen and that its armies east of the Mississippi River had surrendered; and the Union officers, thinking that the Confederates had also heard of the termination of the war, had marched up from Brazos Santiago to take possession of Brownsville, not expecting any resistance. This was the last blow struck for State rights. The first clash of arms at Bull Run had ushered in the great Civil War amid the exultation of the victorious southern soldiers, and the curtain now fell upon the last scene of the dark and bloody drama amid the victorious shouts of the Texans at Palmito Ranch, the last battle of the war.

Mr. Speaker, it is a most interesting fact that this battle of Palmito Ranch was fought on the very spot where 19 years earlier Gen. Taylor with 2,000 American troops defeated a Mexican army of 6,000 under Gen. Arista at the battle of Palo Alto, the opening conflict of the Mexican War. Thus the opening battle of the Mexican War and the closing encounter of the Civil War were fought on the same spot in historic Texas. This coincidence should be commemorated by a suitable monument.

Let me say here that there was a final surrender of the last organized remnant of Confederate troops by Gen. Kirby Smith at Baton Rouge, La., on May 26, 1865. Lee had surrendered the main body at Spotsylvania Courthouse, Va., on April 9, 1865; Johnston had surrendered his command at Durham Station, N. C., April 26, 1865; and Gen. Richard Taylor had capitulated on May 6, 1865, at Citronelle, Ala. Different dates, however, have been assigned by the Supreme Court of the United States to mark the legal termination of the war. The question was decided specifically in Twelfth Wallace, 700. I would like to insert the decision in the RECORD.

Mr. PARSONS. I have a decision here to the effect that the war officially ended on the 20th of August, 1866.

Mr. SHEPPARD. That was only as to certain States. The decision I have cited goes into the case very clearly. It is the case of the Protector, Twelfth Wallace, page 700. I want to insert it in the RECORD.

Mr. PARSONS. I have a decision here which says that it ended on the 20th of August, 1866.

Mr. SHEPPARD. Suppose we insert both decisions.

Mr. PARSONS. That was the date fixed by act of Congress of March, 1867. I refer to the decision of the Supreme Court of the United States in the case of The United States against Anderson, Ninth Wallace, One hundred and fifty-fifth United States.

Mr. SHEPPARD. I suggest both of these decisions be inserted in the RECORD for the benefit of the House.

Mr. MANN. Does the gentleman think anybody will read them in fine print if they can get them in nice plain print?

Mr. SHEPPARD. I will insert the decision I have cited if gentlemen have no objection. It is short, and it is as follows:

The Chief Justice delivered the opinion of the court:

The question in the present case is, When did the rebellion begin and end? In other words, what space of time must be considered as excepted from the operation of the statute of limitations by the War of the Rebellion?

Acts of hostility by the insurgents occurred at periods so various, and of such different degrees of importance, and in parts of the country so remote from each other, both at the commencement and the close of the late Civil War, that it would be difficult, if not impossible, to say on what precise day it began or terminated. It is necessary, therefore, to refer to some public act of the political departments of the Government to fix the dates; and, for obvious reasons, those of the executive department, which may be, and, in fact, was, at the commencement of hostilities obliged to act during the recess of Congress, must be taken.

The proclamation of intended blockade by the President may therefore be assumed as marking the first of these dates, and the proclamation that the war had closed as marking the second. But the war did not begin or close at the same time in all the States. There were two proclamations of intended blockade—the first of the 19th of April, 1861, embracing the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas; the second of the 27th of April, 1861, embracing the States of Virginia and North Carolina; and there were two proclamations declaring that the war had closed—one issued on the 2d of April, 1866, embracing the States of Virginia, North Caro-

lina, South Carolina, Georgia, Florida, Mississippi, Tennessee, Alabama, Louisiana, and Arkansas, and the other, issued on the 20th of August, 1866, embracing the State of Texas.

In the absence of more certain criteria of equally general application we must take the dates of these proclamations as ascertaining the commencement and the close of the war in the States mentioned in them. Applying this rule to the case before us, we find that the war began in Alabama on the 19th of April, 1861, and ended on the 2d of April, 1866. More than five years, therefore, had elapsed from the close of the war till the 17th of May, 1871, when this appeal was brought. The motion to dismiss, therefore, must be granted.

Mr. MANN. Mr. Speaker, if the gentlemen on that side of the House, who will soon be in control of the House, desire to pay all of these claims they will have an opportunity to do so when they come into control of the House. I would like to ask the gentleman from Georgia [Mr. BARTLETT] whether he would be willing to accept as an amendment to his proposition an amendment to repay to the States the amount of money that was collected as cotton tax.

Mr. BARTLETT of Georgia. Yes, sir.

Mr. MANN. Amounting to some $68,000,000?

Mr. BARTLETT of Georgia. No matter what it amounts to, it is absolutely unconstitutional and was a robbery of our people. [Applause.]

Mr. MANN. Then I suggest to some gentleman on that side of the House who wildly applauds such a provision that he offer the amendment.

Mr. BARTLETT of Georgia. Will the gentleman offer a point of order against it?

Mr. MANN. It is as much in order as the gentleman's amendment.

Mr. CLARK of Florida. If the gentleman will permit me, I will say that I have that amendment drawn here and intend to offer it.

Mr. MANN. I hope the gentleman will offer it. I shall not favor it. I hope the gentlemen, when they get in control, will declare their policy in reference to paying this claim.

Mr. HEFLIN. Mr. Speaker, I wish to say to the gentleman from Illinois [Mr. MANN] that I am the gentleman who applauded the statement that the cotton tax should be paid back to the people of the South, and I want to say to the gentleman that the cotton tax was levied and collected in violation of the Constitution of the United States, and it is the duty of Congress to return that money to the section from which it was wrongfully taken.

Mr. MANN. Now, Mr. Speaker, there was introduced into this House a bill (H. R. 25927) by the gentleman from Mississippi [Mr. SISSON] for the purpose of paying back to the States this cotton tax, and referred to the Committee on Claims, which on January 5 of last month unanimously made an adverse report upon it. Where were these distinguished gentlemen on that side of the House when this adverse report was made, that they did not file minority views?

Mr. BARTLETT of Georgia. May I interrupt my friend?

Mr. MANN. Certainly.

Mr. BARTLETT of Georgia. May I call his attention to the fact that the Senate of the United States, under the lead of the distinguished Senator from Ohio, Mr. Foraker, passed a bill to pay these claims; that the House Committee on War Claims, headed by the gentleman from New York [Mr. LAW], at the last session of Congress made a report recommending that these cotton claims be paid? And I have the report in my hands, which was a unanimous report from the Committee on War Claims, upon which there are only five Democrats, I believe, and the balance were Republicans.

Mr. MANN. Very likely. The gentleman is talking about one thing and I am talking about another. Now, I suggest, as I said before—and I do not propose to detain the House longer—you gentlemen will soon have control of the House. You can pass such bills as you please for payment of these southern claims. You will have the power, as you have had it many times before. When you have had the power before, you have been afraid to pass these claims, or at least you have not passed them.

Mr. ADAMSON. I was not here. The gentleman need not look at me. [Laughter.]

Mr. MANN. Now, when you come in control next time, show your nerve. Do not try to pass them when we are in control of the House, because you will not succeed.

Mr. MOON of Pennsylvania. Mr. Speaker, just a few words on this question. The amendment offered by the gentleman from Georgia, which provides for the insertion of a new section, accomplishes two important and far-reaching results that ought not to be attempted in this legislation. I desire to call the attention of the House clearly to the fact that it legalizes claims that have been dead for half a century, or 40 years at least. We have had on the statute book of the United States what exists on the statute books of every State of the Union—an act of limitation—a limitation of six years. The reasons for the statute of limitations are easily understood. Nothing is more dangerous than the prosecution of claims after all the evidence and living witnesses have been obliterated and have passed away.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. MOON of Pennsylvania. Certainly.

Mr. BARTLETT of Georgia. All my amendment proposes is that these citizens whose property the United States seized and has converted into money, which funds the United States, under the decision of the Supreme Court, is holding as trustee for the true owner—all my amendment does is to let these citizens show that they are the parties whose money the United States has in its Treasury and to refund it to the owner. Does the gentleman from Pennsylvania think it would be good morals, even among men, when the trustee has admitted time and time again that he is holding this money as trustee, not undertaking to use it as his own, that the owner should not be allowed to show that he is the person to whom the money belongs, or that his descendants are the owners of the money and entitled to have it returned?

Mr. MOON of Pennsylvania. I say in answer that I presume no claim was ever prosecuted in the courts in which the plaintiff did not say that the other fellow had the money which belonged to him.

Mr. BARTLETT of Georgia. Here is the report of the Secretary of the Treasury in which it is admitted that the United States has the money in its Treasury and holds it as a separate fund and does not appropriate it for any other purpose.

Mr. MOON of Pennsylvania. I say, under existing law, this claim must be prosecuted in the Court of Claims, and that the statute of limitations applies, and that the claim can not be proved unless it is asserted within six years after it accrues.

The proposed amendment strikes down that wholesome limitation. It opens litigation to this large fund, and that is not all. One of the essential requirements existing now ever since the days of the rebellion, or the Civil War, as we must now call it, has been that whenever anyone came into that court to prosecute a war claim, the preliminary essential was that he must establish the fact that he had been loyal to the Government and that he was not in arms against it. This amendment strikes down this qualification and opens the door to every person who can assert a claim against it without limitation and without proof of loyalty.

Mr. BARTLETT of Georgia. The gentleman said that one of the prerequisites was that a man must prove his loyalty. The Supreme Court, in a case that I have already called attention to, decided that loyalty is not required in any such case. The case of Klein against The United States, Eightieth United States Supreme Court Reports, so holds.

Mr. MOON of Pennsylvania. I have not time to look at the decision to which the gentleman alludes now, but have before me the language which creates the Court of Claims, and it says the claimant shall in all cases fully set forth his position, and among them is the item that he has borne true allegiance to the Government of the United States. I do not know what particular case the gentleman alludes to, but that is the language I insist on, and the gentleman from Georgia intends, by his amendment, to strike it down.

Now, Mr. Speaker, I do not propose to argue the justice of these claims at all. If they are just, a bill can be introduced and referred to the Committee on Claims, and they can be investigated, reported out, and paid. I am informed that some have been paid. I say that the legislation does not belong here. I say that we do not want to strike down these wholesome principles that have always surrounded proceedings in the Court of Claims.

Now, as a matter of fact, the success of a movement of this kind would not inure to the advantage of the claimant. I am a member of the legal profession, and I am proud of it. I think it is the experience of every man in Washington that whenever by congressional legislation we unlock a fund in the hands of the Government the most of the fund goes to the lawyers who engaged in the collection. And while I know that my friend from Georgia does not belong to that class of lawyers, I want to warn him of the fact that even if we were to permit these men to get through their claims the lawyers would get the most of it.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. MOON of Pennsylvania. Certainly.

Mr. BARTLETT of Georgia. I want to say that it never was suggested to me by a lawyer that I offer this amendment, but

my attention has been given to it because of the interest of my constituents whose interest it is my duty to represent here.

Mr. MOON of Pennsylvania. Oh, the gentleman does not need to state that. Everybody who knows the gentleman from Georgia knows that he is above it, and I particularly exempted him from that, and I say now that nobody ever dreams the gentleman is actuated by any motive of that kind. I only say that as one of the almost natural consequences that would flow from it—pointing to past legislation of this kind—that that is where most of the money would go; but, apart from all that, I ask this House to vote down this amendment.

Mr. JAMES. Will the gentleman yield?

Mr. MOON of Pennsylvania. Certainly.

Mr. JAMES. In regard to the gentleman's statement that most of these claims, if paid, would go to the attorneys, we might by proper legislation limit the amount paid to attorneys. We have such legislation as that on other matters.

Mr. LANGLEY. There is such legislation as that pending now.

Mr. MANN. Of course that could be done.

Mr. MOON of Pennsylvania. Of course that could be done; but, independent and apart from all that, I trust this House will vote down emphatically this attempt to destroy the vitality and usefulness and value of the Court of Claims in respect to war claims. I ask for a vote.

Mr. CLARK of Florida. Mr. Speaker, I shall detain the House but a moment or two. I want to say that the age of these claims has nothing to do with the justice of them. The Government of the United States ought to be willing to allow a citizen to go into her own courts and let that court under the strict rules of law say whether or not that citizen is entitled to recover. The gentleman from Illinois [Mr. MANN] has referred to the cotton-tax proposition. He wants to know if we will have the nerve to advocate such legislation. I want to say that on the 24th of January, 1908, I made a speech in this House upon that cotton-tax proposition, in which I submitted all the law and all the facts, and I think I showed conclusively that that money should be refunded to the people who paid it. These were direct taxes, levied directly upon cotton without any reference to the rule of apportionment, and a mere tyro at the bar knows that that was an absolutely void and illegal act. It makes no difference if it is $68,000,000. This Government can not afford to do wrong simply because the amount of money which it exacted from the pockets of a prostrate and poverty-stricken people is large in volume. The Supreme Court of the United States has never passed upon this question except by a divided court.

The Farrington case was decided by an equal division of the judges, and therefore the constitutionality of these acts was sustained by a divided court, but since that time the Supreme Court of the United States has emphatically declared that a tax upon land was a direct tax, and that a tax upon the products of land was a direct tax, and that the rule of apportionment had to be followed in every case. They did not follow it in any of these cases. It was a direct tax, unconstitutional, void, and wrong, and an outrage upon a prostrate people, and I will say to the gentleman from Illinois that as long as I am here I shall have the "nerve" to vote to pay an honest debt to these people.

[By unanimous consent, Mr. CLARK of Florida was permitted to extend his remarks in the RECORD.]

The Government of the United States can not in law, equity, or good morals longer retain this money from the true owners. Very little of this money was collected under the acts of 1862 and 1864, when the war between the States was in progress. The great bulk of it was collected under the acts of 1866 and 1867, when the war was ended and our people had returned to their desolate homes and devastated plantations, to rebuild that magnificent, but prostrate, territory. These acts of 1866 and 1867 were not even war measures. They were acts which can be defended on no ground on the face of the earth, except upon the barbaric ground that the victor has the right to plunder a stricken people and take from them, in defiance of all law, the scant leavings which had been overlooked by a devastating army of conquest.

As I have said, the direct questioning of the validity of these cotton-tax acts occurred in only one case—the case of Farrington, brought in the Federal court at Memphis, Tenn. The court of original jurisdiction decided in favor of the legality of the levy and collection of these taxes. Farrington appealed to the Supreme Court. Eight Justices of the Supreme Court heard and decided the case, and that court stood four justices favoring an affirmation of the decision of the court below and four Justices favoring a reversal of that decision. As every lawyer knows, when an appellate court is evenly divided this, by a well-known rule of law, works an affirmance of the decision of the court below. Even this divided opinion, Mr. Speaker, was rendered when sectional feeling was at its highest pitch, and no man can deny that in times like those the bitterness of partisan bias permeates even the judiciary itself. But long after this, when the heat of sectional hate had somewhat cooled, the Supreme Court of the United States, in what are known as the income-tax cases, laid down two principles of law, which no one will question as being sound and which settle absolutely and forever the invalidity of all four of these acts. The court held: First, that the levy of a tax on land is a direct tax, and if such tax is not levied under the rule of apportionment, the same is unconstitutional, and, second, that a tax upon any product of land is a direct tax, and if the rule of apportionment is not followed the same is unconstitutional and void. Could anything be plainer? Will any man deny that cotton is the product of land? I think no one will be found so foolish as this. It is admitted that the rule of apportionment was not followed in either of these four cases.

This is the whole case, Mr. Speaker, and upon consideration of it you can only reach one just conclusion. It is said it is a large amount. This is true; but the amount can not affect the merits of the claim. It is an honest claim. This money was extorted from our helpless people by the strong arm of power. The war ended 46 years ago. Surely this is long enough to await the payment of so just, righteous, and honest a claim.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I think the gentleman from Florida is amply able to protect his rights, but I understood him to state a moment ago that he had an amendment to offer——

Mr. BARTLETT of Georgia. To the section, not to my amendment.

Mr. MANN. It must come as an amendment to this amendment, or it can not come in at all.

Mr. CLARK of Florida. I said to the gentleman that I would offer it when the proper time arrived.

Mr. MANN. The proper time is right now.

Mr. CLARK of Florida. I shall take my own course about that, and not at the direction of the gentleman from Illinois.

Mr. MANN. It is the only parliamentary time the gentleman has an opportunity to try it. Now, will he try it?

Mr. JAMES. Mr. Speaker, I call for the regular order.

Mr. MANN. The opportunity is here.

Mr. JAMES. I am perfectly willing to have a song from the gentleman at any time, but this is not a place for a prima donna. I am ready to go ahead with this.

Mr. MANN. I have the floor——

Mr. JAMES. And I call for the regular order.

Mr. MANN. That is the regular order.

Mr. JAMES. I do not think it is.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. MANN. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 85, answered "present" 4, not voting 172, as follows:

YEAS—124.

Adair	Cullop	Hughes, N. J.	Pou
Adamson	Dent	Hull, Tenn.	Rainey
Aiken	Denver	Humphreys, Miss.	Ransdell, La.
Alexander, Mo.	Dickinson	James	Rauch
Anderson	Dickson, Miss.	Johnson, Ky.	Robinson
Ansberry	Dies	Johnson, S. C.	Roddenbery
Ashbrook	Dixon, Ind.	Jones	Rothermel
Austin	Driscoll, D. A.	Kinkead, N. J.	Rucker, Mo.
Barnhart	Dupre	Kitchin	Saunders
Bartlett, Ga.	Edwards, Ga.	Korbly	Sharp
Beall, Tex.	Ellerbe	Langley	Sheppard
Bell, Ga.	Ferris	Lee	Sherwood
Booher	Finley	Lever	Sims
Borland	Flood, Va.	Lively	Sisson
Brantley	Floyd, Ark.	Lloyd	Slayden
Broussard	Foster, Ill.	Macon	Slemp
Burgess	Gallagher	Maguire, Nebr.	Small
Burnett	Garner, Tex.	Martin, Colo.	Smith, Tex.
Byrd	Garrett	Massey	Sparkman
Byrns	Gill, Mo.	Mays	Stanley
Calderhead	Glass	Mitchell	Stephens, Tex.
Candler	Godwin	Moon, Tenn.	Taylor, Ala.
Cary	Gordon	Morehead	Thomas, Ky.
Clark, Fla.	Graham, Ill.	Morrison	Thomas, N. C.
Clayton	Hardy	Nicholls	Tou Velle
Cline	Hay	O'Connell	Underwood
Collier	Heflin	Oldfield	Watkins
Cowles	Helm	Page	Webb
Cox, Ind.	Henry, Tex.	Palmer, A. M.	Weisse
Craig	Houston	Peters	Wickliffe
Cravens	Hughes, Ga.	Poindexter	Wilson, Pa.

NAYS—85.

Barclay	Gardner, N. J.	Lafean	Scott
Bennet, N. Y.	Good	Lindbergh	Sheffield
Burke, S. Dak.	Graff	Longworth	Smith, Iowa
Calder	Graham, Pa.	McCredie	Southwick
Cassidy	Greene	McKinley, Ill.	Stafford
Chapman	Guernsey	McLachlan, Cal.	Sterling
Cocks, N. Y.	Hamilton	McLaughlin, Mich.	Sulloway
Cole	Hammond	Madison	Swasey
Cooper, Pa.	Haugen	Malby	Tawney
Cooper, Wis.	Hayes	Mann	Taylor, Ohio
Currier	Higgins	Martin, S. Dak.	Thistlewood
Davidson	Howell, N. J.	Moon, Pa.	Tilson
Diekema	Howell, Utah	Moore, Pa.	Townsend
Dwight	Howland	Morgan, Mo.	Volstead
Ellis	Hubbard, Iowa	Morgan, Okla.	Wanger
Esch	Hubbard, W. Va.	Moxley	Weeks
Fish	Keifer	Norris	Wheeler
Focht	Kendall	Nye	Wiley
Foss	Kennedy, Iowa	Olcott	Young, Mich.
Foster, Vt.	Kennedy, Ohio	Olmsted	
Fuller	Kopp	Parsons	
Gardner, Mass.	Küstermann	Reeder	

ANSWERED "PRESENT"—4.

Boehne	Goldfogle	McMorran	Young, N. Y.

NOT VOTING—172.

Alexander, N. Y.	Englebright	Kahn	Patterson
Allen	Estopinal	Keliher	Payne
Ames	Fairchild	Kinkaid, Nebr.	Pearre
Andrus	Fassett	Knapp	Pickett
Anthony	Fitzgerald	Knowland	Plumley
Barchfeld	Foelker	Kronmiller	Pratt
Barnard	Fordney	Lamb	Pray
Bartholdt	Fornes	Langham	Prince
Bartlett, Nev.	Fowler	Latta	Pujo
Bates	Gaines	Law	Randell, Tex.
Bennett, Ky.	Gardner, Mich.	Lawrence	Reid
Bingham	Garner, Pa.	Legare	Rhinock
Boutell	Gill, Md.	Lenroot	Richardson
Bowers	Gillespie	Lindsay	Riordan
Bradley	Gillett	Livingston	Roberts
Burke, Pa.	Goebel	Loud	Rodenberg
Burleigh	Goulden	Loudenslager	Rucker, Colo.
Burleson	Grant	Lowden	Sabath
Butler	Gregg	Lundin	Shackleford
Campbell	Griest	McCall	Sherley
Cantrill	Hamer	McCreary	Simmons
Capron	Hamill	McDermott	Smith, Cal.
Carlin	Hamlin	McGuire, Okla.	Smith, Mich.
Carter	Hanna	McHenry	Snapp
Clark, Mo.	Hardwick	McKinlay, Cal.	Sperry
Conry	Harrison	McKinney	Spight
Coudrey	Havens	Madden	Steenerson
Covington	Hawley	Maynard	Stevens, Minn.
Cox, Ohio	Heald	Miller, Kans.	Sturgiss
Creager	Henry, Conn.	Miller, Minn.	Sulzer
Crow	Hill	Millington	Talbott
Crumpacker	Hinshaw	Mondell	Taylor, Colo.
Dalzell	Hitchcock	Moore, Tex.	Thomas, Ohio
Davis	Hobson	Morse	Turnbull
Dawson	Hollingsworth	Moss	Vreeland
Denby	Howard	Mudd	Wallace
Dodds	Huff	Murdock	Washburn
Douglas	Hughes, W. Va.	Murphy	Willett
Draper	Hull, Iowa	Needham	Wilson, Ill.
Driscoll, M. E.	Humphrey, Wash.	Nelson	Wood, N. J.
Durey	Jamieson	Padgett	Woods, Iowa
Edwards, Ky.	Johnson, Ohio	Palmer, H. W.	Woodyard
Elvins	Joyce	Parker	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. McMORRAN with Mr. PUJO.

Until further notice:

Mr. AMES with Mr. CARLIN.

Mr. ANTHONY with Mr. CARTER.

Mr. BATES with Mr. COVINGTON.

Mr. BOUTELL with Mr. COX of Ohio.

Mr. BUTLER with Mr. FITZGERALD.

Mr. CRUMPACKER with Mr. GREGG.

Mr. DODDS with Mr. HARRISON.

Mr. DRAPER with Mr. KELIHER.

Mr. FASSETT with Mr. LATTA.

Mr. FORDNEY with Mr. MCDERMOTT.

Mr. GILLETT with Mr. MCHENRY.

Mr. GRIEST with Mr. MAYNARD.

Mr. HILL with Mr. MOSS.

Mr. MCCALL with Mr. RANDELL of Texas.

Mr. MCGUIRE of Oklahoma with Mr. SABATH.

Mr. MADDEN with Mr. SPIGHT.

Mr. PRINCE with Mr. SULZER.

Mr. BARCHFELD with Mr. TURNBULL.

Mr. PRATT with Mr. SHACKLEFORD.

Mr. DAVIS with Mr. LIVINGSTON.

For balance of the day:

Mr. PEARRE with Mr. RICHARDSON.

Mr. MILLER of Kansas with Mr. BOWERS.

The result of the vote was announced as above recorded.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Will the gentleman withhold his request for a moment?

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCLAUGHLIN of Michigan was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John W. Waalkes, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MURDOCK was granted leave of absence for 10 days on account of illness.

ADJOURNMENT.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes) the House adjourned to meet to-morrow, February 9, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appopriation for heating, lighting, and power plant (H. Doc. No. 1364); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for alterations in the courthouse, Washington, D. C. (H. Doc. No. 1365); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 31728) to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 2095), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCREDIE, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8241) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, reported the same with amendment, accompanied by a report (No. 2099), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the resolution of the House (H. J. Res. 276) modifying certain laws relating to the military records of certain soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2090), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate reported in lieu thereof the bill (S. 10454) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2088), which said bill and report were referred to the Private Calendar.

Mr. KINKEAD of New Jersey, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10595) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such

soldiers and sailors, accompanied by a report (No. 2089), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27827) for the relief of William H. Walsh, reported the same without amendment, accompanied by a report (No. 2091), which said bill and report were referred to the Private Calendar.

Mr. CRAVENS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 31823) to cede and sell to the city of Fort Smith, State of Arkansas, a municipal corporation, a portion of a tract of ground adjoining the national cemetery in said city of Fort Smith, State of Arkansas, as described in the act herein, reported the same with amendment, accompanied by a report (No. 2092), which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 9674) for the relief of James Henry Payne, reported the same without amendment, accompanied by a report (No. 2093), which said bill and report were referred to the Private Calendar.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 26768) for the relief of Robert L. Phythian and Rush R. Wallace, reported the same with amendment, accompanied by a report (No. 2094), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 11009) for the relief of Julius A. Kaiser, reported the same without amendment, accompanied by a report (No. 2096), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 13384) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, reported the same without amendment, accompanied by a report (No. 2097), which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16827) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank, reported the same without amendment, accompanied by a report (No. 2098), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20547) granting a pension to Edward Fay, jr.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31697) for the relief of Robert C. Schenck, late paymaster, United States Navy; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 31248) granting a pension to Harriet Virginia Tiernon; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JAMIESON: A bill (H. R. 32616) to regulate the withdrawal of distilled spirits from bonded warehouses; to the Committee on Ways and Means.

By Mr. COVINGTON: A bill (H. R. 32617) to promote the safety of employees and travelers upon railroads, by compelling common carriers in the Territories and the District of Columbia and those engaged in interstate commerce to equip certain of their cars with the means of lighting the same by electricity, and to so light them; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: A bill (H. R. 32618) for the improvement of Fort Sheridan, Ill.; to the Committee on Appropriations.

By Mr. MORGAN of Oklahoma: A bill (H. R. 32619) to amend paragraph No. 233, section 1, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 32620) providing that questions of negligence and contributory negligence shall be submitted to the jury; to the Committee on the Judiciary.

By Mr. COX of Indiana: Resolution (H. Res. 953) providing for the payment of a certain sum of money to E. L. Williams; to the Committee on Accounts.

By Mr. CARY (by request): Resolution (H. Res. 954) to investigate charges against a law clerk in the Department of Justice for inserting a spurious history of legislation in legal opinions given by solicitors of the Treasury to the Secretary of the Treasury; to the Committee on Rules.

By Mr. COX of Ohio: Resolution (H. Res. 955) directing the Board of Managers for the National Home for Disabled Volunteer Soldiers to furnish to the House of Representatives a receipt and disbursement of certain moneys; to the Committee on Military Affairs.

By Mr. MASSEY: Resolution (H. Res. 956) providing for the payment of a certain sum of money to George Chadsey; to the Committee on Accounts.

By Mr. HAMER: Memorial of the Legislature of Idaho, asking Congress to provide for a more liberal education on the subject of irrigation, through the irrigation branch of the United States Department of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 32621) granting a pension to Anna Smith; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 32622) granting an increase of pension to Thomas H. Chance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32623) granting an increase of pension to Emanuel Strader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32624) granting an increase of pension to Alexander Aungst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32625) granting an increase of pension to William O. Bulger; to the Committee on Pensions.

Also, a bill (H. R. 32626) granting a pension to Emogene Marshall; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 32627) to pay the city of Topeka, Kans., taxes, with interest, assessed against the lots on which is located the Federal building, for street improvements adjacent thereto; to the Committee on Claims.

Also, a bill (H. R. 32628) granting an increase of pension to Francis Berry; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 32629) for the relief of Annie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32630) for the relief of William P. Douglass; to the Committee on Military Affairs.

Also, a bill (H. R. 32631) granting an increase of pension to Godfrey D. Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32632) granting an increase of pension to Alva O. Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32633) granting a pension to Benjamin Phillips; to the Committee on Pensions.

Also, a bill (H. R. 32634) granting a pension to Julia A. Rouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32635) granting a pension to George W. Hatcher; to the Committee on Pensions.

Also, a bill (H. R. 32636) granting a pension to Mitchell Fritts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32637) granting a pension to Thomas Swallow; to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 32638) granting an increase of pension to Anna H. Fitch; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 32639) granting a pension to Beatrice Snyder; to the Committee on Pensions.

Also, a bill (H. R. 32640) granting a pension to Harriet A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32641) granting a pension to Catharine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32642) granting a pension to Louis Farhlender; to the Committee on Pensions.

Also, a bill (H. R. 32643) granting a pension to Louis A. Rowe; to the Committee on Pensions.

Also, a bill (H. R. 32644) granting a pension to Mary A. Wiegand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32645) granting an increase of pension to George F. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32646) granting an increase of pension to Thomas Kenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32647) granting an increase of pension to Alexander Wood; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 32648) granting an increase of pension to Thomas L. Williams; to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 32649) granting an increase of pension to Nicholas Rullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32650) granting an increase of pension to William H. Griner; to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 32651) granting an increase of pension to Ezra Niles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32652) granting an increase of pension to Frank Sayre; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 32653) granting a pension to Eunice Ella Stockwell; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 32654) granting an increase of pension to Henry C. Parker; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 32655) for the relief of James B. Garrison; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 32656) granting an increase of pension to Simon Roth; to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 32657) granting an increase of pension to Thomas J. Carpenter; to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 32658) granting an increase of pension to Franklin A. Hardin; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 32659) granting a pension to John J. Boggs; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 32660) granting a pension to Catherine F. Edsall; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 32661) for the relief of the heirs at law of Isaac D. Armstrong, deceased; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 32662) granting an increase of pension to Zenas Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32663) granting an increase of pension to Fidel Saile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32664) granting an increase of pension to Milford James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32665) granting an increase of pension to George W. Cushman; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 32666) granting a pension to Harold E. Macomber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32667) granting an increase of pension to Lewis Brown; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 32668) granting a pension to Cecil R. Berry; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 32669) granting a pension to James Duff; to the Committee on Pensions.

Also, a bill (H. R. 32670) granting an increase of pension to James M. Hendry; to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 32671) granting an increase of pension to Emanuel Strader; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 32672) granting an increase of pension to John Larue; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 32673) granting a pension to Mary Lankford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Legislature of the State of Montana, praying for the location of the Panama-Pacific International Exposition at San Francisco, Cal.; to the Committee on Industrial Arts and Expositions.

Also, petition of Local Union No. 13073, of the Stone Planer Men's Union, of Chicago, Ill., praying for the enactment of legislation restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Italian Chamber of Commerce, of New York City, protesting against legislation for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. V. Brickay, of Rankin; George McCrackin, of Danville; and other citizens of Illinois, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of the General Assembly of the State of Missouri, praying for national assistance for the drainage of certain lands along the Mississippi River; to the Committee on Agriculture.

Also, petition of National Woolgrowers' Association, praying for legislation for the establishment of a botanical laboratory in the city of Denver, Colo., to discover drought-resistant species of cereals and other agricultural plants; to the Committee on Agriculture.

Also, memorial of the State of Idaho, praying for legislation to adjust the claims of States or Territories; to the Committee on the Public Lands.

Also, petition of the executive committee of the committee on peace of the Associated Yearly Meetings of the Society of Friends, protesting against the expenditure of public funds in military and naval operations and the fortification of the Panama Canal; to the Committee on Military Affairs.

Also, petition of Stone Planer Men's Union, No. 13093, of Chicago, Ill., praying for legislation providing for the construction of battleships in navy yards; to the Committee on Naval Affairs.

Also, petition of the president of the First National Bank of Charleston, S. C., and other bankers, protesting against the passage of the bill against compulsory pilotage; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Idaho, praying for legislation to grant the lands and buildings in the Fort Walla Walla Military Reservation to Whitman College; to the Committee on Military Affairs.

By Mr. AIKEN: Memorial of the Junior Order of United American Mechanics, of Greenville, S. C., in behalf of restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON: Petition of Attica (Ohio) Daughters of Ohio, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of Molders' Union of North America, of Galion, Ohio, for repeal of oleomargarine tax; to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of business firms of Montpelier, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of International Association of Mechanics, favoring building of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Highland Grange, No. 879, of Defiance County, Ohio, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of Local Union No. 915, United Brotherhood of Carpenters and Joiners of America, of Horton, Kans., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Ohio State Grange, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BOOHER: Petitions of citizens of Barnard, Union Star, Cawood, Helena, Cosby, St. Joseph, Platte City, Hopkins, Nishnabotna, Forest City, Agency, Weston, De Kalb, and Craig, all in the fourth congressional district of Missouri, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: Petition of Washington Camp No. 281, Patriotic Order Sons of America, of Chester, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Papers to accompany bills for relief of Hannah E. Crowell, Waldo Rainsford, Zina W. Johnson, Ella F. Bussey, Samuel E. Reynolds, and Ernest S. Cashin; to the Committee on Invalid Pensions.

Also, petition of the Union Oil Co., of Providence, R. I., favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of H. P. Cornell Co. and the W. E. Bartlett Co., of Providence, R. I., for the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

Also petition of Weaver & Co. (Inc.), against the so-called Heyburn paint bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Town Councils of East Providence, Cumberland, Warwick, South Kingston, Johnston, Pawtucket, Barrington, and Little Compton, in the State of Rhode Island, favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pawtucket Council, Junior Order United American Mechanics, of Shannock, R. I., for enactment of the illiteracy-test immigration law; to the Committee on Immigration and Naturalization.

Also, petition of Rhode Island Branch, National German-American Alliance, favoring bill for a monument at Germantown, Pa., memorializing first permanent German settlement in America; to the Committee on the Library.

By Mr. COVINGTON: Petition of Retail Merchants of Maryland, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of shipowners and masters in Maryland, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of citizens of Muscatine, Nichols, Conesville, and Lone Tree, in the State of Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of New York Produce Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MICHAEL E. DRISCOLL: Petition of O. V. Tracy & Co., of Syracuse, N. Y., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Local Lodge No. 381, International Association of Machinists, and Central Trades and Labor Assembly, of Syracuse, N. Y., for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Waynesboro Council, Landisburg Council, and Warfordsburg Council, No. 913, Junior Order United American Mechanics, and Washington Camp, No. 495, of Shamokin Dam, and Washington Camp, No. 375, of Liverpool, all in the State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of New York Chamber of Commerce, for prompt ratification of Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of International Paper Co., of New York, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. FULLER: Petition of citizens of Illinois, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Walla Walla Trades and Labor Council, relative to abandoned land of Fort Walla Walla; to the Committee on the Public Lands.

Also, petition of Chamber of Commerce of Watertown, N. Y., against reciprocity; to the Committee on Ways and Means.

Also, petition of W. M. Menk & Son, of Hinckley, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GOULDEN: Petition of New York Produce Exchange, commending the proposed reciprocal agreement with Canada; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of citizens of Pennsylvania, for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HOWELL of Utah: Petitions of Hyrum Jensen and others, of Collinston; D. B. Holland and others, of Tremonton; and Rowen Kelly Co., of Salt Lake City, in the State of Utah, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HUFF: Petition of Local No. 83, Glass Bottle Blowers' Association, of Butler; Pride of the Valley Council, Junior Order United American Mechanics; Washington Camp No. 730, Patriotic Order Sons of America, of Baldwin, all in the State of Pennsylvania, for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Ohio: Petition of Bagley Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Ohio, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. LATTA: Petitions of Albert Leamons and others, of Lyons; Becker & Co. and others, of Allen; M. W. Boland and others, of Tekamah; J. C. Schwichtenberg and others, of Plainview; Ed. A. Baugh & Co. and 13 others, of Oakland; Ernest F. Hans, of Battle Creek; S. M. Torrance and 14 others, of Silver Creek; A. G. Vupka and 7 others, of Schuyler; Pallock & Co. and 11 others, of Columbus; Fred Young and 8 others, of North Bend; and Ross & Hart and 14 others, of Central City, all of the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of W. W. Bowland and a number of other citizens of Tekamah, Nebr., against House joint resolution 17, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of Central Labor Union of Brooklyn, N. Y., favoring the illiteracy test as to immigrants; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Niles Bros., of Carsonville, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of 114 farmers and business men of the seventh congressional district of Michigan, protesting against the adoption of the proposed reciprocal tariff legislation with Canada; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of business men of Dunbar, Lorton, and Talmage, Nebr., and of Nemaha, Brownville, and Peru, against a rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Omaha Retail Butchers' Protective Association, for repeal of tax on oleomargarine; to the Committee on Ways and Means.

By Mr. MILLINGTON: Memorial of the Little Falls (N. Y.) Lodge, Patrons of Husbandry, protesting against the confirmation of the proposed agreement with Canada; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Andrew J. Mullins; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Washington Camps Nos. 303, 77, and 290, Patriotic Order Sons of America, urging passage of House bill 15413, and Saxton Council, No. 4591, Junior Order United American Mechanics, for illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. NICHOLLS: Petitions of Washington Camps Nos. 790, 280, and 333, Patriotic Order Sons of America, of Oliphant, Elmhurst, and Scranton, all in the State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Paper to accompany bill for benefit of Hot Springs, relative to a public park; to the Committee on the Public Lands.

Also, petition of J. J. Weindel, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Papers to accompany bills for relief of Lewis Brown and Lewis B. Field; to the Committee on Invalid Pensions.

Also, petition of Town Council of East Providence, R. I., favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Resolutions unanimously passed by a farmers' mass meeting of St. Vincent Township, Kittson County, Minn., on the international boundary line, W. J. Ford, chairman, and R. E. Bennett, secretary, protesting against reciprocity agreement with Canada, on the ground that it will depreciate the value of their farms and farm products and is class legislation against farmers and in favor of manufacturers and middlemen; to the Committee on Ways and Means.

By Mr. STURGISS: Resolutions in support of House bill 15413 adopted by Local Council No. 62; Wise Council, No. 185; Potomac Valley Council, and Berkeley Springs Council, Junior Order United American Mechanics, of Junior, Wana, Blaine, and Berkeley Springs, all in the State of West Virginia; and Washington Camps Nos. 27 and 32, Patriotic Order Sons of America, of New Creek and Capon Bridge, W. Va.; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of National Educational Association, for a Federal children's bureau (H. R. 27068); to the Committee on Expenditures in the Interior Department.

Also, petition of Los Angeles County Osteopathic Society, against the Owen, Mann, and Creager bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of Batavia Typographical Union, No. 511, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of citizens of Quincy and of Hillsdale County, Mich., and of D. C. Wells, B. W. Phillips, and Ned B. Spencer, and others, in favor of a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Monroe and Washtenaw Counties, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Methodist Episcopal Church of Quincy, Mich., for House bill 2364, Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. UNDERWOOD: Papers relative to proceedings of a board of officers convened at Fort Morgan, Ala., May 10, 1909, for an investigation to fix cause for loss of commissary funds, etc.; to the Committee on Military Affairs.

By Mr. WEBB: Petition of Grassland Council, No. 209, Altamont, N. C., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of North Carolina Society of New York, for the Appalachian forest reserve bill; to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John Larue; to the Committee on Invalid Pensions.

Also, petition of Washington Camp No. 14, Patriotic Order Sons of America, Trenton, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of C. H. Rumford and other citizens of Trenton, N. J., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Daniel Willets, of Trenton, N. J., and other members of the Society of Friends in America, deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

SENATE.

THURSDAY, *February 9, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS.

Mr. NEWLANDS presented the credentials of GEORGE S. NIXON, chosen by the Legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1911, which were ordered to be filed.

Mr. TAYLOR presented the credentials of LUKE LEA, chosen by the Legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

COURTS IN IDAHO AND WYOMING.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898, which was to strike out all after the enacting clause and insert:

That section 3 of "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district."

SEC. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

"That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

Mr. HEYBURN. I move that the Senate concur in the House amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the National Treasury; but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners,

and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of tthe House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a telegram from the Legislature of the State of Washington, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

OLYMPIA, *February 8-9, 1911.*

The SECRETARY OF THE SENATE,
Washington, D. C.:

Following passed Washington Legislature to-day:

"House joint resolution 15.

"To the honorable Senate and House of Representatives of the United States in Congress assembled:

"Your memorialists, the senate and the house of representatives of the State of Washington, in legislative session assembled, would most respectfully represent—

"Whereas congressional action with reference to the revision of the tariff seems more or less probable; and

"Whereas contemplated congressional action with reference to the tariff involves and concerns certain industries of the Pacific coast and the State of Washington; and

"Whereas the continued prosperity and well-being of the State of Washington is to a large extent involved by the contemplated tariff revision:

"Now, therefore, your memorialists, in the name of the people of the State of Washington, and speaking in behalf of the State and the entire Pacific slope, we earnestly and respectfully petition and urge that no congressional action be taken with reference to the revision of the tariff without careful consideration of the industries of the western portion of the United States, and particularly of the northwestern portion. Your memorialists further urgently and earnestly petition and urge that the interests so vital to the welfare of the State of Washington and the Pacific Northwest are entitled to the same full consideration and thorough review by a nonpartisan, unbiased tariff board as are all other industries of the Nation, and for that reason and in that behalf your memorialists urge congressional action accordingly, and that no action be taken without such consideration and review."

LOREN GRINSTEAD,
Chief Clerk of the House.

The VICE PRESIDENT presented a petition of the Municipal Council of San Juan, P. R., praying for the adoption of certain proposed amendments to the so-called Olmsted bill to provide a civil government for Porto Rico, and for other purposes, which was ordered to lie on the table.

Mr. GALLINGER presented memorials of the State Grange, Patrons of Husbandry, representing 30,000 members; of the Congress of the Knights of Labor; and of the Board of Trade of Berlin, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp No. 1, Patriotic Order Sons of America, of Keene, N. H.; of John P. Hale Council, Junior Order United American Mechanics, of Barrington, N. H.; and of Orient Council, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Wesley B. Knight Post, Department of New Hampshire, Grand Army of the Republic, of Derry and Londonderry, N. H., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. PERKINS. I present a joint resolution, adopted by the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 8, 1911.*

Hon. GEORGE C. PERKINS,
United States Senator from California, Washington, D. C.

SIR: I am hereby directed to transmit the following joint resolution, passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it

"Resolved by the senate and assembly of the State of California jointly, That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

"Resolved, That the Secretary of the Senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
Secretary of Senate.

Mr. PERKINS presented petitions of sundry citizens of California, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. CULLOM presented a memorial of the Board of Trade of Peoria, Ill., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of Maine Lodge, No. 545, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union, Farmers' Educational and Cooperative Union of America, of Pinckneyville, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Mackinaw, Ill., and a memorial of the National Board of Directors of the Travelers' Protective Association of Springfield, Ill., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented a memorial of Franklin County Bar Association, of Columbus, Ohio, remonstrating against the enactment of legislation providing for holding two terms each year of the circuit and district courts of the southern district of Ohio, at the city of Portsmouth, Ohio, which was referred to the Committee on the Judiciary.

Mr. CUMMINS presented memorials of sundry citizens of West Branch, Hynes, Richland, Hesper, Kanawha, Grinnell, Marshalltown, Hillsboro, New Providence, New Sharon, and Casey, all in the State of Iowa, remonstrating against any appropriation being made for the fortification of the Panama Canal, which were referred to the Committee on Interoceanic Canals.

Mr. OLIVER. I present a communication from the master of the Pennsylvania State Grange, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the communication was read and referred to the Committee on Foreign Relations, as follows:

PENNSYLVANIA STATE GRANGE, PATRONS OF HUSBANDRY,
Catawissa, Pa., February 7, 1911.

Hon. GEORGE T. OLIVER,
Washington, D. C.

DEAR SIR: On behalf of the organized farmers of Pennsylvania, I hereby enter our protest against the Canadian reciprocity treaty which puts farm products on the free list while making practically no reduction on high protection on manufactured articles.

Respectfully submitted.

WILLIAM T. CREASY,
Master of Pennsylvania State Grange.

Mr. BRISTOW. I present a telegram from the chief clerk of the senate of the State of Kansas, which I ask may be read and ordered to lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

TOPEKA, KANS., *February 8, 1911.*

Hon. J. L. BRISTOW,
United States Senate, Washington, D. C.:

I have the honor to inform you that the senate this afternoon passed house joint resolution No. 8, requesting Kansas Senators and Representatives in Congress to vote for amendment to Constitution providing for election of United States Senators by direct vote of the people.

EARL AKERS, *Chief Clerk.*

Mr. CRAWFORD. I present a communication from the secretary of the South Dakota State Union of the American Society of Equity, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE AMERICAN SOCIETY OF EQUITY,
OFFICE OF THE SOUTH DAKOTA STATE UNION,
Milbank, S. Dak., February 2, 1911.

Hons. ROBERT J. GAMBLE and COE I. CRAWFORD,
Washington, D. C.

GENTLEMEN: As secretary of the South Dakota State Union, of the American Society of Equity, I address you in the interests of the

farmers of South Dakota in regard to the reciprocity treaty arguments presented by the President.

The farmers of the Northwest, viz, North and South Dakota and Minnesota, are truly and rightly alarmed at some of the things advocated in this measure.

Especially that of putting wheat on the free list, as we see in this nothing but a measure in the interests of the speculators and milling combines against the grain growers of the United States.

The grain growers of the West and Northwest have organized themselves for profitable prices for farm products, and the farmers for the past three years have been able to see the benefits derived from their organization for controlled marketing to produce profitable prices.

The millers and speculators find that farmers do not dump all their crop on the market as formerly, regardless of demand or price. So that they (the speculators) can not now, as formerly, claim oversupply and pound down the prices at the expense of the grower. Until said speculators have the crop in their hands, when, lo! a change. A great shortage! and prices go up with a bound. But not for the benefit of the grower, but of the speculator.

Speculators and millers want Canadian wheat free simply that they may load our markets and cry overproduction to lower the price at the expense of farmers of the United States.

Gentlemen, you represent an agricultural State, and we certainly expect you to work and vote in the interest of your constituents, and shall expect you to vote against the removal of the tariff on wheat.

We also would call your attention to the bill looking to a reduction of the tax on oleomargarine, a move in the interests of the packing combines against the dairy interests of the country. Work and vote against any reduction of tax.

Very truly, yours,

W. I. LOTHIAN,
Secretary South Dakota Union,
American Society of Equity.

Mr. CRAWFORD presented petitions of Local Lodges No. 1415, of Brookings; No. 719, of Westport; No. 1184, of Carpenter; No. 740, of Michael; No. 1155, of Riverside; No. 13333, of Howard; No. 521, of Blunt; No. 644, of Yankton; No. 1354, of Sturgis; No. 602, of Elk Point; No. 590, of Monroe; No. 631, of Crooks; No. 559, of Huron; No. 2405, of Murdo; No. 752, of Spearfish; No. 599, of Madison; No. 2452, of Reville; No. 544, of Pierre; and No. 537, of Sioux Falls, all of the Modern Brotherhood of America, in the State of South Dakota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stony Butt, Vivian, McClure, and Chamberlain, in the State of South Dakota, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. GRONNA. I present a petition signed by a large number of members of the North Dakota Press Association and the North Dakota Ben Franklin Club, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the petition was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Hon. A. J. GRONNA, *Washington, D. C.*

DEAR SIR: We, the members of the North Dakota Press Association and the North Dakota Ben Franklin Club, in joint assembly in the city of Grand Forks, N. Dak., January 20, 1911, petition you and the honorable Senators to use your vote and every endeavor to secure the passage of the Nelson-Tou Velle bill which will do away the free Government printing of return cards on stamped envelopes for firms and individuals. We look upon this bill as of direct importance to every printer in the Nation, and will thank you for every endeavor which you may put forth in behalf of the printing fraternity of this and of every other State in the Nation.

We are not opposed to the stamped envelope with the blank return request, but we are determinedly opposed to the special return request for firms and individuals, which is printed by the Government without cost; sales are solicited at the expense of the Government, and the entire matter is a donation by the Government to that class of business which is the most able to pay the cost of this work. We look upon it as an unwarranted burden upon the Post Office Department, which is annually confronted with a deficit.

The free-printed return card for individuals and firms is now and always has been beyond the reach of the poor and uneducated, and does not contribute to the efficiency of the postal service. Business men alone can order the special-request stamped envelopes, not possible to be obtained in less than 500 lots, and they would use the return request anyway. Stamped envelopes as now furnished are manufactured and sold to the public under the provisions of the act of July 12, 1876, which reads as follows:

"The Postmaster General shall provide suitable letter and newspaper envelopes * * * and with postage stamps with such device and of such suitable denominations as he may direct impressed thereon; and such envelopes shall be known as 'stamped envelopes,' and shall be sold as nearly as may at the cost of procuring them (including all salaries, clerk hire, and other expenses connected therewith) with the addition of the value of the postage stamps impressed thereon."

This law, it would seem, is being continually and persistently violated, for the reason that the "other expenses connected therewith" in the sales of stamped envelopes does not include the cost of delivery. The Post Office Department estimates that less than 100,000 corporations, firms, and business men are customers of this favored free subsidy, which is less than one-half of 1 per cent of the general public using stamped envelopes of all kinds. We believe this an inexcusable subsidy for that portion of the public which is best able to pay for what they get, and the better they can afford to pay, the greater is their benefit by this subsidy, and by just as much as this is a benefit to them, by just so much is this a burden upon the consumers of all stamped envelopes and upon the tax bearers of the country, for it is they who must support the postal service.

The manufacture, printing, and sale of individually printed stamped envelopes can not be restored to the allied printing, publishing, and paper trades of the country where, as the Post Office Department has admitted "it belongs," unless some one pays for the printing, the distribution, the selling, and the sales promotion generally which are now done free. Any business man who is not willing to pay a fair competitive price for his individually printed stamped envelopes ought to urge the passage of this bill, and frankly give as his reason that he wants to continue to enjoy this Government subsidy which so preponderating a proportion of his fellow business men and the public generally have to pay for in order that he may enjoy it.

We believe the practice of the Post Office Department has built up a monopoly in stamped envelopes. At present there is no competition in bidding for this Government contract, and we believe this affords the best illustration of the eagerness and the power of special privilege to perpetuate itself possibly that could be. We believe the practice of the Government is an outrage and is robbing newspapers and printers of much that is due them, and that this wrong should be righted.

Thanking you for anything which you may do of benefit to the printing and publishing business, of which we are representatives, and that we can count upon your assistance in favor of the Nelson-Tou Velle bill, we subscribe ourselves as follows:

Mr. BURKETT presented a petition of the Central Labor Union of Omaha, Nebr., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. WETMORE. I present a memorial of members of the House of Representatives of the State of Rhode Island and Providence Plantations, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEWPORT, R. I., *February 6, 1911.*

DEAR SIR: We, as representatives of the fishing interests in and about Newport, as also vessel owners, producers and handlers of fish in this vicinity, wish to call to your attention the fact that the said fishing interests in and about Newport are heartily in sympathy with the people of Gloucester in their effort to defeat the free fish schedule included in the recent reciprocity agreement between Canada and the United States, and will do all in their power to assist them in preventing the proposed agreement in regard to free fish from being enacted into law.

The interests which we represent would respectfully request that you use all your influence on the floor of the Senate to defeat this section of the proposed agreement.

Very respectfully, yours,

FLETCHER W. LAWTON,
HENRY L. LITTLEFIELD,
HENRY C. WILCOX,
Members of the House of Representatives of the State of Rhode Island and Providence Plantations.

Hon. GEORGE PEABODY WETMORE,
United States Senate, Washington, D. C.

Mr. BOURNE. I present a telegram from the secretary of the Oregon Wool Growers' Association, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

PENDLETON, OREG., *February 8, 1911.*

Hon. JONATHAN BOURNE,
United States Senate, Washington, D. C.:

Under pending reciprocity treaty with Canada sheep are placed on free list, dressed meats taxed 1½ cents per pound. This protects packers, but not consumer or sheep breeder. If Canadian sheep are admitted free, they will bring millions of pounds of free wool with them. Oregon Wool Growers' Association protests most vigorously against admission of free sheep from Canada.

DAN P. SMYTHE, *Secretary.*

Mr. FLINT. I present a telegram from the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 8, 1911.*

Hon. FRANK P. FLINT,
United States Senator from California,
Washington, D. C.

SIR: I am hereby directed to transmit the following joint resolution passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California jointly, That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

"*Resolved*, That the secretary of the senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
Secretary of Senate.

Mr. LODGE. I present telegrams in the nature of memorials from the master and executive committee of the Massachusetts State Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorials were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WESTFIELD, MASS., *February 5, 1911.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

Massachusetts State Grange earnestly protests against Canadian reciprocity treaty. Massachusetts farmers very strongly opposed. Letter follows.

CHAS. M. GARNER,
Master Massachusetts State Grange.

STURBRIDGE, VIA WORCESTER, MASS.,
February 5, 1911.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

The farmers need your support. We oppose the present plan of reciprocity with Canada.

GEORGE S. LADD,
Chairman Executive Committee, Massachusetts State Grange, for the Committee.

Mr. LODGE. I present a memorial of the Board of Trade of Provincetown, Mass., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas a commission has been appointed by the Government of the United States and the Dominion of Canada to formulate a treaty of reciprocity between the said countries; and

Whereas there is a great likelihood that by the terms of this treaty the duties on fish imported from Canada into this country will be reduced; and

Whereas everything that enters into the manufacture and production of our fish products is highly protected; and

Whereas the profits on our fish products are too small to enable us to successfully compete with our Canadian neighbors if the duty on fish and fish products is reduced, for the reason that labor costs are so much lower in Canada than in this country, and also for the reason of the nearness of the fishing grounds to Canada: Therefore be it

Resolved, That the Provincetown Board of Trade in meeting assembled, believing that the reduction of duties on fish or fish products from Canada into the United States would be ruinous to the fishing industry and to the town of Provincetown as a whole, do hereby protest against any reduction of the present duty on any kind of fish or fish products brought into the United States from Canada, and we urge the United States Government to take such action as will prevent the ratification of a treaty of reciprocity containing any clause, schedule, or section that will reduce the existing duties on fish or fish products; and it is

Further resolved, That a copy of this resolution be sent to the Senators and Congressmen from Massachusetts at Washington and that they be urged to use their utmost endeavors to prevent any action which would mean the ruin of the only industry of Provincetown.

Adopted January 30, 1911.

PROVINCETOWN BOARD OF TRADE,
J. F. SNOW, *Secretary,*
Per P. A. WHOLF.

Mr. LODGE. I present a resolution adopted by the National Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Hon. HENRY CABOT LODGE,
1765 Massachusetts Avenue, Washington, D. C.:

The National Grange earnestly protests against Canadian reciprocity bill, which puts farm products on free list, while making practically no reduction in high tariff on manufactured articles. Bill subjects our farmers to unfair competition of cheap Canadian farm lands. Will greatly injure farming industry. Will increase farm values in Canada and reduce value of farms in this country. Farmers unanimously opposed to bill.

M. J. BATCHELDER,
AARON JONES,
T. C. ATKESON,
Legislative Committee National Grange, Concord, N. H.

Mr. SCOTT presented a petition of Kelly Post, No. 111, Grand Army of the Republic, Department of West Virginia, of Kingwood, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BORAH presented a memorial of sundry citizens of Carey, Idaho, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a petition of the North Dakota Press Association and the Ben Franklin Club of North Dakota, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Forks, York, Fargo, Inkster, Bottineau, and Crary, all in the State of North Dakota, praying that an investigation be made into the affairs of all wireless-telegraph companies in the United States, which were referred to the Committee on Commerce.

Mr. GAMBLE presented a petition of Local Lodge No. 1415, Modern Brotherhood of America, of Brookings, S. Dak., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry Irish-American citizens of Bridgeport, Conn., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. WATSON presented a petition of Reno Post, No. 7, Grand Army of the Republic, Department of West Virginia, of Grafton, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of C. C. Martin & Co., of Parkersburg, W. Va., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. PILES presented a petition of Washington Camp No. 1, Patriotic Order Sons of America, of Tacoma, Wash., and a petition of the Washington State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented petitions of Federal Labor Union, Local No. 12868, American Federation of Labor, of Bedford; of Local Council No. 14, Junior Order of United American Mechanics, of Dunkirk; and of the South Bend Central Labor Union, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. TILLMAN presented a petition of sundry employees of the United States navy yard at Charleston, S. C., praying for the enactment of legislation providing for an increase of 25 per cent in the salaries of classified employees at the navy yards and naval stations of the United States, which was referred to the Committee on Naval Affairs.

Mr. RAYNER presented a memorial of the Sandy Spring Monthly Meeting of Friends of Maryland, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of Arundel Council, No. 155, of Odenton; Wabash Council, No. 73, of Baltimore; of Evening Star Council, No. 3, of Hillsdale, all of the Junior Order United American Mechanics; of Washington Camps Nos. 17, of Frederick; 48, of Stevensville; and 67, of Baltimore, all of the Patriotic Order Sons of America; and of Golden Rule Council, No. 65, Daughters of America, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas we believe it to be the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the Nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now, therefore, be it

Resolved (the house of representatives concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands

embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana.

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved, January 23, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 23, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 1, relating to the opening of the Crow Reservation for settlement, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 23d day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the settlers under the Lower Yellowstone project, Montana and North Dakota, executed and delivered to the Lower Yellowstone Water Users' Association, a corporation, a contract subscribing for stock in said corporation, which empowered such corporation, under the directions of the Secretary of the Interior, to sell their homesteads unless the owners make application for water rights, and comply with the provisions of the act of Congress of June 17, 1902, and that such contracts were executed with the understanding that the cost of the project to them should not exceed $30 per acre of their holdings; and

Whereas the cost of construction of said project has exceeded the original estimated cost $750,000, increasing the cost thereof to the settlers to $42.50 per acre; and

Whereas five years' time is required for a settler to level and fit his homestead for successful irrigation and the profitable production of crops thereon, so as to enable him to make the required annual payments of maintenance and cost of construction therefrom; and

Whereas the settlers of the Lower Yellowstone project experienced severe crop failure during the past season, the land returning in many instances less than the seed, and many of said settlers are in straitened financial condition; and

Whereas the banks and merchants along the Lower Yellowstone project are unable to advance further credit to said settlers; and

Whereas it is entirely impossible for said settlers to pay to the Government the annual installments for construction until they are able to take the same from the soil; and

Whereas many settlers, prior to the initiation of said project had secured from the Government tracts of land embracing more than 80 acres, and the Secretary of the Interior, by his ruling, has required such settlers to reduce their holdings to 80-acre tracts, the same being adopted as the farm unit under said project by him, which said ruling the said settlers denounce as unjust and demand that the same be abrogated: Now, therefore, be it

Resolved (the house concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation at as early date as possible, providing that the settlers under said Lower Yellowstone project shall not be required to pay any installment upon the cost of construction of said project before the 1st day of December, 1914, and that upon said date the first annual installment therefor be required, and that thereafter the annual installments upon the cost of said construction shall be payable on or before the 1st day of December of each year until said cost is fully paid; that the payment of maintenance charges, including those now accrued, shall not be required until the 1st day of December, 1911, when a payment of $1 per acre be required, and that thereafter the annual charge of $1 per acre for maintenance be required, to be paid upon the 1st day of December of each year; and that said legislation shall provide, further, that such settlers under said project, who acquired from the Government, prior to the institution thereof, tracts of land embracing more than 80 acres of land, be permitted to hold the same under the project, not exceeding 160 acres each, and be enabled to acquire water rights thereunder for the whole of such holdings:

Further resolved, That a copy of this memorial be forwarded by the secretary of state to the President of the United States, and the Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved January 23, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 23, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of Senate joint memorial No. 2, petitioning Congress to relieve settlers of the Lower Yellowstone project in Montana and North Dakota, enacted by the Twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. CARTER. I present a joint resolution of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint resolution 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas it was the manifest intention of Congress when the Territory of Montana was admitted into the Union as a State to set aside and donate public lands to aid in the establishment of all public institutions, following a long-established precedent; and

Whereas it is the desire of the people of the State of Montana to establish a hospital for the care and treatment of indigent persons in said State who are suffering from tuberculosis: Now, therefore, be it

Resolved, That we, your memorialists, petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the State of Montana 50,000 acres in aid and on account of such hospital; be it further

Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our Senators and Representatives in Congress.

W. W. MCDOWELL, *Speaker of the House.*
W. R. ALLEN, *President of the Senate.*

Approved January 24, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 24, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint resolution 3, petitioning Congress to donate land in aid and on account of a hospital for the care and treatment of tubercular patients, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 24th day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. LODGE. From the Committee on Finance, I report back with amendments the bill (H. R. 32010) to create a tariff board.

Mr. BAILEY. Mr. President, in connection with the report which the Senator from Massachusetts has just submitted, I desire to say on behalf of my Democratic associates on the Finance Committee that we do not agree to the report of that committee, and we have reserved the right to offer amendments to the bill and to resist it in all proper ways.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 30727) providing for the sale of certain lands to the city of Buffalo, Wyo. (Rept. No. 1119);

A bill (H. R. 23827) extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation, in Wyoming (Rept. No. 1120); and

A bill (H. R. 25234) authorizing the issuance of a patent to certain lands to Charles E. Miller (Rept. No. 1121).

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 10208) authorizing the resurvey of certain lands in the State of Wyoming, reported it with amendments and submitted a report (No. 1122) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the bill (S. 9889) providing for the reimbursement of certain employees of the Lighthouse Service for relief furnished to shipwrecked persons, reported it without amendment and submitted a report (No. 1123) thereon.

Mr. FLINT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31353) for the relief of F. W. Mueller (Rept. No. 1124); and

A bill (S. 5583) to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel Forest Reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act (Rept. No. 1125).

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (S. 9819) granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California, reported it with an amendment and submitted a report (No. 1126) thereon.

Mr. DEPEW, from the Committee on Commerce, to which was referred the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31860) permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota;

A bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

A bill (H. R. 31922) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.; and

A bill (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn. This House bill, now favorably reported, is identical with Order of Business No. 953 on the calendar, being the bill (S. 10375) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn. I ask that the House bill may take the place of the Senate bill on the calendar, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed, and the House bill now reported will take the place of the Senate bill on the calendar.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31649) to authorize the County of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn., and I ask that a similar substitution be made for Order of Business No. 948 on the calendar, being the bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn., and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. WATSON, from the Committee on Indian Affairs, to which was referred the bill (S. 10530) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-quasoon, or Peter, Moses agreement allottees, reported it with an amendment and submitted a report (No. 1127) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., reported it without amendment and submitted a report (No. 1128) thereon.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 21965) for the relief of Mary Wind French, reported it without amendment and submitted a report (No. 1129) thereon.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 9892) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property, reported it without amendment and submitted a report (No. 1130) thereon.

He also, from the same committee, to which was referred the following bills, reported them each without amendment:

A bill (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill.; and

A bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

Mr. GAMBLE, from the Committee on Public Lands, to which was referred the bill (H. R. 27069) to relinquish the title of the United States in New Madrid location and survey No. 2880, reported it without amendment and submitted a report (No. 1131) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 1132) thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths, to report it with the recommendation that that committee be discharged from its further consideration and that it be referred to the Committee on Public Lands, the Hot Springs Reservation not being a military reservation.

The VICE PRESIDENT. Without objection, the request of the Senator from Wyoming will be complied with.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, reported it without amendment.

Mr. STONE, from the Committee on Commerce, to which was referred the bill (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals, reported it without amendment.

Mr. JONES, from the Committee on Industrial Expositions, to which was referred the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal., reported it without amendment and submitted a report (No. 1133) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 9891) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis., reported it without amendment and submitted a report (No. 1134) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes, reported it without amendment.

Mr. FLINT, from the Committee on Public Lands, to which was referred the amendment submitted by Mr. NIXON on the 3d instant, relative to arid lands in the State of Nevada, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

WILLAMETTE RIVER BRIDGE, OREGON.

Mr. MARTIN. From the Committee on Commerce I report back favorably with amendments the bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg., and I submit a report (No. 1118) thereon. I call the attention of the Senator from Oregon [Mr. BOURNE] to the bill.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 3, line 8, to strike out "ninety-six" and insert "ninety-three;" in line 9, after the words "low-water mark," to insert the words "city datum;" and after the word "city," at the end of line 17, to insert the following proviso:

Provided, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

So as to make the bill read:

Be it enacted, etc., That the city of Portland, in the county of Multnomah, State of Oregon, is hereby fully authorized and empowered to construct and build a bridge to be known as the Broadway Bridge, with appropriate approaches and terminals with a clearance of not less than 65 feet above high-water mark and not less than 93.13 feet above low-water mark, city datum, across the Willamette, a navigable river, in said city, substantially as follows, to wit: From Broadway Street at or near its intersection with Larrabee Street on the east side of said river, and following the line of Broadway Street extended westerly in its present course to a point at or near its intersection with Seventh Street on the west side of said river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets in said city: *Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That any irregularities in the passage of the amendment to the charter of said city known as section 118½ and any errors or irregularities in the issuance of said bonds due to a lack of authority from

Congress to build said bridge are hereby cured, and the issue of said bonds, both before the passage of this act and afterwards, are hereby fully authorized, ratified, and confirmed so far as a lack of authority from Congress to build such bridge is concerned.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee report in favor of striking out the preamble. Without objection, the preamble will be stricken out.

STEAM YACHT "DIANA."

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (S. 9437) to provide American register for the steam yacht *Diana*, and I submit a report (No. 1117) thereon.

Mr. KEAN. That is a brief bill of about eight lines. I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Commissioner of Navigation to cause the steam yacht *Diana*, wrecked and repaired in the United States, and owned by C. Ledyard Blair, a citizen of the United States, residing at Peapack, N. J., to be registered as a vessel of the United States; but the vessel shall not at any time hereafter engage in the coasting trade, under penalty of forfeiture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC ORDER IN OKLAHOMA.

Mr. THORNTON. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 29300) authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma, and I submit a report (No. 1113) thereon. I ask unanimous consent that the bill may now be considered. The accompanying report sets forth a letter from the Secretary of the Interior recommending the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma 90 days' preference right, after the passage of the act, to purchase at its appraised value the southwest quarter of the northwest quarter of section 13, township 13 north of range 8 west of the Indian meridian, in the State of Oklahoma, and directs the Secretary of the Interior to appraise, sell, and convey by patent the tract of land on such terms and conditions as he deem proper, requiring at least 20 per cent of the purchase price to be paid in cash.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIDS TO NAVIGATION ALONG LIVINGSTONE CHANNEL.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably without amendment the bill (S. 10690) providing for aids to navigation along the Livingstone Channel, Detroit River, Mich., and I submit a report (No. 1115) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of Commerce and Labor to establish and provide such lights and buoys as may, in his judgment, be necessary to properly mark the Livingstone Channel in the Detroit River, Mich., at an expense not to exceed $210,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAJI BIN YDRIS.

Mr. KEAN. From the Committee on Claims I report back favorably without amendment the bill (S. 1031) for the relief of Jaji Bin Ydris, and I submit a report (No. 1114) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the bill. It will cost more to print it on the calendar than to pass it.

Mr. WARREN. It is a small matter, and I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Jaji Bin Ydris, of Jolo, island of Sulu, P. I., $537.40, as compensation for loss of his boat, the *Panco*, and her cargo by reason of a collision with the U. S. launch *Ogden* on the night of November 29–30, 1900, off Pilas Island, P. I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAINY RIVER IMPROVEMENT CO.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., and I submit a report (No. 1116) thereon. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. I ask the Senator from Minnesota how long is his bill?

Mr. NELSON. It is a very short local bill. It will take but a minute.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. BEVERIDGE. I shall not object to the consideration of this bill, but I now serve notice that hereafter during the morning business—not during the morning hour, but during the morning business—in the present state of the business of the Senate, I shall object to the consideration of any other bill. I shall not, however, object to the consideration of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Rainy River Improvement Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate a dam across the outlet of Lake Namakan at Kettle Falls, in St. Louis County, Minn., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RIVER BRIDGES.

Mr. FRYE. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, to report it back with an amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the Metropolitan Park Commission or any town or city, or any other public body authorized by the State of Massachusetts, all or any of them, be, and they hereby are, authorized to construct, at any time hereafter, drawless bridges agross the Charles River in the State of Massachusetts connecting River Street in Cambridge and Cambridge Street in the Brighton District, so called, of Boston, and at any other points upon said river at, near, or above said Cambridge and River Streets: *Provided*, That said bridges shall be at least 12 feet above the ordinary level of the water in the basin over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the Secretary of War shall approve: *Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment, provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed because of the construction of said bridges without a draw. Except as inconsistent herewith, this act shall be subject to the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 10732) for the relief of David F. Wallace; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 10733) to extend the time to construct a dam across the Mississippi River by the St. Cloud Electric Power Co. (with accompanying paper); to the Committee on Commerce.

By Mr. MARTIN:

A bill (S. 10734) to inhibit and punish the stealing of freight or express packages or baggage in process of transportation on interstate shipment, and felonious asportation of the same into

another district of the United States, or the felonious reception of the same; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 10735) for the relief of the heirs or estate of Laura Lane Gibson, deceased (with accompanying paper);

A bill (S. 10736) for the relief of the heirs or estate of J. Ursin Broussard, deceased (with accompanying paper);

A bill (S. 10737) for the relief of the heirs or estate of Pierre Cormier, deceased (with accompanying paper);

A bill (S. 10738) for the relief of the heirs of Jean Southene Mouton, deceased (with accompanying paper); and

A bill (S. 10739) for the relief of Theophile Pann (with accompanying paper); to the Committee on Claims.

By Mr. DU PONT:

A bill (S. 10740) granting an increase of pension to Frances Doherty (with accompanying papers); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10742) to provide for the construction of a landing place in the national harbor of refuge, Point Judith, R. I., in the shelter created therefor pursuant to the acts of Congress; to the Committee on Commerce.

A bill (S. 10743) for the relief of William P. Drummon; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 10744) to provide for the purchase of a site for the erection of a public building thereon at Sundance, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND:

A bill (S. 10745) for the relief of Scott P. Stewart and Andrew J. Stewart, jr.; to the Committee on Claims.

A bill (S. 10746) granting a pension to Caroline Banks; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 10747) to increase the limit of cost for the erection of the United States post-office and courthouse buildings and acquisition of additional ground at Parkersburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. BURTON:

A bill (S. 10748) for the relief of John L. Smith and others (with accompanying paper); to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 10749) granting a pension to John Waalkes; to the Committee on Pensions.

POPULAR SUBSCRIPTIONS TO CONGRESSIONAL RECORD.

Mr. HEYBURN. I introduce a bill, which I send to the desk, and ask that it be read the first and second time, and then that it lie upon the table. I ask that it be read at length.

The bill (S. 10741) to authorize popular subscriptions at all post offices for the CONGRESSIONAL RECORD, and for publishing and mailing same, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1911, rules and regulations to enable all postmasters in the United States at all post offices to receive popular subscriptions for the daily CONGRESSIONAL RECORD, at the price of $1 per year, and report the said subscriptions and the amount received therefor to the Public Printer.

SEC. 2. That when such subscriptions shall reach 1,000,000 the Public Printer is hereby authorized to publish a sufficient number of copies of the CONGRESSIONAL RECORD to supply all such popular subscriptions made and prepaid as aforesaid, and to send the said CONGRESSIONAL RECORD through the mails to such subscribers free of postage.

The VICE PRESIDENT. The bill will lie on the table.

Mr. HEYBURN subsequently said: I move that the bill introduced by me this morning to authorize popular subscription at all post offices for the CONGRESSIONAL RECORD, and for the publishing and mailing of the same, which was ordered to lie on the table at my request, be taken therefrom and referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 for the purchase of land in the District of Columbia, known as Graceland Cemetery, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $25,000 for the survey of the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TARIFF BOARD.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 32010) to create a tariff board, which was ordered to lie on the table and be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. Res. 341), which was considered by unanimous consent and agreed to:

Resolved, That the authority heretofore vested in the Committee on the District of Columbia by Senate resolution of February 20, 1909, directing the said committee to examine into matters relating to the District of Columbia, is hereby continued, and the said committee is hereby directed to pursue its investigations during the Sixty-second Congress.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

PUBLICATIONS OF FRATERNAL SOCIETIES.

Mr. PENROSE. I have a communication from the Postmaster General reciting his objections to the bill known as the Dodds bill, admitting to the mails publications of fraternal societies as second-class matter. In view of the very wide spread interest in this measure, I ask that the communication be printed as a Senate document (S. Doc. No. 815).

The VICE PRESIDENT. Without objection, that order will be made.

Mr. PENROSE. In view of the thousands of persons who are either for or opposed to this measure, I submit a resolution for the printing of 25,000 additional copies, and ask that it be referred to the Committee on Printing.

There being no objection, the resolution (S. Res. 340) was read and referred to the Committee on Printing, as follows:

Resolved, That there be printed 25,000 additional copies of Senate document No. 815, Sixty-first Congress, third session, being a letter of the Postmaster General to Hon. BOIES PENROSE, submitting reasons against the passage of the bill (H. R. 22239) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning, or by trades unions, and for other purposes, for the use of the Committee on Post Offices and Post Roads.

Mr. SMOOT subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it favorably, without amendment, and it was considered by unanimous consent and agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BRISTOW. Mr. President, the amending of the Constitution so as to provide for the election of Senators by a direct vote of the people instead of by the State legislatures has been under consideration at various times by the Senate for over half a century. So extensive has been the debate upon the subject that it is difficult to contribute anything new to the discussion. I shall not undertake an elaborate historical presentation of the question. Most exhaustive speeches have been made in this Chamber upon other occasions by such distinguished Senators as Hoar, Turpie, and others. They have illumined the subject with their great learning, and from their respective viewpoints have covered it with completeness; and at this session very able and learned addresses have been made by the junior Senator from Idaho and the senior Senator from Massachusetts. While I can not hope to add anything new to the discussion, however I feel impelled to call the attention of the Senate to the wide difference between the conditions that prevailed in this country at the time the Constitution was adopted and those that prevail to-day.

Stripped of every subterfuge, the burden of all the speeches that have been made against this proposition is that the American people as a whole are not capable of wisely selecting the men who shall represent them in the upper branch of the National Legislature. Various pretexts are resorted to in an effort to produce arguments against this amendment without definitely making such a statement, but the ultimate analysis of

every speech that has been made against this proposition is that the people as a whole have not that calm temperament and intelligent judgment necessary to enable them wisely to select their Senators.

PRESIDENT, IN FACT, ELECTED BY DIRECT VOTE; WHY NOT SENATORS?

As to that, I take sharp and decisive issue with the opponents of this resolution. It was the opinion of many of the Revolutionary fathers that the people could not safely be trusted to elect by a direct vote Members of both branches of the Congress and the President. The result was provision for the election of Members of the House of Representatives by a direct vote, the Senate by the various State legislatures, and an electoral college composed of distinguished citizens chosen by the people of the various States was created, and upon this college was placed the responsibility of electing our Presidents. This body of distinguished men was to stand between the President and the direct expression of the popular will. Every man must admit that this plan for the election of President was a failure. It has been nullified by the evolution of our political institutions. The people to-day, in fact, elect their President by a direct vote. If asked to name the electors for whom he voted in the last presidential election, there is not one Senator in five in this Chamber who could do it, and there is not one voter in a thousand, in the majority of the States, who could name them; but 999 voters out of every 1,000 could name, without hesitation, the man for whom they voted for President. No one would presume to declare that if the electors chosen at the presidential elections had assembled in conventions and chosen our Presidents as it was originally intended that they should do, that we would have secured better men for that great office than those who have held it. The intrigue and corruption that would have developed in such conventions is beyond our comprehension and, in my judgment, before this would have threatened the life of the Republic. The people, however, by a gradual evolution have nullified this provision of the Constitution.

Now, on a given day, quietly and without excitement, millions of American citizens choose their executive ruler for a period of four years, by what is in fact a direct vote, and the decision of the majority is accepted without protest by the entire population. The quiet and orderly way by which the people of this mighty Nation, with its widely extended territory exalt one of their number into, and depose another from, the most powerful political position among men, is the greatest tribute that could be offered to the patriotism and stability of character of the American citizen. If the people are capable of electing their Presidents by direct vote, as in fact they do, are they not capable of electing their Senators? Is that task more perplexing? Are the qualifications necessary for Senators more difficult for the average citizen to comprehend? This, certainly, no one will claim, yet every argument that has been offered against this resolution can lead to no other conclusion.

MEMBERS OF LEGISLATURES HAVE VARIOUS DUTIES.

Fortunately, the electoral college was charged with no other duty than the selection of a President, and the people soon relieved it of that responsibility, and it has become simply a returning board to record the will of the people as directly expressed. But members of the various State legislatures have numerous duties other than the election of Senators to perform, so that they can not be selected wholly because of their attitude toward candidates for the senatorship. If they had not been charged with such other duties they would long since have been relieved by the people of the responsibility of electing Senators, just as the electoral college has been relieved of the responsibility of electing Presidents. As it is, however, some members of the legislature are elected on account of their attitude toward certain candidates for the Senate, others because of the local interest a constituency may have in State legislation, and others because of general political conditions. The result is that when the assembly meets to select a Senator, unless some plan has been provided by the State for the people to express their choice, a general scramble occurs in which all the passions of ambition, greed, and avarice are turned loose in a contest to determine who shall receive this great official prize.

CORRUPTION FRUITAGE OF PRESENT SYSTEM.

Delays in election, deadlocks, and loss of representation by the States frequently occur. During the last 20 years there have been 14 vacancies in the Senate, some of them covering a period of several years, because of the failure of legislatures to elect. Frequently shocking scandal and flagrant bribery are the fruitage of these controversies. Corruption and bribery in senatorial elections have become more prevalent as the commercial interests of the country have grown. The story of the Illinois election that has resulted in the investigation now before this body is shocking to the sense of decency of every Senator here, yet it is but a sample of the legislative debauchery that has occurred in recent years in numerous senatorial elections. During the last 40 years the Senate has had under consideration 15 cases where corruption was charged in the election of Senators, while during the preceding 84 years of our history there had been but one such case. This plainly demonstrates that the system adopted by the framers of the Constitution worked well until radical changes occurred in our industrial and commercial life, but that under present conditions it is breaking down and corruption is growing. I do not claim that the election of Senators by a popular vote will wholly eliminate corruption and dishonesty from such elections, but I do maintain that it will reduce it to a minimum. The great power of the position, the dignity of the high office, and the wide influence that a Senator may acquire make a seat in this body exceedingly attractive to men of public spirit and ambition. The power and character of the office are such as to make it a possible source of great value to those connected with large commercial and industrial concerns. The result is that men are frequently elected to seats here not because of their great learning or distinction in the public service, but because of their connection with certain financial, industrial, or commercial concerns that seek to profit by the legislation of Congress. Under these conditions it is but natural that seats in this body should be sought with great eagerness and that the present system by which a few men are able to determine who shall have such seats should produce corruption. That this corruption is increasing as the commercial spirit of the Nation grows, no man can deny. I state, therefore, without hesitation, that the integrity of our political institutions demands a change in the method of electing Senators.

MARVELOUS CHANGES IN CONDITIONS.

We are warned not to depart from the wisdom of the fathers by changing the manner of choosing the Members of this body. Such an argument in the light of modern development is without weight. The conditions that exist in the United States to-day are vastly different from those that prevailed when the Constitution was framed. In 1790 there were but 75 post offices in the United States, or one post office for every 52,000 people, while to-day we have in round numbers 60,000 post offices, or one post office for every 1,500 people. Then there was no free delivery in either city or country. There was not a single letter carrier on the continent; now there are 1,500 cities with free delivery, and over 28,000 city letter carriers deliver the mails to the homes of our urban population, and there are more than 40,000 rural carriers traveling 1,000,000 miles a day delivering letters, newspapers, and periodicals to the rural population. Then the postage on a four-page letter from Washington to Boston was $1; now you can send that same letter from Porto Rico to Manila, over 12,000 miles, more than half way around the globe, for 2 cents. At that time there were but 103 newspapers and periodicals published in the United States, and the circulation of none of them exceeded 1,000 copies. The average circulation was less than 500, and there was but one publication for every 38,000 people. Now there are 22,600 newspapers and periodicals, with an average circulation of more than 6,000. Then there was published but one copy of a newspaper or periodical per week for each 50 of our population; now there are four copies per day for every family. Such a state of society as we now enjoy was not within the wildest dreams of the most ardent enthusiasts among the founders of the Republic. Yet Senators tell us that to change the details or the manner of electing Senators is to reflect upon the wisdom of the forefathers. Mr. President, I join with the Senator from Massachusetts in paying high tribute to the great wisdom and patriotism of the framers of the Constitution. He can not hold them in deeper reverence than I, though his great learning enables him to express that reverence in more eloquent phrases. But, while I join him in paying tribute to the wisdom of the Revolutionary fathers, I regret that he refuses to join me in expressing confidence in the judgment and wisdom of the people of our own times. Without reflecting in the slightest degree upon the ability of the Members of Congress in any other age of our country's history, I assert that the average American citizen to-day has a better education, is more thoroughly informed on public questions, has a keener sense of the responsibilities of citizenship, and is better equipped to pass judgment as to the wisdom of governmental policies than was the average Member of the House of Representatives a century ago. Then a college graduate in a community was a rare and distinguished individual. There were but few of them among our people. Now they are to be found by the dozen in almost every township. Our colleges and academies to-day are not only equipping men for the professions, but are preparing them by the thousands

for the responsibilities of citizenship. This the conditions of the times demand. Yet Senators upon this floor contend that the same method of selecting Senators that was thought wise and desirable then should be continued now.

For the first half century of our history the greed of commercialism, except as it related to the slavery question, was not developed; now it is a menace to the country's welfare. As the commercial spirit developed and opportunities increased to use the power of government to promote the selfish interests of financial and industrial institutions, such concerns became more anxious to control the Senate. This has brought about the numerous legislative scandals that have occurred in recent years, and such scandal not only will continue but will increase until there is a change in the method of electing Senators.

SHOULD CHANGE METHODS OF ELECTING DELEGATES TO NATIONAL CONVENTIONS.

In this connection I desire to say that not only do I believe that the people should be given the opportunity to vote direct for their Senators and to elect them in the same manner as they elect their Congressmen and governors, but I believe that all delegates to our national conventions should be elected by a direct primary, and that on the primary ballot the voter should express his first and second choice for the nominees of his party. It then would be the business of the national conventions to carry out the will of the people as expressed in the primary election. The expression of a second choice, to show the general preference of the people of a State that might have a "favorite son" as a candidate, is necessary in order that the choice of the people independent of local favor may be ascertained. It has become customary for national conventions to be made up of a large number of Federal officeholders who want to perpetuate themselves in official power, or to be composed of ambitious men who hope to secure the Federal offices. In addition to these two classes there are a number of commanding delegates who represent the powerful financial and commercial institutions of the country, and who are there to look after the interests of such institutions. Trusts and combinations representing great transportation and industrial companies seek to control the State and national conventions of both the great political parties, and if they succeed it makes little difference to them how the election goes or which side wins. Their representatives contribute generously to both campaign committees, and because of such contributions expect to secure certain appointments and also to control the legislation in which they are concerned. These selfish financial interests are exceedingly anxious, first, to control the appointment of Federal judges; second, to shape the laws which affect their interests; and, third, to control the appointment of the executive officers who are to administer those laws.

COMBINATIONS OF WEALTH USE POWER TO ENRICH THEMSELVES.

Mr. President, these great combinations of wealth, under the system that now prevails, have acquired too much power in the affairs of this Government, and they have used that power to enrich themselves at the expense of the general public. Unless a change is made, not only in the method of electing Senators, but also in the manner of selecting delegates to the national conventions, the rising tide of unrest and dissatisfaction that prevails throughout the country to-day will rapidly increase. Men will not become less greedy for wealth and power. The great financial interests will not abate their efforts to control, not only the business, but the politics of the country.

The Senator from Massachusetts declared that the political power of gigantic combinations of wealth had been broken, and that they are no longer endeavoring to control the politics of the country. How can the distinguished Senator entertain such a delusion when at this very hour there are in a number of States deadlocks in pending senatorial elections, caused solely by the dogged and persistent determination of certain powerful financial interests to control the election of Senators from those States. There never has been a time when these interests were more vigilant and grasping for political power and dominion than now.

Sir, I believe we are approaching a crisis, not only in our commercial and industrial life, but in our political affairs as well. The development of modern times has made it necessary to place more power directly into the hands of the people, that they may not only protect the man of small business from the greed of his great and powerful competitor, but that they may also protect the integrity of our political institutions.

AM NOT AFRAID OF THE MOB.

We are warned by those who oppose this resolution that by this change in the manner of electing Senators we will make them responsible to the will of the mob, and, therefore, subservient to the passion and prejudice of the unthinking masses; that by such a change we will endanger the perpetuity of our institutions. I do not believe it. I am not afraid of the mob. The American people are not controlled by passion or prejudice. They are conservative and cautious; do not welcome change, and cling to precedent. You place in their hands great power, and they will exercise it with deliberation and care.

The stability of a free government depends upon the intelligence and patriotism of its people. It is one of the fundamental laws of human nature that great responsibility not only brings out the best efforts of man, but also develops the conservative elements of his character.

GIVE THE PEOPLE MORE POWER.

Give the people greater power and more direct responsibility for the administration of the Government, and you bring to its institutions the most careful thought and patriotic consideration of the great masses of our population. Gen. Grant has been credited with the statement that all the people know more than any one man. This I believe can be broadened into a declaration that all the people know more than any set of men. The marvelous and unprecedented progress of modern times in every branch of human industry and every line of mental effort has been possible only because the intellect of the race had been unshackled and the mental energies of the entire population brought into action. This Government of ours will be better administered and more wisely governed by inviting every citizen to give his best thought to the solution of its problems. Place greater responsibility for its administration upon the average man, and it will develop in him the highest degree of patriotism. It will place upon him that deep sense of responsibility that goes with ownership. He will feel more that this is his Government, and that he is responsible for the welfare of its institutions. Instead of endangering such institutions it will be their greatest safety. It will intrench them in the affections of an intelligent, patriotic, and devoted citizenship.

Sir, the menace to our country's future is not in the mad fury and passion of the unthinking mob. The mob has no influence with the American mind. It is repulsive to that sense of stability and order which is fundamental in the Anglo-Saxon's nature. Our menace is not the mob, but the greed and avarice of men who seek to control legislation for personal gain. Resentment against the injustice and tyranny of the trusts and the combinations of modern commercial life is far more dangerous to the welfare of this Republic than the action of an unthinking or turbulent spirit.

HAVE FAITH IN THE PEOPLE.

Every great revolution among the nations of the earth has been the fruit of unrestrained greed and avarice. It was the greed and avarice of the barons that drove Cromwell into rebellion. The injustice and cruelty of the wealthy classes of France brought on the terrible revolution that devastated the most highly cultivated nation among men. It was the greed and avarice of the slave owner that brought on the war of the rebellion. No! our menace is not the mob, but the insatiable greed of modern times for commercial and financial power; and to correct the evils that grow out of this condition we must place more responsibility upon the average citizen, put greater power into his hands, and hold him responsible for the proper exercise of that authority. Mr. President, I believe in the American people. I have confidence in their intelligence. I have faith in their sense of justice, and believe that the institutions of our country are safe in their hands. I repeat the sage observation of the silent hero of Appomattox, "All the people know more than any one man." The greatest statesman of this day is he whose clearness of vision enables him most perfectly to comprehend the ultimate desires and embody in concrete form the high purposes of the great body of the American people. He who shuts his eyes to this fact will fail, for the wisdom of the fireside is the compass by which the mariner must steer our ship of state over the stormy seas of political controversy.

THE QUESTION IS, SHALL THE PEOPLE BE PERMITTED TO SELECT THEIR OWN SENATORS?

While the phraseology of the resolution has been somewhat changed from the form in which I originally introduced it, I do not consider the changes as at all material. Regardless of the wide discussion which has been had on both sides of this Chamber in regard to the changes, I want to say that there is but one important question in this resolution as it is framed now, and that is, Shall the people of this country be given an opportunity to elect their own Senators, or have them chosen by legislatures that are controlled by influences that do not many times reside within the State that those Senators are to represent? I would not say the purpose, but the result of this discussion as to phraseology, as is known to the majority of the Senators who indulge in it, is to cloud the real issues

involved here so as to lead ultimately to the defeat of the resolution.

As I have said, I do not consider the changes as material, and I sincerely trust that it will pass, so that hereafter every Senator who enters this Chamber will come here with a commission direct from the constituency that he is to represent.

RECIPROCAL TRADE AGREEMENT WITH CANADA.

Mr. BEVERIDGE. Mr. President, pursuant to my notice I will submit a few remarks on the subject of the proposed reciprocal trade agreement between this country and Canada.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Johnston	Root
Bankhead	Crane	Jones	Scott
Beveridge	Crawford	Kean	Shively
Borah	Culberson	La Follette	Smith, Mich.
Bourne	Cummins	Lodge	Smith, S. C.
Bradley	Depew	McCumber	Smoot
Brandegee	Dick	Martin	Stephenson
Briggs	Dillingham	Nelson	Sutherland
Bristow	du Pont	Nixon	Swanson
Brown	Fletcher	Oliver	Taliaferro
Bulkeley	Flint	Overman	Taylor
Burkett	Foster	Owen	Tillman
Burnham	Frye	Page	Warner
Carter	Gallinger	Paynter	Warren
Chamberlain	Gamble	Percy	Watson
Clapp	Gronna	Perkins	Wetmore
Clark, Wyo.	Heyburn	Richardson	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Senator from Indiana will proceed.

Mr. BEVERIDGE. Mr. President, shall the United States and Canada begin the policy of mutual trade concession and commercial friendliness? Or shall we make permanent the policy of trade obstruction and commercial hostility between these two countries? These are the real questions which we must answer in dealing with the proposed reciprocity agreement now engaging the attention of both countries.

These are the real questions which we must answer in dealing with the proposed reciprocal agreement now engaging the attention of both the Canadian and American people.

If some think that the agreement is not all that it should be because of the treatment of a few articles, the answer is that even if this objection is sound as to these few details, yet it is negligible when compared with the importance of getting this great national policy established.

As a matter of fact, it will be found that the objection to a few scattered items is not sound; for this is a matter of agreement, and, of course, mutual concessions are necessary. Even so, our Government has done surprisingly well in the concessions it has secured.

If the agreement is enacted into law and proves beneficial to the Nation as a whole, it is certain to be extended as time goes on and the two peoples experience its good effect. If, on the other hand, it should prove harmful to the Nation as a whole, it could and would be repealed quickly. For while this is a reciprocal arrangement, it takes the form of a statute which can be repealed at any time, instead of a treaty, which can not.

Every element of the situation is an unanswerable argument for intimate trade relations with Canada, our closest friend and nearest neighbor. Those elements are peculiar. They exist as to no other country and people in the world. They exist only and exclusively as to Canada and the United States.

Therefore they require a policy as different as that which we apply to other countries as these unique conditions affecting Canada and ourselves are different from those affecting other countries and ourselves.

What are these elements of this remarkable situation? First of all, Canada is immediately contiguous to us. She adjoins us as completely and as intimately as neighboring States of our own Nation join one another. Broadly speaking, she is nearer to us geographically than Florida is to Oregon or California is to Maine.

Thus so connected with us that geographically she is a part of this country and this country a part of Canada, the people of Canada mainly are of our own blood. Both Americans and Canadians speak the same language. Both people have identical institutions. Both have laws springing from a common origin. The spirit and aspirations of both people are the same. In general, the policy and attitude of both countries toward the rest of the world are similar.

Nor is this all. The industrial methods of both people are practically alike. Taking each people as a whole, both of them have similar standards of living. On the average, wages are not widely part.

In short, the general industrial and social conditions of the two countries are as uniform as the same conditions are throughout our own country. In blood, language, institutions, religion, industrial methods, and social customs we are practically one people living on the same soil.

Indeed there are wider industrial and social dissimilarities between some localities of our own country then there are between the Republic and the Dominion, taken as a whole.

If no trade barricade ever had been erected between these two peoples thus situated, and if it were now proposed for the first time to separate us commercially by a tariff wall, does anybody think that such a proposition would receive many votes in either country?

It would be as if some one now were to propose to divide sections of our own country by commercial barriers; for, strictly from the economic point of view, these two propositions are the same.

What would be said if it were proposed to cut off certain sections of the South, whose resources are not exhausted, from certain competing sections of the North, whose resources are running low? What would be said if it were proposed to shut off Alaska from us by a tariff obstruction? Yet there is no difference economically. The only difference is that of our political unity under one flag; and we are now dealing with an economic problem.

But these unique and elemental facts are not all that suggest closer trade relations between Canada and the United States. We have used up our natural resources so rapidly that the belated policy of conserving them has become one of our greatest national anxieties. Perhaps no other single material problem more deeply concerns the great body of our people.

But our immediate neighbors and blood kinsmen on our north have enormous natural resources which as yet hardly have been touched. We need those resources. Our Canadian neighbors are willing to give them to us in exchange for our products, which Canada needs. Why should we make it difficult and expensive to get that which we need and must have and the getting of which will enlarge the markets for our own products?

Our large increase of population and the great proportion of our people engaged in other callings than agriculture has made the cost of living our most vital immediate problem. Sustenance is always the serious question with which a crowded people has to deal; and while we are not yet a crowded people compared with other countries, we are compared with Canada.

Should we not begin to draw upon her supplies? Her production, while large in possibilities, is not yet actually considerable, and therefore will not afford us much relief for some time. But should we not now begin the policy which would make those supplies easily available instead of making permanent that policy which will make Canada's future supplies hard and costly to obtain?

Because Canada's production is yet comparatively small, our free admission of her agricultural products will not affect American farmers; and by the time that Canada's agricultural production has sensibly increased our own and the world's demand for foodstuffs will have so enlarged that the free admission of Canada's food products will leave our farmers in the relative position they now enjoy.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I should like to make this statement as connectedly as possible. Hereafter, as the debate proceeds, if it is convenient to the Senator, I shall be very glad not only to welcome but to invite all interruptions.

Mr. BORAH. I take it, then, that the Senator would rather proceed at this time.

Mr. BEVERIDGE. Yes; unless the question or the interruption would not break what I have tried to make the closely connected thread of the statement. That is all.

Mr. BORAH. My question was directed to the fact as to how we would reduce the cost of living in this country if we did not reduce the price of the products which the farmers are selling?

Mr. BEVERIDGE. The question before us is not only the reduction of the cost of living but, an even more serious question—the prevention of a still further increase in the cost of

living. That is the problem that a farsighted statesmanship must solve.

The startling increase of our Nation and the world's consumption of foodstuffs in comparison and contrast to our Nation's and the world's supply of foodstuffs steadily and rapidly enlarges the universal demand for all our farmers' produce. Of all men, our farmers are in the securest economic position for the future.

But in what position are the remainder of our people? If we reject this reciprocal proposal and resolve to continue and strengthen our policy of trade obstruction as to Canada the future holds an absolute certainty of the increased cost of living to our people as much above what it is now as our present cost of living is above what it was when we had vast areas of free lands, enormous and untouched resources, and a comparatively sparse population.

Some natural and some artificial causes have increased our cost of living. One of the artificial causes has been the cornering of our wheat and other food supplies by mighty financial interests. All of us vividly remember the recent corner in wheat by financial adventurers who speculated on the hunger of the people.

The free admission of food products of Canada will render this commercial brigandage more and more difficult. It will be one strong factor to check the artificial raising of prices, which benefits nobody but the speculator and injures the whole people—farmers as well as artisans.

Canadian reciprocity would steady and regulate prices and do much to end the cruel wrong of cornering the food on which our people live. With Canadian reciprocity the food gambler in the pit would have to corner the products of a continent instead of a country.

It has been said that Canadian reciprocity is contrary to the policy of protection. Some even have said rashly that the proposed agreement will be a death blow to our whole protective system. But neither of these statements is reasonable or true.

The policy of protection grew out of conditions not applicable to Canada. The basic reason for the protective policy was to shield our workingmen from competition with the underpaid labor of overcrowded countries.

Germany, France, Holland, Belgium, and other competing countries were and are packed with struggling masses of laborers. These laborers were paid wages below the amount on which a competing American laborer could exist by our higher standard of living. This was the reason, and the only reason, for the policy of protection.

It was and is wise and sound when applied to overcrowded competing countries filled with surplus labor employed at the lowest rate to which hunger can drive down wages. But this does not and never did apply to Canada.

France has almost 200 people to the square mile; Germany has nearly 300 people to the square mile; England has nearly 400 people to the square mile; but Canada has fewer than two people to the square mile.

Instead of being overcrowded, compared with us, as other countries were and are, Canada is underpopulated. While Canada has fewer than 2 people to the square mile, we have 35 people to the square mile.

This comparatively sparse Canadian population is not underpaid, as are the laborers of others countries. The average wages paid Canadian workingmen, taking the Dominion as a whole, do not greatly differ from the average wages paid our workingmen, taking the Republic as a whole. As I have said, taking the two countries as a whole, the Canadian and American standard of living is practically the same.

So the reason for applying the policy of protection to countries with an oversupply of underpaid labor does not apply to Canada, which has an undersupply of well-paid labor.

We do not need to protect our people from the Canadian people. What we need is to make it easy for Canada freely to buy from us the things she needs and that we produce instead of making it hard for Canada to do so. What we need is to make it easy for our people to buy from Canada those things which our people need instead of making it hard for them to do so, especially when in making it easy for our people to purchase our necessities from Canada we sell to the Canadians our own products that need a market in exchange.

The time has long since passed when our own domestic market sufficed for our manufacturing producers. For years there has been an increasing demand on the part of our manufacturers for foreign markets. Canada in proportion to its population is by far our best, as it is our nearest and most natural, market.

In spite of our protective tariff wall between this country and Canada, which has no basis in the reason for the one we properly erect between this country and overcrowded countries, the fact of propinquity has given us the largest share of Canada's market.

Why should we not increase that share? Why should we not strive to make as easy as possible the access to this our nearest, most natural, and best market? This proposed arrangement begins that common-sense policy.

Mr. DILLINGHAM. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes.

Mr. DILLINGHAM. I should like to inquire of the Senator whether he intends to take this matter up in detail and show us what class of manufactured goods in the United States will receive an increased amount of trade by reason of this agreement.

Mr. BEVERIDGE. I had not intended to go into details today, but I do intend to do so before the debate is through. But if the Senator will turn to the schedules themselves, which are on his desk, he will find the information.

Take coal, for example, which is produced in the State of our friend the Senator from West Virginia or in the States of the Middle West. The coal mines in that portion of our country east of the Allegheny Mountains supply the demand for fuel in middle western and western Canada, I suppose, as far east as Toronto, perhaps.

The reduction secured on coal will greatly enlarge the markets for our coal mines in West Virginia clear on through the Middle West. This is one increased market in Canada this arrangement gives us.

Of course, I think coal should have been free. Free coal would give our middle western mines an exclusive market in middle western Canada.

I think I understand the reason why coal was not made free. I have not the slightest doubt that our Government did all it could to make it so, and I have not the slightest doubt, on the other hand, that the coal mines of Nova Scotia were afraid of our competition. I have no doubt they thought perhaps they could penetrate the Winnipeg market. I will not state that as a fact, although perhaps I might. Now, that is one illustration.

Cottonseed oil is another and a most important one. Automobiles, agricultural implements, engines, and various manufactures are others.

If the Senator from Vermont will run down the schedules of manufactured products, he will see that these and other products will enjoy greatly increased markets under this arrangement.

Suppose others should have been added, or the ones included in the proposed arrangement should have been treated differently. I am making the argument here that once the policy itself is established and the people enjoy its benefits any defects will be remedied speedily by the very force of economic and commercial conditions.

On the other hand, as I said at the beginning, if it proves not to be beneficial it is absolutely certain that it will be immediately repealed, because it is not in the form of a treaty, but a statute.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. The Senator, who has served with me 12 years, knows that I not only welcome but invite interruptions in general debate, and I shall do that when the debate opens. But I did want to make this statement as connectedly as possible.

Mr. NELSON. It is a very brief question and will take but a moment.

Mr. BEVERIDGE. Oh, well, go ahead.

Mr. NELSON. I should like to have the Senator explain to us what reciprocity there is in putting wheat on the free list and then tacking a duty of 50 cents a barrel on flour.

Mr. BEVERIDGE. If the Senator had been patient, he would have had that question answered in five minutes. I am coming to that.

Some objection is suggested to a few of the items of the proposed arrangement. Even if these objections were valid, they are of small moment compared to getting the policy itself established. But the scattered objections to the details of the agreement are unsound in the main.

For example, it is said that because the agreement admits live animals from Canada free of duty and does not admit fresh meats and meat food products free of duty this arrangement helps the Beef Trust.

But of course this is not true, but the very reverse. If fresh meats and meat food products were made free between this

country and Canada, our Beef Trust would have a new, easy, and free market in Canada. Would it not be to the interest of the Beef Trust to have this new, free, and easy market?

Of course, fresh meats and meat-food products should be free of duty between this country and Canada, because our people need all of the meat and meat food products then can get. And nothing is more certain than that once this policy of Canadian reciprocity becomes the law of the two countries and the Canadian and American people as a whole feel its good effects, meat and meat food products very soon will be made as free as live animals.

Mr SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr BEVERIDGE. Yes.

Mr. SMITH of Michigan. I simply desire to ask the Senator from Indiana, who has undoubtedly given this subject a great deal of attention and thought, whether he believes that food products will be cheapened to the consumer of this country by this agreement. I ask the Senator the question because I think that so far as the American people are concerned, it is the nub of our controversy. I do not disagree with the Senator from Indiana in many of his contentions. But I should like to know whether he regards that as one of the blessings to grow out of this agreement.

Mr. BEVERIDGE. The present comparatively small production in Canada is so inconsiderable that it will not greatly afford immediate relief, and for that very reason can not possibly injuriously affect our farmers who raise the same things. That is the first point.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Oh, pardon me; one at a time.

But if possible even a greater question than the present high cost of living is the probable vast increase in our future cost of living. As the Canadian production of foodstuffs increases it will prevent that increased cost of living.

We are dealing not only with to-day, but we are dealing also with the future of scores of millions of human beings. Perhaps the largest vital fact now being considered by economists and statesmen the world over is the startlingly rapid increase of the world's consumption of food products and the comparative decrease of the world's production of food products.

Hereafter, when the general debate opens, I shall produce for the benefit of my friend and the whole Senate the alarming statistics of this and other countries upon that subject. The admission of future supplies from Canada will go far to prevent that catastrophe to the American people. Now, does that in any way respond to the Senator's question?

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Indiana. He has made his position very clear; but I do express some regret that he should have seen fit to reduce his remarks to writing, because he not only illuminates his subject with great clearness when he speaks without his formal address, but it does give us an opportunity to ask him questions which I hesitate to do in the present situation.

Mr. BEVERIDGE. The Senator will do me the justice of testifying that during the few years we have served here together, in all debates and discussions I never have objected to any questions or interruptions, but, on the other hand, have affirmatively invited them. The only reason I do not to-day is, of course, the fact that I have tried to make a condensed and connected statement of the whole subject, and I think it is better and more illuminating for the discussion to open in that way. Hereafter, if the Senate will indulge me, I shall engage in some little discussion of this subject.

Mr. BORAH rose.

Mr. BEVERIDGE. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator from Indiana if he takes the position in this address that this agreement will reduce the cost of living in the United States.

Mr. BEVERIDGE. I have stated very clearly that the limited present production of Canada will not afford very much immediate relief. From that point of view, therefore, it can not hurt our farmers. But while the present production is inconsiderable, the possibilities are vast; and as the production increases it will meet our ever swelling demand for foodstuffs, which is the chief economic cause of the raise in the cost of living.

Mr. BORAH. Then, as I understand the position of the Senator from Indiana, it is this—that while it will not presently reduce the cost of living it may prevent the increase of the cost of living in the future.

Mr. BEVERIDGE. It absolutely will prevent a future increase in the cost of living, and the Senator knows—he has listened with an attention, which flatters me, to my remarks—that I have pointed out that one of the artificial, and I might use so strong a word as to say outrageous, causes that have increased the cost of living has been the cornering of our food products by financial adventurers, who in heart and spirit were and are as much pirates as any who ever sailed the sea on the Spanish Main. This agreement will go far to stop that.

This cornering of such products, to the injury of the whole people, including the farmers themselves—because the farmers are never in the end benefited by those artificial fluctuations—will be prevented by the excess of the same commodities from Canada. These financial speculators in human life will have to corner a continent instead of a country.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask that the unfinished business be temporarily laid aside, so as not to interfere with the speech of the Senator from Indiana. I may call it up after the Senator has finished. Perhaps some one may desire to speak upon it to-day.

The PRESIDING OFFICER. The Senator from Idaho asks that the unfinished business be temporarily laid aside. The Chair hears no objection, and the Senator from Indiana will proceed.

Mr. BEVERIDGE. Now, as to fresh meats and meat food products. And, Mr. President, these interruptions remind me of an incident which occurred in Indiana in the old days of political campaigns. It was perhaps 25 years ago, at Evansville. An eminent gentleman was arguing that protection reduced the price of articles manufactured here, and he had come to the subject of nails. He was speaking in the open air. A procession came by, and then another and another. As they passed with their bands and banners the eminent speaker had to suspend. His audience had lost the thread of his argument, but he had not lost it. So when finally the music of the last drum corps was receding in the distance, the persistent logician-orator resumed his argument by saying, "Now, fellow citizens, as I was pointing out half an hour ago—take the price of nails." [Laughter.]

So, returning to the subject of meat, the point, as I was saying, had been made that because the agreement proposes live animals shall be free, and yet does not propose the meat products of those animals shall be free, therefore this was plainly in the interest of the Beef Trust.

Of course it is the exact opposite, because if meat were reciprocally free, and meat food products, that would mean for our Beef Trust easy and free access to a new and ever-growing market.

Now, why were not meat and meat food products made free? That is important.

The reason why fresh meat or meat food products were not made free in the proposed agreement, as are live animals, doubtless was that the Canadian Government would not agree to it. Probably Canada has packing industries which feared the free competition of our older and more powerful American packing industries.

It has been suggested that the proposed arrangement will help some others of our greater industries, known as the trusts, by giving them an easier access to the Canadian markets. But this is plainly unsound; for do not all Americans of all parties want to enlarge foreign markets for any and every American industry, little or big?

If our automobile manufacturers can sell abroad more of their products which they make here, it follows that they will employ more laborers here, and these laborers will buy more of our own farmers' products.

The same is true, of course, of all other American manufacturers and producers whose foreign markets this arrangement enlarges. Take, again, the subject of coal. It is true of coal.

It is true of the manufacture of agricultural implements and of all other manufactured articles in which there has been a notable reduction of duty. It supplies that thing which the manufacturers and other producers of this country have for the past few years been demanding with an ever-increasing strenuousness.

Now, I come to the question asked me by the Senator from Minnesota. What I have said about the admission of live animals free and yet not putting the meat food products of these animals upon the free list applies in precisely the same way to the free admission of wheat and yet keeping flour and wheat products upon the dutiable list.

It would have been to our advantage to have had flour on the free list as well as wheat from the point of view of enlarging our own food supply. It would have been to the advan-

tage of our milling industry to have had flour free, just as it would have been advantageous to our packing industry to have had fresh meats and meat food products free, because it would have given both a free and ever-expanding market.

Doubtless the reason why flour was not placed on the free list, just as the reason why meat was not placed on the free list, was because the Canadians would not agree to it.

Senators must not forget the capital fact in this whole discussion that we are not making a law just as we want it, but we are perfecting an agreement; and therefore we must take into consideration what the other party to the agreement wants as well as what we want.

I have not heard a sound objection to this proposed arrangement which time and expereince will not speedily correct, except, perhaps, on the item of barley. Perhaps barley should not be on the free list. Its free admission possibly may hurt for a short time two or three thousand farmers in the Northwest near the Canadian line, and it will help no American interest except American breweries.

So perhaps barley ought not to be placed on the free list. It is not a food product of the same grade as wheat flour.

But I repeat this is a reciprocal arrangement—the policy of friendly give and take. We can not begin the policy by getting everything we want and giving Canada nothing she wants. And one of the things she did want was free barley.

So conceding for the sake of argument that this item is objectionable, shall we prevent the beginning of a great national policy for such a reason? Shall we, because of this small and local consideration when compared with the vast interests of the whole Republic, resolve to continue and solidify the trade obstruction between ourselves and our best friend and customer?

The general effort to make American farmers believe that this arrangement is a blow at their prosperity is not justified. It will not hurt the American farmer in the item of wheat; we are the greatest exporters of wheat and flour in the world.

American wheat successfully competes with Russian and Argentine wheat in foreign markets; and while our wheat and flour exports are growing less, so are the wheat and flour exports of Russia—next to us the greatest wheat producer on the globe.

The world's consumption of wheat is rapidly overtaking the world's production of wheat. The comparatively small amount of wheat which Canada can send us for the next few years will not more than meet the increasing demand. That, I think, is a direct answer to the question the Senator asked me a few moments ago.

And by the time that Canada can supply us larger quantities of wheat, the pressure of our increased population upon our means of sustenance will absorb all of the wheat that Canada can send us without changing the American farmer's relative position.

The free admission of cattle and other live animals will not hurt our farmers. Canadian cattle will have to be corn fed here.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. In just a minute when I get through this point. They will be grown on the Canadian range to be prepared for market on American corn. And, indeed, free cattle will give the producers of our corn-fed cattle a new market.

Mr. BORAH. Mr. President, if the position of the Senator is correct, then I would like to have him tell us how this trade agreement is going to reduce the cost of living to the American people.

Mr. BEVERIDGE. The Senator will agree that it will prevent the increase of the cost of living. Twice already I have pointed out one specific instance where it will reduce it.

Mr. BORAH. If the farm products from the Canadian side are so inconsequential as not to affect the price of farm products on this side, how are we who consume products going to get any benefit of lower prices?

Mr. BEVERIDGE. You will get the benefit of the lower price, perhaps, in cattle which we must corn feed here. There is a double advantage to us. Also you will get the prevention, which is the great question before us, of a still greater increase of price.

Mr. BORAH. But, Mr. President——

Mr. BEVERIDGE. Now, pardon me, I can not yield for a speech in the midst of my own. I see the Senator is taking, much to my regret, a hostile attitude upon this great subject. You can not deal with this large business by a peck-measure statesmanship. You have got to take the thing as a whole. If the Senator insists that it is not going to reduce the cost of living, he therefore admits it is not going to hurt the farmer. If it is not going to hurt the farmer, who is it going to hurt?

Mr. BORAH. The Senator from Idaho is not necessarily taking a hostile attitude on this agreement, but it has gone to the country, and the people of this country have been led to believe that this agreement will reduce the cost of living in the country. I submit that it is up to those who have led the people to believe that, to give some specific facts upon which we may base our judgment when we come to vote. If it will not reduce the cost of living in this country, I will assure the Senator that the public mind will cease to be greatly concerned about these international friendly relations. That about which they are concerned is the other proposition, and the Senator——

Mr. BEVERIDGE. The Senator must not interject a speech in my remarks. I have indicated my desire to proceed. I will accommodate the Senator to his satisfaction when the general debate comes on. I am making an opening statement at the present moment.

Mr. BORAH. The debate is on.

Mr. BEVERIDGE. Three times I have stated the exact position which the facts and statistics show, that the constantly increasing pressure of consumption upon our production has not only raised the cost of living to the present point to the average citizen of the country, but what is far more serious to him and those of his household is the fact that it is going up every day.

Yet the Senator seems to think, "Well, if you are not going to cut in two between sunrise and sunset the cost of living, why make any provision to prevent its increase next week? What do we care about the American people next week?" That is what the Senator's remarks seem to imply.

This is not a measure, as far as I know or have observed from reading any public utterance, which is being urged upon any demagogic grounds, but upon a broad, fundamental basis that affects the entire Nation.

No; Mr. President, this is not going to hurt the farmer in any way. It will not in wheat, as I have shown. It will not in cattle; that item will help the farmer, because Canadian cattle must be prepared for market here on our farmers' corn. It will not in horses, but instead will increase the market for our horses. We already export to Canada greater numbers of horses than we import from Canada.

Mr. BORAH. But we do not eat horses.

Mr. BEVERIDGE. No; but all use horses, especially on the farm. Does the Senator think he is going to dispose of this great policy by saying we do not eat horses? We use horses on the farm. Do they not use horses in Idaho? And we produce horses and sell thousands of them to Canada every year.

Mr. BORAH. The Senator, as I understood, was speaking of the cost of living, otherwise I would not have made the remark.

Mr. BEVERIDGE. Do we not use those animals? Do we not produce and sell them? The Senator must either pay attention to my remarks and not pay attention a part of the time to what he is doing there or else not interrupt me.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Pardon me. I do not yield until I explain to the Senator. I said what I had to say—stated it two or three times—about the cost of living.

Then I came to the proposition being urged most unfairly that this reciprocal trade agreement is going to injure the farmer. I was pointing out that it can not injure the farmer. I specified wheat; I specified cattle; I specified horses, of which we now export to Canada more than Canada exports to us. All this bore on the objection that this arrangement injures the farmer.

Instantly, in the midst of the argument to show that the farmer is not going to be hurt, the Senator wants to know if we eat horses. What has that to do with the question of the alleged injury to the farmer?

We use horses. We use horses on the farm. It is the chief labor employed. It is the chief labor in the production of the food necessities of the people. And our farmers produce horses for export. Canada is already the best market for our farmers' horses; and this agreement will enlarge that market.

Mr. BORAH. Mr. President, I did not intend to be jocular with the Senator from Indiana, but I wanted to bring him to the question that concerns us, and that is the cost of living.

Mr. BEVERIDGE. I have noticed these few items, Mr. President, to illustrate the unsoundness of many of the hop-skip-and-jump objections to the mere details of this proposed arrangement.

But even if they were valid instead of groundless, all of them put together are a small matter when compared with getting this fundamental and truly national policy established.

If Senators would take their minds from an item here and an item there, and address themselves to this large business as a

whole, which involves a policy, and not retail logrolling legislation, we would better comprehend this proposed arrangement.

The beginning of the policy itself is the great and overshadowing consideration. The beginning of closer trade relations between these two peoples who are immediate neighbors and who are of one blood, language, and religion is the large phase of this question.

The great and real statesmen who established this Government faced exactly the same difficulty in another form. Many things were forced upon them in the framing of our Government which they did not like. Many of these things were very serious and have been the source of some of the gravest troubles which we as a people have experienced.

Yet these wise men who framed our Government agreed to these objectionable things in order to get the Government itself established. The problem was to get the Government going at all.

So concessions were made in order to accomplish this greater good—this vital purpose. Had not the broadest and biggest men of that time made these concessions the Constitution might not have been adopted, and our Government as it exists might never have been framed.

But the Government once a going affair, the Nation once established, these lesser mistakes and the evils flowing from them have largely been corrected. And can we doubt that as time goes on all of them really will be corrected?

But suppose, in the great crisis of establishing the Government, of getting it a going affair, a microscopic determination had said, "No; I will not agree to establish the Government unless I can have my way on this little thing or that little thing or the other little thing," what would have become of the Constitutional Convention of 1787? What would have become of the building of the Government itself?

So, in the establishment of this policy of closer trade relations with Canada, however important some details may seem to some people, they really are unimportant when contrasted with the establishment of the policy itself.

This is not like the administration of an old and firmly established policy. It is the creation of a new policy, a policy thoroughly national in scope. The heart of our present problem is to get this policy going.

Let us not forget that this is not a local and patchwork affair, but a broad national and humanitarian plan of statesmanship. Generally speaking, it affects favorably more than a hundred millions of people on this continent, nine-tenths of whom are under our flag, and substantially all of whom are of the same race with the same industrial methods, the same customs, the same ideals.

Selfishness is seldom wise. The American people, as a whole, are patient, long suffering, kindly, slow to wrath. But if a few selfish interests prevent even the beginning of this beneficent program, it well may be that those short-sighted and selfish interests will be made to suffer in stern reality infinitely more than they vainly imagine that this reciprocal arrangement will make them suffer now.

Our wisest and most far-seeing statesmen of all parties have favored this policy. McKinley, "the high priest of protection," as he was called, suggested it in his last public utterance. It is the instinctive and intelligent desire of two peoples peculiarly situated and constituted. It springs from the mutual necessities of millions of human beings. Let no small and temporary motives of local and unwise selfishness prevent the beginning of this noble policy.

Mr. BORAH. Mr. President, I am not going to detain the Senate by a discussion of the trade agreement. It is an important matter, however, and I presume all desire all information to be had. I find an article here which expresses some views which I think all ought at least to consider. I am going to read a paragraph or two in order that it may go into the RECORD:

> For a very long time now this country has been pursuing the deliberate policy of enlarging and strengthening certain classes of its producers by enabling them to dispose of their products to their fellow citizens at a higher price that the current world price for such commodities. By means of a tariff, called protective, it has made it possible for all industries whose production was below the consumptive needs of the country, or which could dispose of enough of their production abroad to keep the residue below the consumptive needs of the country, to obtain prices for what they sold within the country equal to the current world price plus the tariff rate, whatever that rate might be for each particular variety of product. In carrying out this policy the country has deliberately sacrificed the present interests of the producers of all commodities produced in such quantity that there remains an exportable surplus above domestic requirements of sufficient magnitude to keep the price of the entire production on the basis of the current world price. Until very recently the chief class of producers who found themselves in this case consisted of agricultural producers. It was they, above all others, who always had to take the world price, without any tariff premium, for what they produced, and who had to pay for what they bought the world price plus a tariff premium. To keep them contented various devices and arguments have been employed, some political and some pseudoeconomic, which could hardly have been effective with a more intelligent class. For instance, they have been shown in every tariff a series of so-called protective rates on all their products; but they have been very little enlightened about the futility of these rates in their case. Great stress has been laid upon the constantly growing markets for their products, but very little has been said of the hard fact that in those markets, no matter how they increased, they, as producers, forced to sell at the world price, but to buy of other more favored producers at the world price plus a tariff premium, must expect to work harder and to remain poorer than those other producers. It has been insistently pointed out to them that wool in this country brings a higher price than in foreign countries, but their attention has been carefully diverted from the fact that almost up to the present day wool has been practically the only agricultural product of this country of which this is true. In the whole history of the country there have been less than six months when the price of wheat has been the world price plus any tariff premium at all. There has not been a single day during all the years when there has been the slightest tariff premium over the world price for corn or oats, or cotton or apples, or grapes, or hops or pork. More than a generation of farmers had lived and labored and died before there was any tariff premium in the price to be got for beef, or milk, or butter, or eggs, or poultry, or barley, or flaxseed, or hay.
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> Such has been the deliberate policy of this country for many years as between its various classes of producers. And this policy has produced the consequences which any clear thinking man would expect. Those producing classes which have been enabled to get for their products the world price plus a tariff premium, while deriving no benefit from this fact on the commodities they interchanged with each other, have steadily gained an advantage on all they interchanged with the agricultural producers. Their cost of mere living has remained on the basis of world prices, and their rate of compensation for their own labor has been the world price plus the tariff premium. And they have prospered exceedingly. In no other country in the world have the producers of these commodities fared so well. Capitalists and laborers alike, they have enjoyed a measure of comfort almost unheard of. But the agricultural producers have found that in spite of all the arguments addressed to them they have worked harder and remained poorer than their more fortunate fellows. And, without being able to reason out the causes of the thing, they have followed an instinct that told them to get over as fast as they could from agricultural production into the more comfortable industries. Each succeeding census has told the story of their migration. Only in those parts of the country where increasing population and the land hunger of the race was enhancing the value of land, could they see any profit in farming, or any hope of a manner of living such as they saw commonly attained in the industries fostered by our national policy. So in ever-increasing numbers they have been flocking into cities, away from the farms, into the manufacturing and allied pursuits. They have alarmed our statesmen, who have been set at work persuading them by lectures and commissions and other paraphernalia to continue to be farmers, but all with scant result. Forces greater than plausible arguments are pushing them; and until real counterforces are set in operation they will continue to come.
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> But they have already come in sufficient numbers to disturb the old happy condition of things. They have already so reduced the rate of increase of agricultural production in this country, relative to the increase of population—and this in spite of all improvements in agricultural machinery and methods—that one after another of our agricultural products is ceasing to show an exportable surplus, whose sale must fix the price of the whole on the basis of the world price. And as fast as this happens with any commodity the price in this country immediately jumps to the level of the world price plus the tariff premium. This has already come about with beef and mutton and dairy products and eggs and poultry and flaxseed and citrous fruits. It has practically come about with barley. It is on the point of coming about with wheat. Indeed it did come about with wheat for a few months in the spring of 1909, aided no doubt by the speculative activities of Mr. Patten and others, yet even so with entire economic propriety.
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> It would inevitably soon come about with substantially all our agricultural products, except possibly corn and the so-called bread-and-butter kinds of cotton, if the Nation should hold steadfastly to its traditional policy.
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> But now the shoe begins to pinch those who have been so busy enjoying the advantages of the game. The cry goes up from our manufacturing centers and our cities that the cost of living is becoming unbearable. The dwellers there see no reason why they should be deprived of the privilege of selling their products at the world price plus a tariff premium, while living on the basis of the world price for food. The manufacturer sees that when he has to pay wages based on a protected price for foodstuffs, his wealth must accumulate much more slowly, and he joins in the cry for the abolition of the tariff so far as they are concerned. The city newspapers, realizing the harshness of the economic law that must force many city dwellers back to the farms, add to the clamor that food must be made cheap.
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> The American farmer, who had begun to have visions of exchanging commodities on a basis of price equality with other kinds of producers, will find himself again in the same old position, working harder and remaining poorer than his fellow citizens in other industries. He will continue to escape from his relatively uncomfortable lot by abandoning his farm, whenever he can, and passing over into the better kinds of labor. At last he will again overbalance by this method the economic disparity between his class and others. Then the cost of living will jump again, and it will be necessary to find another agricultural country, say Russia, with which to make a reciprocity treaty. But meanwhile is there any social justice or any economic sense in the proceeding? And if there is not, ought any true lover of the best interests of the country to desire the ratification of the proposed treaty?

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. If no one desires to proceed to discuss the unfinished business, I will ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, the unfinished business will be temporarily laid aside.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. Mr. President, I ask unanimous consent to call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes. The bill has been before the Senate for a long time. It is an administration bill, a public bill, and practically provides an organic law for the Territory.

I have received a letter from the President stating that he is exceedingly anxious to have the bill acted on quickly; I have received the same kind of a letter from the Secretary of War, and I have received cablegrams to the same effect from the officials of Porto Rico.

The PRESIDING OFFICER. The title of the bill, for the consideration of which the Senator from New York asks unanimous consent, will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. BRISTOW. Mr. President, that bill will lead to a great deal of discussion, because the Senate committee has incorporated some amendments in it since it passed the other House which I think should not be in the bill.

Mr. DEPEW. It may lead to discussion, Mr. President; but that is no reason why the bill should not be considered.

Mr. BRISTOW. Mr. President, I will have to object to the bill being taken up now.

The PRESIDING OFFICER. The Senator from Kansas objects to the request for unanimous consent. Does the Senator from New York move to proceed to the consideration of the measure?

Mr. DEPEW. I will withdraw the request for the present.

SENATOR FROM ILLINOIS.

Mr. GAMBLE. Mr. President, I ask that the Chair lay before the Senate the report of the Committee on Privileges and Elections relative to the right of the junior Senator from Illinois [Mr. LORIMER] to retain his seat in the Senate.

The PRESIDING OFFICER laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. GAMBLE. Mr. President, in the observations which I submitted to the Senate a few days since I made reference to certain cases in regard to the rule of computation where illegal and void votes had been cast in an election. As I then stated, it was my view, under the law as interpreted by the courts, a bribed vote is void and illegal, and for no purpose can it be considered, nor can it enter into the computation in the ascertainment of the result in an election. I believe this rule is established, and the reasons therefor are justified by law and by experience, as applied in the courts as well as by legislative bodies.

On account of the length of my remarks at that time I contented myself by referring to the cases with only a general statement as to the holding of the court in the different cases. My purpose now is simply to make a fuller reference to them, and insert extracts therefrom, and also to review certain cases cited in this debate by other Senators which are claimed to have binding force and should control the Senate in the case now under consideration.

The cases to which I referred have been criticized and sought to be distinguished by the senior Senator from Iowa [Mr. CUMMINS] and also by the junior Senator from Ohio [Mr. BURTON] as to their application to the question involved. Among others I cite the case of Lane *v.* Otis (68 N. J. Law, 64). This was a contested-election case. The office in dispute was that of a member of the board of chosen freeholders for the county of Ocean, in the township of Little Egg Harbor.

The borough of Tuckerton having been set off from the township, there were at the time the election was held two election districts, viz, the borough of Tuckerton and the township of Little Egg Harbor, that lay outside the borough. At the election held in March, 1901, the electors of each of these districts cast their ballots for member of the board of chosen freeholders at polling places situated within the territorial limits of the borough of Tuckerton. This circumstance gave rise to the main subject of contest between the parties in the proceeding.

The contention of the relator was that the ballots cast by the electors who resided in that part of the township that laid outside the borough were not, in legal effect, votes cast at the election, and hence could not be counted. If the ballots were counted, Otis, the incumbent, had a plurality over Lane, the relator, but not a majority, for there was a third candidate. If the vote of the township were thrown out, the relator had a plurality over Otis and a majority of all the votes counted, but not a majority of all the votes cast. To state it in another way: If a majority of all the ballots cast be necessary to elect, neither the relator nor the incumbent were elected, whereas if a plurality be enough the relator was elected if the vote of the township be disregarded, and the same was true if the vote of the township were thrown out and the majority of the remaining votes be held to be sufficient to elect. The board of registry and election threw out the township vote and gave a certificate of election to the relator. The board of chosen freeholders denied the relator's right and seated the incumbent.

After reviewing the statutes relating to elections, the court held the provisions governing the same were mandatory, and stated:

> It deals with a matter of substance that goes to the qualification of electors. It not only makes it illegal for any elector to vote elsewhere than in his own district, but also makes his title to vote dependent upon the exercise of that right within the election district in which he actually resides, placing this qualification upon the same plane with those required by other statutes and by the Constitution. Obviously, this is not a mere monition. Both from its nature and its association this provision is mandatory in character, and the effect of a vote illegally cast in disregard of it is that in legal effect no vote has been cast. Giving due force, therefore, to the legislative prescript, the ballots cast within the Borough of Tuckerton by electors who actually resided in the township outside the borough were not votes cast at the election, and must be disregarded in computing its result.

The court refers in its opinion to the case of Bott *v.* Secretary of State (33 Vroom, 107), and states as follows:

> In that case it was held that in determining whether a majority of votes had been received for an amendment to the Constitution only those electors who lawfully voted for or against the amendment are to be considered. It is true that the opinions delivered dealt only with the language of a given clause of the Constitution, but the line of reasoning is applicable with equal force wherever the question of the computation of a majority of votes is presented. The principle announced is that ballots cast at an election are to be deemed votes only when legally capable of being counted as such, and that in determining the total vote upon which a majority is to be based the votes that may figure in the result and not the ballots that were cast in the box are to be considered. Applying this rule to the vote spread upon this special verdict, it will be found that the total number of votes legally capable of being counted for any candidate, if the vote of the township be deemed illegal, was 287, of which the relator received 161, a majority of 17 over the two other candidates.

The conclusion reached by the court was that the ballots cast in the borough of Tuckerton by the electors who resided in the election district that lay outside the borough were not legally capable of being counted as votes for any purpose and that the relator was elected by the remaining votes legally cast at the election.

The case of Hopkins *v.* City of Duluth (81 Minn., 189) was an election contest instituted against the city of Duluth to test the question whether a proposed charter for the city, submitted at a general election, had been ratified by four-sevenths of the qualified voters voting at such election. Under the findings of fact returned 6,707 ballots were deposited in the ballot boxes by the voters, which was the aggregate number for consideration in estimating whether the new charter received the adequate number of votes to secure its ratification, which, under the constitutional amendment, should be four-sevenths of the qualified voters voting at such election. A certain number of illegal votes had been cast, and the court took the view that a sufficient number of ballots were cast which must be excluded from the total number to sustain the charter by the constitution of four-sevenths provided for under the constitutional amendment. Of the total number of votes cast, 26 were excluded by the court, and if this exclusion is justified the charter was duly ratified.

The court in this case held:

> That of the 26 ballots thus excluded by the court, five had either the names or initials of the voters casting them written thereon and clearly indicated such evidence of identification of the persons casting such ballots as constituted a plain and palpable infraction of the election law. They were not counted, although expressing in each case the voter's choice in certain respects. (Pennington *v.* Hare, 60 Minn., 146; 62 N. W., 116; Truelsen *v.* Hugo, supra, p. 73.) That the identified ballots thus deposited should be excluded from the total vote is the only reasonable inference that follows from the application of the doctrine of these cases. The fraud which nullifies the choice expressed on these ballots must logically vitiate their use for any purpose. They were void. It necessarily follows that the poll list can not be regarded as absolute evidence of the aggregate vote upon which the constitutional majority is to be estimated.
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> Of the 26 ballots excluded by the trial court, 15 had markings upon them, but expressed no effective choice for any candidate, or upon either the bond proposition or the ratification of the charter. The voters who deposited these ballots did not by any mark or indication, even under the liberal construction of this court in the recent case of Truelsen *v.* Hugo, supra, express a choice. Their ballots were unintelligible and meant nothing. The effort of the voter in each instance to avail himself of his right of franchise amounted to nothing, and the most we can say for each of these ballots is that it was a mere attempt to vote, and could not be counted, and none of them was, in fact, counted. Six other ballots were totally blank, which the voters, without the use of the pencil in any way, deposited in the ballot box. The fraudulent ballots, the 15 ballots with unintelligible markings, and the

six blank ballots, together constituted the 26 excluded by the trial court from the total number.

I further cite the case of Bott *v.* Secretary of State (62 N. J. Law, 107). Different constitutional amendments were submitted by the legislature to the electors of the State of New Jersey for their ratification or rejection. The board of State canvassers convened, and in the manner prescribed by the statutes determined and declared which of the proposed amendments had been adopted, and delivered a statement of the result as to each proposed amendment to the secretary of state to be filed in his office. By this statement it was also certified that the number of names on the poll list who voted at the election was 141,672, the number of votes cast for the amendment in question was 70,443, and the number of ballots rejected was 961.

The court, in its opinion, on page 127, states:

If the determination of the result is made on the basis of a comparison of the votes cast for this amendment with the qualified voters in the State or with the number of voters whose names appear on the poll books, the amendment did not receive a majority. But by the constitutional provision under consideration, though the proposed amendment is required to be submitted to the people of the State, the approval and ratification of an amendment depend upon the majority of the electors who are not only qualified to vote, but do vote thereon at such election. * * *

The constitution requires that the approval and ratification of any amendment shall be by a majority of electors who are not only qualified to vote, but who did actually vote upon such amendment; that is, qualified voters whose ballots were entitled by law to be counted in declaring the result of the election either for or against the amendment. Though a qualified voter succeeds in getting his name on the poll list and a ballot in the ballot box, he is not a voter voting on the amendments unless his ballot is such as is prescribed by law and conforms to the general law regulating elections. * * *

The ballots returned as rejected must be taken to have been properly rejected, and consequently are to be excluded from the computation of the votes cast for or against the amendments. Such ballots were simply nullities.

In other words, it was held by the court that it must be presumed that the ballots so certified by the election officers as rejected were properly rejected as void and illegal and consequently were to be entirely excluded from the computation in the ascertainment of the result of the votes cast for and against the amendment, and that in canvassing the result of an election such ballots were mere nullities and could not be counted as ballots for any purpose.

Had the illegal and rejected ballots been counted and such ballots regarded as ballots for any purpose, the amendment in question would have been lost. They were, however, entirely excluded by the court, and as a result the amendment was declared legally adopted by a majority of 801 votes.

The case last referred to under the same title appears in Sixty-third New Jersey Law, page 289, wherein substantially the same questions are involved as affecting only one of the constitutional amendments submitted for adoption with the others mentioned in the preceding case.

From the statement it appears that the number of names on the poll lists was 141,672; that the number of ballots rejected was 961; that the number of votes given for the lottery amendment was 70,443 and the number of votes given against it was 69,642. It was insisted by the attorneys that a majority of all the voters, as shown by the names on the poll lists, or at least a majority of all those who cast ballots, whether the ballots were for or against any amendment or were rejected, was necessary for adoption.

In this case the court states:

Evidently only those voting for or against an amendment are to be deemed those voting thereon. By the words "electors voting thereon" are intended the electors who exercise the right of suffrage in such manner that their votes should, under the law, be counted for or against the proposition submitted; and although the number of names on the poll lists may represent the number of qualified electors who attempted to vote, and the rejected ballots may all have been official ballots cast by some of these qualified electors, still it may be that not all of those qualified electors voted, in the constitutional sense, and that the rejected ballots were not votes. If, for example, an elector presented to the election officer and the officer deposited in the ballot box two or more official ballots rolled or folded together, and in canvassing the votes the ballots were so found, those ballots would, under the law, be null and void, and the elector would not have voted on any of the amendments. Now, in the absence of evidence to the contrary, the presumption is that the election officers acted rightly and therefore that the rejected ballots were rejected for legal cause and were not votes for or against any amendment; that all the votes legally capable of being counted for or against the lottery amendment were 140,085, and that only so many qualified electors voted thereon, of whom a majority approved and ratified it. * * *

Payne, in his work, The Law of Elections, section 513, states the rule as follows: "Where illegal votes have been cast the true rule is to purge the poll, by first proving for whom they were cast, and thus ascertain the real vote."

Mr. President, reference has been made during this debate to certain cases reported in Senate Election Cases, and especially to the Clark case, the Payne case, and the case of John J. Ingalls. I desire to call the attention of the Senate to the rule as laid down in those cases and the basis for its authority as applied to the case now under consideration. These cases were especially referred to by the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Ohio [Mr. BURTON]. I want to be entirely fair, and I quote from the recent speech delivered by the senior Senator from Iowa. After referring to the Payne case, he states:

I want now to show the Senate in a very few minutes, because I must bring these remarks to a close, that the rule for which I contend is the rule of the Senate; that if any other is established it departs from the well-considered judgment of the Senate. I ought to qualify that, because in neither of the cases to which I shall refer was there a judgment of the Senate. In both of them the opinions I shall quote are the opinions of the committee.

Mr. President, let us look for a moment at the Clark case. The members of the Committee on Privileges and Elections at that time were the following-named Senators: Chandler, chairman, Hoar, BURROWS, Pritchard, McComas, Caffery, Pettus, Turley, and Harris.

On page 907, Compilation of Senate Election Cases, I find that on April 23, 1900—

Mr. Chandler, from the Committee on Privileges and Elections, reported the following resolution:

"*Resolved*, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Montana."

On the same page and on the same date this appears:

Mr. Chandler, from the Committee on Privileges and Elections, submitted the following report, to accompany Senate resolution 284—

Being the resolution above referred to. The report is quite voluminous, especially in its findings of fact. In the fourth finding it appears that $154,000 had been paid out by Senator Clark in that election. It was also found by the committee that E. P. Woods, a member of the legislature, was approached and sought to be influenced as a member of the legislature to vote for Senator Clark. I also read from the findings of the committee in reference to the member Woods:

Senator Clark knew of Mr. Bickford's attempt to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark.

I further find on page 910 a statement directly bringing the matter home to Senator Clark in connection with a member of the legislature who was paid $2,000. I further find upon the same page in connection with Mr. E. C. Day, a member of the legislature, that—

on February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future.

So, Mr. President, in the Clark case the acts of bribery were brought directly home to Senator Clark and his direct connection therewith shown from the findings of the committee. So far as the law of that case is concerned, it made no difference whether there was only one vote bribed if Senator Clark were connected with it, or whether the whole membership who voted for him—54—had been bribed.

Possibly my statement has not been entirely just or sufficiently full. I want to be entirely fair to the Senator from Iowa in my statement in regard to his reference to this case. After making reference to the Clark case and the law laid down by the committee, he followed it with this statement:

It is the exact situation which we now have before us. There is not one hair's-breadth difference between that case and the one we have here. If we were to pursue the rule insisted upon by these Senators, Mr. Clark would have shown an unimpeachable title to his office, but it was nullified without a dissenting voice. The rule which is now insisted upon can not be applied, it never will be applied, and it never has been applied in any tribunal in the enlightened world, as can easily be shown by an analysis of the various cases.

But I need go no further than to ask the Senate to stand firmly by that which has already been decided in this body. That report and that statement and that view of the law was concurred in by every member of that committee, no matter what his political affiliations may have been.

Now let us see, Mr. President, as we follow this case through and note its application. A minority report was submitted by Senators Pettus and Harris, and the first paragraphs in that report are these:

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

It is true that we saw and read that report, by the grace of the chairman, and dissented from many parts thereof, and gave the chairman notice of such dissent, when the chairman informed us that we were not bound by the wording of the report.

It was our misfortune not to agree with a majority of the committee in the general conduct of the investigation of this case. We believed that in this important inquiry the committee was bound by and ought to act on the ordinary rules of evidence.

And the minority report follows, expressing a concurrence with the resolution. It not only criticizes certain statements made in the report, but sees fit in certain particulars to criticize the chairman of the committee. But into that I will not go.

Subsequently, on May 15, the resolution and report were laid before the Senate. Senator Clark addressed the Senate at length. At the conclusion of his remarks he submitted a copy of a letter written by him to the governor of his State, and at once resigned his seat. In his address Senator Clark, I should judge, criticized the report and the findings made. The committee felt justified in making a reply, and a supplemental report was submitted by the chairman on June 5, 1900. At the conclusion of the formal part of the report there is this statement:

Reference will now be made in this report to the criticisms of the chairman made by the minority of the committee in their addendum to the report by annexing the following memorandum by the chairman.

In the reply of the chairman to the criticisms made by the minority of the committee there is no denial of the charge that the report made was the individual work of the chairman and that the committee never took action thereon.

Mr. CUMMINS. Mr. President——

Mr. GAMBLE. Just a moment.

Mr. CUMMINS. Very well.

Mr. GAMBLE. And as following the suggestions I made, it appears that on March 2, 1901, Mr. Chandler submitted a resolution in the Senate declaring Mr. Clark to be personally responsible for the offense set forth in the report of the Committee on Privileges and Elections and addressed the Senate thereon, confessing in the very record itself that Senator Clark was directly connected with the acts of bribery named in the findings. I do not make any complaint of the Senator from Iowa [Mr. CUMMINS] for adducing this as an authority in the case, but I do protest that it is not a report of a committee upon which the action of the Senate should be bound. If he cares to cite it as the individual judgment of the Senator from New Hampshire, Mr. Chandler, I am perfectly willing it should be submitted as such, but for no further purpose. Now I yield.

Mr. CUMMINS. I think it will be remembered that during the course of my observations upon the Clark case I stated that two members of the committee dissented from the views in some respects of the majority, but that they did not dissent, either directly or indirectly—not by the remotest criticism—from that part of the report which I cited to establish the rule for which I was contending.

I understood perfectly that the report itself was written by the chairman of the committee, the Senator from New Hampshire, Mr. Chandler; but it was a report which, so far as this question is concerned, was concurred in by every member of the committee.

I stated also, as you will remember, that the Senate did not vote upon the report, inasmuch as before action could have been taken upon it by the Senate Mr. Clark made it not only unnecessary but impossible for the Senate to express its view upon the report.

Now, one word more. There was in the Clark case, just as there is in this case, the claim that Mr. Clark there and Mr. LORIMER here personally participated in the bribery practiced, or at least had such knowledge of the corrupt practices——

Mr. GAMBLE. That is, you say that is the claim made on the floor of the Senate. But, as far as the committee is concerned or the members of the subcommittee who had to do with conducting the investigation in the case of Senator LORIMER, upon that element of the case there is entire unanimity of the subcommittee.

Mr. CUMMINS. That is true. I do not distinguish the subcommittee from the full committee.

Mr. GAMBLE. That is, I mean to state there is unanimity in the committee upon this proposition, including the Senator from Tennessee [Mr. FRAZIER]; that is, that Senator LORIMER had nothing to do with bribery, if such there was, and had no knowledge concerning it nor did he participate therein. That is the element concerning which I speak.

Mr. CUMMINS. I was not distinguishing between the subcommittee, which heard the testimony or conducted the investigation, and the full committee in this respect. As I understand, the views of the minority as submitted by the Senator from Indiana [Mr. BEVERIDGE] suggest, if they do not claim, that the Senator from Illinois can not be acquitted of guilty knowledge of the bribery which occurred in his election. If that be not asserted by the Senator from Indiana in his report, it has been asserted many times upon the floor during the discussion.

Mr. GAMBLE. Yes; I made that distinction.

Mr. CUMMINS. So that, I repeat, in the Clark case there was a claim of personal participation in the bribery, just as in the Lorimer case there is a claim of personal participation or knowledge of the bribery. But the committee in the Clark case, in the portion of the report which I read during the course of my remarks, declare that, even though there were no knowledge on the part of Mr. Clark of the bribery practiced, even though there was no participation in the bribery——

Mr. GAMBLE. On that element of the case there is certainly no contention on this floor or anywhere else.

Mr. CUMMINS. Nevertheless the bribery of eight members of the Legislature of Montana on behalf—not by, but on behalf—of Mr. Clark rendered his election illegal and void. It was upon that point, and that point alone, that I cited the report of the committee in the Clark case. It has nothing whatsoever to do with the view of the committee as to the result in the event that Senators were convinced that Mr. Clark had personally participated in the corrupt practices.

Now, the only point the Senator from South Dakota, as I understand, makes against my use of the report in the Clark case is that the two dissenting members were not satisfied with the report in that it was the work of the chairman of the committee and they were not sufficiently consulted in regard to its preparation. They proceeded to point out the respects in which the work of the chairman and the work of the committee were unsatisfactory to them. But nowhere in their views do they even suggest any difference from the chairman, or from the majority of the committee, with regard to the rule laid down in the report and which I cited in the presence of the Senate.

Mr. GAMBLE. I simply wanted to call the attention of the Senator from Iowa and the Senate to the fact that I have no complaint as to his reference to the Clark case or to the manner in which he stated it, but instead of presenting it to the Senate as the finding and report of a committee, which it was not, it should have been presented as the individual view of Senator Chandler, and that alone. For the proposition of law enunciated by him in the report there was no necessity whatever, because it was extraneous, and under the findings made by Senator Chandler it showed the direct connection of Senator Clark with the act of bribery in question, and it mattered not whether there was one vote, whether there were eight votes, or whether the whole membership that voted for him—54—had been bribed.

Mr. CUMMINS. Mr. President——

Mr. GAMBLE. Wait a moment.

Mr. CUMMINS. May I ask just one question? Then I shall have finished.

Mr. GAMBLE. I have meant to yield with great respect and consideration, and I will yield for an interrogatory.

Mr. CUMMINS. Just one question more. Is there in the report itself, including the views of the minority, or is there in the debate on the floor of the Senate, as found in the CONGRESSIONAL RECORD, a dissent either by any member of the committee or any Member of the Senate to the rule which I announced as the rule of the Clark case and from which I read in my observations?

Mr. GAMBLE. Upon that question there was no debate in the Senate. Mr. Clark, then the sitting Member, addressed the Senate at length upon the facts. Subsequently Senator Chandler maintained the view which I have already stated, receding practically from his first position, and maintaining the rule that Senator Clark was directly connected with the bribery; hence it was a matter entirely immaterial whether there were one vote or eight votes tainted; and with that I leave the case.

I desire to refer briefly to the Payne case. The Committee on Privileges and Elections at that time had a distinguished and most able membership. As stated by the Senator from Iowa, there was no specific action taken by the Senate upon this case aside from the adoption of the report of the majority of the committee. This is largely true in most of the cases reported in the Senate Election Cases. The rule has been laid down and the law largely stated by the committee rather than by direct action of the Senate.

In the Payne case many resolutions, petitions, and papers were submitted to the Senate requesting an investigation. After very full consideration a majority report was made and concurred in by Senators Pugh, Saulsbury, Vance, and Eustis. A supplemental or an independent report was also submitted by Messrs. Teller, Evarts, and Logan, all agreeing with the majority of the committee that no sufficient showing had been made to justify an investigation by the Senate in the election of the Senator from Ohio. What is called the minority report was submitted by Messrs. Hoar and FRYE, and the reference made by the Senator from Iowa to that case in his speech, as plainly stated by him, was in regard to the views as to computation as stated in the minority report. I trust I am not unduly critical, but I feel I am justified in stating the facts.

When the report was made to the Senate the resolution of Senator Hoar was submitted, favoring an investigation, and a vote was had to substitute this resolution of the minority for the resolution submitted by the majority, and that was negatived

by a vote of 44 to 17. The resolution of the majority was then adopted by the same vote. If there can be any rule drawn from the minority report, it is simply on account of the individual eminence and ability of the Senators who signed it. But it certainly can not be claimed here that the Senate itself is bound by the views of the minority, when, as a matter of fact, the position of the majority was accepted instead.

I listened, Mr. President, with great pleasure and satisfaction to the closing paragraphs of the recent address in this case of the junior Senator from New York [Mr. ROOT]. He made me feel apprehensive almost of the integrity of the Senate, of the perpetuity and stability of our common country, and of human liberty the world over. I heartily and cordially indorse the splendid and patriotic sentiments expressed by him. It hardly seemed possible, while under the charm of his unusual oratory and power, that the charge even of bribery or corrupt practices, despicable as it is, could ever have been made against any Senator who has ever occupied a seat in this distinguished body and the Senate and our institutions survive.

I trust I hold as high ideals of the Senate as anyone and that the title of each Senator thereto should be unimpeachable, and that it should, in the highest sense, be unsullied from any source and free from taint or stain. For that I trust I now stand, and did I not believe the Senator in question held a good and valid and lawful title to the seat he occupies, both under the law and the facts, I would unhesitatingly vote for his exclusion.

But, Mr. President, no one is entirely free from unjust charges or aspersions, born often in malice. In this connection I recall the case of John J. Ingalls, then a Senator from Kansas. It is reported in Senate Election Cases. Charges were made and submitted to the Senate claiming that 22 members of the legislature that voted for him and which resulted in his election had been bribed to do so, and that his election to this body was invalid and that he should be expelled. The testimony is printed in full, but there are no findings of fact or conclusions made by the committee in its report. The report itself is most limited. I will read simply the resolution submitted by the majority of the committee in the case:

Resolved, That the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. John J. Ingalls to the Senate to obtain for him the votes of members of the Legislature of Kansas in the senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor. Nor is it shown that Senator Ingalls authorized acts of bribery to secure his election.

The report submitted by the minority, consisting of Senators Cameron, Logan, and Hoar, is as follows:

We concur in part of the report. We exonerate Mr. Ingalls from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that when the report goes further and finds that persons favoring Mr. Ingalls's election were guilty of such practices, it should in justice state what was clearly and unquestionably proven—that such means were employed in opposition to his election.

So, Mr. President, in the election of Senator Ingalls we find that corrupt practices and bribery prevailed upon both sides in this contest. There were not enough votes corrupted or purchased to affect the result of the election, and this without the knowledge, consent, or approval of Mr. Ingalls. Yet in the election it required 85 votes to secure a lawful majority. The record discloses, however, that Mr. Ingalls received 86, only one more than a legal majority. Yet, Mr. President, notwithstanding these charges and the great humiliation that must have come to him and the people of his State, his record here was so conspicuous and unique they were soon forgotten, as well as his defamers. When a few years since his people were seeking out their most distinguished and representative name in the whole history of their great Commonwealth, the choice rested upon that of John J. Ingalls, against whom these calumnies and unjust charges had been hurled, and his marble statue worthily adorns the sacred place in this Capitol as an honor to the State he loved and to the country he so conspicuously served.

FORT TRUMBULL.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 30149) to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service, to report it without amendment (S. Rept. No. 1135), and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES CIRCUIT JUDGES.

Mr. BACON. Mr. President, I offer a resolution, which I ask may be read, and I desire to say just two or three words before any action is taken in reference to it.

The PRESIDING OFFICER. The Secretary will read the resolution (S. Res. 339) submitted by the Senator from Georgia.

The Secretary read as follows:

Resolved by the Senate, That the Committee on the Judiciary be instructed to investigate and report whether, in the opinion of the committee, the abolition of the circuit courts of the United States would, in effect, also abolish the offices of the circuit court judges.

Mr. BACON. Mr. President, I ask the indulgence of the Senate for only a very few moments. Yesterday we passed the bill known as the judiciary bill, I believe, in which there is an abolition of the circuit courts of the United States, not only in effect but in terms. I read the first part of section 274, which is in these words:

The circuit courts of the United States upon the taking effect of this act shall be, and hereby are, abolished.

Mr. President, I want to call the attention of the Senate to the fact that it is a very grave question whether the abolition of the circuit courts of the United States does not abolish and vacate the offices of the judges of the circuit courts of the United States and end the tenure of the officers now holding it.

It is a fundamental proposition, Mr. President, which I presume will be disputed by none, that wherever there is a statutory office created and officers appointed to perform the duties of that office, and by statute that office is abolished, the office of the officer is also abolished, and he ceases to be an officer.

Mr. President, the judges of the circuit courts of the United States have no office except that of judges of the circuit court of the United States. They are so nominated, so confirmed, and so commissioned. That is their entire tenure of office. They are circuit court judges of the circuit courts of the United States. They are denominated in the law "circuit court judges." It will not do to say that the office of circuit court judge has been transformed into the office of judge of the circuit court of appeals. There is no such office. There is no such officer as a judge of the circuit court of appeals. A judge of the circuit court is authorized to sit in the circuit court of appeals, and a judge of the district court is also authorized to sit in the circuit court of appeals, but there is no officer known to the law as the judge of the circuit court of appeals.

The only officer known to the law with reference to the circuit court is the judge of the circuit court. He may sit in the circuit court of appeals. A district judge may also sit in circuit court of appeals. But when you repeal the office of circuit court it is a very grave question—I will not announce it as a final conclusion——

Mr. HEYBURN rose.

Mr. BACON. I hope the Senator will pardon me until I get through stating my proposition. I will then listen to him with pleasure. It is a very grave question whether the office of circuit judge does not go with it.

I want to read an authority on that subject. I hold in my hand a Kentucky report, First Dana's Reports. In the case of Bruce *v.* Fox the question was brought into issue whether or not the repeal of an office created by statute, the abolition of the office, did not at the same time abolish the officer and end his tenure. Here is what the court of appeals of Kentucky, the highest court in the State, said on that subject. I can not stop to read all of the case, and I do not propose now to go into any elaborate discussion of it. I simply want to call the attention of the Senate to the gravity of the question. The Senator from Kentucky [Mr. PAYNTER], with pardonable pride, says to me that the reports of this court are so good I ought to read all of it, but I am satisfied that time does not now permit. The court says:

The office must continue as long as the law which created it shall continue, and no longer. The legislature, when it declared that the law should continue in force for two years, meant no more and could have done no more, than to say that the law should continue for two years, unless sooner repealed, and should continue to operate no longer than two years, unless, before the expiration of that time, its operation should be prolonged by the legislature. Had the law been enacted without any legislative attempt to limit its operation, the office which it established would have continued to exist as long as the law should have remained in force, and no longer. A repeal of the law by the legislature next succeeding that which enacted it would have abolished the office; and there being no office, there could be no officer; for, if the constitutional tenure be "good behavior," and the continuance of the office (and not the continuance of the circuit courts), then, as the office is only legislative in its creation, it may be abolished by legislation, and when thus abrogated, the incumbent is ipso facto out of office.

Mr. President, as I said, this is a big question to be discussed at this time, and in offering the resolution I did not propose to discuss it at length now. I desired that it should be inquired into, in view of the action of the Senate on yesterday.

I am told aside by the Senator from Kentucky, who himself was at one time a judge of this court, that the judge who pronounced the opinion from which I read was the greatest judge who ever occupied that bench.

As I was saying, Mr. President, my object in calling the matter to the attention of the Senate now is that there may be a consideration of this question. It may be that it is not important that the Judiciary Committee should examine it, because the attention of the lawyers who are on that committee being called to it, they will have further opportunity to investigate it. But I do think it illustrates the unwisdom in a matter of this gravity of proceeding upon it as we did yesterday afternoon, and it illustrates the importance that matters of this gravity shall be referred to the law committee of the Senate, or if that is not done, that the Senate, composed as it is in the main of lawyers, shall give questions of this character more careful examination than was given in this case.

The very fact, Mr. President, whether this be decided the one way or the other, that so grave a question as this should have escaped the attention of the Committee on the Revision of the Laws and have no discussion whatever, and should have escaped the attention of the Senate when it came to pass it, illustrates the importance of great deliberation in the enactment of such legislation.

Mr. HEYBURN. Mr. President, the committee did not overlook this question or its importance. It occupied the attention of the committee for many days and received the closest consideration.

I think the Senator from Georgia has overlooked section 116 in the bill. The circuit judges, both in existence and to be hereafter appointed, are assigned to duties just as they were assigned in the original act creating the circuit courts. I do not mean with the same assignment, but in the same manner. The circuit judges are not dispensed with nor are their duties in any way changed, so far as the administration of the law is concerned.

Section 116 makes provision of the same character and of the same binding force as was made in the original act which created the circuit courts or provided for circuit judges.

Mr. CLARKE of Arkansas. I ask the Senator from Idaho to read section 116.

Mr. HEYBURN. I will read the section at the request of the Senator from Arkansas. Perhaps I had better read section 115 in connection with it. Section 115 provides as follows:

SEC. 115. There is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Those words are practically the same as those used in the creation of the court originally.

SEC. 116. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit.

Following that are the provisions assigning these officers to their duties. No question was raised in the enactment of the circuit court of appeals law. It was not thought at that time that the conferring of additional or other duties upon these judges in any way affected the existence of their office.

The circuit court was the name of a court with a defined jurisdiction. The judges were merely named in connection with the performance of those duties and the exercise of that jurisdiction. Now, we have done nothing different, either in effect or substance, in the bill. We have provided that the circuit judges shall perform their duties in both the circuit court of appeals and in the district court. It is only a change of name in the district court, the jurisdiction of the circuit court being transferred to that court under the name of the district court.

If this were the first legislation upon the subject of circuit judges or of circuit courts, there would be experienced no difficulty in applying it to existing conditions. We may abolish, and have abolished courts before; we have created courts; and we have assigned judges as judges to the performance of the duties in those courts.

Should the resolution introduced by the Senator from Georgia go to the committee of learned lawyers who constitute the Judiciary Committee of this body, I think they would require but slight investigation to convince them of the fact that the committee has simply carried forward the duties that rest upon those judges as applied to the reorganization of the judiciary system. I think the Senator will find that Congress has always maintained its right and exercised its duty in the assignment of the judges. These courts are statutory courts. They are provided for under Article III, section 1, of the Constitution of the United States, which reads:

The judicial power of the United States shall be vested in one Supreme Court—

That Congress could not change—

and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Mr. RAYNER. May I ask the Senator a question, just for information?

Mr. HEYBURN. Certainly.

Mr. RAYNER. Suppose the Supreme Court is a statutory court and the Supreme Court was abolished and the Supreme Court Judges had been assigned to the circuit courts, does the Senator from Idaho think they should perform circuit court duties after the Supreme Court was abolished?

Mr. HEYBURN. I do not see the necessity of the inquiry, with all deference to the Senator from Maryland, because we have not power to abolish the Supreme Court.

Mr. RAYNER. I say, if it was a statutory court. Let us take any statutory court. I am just asking principally for information, because, of course, I have not come to any conclusion upon it. You abolish the circuit courts. With the circuit courts go the judges of the circuit courts. The circuit judges have been assigned to certain appellate duties, but you abolish the court over which they were appointed by the President. Because they have been assigned to certain appellate duties, does the Senator claim that the judges of that court exist, though the courts over which they have been appointed have been abolished?

Mr. HEYBURN. Mr. President, it is not necessary to go very far into that field of inquiry. The thing that is created is the court. The judges are appointed as individuals for life in the United States courts. It might be that Congress, acting unwisely, would abolish the functions of those judges, but they are judges for life. There is no complication at all arising out of this situation, because it provides in terms for the performance of judicial duties by these men who have been appointed; and it matters not what you call them, whether you call them circuit judges or judges of the circuit court of appeals or United States judges authorized and directed to sit in the district court.

Mr. RAYNER. Mr. President, let me ask the Senator a question, just for information. The Senator says these judges have been appointed for life. Over what courts have they been appointed for life?

Mr. HEYBURN. They are appointed as judges.

Mr. RAYNER. Over what court?

Mr. HEYBURN. The law does not say over what court they may preside, except as it is applied in each of these three jurisdictions.

Mr. RAYNER. The Senator is mistaken, I think.

Mr. HEYBURN. I think if the Senator had heard my complete sentence he would hardly have criticized it in that way.

Mr. RAYNER. I will hear the Senator.

Mr. HEYBURN. The law has provided for three courts in which these judges may perform their judicial duties. That is as much a provision of law as is that provision creating the court.

Mr. RAYNER. The point I make is that they perform their judicial duties as judges of the circuit court, and you abolish the court over which they are judges; they are not performing their duties as judges of an appellate tribunal; they are performing their duties as judges of the circuit court; you take away the foundation upon which the appointment is made, and you leave them nothing except a bare assignment of duties without the judicial functions for which they were appointed.

Mr. HEYBURN. They are not performing duties in the circuit court when they are sitting in the circuit court of appeals. Neither are they performing duties in the circuit court when they are sitting in the United States district court. They are performing the duties of the court to which they are assigned. They are United States judges appointed for life. We have not incorporated any embarrassing question into this law, because we have not allowed for any condition that would result in a judge being unassigned.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BACON. The Senator says they are appointed as judges for life. The question I desire to ask the Senator is this: Suppose the court were abolished and nothing more said, and there were no other duties to which they were assigned, would the

judges still be judges entitled to draw the salaries for the balance of their lives?

Mr. HEYBURN. The difficulty of the Senator's question is that such conditions do not exist.

Mr. BACON. I am speaking of that for an illustration. Such a case could exist; and if the proposition is true in one case, it would be true in the other.

Mr. HEYBURN. We were not considering conditions that might exist. We were dealing with existing law and we were providing occupation for United States circuit judges. The fact exists that they always perform duties outside of the circuit court, and they were as much judges of the courts in which they performed those duties as though the circuit court had existed in name only, with nothing to which its jurisdiction would attach. They would, nevertheless, be the judges of the courts to which they had been assigned for duty by Congress, which possesses that power. We have not changed it.

Mr. RAYNER. Mr. President, just as a matter of information, let us take this case: Suppose the judges of the supreme court of the District of Columbia were assigned to appellate duties, and Congress passed a law abolishing the supreme court of the District of Columbia, would not the judges go with the court? I ask the Senator if, in his opinion, the judges would still have a right to perform the appellate duties to which they are assigned, when the court over which they had been appointed was abolished.

Mr. HEYBURN. If the appellate duties to which they were assigned did not grow out of their duties in the court the name of which was written in their commission. In other words, they are as much judges of the district court or of the circuit court of appeals as they are judges of the circuit court. You may eliminate one portion of the duties that rest upon them under the law, but you do not eliminate their duty or their jurisdiction to sit in the other courts to which by a solemn act of Congress they have been assigned as the presiding officers.

Congress, first creating a circuit court judge to sit in the circuit court, afterwards enlarges the jurisdiction of that judge, or rather the scope of his duties, by making him as well qualified to sit in two other courts. Would it be contended that we had made no provision for judges to sit in the court of appeals or in the district court because we had abolished one of their functions, which was to sit in the circuit court? These are United States judges, they are United States circuit judges, they are United States district judges, or judges of the circuit court of appeals as they may exercise the functions of those several offices.

Mr. OVERMAN. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. OVERMAN. We have created what is known as a Customs Court and some judges have been appointed to hold for life in that court. Suppose we should repeal the law creating the Customs Court, would those gentlemen still hold as judges, and what would be their jurisdiction?

Mr. HEYBURN. If I were to take up that question I probably would invade a new field of inquiry as to the status of those judges, but I am dealing now with courts of general jurisdiction. The three courts I have enumerated are courts of general jurisdiction. I do not feel impelled at this time to enter into the question as to the effect upon the tenure of office of a judge of a court of limited jurisdiction, because it does not enter into the consideration of this case.

The courts of general jurisdiction were created naturally at the beginning of the Government, but not all of them. As conditions expanded, it was found necessary to create other courts and to provide for the executive and presiding officer in those courts. We did that not by creating new judges in all cases, but by assigning judges with a life tenure to the performance of those duties. It was a perfectly harmonious system, and we have not changed it in one iota. We have carried that system of judges performing duties by assignment into this law. Senators will find, I think, with patient observation, that there will be no embarrassment whatever. We have provided for judges according to the offices that have been created and for the assignment of the judges to the performance of the duties in those offices.

I do not intend to prolong this discussion. I assume that the adoption of the resolution and the reference of the matter to a committee of this body will not embarrass the situation, because when this law goes into effect it may await the academic question or the opinion of that committee.

The Senator seems to resent the fact that this question did not go to the Judiciary Committee of this body. I do not intend it, of course, in an offensive sense in any manner, but for 20 years Congress has been endeavoring to crystallize the necessity of the law and bring together and mold into a concrete and practical form the various statutes that have been enacted since the revision of 1878. It was a great necessity. The Judiciary Committee of this body, of which the distinguished Senator from Georgia is a member, who commands the respectful attention of everybody, has through all these years evidently been of the opinion that this duty could best be delegated to a joint committee of the two Houses of Congress.

I will not enter upon a consideration of the qualification of those Members, even eliminating myself from their number, but there has been no objection during all these years of expensive inquiry and patient consideration to the manner in which the laws of the country were being codified and molded into a useful and convenient form.

When we come in here with the result of years of labor we are met with a proposition that the question should not have been submitted to the joint committee of the two Houses, but that it should have gone to a standing committee of this body. That standing committee has stood by during all these years with a full knowledge (and we are bound to presume they have full knowledge because it is a measure that has been before them continually) of what was being done. Of course, under this resolution I do not for a moment assume the Senator from Georgia thinks that that committee could influence, or direct, or control the work of the joint committee of Congress. A joint committee of Congress represents both Houses, and when compared with it, it is not less in either power, jurisdiction, or intelligence than a standing committee of either House. The members of this committee are lawyers who have been engaged in the practice of the law through a long, active lifetime; they come well equipped for the performance of these duties, and it is late in the day to raise the question as to whether they are competent to deal with these questions.

If the Senator could point out that in the body of this bill there was a failure to make provision for the assignment or the duties of these judges, then we might have something tangible to which to direct our minds, but to make a general objection to the work of this committee—and all committees of this body are of equal dignity and everyone the peer of the other—does not seem to me to call forth the serious consideration of this body.

Mr. BACON. Mr. President, the Senator can not say more in favor of the dignity, ability, industry, and capacity, and in every respect of the lawyers constituting that committee than I would say for them myself. I do not know how I can add to that, because the Senator has spoken in such terms that possibly it would be difficult to speak in superior terms of that committee, to all of which they are justly entitled.

I do not, Mr. President, occupy the position to which the Senator would assign me. I do not say that the entire work of this committee ought to go to the Judiciary Committee. I recognize the fact that the appointment of the committee in the original contemplation of the scope of its duties was a very wise and proper thing to do. In the enactment of statutory laws necessarily there are some inconsistencies between different statutes. There are some things which are not properly expressed. There are some things which in different statutes are duplicated. There are some things which are found in one statute which properly belong under a different subject matter. Those are the things which it occurs to me are properly within the jurisdiction of a committee to which has been assigned the task of a revision of the laws, and I think it is one which properly occupied the time and the diligence of that committee, and that they performed their work most admirably well.

But, Mr. President, I do suggest that changes in the law, especially radical changes, not changes necessary simply to reconcile inconsistent statutes, but changes in the law which go to the very framework of our judiciary system, are not within the scope of a committee charged with the revision of the laws.

All that I desire the Senator from Idaho should understand my intention to be is that where the committee, justified if you please by the urgency of the need, has gone outside of the ordinary work of a committee on the revision of the laws and framed laws, repealing laws relating to the most important part of our judiciary system, according to the view of some of us, and seeking to make changes in the laws, those are proper questions to go before the collaborating work, if you please, of other committees, not that they would overrule them, but that the Senate, which at last is the body to pass upon the work, may have the advantage not simply of the investigation of one committee but of two committees.

It is true that most Senators are lawyers; and I have no doubt it is true that there are lawyers in the Senate who are fully the equal, if not the superior, of the lawyers who are on the Judiciary Committee, among whom the illustrious Sen-

ator from Idaho is certainly to be classed. I say that with all earnestness. We all recognize him as a lawyer of the highest capacity and learning; and there is no disparagement in asking that a matter of such gravity as this shall go to the committee which the Senate has selected as that particularly charged with the consideration of law questions.

That much I say in order that there may be no basis for what the Senator would assume to be a reflection upon the joint committee in offering this resolution. It is not a reflection. And I want to say to the Senator and to the Senate that the suggestion that these matters should go to the Judiciary Committee did not originate with me and it did not originate with lawyers who are on the Judiciary Committee. Some of the most eminent lawyers of this body, some possibly not quite so frank and outspoken as I have been so imprudent as to be, have said to me, and have said to others, that where important changes have been made in the law by this committee they should go to the Judiciary Committee.

Mr. President, coming back, I wish to say a very few words in reply to what the Senator said in reference to the question which brought up this debate. I do not desire that the debate shall be continued, because I do not myself profess to be ready now to discuss the question elaborately. I have very grave apprehension, however, that the point suggested by this resolution is one of not the ease of solution which the Senator from Idaho would suggest, and I think, from the inquiries which have been made of him by other lawyers in this body, that he himself, possibly, has now reached the conclusion that when the Judiciary Committee comes to deal with it they may not find it a matter in which the answer lies upon the surface, but they may have to dig a little deeper to find one which will be entirely satisfactory to themselves.

Mr. President, I want to say one thing in response to the suggestion of the Senator about the assignment of judges from one court to another court. While I do not profess to be thoroughly familiar with every statute which has been passed by Congress in the more than a hundred years of its existence, I am sure the Senator can not find a case where there has been the abolition of a court and the assignment of the judges of that court to the duties of another court.

Why, Mr. President, would that be an impossibility? Simply because when you destroy one court and take its judges and say they shall perform the duties of another court you have invaded the requirement of the Constitution that for every court the judges shall be specifically appointed, that they shall come to this Senate under the nomination of the President and be confirmed by the Senate.

What right have we to create another court? What right have we to destroy one court and say that the judges who have heretofore been nominated by the President and confirmed by the Senate shall go and be the judges of that court? Mr. President, manifestly when the court is destroyed, if the powers of those judges are the powers of that court and they have been appointed as the judges of that court, their office falls with it—falls with the court to which they were appointed.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. HEYBURN. Mr. President, I take it that the court does not consist of a physical object. The court is a question of jurisdiction.

Mr. BACON. Yes.

Mr. HEYBURN. If that jurisdiction is transferred to a tribunal bearing another name, the court is not destroyed, because the jurisdiction, which is the court, is maintained under a different name.

Mr. BACON. But, Mr. President, in this case we absolutely say the court is abolished, and we use the word. It is abolished, destroyed; it no longer exists.

Now, I want to call the Senator's attention to the fact—and I assented to his first proposition because I thought he was going to allude to a fact which I will now mention—that the judges of the circuit courts have no jurisdiction conferred upon them, no powers conferred upon them as judges, except the power to exercise the powers of the circuit court. That is the enumeration of their power. The Senator will search the statutes in vain to find an enumeration of the powers of judges. He will find the enumeration of the powers of the court. The judges are appointed as the judges of the court, and consequently are charged with the duties and powers of the court.

Mr. President, the history of it is simply this: Originally there were no circuit judges. We had a Supreme Court organized under the requirements of the Constitution. We had certain circuits organized, and we had a statute that the several judges of the Supreme Court, corresponding in number to the circuits, should each of them be assigned as a circuit justice; and they were the judges of those courts. Then, Mr. President, there was no enumeration there of the powers of the circuit justices, but we have page after page of the enumeration of the powers of the circuit courts; that they shall have power to do so-and-so and so-and-so, and all of those powers were the powers of the circuit justices. Then in 1867, 1868, or 1869—I have forgotten the exact year—Congress passed a law creating a circuit judge for each of these circuits. It did not say this circuit judge shall have such powers and such powers, but it said that the circuit judges should exercise the same powers in those circuits that the circuit justices had exercised, consequently coming back to the same definition of powers, which is the recitation of the powers of the court. Now, to say that you can abolish that court, destroy it, take away every power of it, and that the judge, who has no power except from the fact that he is a judge of that court, survives it, it seems to me is illogical in the extreme.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Mr. President, does the Senator from Georgia say that the circuit judge is appointed as a judge of the circuit court?

Mr. BACON. He is appointed as the judge of that circuit, and in the same section he is spoken of as the judge of the circuit court.

Mr. SUTHERLAND. As it appears to me, the distinction is a very important one.

Mr. BACON. What is he appointed for, if he is not appointed the judge of a court?

Mr. SUTHERLAND. The law provides that for each circuit a circuit judge shall be appointed. The law does not provide that for each circuit court a circuit judge shall be appointed.

Mr. BACON. Mr. President——

Mr. SUTHERLAND. If the Senator will hear me through—the law provides that for each circuit a circuit judge shall be appointed. Then the law continues and provides that circuit courts shall be established and designates the districts which shall constitute the various circuits of the United States. Then the law proceeds that circuit courts shall be held by a circuit justice—that is, a Justice of the Supreme Court of the United States—or by a circuit judge of the circuit or by a district judge. Now, does the Senator from Georgia contend that if we abolish the circuit court each one of those judges is abolished, because the law provides that each of them may hold that court? The Senator's position, it seems to me, would go too far.

Mr. BACON. Not at all.

Mr. SUTHERLAND. Because, if he is correct in saying that when we abolish the circuit court the circuit judge that the law provides shall sit in that circuit court is also abolished, then he must hold that the Supreme Court Justice, who is also designated to hold that court, is abolished, and that the district judge, who is also designated to sit in that court, is likewise abolished.

Mr. BACON. Is the Senator through with his question?

Mr. SUTHERLAND. Yes.

Mr. BACON. Mr. President, a great many years ago, when I read Blackstone, I came across a very mysterious expression in that work which I could not then understand, and it is very difficult to understand, but it is easy of illustration, and that is the expression "sticking in the bark." That sounds very strange to a novice or a layman. Now, I say one of the best illustrations that I have ever known of the expression "sticking in the bark" is that given this afternoon by the Senator from Idaho when he said that the appointment of a judge as the judge of a circuit in which there is a circuit court, and only a circuit court as the judicial feature of it, is not an appointment for the circuit court of that circuit. That is an illustration of sticking in the bark, and one of the best I have ever known.

Mr. SUTHERLAND. Does the Senator——

Mr. BACON. I have not finished answering the Senator's question, but I will yield to him further if he desires it.

Mr. SUTHERLAND. Will the Senator permit me right there to ask him a question?

Mr. BACON. Yes.

Mr. SUTHERLAND. I am not going to undertake to say whether the Senator from Georgia or myself is sticking in the bark; that depends wholly upon the point of view; but I ask the Senator from Georgia whether, when the statute simply says that a circuit judge shall be appointed for each circuit, that necessarily means, without going any further, that the circuit judge is appointed to preside over a particular court called the circuit court?

Mr. BACON. Has the Senator completed the question?

Mr. SUTHERLAND. If the Senator——

Mr. BACON. Let me answer the question, if the Senator has asked it. I say undoubtedly, yes; when prior to that time there had been organized in each circuit a circuit court and there was a justice of each circuit court, and when in the very act which provides for the appointment of those judges it is provided that they shall preside in those circuit courts and exercise the powers that the circuit justices had exercised prior to that time.

Mr. SUTHERLAND. Mr. President, there is nothing in a name—

> That which we call a rose
> By any other name would smell as sweet.

Suppose we had said in the law that there shall be appointed a superior judge in each circuit, had called him a superior judge, instead of a circuit judge, and then had provided that that superior judge, or the district judge, or the Supreme Court Justice might hold the circuit court, would the Senator then say that when we abolished the circuit court the superior judge had been abolished?

Mr. BACON. Undoubtedly; because that superior judge should have had relation solely to that court. The Senator must certainly, when he asks a question, permit an answer to it before he goes on arguing it. The Senator went on to say that if the abolition of the court abolished the office of circuit judge, it also abolished the office of the Supreme Court Justice, who was assigned to that circuit, and that it also abolished the office of the district judge, who was authorized to sit in that court.

Mr. SUTHERLAND. No.

Mr. BACON. If the Senator will pardon me and let me finish, the two cases are extremely and utterly different. In one case the circuit judge has no powers except those of the circuit court, and they are enumerated. When they are destroyed, his power is gone. In the other case, the Supreme Court Judge has the powers of the Supreme Court, and has simply been assigned there to sit in that court, and when that court is destroyed his original position as a Supreme Court Justice remains, with all of its powers. In the same way, the district judge has been appointed as the judge of a district court with its powers, and when the circuit court is abolished the district judge remains the judge of his court, with the original power which is appointed for the particular court with reference to which his name has been attached.

Mr. SUTHERLAND. Now, Mr. President, the Senator from Georgia confounds his own argument better than I could have done it myself.

Mr. BACON. The Senator is under very great obligations to me, then.

Mr. SUTHERLAND. I am under obligations to the Senator. The Senator says we will not abolish the office of Supreme Court Justice because the Supreme Court Justice has other duties to perform. So has the circuit judge. We have provided that the circuit judge shall not only preside over the circuit court, but that he shall sit as one of the constituent members of the circuit court of appeals. We have provided by recent legislation that certain circuit judges shall constitute the Commerce Court. We do not abolish the office of circuit judge because we take away from the circuit judge some of the duties which have been prescribed for him by law, any more than we abolish the office of the Supreme Court Justice or he district judge when we take from either one of them some of the duties which have been conferred upon those officers by law. So long as there is anything left for those judges to do, certainly the office continues.

Mr. BACON. The Senator did not quote me correctly when he laid himself under obligations to me for saying that I had saved him the trouble of confounding me by confounding myself. I did not predicate the argument upon the statement that the Supreme Court Judges have other duties to perform. I predicated it upon the argument that the Supreme Court Justice had other powers conferred upon him.

Mr. SUTHERLAND rose.

Mr. BACON. I have allowed the Senator to go on and make his speech in my time, but he will not permit me to answer him at all.

Mr. SUTHERLAND. I am not interrupting the Senator. I had simply risen.

Mr. BACON. I do not object to interruption if the Senator permits of proper rejoinder on my part. I did not say, I repeat, that that judge had other duties to perform. I said that his original powers remained and were in nowise impaired by the fact that a court to which he had been assigned had been destroyed. That is true both of the circuit justice who goes to the circuit court to preside, and of the district judge who comes up to the circuit court to preside; but when the court of the circuit judge is destroyed his original powers are destroyed with it, if the decision in the Kentucky case is correct—and I do not think there can be any question about the correctness of it as a legal principle. In the same way with the district judge, when his court is destroyed, there is nothing left for him to do.

I repeat the suggestion which I made that the provision in section 116, or whatever the number was, to which the Senator from Idaho alluded, can not in any manner save this question. You can not destroy the court of which a judge is an officer, destroy all the power in that court, and consequently take from him all the powers which he had only through the enumeration of powers as the powers of that court—you can not do that, and then say to him "we will create another court and assign you to duty." So long as you have a judge of the court you can say that he shall sit in another court so long as his doing so is not inconsistent with his original appointment in any way.

A judge of the Supreme Court can be assigned to duty in the circuit court because he can do that and not have to exercise functions which are inconsistent with his position as a Justice of the Supreme Court. You can say that a judge of a district court can be assigned to duty to a circuit court or to the circuit court of appeals, because that in no manner militates against the proper discharge of his duty as a district judge; but you can not say that you will utterly destroy the court in which he is a judge and create another court, and transfer him to it. If there is another court created, and he is to be transferred to it, his nomination must be sent to the Senate and must be confirmed by the Senate, and his appointment must be in pursuance of such nomination and such confirmation.

But, Mr. President, I had no idea when I introduced my little resolution that a matter which is so extremely plain to the Senator from Idaho, which lies so directly upon the surface, should have led to this extended debate. I think the Senator perhaps by this time has come to the conclusion that it may hereafter exercise the proper consideration and thought not only of the Judiciary Committee, but of the committee which he said had heretofore so summarily and easily disposed of what appears to be quite a complicated and difficult question.

Mr. HEYBURN. Mr. President, I would say to the Senator from Georgia that the Senator from Idaho has not changed his opinion in regard to this matter. I think every point that has been discussed was thoroughly gone over in the committee, which consisted of Members of both Houses, and I have not seen any new light on the question.

Mr. SUTHERLAND. Mr. President, so far as I am concerned I have no objection to the reference of this question to the Judiciary Committee. I am a member of that committee and also of the committee which prepared the judicial code; but it does seem to me that the Senator from Georgia is borrowing unnecessary trouble about this question. Section 607 of the Revised Statutes of the United States provides that—

> For each circuit there shall be appointed a circuit judge—

I may stop there long enough to say that the name given to the circuit judge is wholly immaterial. As I have suggested to the Senator from Georgia, that judge might as well have been called a superior judge. Suppose that the statute had read "For each circuit there shall be appointed a superior judge," or simply "a judge," as the Senator from Minnesota [Mr. NELSON] suggests to me. Then the statute proceeds, in section 608, and says:

> Circuit courts are established as follows.

Again the name was a mere accident. They might have been called by some other name; they might have been called superior courts instead of circuit courts. But the section reads:

> SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

Then, section 609 provides:

> Circuit courts—

Again, bearing in mind that the name is wholly immaterial, that we may substitute "superior courts" for "circuit courts"—

> Circuit courts shall be held by the circuit justice—

That is, by a Justice of the Supreme Court—

> or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

So that the circuit court and the circuit judge are in no sense bound together. The circuit court may be presided over without there ever being a circuit judge present at all; and, as a matter of fact, that is the case to-day in some districts. It is very rare indeed in the western part of the United States for a circuit judge to preside over the circuit court. It is held by the district judge.

When we come to abolish the circuit courts, we have done nothing more than take from the circuit judge a portion of the duties which the circuit judge has been assigned under the law to perform, just as we have taken from the district judge a portion of his duties, and just as we have taken from the Supreme Court Justice a portion of his duties; but the abolition of the court does not in any manner affect the different officials who are directed by the law to hold the court.

The provision of the Constitution is that not only the Judges of the Supreme Court, who are created by the Constitution, but that the judges who are provided for by act of Congress "shall hold their offices during good behavior." Certainly, Congress has no power to abolish an office that the Constitution itself declares shall exist during the good behavior of the incumbent.

In addition to that and in addition to the section which the Senator from Idaho quoted, section 116, in order that it may go into the RECORD, I call attention to another section to which the Senator from Idaho did not direct attention. Section 283 of the judicial code provides:

SEC. 283. That the repeal of existing laws providing for the appointment of judges and other officers mentioned in this act shall not be construed to affect the tenure of office of the incumbents except the office be abolished.

In other words, the tenure of those now holding these courts shall not in any manner be affected by the repeal of the laws, unless the office itself shall be abolished. Of course the office of circuit judge is not abolished. That applies to the office of some of the clerks that have been abolished, so that the continued existence and tenure of these judges is amply safeguarded by the provision of the law to which the Senator from Idaho called attention as well as by section 283 of the proposed new code.

The VICE PRESIDENT. Without objection, the resolution submitted by the Senator from Georgia [Mr. BACON] will be referred to the Committee on the Judiciary.

THOMAS N. BOYLE.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (S. 7650) for the relief of Thomas N. Boyle.

Mr. FLETCHER. Mr. President, I dislike to object to that request, but I have been endeavoring to secure unanimous consent for the consideration of some purely local bills, and I have been unable to do so. It seems to me that in all fairness we ought to take up the calendar and proceed in the regular way; otherwise it does not seem that we shall ever reach the bills upon which I have been endeavoring to secure action.

The VICE PRESIDENT. Does the Senator object or demand the regular order? The Senator said he disliked to object.

Mr. FLETCHER. I will not object, if I am treated in the same way.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 7, after the word "as," to strike out "captain" and insert "a private," and in line 9, after the word "the," to strike out "18th day of July" and insert "4th day of September," so as to make the bill read:

Be it enacted, etc., That Thomas N. Boyle shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company C, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, from the 4th day of September, 1862, to the 23d day of October, 1862, when he was mustered in as captain of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and had been honorably discharged on the 28th day of October, 1862.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. Mr. President, I ask unanimous consent that we now take up and consider the pension bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McCUMBER. I ask first for the consideration of the bill (H. R. 30886) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 6, to strike out:

The name of Alfred B. Ebner, late of Company A, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 2, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of William O. Lee, alias Oscar Dickinson, late of Company M, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Roger Burns, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 1, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Hugh L. W. Bearden, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Eli Bryson, late of Company I, Thirty-fourth Regiment Indiana Volunteer Infantry, and Company F, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Thomas P. Treadwell, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Ferdinand Peters, late of Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 68, line 5, after the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Alonzo Maddocks, late of Company E, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 69, after line 4, to strike out:

The name of David Bracken, late of Company B, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 6, to strike out lines 17, 18, 19, and 20, in the following words:

The name of Presley J. Barrick, late of Company I, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Thomas W. McClellan, late of Union Light Guard, Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 7, to strike out:

The name of Joseph Connery, late of Company I, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Myron Taylor, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the name "Riley," to strike out "John" and insert "James," so as to read "James Riley."

The amendment was agreed to.

The next amendment was, on page 20, line 20, before the word "dollars," to strike out "thirty-six" and insert "fifty," so as to make the clause read:

The name of Edwin L. Hayes, late lieutenant colonel, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Richard T. Booth, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 2, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

The name of Henry Ferris, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 7, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Modecai Tyler, late of Company E, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 20, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Robert A. Cony, late of Company E, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the clause read:

The name of Maria Raum, widow of Green B. Raum, late colonel Fifty-sixth Regiment Illinois Volunteer Infantry, and brigadier general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31172) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered by the Senate as in Committee of the Whole. It proposes to pension at the rates stated the following persons:

Jacob Souder, late of Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, $30.

Richard H. Bartlett, late of Company G, First Regiment Illinois Volunteer Cavalry, $30.

William A. McGinety, late captain Company E, Seventh Regiment Kentucky Volunteer Cavalry, $36.

Jeremiah F. Blanchard, late acting ensign, United States Navy, $30.

Hugh Haggerty, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, $30.

John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, $24.

James C. Brown, late of Company C, Sixty-ninth Regiment Ohio Volunteer Infantry, $30.

Mary A. Hartshorn, widow of Dana W. Hartshorn, late surgeon, United States Volunteers, $25.

John Blevins, late of Company D, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, $40.

George B. Black, late of Company H, Sixty-sixth Regiment Ohio Volunteer Infantry, $24.

William Arey, late of U. S. S. *Ohio*, *Minnesota*, and *Alert*, United States Navy, $24.

Harry G. Morton, late of Company E, First Regiment Maine Volunteer Heavy Artillery, $24.

Hannah Lee, widow of Joseph A. Lee, late of Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, $20.

Eli Avery, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, $30.

Elmer Strickland, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, $30.

John Blue, late of Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $24.

Oscar H. Ford, late of Company H, Thirty-sixth Regiment Illinois Volunteer Infantry, $30.

Lemuel Dougherty, late of Company F, Forty-seventh Regiment Indiana Volunteer Infantry, $24.

Asa N. Callahan, late of Company B, Sixth Regiment Iowa Volunteer Infantry, $24.

James A. Dunlap, late of Company B, First Regiment, and Company L, Third Regiment, Wisconsin Volunteer Cavalry, $30.

Frederick R. Miller, late lieutenant colonel One hundred and forty-fourth Regiment Ohio National Guard Infantry, $30.

Samuel Blush, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, $30.

Joseph Lewis, late of Second Battery Iowa Volunteer Light Artillery, $24.

Horatio N. Jenks, late of Company F, First Regiment Michigan Volunteer Cavalry, $30.

Josiah Ackerman, late of Company B, Fifty-first Regiment Pennsylvania Volunteer Infantry, $24.

Albert Miller, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, $30.

George W. McMullen, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $30.

Elijah Knapp, late of Company I, Second Regiment Maine Volunteer Cavalry, $30.

Adoniram Judson Morgan, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company I, Sixth Regiment Michigan Volunteer Heavy Artillery, $30.

William V. Hopkins, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, $30.

Reuben Hurley, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, $24.

George F. Johnson, late of Company A, First Regiment Minnesota Volunteer Infantry, $24.

William H. White, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, $24.

Jairus D. Backus, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, $30.

Thomas Cooney, late of Company C, Second Regiment Minnesota Volunteer Cavalry, $24.

Thaddeus Parr, late of Company G, Twentieth Regiment Wisconsin Volunteer Infantry, $30.

John Kinsey, late of Company D, One hundred and forty-seventh Regiment Ohio National Guard Infantry, $24.

Mathew Harris, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, $24.

Eber. W. Fosbury, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, $24.

John J. Robinson, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and unassigned, Veteran Reserve Corps, $30.

Robert Masters, late first lieutenant Company G and captain Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, $30.

Henry W. Bradley, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, $30.

George W. Robinson, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, $24.

Michael Boston, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, $30.

David Earhart, late of Company D, Second Regiment Colorado Volunteer Infantry, and Company M, First Regiment Colorado Volunteer Cavalry, $30.

Chancy W. Rickerd, late of Company I, Second Regiment Missouri Volunteer Cavalry, $30.

Joseph A. Durham, alias Joseph Anson, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, $24.

William Baird, late of Company I, Second Regiment Massachusetts Volunteer Infantry, $24.

Samuel M. Bragg, late of Company A, First Regiment Maine Volunteer Cavalry, and Company K, First Regiment District of Columbia Volunteer Cavalry, $30.

Joel P. Colvin, late of Company C, Tenth Regiment Michigan Volunteer Infantry, $24.

Frank B. Carey, helpless and dependent son of Daniel J. Carey, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, $12.

Thomas C. Boggess, late of Company I, Third Regiment West Virginia Volunteer Cavalry, $30.

Mary E. Havens, widow of Joseph H. Havens, late paymaster's clerk, United States Navy, $20.

James M. Owen, late of Company G, Second Regiment Ohio Volunteer Infantry, $30.

Hiram Hoover, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $30.

William Murlin, late of Company H, Fifth Regiment Michigan Volunteer Infantry, $24.

Henry H. Parmenter, late of Company H, Sixteenth Regiment Massachusetts Volunteer Infantry, $40.

Dorious Neel, late second lieutenant Company I, Ninety-third Regiment Indiana Volunteer Infantry, $30.

Lemuel Cohee, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, $30.

Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, $24.

Christopher C. Jones, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, $24.

John Wood, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, $24.

Ellen Hungerford, former widow of John T. Consaul, late second lieutenant Company B, First Regiment Wisconsin Volunteer Cavalry, $12.

John F. Grayum, late first lieutenant Company E, Seventh Regiment West Virginia Volunteer Cavalry, $30.

Corydon G. Ireland, late of Company E, Second Regiment California Volunteer Cavalry, $24.

Myron Heffron, late of Company B, First Regiment Michigan Engineers and Mechanics, $30.

Julius Blessin, late of Company A, Twenty-third Regiment Indiana Volunteer Infantry, $36.

John Freeman, late of Patterson's independent company, Kentucky Volunteer Engineers and Mechanics, $30.

Mary C. At Lee, widow of Goodwin Y. At Lee, late of Company A, Third Battalion District of Columbia Militia Infantry, $12.

Henry R. Playford, late of Company G, Ninety-second Regiment, and Company I, Sixty-fifth Regiment, Illinois Volunteer Infantry, $24.

Franklin D. Morton, late of Company D, Eleventh Regiment New York Volunteer Cavalry, $24.

Calvin L. Johnson, late of Company K, One hundred and forty-third Regiment Ohio National Guard Infantry, $24.

George W. Anderson, late captain and assistant quartermaster, United States Volunteers, $30.

Samuel P. Travis, late of Company H, Ninety-ninth Regiment Illinois Volunteer Infantry, $24.

Thomas Goodwin, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Hugh Price Wilson, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, $24.

Susan Reppeto, widow of John G. Reppeto, late of Company G, Eighty-third Regiment Ohio Volunteer Infantry, $20.

John H. Reid, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, $24.

William R. Grumley, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, $30.

Albert Hitchcock, late of Company H, Forty-ninth Regiment Massachusetts Militia Infantry, $24.

Albert S. Granger, late first lieutenant Company G, Eighteenth Regiment Connecticut Volunteer Infantry, $30.

Harrison C. Boyster, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, $30.

William Lehan, late of Company L, Thirty-second Regiment Massachusetts Volunteer Infantry, and Company A, First Battalion, Fifteenth Regiment United States Infantry, $30.

Charles Roth, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, $24.

Richard L. Sturges, late of Company F, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, $24.

James A. Morgan, late of Company K, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, $24.

George M. Roberts, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, $24.

David J. Bowman, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $30.

Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30.

Mary A. Charles, widow of Francis M. Charles, late of Company H, Eighteenth Regiment Indiana Volunteer Infantry, $30.

Harrison F. Roberts, late of Battery K, Fourth Regiment United States Artillery, $30.

Erastus Smith, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, $30.

Daniel Fisher, late of Company C, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, $30.

William George Stark, late of Company B, Second Regiment Iowa Volunteer Infantry, $24.

Warren P. Dwinnells, late of Company H, Seventh Regiment New Hampshire Volunteer Infantry, $24.

Orrin C. Leonard, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $24.

Albert Koch, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, $30.

Samuel Moles, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, $24.

James M. C. Jackson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, $30.

Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, $40.

Charles A. Rowell, late of Company I, Seventh Regiment New Hampshire Volunteer Infantry, $24.

John C. Neel, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24.

Joseph Shannon, late of U. S. S. *Macedonia*, *Katahdin*, and *North Carolina*, United States Navy, and Company F, Fourth Regiment New Hampshire Volunteer Infantry, $24.

John Chandler, late of Company F, Second Regiment New Hampshire Volunteer Infantry, $50.

John C. Ward, late of Company H, First Regiment Massachusetts Volunteer Cavalry, $24.

Daniel Jordan, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, $24.

Milton Pendergast, late of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, $30.

John Gorden, late of Company I, First Regiment Kentucky Volunteer Cavalry, $30.

Victoria M. Steele, widow of Samuel Steele, late chaplain Seventh Regiment West Virginia Volunteer Infantry, $30.

Charles M. Renshaw, late second lieutenant Company H, Twenty-third Regiment United States Colored Volunteer Infantry, $30.

Silas Fish, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, $24.

Valentine Lungwitz, late of Company C, Fourteenth Regiment Connecticut Volunteer Infantry, $30.

Catherine M. Walker, widow of John D. Walker, late captain Company E, Eleventh Regiment Kansas Volunteer Cavalry, $20.

Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Infantry, $30.

James Rude, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, $30.

Michael Farrington, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, $36.

James Haggerty, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, $30.

George W. Phelps, late of Company E, Second Regiment New Hampshire Volunteer Infantry, $30.

Robert Tarbet, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, $24.

Jasper N. Kinman, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, $24.

Henry Wentworth, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, $30.

William Noyes, late of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, $24.

Warren F. Reynolds, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, $24.

Orin Kimball, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, $30.

William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, $24.

Joseph C. Kitchen, late captain and assistant quartermaster, United States Volunteers, $30.

Isaac M. Couch, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, $40.

James Lindsey, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, $24.

Jacob Pinkett, late of Company C, Thirtieth Regiment United States Colored Volunteer Infantry, and landsman, U. S. S. *Wabash*, *St. Lawrence*, and *Ben Morgan*, United States Navy, $30.

James B. West, late of Company H, First Regiment Delaware Volunteer Infantry, and Company B, First Regiment Delaware Volunteer Cavalry, $24.

John S. Smith, late of Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30.

Adelaide A. West, former widow of Lorenzo M. Atwood, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and widow of Robert C. West, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, $12.

Aaron Welty, late of Company H, Thirty-fourth Regiment Indiana Volunteer Infantry, $30.

Sarah M. Peterson, widow of Charles G. A. Peterson, late first lieutenant Company D, First Regiment Rhode Island Volunteer Cavalry, $17.

William M. Wall, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $24.

Frank E. Martell, late of Company H, Sixth Regiment Vermont Volunteer Infantry, $30.

Bethana Aseltine, widow of Alanson M. Aseltine, late of Company F, Tenth Regiment Vermont Volunteer Infantry, $12.

Lucie W. Carter, widow of Mason Carter, late captain, Fifth Regiment United States Infantry, and major, United States Army, retired, $25.

Charles M. Merritt, late of First Battery, Wisconsin Volunteer Light Artillery, $30.

George W. Carpenter, late captain Company I, and major, One hundred and sixteenth Regiment New York Volunteer Infantry, $40.

William P. D. Foss, late of Company C, First Battalion, Eleventh Regiment United States Infantry, $24.

Richard M. J. Coleman, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, $24.

Emma J. Blake, widow of William H. Blake, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment Veteran Reserve Corps, $12.

Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, $24.

Alphonso H. Mitchell, late of Company B, Twentieth Regiment Maine Volunteer Infantry, $24.

Fannie S. Haskell, widow of Joseph L. Haskell, late of Companies K and C, Fourteenth Regiment Maine Volunteer Infantry, $20.

George W. Shaw, late of Company G, Eightieth Regiment Illinois Volunteer Infantry, $30.

John B. Dean, late of Company A, First Battalion Maine Volunteer Infantry, $24.

John C. Whittaker, late of Company M, Eighteenth Regiment Pennsylvania Volunteer Cavalry, $24.

Harriet W. Wilkinson, widow of Charles Wilkinson, late second lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, $25.

Alonzo J. Mosher, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, $24.

Thomas H. Whitman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, $36.

James Jenkins, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, $24.

Timothy Egan, late second lieutenant Company F, Thirty-fifth Regiment New York Volunteer Infantry, $40.

Uriah Renner, late of Company E, Eighty-seventh Regiment Ohio Volunteer Infantry, $24.

Mahala Fausey, widow of William H. Fausey, late of Company D, Third Regiment Ohio Volunteer Cavalry, $20.

Mary V. Webster, widow of George O. Webster, late major, Fourth Regiment United States Infantry, $35.

Alonzo Hoding, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, $24.

William H. Rickstrew, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, $30.

Alice L. Walker, widow of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Cavalry, $12.

Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, $30.

Elizabeth A. Marr, widow of James B. Marr, late of Company F, Second Regiment Maine Volunteer Cavalry, $24, provided that in the event of death of Arthur R. Marr, helpless and dependent child of said James B. Marr, the additional pension herein granted shall cease and determine, and provided further that in the event of the death of Elizabeth A. Marr the name of the said Arthur R. Marr shall be placed on the pension roll at $12 per month from and after the date of death of said Elizabeth A. Marr.

John Conroy, late of U. S. S. *North Carolina*, *Otsego*, and *Wyalusing*, United States Navy, $30.

Thomas B. Pulsifer, late of Company D, First Regiment Maine Volunteer Cavalry, $50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, to report it with amendments. I desire to announce to the Senate that at some convenient time next week I shall ask the Senate to proceed to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

CERTAIN LANDS IN FLORIDA.

Mr. FLETCHER. I ask unanimous consent to call up several local bills. The first is the bill (S. 9268) releasing the claim of the United States Government to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I now ask unanimous consent to call up the bill (S. 8736) providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I also ask unanimous consent for the present consideration of the bill (S. 8358) providing for the releasing of the claim of the United States Government to Arpent lot No. 87, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask unanimous consent further to call up the bill (S. 9269) releasing the claims of the United States Government to lot No. 306, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR SERVICE OF THE UNITED STATES.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 10171) to amend an act entitled "An act to provide for the reorganization of the Consular Service of the United States."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, on page 1, lines 10 and 11, to strike out "Johannesburg, Ottawa;" on page 2, line 2, before the words "Mexico City," to insert "Johannesburg," and in the same line, before "Vienna," to insert "Ottawa;" in line 9, before the word "Munich," to strike out "Monterey;" and in line 12, before "Stockholm," to insert "Monterey," so as to read:

Consuls general, Class 1, $12,000: London, Paris.
Class 2, $8,000: Berlin, Buenos Aires, Calcutta, Habana, Hamburg, Hongkong, Rio de Janeiro, Shanghai, Yokohama.
Class 3, $6,000: Constantinople, Johannesburg, Mexico City, Montreal, Ottawa, Vienna.
Class 5, $4,500: Auckland, Beirut, Boma, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankow, Munich, Sofia, Smyrna, Vancouver, Winnipeg, Zurich.
Class 6, $3,500: Adis Ababa, Lisbon, Mazatlan, Monterey, Stockholm, Tangier.

The amendment was agreed to.

The next amendment was, on page 2, line 21, to strike out "Melbourne;" on page 2, line 24, strike out "Prague;" on page 3, line 3, after "Leipzig," to insert "Melbourne;" in line 5, after "Plauen," to insert "Prague;" on page 3, line 8, to strike out "Bagdad;" in line 13, to strike out "Zacapa;" in line 15, to insert "Bagdad;" in line 17, to insert "Gibraltar;" on page 4, line 4, to strike out "Gibraltar;" and in line 13, to insert "Zacapa," so as to read:

Consuls—Class 3, $5,000: Amsterdam, Bremen, Belfast, Dawson, Glasgow, Havre, Kobé, Lourenco Marquez, Lyon.
Class 4, $4,500: Amoy, Birmingham, Chefoo, Cienfuegos, Foochow, Kingston (Jamaica), Newchwang, Nottingham, St. Gall, Santiago (Cuba), Southampton, Veracruz.
Class 5, $4,000: Bahia, Batavia, Bombay, Bordeaux, Colombo, Colon, Dublin, Dundee, Durban, Dusseldorf, Edinburgh, Harbin, Leipzig, Melbourne, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Prague, Reichenberg, Sao Paulo, Stuttgart, Tamsui, Toronto, Tsingtau, Victoria, Warsaw.
Class 6, $3,500: Alexandria, Barranquilla, Basel, Berne, Bluefields, Bradford, Buena Ventura, Chemnitz, Chungking, Cologne, Cork, Fiume, Geneva, Georgetown, Guadalajara, Mannheim, Maracaibo, Montevideo, Nagasaki, Odessa, Omsk, Palermo, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Tairen, Vladivostok.
Class 7, $3,000: Aden, Aix la Chapelle, Aleppo, Bagdad, Barbados, Belgrade, Calais, Calgary, Cardiff, Carlsbad, Corinto, Florence, Frontera, Ghent, Gibraltar, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Messina, Mombasa, Nantes, Nassau, Newcastle (England), Newcastle (New South Wales), Oaxaca, Plymouth, Port Antonio, Port au Prince, Port Limon, Progreso, Punta Arenas, Riga, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), Seville, Sheffield, Stoke-on-Trent, Swansea, Sydney (Nova Scotia), Turin, Tabriz, Tampico, Trieste, Trinidad.
Class 8, $2,500: Acapulco, Algiers, Amapala, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Curacao, Erfurt,, Gothenburg, Guanajuato, Guaymas, Hamilton (Bermuda), Hull, Kingston (Ontario), Leeds, Lemberg, Limoges, Madrid, Magdeburg, Malta, Martinique, Matamoros, Mersine, Nice, Nogales, Nueva Laredo, Orillia, Owen Sound, Prescott, Puerto Cortes, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, San Luis Potosi, Sarnia, Sault Ste. Marie, Swatow, Tamatave, Teneriffe, Torreon, Trebizond, Tripoli (North Africa), Tsinanfu, Valencia, Windsor (Ontario), Yarmouth, Zacapa.

The amendments were agreed to.

Mr. LODGE. On page 7, line 6, I move to strike out "three hundred and eight" and insert "two hundred and nine." It is a wrong reference to the statute.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, on page 7, after line 14, to strike out:

Section 10 of the act of April 5, 1906 (34 Stats., 102), is hereby amended to read as follows:

"SEC. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and the par value of all such stamps so delivered to him by the Department of State shall be charged to him.

"Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"Within 20 days after the end of each quarter every consular officer shall render to the Department of State a stamp account, in which he shall charge himself with the balance of uncanceled stamps on hand at the beginning of the quarter and with all stamps received by him from the Department of State during the quarter and shall credit himself with all stamps affixed to official or notarial documents during the quarter and canceled by him; and said account shall be forwarded by the Department of State to the Auditor for the State and Other Departments for audit under the provisions of section 12 of the act of July 31, 1894 (28 Stats., 209). And that the Department of State shall make to the Auditor for the State and Other Departments a quarterly report of all such stamps received by said department and supplied to consular officers."

Section 1728, Revised Statutes of the United States, is hereby amended to read as follows:

"SEC. 1728. Every consular officer, in rendering his account, shall furnish, in such form as the President may prescribe, a complete and accurate statement of the total amount of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all fees received by him, or for his use, for his official and unofficial services as such consular officer during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

Sections 1726, 1727, 1729, and 4213, Revised Statutes of the United States, are hereby repealed.

And insert:

That section 10 of an act entitled "An act to provide for the reorganization of the Consular Service of the United States," approved April 5, 1906, be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 10. That every consular officer shall be provided with official stamps on which shall be printed the equivalent money value of denominations, and to amounts to be determined by the Department of State, and shall account for the face value of such stamps furnished to him. Whenever a consular officer is required, or finds it necessary, to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, to which there shall be affixed and duly canceled a stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"It shall be the duty of every consular officer to render a quarterly account of all his receipts and disbursements, which shall include his stamp account, as required by the provisions of this act.

"The said account shall be sent to the proper officer at Washington for administrative examination, and by him forwarded to the Auditor for the State and Other Departments for settlement under the provisions of the act of July 31, 1894, except that consular agents shall render their accounts under regulations prescribed by the President of the United States under the provision of section 1752 of the Revised Statutes of the United States; and the Secretary of State shall cause to be rendered to the Auditor for the State and Other Departments a quarterly account of all consular stamps received by him and supplied to consular officers, or otherwise disposed of: *Provided*, That the Secretary of State may allow to any consular officer to whom stamps have been delivered credit for the face value of all stamps returned unused, defaced, or otherwise rendered useless without negligence on the part of the consular officer, and the Auditor for the State and Other Departments shall charge every consular officer in the settlement of his account with the face value of stamps received by him and for which he shall fail to account."

That section 1728 of the Revised Statutes of the United States be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 1728. Every consular officer, in rendering his account of fees received, shall furnish a complete and accurate summary of every class and character of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all the fees received by him, or for his use for his official and notarial services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress, now or hereafter made, he shall be deemed guilty of perjury, and he may be charged, proceeded against, tried and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

That section 4213 of the Revised Statutes of the United States, as amended by the act of June 26, 1884, chapter 121, section 13, be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement he shall be liable to a fine of not exceeding $50, unless such master shall state, under oath, that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF WATER ON RECLAMATION PROJECTS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes.

Mr. CARTER. I move that the Senate disagree to the amendments of the House of Representatives, that a conference be

asked on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed as the conferees on the part of the Senate Mr. WARREN, Mr. JONES, and Mr. BAILEY.

HOT SPRINGS (ARK.) LODGE.

Mr. CLARKE of Arkansas. I ask unanimous consent to call up the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE D. BENNETT.

Mr. WARREN. There are three very short bills of the House of Representatives, all to correct military records, which I should like to call up, the first being the bill (H. R. 21882) for the relief of Horace D. Bennett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Horace D. Bennett, who was a first lieutenant of Company D, One hundred and fifth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DOHERTY.

Mr. WARREN. I now wish to call up the bill (H. R. 21646) for the relief of William Doherty.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, William Doherty, now a resident of New Jersey, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Fourteenth Regiment New York State Militia, on July 24, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. DRUMMON.

Mr. WARREN. I also ask unanimous consent to have considered the bill (H. R. 13936) for the relief of William P. Drummon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that William P. Drummon shall hereafter be held and considered to have been mustered into the service of the United States as a private of Company H, Seventeenth Regiment New York State Militia Volunteer Infantry, on the 8th day of July, 1863, and to have remained continuously in the service until honorably discharged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. HENDERER.

Mr. CRAWFORD. There are a couple of very deserving claims under the employers' liability act giving one year's compensation, which have been unanimously reported, and I should like to have them considered. The first is the bill (S. 974) for the relief of Albert S. Henderer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert S. Henderer the sum of $973.44, the amount of his pay for one year, for damages arising out of an injury sustained by him while employed in the east gun shop, United States navy yard, Washington, D. C., on the 11th day of August, 1903; and the said sum of $973.44 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEVADORAH STEELE.

Mr. CRAWFORD. I also ask unanimous consent for the present consideration of the bill (S. 7638) for the relief of Bellevadorah Steele.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment in line 7, before the word "dollars," to strike out "ten thousand" and insert "one thousand two hundred and forty-eight," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bellevadorah Steele, out of any money in the Treasury not otherwise appropriated, the sum of $1,248, in full compensation for injuries received by Horatio N. Steele, husband of the said Bellevadorah Steele, while performing his duties as a master mechanic in the gun-carriage shop of the navy yard at Washington, D. C.

The amendment was agreed to.

Mr. HEYBURN. While I realize that it is a mere matter of form, perhaps, yet the Secretary of the Treasury can not draw a check against any fund in the United States unless the Congress authorizes him to do it. I notice that these bills are going through in that way. If it is a custom, it is in violation of the law, and it is a bad custom. The Secretary of the Treasury has nothing whatever to do with the paying of money out of the Treasury. We make an appropriation, reading, "There is hereby appropriated out of any money in the Treasury not otherwise appropriated," and the Treasurer pays it. The Secretary of the Treasury never comes in contact with it at all.

Mr. KEAN. I think if the Senator from Idaho will look at what has been the practice, he will find that it has been customary to direct either the Secretary of the Interior to do a thing, or the Secretary of the Navy——

Mr. HEYBURN. Not to pay money.

Mr. KEAN. Or the Secretary of War to do a certain thing, because it has to be passed through some one of the departments; and as this is for the payment of money the bill directs the Secretary of the Treasury to perform those necessary duties for which we appropriate the money.

Mr. HEYBURN. But the Constitution says that no money shall be paid out of the Treasury except by direct appropriation by Congress.

Mr. KEAN. That is right.

Mr. HEYBURN. You can not reconcile it at all. I merely call attention to it, not that I intend to object, because it will have to take its own chances.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHUCAWALLA DEVELOPMENT CO.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE MARTIN.

Mr. SHIVELY. I ask unanimous consent for the consideration of the bill (H. R. 19505) for the relief of Eugene Martin.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eugene Martin, now a resident of Indiana, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Tenth Regiment Kentucky Volunteer Infantry, on the 22d day of February, 1863. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EVAN M. JOHNSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Evan M. Johnson, United States Army, $1,584, to be payment in full for all losses of personal

property incurred by him by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, P. R., on or about March 24, 1902. But the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. YOUNG.

Mr. BRISTOW. I should like to call up two bills that involve small amounts. I ask unanimous consent that the Senate may consider the bill (H. R. 18342) for the relief of E. C. Young.

Mr. DEPEW. I ask the Senator from Kansas if the bill will call for any debate.

Mr. BRISTOW. I think not, as will be seen after the bill is read.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to E. C. Young, of Hot Springs, Ark., $449.30, being the amount paid by him to the United States as surety on the bail bond of one John Parker, who forfeited his bail bond in a cause wherein the United States was plaintiff and John Parker was defendant, being No. 1758 on the docket of the district court of the United States in and for the western division of the eastern district of Arkansas.

Mr. CLARK of Wyoming. I should like to have some reason given for releasing Mr. Young from this bond.

Mr. BRISTOW. He was on the bond of a man who was arrested for forging a money order. The man escaped and ran away. This man went and caught him at his own expense and brought him back, and he made good the forfeiture and paid in the money. He went down in Alabama and got the man and brought him back, when he was tried and convicted. The bill proposes to pay back the money he paid on the forfeited bond.

Mr. CLARK of Wyoming. That is quite satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA A. WAGNER.

Mr. BRISTOW. I now ask the Senate to consider the bill (H. R. 18857) for the relief of Laura A. Wagner.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Laura A. Wagner $1,186.25, in payment of all claim or damage arising from an injury to and the death of her father, John A. Wagner, which was caused by a bullet fired by Government employees at the United States arsenal at Bridesburg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AURORA, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "to," to strike out "acquire, by purchase, condemnation, or otherwise, a site and;" in line 5, after the word "erected," to strike out "thereon" and insert "upon the site already selected and purchased by him in the city of Aurora, Mo.;" in line 10, after the word "Missouri," to strike out "the cost of said site and" and insert "which said;" and on page 2, line 3, before the word "thousand," to strike out "seventy-five" and insert "sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Aurora, Mo., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Aurora, in the State of Missouri, which said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $65,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out all of the bill after line 4, in the following words:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of largest circulation of said city for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendations thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to provide for the erection of a public building at Aurora, in the State of Missouri."

SOLDIERS AND SAILORS AT PUBLIC AMUSEMENTS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 23015) to protect the dignity and honor of the uniform of the United States.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "exceeding," to strike out "$1,000, or by imprisonment not exceeding two years, or by both," and insert "$500," so as to make the bill read:

Be it enacted, etc., That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska or insular possession of the United States, shall make, or cause to be made, any discrimination against any person rightfully and lawfully wearing the uniform of the Army, Navy, or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500.

The amendment was agreed to.

Mr. BRANDEGEE. I offer an amendment at the suggestion of the Senator from Minnesota [Mr. NELSON], a member of the Judiciary Committee, from which committee the bill comes with a unanimous report. In line 9, after the word "Navy," I move to insert a comma and the words "Revenue-Cutter Service," so that the act will protect those wearing the uniform of the Army, the Navy, the Revenue-Cutter Service, and the Marine Corps.

The amendment was agreed to.

Mr. BRANDEGEE. Also, in line 8, I move that the words "rightfully and" be stricken out. I do not think those words add any force to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS P. MORGAN, JR.

Mr. OVERMAN. I ask leave to call up the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Thomas P. Morgan, jr., $4,942.28, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, jr., No. 692, congressional, on the dockets of that court, being the sum due Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. HUTCHINS.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 9270) for the relief of Frank W. Hutchins.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 11, before the word "dollars," to strike out "eight thousand" and insert "one thousand and eighty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank W. Hutchins, of Vinalhaven, Me., administrator of the goods and estate which were of Edgar Emerson, deceased, late of Penobscot, in the county of Hancock, State of Maine, for the benefit of Margaret Ann Hutchins, of said Penobscot, his surviving mother, he having left no widow or children, out of any money in the Treasury not otherwise appropriated, the sum of $1,080, said sum being in full for all claims against the United States on account of the death of said Edgar Emerson, he having been killed by the United States troops at Fort Barrancas, Fla., through the negligence and

carelessness of said troops, and without any negligence or carelessness on his part contributing thereto, while said troops were engaged in target practice, he being at the time employed on a fishing vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I wish to give notice that immediately after the conclusion of the speech of my colleague [Mr. ROOT] to-morrow, of which notice has been given, I shall call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 10, 1911, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 9, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

APOLOGY TO THE HOUSE.

The SPEAKER. The Chair has received a communication that it seems to the Chair, in fairness to the House, he ought to lay before it. It refers to a matter of privilege that the House considered a few days ago, and the Chair will lay it before the House for its information.

The Clerk read as follows:

WASHINGTON, D. C., *February 8, 1911.*

Hon. JOSEPH G. CANNON,
Speaker House of Representatives.

DEAR SIR: Realizing that my attempted assault on a Member of this House Saturday evening, February 4, was a violation of the rules of the House and of the Constitution of the United States, I desire, through you, to apologize to the House of Representatives.

In this connection I desire to call attention to the fact that I called at your office early Monday morning for the purpose of making this apology. Mr. Busbey, your secretary, informed me that inasmuch as the incident of Saturday evening was not at that time a matter of official knowledge it would be well to take no action in the premises at that time.

Two hours later the matter was called to the attention of the House. I would have offered my apology then, were it not for the fact that I preferred to have the investigation, which was subsequently ordered, actually begin.

I have withheld my apology until the day of the investigation, in order that my letter might not be construed as an attempt to head off an investigation of the entire incident.

I am filing a copy of this letter with the investigating committee.

Yours, respectfully, WALTER J. FAHY.

The SPEAKER. It seems to the Chair that, without objection, the communication should be referred to the Committee on the Judiciary, if no Member has a different suggestion to make.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I am directed by the Committee on Military Affairs to report back with Senate amendments the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and to move to disagree, by instruction of the committee, to all amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HULL], by direction of the Committee on Military Affairs, reports the Army appropriation bill with a recommendation that the House do disagree to all the Senate amendments, and asks unanimous consent that that order be made, including the asking of a conference.

Mr. SULZER. Mr. Speaker, we have no objection to that.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Iowa [Mr. HULL] whether any opportunity will be given to consider any of these Senate amendments?

The SPEAKER. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Illinois?

Hr. HULL of Iowa. I yield to the gentleman.

Mr. MANN. I would like to inquire whether, if this bill goes to conference by unanimous consent, there will be any opportunity in the House to have a vote on some of the amendments which are in controversy and of considerable importance?

Mr. HULL of Iowa. I should say, Mr. Speaker, that the chances are the House would have an opportunity to vote on several of the amendments unless they are eliminated in conference. Of course, if they are eliminated in conference there will be no separate vote and no occasion for one.

Mr. FITZGERALD. Mr. Speaker, there are a number of provisions in this bill substantially increasing the officers in the Army and making provisions for some of the various services like the veterinary service and dental corps—an increase of six hundred and odd officers—and unless those matters will be brought back to the House they will have to be considered before they go to conference.

Mr. SLAYDEN. Mr. Speaker——

Mr. SULZER. Mr. Speaker——

Mr. HULL of Iowa. I would like to say to the gentleman from New York [Mr. FITZGERALD] and to the House this is the first proposition for a conference on this bill. It is impossible for the House, with any propriety, to decide on what can go to conference and what can not before the conferees have had at least one conference. This should be a free conference. The House always has had the absolute control of these matters, and it is no unusual thing to vote down a conference report where it has gone counter to the wishes of the House. I think I can say that in one case where the conferees on another bill went counter to the wishes of the House the House took the whole matter out of the hands of the House conferees and appointed new conferees. The first conference, in order to be a free conference, ought at least to give the conferees of the House an opportunity to meet the conferees of the Senate on equal terms. This matter has been gone over by the Committee on Military Affairs this morning. Of course that is not conclusive. Even if the committee were unanimous, they might not go in accordance with the wishes of the House, but if there was any proposition here to go into Committee of the Whole House on the state of the Union it would simply mean disagreement, because, I assume, the House would not take such action as to notify the Senate in advance that the conferees were not free in their first conference.

Mr. MANN. The gentleman realizes that there is a great difference between going into conference by disagreement in this form and going into conference after the House by unanimous vote has voted against a particular amendment.

Mr. HULL of Iowa. I remember on one occasion, if the gentleman from Illinois will pardon me, when the military appropriation bill went into Committee of the Whole House, and it simply resulted in a disagreement to all amendments, so that they might go into conference. Now, I realize just as much as the gentleman from Illinois that there is a vast amount of legislation on this bill, and that in fairness to the House, if it is not adjusted by the committee in conference, the House ought to have an opportunity to pass upon it. To take individual items now I think would be bad policy and not bind the committee any more than the knowledge of the situation in the House would bind it as it is.

Mr. SULZER. Mr. Speaker——

Mr. HULL of Iowa. I will yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I substantially agree with all the gentleman from Iowa has said, and in reply to the inquiries of the gentleman from New York and the gentleman from Illinois, I want to say that if these Senate amendments do not go out in conference by elimination, then the House, of course, will have an opportunity to vote on each or all of them when the report of the conferees is returned.

Mr. FITZGERALD. What the gentleman from New York means by elimination is difficult to tell; it might be elimination by agreement.

Mr. HULL of Iowa. Suppose the Senate recedes. They are not eliminated if we agree to them.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the chairman of the committee in reference to some items. Suppose the Senate conferees should be so persuasive as to induce the House conferees to agree to certain items that the House might be opposed to, then they would come in here with a motion to concur, and I believe that would have precedence in consideration by the House and the advantage of that position. What I want to have, and what I spoke to the chairman about, is that the House shall have the privilege to pass on certain items before any agreement can be reached, unless they are eliminated by agreement.

Mr. HULL of Iowa. I want to say that if we should formally consider each amendment, unless some man should move to concur, it would be a vote to nonconcur, and I think the committee of conference, understanding the temper of the House on this amount of legislation that is put on the bill, will have no disposition whatever to take advantage of the House in any way, and that the individual members of the conference wish to submit to the House the fullest opportunity for individual

consideration of all the amendments that require legislation outside of what is legitimate. But, Mr. Speaker, in the first conference, in order to go into it on equal terms, it seems to me, the House having jurisdiction of the appropriation bill, should have the right to meet in free conference, and if they violate the sentiments of the House it will be brought back here in ample time to vote down the conference report and send it back to conference with instructions. But it is unheard of to send instructions with the first conference on any bill that goes to conference between the two Houses.

Mr. FITZGERALD. The gentleman from Iowa is mistaken. The legislative appropriation bill went into conference on certain definite agreements.

Mr. HULL of Iowa. About as definite as these I have made.

Mr. FITZGERALD. The gentleman is asking a favor of the House. The House may wish to express its disapproval of the legislation put on the bill, and while the gentleman speaks of representing the sentiment of the House, it might be difficult for him to differentiate between his views and the views of the Members of the House. For instance, take the provision increasing the officers of the Army. The gentleman from Iowa has fixed opinions on that question. He has reported a bill from his committee for that purpose. How does he know whether his views correspond with the sentiment of the House on that subject? If he is going on the theory that the bill reported by him represents the views of the House there will not be a very pleasant time when he gets back from conference.

There is no more impropriety in the gentleman making a statement that if the bill goes to conference by unanimous consent important matters of legislation will be brought back before the House will agree to them than there is in making other conferees do the same thing. The gentleman can take his choice, the gentleman can give the House that assurance or the House will exercise its right to pass upon those questions before the bill goes to conference.

Mr. HULL of Iowa. I have stated as definitely as I think a man can. We took the bill before the Military Affairs Committee at the request of the minority members, and as that committee is divided largely on these questions of new legislation, the committee of conference would regard it as indefensible to agree to these amendments where the committee itself is divided without giving the House an opportunity to express itself.

Mr. FITZGERALD. With that statement I am satisfied.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Iowa.

The SPEAKER appointed the following conferees on the part of the House: Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER.

REPORT ON DELAY OF BALLINGER REPORT.

Mr. DALZELL. Mr. Speaker, I desire to report from the Committee on Rules House resolution 931, which directed that committee to investigate and report the facts connected with the so-called Ballinger report.

The SPEAKER. The report (No. 2102) will be referred to the House Calendar.

Mr. HITCHCOCK. Mr. Speaker, I would like to have the report read, as it is a matter of privilege.

The SPEAKER. This report covers about 30 pages. The proposition is to refer it to the House Calendar and print it. The Chair supposes, and is inclined to believe, that a Member of the House can have it read at the Clerk's desk, inasmuch as it is a matter of privilege; but as there is no proposition for action connected with it, does the gentleman demand the reading?

Mr. HITCHCOCK. Mr. Speaker, I would like to ask, as a parliamentary inquiry, whether, as a matter of privilege, I can offer a resolution based on that report without having the report read? I am perfectly willing to omit the reading of the report if it is in order to take up the resolution which I desire to offer as a matter of privilege.

The SPEAKER. The Chair would state that while this report is a privileged report, the Chair is informed it does not recommend any action; but there are other matters, other privileged reports and bills, of higher privilege than this—at least of as high privilege—to be considered, and the Chair has been notified by two gentlemen that they desire to call up matters of high privilege, one the chairman of an appropriation committee, and another presenting business possibly in order under the Constitution. Of course, the House can always do what it desires to do.

Mr. UNDERWOOD. Mr. Speaker, as I understand the parliamentary situation, it is this: There is a privileged report presented by the gentleman from Pennsylvania [Mr. DALZELL] before the House. The Committee on Rules has carried out the instructions of the House and reported the facts. It has reported no recommendation, but that privileged report is now before the House, and it seems to me that it is in order for any Member of this House to present a resolution if it is germane to the privileged report.

The SPEAKER. The Chair will meet that question when it arises. In the meantime, does the gentleman demand the reading of the report?

Mr. HITCHCOCK. Mr. Speaker, I am willing to waive the reading of the report if the House will consider my resolution.

The SPEAKER. If the gentleman desires to consider the resolution it will require unanimous consent.

Mr. HITCHCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of my resolution, pending the——

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution 931, have had the same under consideration and submit the following report:

On January 26 the House passed the following resolution (H. Res. 931, 61st Cong., 3d sess.):

"*Resolved*, That the Committee on Rules be, and it is hereby, directed to investigate and report to the House within one week all facts connected with the reference of the so-called Ballinger reports, and any delay regarding the transmission of said reports to the committee to which referred."

Immediately upon receipt of this resolution the Committee on Rules proceeded to call witnesses and take testimony, and from the testimony and documents presented to it find the following facts:

On December 7, 1910, the report of the vice chairman of the Ballinger Commission was transmitted to the House. This report, including report of the majority and minority of the commission and the testimony, consisted of about 8,000 pages, in which were included 8 maps in colors, each map having from one to six colors. Both of these reports and the testimony and the maps had previously been printed during the sitting of the commission and for a long time had been accessible to all parties desiring to have them. On the receipt of the letter of transmissal and the report and testimony they were indorsed in the usual way on behalf of the Speaker by the clerk at the Speaker's table, Mr. Hinds, and referred to the Committee on Agriculture. The report, testimony, and references were then sent to Mr. J. W. Relsinger, the printing and document clerk of the House. They were in his office, open to inspection by the newspaper reporters, and the Washington papers of December 8 published the fact of the receipt of the report and of its reference to the Committee on Agriculture. The Journal clerk of the House is in receipt daily of numerous executive documents and, instead of setting them out by title in his Journal at the time, he makes a simple memorandum, "executive documents," and awaits a description of them in detail to be sent him by the printing and document clerk, to be entered upon the Journal of the House for that day. Under ordinary circumstances the report and the letter of transmittal, with its indorsement, would have been sent at once by the printing and document clerk of the House to the Public Printer for printing. Under existing law there would have been printed 1,682 copies.

On the same day, however, December 7, Senator NELSON, chairman of the Ballinger Commission, introduced into the Senate a concurrent resolution calling for the printing of 30,000 copies. This action was called to the attention of the printing and document clerk and he was asked by some one, whom he can not now remember, to delay the usual transmission of the material to the Public Printer until the concurrent resolution could be passed and go with the manuscript. The printing and document clerk thereupon appealed to Mr. Hinds for instruction and understood him to say that there could be no objection to withholding the manuscript until the Senate resolution could be passed. It was then supposed that the resolution would be promptly passed, and that no delay would result in sending all the documents to the Public Printer. This Senate concurrent resolution for extra copies did not pass the Senate until December 13, and did not pass the House until December 20. On December 19, inquiry having developed the fact that the documents in question, including the letter of transmittal, had been delayed, the printing and document clerk certified to the representative of the Printing Office the fact of the receipt by him of the report and indorsement, and upon notice from him to the Journal clerk the proper entry was made in the Journal as of that date.

The Senate copy of the report and testimony was transmitted to the Public Printer on December 20, and he used this copy instead of the House copy in making his reprint, except as to volume 9, which was taken from the House copy because a portion of the Senate copy of volume 9 was missing in parts.

On December 22 the Public Printer proceeded to the reprinting, and on December 23 the composition was begun and 175 folios were sent to the composing room.

The entire matter having been previously set up and printed, the plates had been saved and with necessary corrections were used for the reprint. Originally there had been but 12 volumes, but on the reprint the original volume 1 became volume 2, and so on. As a consequence, the title pages, folios, and signatures, page numbers, stenographers' errors in words, etc., had to be corrected. These corrections covered about 8,000 pages. They were made by hand, by skilled workmen, and the work is necessarily slow and tedious. After the corrections of the plates were made, corrected proofs had to be sent to the Senate for revision. The work was pushed as rapidly as possible, and so far as appears to the committee there was no avoidable delay at the Printing Office.

Prior to the commencement of the reprint, upon the reference from the House, namely, on December 6, the Public Printer had begun printing copies of the majority and minority report, at the request of the commission, and these, with 1,000 copies of Mr. MADISON'S views, were delivered to the public December 13. It appears that the type from which volume 1 was to be reprinted was so badly worn by use that it was reset entirely. This resetting began December 23. Volume 1 was composed and proof sent out December 23, but the complete corrections of the 13 volumes were not completed until January 24. Volume 1 was completed January 10; other volumes followed rapidly. These volumes contained eight maps; volume 1 a map of Alaska.

Section 80 of the printing law provides:

"No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations and maps designed therefor shall be ready for publication."

The order to print these maps was given to the Geological Survey without advertising in order to hasten the work, and the printing of them was pushed as rapidly as possible.

According to the Public Printer, the printing of the maps was an exceptionally quick job; quicker than could have been done by parties other than the Geological Survey by six weeks. The Geological Survey, using three shifts of men, worked day and night on the maps, which consumed 2½ tons of paper and required more than 67,000 lithographic impressions; some of the maps were in six, some in three, some in two, and some in one color, and each map required a day for the ink to dry.

Volume 1, which contains the majority and minority reports, could have been delivered by January 10, if demanded, without the maps. There was never any intimation to the Public Printer that any haste was required or desired. The entire testimony and the maps had been previously printed and distributed, and the majority and minority reports, and Mr. MADISON'S views, printed and distributed, and printed again, until the type was worn out so that volume 1 had to be reset on December 21.

The maps were ordered January 6, that being the day the copy preparers had completed the preparation of the copy and the first day it was known, finally, how many maps were to be needed. Until January 21 no inquiry from any person whatever, nor request to expedite the work, was received by the Public Printer. During this time the Public Printer had on hand many large and important jobs, including testimony taken in the Brownsville case (12 volumes), interstate-rate hearings held last fall (10 volumes), both of which were marked "Rush;" and the omnibus claims bill, about 1,000 pages—this required plate corrections all the way through.

He had no intimation that there was any demand for haste in the printing of the commission's report; no one had requested delay; no one had requested expedition. In the period of 25 working days that this report was in his hands he produced some 60 complete volumes in all. The only delay seems to have been caused by the slow progress through the Senate and the House of Senator NELSON'S concurrent resolution. The committee are unable to find from the testimony submitted any delay as the result of design upon the part of anyone.

Mr. DALZELL. Mr. Speaker, as has already been stated, and as it appears from the reading of the report, this report makes no recommendation, but simply lays the facts before the House as ascertained by the committee. It seems to me the report has answered its function, and I now move to lay the report on the table.

Mr. HITCHCOCK. Mr. Speaker, I claim, as a matter of privilege, the consideration of the following resolution——

The SPEAKER. The gentleman from Pennsylvania moves to lay the report from the Committee on Rules on the table. It would seem to the Chair that motion, under the rules, is in order and that the gentleman's resolution would have to await the decision of the House on the motion to lay on the table on the general subject.

Mr. HITCHCOCK. Will the Chair hear me for a moment on that?

Mr. FITZGERALD. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question. Would it not be more respectful to the Committee on Rules to move that this report be agreed to by the House?

Mr. SPEAKER. Of course, the report is not debatable, except by unanimous consent.

Mr. DALZELL. I was not thinking very much about the question of respect, but thinking more about expedition.

Mr. HITCHCOCK. There was not very much hurry when 49 days elapsed.

The SPEAKER. The gentleman from Pennsylvania has made a motion to lay the report on the table.

Mr. DALZELL. I will withhold that motion for two minutes.

Mr. FITZGERALD. Mr. Speaker, I will request the gentleman to withhold the motion for two minutes in order that I may make a statement.

Mr. DALZELL. Mr. Speaker, I withhold the motion for two minutes.

Mr. FITZGERALD. Mr. Speaker, the Committee on Rules has unanimously agreed on certain facts. This investigation was affecting a matter which might be of vital importance to the House at some time. To avoid controversy, to get the facts before the House, no attempt was made by the committee to draw any conclusions or to make any recommendations. It is a fact, however, that for more than 12 days no satisfactory explanation—and I am not attempting in any way to impugn anyone—no satisfactory explanation regarding the conduct of the business of the House is given for the failure to have this report disposed of. Some gentlemen wish to discuss somewhat briefly the conditions disclosed by the report. The laying of the report on the table disposes of it indefinitely or forever. It seems to me that when an important report like this, through either a failure of a proper rule or a failure of proper regulations concerning such reports, can disappear or be held up or suspended—perhaps I should not say disappear, for it did not disappear—but could be stopped in its transmission to a committee, it is of such importance to this House that it should be given a little consideration.

Mr. HEFLIN. Will the gentleman yield?

Mr. FITZGERALD. Not at this particular time. I should prefer personally that the gentleman from Pennsylvania should submit a motion to agree to the report submitted by the committee, and I should be willing to give the House an opportunity within reasonable time to take such appropriate action on this report that it should desire.

I do not believe that the best interests of the House in the conduct of its business in a proper way is to be advanced by laying this report on the table without discussion, without consideration, and without some appropriate action, and I hope that action will not be taken.

Mr. HEFLIN. May I ask the gentleman a question? If we lay this report upon the table, as suggested by the gentleman from Pennsylvania [Mr. DALZELL], it will mean that no action is to be taken by this Congress on the Ballinger matter?

Mr. FITZGERALD. None whatever.

Mr. HEFLIN. Then I trust that the motion will not prevail.

Mr. DALZELL. This, of course, has nothing whatever to do with the merits of the Ballinger transaction, so called, and notwithstanding what the gentleman from New York has said, I see nothing on the face of this report which calls for any action on the part of the House now, looking to the future at all. If the gentleman from Nebraska is desirous of discussing the report for a few moments, I have no objection, and will yield him five minutes and withhold my motion. I have no desire to cut off discussion on his part. How much time does the gentleman desire?

Mr. HITCHCOCK. I should appreciate a few moments' time, although I think I agree with the gentleman from New York that the House ought to take some action to prevent the recurrence in the future of such a practice as this was. I do not propose to censure any of the employees of this House. I realize that it is within the possibilities that it was all accidental, and that these circumstances were merely coincidences which, combined together, resulted in a delay of 49 days; but I believe this House owes it to itself to provide for the future so that no such accidents or coincidences should occur. My resolution was of that character.

Mr. DALZELL. Whether the suggestion of the gentleman from New York should prevail or my motion should prevail, the result will be the same in either event, and if the gentleman from Nebraska desires me to yield to him a limited, reasonable amount of time, I am perfectly willing to do so, and then I shall renew my motion.

Mr. HITCHCOCK. Well, if the gentleman will allow me 10 minutes——

Mr. DALZELL. I will agree to that, and then I shall renew my motion.

Mr. HITCHCOCK. Mr. Speaker, I desire to have read the following resolution, which I present and which I desire to have read in my time.

The SPEAKER. The gentleman desires to have read the following resolution (H. Res. 957). The Clerk will read.

The Clerk read as follows:

Whereas the facts reported by the Committee on Rules as the result of its hearings indicate in several particulars the violation of the proper procedure of the House in the handling of the reports of the so-called Ballinger investigating commission, as the result of which said reports, received by the House December 7, were delayed and did not reach the Committee on Agriculture till 49 days thereafter:

Resolved, That the Committee on Rules be, and it is hereby, directed to report to the House within one week a resolution embracing the following instructions to the Clerk of the House of Representatives, his assistants, and other employees of the House having duties connected with the reference, delivery, and custody for the House of documents or papers of any kind:

"That reference shall be promptly made; that the journal of the same day shall correctly show the reference; that no employee shall be permitted to delay the transmittal of the documents or matters referred, except on written authority, and then for not more than two days; that an accurate record shall be kept by the Clerk and his assistants of the exact time that each document is received, and shall also show the time it is transmitted and to whom."

Mr. HITCHCOCK. Now, Mr. Speaker, let me first draw the attention of the House to the importance of this matter, which was delayed 49 days in passing from this House to the committee to which it was supposed to have been referred.

What did it relate to? It related to charges made originally by me upon the floor of this House more than a year ago, to the effect that by reason of the conspiracy which existed in the Department of the Interior some $25,000,000 worth of coal lands were being "railroaded" into the hands of a great combination in violation of law. That charge was deemed so serious that this House and the Senate, by a joint resolution, as the result of agitation, ordered an investigation.

The joint commission which carried on that investigation sat for weeks and months. It expended a great deal of money, and it secured testimony which not only vindicated the position I had taken, but it brought forth a great deal of other testimony which likewise tended to establish this attempt in the Land Office to railroad these fraudulent claims to patent. Finally, Mr. Speaker, when that joint committee reported to the House

and Senate, it is a fact that the Members of the House of Representatives upon that committee, six in number, divided equally as to whether those charges were justified or not.

I think that when that committee, thus divided, reported those conclusions to this House, it was due that those conclusions should be given a hearing here, and that this House, with the full printed testimony before it, should pass upon those serious charges that had been made. This was not a trifling matter, Mr. Speaker, either in the amount involved or in the nature of the charges brought against a great department of the United States Government. But instead of being given prompt attention in this House, let me ask what occurred? The three reports of the investigating commission were laid before this House on the 7th of December. They were supposed to have been referred to the Committee on Agriculture, but, as a matter of fact, they did not reach the Committee on Agriculture for 49 days, and when an investigation was made to ascertain where they were, whether they were upon the Speaker's desk or in the committee or in somebody's pocket, what do the facts show? They show that an employee of this House held up that reference for 12 days. Upon whose suggestion? Nobody knows. He says in the testimony here that somebody came to him, he does not know who, from Mr. Hinds, and told him to hold them up. What does Mr. Hinds say in his testimony? He says that somebody came to him, he does not know who it was, and "suggested" to him that they ought to be held up, and finally, as the result of the action of this mysterious individual, not named by Clerk Reisinger, not named by Mr. Hinds, and unknown to anybody, that reference was held up in violation of the rules of this House for 12 days.

And finally, after 12 days, the reference was entered in the Journal, partly as the result of the efforts of the gentleman from Kentucky [Mr. JAMES] and myself. When that had been done and we knew by the Journal what the reference was and as to where the reports were sent, there was an enormous delay in the Printing Office, and it was a delay, Mr. Speaker, not justified. I care not what the Public Printer says. It is absurd to claim that it takes from the 20th day of December to the 25th day of January to reprint reports that are already in type or in plate and maps already lithographed. [Applause on the Democratic side.]

Now, Mr. Speaker, it seems to me that this, as I say, is a matter sufficiently serious, not only from the great amount involved but from the gravity of the charges, to require the attention of this House, and for my part I have done my best to bring it to the attention of this House; and if the responsible majority of this House, controlling the committees, now proposes to refuse consideration and to take advantage of this 49 days' delay and throttle the hearings, I will abide the result. [Applause.]

Mr. DALZELL. Mr. Speaker, the resolution that was read by the gentleman in his time does not seem to me to be an objectionable resolution. It has reference to the conduct of the officers of the House and is to that extent a perfectly proper resolution to be considered at the proper time. So far as I am concerned, I would have no objection to its being considered now. I shall now renew my motion to lay the report on the table.

Mr. JAMES. Mr. Speaker, I would like to suggest to the gentleman from Pennsylvania [Mr. DALZELL] that if what he says is true, and I believe it is, that he has no objection to the resolution offered by the gentleman from Nebraska [Mr. HITCHCOCK], he might obtain unanimous consent to let it be adopted at this time.

Mr. DALZELL. I have no objection to that.

Mr. MANN. Mr. Speaker, I ask that the resolution be read again for information.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. DALZELL. I want to suggest, Mr. Speaker, that the gentleman strike out the whereas. I can not agree to that statement.

Mr. MANN. There is no occasion for a reflection on the officials of the House.

Mr. DALZELL. It is not hardly fair, because it includes all the time that was necessarily occupied in the Government Printing Office.

Mr. FITZGERALD. Mr. Speaker, I suggest that the Committee on Rules be directed to report within a week a rule covering the reference and disposition of public documents of that character.

Mr. HITCHCOCK. I deny that this is any reflection on the employees of the House any more than they have admitted in their testimony.

Mr. DALZELL. I do not desire to get into any discussion with the gentleman on that question.

Mr. HITCHCOCK. Has the gentleman read the evidence?

Mr. MANN. I have heard the report read, and I understand it is a unanimous report.

Mr. FITZGERALD. I ask, Mr. Speaker, unanimous consent that the Committee on Rules be directed to report within a week, covering the disposition and reference of all documents submitted to the House. That will eliminate the controversy and obtain what the gentleman from Nebraska wants. The Speaker makes the reference and not the Clerk, and the gentleman's resolution does not cover that.

Mr. JAMES. Mr. Speaker, I agree with the gentleman from Nebraska [Mr. HITCHCOCK] as to the preamble, and in it I think the gentleman states the truth as shown by the proof; but it does not add anything to the resolution itself, and I sugges that he might withdraw that part of it and let the resolution, which follows the preamble, be adopted.

Mr. HITCHCOCK. Well, Mr. Speaker, at the request of others I withdraw the preamble.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the resolution which has been read for the information of the House, modified by striking out the preamble, shall be agreed to. Is there objection?

There was no objection.

Mr. DALZELL. Now, Mr. Speaker, I move that the report (No. 2102) be laid on the table.

The motion was agreed to.

PANAMA CANAL BONDS AS SECURITY.

The SPEAKER. The Chair lays before the House the following Senate bill, a bill substantially similar being on the House Calendar. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 10456) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section 39 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Mr. HILL. Mr. Speaker, I move the adoption of the Senate bill.

Mr. MANN. Mr. Speaker, I make a point of order that that bill should be on the Union Calendar.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. MANN. It is a bill providing as to the form and substance of bonds to be issued by the Government; that is, to raise revenue, and therefore should be on the Union Calendar.

The SPEAKER. Does the gentleman think that on the face of this bill it affects the revenue?

Mr. MANN. It seems that way to me. To insert in a bond a provision which affects the value of the bond undoubtedly would affect the revenues of the Government.

The SPEAKER. The Chair suggests to the gentleman that that is a matter appearing on the face of the bill, and a matter of speculation.

Mr. MANN. Of course, if it is a matter of speculation, that settles it. But here is a proposition directly affecting the issuance of bonds. It may be a matter of speculation as to whether the bonds are to be issued at all, but when authority is given to issue bonds the terms upon which they are issued must affect their value.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will indulge me, I think it is clear that any bill providing for the issuance of bonds by the United States Government must go to the Union Calendar, and as this is a bill amending an act providing for the issuance of bonds, it necessarily should go to the Union Calendar, because it changes the conditions under which the bonds shall be issued. Therefore, I think it ought clearly to go to the Union Calendar and should not be considered in this way.

Mr. HILL. Mr. Speaker, the bill does not authorize any issuance of bonds. They were issued under section 39 of the Payne tariff bill. This is simply to give to the Secretary of the Treasury certain power that refers to the form of a bond, but is in no way a revenue matter and does not affect the revenue.

Mr. GAINES. Will the gentleman from Connecticut yield?

Mr. HILL. Certainly.

Mr. GAINES. The gentleman from Connecticut does not mean to say that this bill would in no sense affect the value of the bonds? I am not taking sides one way or the other, but I want to state this fact.

This bill does affect the value of the Panama bonds to be issued, by affecting the uses to which they may be put, by persons purchasing the bonds, and therefore would unquestionably affect the salable value of the bonds.

Mr. HILL. Mr. Speaker, in reply to the speaker, I would say that he is entirely mistaken. It in no way affects the value of this issue of bonds, and I will try to show that to the House.

Mr. GAINES. Mr. Speaker, if the gentleman will permit me——

Mr. HILL. That is simply a question of opinion, after all.

Mr. GAINES. Precisely. The gentleman from Connecticut says that whether it does or does not affect the value of the bonds is a matter of opinion, after all; but upon the question here involved, upon the point of order raised by the gentleman from Illinois [Mr. MANN], it is upon its face a limitation upon the use of the bonds, so that the speculation comes upon the other side as to whether it will or will not affect the value. It appears upon the face that a limitation is put upon their use, a very important limitation, Mr. Speaker, if I may be indulged for a moment, to wit: We all know that the issue of 2 per cent bonds has been very greatly enhanced in value by the use as security for circulation, and this is a provision that these bonds shall not be used to secure circulation.

Mr. HILL. Mr. Speaker, all of that is a question which must be discussed and considered when the bill is before the House. There is nothing whatever in this bill as drawn that authorizes the issue of a bond or in any way affects the revenue.

The SPEAKER. The Chair desires to call the attention of the House to the provisions of the Senate bill, a similar bill being not upon the Union Calendar, but upon the House Calendar. The Chair reads:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section 39 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Now, the issue of these bonds is authorized by the act referred to, and this is a proposition to direct what the bonds shall contain. The point of order is made that this makes a charge upon the Treasury or affects the revenues, because it is thought that it will make a change in the value of the bonds. Is there anything in the bill which shows what the effect would be? The mere fact that the gentleman who makes the point of order proceeds to argue the question and states what would be the result in his opinion is not sufficient, in the opinion of the Chair, to establish the fact that the bill does affect the revenues. The Chair desires in this connection to read from the Manual at page 426, section 844:

To require consideration in Committee of the Whole, a bill must show on its face that it falls within the requirements of the rule (IV, 4811–4817), but where the expenditure is a mere matter of speculation, or where the bill might involve a charge, but does not necessarily do so, the rule does not apply. A bill providing for an expenditure which is to be borne otherwise than by the Government, or relating to money in the Treasury in trust, is not governed by the rule.

Now, there is a series of decisions establishing this construction of the rule. Many gentlemen are familiar with them. The rule is a wide one, and generally applies to the supply bills or other bills affecting the revenues, generally voluminous, providing that they shall be considered in Committee of the Whole House on the state of the Union. Following, however, as it seems to the Chair, the uniform ruling, the Chair overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I raise the question of consideration of the bill at this time.

The SPEAKER. The gentleman raises the question of the consideration of the bill at this time. The question is, Shall the House consider the bill at this time?

The question was taken; and on a division (demanded by Mr. HILL) there were—ayes 86, noes 125.

Mr. HILL. Mr. Speaker, I am not going to take up the time of the House in calling for the yeas and nays, but this is an important measure, and I shall ask for tellers. [Cries of "No!"]

The SPEAKER. The gentleman from Connecticut demands tellers.

The question was taken, and 33 gentlemen rose.

The SPEAKER. Thirty-three gentlemen have arisen; not a sufficient number, and tellers are refused. The noes have it, and the House refuses to consider the bill.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER and Mr. SCOTT rose.

Mr. CRUMPACKER. Mr. Speaker——

Mr. SCOTT. Mr. Speaker——

The SPEAKER. Two gentlemen arise. For what purpose did the gentleman from Kansas arise?

Mr. SCOTT. Mr. Speaker, I rose for the purpose of moving that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The SPEAKER. The gentleman from Kansas arises for the purpose of submitting a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill. For what purpose did the gentleman from Indiana arise?

Mr. CRUMPACKER. I arose, Mr. Speaker, for the purpose of moving that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill apportioning Representatives among the several States under the Thirteenth Decennial Census.

The SPEAKER. The gentleman from Indiana rose for the purpose of submitting a motion to the House that it do resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill referred to—the apportionment bill—reported from the Committee on the Census. It seems to the Chair the gentleman calls up a matter which heretofore has been held, with one exception, uniformly to be a question of constitutional privilege, and the Chair will recognize the motion of the gentleman from Indiana.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTLER. Did not this House once overrule the Speaker and hold this was not a motion of the highest privilege?

The SPEAKER. Oh, well, the Chair thinks it did, but the Chair, without regard to such action, recognizes the gentleman, and it is in the power of the House to consider this bill; or, if they refuse to consider this bill, to consider some other privileged bill.

Mr. SCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. Would it be in order for me to move, as an amendment to the motion of the gentleman from Indiana, that the House proceed to go into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural bill?

The SPEAKER. Those motions under the rule in the practice of the House have not been considered as amendable, since no time would be saved and no purpose would be effected.

Mr. CRUMPACKER. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) providing for the apportionment of Representatives among the several States.

The SPEAKER. The gentleman from Indiana moves that the House do resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) for the apportionment of Representatives among the several States.

Mr. CRUMPACKER. And, Mr. Speaker, pending that motion, I ask unanimous consent that general debate on the bill be limited to two hours, one hour on a side, one hour of which is to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by myself, and that the debate shall be confined to the bill.

The SPEAKER. The Chair will state the request. The gentleman from Indiana asks unanimous consent that all general debate be limited to two hours on this bill, one half to be controlled by the gentleman from Indiana and the other half by the gentleman from Virginia, and that the general debate shall be confined to the bill.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. I would like to ask the gentleman from Indiana if he thinks it would be fair to have general debate controlled by two gentlemen who have both reported in favor of the same bill.

Mr. CRUMPACKER. Well, I do not know that there is anybody in the House who is opposed to the bill.

Mr. MANN. A good many people are opposed to the bill which is reported and which the gentleman calls up.

Mr. CRUMPACKER. I know that an amendment will be offered to the first section limiting the membership, or reducing the membership from 433, as proposed by the bill, to 391.

Mr. KENDALL. That will be done by the committee.

Mr. CRUMPACKER. And when that question comes up there will be a liberal amount of debate upon the bill.

The gentleman from Kansas [Mr. CAMPBELL] spoke to me about time that, I understand, he wants to use in opposing the size of the representation provided in the bill reported by the committee. I think arrangement can be made between the gentleman from Virginia [Mr. HAY] and myself to give him 30 minutes of the time.

Mr. CAMPBELL. Mr. Speaker, I am not the only one who wants time in opposition to the bill reported by the Committee on the Census.

The SPEAKER. One moment. The Chair will suggest that there may be some member of the Committee on the Census that is opposed to the bill as reported, on the matter of ratio, for instance, or for any other reason. If so, it seems that the gentleman had better modify his request in order to let him control the time; and if there is no such man on the committee then that the request ought to go to some gentleman on the Democratic side; and if there be no one there opposed to the bill, then to any gentleman on the Republican side who is opposed to it. The Chair merely makes that by way of suggestion.

Mr. KEIFER. Mr. Speaker, I would suggest that the gentleman from Indiana [Mr. CRUMPACKER] is opposed to the bill.

Mr. HAY. I would like to suggest that it is entirely proper that a gentleman who is opposed to the committee bill control the time on this side. Now, I understood the gentleman from Kansas [Mr. CAMPBELL] has introduced a bill carrying out the views of certain Members of the House for 391 Members instead of 433, as reported by the committee, and I suggest that the gentleman from Kansas [Mr. CAMPBELL] control the time as opposed to the committee bill, and the gentleman from Indiana [Mr. CRUMPACKER] control the time in favor of the bill.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER] modify his request as suggested by the gentleman from Virginia?

Mr. CRUMPACKER. I did not understand what his suggestion was.

The SPEAKER. The gentleman from Virginia [Mr. HAY] suggests the following modification, namely, that general debate be concluded in two hours, and be confined to the bill, and that the gentleman from Indiana [Mr. CRUMPACKER] control one hour of that time and the gentleman from Kansas [Mr. CAMPBELL] the other hour.

Mr. MANN. A question for information before they decide that, Mr. Speaker. Does the bill go to the Committee of the Whole under the five-minute rule after general debate?

The SPEAKER. It can only be considered in the Committee of the Whole House on the state of the Union except by unanimous consent, and under the five-minute rule, of course.

Mr. CRUMPACKER. The situation is a little peculiar here. I reported the bill at the request of the committee. Subsequently a Republican caucus was called that agreed to the Campbell proposition respecting membership. With the understanding that I shall champion the bill as reported by the committee and support it to the end, I will accept the suggestion made by the gentleman from Virginia [Mr. HAY].

Mr. MANN. I will not consent to any such understanding. The gentleman can do as he pleases, but there will be no understanding about it.

Mr. CRUMPACKER. I make that suggestion.

Mr. BUTLER. May I inquire of the gentleman which side he is on? He might champion the one side and report on the other.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I suggest to the gentleman from Indiana [Mr. CRUMPACKER] that we provide for three hours' debate, one hour to be controlled by himself, one hour by the gentleman from Kansas [Mr. CAMPBELL], and one by the gentleman from Virginia [Mr. HAY].

Mr. CRUMPACKER. I hoped we could get along with less debate. I wanted to finish the bill to-day. I have no objection if it is the judgment of the House that three hours ought to be devoted to general debate.

Mr. MANN. You do not have to use the time, if you do not wish to do so, on your side.

Mr. TAWNEY. Mr. Speaker, in the absence of any agreement respecting the division of time, the Chairman of the Committe of the Whole House on the state of the Union would then divide the time between those who are opposed to the proposition and those who favor the proposition.

Mr. MANN. Probably we would not get through with general debate to-day in that way.

Mr. TAWNEY. I understand; but we can agree on a time for limiting general debate, leaving the division of the time to the Chairman of the Committee of the Whole. The Chairman of the Committee of the Whole would have to recognize alternately men opposed to and men favoring the proposition.

Mr. CRUMPACKER. I will modify my request by asking that the time for general debate be limited to two hours and a half, and that it be confined to the bill.

The SPEAKER pro tempore. The gentleman from Indiana modifies his request that all general debate be closed in two hours and a half, and that it shall be confined to discussion of the bill. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, with Mr MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of H. R. 30566, the reapportionment bill, and the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 30566) for the reapportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. CRUMPACKER. Mr. Chairman, the bill now before the committee for consideration provides for the apportionment of Representatives among the several States under the Thirteenth Decennial Census. The Constitution of the United States imperatively requires Congress to reapportion Representatives under each decennial census. The census of population was taken last year, and the result has been duly ascertained and certified to Congress by the Director of the Census. Everything is ready now for the apportionment of Representatives, and I regard it as the duty of this Congress to make the apportionment.

There are many very strong reasons why this legislation should be enacted before the expiration of the present Congress. The legislatures of almost every State in the Union are in session, and most of them, if not all, will remain in session until after the adjournment of Congress; and they may avail themselves while so in session of the right to redistrict the States into congressional districts containing an equal number of the population in compact and contiguous territory, as far as it is practicable to do so.

There will be a proposition submitted to the Committee of the Whole House to fix the membership for the next decade at 391 Members. If that shall be done 13 States will lose Representatives; and if there should be no legislation at this session of Congress, the governors of those States will be compelled to call special sessions of the legislatures next year in order to redistrict the States to accommodate the reduced membership, or the Representatives will all have to be elected by the States at large. Not a single one of those States has annual sessions of its legislature. There will not be one legislature in four throughout the country in session next year, and therefore I want to impress on the Committee of the Whole the great importance of enacting legislation for the apportionment of Representatives during this Congress.

It will be a great hardship to the States, involving an aggregate expenditure of two or two and one-half million dollars, to call special sessions of the legislatures next year. It is true that if there were no legislation on the subject of apportionment the States might possibly be able to elect their entire delegations at large, but that is such an unprecedented thing, such an unusual thing, that it seems to me there is no governor of a State who would not feel it his imperative duty to call the legislature together to redistrict the State.

Aside from that, I know a number of States that have no election machinery for electing Members of Congress at large. I know there is none in the State of Indiana. We could not possibly elect Members of Congress in Indiana if a reduction of membership took place unless there was a redistricting of the State. Our law provides a place for candidates for Representatives in Congress on the local ballot. There is no place on the general ballot in the State for congressional candidates, and the legislature would be compelled to meet for the purpose of amending the election laws if it was decided that there should be no redistricting.

In addition to all that, Mr. Chairman, there has been a shifting of population in many of the States, perhaps a decrease in some sections and an increase in others. Some localities have grown more than others. The State legislatures ought to have

the opportunity before the next election to readjust the districts so as to make them conform to the changes in population between various localities of the State, even when the membership in Congress of the State is not changed.

The bill reported by the Committee on the Census carries a membership of 433. With a membership of that number no State in the Union will lose a Representative. That is the smallest number that will save every State in the Union from the loss of a Representative. I am frank to say, Mr. Chairman, that that fact, I think, did influence the Committee on the Census in some measure in determining upon the size of the House, but it was not the controlling consideration.

The problem of determining how large the House ought to be to preserve its representative character and still not be so large as to seriously impair its capacity to perform its public functions is a very serious one.

Much has been said, and will be said, in the course of this debate against the increase in membership; much has been said, and will be said, in the course of this debate against even maintaining the present membership of 391, on the ground that the House is already an unwieldy body and on the ground that the individual importance of the Representative is diminished unduly and his power and responsibility correspondingly lessened. But it must be kept in mind, Mr. Chairman, that this is a representative body. It always has been, and it is the hope of those who believe in free institutions that it always will be. There is such a thing as having a House so small as to lose its representative character in a large degree. The smaller the House the greater the individual importance of the Members and the greater its facilities to dispatch business. One man could make all the laws in much less time and at a smaller cost than is required by the 92 Senators and 391 Representatives composing Congress now. But there are things to be considered besides time, cost, and the individual importance of the members of a legislative body. The Members of the House are supposed to reflect, in some degree at least, the feelings and the mature convictions of their constituents. This country is vast in area, diversified in climate and in resources, and substantially all general legislation is the result of the composite will of the whole people. It is the result of compromises and concessions whenever interests and ideals may come in conflict. The House is not intended as a forum simply for the development of orators or the exploitation of genius.

I fully appreciate the importance of a reasonable degree of independence and responsibility of the individual Representative as essential factors in making an efficient legislative body, but we must view this question from the standpoint of the public, from the standpoint of the country at large. The question is, How large should the House be so as to preserve its representative character on the one hand and not become so unwieldy as to seriously impair its ability to perform its constitutional functions on the other hand? A House that would give the individual Representative a very large latitude of influence and power and charge him with a correspondingly increased responsibility would not necessarily mean a House that could more intelligently and satisfactorily perform the public duties. These are problems that address themselves to Members of the House, and which they must decide in the light of reason and experience. The size the House shall be for the next decade is the only serious question presented by the bill under consideration.

There are congressional districts in the United States containing areas so large that Representatives are not able to visit all parts of them once in two years. It is difficult for Representatives of such districts to keep in touch with and inform themselves concerning the real needs and the sentiments and feelings of those whose commission they bear in this body. Districts should be reasonable in area and population, keeping in view the necessity of preserving the capacity of the House as a working body. Objection has been made against a membership of 433 on the ground of economy. That is a proper question to raise, but, in my judgment, a House of 433 Members, or of 450, viewed purely from the standpoint of economy, would be cheaper to the country than a House of 150. It is not a question of salary and mileage of Members only.

Everybody who has given any consideration to the character of legislative bodies knows that a legislature whose members stand close to the people and who meet them face to face and feel directly accountable to them as neighbors and friends is a great deal more careful in the use of the public funds than is a legislature whose members represent constituencies so large that personal contact is impracticable and that sense of personal responsibility is absent. We have an illustration of this truth in the two bodies that compose the Congress of the United States. Where is the argument of economy most potent? In this body or in the other? Where is public money expended with an appearance of reckless extravagance—here or in the other body? You all know. And why? Because this body represents the people. Every two years every Member of the House must return to his constituents and give an account of his stewardship. He will be questioned about expenditures and about taxation and kindred subjects, and the smaller his constituency may be and the closer his contact with the people personally, the more economical will he be in disposing of public funds. This is human nature.

The economy argument is not the only one involved in the proposed measure. I am submitting these observations as an answer to the argument that this bill would involve the payment of salaries, mileage, and clerk hire to 42 additional Congressmen. I think solely from the standpoint of economy it would be a good investment, for more would be saved in appropriations than the additional salaries would amount to. There may be reasons why this increase ought not to be made, but the argument of economy is not one of them.

The ratio of population to membership that the committee decided upon in recommending the bill was 211,877. The ratio for the last apportionment was 194,182. Should this bill become a law there will be 17,695 more population in the average congressional district than there was under the apportionment of 1901. This bill does not represent the entire growth of population in the United States. The increase in membership represents about 50 per cent of the increase in population. Now, I repeat, it is for the Committee of the Whole and for the House to say whether the membership shall be 433 or whether it shall be 391 or some other number. I am simply suggesting some of the reasons the Committee on the Census had in mind when it reported on this measure.

The committee also had in mind, in making the increase, the fact that during the last two decades the work of the House of Representatives and of the entire Congress has very largely increased. The people of the country are becoming constantly, year by year, in closer touch with Federal legislation and Federal administration. They are constantly and in an ever-increasing degree looking to the Federal Government for the satisfactory regulation of many of the great questions that have arisen in our society, in our Government, during the last 20 years. I do not believe the House ought to be reduced below what it is now, if it should be reduced below what the committee provides in this bill.

There are many aspects to this question. I have been in the House long enough to know that the demands upon the time and energy of Members have been greatly increased during the last 10 or 12 years, and there is no time in the future, in all probability, when those demands will be less than they are now, but they are more likely to still further increase.

The report of the committee accompanying this bill contains a table showing the membership and the ratio of population to members in the parliamentary bodies of all the great countries in the civilized world, and the ratios in all of them are much less than that in the United States. The only one that approaches the ratio of the United States is the Reichstag, in Germany, where there is 1 member for each 155,546 population. England has a House of Commons with a membership of 670, 1 member for each 61,878 population. Oh, well, it is said that the House of Commons only requires 40 for a quorum. They require only 40 for a quorum, and we require a half of the total membership.

Mr. Chairman, is it true that in the American House of Representatives, where each Member is paid an adequate salary, the question of having enough Members present to constitute a quorum so that we can transact the public business in a constitutional manner has come to be a serious problem? Dare we advertise that fact? Dare we make that fact known throughout the country and throughout our respective districts? What are we here for? What are we paid for? To attend the sessions of the House and participate in the transaction of the public business; and the quorum argument, I submit, will not be a very strong one in the country or among the people.

It must be borne in mind that members of Parliament, members of the House of Commons in England, receive no salary. They are elected and serve purely as a matter of public duty and of honor, and it was altogether proper for them to establish a reasonable quorum provision. I think in the House of Lords it requires only three to do business. But there are differences, I admit, between our Government and the countries abroad in relation to the work of representatives. We should be guided chiefly by conditions here and our own experience in fixing the membership of the House. You must bear this in mind, however, that the experience of all Europe, where the population is dense and representatives may be in close touch with and can readily know the desires and real needs of their constituencies, that the best results can be attained by having large memberships in their popular branches

of the legislature. The average in Europe is about one representative for each 60,000 population, while the proposed bill provides for one Representative for each 211,877 population.

Now, I have said all I care to on the question of membership. I want to submit a few words of explanation of the method which the committee employed. The method used in fixing the apportionment in this bill is different from any that has been used in this country since 1840. It may be styled the "major fraction" method. The last time it was in use was in 1840. In 1850 Congress, in authorizing the taking of the Seventh Census, provided in advance that the membership of the House should be 233, and that after the census of population was taken and certified the Secretary of the Interior should proceed to apportion the 233 Representatives among the States according to a formula contained in the law. That formula required the Secretary of the Interior to divide a total population by 233 in order to get the ratio, and then to divide the population in each State by that ratio, giving each State one Representative for each full ratio of population, and giving the States that had the highest fractions remaining in order of rank additional Representatives until the requisite number was reached.

Under that method States that had major fractions were often denied Representatives for the fractions. Then again, States in other instances were given Representatives for minor fractions, because there would not be enough States with major fractions to make up the requisite number. Under that method arose what is known as the "Alabama paradox." It was in 1850, I believe, that it was discovered that the State of Alabama would lose a Representative by an increase of the aggregate membership of the House on account of the shifting of remainders in changing ratios. That result was called the "Alabama paradox."

I have here the report of the committee accompanying the bill for apportionment under the Twelfth Census. Its tables show that the State of Colorado, under an aggregate membership of 350 in the House, would be entitled to three Representatives; but when the membership was increased to 357 Colorado lost one. The bill reported by the committee fixed the membership of the House at 357, giving Colorado only two Representatives, and the House declined to agree to the bill and worked out a scheme of its own, following the old method, with a different ratio, that left two States, Nebraska and Virginia, with major fractions unrepresented; and they increased the assumed membership by two, so as to provide for those two States and leave none with an unrepresented major fraction. Originally, under the old method, the membership would have been 384 Members, but was increased to 386. The 1850 "Alabama paradox" method had to be modified about every time it was applied to avoid injustice.

Now, the Committee on the Census determined that the plain, old-fashioned way of apportionment of Representatives among the States was the proper method; that the thing to do was to settle upon the ratio of inhabitants to Representatives, and then divide the population in each State by that ratio, and give each State, of course, one Representative for each full ratio of population and each State in addition one Representative for a major fraction.

Mr. KENDALL. That is, a fraction over half?

Mr. CRUMPACKER. Yes; half or more. The major fraction would be over half. That is the method the committee adopted, and I think it is a plainer and simpler and more just plan than the old one.

The reason that the intricate and involved system of 1850 got into our apportionment policy was because Congress undertook to provide in advance for the membership of the House. The Committee on the Census authorized two amendments to the pending bill after the bill was reported. Section 2 of the bill as reported made provision for new States admitted into the Union in a general way. It was afterwards discovered that under the enabling act for the admission of Arizona and New Mexico New Mexico is given two Representatives. It is only entitled to one under the census, and therefore the committee authorized this amendment, which has been printed in the RECORD and printed in bill form:

SEC. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have 1 Representative each, and if one of such Territories shall so become a State, such State shall have 1 Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

The amendment is for the purpose of basing New Mexico's representation upon population if it becomes a State.

Mr. NORRIS. This bill does not do that?

Mr. CRUMPACKER. No; the bill does not include New Mexico at all.

Mr. NORRIS. Does not section 2 cover it?

Mr. CRUMPACKER. It provides that when a new State is admitted to the Union, the Representative or Representatives assigned to it shall be in addition to the number 433, as above provided. There are two Representatives authorized under the enabling act of New Mexico when it should only have one, and we propose to give New Mexico that one Member in place of two.

Mr. HINSHAW. Is not New Mexico entitled to two under your theory of the major fraction?

Mr. CRUMPACKER. No; it is not. Then the committee authorized another section, an independent one, limiting the membership of the House under future censuses.

Mr. DAWSON. If the gentleman will permit, before he leaves the subject of the size of the House, in the event of the admission of New Mexico and Arizona under the bill as proposed, what would be the total membership of the House?

Mr. CRUMPACKER. Four hundred and thirty-five.

Mr. DAWSON. Including those two new States?

Mr. CRUMPACKER. Including those two new States. We make no provision in this bill for those Territories, as they are still Territories, and of course we can not apportion Representatives to them, and in view of the fact the enabling act gives New Mexico two Representatives when she is only entitled to one under the census, the committee feel justified in recommending an amendment to the bill limiting New Mexico's representation to one if she comes into the Union under that act. Now, the other amendment which the committee authorized fixes the membership of the House for the future. I believe if 10 years ago provision of that kind had been made we would have practically little difficulty about the size of the House under the Thirteenth Census. The moral force of legislation of that kind is very great. As I said, of course in 10 years, or at any time, for that matter, the Congress would have the right to repeal any legislation upon the subject that we might enact now.

Mr. PICKETT. Do I understand the gentleman from Indiana to say that if 10 years ago Congress had permanently fixed the membership within those limits he thinks it would have been better?

Mr. CRUMPACKER. No; I do not say it would have been better. I say we would not have much controversy over it now, for the Secretary of Commerce and Labor would probably have had the apportionment made two months ago.

Mr. PICKETT. I inferred that the gentleman would have acquiesced in that number.

Mr. CRUMPACKER. No; I do not mean to say that. I mean to say that the personal or selfish element that constitutes somewhat of a factor in the consideration of this question now would be eliminated because——

Mr. PICKETT. With the elimination of the personal equation you say it would not occur even if the limit is fixed?

Mr. CRUMPACKER. I am not able to estimate how important a factor the personal equation may be, but it would be practically eliminated.

Mr. PICKETT. The point I was after and what I asked the distinguished chairman of the committee is whether he reached the conclusion stated here to the House because of this personal equation or because of the merits of the proposition on the principle of representative government.

Mr. CRUMPACKER. Well, I have been submitting an argument to the House showing what influenced the committee in recommending a House of 433, and I think I made the suggestion that that was the lowest membership that would save all the States, and that the personal question was not altogether without force in influencing the committee in reaching that number. It is true that when you come to increase the membership, for instance, from 391 there is very strong argument against stopping short of 433, a number that will prevent any State from losing a Representative. It would be manifestly unfair to increase the membership 10 or a dozen to provide for three or four important States and leave 10 or 12 other States with losses. The membership ought to be 391 or 433. There is no logical stopping place between those numbers.

In every apportionment since the organization of the Union, with one exception, there has been quite a substantial increase in the membership of the House. In 1840 the membership was 240, and the House passed an apportionment bill fixing the membership at 306 under the Sixth Census, an increase of 66. That bill went to the Senate and was taken up by able and distinguished Senators and criticized, discussed, and debated for 10 days or two weeks. One of the questions then was the constitutionality of assigning Representatives for fractions, major fractions, or any other kind of fractions, and it was seriously

doubted. Mr. Webster in 1832 was the chairman of the Senate Committee on the Census, and he wrote an elaborate report upholding the right of Congress to apportion a Member for a major fraction, but not for a minor fraction. But in 1840 the interests of the cotton-growing States and the slavery question were involved in the discussion, and the Senate, after thorough consideration, concluded that the best results would be obtained by reducing the size of the House and adopting the major-fraction method.

Mr. THOMAS of North Carolina. That reduction was 17 Members?

Mr. CRUMPACKER. Seventeen Members. The Senate reduced the House from 240 to 223. That was 17 below the then existing membership and 83 below what the House decided it ought to be.

Mr. THOMAS of North Carolina. And with that exception there has been no reduction in the membership of the House in any apportionment in the history of the Government?

Mr. CRUMPACKER. The gentleman is correct. There has been no reduction at any other time in the history of the Government. And the House agreed to the Senate amendment at that time and allowed the Senate to fix the membership. I think that is the only instance in the history of this Government when the Senate has undertaken to control the judgment of the House as to what the membership of the House ought to be. In every other instance with which I am familiar the Senate has deferred to the judgment of the House upon that question.

Now, this amendment that I started to discuss provides that in the future following every decennial census the Secretary of Commerce and Labor shall ascertain without delay the total representative population of the country and in the States, respectively, and shall divide the aggregate population by 430, and the quotient shall be the ratio, and then the population of each State—the representative population—shall be divided by that ratio, and each State shall have one Representative for each full ratio of population and another for each major fraction or each fraction equal to or greater than a moiety; none for a fraction below a moiety. It does not fix in absolute terms the membership, like the act of 1850 did, and it employs the method embodied in the proposed bill—the major-fraction method. One House may be three or four above 430, and another may be three or four below, depending on the accident of fractions.

Mr. NORRIS. If the gentleman will permit, if the population of the country would increase as it has been increasing in the past, would it not follow that the membership of the House would always increase under that system?

Mr. CRUMPACKER. No; it could not, because we provide the same divisor to get the ratio, and the ratio would increase in correspondence with the increase in population.

Mr. NORRIS. I see. It might vary a few Members one way or the other?

Mr. CRUMPACKER. Just on the question of fractions.

Mr. COOPER of Wisconsin. Will the gentleman from Indiana [Mr. CRUMPACKER] permit a suggestion right there?

Mr. CRUMPACKER. I will.

Mr. COOPER of Wisconsin. I hold in my hand a copy of Article IV of section 2 of the constitution of the State of Wisconsin, adopted in 1848 and unchanged, although the population of the State has increased by millions since that time:

> The number of the members of the assembly—

That is, the lower house of the State legislature—

> The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

We have, and have had for some years, 100 as the membership of the assembly and 33 as the membership of the senate, and although the population has increased enormously, no one has ever thought of having any change in that representation in the State of Wisconsin.

Mr. CRUMPACKER. The force of this provision is unquestioned. While Congress could repeal it, it will most likely stand for decades. If the House should decide on a 391 basis, the divisor in the amendment ought to be cut down to 391 or 400. The amendment was drawn with the view of a House with a membership of 433. If that should become the law, when Congress got ready to take the next census Members would naturally feel that the membership already provided for would be as near right as was practicable, and none of the personal element would enter into the question, for it could not be known in advance what the apportionment would be, and Representatives would not feel called upon to champion the rights of States they represented on the floor in attempting to maintain their existing membership. The element of State pride would not enter into it, because they would not know in advance, they could not tell in advance, what the result of the census might be, and they would be willing to take "pot luck" with all the States. As soon as the census would be completed the Secretary of Commerce and Labor would proceed without other legislation to make the apportionment and certify the result to the House. I think the provision would stand for decades.

The law of 1850 fixed the membership at 233, and it ran over to 1860, and the Secretary of the Interior apportioned Representatives under the census of 1860 under that law, but Congress added a few Representatives in order to avoid injustices resulting from the "Alabama paradox." The proposed amendment establishes the major-fraction method and eliminates the "Alabama paradox" altogether.

There are some general provisions in the bill relating to the creation of congressional districts by the States, which have been in apportionment laws in recent years, requiring districts to be composed of compact and contiguous territory, and to contain an equal number of inhabitants as far as is practicable. I think it is a good thing to have those provisions in the bill, but my judgment is that they are purely advisory, that they have no force whatever except their moral influence, because I do not believe that Congress has the power to determine how the States shall choose their Representatives, whether at large or by districts; and if by districts, how they shall create the districts.

Mr. ROBINSON. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. ROBINSON. Does the gentleman think that under Article I, section 4, of the Constitution, prescribing that as to the time, place, and manner of holding elections for Members of Congress, that it shall be fixed by the legislature of the State, subject to the general control of Congress—does the gentleman think that clause gives to Congress the power to make that sort of a requirement?

Mr. CRUMPACKER. No; I do not. The only language in that provision that could be possibly claimed to apply would be the manner of holding the elections; and that can hardly be construed to give Congress control over the making of congressional districts.

Mr. ROBINSON. Does the gentleman think that under that provision of the Constitution Congress can require Members of Congress from the States to be elected from districts?

Mr. CRUMPACKER. I do not.

Mr. ROBINSON. I desire to state that my understanding is that there are authorities that so hold.

Mr. ELVINS. The authorities are right the other way.

Mr. CRUMPACKER. The gentleman from Missouri [Mr. ELVINS] has a report made some time ago by very able statesmen and lawyers, which holds that Congress has no power to say to the States whether they shall elect Representatives at large or by districts, or what kind of districts they shall make. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. CAMPBELL. Mr. Chairman, at the proper time I shall offer an amendment in the nature of a substitute for the pending bill, with a view of retaining the membership of the House at 391. I should be glad, indeed, if it were possible to do so, to see that number very materially reduced. The House of Representatives has grown from 65 Members up to 391. That growth of the House has not been the result of argument in favor of a more representative body. It is safe to say that every increase made in the House of Representatives has been made to gratify the ambition of a State or of Members of the House rather than keeping in view the fundamental principle of a representative body in this body.

If the personal equation were eliminated at this time, the bill reported by the Committee on the Census would have been for 391 Members or less, rather than for 433. The chairman of the committee, who has just taken his seat, has not offered a single argument in favor of a House of Representatives composed of 433 Members. The committee has reported a bill fixing the House at that number solely because certain States, because of the growth of our population in other States, would lose a Member or Members of this body if the ratio were fixed at 391 Members distributed throughout the country under the census of 1910.

Is, as a matter of fact, 433 a representative body? Does that fix a number that will compose a deliberative, constructive legislative assembly? No one has said so here; no one has argued that the liberties of the people could only be preserved by fixing the membership on ratio, with a membership of 433. The fact is, as everyone here knows, this House has long since ceased to be a calm, deliberative body in which the business of the people of the country can be properly transacted.

This body has become so large that it is unwieldy, and the best efforts of many of the best men in the House have been

expended within the past 20 years to devise some manner by which the House could transact the business in a way that would give all of the Members an opportunity to participate in its deliberations. We spent much time during the last session of this Congress endeavoring to devise rules by which this House should be a deliberative, representative body, giving each of the Members his rights upon this floor.

Mr. AUSTIN. Does the gentleman think under his plan we would get more opportunity for deliberation on the floor than we are now getting?

Mr. CAMPBELL. I think we ought to have a smaller Hall and smaller membership, so we could be closer to each other and have a better opportunity for transacting business in a calm and deliberative manner. Such conditions would bring out the best that is in the Members and give all of them an opportunity to participate in the discussions on this floor.

Mr. KENDALL. I want to ask the gentleman if he thinks it is so important for Members of the House to occupy close relation to each other as it is for a Member of the House to occupy close relations to the people he represents.

Mr. CAMPBELL. No; I think it far more important that he should occupy a close relation to the people he represents, and I think that it is entirely possible to do that with a membership of 300 in this House.

Mr. LANGLEY. Does the gentleman think that we can get in closer touch with the people if we have a smaller membership, and therefore a larger number of people to represent, than if we have a larger membership and consequently a smaller constituency?

Mr. CAMPBELL. Oh, there will be no trouble about Members keeping in touch with their constituents, if they make an effort to do so.

Mr. THOMAS of North Carolina. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. THOMAS of North Carolina. Of course, the gentleman knows that the House of Representatives has provided by resolution for decreasing the size of the Hall by taking out the desks, which will, of course, bring the Members in closer relation with each other and make the acoustics better.

Mr. CAMPBELL. That is true, and will help some.

Mr. GRAHAM of Illinois. Mr. Chairman, I want to get the gentleman's idea about the size of the House. The gentleman said at the beginning of his remarks that if it was left to him, he would reduce the number to below the present membership.

Mr. CAMPBELL. I would.

Mr. GRAHAM of Illinois. I want to get the gentleman's idea of what he thinks that number ought to be.

Mr. CAMPBELL. If I were permitted to fix the membership of this House myself I would put it at less than 300.

Mr. SIMS. And every corporation in the country agrees with the gentleman.

Mr. CAMPBELL. No; it does not. The gentleman from Tennessee knows, as every other man knows, that the larger the body the fewer members run it, and if corporations or other interests want to control any legislation they will control by getting control of the men who run great deliberative bodies. [Applause.] That is the history of legislative bodies throughout the world.

Mr. SIMS. I have not heard of one who wanted to increase the present number.

Mr. BURKE of Pennsylvania. Has the gentleman heard of any that wanted to decrease it?

Mr. LLOYD rose.

Mr. CAMPBELL. Mr. Chairman, I must decline to yield further. No one will say that this House when it contained 65 Members was under the control of bad influences. No one will say that the Continental Congress, composed of less than 65 Members, was controlled by any improper influence. No one will say that the Constitutional Convention, composed of less than 70 members, was under the influence or control of any improper influence.

Mr. GRAHAM of Illinois. Where was the Steel Trust then?

Mr. CAMPBELL. Oh, there were greater influences than the Steel Trust then. There was the British Empire on the other side and British traditions and influences here endeavoring to control the destinies of a free people. That was the issue then, and all was under the control of a small but deliberative body that could transact business, and the business was transacted behind closed doors. But that small deliberative body was not improperly influenced.

Mr. SWASEY. Does the gentleman mean to say that 391 Members here are controlled improperly and illegally?

Mr. CAMPBELL. Oh, no; I say nothing of the kind. I was answering the gentleman from Tennessee, when he said that men who want to improperly control this body wanted it a smaller body.

Mr. MARTIN of South Dakota. I would like to ask the gentleman a question, if it will not interrupt him.

Mr. CAMPBELL. Very well.

Mr. MARTIN of South Dakota. I should like his view whether under the original apportionment of the House, when the 65 Members each were representing a ratio of 30,000 of population, whether or not there was more representation in those days than it is now.

Mr. CAMPBELL. Well, I am not too sure about that. There were dominations then just as there are now, and the motives of Members were impunged then as they are now, but I will say this to the gentleman from South Dakota, in direct response to his question, it was far more difficult then, with the number of 30,000 as a constituency, than it is to-day for a Member to keep in touch with 400,000.

Mr. LANGLEY. Will the gentleman allow me one more question?

Mr. CAMPBELL. I will.

Mr. LANGLEY. I remember to have read recently an interview purporting to have been given out by the gentleman from Kansas in which he said he was in favor of having an assistant representative, and is that what he has in mind when he says he is in favor of reducing the membership?

Mr. CAMPBELL. Let me say, if the gentleman saw any such interview as that, it was the creation of some news genius, for I never have given out such an interview.

Mr. LANGLEY. I am glad to know that, and I am glad to have the opportunity of giving the gentleman a chance to correct it.

Mr. GRAHAM of Illinois. If such an interview was given out without the authority of the gentleman from Kansas it must have been the work of a genius.

Mr. CAMPBELL. I agree with the gentleman from Illinois.

Mr. BORLAND. Mr. Chairman, will the gentleman permit me to ask him a question in line with his argument? I assume, in discussion of the relation of the number of representatives to the people, the gentleman has paid some attention to other constitutional countries.

Mr. CAMPBELL. Oh, yes.

Mr. BORLAND. And he realizes that the British House of Commons has over 600 members.

Mr. CAMPBELL. Yes; 670.

Mr. BORLAND. Elected by a membership of less than 50,000,000 people, and every member of the British House of Commons represents now less than one-half of the number represented by an American Representative in Congress.

Mr. CAMPBELL. Yes. In the first place, a member of the British House of Commons does not have to sustain any sort of close relation with his constituents in order to be a member of the British House of Commons. He does not have, even, to live in the district. He may never have been in the district in order to have an opportunity of representing it.

Mr. SULZER. That is so with us, is it not?

Mr. CAMPBELL. Well, that may be true in New York, but it is not in Kansas.

Mr. SULZER. There is no law against it.

Mr. CAMPBELL. There is an unwritten law that is as firmly entrenched as any part of the Constitution of the United States.

Mr. SULZER. Well, the Constitution itself fixes the matter.

Mr. YOUNG of Michigan. Is it not a fact also that 40 is a quorum of the British House of Commons, and the attendance rarely reaches 150, and the members only come in when called?

Mr. KENDALL. I wish the gentleman would discuss the significance of that fact and illustrate it to the House.

Mr. CAMPBELL. The fact is that 40 constitutes a quorum in the British House of Commons for the transaction of general business, and 20 constitutes a quorum for the passage of private bills, and seats are provided for only about 150 members.

Many parliaments are large in number, but no one will contend that any of the large parliaments of the world are as deliberative as was this House when it had less than 300 Members. Let me give you the size of the parliaments of the world and the growth of this House.

These are the world's great parliaments:

	Membership.
Canada	214
Japan	369
Germany	396
Spain	406
Russia	442
Italy	508
Austria	516
France	594
Great Britain	670

Now, let me give you the growth of this House in 120 years. We began in 1789 with 65 Members and to-day have 391. I give the years, the number of States, the number of Members, and the number of people to the Member:

Year.	Number of States.	Number of Members.	Population to a Member.
1789	13	65	30,000
1790	15	105	33,000
1800	16	141	33,000
1810	17	181	35,000
1820	24	213	40,000
1830	24	240	47,700
1840	26	223	70,680
1850	32	234	93,423
1860	34	243	127,381
1870	37	293	131,425
1880	38	325	151,913
1890	44	356	173,901
1900	45	386	198,175

Our Representatives guided us through the War for Independence, the War of 1812, the Mexican War, and the War for the Suppression of the Rebellion with a membership that ranged from 65 to 243. There was no fault found then with the House rules. Every Member was able to participate in the deliberations of the House.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Yes.

Mr. COOPER of Wisconsin. Gentlemen have asked the gentleman from Kansas about the ability of a Member to represent 100,000 or 200,000 people. Would it not be well to define the word "represent?" Daniel Webster represented all the people of Massachusetts. Did not he represent all of the people of Massachusetts as efficiently as any member of the Legislature of Massachusetts represented his own little legislative district?

Mr. CAMPBELL. That is entirely true.

Mr. COOPER of Wisconsin. Now, when it comes to distributing seeds, it is a little more difficult to "represent" 400,000 constituents than it is to "represent" 200,000. But if we talk about great general principles and of the duties of statesmanship, principles and duties which concern all the people alike, whether 5,000 or 100,000, it is of vast importance that Representatives shall have an opportunity to deliberate. But with every increase in the number of Representatives the opportunity for proper consideration of subjects before the House is correspondingly diminished. As the House grows larger it grows weaker as a real legislative body.

Mr. CAMPBELL. Mr. Chairman, I must proceed.

The CHAIRMAN. The gentleman declines to yield.

Mr. CAMPBELL. The size of the British House of Commons is often referred to, and the necessity for a large membership in that country is based upon an entirely different reason from any that exists in this country. In the first place, the House of Commons legislates for the whole of the British people. They have no local legislatures. They have no municipal governments that legislate for them. The British House of Commons legislates for all the municipalities, both in England, in Scotland, and in Ireland. That possibly is one of the reasons for the very large membership in that Parliament. And I will submit that when the American House of Representatives had from 65 to 150, 180, and 200 members, it was a vastly superior legislative body to the British House of Commons with its 580 members at that time. It has 670 members now; in those days it had a little less than 600.

This is a very practical question. The gentleman from Tennessee [Mr. SIMS] a moment ago intimated in a question that as a small body the House of Representatives would be easily controlled by some corporation, I think, he said.

Mr. SIMS. I just mentioned them all. I did not mention one.

Mr. CAMPBELL. The Federalist contains an article by James Madison, or probably Hamilton, on the House of Representatives, in which this language is used:

> One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is, that in all legislative assemblies the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities.

Mr. SIMS. Why not cut it down to two for each State?

Mr. CAMPBELL. There are States here that are mighty well represented by two Members.

Mr. Madison says further:

> Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation.

That is from James Madison.

Mr. SIMS. May I ask the gentleman from Kansas a question right there?

Mr. CAMPBELL. Yes.

Mr. SIMS. Is it not a fact that the belief, whether it is true or not, is that on account of the smallness of the other body great interests have a greater control there, and that that is the foundation for the demand to-day to elect Senators by direct vote of the people?

Mr. CAMPBELL. I do not think the size of the Senate has had anything to do with it. When the Senate was a much smaller body than it is to-day the same kind of talk was indulged in as is indulged in now.

Mr. SIMS. To change the Constitution and elect them by direct vote of the people?

Mr. CAMPBELL. There has been talk of changing the Constitution as far back as I can remember.

Mr. SIMS. You ought to read the speech that Senator ROOT made the other day, and see what he says about it.

Mr. CAMPBELL. When this House contained but 240 Members, this was said by a Representative named Underwood. Debates were then reported as in the third person. He said:

> He believed that less than half the present Members of the House could do more business and do it better than the existing number. He deprecated any large increase in the Members tending toward a mob government, by confusion, crowing like cocks, braying like asses, shuffling with feet, coughing, and other similar expedients now pursued in the House of Commons in England.

Mr. RUCKER of Missouri. Does the gentleman indorse that?

Mr. CAMPBELL. I have read a portion of a speech made by a gentleman by the name of Underwood, delivered on the 22d day of April, 1842.

Mr. TAWNEY. Does the gentleman from Kansas know what the average attendance is in the House of Commons? And is it not a fact that 40 members in that body constitute a quorum for the transaction of business?

Mr. CAMPBELL. Forty constitutes a quorum for the transaction of general business and 20 for other business.

Mr. PICKETT. And is it not a fact that they have only provided seats for one-half of the members of the house?

Mr. CAMPBELL. They have seats for less than one-third of the members. When I visited the House of Commons a most important question was under consideration, and there were just 125 members present. I was told by a member that there were not to exceed one-third of the members of Parliament in the city.

Mr. PICKETT. The gentleman from Ohio [Mr. KEIFER], who has visited the House of Commons, says that they have a seating capacity for practically only one-fourth of the total membership.

Mr. CAMPBELL. Oh, I have no doubt that is true; the members do not attend.

Mr. SWASEY. They would not attend, either, in this House if they did not get any salary. [Laughter.]

Mr. CAMPBELL. When this House had 240 Members, Mr. Potter spoke as follows:

> We have now a House composed of 240 Members. Can anybody speak here so as to be heard throughout the Hall?—

I could have taken this speech literally and applied it to the House to-day.

Mr. KENDALL. Who was Mr. Potter?

Mr. CAMPBELL. He was a Member of Congress from Ohio.

> We have now a House composed of 240 Members. Can anybody speak here so as to be heard throughout the Hall? Can business be dispatched in a deliberative tone of voice or manner? When a man begins to speak in this House he has to raise his voice and shout with all his might, and presently he is obliged to thrash about with his arms in order to supply his lungs with the necessary blood to keep up the volume of voice required. Next he gets excited and violent, and thus it results that the legislation of one of the most powerful bodies in the world is connected with more apparent violence, with less deliberation, and with less creditable manner than that of perhaps any other civilized country. Why, sir, legislation like that of this body, which affects the gravest rights of the people, ought to be carried on in a deliberative manner; ought to be conducted, if possible, in a conversational tone of voice. In the House of Commons, with its 650 members, 40 constitute a quorum for general business and 20 for private bills. The members nestle around in a little space in front of the speaker, and nobody has to raise his voice greatly to be heard. While in this House, in which by constitutional provision a quorum must always be

at least a majority of the whole House, in order to command any attention beyond those who immediately surround us, we are, on the other hand, obliged to shout until we make an exhibition of ourselves, creditable neither to us nor to the legislation of the country; and yet it is proposed for the next 10 years to still further increase these embarrassments to wise legislation.

That speech was made when there were only 240 Members, in 1871. To-day we are proposing to increase the number from 391 to 433. Why? Because some States will lose a Member or two Members, because it endangers the seats of some Members in this House. I submit to gentlemen here that deliberation in the House of Representatives is of vastly greater importance to the country and the general welfare of the people than that a State should not suffer the loss of a Member, or that a Member of this House should not, perchance, lose an opportunity of returning here on account of the number of Representatives from his State being reduced.

The amendment that I shall offer will reduce the number of Members from my State from eight to seven. I do not know who it will affect. There are eight of us here, and there will be eight of us in the Sixty-second Congress. Which one shall lose his seat here is a matter of little importance to the people of this Republic and to the people of Kansas. But it is important that the growth of the House of Representatives should stop somewhere in order that it may retain some semblance of being a deliberative body.

Mr. SIMS. Which means to stop the growth of popular government.

Mr. CAMPBELL. Which means the preservation of popular government. The nearer you approach to a mass convention the nearer you come to mob government. Representative government is on trial in this country. The deliberations of a representative body is a test of representative government . I have seen the gentleman from Tennessee, who interrupted me without asking my permission, blue in the face attempting to make himself heard by all the Members who chanced to be in their seats in this House. I have on numerous occasions been afraid that the gentleman would suffer from apoplexy in his efforts to be heard in the House.

Mr. SIMS. Now, with the permission of the gentleman, I would like to ask him a question and apologize for breaking in before.

Mr. CAMPBELL I will yield to the gentleman.

Mr. SIMS. Does my friend from Kansas think that the blessings of liberty ought to be compared with the efforts of a man's voice making him blue in the face and bellowing like a bull?

Mr. CAMPBELL. I did not characterize the speeches of the gentleman from Tennessee as the bellowing of a bull. I would not have been so unkind to the gentleman as to have made that statement, but I do not regard the increase of the House of Representatives as essential to the preservation of the liberties of the people. I do regard it absolutely necessary to representative government in this country that there shall be a stop put to the growth of the House of Representatives so that it shall be a deliberative representative body, in which all the Members may participate and be heard without making violent physical effort.

Mr. SIMS. We have been growing all the time; why not keep it up?

Mr. CAMPBELL. That has been the argument that has been made for a century in behalf, not of liberty, not of representative government, but of States that were about to lose a Member of Congress or of gentlemen who stood a chance of losing their seats in this House.

Mr. GUERNSEY. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman.

Mr. GUERNSEY. I understand the position of the gentleman, and I would inquire why he has not offered an amendment to reduce the membership of this House rather than to retain it at 391?

Mr. CAMPBELL. Mr. Chairman, I have always tried to do what I had a chance of accomplishing. If I could win with a membership in this House of 250 Members, I would offer that amendment, but I know that has no chance. That would put more States than the State of Maine in the catalogue of those that would lose Members. That would create opposition that I trust will not line itself up against the proposition to keep the House of Representatives at 391, as it is to-day.

Mr. COOPER of Wisconsin. Mr. Chairman, I will ask the gentleman from Kansas if he will yield to me for a moment?

Mr. CAMPBELL. Yes.

Mr. COOPER of Wisconsin. I would like to answer the suggestion offered by the gentleman from Tennessee [Mr. SIMS]. I think I can give an answer to his suggestion.

Mr. SIMS. Which concedes that the gentleman from Kansas has not done so.

Mr. COOPER of Wisconsin. The gentleman from Tennessee plainly intimated that, in his judgment, as the growth of the population of the country increases there should be a corresponding growth in the size of this House. His suggestion was, in effect, that the larger the House the better the people would be represented.

I have a complete answer to that. In 1848, when Wisconsin adopted its constitution and became a State, its population was small. Article IV, section 2, of that constitution provides that never should the assembly—the lower house of the State legislature—have more than 100 members, and that never should the State senate have more than one-third as many members as the assembly. That article of the constitution has remained unchanged. Never has there been a serious suggestion in Wisconsin to amend the constitution and to increase the membership of either house. The State senate has 33 and the assembly 100 members. Nor has there ever been a suggestion made by any man or any party that the people of Wisconsin to-day are not as well represented in their State legislature as were their predecessors when the constitution was adopted, and this notwithstanding the fact that the population of the State has increased by millions, as has correspondingly the ratio of representation.

Mr. SIMS. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. CAMPBELL. Just for a question.

Mr. SIMS. I wanted to reply to what the gentleman said.

Mr. CAMPBELL. Oh, the gentleman will have time of his own.

Mr. SIMS. Well, if I can have time, very well.

Mr. COLE. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Just a short one.

Mr. COLE. Is it not a fact that some of the most able and efficient Members of this House represent to-day much more than 235,000 people?

Mr. CAMPBELL. Oh, yes; I think that is true. I find that the gentleman from Tennessee [Mr. SIMS] represents 180,937 people. I am told that the gentleman from New York [Mr. SULZER] represents 258,000 people. I have been representing about 320,000 people for the past five years, and I am not objecting to it. I am perfectly willing to add 100,000 more.

Mr. SIMS. Then the gentleman is only afraid that my district will not be properly represented?

Mr. CAMPBELL. Not at all. I concede that the gentleman from Tennessee is perfectly qualified to represent 500,000 instead of 180,000.

Mr. NYE. Permit me to say to the gentleman from Kansas that my district has 334,000 people in it.

Mr. CAMPBELL. And no one complains that the district represented by the gentleman from Minnesota is not well represented.

Mr. CLARK of Florida. Mr. Chairman, I would like to hear the gentleman address himself to this aspect of the case: Does not the gentleman believe that if the Hall is contracted as proposed, the desks removed and benches put in their stead, Members thereby being drawn closer together, that a Member will have no difficulty in making 433 men hear him?

Mr. CAMPBELL. I doubt the ability of any architect to fix this or any other hall so that the Members can in a deliberative manner, without using altogether too much physical force, make 433 or 435 men, as the case will be if this bill should pass, hear him.

Mr. Chairman, the question of expense is a matter of minor importance in this connection, as compared with the other and more important question that I have raised here.

But we must not lose sight of the fact that we are proposing by this bill reported by the committee to increase the annual expenses of the House of Representatives, in round numbers, $1,000,000.

Mr. ALEXANDER of Missouri. Will the gentleman please state of what that estimate of $1,000,000 consists? As I figure, the increase in the salaries would be $315,000; mileage, taking an average of $500 to each Member, would be $21,000; clerk hire, $63,000; stationery account, $5,250; franking privilege, estimating the average to be $500 for each Member, would be $21,000, or $435,000. Now, taking into consideration the item of the cost of heating and lighting and furnishing for the rooms, janitors, and so forth, it would not bring it to above $500,000.

Mr. CAMPBELL. I only yielded for a question, but I will answer the gentleman. Salaries would amount to $315,000. That is no small sum of money; that is, it is no small amount of money out in my country.

Mr. ALEXANDER of Missouri. I was simply challenging the gentleman's statement that it will cost $1,000,000.

Mr. CAMPBELL. The salaries are the small part of the expense. Then adding to that 42 secretaries, at $1,500 a year, makes $63,000; stationery allowance, $5,250; mileage, $35,000; increased franking privilege—that nobody knows and it can only be estimated—and it is safe to say it will be in the neighborhood of $250,000 or $300,000.

Mr. SABATH. Will the gentleman permit me a question?

Mr. CAMPBELL. Yes.

Mr. SABATH. How would that increase the franking privilege at all?

Mr. CAMPBELL. As you increase the number of men who use the franking privilege you increase the expense.

Mr. SABATH. Are the present Members overlooking anybody in sending out seeds and documents? [Laughter.]

Mr. CAMPBELL. Probably not.

Mr. SABATH. Then how can you increase it?

Mr. CAMPBELL. I doubt, however, if the franking privilege is used to the extent it would be if there were 435 Members in this House.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. CAMPBELL. I did not intend to consume so much time. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT] and reserve the balance of my time.

Mr. GILLETT. Mr. Chairman, that the House is already too large for the orderly conduct of business everyone will admit. And those who were here at the time of the last apportionment and remember how that bill was carried by a system of selfish bargaining and logrolling will not pretend that it was a regard for the public interest which caused the increase then. So now the pride of certain States and the selfish interest of certain Members demand another increase, thereby increasing our infirmity. But I can not feel that local advantage ought to blind Members to the larger considerations, and it seems to me it is greatly to the advantage of this House and of the country that the membership should be no greater. There is a general complaint now of the powerlessness of the individual Member, and yet every increase of membership increases that impotence, compels the adoption of drastic rules, and lodges power in the hands of a few. The larger the body the more necessary and inevitable is strict discipline, rigid rules, obedience to leaders, and centralization of power.

Two arguments are made for an increase. One is that the English Parliament is larger. That only illustrates the inevitable result of a large House, for power there is concentrated in the ministry and the rest of the House has little initiative or responsibility except to support or oppose the ministerial program. That is the very tendency here against which public opinion has been so violently agitated, and which necessarily grows with the size of the body.

The other argument made is that the Representative should be in close touch with his district, and if it was larger he could not so well know its wishes. The routine personal work of a Congressman is immense; to his political success it is of great importance; but it would be better for the country if more of that was left to our clerks, so that we could devote our thought to the problems of legislation and not so much to making ourselves popular with our constituents. I think Congress to-day tends too much to become a mere echo of public opinion, to vote for what is popular and not for what is best. Edmund Burke's famous declaration to his constituents is as true now as it was 130 years ago:

> I was not to look to the flash of the day. I know that you chose me to be a pillar of the state and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale.

The weakness of the American Congress to-day is not that it does not heed public opinion, but that it is too timidly, servilely, selfishly subservient to public opinion; that it does not attempt to lead and instruct, but is contented to always follow and obey. That may be wisest for the individual legislator, but it is bad for legislation. The theory of representative government is that the people elect men wiser than the average to represent them, and that legislation is determined by their joint wisdom, and then they convince their constituents of the justice of their conclusions.

Now, too often their wisdom is exercised in guessing what will be most popular with their constituents and legislating accordingly. I think the danger to-day is not that the Representative will know his district too little and be governed too little by the popular wish, but that he will follow it too exclusively and subserviently. Of course the will of the people always should and will ultimately govern, but it should be their thoughtful, deliberate will, not every temporary impulse.

I think an increase in the membership will increase our worst faults and tendencies, and that the House should never be larger than it is to-day. I would gladly vote for a reduction in the size if there were any possibility of its success. The enormous expense, direct and indirect, necessarily involved in the increase is another strong argument against it, which, however, has been already amply expressed.

Mr. CAMPBELL. Mr. Chairman, I yield six and one-half minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, what I am about to say relative to the favorably reported bill which contemplates the increase of membership of the House from 391 to an ultimate of 435 shall be done in a spirit of justice and liberality as broad as my most earnest sense of fairness will permit. I have no desire to carp nor to pose as a critic, but rather to counsel with your own good judgments as to the propriety or the impropriety of enacting this bill into law. This is a question of great importance, affecting as it does national public welfare, and as such it deserves more than passing or political consideration.

The bill proposes a ratio of 211,877 population to each congressional district, and that we may have a fair understanding at the beginning, this ratio will increase the number of Congressmen in 22 States of the Union and leave the number of Representatives the same as now in the other 24. The increase by States is as follows: Alabama, 1; Florida, 1; Georgia, 1; Louisiana, 1; Oklahoma, 3; Texas, 2; West Virginia, 1; Idaho, 1; California, 3; Colorado, 1; Illinois, 2; Massachusetts, 2; Michigan, 1; Minnesota, 1; Montana, 1; New Jersey, 2; New York, 6; Ohio, 1; Oregon, 1; Pennsylvania, 4; South Dakota, 1; North Dakota, 1; Rhode Island, 1; Utah, 1; and Washington, 2. Also the new States of New Mexico and Arizona will add one each, making a grand total of 44.

I am opposed to the passage of the bill, and I will tell you why. Of course, I am liberal enough to concede that there are some arguments in favor of such legislation, but that there are stronger reasons against it would be admitted by every Member of this House if he would harken to the demand of duty rather than to the call of political expediency. That an increased membership would be highly acceptable to ambitious and probably worthy politicians in every State in the Union is true, but that the present membership of the House is so large already we are in each other's way in the prompt dispatch of important public business is equally manifest.

This question of changing representation in the House every 10 years is almost as old as Congress itself. We have had several changes of ratio systems of representation of voters, occasioned by changes of both Constitution and statutory enactments, but these are mere matters of history and have little bearing on the question of ratio representation of to-day. At every census-taking period, I understand, the number of Representatives in the House has been increased, except in 1840, when it was reduced from 242 to 232. In 1850 the number was fixed at 237, in 1860 at 243, but in the 1870 apportionment it was increased 50 Members, 39 more in 1880, 25 more in 1890, and 34 more in 1900, making a total of the present membership of 391. None of these apportionments were based on Congressmen representing exactly the same number of people as fixed by any previous enactment, and so the question of ratio has been a varying one, the essentials of efficiency, convenience, and economy of the numerical size of the House being the main considerations.

It is with pleasure that I refer to an opinion of that great jurist, Judge Cooley, in which he admonished all Americans to remember that Members of Congress, although elected by the people, are not in consequence compelled to receive instructions from their constituents. Each Member is supposed to use his own best judgment on any question, and, like a member of the English House of Commons, ask, What is for the good of the Nation?

Speaking directly on this question, Judge Cooley says, on pages 41 and 42 in his Principles of Constitutional Law:

> Congressmen's own immediate constituents have no more right than the rest of the Nation to address them through the press, to appeal to them by petition, or to have their local interests selfishly considered by them in legislation. They bring with them their knowledge of local wants, sentiments, and opinions, and may enlighten Congress respecting these, and thereby aid all Members to act wisely in matters which affect the whole country, but the moral obligation to consider the interest of one part of the country as much as that of another and to legislate with a view to the best interests of all is obligatory upon every Member, and no one can be relieved from this obligation by instructions from any source.

And away back in 1842, in a memorable debate in Congress which ended in a decision to reduce the membership of the House, that learned statesman, John C. Calhoun, declared it to

be his belief that the expedient of enlarging the House of Representatives, instead of increasing its weight and giving it respectability, would have a contrary tendency. At the time, he said, when the House consisted of not more than 140 Members it was as orderly as the Senate in its legislative proceedings; and it was the opinion of the most intelligent men with whom he had conversed upon this subject that every increase of its numbers produced only a deterioration. By its increase business must be protracted and the sessions drawn out to such an intolerable length as to be a reasonable cause for complaint from waiting interests. Also, it was admitted to be a great mistake to suppose that local interests were to be represented in detail in the House. These details were taken care of in the State legislatures. It would be wholly out of place to introduce local influences into a National Legislature intended to represent the people collectively in reference to matters of national import or affecting the interests of States in a national capacity.

True, it should be a necessary qualification of a Congressman that he be in close touch with the interests and needs of the people of the district he represents, but his oath of allegiance to duty requires of him that he shall represent the cause of his people in the Committee of the Whole on the common cause of the Nation.

But the argument for an increased membership always has been, and is now, based on the premise that in order to serve efficiently his constituents a Congressman should represent a limited number, so he may be familiar with their local needs, their wants of Government service, and promptly heed requirements in all such matters. In its proper analysis this is no reason at all for an enlarged membership of the House. The fact must be apparent to all who will give existing conditions comparison with the past, that a Congressman of this day and age can keep in touch with 100 constituents more promptly and more conveniently than he could with 10 under conditions of 20 years ago. Present-day means of communication and the facilities afforded Congressmen explode every argument in favor of an increased number of Representatives. Twenty years ago the mail, telegraph, and telephone facilities were nothing as compared with those of to-day. Now, a Congressman has, or soon will have, daily mail service to practically every one of his constituents. He has telephone communication not only to city residents, but to progressive farm homes as well. He has telegraph service to every town and hamlet in the country. He has newspapers at almost every neighborhood center advising him of public opinion there. He has railroad and interurban electric train service threading a network of transportation facilities throughout the country, and he has good roads and automobiles whereby he may be rapidly transported among his constituents. He has more than this. He has a new and convenient Office Building in Washington, equipped with all modern conveniences for the prompt dispatch of business. He has a Government-paid clerk to do his clerical work by the rapid process of stenography, typewriting, and reproducing. He has at his service labor-saving devices for mailing letters and parcels, and his salary has been increased to an amount sufficient to induce the most systematic, efficient, and successful of men to serve their country in Congress.

Another feature of the lessening of Congressmen's duties might consistently be cited in the adjustment of the soldier pension question by reason of prospective legislation that will satisfy the needs of the deserving soldiery and relieve Congressmen of a great deal of this official attention which now requires most of their time. And, furthermore, the legislative needs of our country are not so numerous as they were in other years before we had our great questions of public domain, mail facility, transportation, interstate commerce, navigation, and so forth, practically settled on a basis that will need but casual attention hereafter in order to keep step with the progress of the ages. Indeed, many of the questions that formerly concerned Congress are now settled by specially delegated courts and commissions, and over and above all is the crying and just demand of the country that we have less legislation and what we do have shall be more carefully and judiciously written and more specifically stated, to the end that the country may have relief from all sorts of legislation on all sorts of questions. Also that such laws as are enacted or amended may be so succinctly set forth that the proverbial "Philadelphia lawyer" will not be necessary to constantly interpret our general laws and enlighten the country, through court decisions, as to whether the new laws enacted from year to year by Congress are what they seem to be, improvements for public weal, or "jokers" designed to help some individual or interest at the expense of public woe. Why, sirs, we have some 27,000 bills introduced in one term of Congress now, and if we increase the membership this already ridiculously large and incomprehensible volume of bills will increase proportionately; a condition unwarranted and demoralizing.

In the light of my present information and experience, I believe it would be much better for the general peace, prosperity, and progress of the country that we have a modest number of Congressmen impartially assigned to committeeships, so all, instead of a few, shall have responsibility in considering bills, rather than an unwieldy throng, inducing haphazard procedure in Congress similar to a town meeting. It is the unquestioned verdict of world-wide experience that in unduly large bodies confusion and disorder retard concentration of purpose and unity of action necessary to clear and just results. Many of us now represent a much larger number of people than this proposed apportionment provides. Would such be more efficient in a larger Congress, numerically, representing fewer constituents?

But there is another important consideration of public concern. It is that of increased public expense. The officers of the House of Representatives say the proposed increase in membership will cost, all things considered, a half to three-quarters of a million dollars a year more than the present membership, to say nothing of the necessity of enlarging the present capacity of the House Chamber at an already estimated expense of $350,000, and another $50,000 for additional office and committee room equipment. Furthermore, an increased membership will surely mean more home projects and more home interests for each Member to exploit, and that will induce more appropriations and incidental increase of Government expenses. Not all Members of this body, but most of them, are willing to get as much for their home districts as they can, and the more Members the more money will be needed to satisfy increased demand that would naturally follow an enlarged membership.

True, some other nations of the world have larger memberships of their national legislatures than the United States, but no one here will claim that they do more efficient legislative work than we. Besides, most all such give less time and receive lower compensation than we, and in most of these larger bodies the district legislation done in our States is incumbent on the Members of the national body.

What are we hearing from home relative to this bill? Has there been public or private demand for increasing the number of Congressmen? I have had no such information. But I will tell you what I have heard—universal expression against it, regardless of politics. The press of my home district and of my home State is saying something like this: The only argument in favor of a larger House is the ambition of the politicians who hope to become Members of it. But this ought to be an argument against it. To the people of Indiana it makes little difference whether the State has 10 Congressmen or 15. But it does make a vast difference to them and to the Nation at large whether the House of Representatives is of size so unwieldy that it can accomplish nothing, but becomes simply the cumbersome instrument of a few crafty leaders. They say, too, that two things are essential in public officials—direct responsibility for what is done or left undone and personal accountability to constituents. In a large body like even the present Congress the responsibility is so scattered and confused that it is hard to be fixed, and only in cases of conspicuous betrayal of their interests do the voters hold their Congressmen to personal accountability.

Some newspaper opinion of the country goes even further than this. One press gallery observer has declared that Congressmen are already so crowded on the floor of the House that they string each other on their arms when they speak, and another facetiously observes that if we keep on increasing the membership Congressmen will soon be as common as policemen and Washington may mistakenly use them as hitching posts.

The independent press and the independent voter are unitedly opposed to more complications and more political machine possibility in legislation. And year after year this influence is growing more and more potent. The composite demand of the age is that we have more business and less politics in Government, and the popular and helpful injunction that has builded for individual usefulness and greatness is being paraphrased for public servants into these significant words, "Unto thine own duty be true; and it must follow as the night the day thou canst not then be false to any man."

If we will avoid all partisan and personal motives in the consideration of this bill, we can amend it, in point of excessive numbers, satisfactory to the best interests of the country, and pass it in time that the State legislatures concerned may act on its requirements before the close of regular sessions and thus save special-session inconvenience and expense in many States. This is our duty, and we should discharge it patriotically.

One thing more and I am done. I appreciate the fact that a good many of my esteemed colleagues on my side of the House gravely apprehend that our political opponents have a partisan purpose in refusing to stand by the Crumpacker or committee bill, which provides for an increase, and that especially some leading Democrats may suffer temporary defeat as the result of the action of a governor who would juggle with the good intentions of those who favor retaining the present numerical size of the House. Of course I do not profess to be on familiar terms with sister State politics, but I will tell you what I believe. If a bill passes which will reduce the House membership from any State, and the governor of such State should attempt to play unfair politics with the situation, the sense of fair play now prevalent among American freemen would give the Democrats of that State a majority so large in the next election that no future governor would ever belittle his high calling by taking a political advantage of a condition that the best interests of the country demand. The people of this land are insisting on fair play and they are going to have it, any and all political tricks or schemes to the contrary notwithstanding.

Mr. GOULDEN. Mr. Chairman, the bill under discussion, providing for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, is one of great importance to the people of this country.

In 1890 the ratio was 194,182, giving 391 Members, including the Territories and the insular possessions. The proposed measure fixes the ratio at 211,877, increasing the number to 433, an increase of 42. After carefully considering the whole question, I shall favor the bill unanimously reported by the Committee on the Census.

The eighteenth New York, which I have had the honor to represent for eight years, when it was for the first time made a separate district, is to-day the largest in the country, having a population of more than half a million.

It is composed of the great and growing borough of the Bronx, whose population, according to the late census, was 431,000, with all of the northeastern portion of Harlem, with upward of 100,000 people.

The Bronx, the northern portion of the imperial city of New York, during the last 10 years shows the following results in a substantial way: Building operations, 1901 to 1910, $240,000,000; value of taxable real estate, 1900, $138,500,000; value of taxable real estate, 1911, $593,757,919.

This borough, no matter what ratio the Congress adopts, will be entitled to two Representatives, so that I am not personally interested in the question of numbers. The State of New York will gain six under the committee bill, which seems to be a good thing for the State. Under this measure no State will lose a Member, and those States that have largely added to their population in the last 10 years will gain Members.

As the Congressmen are elected every two years, thus coming fresh from the people and being obliged to return to their constituents at the end of that time for approval of the country, in my judgment 211,877 is a sufficient number of people for one man to represent. I believe that he can do better work and more satisfactory to the country. All things considered, I shall vote for the committee's measure of 433.

Mr. SULZER. Mr. Chairman, as a believer in representative government I shall vote to give the people more representation in the Congress of the United States—the greatest parliamentary body in all the civilized world. My answer to the critics of representative government is more representative government. My reply to the foes of democracy is more democracy. Hence I shall vote against the bill limiting the membership in the House of Representatives to 391, and in favor of the bill to increase the membership to 433, duly apportioned among the States in accordance with population.

This is a government of the people, and the House of Representatives should be close to the people and responsive to their will. With a membership of 433 it will not be too large. Great Britain has 670 members in the House of Commons, with a population of about 40,000,000; Austria has 516 members in the lower house, with a population of about 26,000,000; France has 584 members in the Chamber of Deputies, with a population of about 39,000,000; Germany has 397 members in the Reichstag, with a population of about 60,000,000. It will be seen, therefore, that in the densely populated countries of Europe, where representatives have less difficulty in ascertaining local, industrial, social, and political conditions, the ratio of population is much smaller than it is in the United States.

The bill I advocate fixes the membership of the House from and after the 3d day of March, 1913, at 433, and provides that if any new State shall be admitted into the Union the Representative or Representatives assigned to such State shall be in addition to that number. The ratio of population to Representatives is fixed at 211,877. The ratio under the apportionment act following the Twelfth Census was 194,182, so that the average district under the bill I am discussing will contain 17,695 more inhabitants than were contained in the average congressional district under the act of 1901.

There has been an increase in the membership of the House of Representatives under every census but one since the organization of the Government. Then the Senate controlled the matter for the first and only time. That apportionment following the Sixth Census, in 1840, reduced the membership 17, but this was, as I said, accomplished by the Senate. The increase has not been in proportion to the population, but has been an average of about 50 per cent thereof. This increase is justifiable in a republic of the people in the judgment of every friend of representative government.

It is my conviction that an increase of 42 Members will not materially change the character of the House as a deliberative body. The House was created for the purpose of making laws to meet the needs and desires of the people. It is true in a smaller House the individual importance of Members would be increased. Each Member would have relatively a larger influence, but it does not follow that increasing the individual power and responsibilities of Members would result in a better representative body, with higher capacity for the performance of its constitutional duties. Therefore I concur with those who believe that a membership of 433 for the next decade will come nearer meeting the requirements of the country, viewed from all aspects, than a smaller membership. It will not be so large as to appreciably affect its ability to perform its work, and it will be sufficiently representative to meet the spirit of representative government.

Of course I am conscious that many discerning citizens believe the present membership of the House is too large, and that any substantial increase would result in augmenting the difficulties of securing intelligent and deliberate action in relation to legislation. It must be kept in mind, however, that the House was intended to be a representative body. It is supposed to reflect as nearly as possible the feelings and the convictions of the people of the country. This Republic is vast in area, diversified in climate, wonderful in resources, great in products, and most matters of general legislation are the result of the composite will and desire of the whole people. In order that Representatives may be in touch with their constituents and know how they feel and what their real needs may be, congressional districts should not be too large in either population or area. The work of Representatives in Congress has materially increased during the last two decades. The people of the country are yearly coming in closer touch with Federal legislation and administration, and are looking in a constantly increasing degree to the General Government for the proper regulation of the affairs of the country. The work of Congress as a whole has been greatly extended, and has gone into new fields of legislation in recent years, so that the labors and responsibilities of Representatives have so increased that it would be unwise, in my judgment, to decrease representation and still further add to the labors and responsibilities of Members.

Under the provisions of this bill the State of New York will gain six additional Representatives. In other words, New York now has 37 Representatives in Congress. If this bill becomes a law, New York will have 43 Members in the Sixty-third Congress. I am with the people and for the people. I can not bring my loyalty to their interests to the support of any measure that will deprive the people of my State of this increase of representation in the Congress of the United States.

Mr. Chairman, just a few words about another matter closely associated with the question now under consideration. I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. I trust the people, and I believe in the people. I believe that all governments derive their just powers from the consent of the governed, and hence I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senators as well as Members of Congress shall be elected directly by the people, and the Government thus become more and more a representative democracy, where brains, fitness, honesty, ability, experience, and capacity, and not wealth and subserviency, shall be the true qualifications for both branches of the Federal Legislature.

The people all over this country now demand this much-needed change in the Federal Constitution, so that they can vote directly for Senators in Congress, and they appeal to us to enact this law to give them that right. It is not a partisan question, neither is it a sectional issue. The demand reaches us from all parts of the land and from men in all political

parties with a degree of unanimity that is quite surprising. It is our duty to respect the wishes of the people and to give them a uniform law allowing them to vote for Senators in Congress just the same as they now vote for Representatives in Congress.

Mr. Chairman, ever since I have been a Member of this House—for nearly 16 years—I have advocated and worked faithfully to bring about the election of Senators in Congress by the direct vote of the people. In every Congress in which I have served I have introduced a joint resolution to amend the Constitution to enact into law this most desirable reform, and the record will show that I have done everything in my power, in Congress and out of Congress, to secure its accomplishment.

Without any vanity I can justly say that I am the author of this reform. On several occasions my resolution has passed the House, only to fail in the Senate, because the Senate would never allow the question to come to a vote. However, it is just as sure to be written into our Constitution, sooner or later, as the sun is to rise to-morrow.

The right to elect United States Senators by a direct vote of the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, and I hope it will be succeeded by others, until this Government becomes indeed the greatest and the best and the freest Government the world has ever seen, where the will of the people shall be, as it ought to be, the supreme law of the land.

Mr. SAUNDERS. Mr. Chairman, I desire to call attention to a few of the fallacies in the arguments of the gentlemen who are opposed to an enlargement of the membership of this body. On the part of some participants in this debate it is suggested that in a smaller body, a larger proportion of the Members-elect will attend its routine sessions for the purpose of legislative work. Now this is not a matter to be determined by theorizing, but should be referred to the test of actual experience. If anyone considers that in a smaller assembly, a better proportion of its Members will attend its daily sessions, he need only stroll across the lobby that intervenes between us, and the Hall of our cognate body, and watch the progress of its deliberations. He will not find that its proportion of attendance is larger, than that which prevails in this House. The old theory that a smaller body means better work dies hard, though it is at war with the experience of everyone who has served in what is known as the popular branch of a general assembly.

Again, it is suggested that an increase in the population of the constituencies, will result in a better personnel in this House, and a higher class of service on the part of its Members. We have heard a great deal about the wisdom of our forefathers, in the course of this debate, and if this intimation of superior wisdom on their part holds good, it suggests a reduction, rather than an increase of population in the constituencies. In the conception of the fathers the House of Representatives was to be the popular branch of Congress, and at all times in direct and immediate touch with the people. If we will look to the districts created in the early days of the Republic, we will find that the statesmen of that day did not subscribe to the proposition that large constituencies are needed to secure the services of the ablest men, or that the work of a Representative will improve in quality, in proportion as the size of his constituency increases. A table of the successive apportionments will show the later increase in the ratio, after being almost stationary for about 40 years:

Membership and ratio under several apportionments.

	Ratio.	Whole number of Representatives.
Constitution of 1789	30,000	65
Census of—		
1790	33,000	105
1800	33,000	141
1810	35,000	181
1820	40,000	213
1830	47,700	240
1840	70,680	223
1850	93,423	233
1860	127,381	243
1870	131,425	293
1880	151,911	325
1890	173,901	356
1900	194,182	386

Hence should we fail at this time to increase the membership of the House in measurable proportion to the increase in our population, we will do more violence to the theory of the fathers, than at any time of our history, since the constituencies in the event of this failure will be larger than in any decade during that history. As the size of the constituencies are increased, the effective ability of the Members to serve their constituents will be diminished. In modern times the volume of detail work not properly representative, is something enormous, and taxes the time of a Representative to the utmost. That tax, or burden, is of course increased in the proportion that you increase the number of people to be served by an individual Representative. The increase of annual expense involved in enlarging the House to a membership of 433, will be insignificant, compared to the better service that will be afforded to the public, by a proportionate increase in the number of public servants in the legislative body. The annual increase of expense will be about $500,000. Moreover, an increase of membership to 433 will keep many States, of which Virginia is one, from losing one or more of the Representatives which they have on the present basis. Another reason why we should not increase the size of our constituencies is that such an increase would be at variance with our claim that we are to-day the greatest exemplar of popular government in the civilized world. In a truly popular government, the constituencies must never be so large that the citizen will be unable to come into personal relations with his immediate Representative.

The fewer the people to be served by an individual Representative, the more immediately in touch with, and the more immediately responsive to, the wishes and interests of that constituency will that Representative be. There is no great parliamentary body in the world which contains as few members as our House of Representatives, and no one in which the constituencies are not much smaller than our present constituencies, not to speak of the constituencies that would be created by a bill fixing the membership of the House at 391. This will fully appear from the following table:

Country.	Number of members in lower house.	Average population in constituencies.
Austria	516	50,679
England	670	61,878
France	584	67,212
Hungary	453	42,504
United States	391	194,182

It has been stated in the progress of this debate that, owing to the increase of facilities of communication, a modern Member can serve a larger number of people with reference to attention to their individual interests than a Representative in the earlier history of our country could possibly do.

In a measure this is true, but it must not be forgotten that these same facilities of intercourse have put the constituents into more immediate communication with their Representative, and multiplied the demands on his time. Anyone who will read the early debates in Congress, will be struck by the abstract, and, I may say, purely governmental character of the subjects to which those debates relate. I venture to say that in one day, a modern Representative will receive far more letters requiring departmental attention on his part, than the average Congressman in the early history of our country would receive in a week, I might almost say, in a fortnight. The enormous increase of activity on the departmental side of our Government, has been followed by a relative increase in the demands on the time of a modern Representative.

This is a sort of work which is of essential value to the constituencies, and in proportion as their size is increased, you diminish the ability of the Member to effectively afford it. So that on the whole, the needs of the public service require this increase in the membership of this body. Another suggestion made by a participant in this debate, has been that the increase in the size of the House will diminish the initiative of the individual Member, and in that connection he cites the British Parliament, as to which he maintains that all initiative is lodged with the ministry. But I venture to assert that in the British Parliament the initiative rests in the ministry in no larger measure than it does in the committees in this body. I venture another assertion, that a study of the work of the English House of Commons will reveal the further fact that the individual members of that body enjoy fully as much power of initiative, as that proposed by Members of this body.

All the arguments against increase rest either upon an actual misconception of the situation, or else upon the mistaken theory advanced by the gentleman from Massachusetts, that a larger constituency will remove the Representative from the influence of his constituents to such an extent that he will be able to

substitute his better judgment on public questions, for their mistaken views, and disregard their indicated wishes. Now, I do not subscribe to this latter view at all. A Representative should endeavor to ascertain the wishes and attitude of his constituents on questions of policy affecting their interests. On these questions of legislative and administrative policy, the true Representative should seek to reflect the will and advance the interests of the people whom he serves. In the unlikely event that his constituency requires him to take any action that will afflict his conscience, or moral sense, he should decline to do so and return his commission to the electors. The smaller the constituency the closer and more personal will be the relations that will exist between the people and their Representatives. Hence, on this ground alone, the action of this House will be supported in public opinion if it increases our membership as proposed by the Crumpacker or committee bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma.

APPORTIONMENT OF REPRESENTATIVES.

The committee resumed its session.

Mr. CAMPBELL. Will the gentleman on the other side use some of his time? I have only six and a half minutes remaining, and that will be used in one speech.

Mr. HAY. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, I am in favor of the Crumpacker bill, the bill unanimously reported by the committee having jurisdiction of that question. I am frank to admit that one of the reasons I am for it is——

Mr. MADDEN. Will the gentleman yield?

Mr. LANGLEY. Will the gentleman please let me get one sentence finished before he interrupts me? I decline to yield for the present. I am frank to admit that one of the reasons why I am for that bill is that if it is enacted Kentucky will maintain its present representation in the House of Representatives and in the electoral college.

Mr. MADDEN. Now will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. MADDEN. Did the gentleman from Kentucky attend the Republican caucus?

Mr. LANGLEY. I did; and if the gentleman will kindly keep his seat I will come to that. I was going to discuss that anyhow.

Mr. MADDEN. Did not the gentleman participate in the caucus when we decided that 391 Members should constitute the House?

Mr. LANGLEY. Mr. Chairman, I decline to yield further to the gentleman for the present, but will answer his question and to his satisfaction, I trust, at the proper time.

Mr. AUSTIN. The gentleman from Kentucky knows that there were only 70 of the 212 Republicans in the House that voted to fix the ratio at 391.

Mr. LANGLEY. I thank the gentleman from Tennessee for his interruption; that is correct. It was less than one-third of the total Republican membership.

Mr. TAYLOR of Ohio. And is it not a fact that there were only 55 of the 212 Republicans that voted for the Crumpacker bill?

Mr. LANGLEY. That is also true as to the final vote. In other words, it was a minority proceeding on both sides. That is another reason why the committee's action should be approved. Now, Mr. Chairman, I decline to yield further, as my time is limited. I do not think, as has been intimated, that the liberties of the people are dependent on the House having either membership suggested, as some gentlemen seem to think.

According to the arguments made by the gentleman from Kansas and the gentleman from Wisconsin, if they are carried to their logical conclusion, they want each State to have only one Representative in Congress, and they want to be "it." [Laughter.] Now, some reference has been made here to the fact that certain Members already represent about 300,000 people, and therefore that the constituencies of others should be enlarged. That is not a proper argument against this bill. It merely proves, if it proves anything, that there has been some unfair gerrymandering going on in the States referred to, and it is an inequality which the legislatures of those States should correct in carrying out the provisions of this bill.

The gentleman from Illinois refers to the Republican caucus which I attended. I feel at liberty to say here that I believed then, and so stated and I repeat it now, that I doubted the wisdom of calling a Republican caucus on a bill of this kind, involving, as it does, so many local interests. We have failed to caucus many times on questions more important and more national in character. I am earnestly of the opinion, however, and so stated then, that it is our duty at this session of Congress to pass an apportionment bill in view of the language of the Constitution, as I construe it. I conceded, however, that there was room for argument on the other side, and that there was more or less of a question of political policy involved in it; and I was entirely willing to be bound by the caucus on that question. But after the caucus decided that we should pass a bill at this session, it then proceeded improperly, as I believed, to pass upon the question of what number of Representatives each State should have. I arose and stated that I did not feel that I should be bound by a caucus to violate my pledges to my people; that the people of my district and State were opposed to any bill which would reduce the number of our Representatives; and I frankly stated to the caucus that I refused to be bound by it. I am here to-day to carry out the statement by casting my vote against the caucus bill. [Applause.]

Mr. MADDEN. If the gentleman will permit me, did not the gentleman make a motion, after he made that statement, and participate in the caucus?

Mr. LANGLEY. I did not quite catch the gentleman's question.

Mr. MADDEN. Although the gentleman made the statement that he said he did, did he not afterwards make a motion and participate in the caucus?

Mr. LANGLEY. I did hastily make a motion to lay another motion on the table, and then decided, after a moment's reflection, not to vote on it, and I did not participate further in the caucus, as the gentleman knows.

Now, some criticism of me has been indulged in by the papers, and still more in private conversation in the lobbies here, because of this action; and some gentlemen have sought to leave the inference that I am not a regular Republican. [Laughter.] Why, Mr. Chairman, I beg to remind gentlemen that my father and my grandfather were two of the 312 who voted for Abraham Lincoln in Kentucky in 1860. [Applause.]

Mr. YOUNG of Michigan. They were good Republicans.

Mr. LANGLEY. My grandfather was unable to walk, and they took an ox cart and drove several miles through the mud and cold to the election and voted for Lincoln, regardless of the menace of political passion that was running high in Kentucky at that time. That is the kind of Republican stock from which I spring, and that is the character of republicanism we have in the mountains in eastern Kentucky and the kind of Republican courage that has changed Kentucky from an overwhelmingly Democratic State to a doubtful State, as it is to-day. [Applause.]

These old Republican heroes have passed across the river, but I still cherish the lessons that their patriotism and fortitude taught me, nor am I violating them now. They had the courage of their convictions, and I think I have mine.

Now, Mr. Chairman, I like to be regular. [Laughter.] I always have been regular. I like a Republican caucus, too. I think if we had had more of them in the recent past than we have had, on great questions involving the principles of our party, the ranks of the "lame-duck brigade" would have been much thinner than they are to-day. [Laughter.] But, following out the teachings of my Republican ancestors, I assert here to-day that I will not permit the opinion of any man, however great he may be, or the opinion of any organization, however great its numbers may be, to force me to vote contrary to my pledge to my people or contrary to the interests of the people and the section which I represent. [Applause.] I never bolted a Republican caucus before in my life, and if you call this bolting you can make the most of it. I do not propose to permit

that charge to swerve me from my own conception of public duty. [Applause.]

Why, my friends on the other side of the Chamber, the Democrats, have done the handsome thing at least once in their lives [laughter], and have refused to have a caucus on this question, leaving each member of that party, as we should have done, free to vote in accordance with his own convictions as to what membership there should be in the House of Representatives and as to what representation his own State should have.

Mr. KITCHIN. Because that is not a political question.

Mr. LANGLEY. Yes; because it is not, as the gentleman from North Carolina says, a political question. And, Mr. Chairman, I am informed that they even went further than that, and absolved certain members of their caucus who happened to be committed to protection on certain articles which the Canadian reciprocity treaty proposes to put on the free list—absolved them from the binding effect of their caucus action, so that they may redeem their pledges to their constituents. That is what you should have done, my Republican friends. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Will the gentleman from Indiana yield me some time?

Mr. CRUMPACKER. I yield four minutes to the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Kentucky is recognized for four minutes more.

Mr. LANGLEY. Mr. Chairman, the argument has been made here to-day, and it is one frequently made against increasing the membership of the House, that there is danger of its becoming unwieldy, and thus decreasing the power of the individual Member to get proper recognition for his district; and some have even contended, on that ground, that the present size of the House should be decreased rather than increased. Mr. Chairman, I have never found any serious difficulty in getting almost anything within reason that I have asked for my district. Most of you have served here longer than I have, and you know, and I know, that practically all of the business is done by committees and in Committee of the Whole.

The Committee of the Whole, with only a handful of Members present, passes upon the great supply bills, carrying millions and millions of dollars, and then the House adopts its work, as a rule, without question. During the four years I have been here there has been scarcely a single occasion where there has been any evidence of the House being too unwieldy for the proper dispatch of the business in hand. And, Mr. Chairman, I believe the business of the House could be dispatched in the same expeditious manner, with the right kind of rules, with a membership of 500 as it is now done with 391. Really I think the House sometimes proceeds too rapidly for us new Members.

There is no European country to-day which has anything like as large a basis of representation as we have. Great Britain, with less than half of our population, has nearly twice as many members in the lower branch of Parliament as we have in our lower House. The basis of representation in the German Reichstag is the nearest approach to ours, and it is over 38,000 less than our present basis of representation, and over 56,000 less than the basis proposed in the Crumpacker bill. The basis of representation in the other European countries is very much less, ranging from 11,000 to 67,000. I concede that, in view of the rapid increase in our population, it will be necessary in the near future to stop the increase of the membership of the House, but that time has not yet arrived.

I am in favor of this bill reported by the committee, in the first place, because of the committee's action. Ever since I have been here I have been appealed to by leaders on this side of the House to stand by the committee, to stand by the report of the committee, and I have yielded to that appeal so often that it has gotten to be a habit with me, and I do not want to change that habit now. [Laughter.] And, moreover, I do not think it was the part of wisdom to have called a caucus long after the Committee on the Census had held exhaustive hearings and had fully considered the whole question, and had unanimously reported this bill to the House. If you gentlemen who got it up wanted to have a caucus, you ought to have called it before the Committee on the Census had committed itself to this bill. I am not only in favor of the bill because it was unanimously reported by the committee, but I am in favor of it also because, as I said at the outset, it prevents any reduction in the representation from Kentucky, and I may add, in the representation of any Southern State, which is another reason why I am for it. And I beg to say to you, my Republican friends, that, in view of the trend of present political conditions, the lines of political battle will not be formed hereafter as they have been formed heretofore, and, in my judgment, the time is not far distant when our Republican nominee for President, if he is victorious, will have to look for some electoral votes from some of the States like Kentucky and North Carolina and Tennessee and Missouri and Maryland, where the doctrines of Lincoln, Blaine, and McKinley are rapidly augmenting the ranks of Republicanism. [Applause.] The losses that we must inevitably sustain north of Mason and Dixon's line must be retrieved, if they are retrieved at all, in this border-State territory. I commend this suggestion to gentlemen who seem to have little or no concern about the Republicans of the South. [Applause.]

Mr. BURKE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question. The gentleman admits, does he not, that the committees of this House which he states transact four-fifths of the business of the House do that with reasonable facility and satisfaction to the country.

Mr. LANGLEY. Oh, there has been some complaint about it. [Laughter.]

Mr. BURKE of Pennsylvania. They do it with a reasonable degree of facility and satisfaction to the country?

Mr. LANGLEY. Sometimes they do and sometimes they do not. I have not been entirely satisfied with it all the time that I have been here, I will say to the gentleman. [Laughter.]

Mr. BURKE of Pennsylvania. But as a general proposition the gentleman will admit that that is true?

Mr. LANGLEY. Yes; and especially do I think that this Committee on the Census did its duty thoroughly and to the entire satisfaction of the country when it reported this bill. [Laughter.]

Mr. BURKE of Pennsylvania. Then to what extent would the country be benefited by the enlargement of the membership of the House as a whole?

Mr. LANGLEY. I will tell the gentleman one reason why I think it ought to be enlarged with the increased population to a certain limit at least, and that is because the larger the membership the smaller the constituency and the closer, therefore, will the House be to the people; and I do not believe that the people of the country want to abandon that theory merely to save a few hundred thousand dollars in expenses which would be involved in increasing the membership of the House. This argument of economy in this connection does not appeal to me at all. I do not think the people value so cheaply the principles of representative government.

Mr. BURKE of Pennsylvania and Mr. COLE rose.

Mr. LANGLEY. I must decline to yield further, because I want to yield one minute of my time to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Then I hope the gentleman may be yielded one minute. I promised to yield it to him, but these interruptions prevented me from doing it.

Mr. CRUMPACKER. Later I will yield a little time to the gentleman from Tennessee.

Mr. LANGLEY. Very well. I am sorry that I have not more time to talk myself. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, I have no hesitation in advocating an increase of the membership of the House of Representatives, the greatest parliamentary body, in its personnel and in the magnitude of the interests it represents, in the civilized world. I am in favor of this increase, not because of personal reasons, because, so far as I can foresee, I have no personal interest to subserve, but I am in favor of it because I believe it is right to increase the membership of the House with the growth of our country and increase of our population.

After 12 years' service in the House of Representatives I am voluntarily retiring from Congress, and I believe that I can look at the matter fairly and impartially. It is true that, with proper State pride, I am unwilling to see the representation of my State in the House decreased from 10 Members to 9 Members. If the present number of members, 391, is retained, each Member will represent a much larger number of people.

Under the Willcox tables adopted by the Committee on Census, or what is known as the system of major fractions, with the total number of Representatives the present number, 391, the ratio of representation will be one Member for every 234,522 of population; with 433 Members, the ratio will be one Member for every 211,877 of population. The present ratio is one Member for every 194,182 people, so that if the number of Representatives remains 391 each congressional district would average over 40,000 more people, while if 433 be adopted as the number of Representatives the average would be about 17,000 more people.

According to the committee's report, either under the Willcox tables or under the system which has been in force since 1850 and the tables prepared by the Census Office, North Carolina would lose a Representative unless the number of Representatives is increased to 433 or more. With 433 Representatives no State would lose a Member, but with 391 Members the States would be reduced in representation as follows: The States of Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, North Carolina, Ohio, Tennessee, Virginia, and Wisconsin would each lose one Representative, and the State of Missouri would lose two Representatives. Under the last apportionment, in 1901, the number of Members was increased from 357 to 386. Oklahoma was subsequently admitted to the Union with 5 Members, making a total increase of 34 Members since 1900. It is now proposed after the Thirteenth Census to increase the membership 42, which number added to 391 gives us 433 as the total membership of the House, or 435 with Arizona and New Mexico.

There has been an increase in membership of the House of Representatives under every census but one since the organization of the Government. Then the Senate controlled for the first and only time. The apportionment following the Sixth Census, 1840, reduced the membership 17, but this was accomplished by the Senate. The increase has not been in proportion to the population, but has been an average of about 50 per cent thereof. The increase is justified and justifiable in a republic and representative government.

The House is intended to be a representative body. It should and does reflect the feelings and wishes of the people and should be close to them.

Our Republic is the wealthiest in the world, our area vast, our resources and products many and varied. Our population is ninety-one and a half millions in the States now in the Union and to be admitted. The flag of the Union is now representative of 46 and soon 48 States, whose collective will must be ascertained and expressed, and can be fully, clearly, and promptly ascertained and expressed by the Representatives of the people of the States in the popular branch of Congress, the House of Representatives, responsive to the popular will every two years.

The Representative should be close to the people. Congressional districts overlarge in population remove him further from the people. A large number of people to represent adds to the work and responsibility of a Representative, which has certainly increased, especially in the last two decades.

As to an unwieldy House, that should be avoided, but everyone knows the House has for years relied largely upon its committees for legislation, and would do so if the number were decreased to 300, or 200, even.

The House should be deliberative, but no one who has speech of value and importance fails to be heard, and we are to decrease the size of the Hall and make it more deliberative, with no desks, thereby requiring Members to debate or listen to debate.

The popular branches of legislative bodies in the leading countries of the civilized world are much larger than that of the United States in proportion to population.

Great Britain has 670 members of the House of Commons, with a population of about 40,000,000; Austria has 516 members in the lower house, with a population of about 26,000,000; France has 584 members in the lower house, with a population of about 39,000,000; Germany has 397 members in the lower house, with a population of about 60,000,000. All these facts are shown clearly in the committee's report. It will be seen that the densely populated countries of Europe, where representatives have less difficulty in ascertaining local, industrial, social, and political conditions, the ratio of population is much smaller than it is in the United States. The nearest approach to our ratio is that of Germany, which is 155,546 to each member. True, as has been said, the quorum of members required in the House of Commons of Great Britain is only 40, and it may be true as to other countries that a less quorum is required than in our House of Representatives to do business, but this is not a sufficient argument. Our Representatives in Congress, whether they be 100 or 500, are expected to be, should be, and usually are at their posts. I do not believe that in the personnel, character, and ability of its members the lower house of any parliamentary body of the world surpasses the House of Representatives of the United States. [Applause.] It is suggested there is a possibility of a small clique dominating a large membership; but, as is well known, this can always be obviated by changes in the rules and parliamentary procedure. This is the day of revised rules and direct elections and the placing of the power of committee selection in the hands of more than one man. I do not believe that the argument of increased expense of the larger House should have very great weight. If we want to save money, let us not save it upon the proper representation of the people in the popular branch of the National Legislature and the transaction of the people's business, but let us save it by economizing in the large expenditures for our Army, Navy, and the Philippines and other governmental objects. When we are spending, as admitted by the chairman of the Committee on Appropriations [Mr. TAWNEY], 70 per cent of our revenues for militarism and only 30 per cent upon other governmental objects, let us economize in that direction, and not at the expense of a proper representation of the people in this great body representing the people. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, the House of Representatives has the smallest number of men in it of any great legislative body in the world in proportion to the population represented. Great Britain, with a population of something like 40,000,000, has 670 men in the House of Commons. The only real objection to a large membership in this House that has ever been urged was the disorderly character of the proceedings here. Some people have wrongfully charged that up to the large membership. That is not true at all; it ought to be charged up to the size of the Hall. That is what brings about the confusion here. There are only 6, 8, or 10 of us in this House who can be heard all over this Hall. When men can not hear they get to talking, and they all get at it, and there is a great uproar until somebody calls for order. That objection is to be obviated by the change in the size and character of the Hall in the next Congress. The size of the Hall will be cut down one-third and the membership will be concentrated, so to speak, and the disorders which have been complained of will be largely done away with. I indorse nearly everything the gentleman from Kentucky [Mr. LANGLEY] said and everything the gentleman from North Carolina [Mr. THOMAS] said. Their arguments can not be answered. The proposition of the gentleman from Massachusetts [Mr. GILLETT] is not tenable. His proposition was that the theory of the Republic is that people are not fit to govern themselves. He did not say that precisely, but that is exactly what it leads to, and that they select a superior class of men who come here to legislate for them, and it is the business of this superior class of men to educate these fellows at home.

As a matter of fact, about the time you get the fellows educated up they would leave him at home. [Applause.] That would be the upshot of the proceeding [applause and laughter], and leave the rest of us, maybe. The trouble is that it is the business of a man here—that is my theory and always has been—to represent the will of his constituents [applause] on every important question. Of course on minor questions you have to guess at it, but on these great questions there is no doubt about it. If I ever come to the conclusion that I can not vote the way the people of my district want me to vote on a great proposition, I would resign and go home. There is no compulsion on a man to come here; and incidentally it may be stated that two of the most unpopular Presidents this country ever had, John Quincy Adams and John Tyler, were two out of three United States Senators who had consciences enough to resign and go home rather than to vote under the instructions from their constituents in the way they thought was wrong. Just in proportion as your constituency is small you can represent them here. The truth is when you increase the ratio by 25,000 or 30,000 it is increasing the work of the Congressman that much in answering letters and all those things which have to be done except the business on this floor. There is another thing about it. We in the Democratic caucus, held on the 19th of January, passed a resolution increasing the membership of every great committee in this House, and we did that on philosophic principles, and that is because the real legislation in this House is done in the committees. Everybody knows it, and it is only on dress parade occasions like this when we have a debate here that everybody takes a part, and you know that some of the most important business is transacted here by a very few Members. Why? Because we have faith in the Members who report these matters to the House; and when reported unanimously, as this Crumpacker proposition was reported, it is the rarest kind of a thing in the history of the Congress of the United States that the full House turns it down. Now, I am in favor of increasing the membership of the House to 433 because it will not increase the labors of the individual Member and because it gives a better representation.

The gentleman from Kansas [Mr. CAMPBELL] occupies a very curious position in this transaction. Ten years ago the three States that were about to lose membership were Virginia,

Maine, and Kansas. Missouri was gaining one, although about 500,000 of our people went down into Oklahoma and Texas in the last few years. At that time the Kansas delegation were approaching the rest of us on bended knees and asking us to increase the membership at that time, so that poor, bleeding Kansas would not lose any members in the transaction. [Laughter and applause.]

I learned to spell out of Webster's old blue-backed speller, and I intend to resurrect that book and print it in the CONGRESSIONAL RECORD. Over in the back part of it was a tale to the effect that it depended very much on whose ox was gored. [Laughter.] I was in favor of increasing the representation then, and I am in favor of it now.

Mr. CAMPBELL. My amendment would reduce the representation from Kansas from eight to seven, I will say to the gentleman from Missouri.

Mr. CLARK of Missouri. You were not in favor of it 10 years ago, were you?

Mr. CAMPBELL. I was not here then.

Mr. CLARK of Missouri. You will not be here 10 years from now, either. [Laughter.]

Mr. CAMPBELL. I am not so sure that I do not stand as good a chance of being here 10 years from now as the gentleman from Missouri.

Mr. HAY. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield six minutes and a half to the gentleman from Iowa [Mr. PICKETT.]

Mr. PICKETT. Mr. Chairman, the pending measure is one of the most important that has been considered by this Congress. It is vitally related to the question of representative government. I doubt if there has ever been a time in our history when the public mind was more alert on public affairs than it is to-day, and this is particularly true of those questions involving our system of representative government. Certainly, in view of recent history, it can not be said that the people are not interested in the rules and procedure which govern the deliberations of this House.

Congress within the last decade has entered many new fields of legislation. Without referring to particular legislative acts within the knowledge of all, it can be said that many measures of great importance and vital concern to the people have been passed and many more are awaiting consideration. These references are material to the present discussion only as bearing on the fact that the people will expect such action on the pending measure as will best preserve this body as a representative body; as the body wherein the legislative will of the people may find expression; where the people, acting through their chosen representatives, can be heard, and where some semblance of deliberation may still obtain.

The question of controlling importance before us is what number of Members will best protect the representative character of the House. All other questions sink into insignificance.

If I were to ask the individual Members of the House, in the cloak room or in private conversation, whether the membership of the House was not already large enough for the deliberate and orderly consideration of legislation, every answer would be in the affirmative. [Applause.]

I will go further. If I were to ask whether it is not already too large for the deliberate and orderly consideration of legislation, I venture that the great majority of answers would be in the affirmative. [Applause.] Every Member, in his own conscience, must admit that the House to-day is sufficiently large.

In 1840 the method was adopted of arbitrarily fixing the number of Representatives that should constitute the House and then dividing this number into the total population, ascertain the ratio, which in turn should be used to determine the number in each State. The wisdom of this method is manifest. It strikes at the very heart of the question involved, and that is: What should be the size of this legislative body? While the committee claims to have followed this theory, it is manifest it did not. It is clear from the conclusion stated by the committee, as well as from the remarks of its distinguished chairman this afternoon, that the committee first determined that the numerical representation of no State should suffer, and then, having determined such fact, proceeded to find a ratio that would give effect thereto. In brief, the committee, while apparently adopting the rule referred to and admitting its wisdom, as a matter of fact repudiates it. The report submitted in favor of the increase of 42 Members, after reciting the number of Representatives certain States will gain, states:

> And no State will lose a Member.

And further:

> It is proper to say in this connection that a membership of 433 in the House is the lowest number that will prevent any State from losing a Representative.

If this is to be the rule adopted for our guidance in reapportionment, then all that would be necessary would be to take the State showing the least increase in population, or no increase, or a decrease, as the case may be, as the basis, and dividing the population of such State by its then number of Representatives, determine the ratio upon which to base the apportionment. An automatic system, so to speak. In other words, the true and vital question as to what membership should constitute the House would be entirely ignored.

Two reasons, and only two, have been suggested in support of the proposed increase. One the so-called State pride and the other that the greater the number of Representatives the closer they will be in touch with their constituents.

I am unable to see any force in the argument of State pride. Upon the basis of the present membership of the House the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, North Carolina, Ohio, Tennessee, Virginia, and Wisconsin would each lose one Representative, and yet their relative strength would be the same as it would be under the proposed increase, the same as it is now, and the same as it would be under any apportionment. The only proper test is that of relative strength.

The other argument urged, that with increased membership the Representatives would be in closer touch with their constituents, is superficially a catchy one but has no merit in fact. It has already been observed during this debate, and no one will be heard to deny it, that a Representative to-day may be in closer touch with his constituents and constituents in closer touch with their Representative with a ratio of 300,000, or even 500,000, than a hundred years ago when the ratio was 30,000 per district. There is a wide variance in the population of the present congressional districts in this country. In my own State there is a variance of practically 100,000 between two districts, and the same is true in many other States. Some districts already have a larger population than the ratio would be to retain the present number of Members, and surely no one would claim that the gentlemen representing such districts are not in touch with their constituents or are not able and competent to represent them to the fullest extent.

I concur in the general theory that that rule or basis of representation which gives the greatest number of Representatives—that is to say, a Representative for the smallest number of people—is to be desired and is in harmony with popular government, but this rule fails when the legislative body becomes so large as to be unwieldy; when it ceases to be deliberative in character and when individual responsibility and participation in shaping and molding legislation is seriously curtailed, if not prohibited, by virtue of the very size of the body and when, as then becomes true, its representative character is impaired.

On this general subject I can not refrain from quoting at this time from one of the ablest members of the Constitutional Convention, as follows:

> It is a sound and important principle that the Representative ought to be acquainted with the interests and circumstances of his constituents, but this principle can not extend any farther than to those circumstances and interests to which the authority and care of the Representative relates.

Even if the ratio was fixed so as to reduce the present membership of the House, on the basis of one Representative for every 300,000 people, could it be affirmed that the rule to which I have called attention, the soundness of which must appeal to you, would not still obtain and would not the Representative in such event, with the modern means of communication, have ample opportunity of knowing the legislative needs and wishes of his constituents?

The success of representative government must depend not on the number of Representatives but on the triumph or supremacy of the representative principle. Five hundred thousand people would be better represented by one Representative who is permitted to participate in shaping and molding legislation into its final form for action and through whom the legislative will of the people can be expressed and recorded than by two or a dozen Representatives who are only permitted to vote aye or nay on final issues.

And I submit that the important consideration is not the size of the constituency, but what membership in this House is best adapted for legislative purposes.

There is another consideration of general relevancy to this subject which I am sure is within the common observation of you all, and that is, the larger the constituency the greater the trust reposed, the greater is the care which the people exercise in selecting the person to execute the trust. And if you will summon your own observation in this respect and note the relative care with which the people scrutinize and analyze the candidates, from whom they are to choose, for the respective offices from the township to the Nation, the statement I have

made will find confirmation. It does not require either illustration or argument. It is both a natural and logical result.

The report of the committee submitted in support of the proposed increase is a remarkable document. It is, indeed, a rare specimen of documentary humor, more refined because it was evidently intended by its author to be taken seriously. It practically admits what we all know, that the present House is already unwieldy by reason of its membership; that legislation is now largely and necessarily through committees; and that now there is a very limited opportunity for individual participation. It further admits what we all know, that an increase in the membership will naturally increase the troubles we already have. The report says:

> Your committee believes that an increase of 42 Members would not materially change the character of the House as a deliberative body.

And again:

> The danger of domination of the House by a parliamentary or political machine or clique increases in a measure with the increase in membership, but if that condition ever becomes so grave as to be a real menace to the individual freedom of Representatives and the representative character of the House, a remedy will come in an improved method of parliamentary procedure.

In brief, the report of the committee, intended as an argument in support of the proposed increase, is more in the nature of a plea in confession and avoidance. It confesses the weaknesses and evils of a large membership with which we are all familiar and which will concededly be augmented by increasing the membership, but its attempt at avoidance is a lamentable failure.

In view of the controversies during this Congress and, for that matter, in preceding Congresses over the procedure of the House and the distribution of its legislative powers and rights the suggestion of the committee as to the ease with which "a remedy will come in an improved method of parliamentary procedure" when the "real menace to the individual freedom of Representatives" comes, which the committee anticipates, impresses me as quite humorous to say the least.

It will be admitted by those who have seen longer service in this body than I have that as the House has increased from time to time in its membership the necessity has arisen for conforming the rules of the House to its increased membership. I will go further and affirm that those who have seen longer service in this body will also admit that in proportion as the membership has increased the House, as a legislative body, has become less efficient. That as a natural and logical sequence of its increased membership the control of legislation has been more and more vested in committees and the legislative powers of the House centralized in a few. In this connection I desire to refer briefly to one of the problems under our system of rules that has received particular attention by this Congress, and that is the supremacy, under the rules, of a committee over the House itself.

The distinguished Speaker of this House is reported to have said in an address delivered in Elgin, Ill., on October 19, 1909, as follows:

> The Republican Party is supposed to have a majority in Congress. The majority desired to pass an emergency currency law. The Committee on Banking and Currency refused to report it. Under the rules, there was no way the House could get control of that bill. The caucus adopted a resolution to compel the report and then I felt compelled to recognize a Representative who moved to suspend the rules.

Pause for a moment and consider this picture. The country was in the throes of a financial panic. Congress was confronted with the crisis. Legislation to meet it seemed imperative. A bill was introduced for that purpose. It was referred to the proper committee. The committee refused to act, and yet, as the Speaker says and what we all know to be a fact, under the rules of the House there was no way the House could get control of the bill. Ten members of a committee constitute a quorum, and if they refuse to act on a measure before the committee the remaining 381 Members of the House must, under the rules, sit with arms folded, powerless as the representatives of the people to obtain control of the measure. During the last session of the present Congress the House attempted and, in fact, thought it had provided a remedy, pursuant to orderly procedure and requiring a constitutional majority of the Members of the House, for the discharge of a committee upon its failure to act. How effective that rule has been needs no comment. Under the construction given to it, it has thus far been absolutely inoperative. I am referring to this matter now only for the purpose of its materiality to the question before us and incidentally to illustrate the ease with which, as the committee suggests, the House will from time to time solve these practical problems in our procedure. That a committee should not be superior to the House itself all will concede, but the remedy therefore is, as will also be admitted by all, a serious problem, and the difficulty in solving it emphasized by the present unwieldy size of the House. Surely these difficulties will not be lessened by increasing the membership 42, as the committee proposes.

Under the Constitution all revenue measures must originate in the House. The House of Representatives is the only part of our system of government directly elected by the people. Our forefathers, in framing the Constitution, desired to retain the initiative of this important legislative power with the direct and immediate representatives of the people. It has always been true from the time the first tariff bill was considered in 1789 to the present time that there are certain schedules which become issues in themselves and in which the people take particular interest. They ought, as a matter of right, to have some share, at least, in the adjustment of the more important schedules. In the earlier days of the Republic, and before the House became so large, tariff measures were considered schedule by schedule after, of course, the committee had submitted a bill. This method has been abandoned and, I believe, has not obtained as to the tariff measures passed by either party in the House during the last decade. When the Payne bill was passed amendments were permitted to only five of the controverted schedules. One of the reasons urged by those who favored the special rule under which it was passed was the impracticability, in view of the size of the House, of considering the measure schedule by schedule. I believed at the time that the rule should have been more liberal, and voted accordingly. But that is immaterial now. I refer to the matter, not for the purpose of reopening past issues, but for its most forcible application to the question now before us. It constitutes a most cogent argument against increasing the membership of the House, which will, as all must admit, only augment our present difficulties.

During the present session of Congress many measures of great importance have been introduced. Some of them have already been considered, while others are awaiting action. They merit deliberate consideration and a freedom of discussion commensurate with their importance. The Members of the House are entitled to the benefit of the facts and ideas developed in debate. The House is already so large that debate is necessarily confined within narrow limits. It is true that the House is generous in its "leave to print," and valuable contributions to important subjects in this manner enter the RECORD. However, the debate that illumines a subject and influences action is when an issue is pending for determination and the Members are present to pass upon it. If you take the legislative days of this session from the opening of Congress to March 4, when it must adjourn, and compute the time on the basis of five hours to each legislative day, which is a fair average, and exclude the time for the opening exercises, the reading of the Journal, discussions of points of order, and other matters that do not directly pertain to the consideration of legislation and divide the time equally among the Members of the House there would be for each Member of the House for the entire session not more than 40 minutes.

These conditions now confront us. I am referring to them not in any spirit of criticism but because they must lead our minds irresistibly to the conclusion that it will be a mistake to increase our membership as proposed.

I realize that I have differed from some of my party colleagues during this Congress on certain particular phases of the rules. I assure you, however, that those specific controversies are entirely disassociated from the consideration of this question. I desire, on the broad proposition of the relationship between the size of the House and its efficiency as a legislative body, to quote from the distinguished gentleman from Pennsylvania, the chairman of the Committee on Rules [Mr. DALZELL], who has been one of the foremost champions of the existing rules of the House. Speaking on the apportionment bill in 1901, he said:

> Leaving the domain of theory and approaching that which we ourselves know I advance the proposition that this House is habitually turbulent and noisy and at times almost uncontrollable and that it has reached that point where in many cases the individuality of the Representative counts for absolutely nothing. * * * I come now to my last proposition. I deny the affirmation that under the rules as we have them this is an efficient House. I say it is an inefficient House and let the record show it.

This statement was made when the House had 357 Members.

I could add innumerable quotations from the most distinguished of the present and former Members of this body along the same line but it seems superfluous when, as I said in the beginning, every Member of the House is bound to concede in his own conscience that the House is now large enough.

I do not believe that the Members of this House, on a matter of such great importance, will permit any personal consideration or other expediency to count for aught in the balance as compared to the common good of our country. [Applause.]

Mr. CRUMPACKER. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I represent on the floor of this House a district that has elected either a Whig or a Republican Member of Congress for 60 years. I am a Republican all wool and a yard wide. [Applause.] I have been a regular in the House of Representatives, but I will never take my orders from 70 Members out of 212 Republicans when it means injury to the interests of my constituents and the State that I in part represent on the floor of this House.

I stood on this side of the Chamber and was the only Republican Member to vote against the passage of the Payne tariff bill when it originally passed the House. I did it because it was in some respects in conflict with the best interests of my constituents. I came back with an increased majority—from 800 to 4,000. When I took my oath as a Member of this House, standing before the Speaker, I promised to faithfully perform my duty, and this meant loyalty to my people, and yet a third of the Republican Members in a caucus seek to have me oppose the interests of my constituents and override the unanimous report of the Committee on Census, composed of 10 Republicans and six Democrats, from every section of the Union.

The gentleman from Kentucky [Mr. LANGLEY] well said that if the Republican Party expects to live it must look to the border States of the South for future Members of Congress and for needed electoral votes. With the development of the inexhaustable resources of the South and the growth of its commercial and manufacturing interests, we have it within our power to link some of the Southern States to the Republican Party, but we can not do it by reducing their representation in Congress under this amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

At the last election a large number of Democrats in Tennessee voted to elect a Republican governor, and he was inaugurated two weeks ago. At many places where he spoke in that State the platform was crowded with ex-Confederate soldiers. Last week 62 Democrats voted for and aided in the election of a Republican State treasurer for the first time in 40 years. One of these days we will lose the insurgent section in the West on the tariff question, and we can substitute the mineral and manufacturing section of Virginia, Kentucky, Tennessee, and North Carolina if you will stop this attempt to cut down our representation in Congress and in the electoral college.

Mr. COLE. Will the gentleman yield?

Mr. AUSTIN. No, sir. The adoption of the Campbell or Stafford amendment means wiping from the map a Republican district represented by my colleague, Mr. SLEMP, of Virginia. He and his grand old father spent years in building up that splendid Republican district.

Take, for example, the able gentleman from Kentucky [Mr. LANGLEY], representing a district which formerly sent a Democrat to Congress. You propose to legislate him out of Congress. Here is North Carolina, with three splendid Republican Members of Congress. Are you going to shut the door of hope to the Republican Party of North Carolina, which is growing every year? If so, pass the proposed amendment, and then our political enemies will have no difficulty in convincing the people of North Carolina, Tennessee, Kentucky, and Virginia that the Republican Party of the Nation is a sectional party and unfriendly to the South. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the apportionment bill and had come to no conclusion thereon.

RECESS TO MEET COUNT APPONYI.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House do now take a recess for 15 minutes for the purpose of having presented to it Count Albert Apponyi, former speaker of the House of Representatives of Hungary, and at present minister of education in that country.

The motion was agreed to.

Accordingly (at 3 o'clock and 55 minutes p. m.) the House stood in recess for 15 minutes.

Count Apponyi was escorted into the Chamber and to the rostrum by the Speaker.

The SPEAKER. Members of the House of Representatives, the rapid development of our great Republic in less than 50 years has brought us an increase in population from 30,000,000 to 90,000,000 plus, in the United States proper, stretching, as it does, from one ocean to the other, across what were formerly deserts, tunneling mountains, making us, all things considered, certainly the largest of all the civilized Governments, save Russia alone, and, to say the least, one of the most powerful of nations. This development has come by and through the patriotism and cooperation of the Caucasian race. Great Britain, including Ireland and Scotland, Germany and the low countries, France, the Netherlands, Norway, Sweden, Poland, Austria, Hungary [applause], Italy, and others have contributed and are contributing of their brawn and brain, who are coming here to become citizens of this great Republic and to aid us in this great development.

It affords me to-day great pleasure to introduce one with whose reputation we are acquainted, not only through multiplied thousands of his own countrymen, who have made their homes and are making their homes here and have become our countrymen, but a man of world-wide reputation as statesman and legislator, who has for 40 years served in the House of Representatives of Hungary [applause], who for many years was speaker of that body, and now is not only a member of that body, but a member of the cabinet—minister of education. I take great pleasure in introducing to you Count Albert Apponyi. [Prolonged applause.]

COUNT APPONYI. Mr. Speaker and gentlemen of the House of Representatives, highly as I feel the honor of being introduced to you, and of being allowed to address American legislators in their own House, I shall not devote many of the few minutes that I shall enjoy that high privilege to mere effusion of thanks. I am almost overawed by the responsibilities that rest upon me for every word said and for every word unsaid during these few minutes. I stand before you, gentlemen, not as a single individual, but as a representative man, as a representative man of the Old World before you representatives of the New World, and when, apparently, you are only kind enough to listen to a foreigner who chances to be among you, and to whom you do high honor, I know you inwardly ask yourselves, What has the Old World got to say to the New World? Well, gentlemen, I think it is about this: You come from the Old World, too. [Applause.] You were born under a happy star. That Old World has legacies of tradition which are its force (strength) and its burden. When your ancestors left the Old World they were privileged to take away with them the very best of those traditions, and to leave behind what is the burden of them. You took with you the very best thing, the very highest point of development which the Old World had attained in those days; you took with you the sound, healthy, vigorous traditions of British liberty. [Applause.]

You developed them and you adapted them to the conditions found in the new hemisphere to which you had come. And you left behind you what was burdensome in the traditions of the Old World. The oppressions, the mutual animosities and distrusts, the call for blood, all this you were enabled to leave behind you; all this inheritance of hatred, of antagonism, and animosities. [Applause.] Gentlemen, you feel it more keenly than I can express that this fortunate situation lays a great responsibility upon you, and if I am to speak here before you on behalf of the Old World, I say this: We of the Old World, desiring to come out of the devouring waste of the ancient spirit of animosity and distrust, appeal to you, who, if perhaps not yet on the shore, feel already solid ground under your feet, we appeal to you for assistance to do away with the hateful legacy of hatred between men who ought to be brethren. [Applause.]

This is the object of my mission in America. This is what I think the spirit of the Old World has to say to the spirit of the New World, and after having delivered you this message let me again thank you for the high honor which you have done to me. It appeals to me personally, but appeals to a feeling stronger still, to my feeling for my country. It was a privilege to enjoy the echo that these sentiments to which I gave expression have found in this House, because that echo came from your hearts and from your minds. [Applause.]

AFTER RECESS.

The recess having expired, the Speaker resumed the chair.

Mr. KEIFER. Mr. Speaker, I move that the proceedings which have taken place from the Speaker's chair during the recess be incorporated in the RECORD of to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that Members of the House may have five days in which to print remarks in reference to the apportionment bill, and that the remarks shall be addressed to a discussion of the merits of the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Members of the House have leave to print for five legislative days remarks upon the pending bill, such remarks to be confined to the bill. Is there objection? [After a pause.] The Chair hears none.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill, with Mr. MANN in the chair.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, in these late days a modern question has arisen. That question is, What is representative government? The gentleman from Massachusetts expressed one view of that question. I shall undertake to present the other. The gentleman from Massachusetts said he was opposed to small districts, because in small districts the Representative became the echo merely of the sentiment of the people. He was in favor of the system under which the Representative should not be the echo of his people, but should do their thinking for them and represent them according to his interpretation of their rights and interest, whether it was in accordance with their desires and views as to their interests or not. He spoke truly when he said that small districts were more likely to have a Representative echoing the sentiments of his people, and for that reason I am not afraid of small districts. For that very reason I am disposed to favor small districts. Mr. Chairman, in the foundation of this Government, when our fathers established representative government, they had no such idea as the gentleman from Massachusetts. They recognized that the democratic theory of every matter going before the people could not be applied in all instances, and that therefore representative government had to be resorted to, but they wanted a democratic government, a government of and by the people as nearly as possible, and they hung as closely around that as could be done in the establishment of a representative government, as closely as possible under the conditions. They tried to establish a representative government in which the Representative should truly represent the people, and any man who advocates a large district in order to enable the so-called Representative to be above his people does not live in the spirit of our Republic.

Democrats can be Republicans in the sense that they are in favor of a republican form of government, but they can not be Republicans in the sense that they favor this idea, that the so-called Representative represents himself and not the people, or represents his personal views and not the views of his constituents. The supreme idea of Democracy is that the people rule. A Republican, a believer in a republican form of government, may also be a believer in the rule of the people; but then, again, he may believe in a republican form of government and not the rule of the people. He may believe in the rule of certain classes or of superior representatives. Such a Republican can not be a Democrat. For one, I favor the Democratic idea, which is the rule of the people. I believe, as was said by him who will be next Speaker, that when a Representative here can not represent his people he should retire.

The gentleman from Massachusetts says that small districts conduce to the interest of a Member; that he can perpetuate himself in office more easily. That is true if he serves his constituency faithfully, but if he betrays them a small district will turn him out the quicker, while the larger the district the more readily and easily the Representative may be a traitor to the true interests of his people and yet make it difficult to remove him from his position.

Mr. Chairman, so far as confusion is concerned, the great argument that is made against a small increase in the membership of this House, all legislative bodies have demonstrated that it does not arise from the size of the body. There is rarely ever more than half of our membership here present, and yet the same confusion exists when there are only a few of them here.

The whole thing and the whole issue here to be decided between a smaller and a larger number is, Do we favor the representative iden as expressed by the gentleman from Massachusetts [Mr. GILLETT], that Representatives should think for the people and educate the people up to the Representative's ideas, or do we favor a representative government where the Member of Congress speaks the sentiments and represents the wishes and desires of his people? For one, I sum it all up with my view of letting the people rule. And to do that, instead of cutting down representation and making our districts unreasonably large, I would rather submit to a little inconvenience in the size of the House. When our fathers founded this Government, about 30,000 constituents were entitled to one Member. Now—that is, under the census of 1900—194,000 are entitled to a Member. Under the apportionment of the Crumpacker bill some 211,000 must be represented by one man. Who can represent successfully the people of a larger district than that? I find that to represent my people, none too well, it takes all my time and the time of a first-class private secretary. We, the Representatives here, might magnify our office, represent a larger constituency, and, like the Senate, increase the number and pay of our clerks, secretaries, and stenographers; add to our perquisites and expenditures and dignity generally, and get further away from the people. It is, in fact, amazing to see how much more costly the Senate is than the House in proportion to numbers.

For one, Mr. Speaker, I say let us hold on to the simplicity and fidelity of the fathers and let the people rule. [Applause.]

Mr. CRUMPACKER. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SWASEY].

[Mr. SWASEY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired, the time for general debate is exhausted, and the Clerk will read the bill.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That after the 3d day of March, 1913, the House of Representatives shall be composed of 433 Members, to be apportioned among the several States as follows:

Alabama, 10.
Arkansas, 7.
California, 11.
Colorado, 4.
Connecticut, 5.
Delaware, 1.
Florida, 4.
Georgia, 12.
Idaho, 2.
Illinois, 27.
Indiana, 13.
Iowa, 11.
Kansas, 8.
Kentucky, 11.
Louisiana, 8.
Maine, 4.
Maryland, 6.
Massachusetts, 16.
Michigan, 13.
Minnesota, 10.
Mississippi, 8.
Missouri, 16.
Montana, 2.
Nebraska, 6.
Nevada, 1.
New Hampshire, 2.
New Jersey, 12.
New York, 43.
North Carolina, 10.
North Dakota, 3.
Ohio, 22.
Oklahoma, 8.
Oregon, 3.
Pennsylvania, 36.
Rhode Island, 3.
South Carolina, 7.
South Dakota, 3.
Tennessee, 10.
Texas, 18.
Utah, 2.
Vermont, 2.
Virginia, 10.
Washington, 5.
West Virginia, 6.
Wisconsin, 11.
Wyoming, 1.

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment in the nature of a substitute.

The Clerk read as follows.

Strike out all after the enacting clause and insert:

"That after the 3d day of March, 1913, the House of Representatives shall be composed of 391 Members to be apportioned among the several States as follows:

" Alabama, 9.
" Arkansas, 7.
" California, 10.
" Colorado, 3.
" Connecticut, 5.
" Delaware, 1.
" Florida, 3.
" Georgia, 11.
" Idaho, 1.
" Illinois, 24.
" Indiana, 12.
" Iowa, 10.
" Kansas, 7.
" Kentucky, 10.
" Louisiana, 7.
" Maine, 3.
" Maryland, 6.

"Massachusetts, 14.
"Michigan, 12.
"Minnesota, 9.
"Mississippi, 8.
"Missouri, 14.
"Montana, 2.
"Nebraska, 5.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 11.
"New York, 39.
"North Carolina, 9.
"North Dakota, 2.
"Ohio, 20.
"Oklahoma, 7.
"Oregon, 3.
"Pennsylvania, 33.
"Rhode Island, 2.
"South Carolina, 7.
"South Dakota, 2.
"Tennessee, 9.
"Texas, 17.
"Utah, 2.
"Vermont, 2.
"Virginia, 9.
"Washington, 5.
"West Virginia, 5.
"Wisconsin, 10.
"Wyoming, 1.

"SEC. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census, they shall have one Representative each; and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 391, as provided in section 1 of this act; and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

"SEC. 3. That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 400, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total Representative population of each State by the ratio as determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio; and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census; and as soon as practicable after the Secretary of said Department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State, and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State.

"SEC. 4. That in each State entitled under this or any subsequent apportionment to more than one Representative the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"SEC. 5. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be selected by the State at large, and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner herein prescribed, and if there be no change in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed; but if the number of Representatives in any State shall be reduced, all of the Representatives in such State shall be elected by the State at large until such State shall be redistricted as herein prescribed."

During the reading of the amendment the following occurred:

Mr. CRUMPACKER. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. I make the point that a substitute for the entire bill is not yet in order.

The CHAIRMAN. The first section of the bill has been read, and the gentleman from Kansas offers a substitute for the entire bill, which is in order to be read, but a vote on the substitute can not be had until the bill itself has been perfected.

Mr. CRUMPACKER. In the first place, Mr. Chairman, it occurs to me that an amendment is not in order for the entire bill. The gentleman had a right to move a substitute for the first section, notifying the committee at the time that he would move to substitute for each section as it was read. What I object to is that the gentleman from Kansas ought not to appropriate the committee amendments. The Committee on the Census has authorized certain amendments to section 2 and a certain amendment as a new section. I think the committee has preference to propose these amendments.

The CHAIRMAN. The Chair will state that a vote on the substitute will not be taken until the bill has been read through and perfected.

Mr. SIMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. When the reading of the substitute is concluded, is it not subject to discussion paragraph by paragraph?

The CHAIRMAN. It has not yet been read.

Mr. STAFFORD. Mr. Chairman, is it in order to offer an amendment to section 1 after the substitute has been read?

The CHAIRMAN. Certainly. It is in order to offer an amendment to any section after it has been read. The Clerk will proceed with the reading of the bill.

The Clerk proceeded and completed the reading of the substitute.

Mr. ELVINS. I desire to offer an amendment to section 4 of the substitute.

The CHAIRMAN. That amendment will be in order when the substitute comes up for consideration.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment to section 1 of the bill, to strike out all after the word "follows" and insert the matter which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 1, line 5, strike out "four fundred and thirty-three" and insert "three hundred and ninety-one;" also strike out all of the remainder of section 1 after the word "follows," in line 6, page 1, and insert in lieu thereof the following:

"Alabama, 9.
"Arkansas, 7.
"California, 10.
"Colorado, 3.
"Connecticut, 5.
"Delaware, 1.
"Florida, 3.
"Georgia, 11.
"Idaho, 1.
"Illinois, 24.
"Indiana, 12.
"Iowa, 10.
"Kansas, 7.
"Kentucky, 10.
"Louisiana, 7.
"Maine, 3.
"Maryland, 6.
"Massachusetts, 14.
"Michigan, 12.
"Minnesota, 9.
"Mississippi, 8.
"Missouri, 14.
"Montana, 2.
"Nebraska, 5.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 11.
"New York, 39.
"North Carolina, 9.
"North Dakota, 2.
"Ohio, 20.
"Oklahoma, 7.
"Oregon, 3.
"Pennsylvania, 33.
"Rhode Island, 2.
"South Carolina, 7.
"South Dakota, 2.
"Tennessee, 9.
"Texas, 17.
"Utah, 2.
"Vermont, 2.
"Virginia, 9.
"Washington, 5.
"West Virginia, 5.
"Wisconsin, 10.
"Wyoming, 1."

Mr. HARDY. Mr. Chairman, a parliamentary inquiry. Is not that the same measure that was offered as a substitute?

Mr. STAFFORD. The purpose of the amendment, which I sent to the Clerk's desk and which I ask to have adopted, is identical in the enumeration to that which was included in the substitute offered by the gentleman from Kansas, but the gentleman in his substitute offered more than an amendment to section 1. Under the ruling of the Chair no vote can be had on the amendment offered by the gentleman from Kansas until we had completed the entire reading of the bill.

Mr. HARDY. Then I understand the gentleman offers this in order to get the advantage of a vote first?

Mr. STAFFORD. Yes; in order to test the sense of the committee, and in order not to lose any rights which might be waived in case we should suspend the vote until the entire bill had been read. There may be Members here who may not agree to other provisions of the substitute offered by the gentleman from Kansas. I think the committee wishes to vote on this question, and I wish to bring the question before the committee so that they can vote at the present moment. The question before the committee, concerning which the Members have undoubtedly made up their minds, is whether there should be a House of 423 Members or of 391 Members. We can now have a vote on that issue, on the amendment offered by me.

Mr. BENNET of New York. May I ask the gentleman a question?

Mr. STAFFORD. Certainly.

Mr. BENNET of New York. Is the gentleman's amendment in direct accordance with the decision of the recent gathering of the Republican Members of this House?

Mr. STAFFORD. It is in entire accordance with the decision of the Republican Members of this House.

Mr. SIMS rose.

The CHAIRMAN. The gentleman from Tennessee.

Mr. THOMAS of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Wisconsin [Mr. STAFFORD]. Is that in order?

The CHAIRMAN. Not until the gentleman is recognized. The Chair has recognized the gentleman from Tennessee.

Mr. SIMS. I want to appeal to every Member of this House who lives in a rural district like the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Iowa [Mr. PICKETT] to think what they are doing before they vote upon this measure. Every census shows that the cities are increasing in population over the country districts, and current history shows and current events prove that, upon an average, the Representative from a city district is not more competent to act upon this floor as an American Representative than is the Representative from a country district. This amendment offered by the gentleman from Wisconsin reduces the membership of agricultural States, like Missouri, Illinois, Indiana, Ohio, Kentucky, North Carolina, Tennessee, and others. Yet the great cities will retain their full membership. The day will come——

Mr. CALDER. Will the gentleman yield?

Mr. SIMS. In a moment. It is only a matter of calculation to know and determine when the great cities of this country will have a majority in this House. I would not object to taking from a State representation when that State has lost population, but here we have a bill for 433, which increases the number of people represented by the Representatives on this floor and does not reduce the representation of the rural districts in the country. [Applause and cries of "Vote!"] Now, I ask the gentlemen who represent rural constituents to stand by the farmers of this country, who fight the battles, who furnish the statesmen and the patriotic motives. [Applause and cries of "Vote! Vote!"]

Mr. COOPER of Wisconsin. How about reciprocity?

Mr. SIMS. I am for it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote! Vote!"]

Mr. SIMS. Mr. Chairman, I ask unanimous consent to continue for five minutes. [Cries of "Vote! Vote!"]

The CHAIRMAN. The Chair suggests to the committee that it will reach a vote quicker by order than by disorder. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Reserving the right to object——

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee.

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. SIMS. Certainly.

Mr. COOPER of Wisconsin. The gentleman has observed the ease with which he addresses the House on this occasion. Does he think if the membership was largely increased it would be better? [Laughter and applause.]

Mr. SIMS. Well, not from the large cities; and if ever we have revolution and mob violence in this country, and our civil government is overturned, it will come from such places as that. [Cries of "Vote!" and "Louder!"]

The CHAIRMAN. The Chair will protect the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, I can not get order.

The CHAIRMAN. The Chair will state that the Chair will exercise the services of the Sergeant at Arms if the committee is not in order.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Tennessee one other question?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. Under the bill as proposed by the Committee on the Census will not the increase of 30 or 40 come just as much from the cities as from the country?

Mr. SIMS. Yes; but the decrease under the bill you support comes from the country. [Applause.] That is what I oppose. It is where the decrease comes from. [Applause and cries of "Vote!"] I am surprised——

Mr. COOPER of Wisconsin. The gentleman is not half as much surprised as I am. [Laughter and applause.]

Mr. SIMS. Let me say a word. I can not yield more. I want to say that I am surprised that the gentleman from Wisconsin, coming from the State of Wisconsin—— [Applause and cries of "Vote!"]

Mr. Chairman, if this applause is meant in disrespect, I will say to Members that I do not want their applause.

The CHAIRMAN. The gentleman from Tennessee will suspend until the committee is in order.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. Would it not be easier to maintain order if we had a larger House? [Laughter.]

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry.

Mr. SIMS. Mr. Chairman, I want to repeat what I tried to say, and that is that I am surprised that a gentleman from the State of ROBERT M. LA FOLLETTE would get up here and advocate anything in the interest of the great cities of this country, who know not or care not for popular government. Mr. Chairman, the Chair has been good to me, and has exercised his best efforts to keep order, but when the rights of the plain people, the rural population, are assailed, gentlemen here cry, "Vote! Vote!" Now, Mr. Chairman, let them vote. [Applause.]

Mr. GUERNSEY. Mr. Chairman, I offer the following amendment.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. THOMAS of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of North Carolina. I understood the gentleman from Wisconsin [Mr. STAFFORD] to offer an amendment providing 391 Members as a substitute for the bill reported from the committee. Is that correct?

The CHAIRMAN. The gentleman from Wisconsin has offered an amendment to the first section of the bill as reported from the committee, which amendment has been reported to the House. The gentleman from Maine [Mr. GUERNSEY] now offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting after the word "Maine" the word "four" in place of "three."

Mr. THOMAS of North Carolina. Mr. Chairman, now I desire to offer an amendment.

The CHAIRMAN. The gentleman is recognized to have his amendment read in his time.

Mr. THOMAS of North Carolina. I desire to offer the amendment at the proper time.

The CHAIRMAN. The Chair will recognize the gentleman in due time. The question is on agreeing to the amendment offered to the amendment by the gentleman from Maine.

Mr. GUERNSEY. Mr. Chairman, I am opposed to the amendment of the Crumpacker bill which has just been proposed by the gentleman from Kansas and which, if adopted, would continue the present membership of the House. Although I attended the Republican caucus which favored limiting the House to its present membership, yet I gave notice then and there that I would not be bound by the action of the caucus to the extent of being compelled to vote for a reduction of the representation from my own State. I claim to be a Republican and believe in party action and party caucuses, nevertheless, I contend that no party caucus has a right to step between me and my State when the extent of its representation in Congress is in question. Therefore I contend that my action in refusing to be bound by the caucus is perfectly justifiable.

With all the growth that has taken place in our population and in our Government, no man can justify his refusal to vote for a moderate increase in the representation here unless he can demonstrate that the increase will impair the Representatives' usefulness of this the popular branch of the Government. Much less can any Member whose State would lose representation in Congress, but for the passage of the Crumpacker bill, vote against it. Therefore I am in favor of increasing the membership of this House so that no State will lose the representation which it now has, and I further believe that with the increase constituencies will be better represented and served.

The time has not yet come, and I hope it will never come, when the people of this country will look with apprehension on the growth and strength of the Federal Government. Its power will only become dangerous through the reduction of representation here and the concentration of its control in the hands of too small a body of men bound together by close organization.

The scope of the Federal Government has increased in the last 20 years more than in the preceding 100 years. The centralization of control at Washington is being promoted to-day on every hand, and it has increased far more rapidly than is appreciated by the ordinary busy citizen. The demands of the public on Congress for more Federal authority and activities are extending its scope in a thousand directions and are responsible for the growing centralization of the Washington Government.

With the institution of Federal activities, the burdens of the Government are fast increasing, requiring an increase of its taxing power, which, in turn, still further increases its control over persons and property. The corporation tax is only a modified income tax, which will be followed by a general income tax, excise taxes, and internal taxes of various kinds, all of which are of a class that are capable of being rapidly increased, and from time to time will, of necessity, be increased.

It is evident that the indirect methods of taxation through customs duties on merchandise that crosses our borders will become less and less sufficient to meet Federal expenditures. Whether we continue the policy of combined revenue and protection duties or adopt the policy of a revenue tariff pure and simple, I have no doubt our forefathers believed that the Federal Government would be maintained, except in cases of emergency, nearly, if not quite, by customs revenue, and that direct taxation would be exercised mainly by the States.

Be that as it may, direct taxation by the Federal Government is with us to stay and is coming in increasing amounts. More and more in the future the public will see their tax bills dated at Washington.

The Government has long maintained a monopoly of the postal service, which is the most important service to the public as a whole that is performed by the Federal Government. This service is being extended through the establishment of rural routes and by other means tremendously each year. Federal authority is being extended more and more over the great transportation lines of the country. Its authority is being extended to the control of various means of communication, such as the telephone, telegraph, and wireless corporations, and will be extended from time to time until it controls country-wide public-service corporations of every class.

Postal savings banks will develop a great national savings department controlled by the Government at Washington, a great central bank, in fact, with thousands of branches in the post offices of the land. The National Monetary Commission is striving to arrive at a plan that will place the whole banking system of the United States under some general plan controlled by Federal authority.

The Federal Government exercises a guardianship over our food supplies and conducts investigations in hundreds of directions. Its authority over education is being extended; in fact, every walk of life is being fast brought in contact with the activities of the Government at Washington. More and more the citizens of the Republic will look to it for protection and for service.

Another element that is entering into the situation and which will vastly augment the authority of the Washington Government is that the power that capital represents is preparing to turn in the future from State control toward the Federal control, seeking to deal with one strong central authority to secure stability rather than continue under control of the diversified laws of the several States.

Again, there are other elements which are increasing the influence of the Federal authority. The great growth of our population is reducing rapidly the relative representation of the people at the seat of our Federal Government. The States to-day are entitled under the Constitution to no greater representation in the Senate per State than when they included only about 3,000,000 people instead of about 94,000,000, as at the present time.

The individual Members in the first House of Representatives each represented about 33,000 people. To-day each Member in the present House—on the present basis of population—represents about 250,000 people, yet there are Members who would reduce membership in this body to 200, and cause each Member to represent districts containing nearly a half million citizens, and some Members, I believe, would go further and put through a rule that would eliminate all voting power and reduce control to the Speaker and chairman of the Committee on Rules.

Our representation in the Senate is limited by the Constitution. Only the membership of this House can be regulated from time to time, and, as shown, that is being scaled down relatively by the growth of our population. We may well take warning and not further scale it down by legislation, and in doing that take from some States a part of the representation they now have. The whole tendency of the Government in its legislative branch seems to be toward contraction. That is particularly true in this House. It led to an explosion here last March, and it will again. This was due to the rules. Nevertheless, they are very necessary to forward legislation, for without them business in the House would become impossible and legislative action by it become paralyzed, but, like other methods of concentration, may become bad unless constantly guarded against.

Some contend that the present membership should be continued by cutting off the representation of some of the States and transferring it to others and thereby save some expense that would otherwise be incurred by increasing the membership of the House, but with the Government of the United States imposing taxes at the rate of hundreds of millions of dollars annually it looks like a penny-wise and pound-foolish idea for the slow-growing States to consent to the surrender of representation and voice in the imposition and distribution of these vast sums in order to save a few paltry thousands.

But the proposers of such a policy contend that the relative membership of a State—the State of Maine for instance—if no increase takes place in the House will be the same in the event that her representation is cut down to three that it would be if it were maintained at four as at present. That argument would hold true and be equally as valid if the present membership was cut down to a point where Maine would be entitled to but one. But none should be misled by such false reasoning. It would be impossible for the 742,371 people of the State of Maine to be equally as well represented and served here at the Capitol by one Member as it is at the present time with four, and a reduction to three would simply weaken the service to that extent.

The increased size of districts that would follow reduction of our membership to three would greatly impair the usefulness of Members, as it is of the greatest importance that a Member should be thoroughly acquainted with the requirements of his district, and in order to do so he must spend a good portion of the recess between sessions going about his district meeting as many of his constituents as possible, thereby acquainting himself at first hand with their needs and desires and enabling himself thereby to act in accord with their wishes on the important matters that arise when the Congress is in session.

With our Maine districts at their present size every Member realizes how difficult it is to go about them in the time that he has at his disposal and with the thoroughness that is desirable.

The fourth Maine district is larger than either of the States of New Hampshire, Vermont, Massachusetts, Rhode Island, or Connecticut, in fact it is larger than the combined area of Massachusetts, Rhode Island, and Connecticut, which have an area of 14,479 square miles, while the fourth Maine district has an area of 15,744 square miles.

A Member of Congress is not only expected to serve his constituents on the floor of the House, but in the capital as a whole. With the great extension of Federal activities have grown up great bureaus and departments whose operations are of the most vital importance to constituents.

They require daily representation at these bureaus and departments for the purpose of securing information in regard to matters pending in them. Correspondence with the department by the Member will not in all cases meet the situation. He must call at the Department of State in the interests of a constituent whose personal or property interests have been affected by some foreign action, or at the Department of Agriculture to secure some special information that a farmer or the farmers of his district desire, or at the Department of Commerce and Labor to secure relief from regulations, or visit the Pension Bureau to present the case of an old soldier who has become helpless and entitled to further allowance, and attention of like nature is required at a great number of other bureaus and departments that I might mention.

Owing to these extensive duties entirely outside legislative service the volume of correspondence of every Member has multiplied many times in recent years. Reduce the membership of the State of Maine to three Members, thereby increasing the number of constituents that each Member will represent by nearly 60,000, and it will be seen that the whole service of each district at the seat of Government will suffer, as there is a limit to the capacity of every man and the hours of the day are numbered.

Each Member at present represents, in my opinion, a far larger number of people than should be allotted to him. If we still further increase it to perhaps 250,000 per Member, the service of districts at Washington will be greatly impaired. We are contending for the continuance of representative and popular government and to enable the people to have the largest possible

voice in it, yet it is a fact that European countries, with all their hidebound monarchical traditions and tendencies, grant greater representation to their people in the lower house of government than we do in this.

I call attention to tables taken from the Statesman's Yearbook for 1910 to prove this contention, that the popular branches of the legislatures of the leading countries of Europe contain greater representation in proportion to population than does our own House of Representatives in the United States.

Countries.	Census year.	Number of members in lower house.	Ratio of members to population.	Population on which ratio is based.
United Kingdom:				
English members	1901	495	65,712	32,527,843
Scotch members	1901	72	62,112	4,472,103
Irish members	1901	103	43,289	4,458,775
Total	1901	670	61,878	41,458,721
Austria	1900	516	50,679	26,150,708
Belgium	1900	166	40,322	6,693,548
Denmark	1906	114	22,853	2,605,268
France	1906	584	67,212	39,252,245
Germany	1905	397	155,546	60,641,278
Greece	1907	235	11,198	2,631,952
Hungary	1900	453	42,504	19,254,559
Italy	1901	508	63,927	32,475,253
Netherlands	1908	100	58,252	5,825,198
Norway	1900	123	18,211	2,240,032
Portugal	1900	148	36,507	5,423,132
Spain	1900	406	45,857	18,618,086
Sweden	1908	230	23,606	5,429,600
Switzerland	1908	167	21,313	3,559,349

Some contend that the House will become unwieldy through further increase of its membership, but from my observation I do not believe the increase contemplated will bring about any condition of that kind other than that which now exists. The average membership in attendance upon the House is always considerably below the full membership. Only when there are extremely important matters does the entire membership come in to vote, and then, as a rule, the Members act in parties, and there is nothing unwieldy in the control of the House or its dispatch of business on such occasions. The detail work in legislation always has been conducted by committees, and always will be.

Furthermore, with the great power that is always delegated to the Rules Committee to bring in a rule which will dispatch business by limiting debate and fixing the day and hour for vote on important measures, the number of the membership of the House can not interfere with the efficiency of the action of the House. There is far more danger of having the popular branch of the Government too small. The Crumpacker bill is a measure that grants an increase to the people in their representation here. It maintains their voice in the rapidly developing powers of the Federal Government. It does not seek to exclude them from the Halls of Congress.

I am in favor of the Crumpacker bill, as it does not take from any State the membership it now has. I am in favor of the Crumpacker bill, as it is in line with the action of every Congress that has acted on the question of Membership since the Government was founded. I am in favor of the Crumpacker bill, as it is in line with the progressve movements of the times that demand full representation in the lawmaking branches of the State and Nation. [Applause.]

The CHAIRMAN. The gentleman from Maine asks unanimous consent to withdraw his amendment and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Chairman, I move that all debate close and a vote be had upon the pending amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer now my amendment to the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. HEFLIN. Mr. Chairman, I move that all debate close on all amendments in five minutes and that a vote be had.

The CHAIRMAN. Debate can not be closed on the amendment until after it is begun.

Mr. THOMAS of North Carolina. I now offer my amendment.

The Clerk read as follows:

Strike out of the proposed amendment the words "three hundred and ninety-one" and insert "four hundred and thirty-seven;" and, after the word "follows," insert the following:

"Alabama, 10.
"Arkansas, 7.
"California, 11.
"Colorado, 4.
"Connecticut, 5.
"Delaware, 1.
"Florida, 4.
"Georgia, 12.
"Idaho, 2.
"Illinois, 27.
"Indiana, 13.
"Iowa, 11.
"Kansas, 8.
"Kentucky, 11.
"Louisiana, 8.
"Maine, 4.
"Maryland, 6.
"Massachusetts, 16.
"Michigan, 13.
"Minnesota, 10.
"Mississippi, 9.
"Missouri, 16.
"Montana, 2.
"Nebraska, 6.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 12.
"New York, 43.
"North Carolina, 11.
"North Dakota, 3.
"Ohio, 23.
"Oklahoma, 8.
"Oregon, 3.
"Pennsylvania, 36.
"Rhode Island, 3.
"South Carolina, 7.
"South Dakota, 3.
"Tennessee, 10.
"Texas, 19.
"Utah, 2.
"Vermont, 2.
"Virginia, 10.
"Washington, 5.
"West Virginia, 6.
"Wisconsin, 11.
"Wyoming, 1."

Mr. CRUMPACKER. Mr. Chairman, I raise the point of order on that amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. The gentleman will state his point of order.

Mr. CRUMPACKER. That it is equivalent to the striking out of the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The Chair thinks the gentleman from Indiana did not catch the purport of the amendment.

Mr. THOMAS of North Carolina. The gentleman from Indiana did not understand fully my amendment.

Mr. CRUMPACKER. I hope the gentleman will not insist upon his amendment.

Mr. THOMAS of North Carolina. I do not wish to press an amendment that may be against the wish of Members of the House who favor the committee's bill, but I simply want to make this statement about it: I am for 433 Members, and I offer this amendment to increase the number four more. This amendment is according to the method of 1850, and it seems to me that is simpler and maybe more just and equitable than the method adopted by the committee, which is according to the Wilcox plan of apportionment. This amendment gives North Carolina an additional Member, Texas an additional Member, Mississippi one more, and Ohio one more; in all, 437.

Following the tables prepared by the Census Office, which are in accordance with the clear and plain method of apportionment which has been followed since 1850, these States are entitled to these additional Members.

It seems to me preferable to fix an arbitrary number of Representatives in fixing your ratio of apportionment, which is the method used since 1850, rather than to fix an arbitrary number of population to arrive at the ratio, which is the Willcox method. Mr. Willcox is a celebrated statistician of Cornell University, but arrives at results by a complicated mathematical calculation. I ask for a vote.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offered an amendment. The gentleman from North Carolina offers an amendment to the amendment. The question now is on the amendment offered by the gentleman from North Carolina [Mr. THOMAS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] to section 1 of the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. STAFFORD. Division, Mr. Chairman.

The committee divided; and there were—ayes 126, noes 158.

Mr. STAFFORD. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Indiana [Mr. CRUMPACKER] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 125, noes 168.

So the amendment was rejected.

Mr. ELVINS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. ELVINS. To offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. ELVINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 5 of section 1, strike out "four hundred and thirty-three" and insert "four hundred and two," and after the word "follows," in line 6, insert the following:

"Alabama, 9.
"Arkansas, 7.
"California, 10.
"Colorado, 4.
"Connecticut, 5.
"Delaware, 1.
"Florida, 3.
"Georgia, 11.
"Idaho, 1.
"Illinois, 25.
"Indiana, 12.
"Iowa, 11.
"Kansas, 7.
"Kentucky, 10.
"Louisiana, 7.
"Maine, 3.
"Maryland, 6.
"Massachusetts, 15.
"Michigan, 12.
"Minnesota, 9.
"Mississippi, 8.
"Missouri, 15.
"Montana, 2.
"Nebraska, 5.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 11.
"New York, 40.
"North Carolina, 10.
"North Dakota, 3.
"Ohio, 21.
"Oklahoma, 7.
"Oregon, 3.
"Pennsylvania, 34.
"Rhode Island, 2.
"South Carolina, 7.
"South Dakota, 3.
"Tennessee, 10.
"Texas, 17.
"Utah, 2.
"Vermont, 2.
"Virginia, 9.
"Washington, 5.
"West Virginia, 5.
"Wisconsin, 10.
"Wyoming, 1."

Mr. ELVINS. Mr. Chairman, the purpose of this amendment is to leave only nine States in the Union to lose one Member each. Under the substitute offered by the gentleman from Kansas [Mr. CAMPBELL] the State of Missouri will be the only State in the Union to lose two Members. Under this provision the State of Missouri, in company with eight other States of the Union, would lose but one Member. This amendment, it occurs to me, is a fair compromise between the 433 and the 391. It will not materially increase the size of the House, and it will save for us much of our State pride. We realize that our State has not kept pace in population with some other States, but we blush at having to lose two Members when no other State loses more than one.

Mr. HAYES. How many does this provide for?

Mr. ELVINS. Four hundred and two; and I regard it as such a fair compromise that all Members of the House can vote for it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ELVINS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ELVINS. Division, Mr. Chairman.

The committee divided; and there were—yeas 73, noes 201.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That when a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 433, as above provided.

Mr. CRUMPACKER. Mr. Chairman, I offer the following committee amendment as a substitute.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Indiana.

The Clerk read as follows:

Strike out section 2 and insert the following in lieu thereof:

"SEC. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have one Representative each, and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed."

The question was taken, and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I offer the following committee amendment as a new section.

The Clerk read as follows:

Insert after section 2 the following as a new section:

"That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census. And as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State; and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk proceeded with and completed the reading of the bill.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

Mr. BARTHOLDT. Mr. Chairman, I hope this committee amendment will not prevail. I trust the bill will be passed as reported by the committee without that amendment, and for this reason: There are quite a number of States where the people are willing to exercise their sovereign right with regard to redistricting their States. The question of redistricting is not one reserved to the legislature by the Constitution of the United States, but it is a sovereign right of the people and the several States. Consequently the people, if they desire to redistrict their States according to their own wish and will, without consulting the legislature, can do so by the initiative and referendum, and this amendment would take away from the people of the State the right to redistrict by that method; and for that reason I hope the amendment will be voted down.

Mr. ELVINS. Mr. Chairman, in opposition to this committee amendment, I want to say, in the first place, that the Congress of the United States has no right under the Constitution to designate by law that the districting of the States shall be made by the legislature of that State. I doubt whether Congress has the power to say that the States shall send their Representatives to Congress from districts at all, or that they shall be sent from the States at large. The only power in that connection reserved in the Constitution is that of reapportioning or reallotting, every decade, the number of Representatives to which each State may be entitled. This very section of the Constitution has been passed upon by this House, and I ask attention of Members of the House while I read an excerpt from a very important report made by that great, unbiased commentator on the Constitution, Daniel Webster, whose opinion coincides with those of Hamilton, Madison, Story, Kent, and others of the Nation's greatest statesmen and jurists.

In the Twenty-second Congress an elaborate report was presented by Mr. Webster on the subject of apportionment. In the course of this exhaustive statement he discusses the very question which is here involved. The following extract is fairly representative of the rest of the report on that phase of the question:

Whether the subdivision of the representative power within any State, if there be a subdivision, be equal or unequal, or fairly or unfairly made, Congress can not know and has no authority to inquire. It is enough that the State presents her own representation on the floor of Congress in the mode she chooses to present it. If a State were to give to one portion of her territory a Representative for every 25,000 persons and to the rest a Representative only for every 50,000, it would be an act of unjust legislation, doubtless, but it would be wholly beyond redress by any power in Congress because the Constitution has left all this to the State itself.

I desire to say further, Mr. Chairman, that I am sure that this committee amendment was inserted in the bill at the request of certain Democratic Members of the House who seemed to be afraid that the Republican governor of the State of Missouri, by authority of a statute passed by a Democratic legis-

lature of the State at a time when a Republican governor was not anticipated, would have something to do with the redistricting of the State and would correct the present unfair Democratic gerrymander. Certain Members on that side, notwithstanding their oft-expressed views upon State rights, now pretend to believe that Congress has the right to say how and by whom the redistricting shall be done, but the truth lies in their fear that, under the veto power of the governor of my State or under the initiative and referendum in force there, tortuous and shoe-string districts will become a thing of the past, and that the Republicans of the State who now constitute a majority of its electors will come into their own in a fair representation in this House.

I maintain that the State of Missouri and the other States of the Union have the right themselves to say by what method their Representatives shall be sent here, whether by districts or at large, and the Democratic gentlemen who maintain that the State has no such right are assuming a position that they have not heretofore been true to and one that is wholly at variance with their pet theory of State rights.

The situation in the State of Missouri at present, Mr. Chairman, is that we have a Democratic legislature and a Republican governor. If a Democratic legislature passes a fair bill redistricting the State, the Republican governor will sign it. If it passes a notoriously unfair bill, as it has done in every decade for the past 30 years, the Republican governor will not sign it. This amendment is merely a clever Democratic "joker," my Republican friends, and was craftily put into the bill to prevent Missouri, by restrictions, from making a fair districting of her Representatives the next time that the State is redistricted. [Applause on the Republican side.]

The CHAIRMAN. The question is on the committee amendment, which, without objection, the Clerk will again report.

There was no objection, and the Clerk again reported the amendment.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman. Is that the substitute which the gentleman from Indiana [Mr. CRUMPACKER] offered?

The CHAIRMAN. The gentleman from Indiana offered it for the committee. It is the amendment reported by the committee. The question is on agreeing to the amendment.

The question was taken; and on a division (at the suggestion of the Chair) there were—ayes 157, noes 146.

Mr. ELVINS. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. ELVINS] and the gentleman from Indiana [Mr. CRUMPACKER] will take their place as tellers.

The committee again divided; and the tellers reported—ayes 159, noes 142.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the substitute.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment to the substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the word "1913," in the third line of the substitute, on the first page, and insert in lieu thereof the following:

"SEC. 2. That so soon as the Director of the Census shall complete and report to the Secretary of Commerce and Labor the enumeration of the inhabitants of the several States heretofore taken, including the number of males in the respective States who are literate and illiterate, respectively, it shall be the duty of the said Secretary of Commerce and Labor to ascertain the aggregate representative population of the United States by deducting from the whole number of persons in each State Indians not taxed, and a number in proportion to male inhabitants in any State being 21 years of age and citizens of the United States who, by the constitution or laws of such State, are denied the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, as illiterate, which aggregate population he shall divide by the number 433; and the product of such division, rejecting any fraction of a unit if any such happens to remain, shall be the ratio or rule of apportionment of Representatives among the several States under such enumeration. And the said Secretary of Commerce and Labor shall then proceed in the same manner to ascertain the representative population of each State, and to divide the whole number of representative population of each State by the ratio already determined by him as above directed; and the product of this last division shall be the number of Representatives apportioned to such State: *Provided*, That the loss in the number of Members caused by the fractions remaining in the several States on the division of the population thereof shall be compensated for by assigning to so many States having the largest fractions one additional Member each for its fraction, as may be necessary to make the whole number of Representatives 433.

"SEC. 3. That when the Secretary of Commerce and Labor shall have apportioned the Representatives in the manner above directed among the several States, he shall, as soon as practicable, make out and transmit, under the seal of his office, to the House of Representatives a certificate of the number of Members apportioned to each State; and shall likewise make out and transmit, without delay, to the executive of each State a certificate, under his seal of office, showing the number of Members apportioned to such State.

"SEC. 4. That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"SEC. 5. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be selected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner herein prescribed; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed. In case of a decrease in the number of Representatives in any State under this apportionment such decreased number of Representatives shall be selected by the State at large until such State shall be redistricted in the manner herein prescribed.

"SEC. 6. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have 1 Representative each, and if one of such Territories shall so become a State, such State shall have 1 Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

"SEC. 7. That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census. And as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State; and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

Mr. BENNET of New York. Mr. Chairman, the second section of the fourteenth amendment to the Constitution of the United States, under which we are reapportioning the membership of this House, reads in part as follows:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged—

And some other immaterial language; then—

the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The census which we have taken under a law enacted by Congress includes an inquiry into the question of the literacy of the various people of the United States. The results of that inquiry will be reported by the Director of the Census to the Secretary of Commerce and Labor. It will then be in order, if this amendment is agreed to, for the Secretary of Commerce and Labor to make a mathematical reapportionment based upon the authority of the bill, which is taken, so far as the structure is concerned, almost literally from the reapportionment act of 1850.

Mr. LANGLEY. Will the gentleman from New York yield?

Mr. BENNET of New York. I must decline to yield. I have but five minutes. Some few moments since, the gentleman from Tennessee [Mr. AUSTIN] said that he had held up his right hand in this House and had taken an oath to serve his constituents. If the gentleman from Tennessee took that oath, it was an extra and unconstitutional oath, because the oath which we take is:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The fourteenth amendment is a part of the Constitution, and is as binding as any other part, as binding as the whole instrument, and we have no moral right to reapportion without that reapportionment being in strict accord, so far as we can obtain the truth, with the second section of the fourteenth amendment.

This question, if it is not determined right now, will come up again and again until it is settled right, for no great wrong can long survive in this American Republic or survive in any Republic without imperiling that Republic. We are now, both North and South, in several States of the Union disfranchising people enfranchised by this Constitution. The amendment which I propose is the constitutional method of reapportionment, and I trust that it will be adopted by this House and by a vote of the majority party in the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were—ayes 90, noes 154.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Kansas.

The question was taken, and the substitute was rejected.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 30566, the apportionment bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. CAMPBELL. Mr. Speaker, I move to recommit the bill.

The SPEAKER. That motion would be in order after the engrossment and third reading of the bill. The question is on ordering the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BARTHOLDT. Mr. Speaker, I demand a separate vote on the committee amendment in section 5, inserting the words "by the legislature thereof."

The SPEAKER. The Clerk will report the amendment referred to by the gentleman from Missouri, on which he demands a separate vote.

The Clerk read as follows:

Page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] The vote will be taken on the remaining amendments. The question is on agreeing to the amendments.

The question was taken, and the remaining amendments were agreed to.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote was demanded.

The Clerk read as follows:

Page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

The SPEAKER. The question is on agreeing to the amendment.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

Mr. BARTHOLDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 161, answered "present" 4, not voting 62, as follows:

YEAS—158.

Adair	Burgess	Cravens	Foster, Ill.
Adamson	Burleson	Cullop	Gallagher
Aiken	Burnett	Dent	Garner, Tex.
Alexander, Mo.	Byrd	Denver	Garrett
Anderson	Byrns	Dickinson	Gill, Mo.
Ansberry	Candler	Dickson, Miss.	Glass
Ashbrook	Carlin	Dies	Godwin
Barnhart	Carter	Dixon, Ind.	Goldfogle
Bartlett, Ga.	Clark, Fla.	Driscoll, D. A.	Gordon
Bartlett, Nev.	Clark, Mo.	Dupre	Goulden
Beall, Tex.	Clayton	Edwards, Ga.	Graham, Ill.
Bell, Ga.	Cline	Ellerbe	Gregg
Boehne	Collier	Estopinal	Hamill
Bocher	Conry	Ferris	Hamlin
Borland	Covington	Finley	Hammond
Bowers	Cox, Ind.	Fitzgerald	Hardwick
Brantley	Cox, Ohio	Flood, Va.	Hardy
Broussard	Craig	Floyd, Ark.	Harrison
Havens	Lee	Page	Sisson
Hay	Legare	Palmer, A. M.	Slayden
Heflin	Lever	Peters	Small
Helm	Lively	Pou	Smith, Tex.
Henry, Tex.	Livingston	Pujo	Sparkman
Hitchcock	Lloyd	Rainey	Spight
Houston	McDermott	Randell, Tex.	Stanley
Hughes, Ga.	McHenry	Ransdell, La.	Stephens, Tex.
Hughes, N. J.	Macon	Rauch	Sulzer
Hull, Tenn.	Maguire, Nebr.	Reid	Talbott
Humphreys, Miss.	Martin, Colo.	Richardson	Taylor, Ala.
James	Maynard	Robinson	Thomas, Ky.
Jamieson	Mays	Roddenbery	Thomas, N. C.
Johnson, Ky.	Mitchell	Rothermel	Tou Velle
Johnson, S. C.	Moon, Tenn.	Rucker, Colo.	Turnbull
Jones	Moore, Tex.	Rucker, Mo.	Underwood
Keliher	Morrison	Sabath	Webb
Kinkead, N. J.	Moss	Saunders	Weisse
Kitchin	Nicholls	Shackleford	Wickliffe
Korbly	O'Connell	Sharp	Wilson, Pa.
Lamb	Oldfield	Sheppard	
Latta	Padgett	Sims	

NAYS—161.

Allen	Esch	Knapp	Olmsted
Ames	Fassett	Knowland	Palmer, H. W.
Anthony	Fish	Kopp	Parker
Austin	Focht	Kronmiller	Parsons
Barchfeld	Foelker	Küstermann	Pearre
Barclay	Fordney	Langham	Pickett
Barnard	Foss	Law	Poindexter
Bartholdt	Gaines	Lawrence	Pray
Bennet, N. Y.	Gardner, Mass.	Lenroot	Prince
Bingham	Gardner, N. J.	Lindbergh	Reeder
Boutell	Garner, Pa.	Longworth	Roberts
Bradley	Gillett	Loud	Rodenberg
Burke, Pa.	Goebel	Loudenslager	Scott
Burke, S. Dak.	Good	Lowden	Sheffield
Calder	Graff	McCall	Slemp
Calderhead	Graham, Pa.	McCreary	Smith, Iowa
Campbell	Greene	McCredie	Smith, Mich.
Cassidy	Griest	McGuire, Okla.	Snapp
Chapman	Guernsey	McKinley, Ill.	Southwick
Cocks, N. Y.	Hamer	McLachlan, Cal.	Stafford
Cole	Hamilton	McLaughlin, Mich.	Steenerson
Cooper, Pa.	Hanna	McMorran	Sterling
Cooper, Wis.	Hayes	Madden	Stevens, Minn.
Cowles	Heald	Madison	Sulloway
Creager	Higgins	Malby	Swasey
Crow	Hill	Mann	Tawney
Crumpacker	Hinshaw	Massey	Taylor, Ohio
Currier	Hollingsworth	Miller, Kans.	Tilson
Davidson	Howell, N. J.	Miller, Minn.	Townsend
Davis	Howell, Utah	Moore, Pa.	Volstead
Dawson	Howland	Morehead	Wanger
Denby	Hubbard, Iowa	Morgan, Mo.	Weeks
Diekema	Hubbard, W. Va.	Morgan, Okla.	Wheeler
Dodds	Hull, Iowa	Morse	Wiley
Draper	Humphrey, Wash.	Moxley	Wilson, Ill.
Driscoll, M. E.	Kahn	Murphy	Woodyard
Durey	Keifer	Needham	Young, Mich.
Dwight	Kendall	Nelson	The Speaker
Ellis	Kennedy, Iowa	Norris	
Elvins	Kennedy, Ohio	Nye	
Englebright	Kinkaid, Nebr.	Olcott	

ANSWERED "PRESENT"—4.

Fairchild	Riordan	Watkins	Young, N. Y

NOT VOTING—62.

Alexander, N. Y.	Fuller	Lindsay	Sherwood
Andrus	Gardner, Mich.	Lundin	Simmons
Bates	Gill, Md.	McKinlay, Cal.	Smith, Cal.
Bennett, Ky.	Gillespie	McKinney	Sperry
Burleigh	Grant	Martin, S. Dak.	Sturgiss
Butler	Haugen	Millington	Taylor, Colo.
Cantrill	Hawley	Mondell	Thistlewood
Capron	Henry, Conn.	Moon, Pa.	Thomas, Ohio
Cary	Hobson	Mudd	Vreeland
Coudrey	Howard	Murdock	Wallace
Dalzell	Huff	Patterson	Washburn
Douglas	Hughes, W. Va.	Payne	Willett
Edwards, Ky.	Johnson, Ohio	Plumley	Wood, N. J.
Fornes	Joyce	Pratt	Woods, Iowa
Foster, Vt.	Lafean	Rhinock	
Fowler	Langley	Sherley	

So the amendment was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. PLUMLEY with Mr. SHERLEY.

Mr. YOUNG of New York with Mr. FORNES.

Mr. MOON of Pennsylvania with Mr. WATKINS.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. HAWLEY with Mr. CANTRILL.

Mr. WASHBURN with Mr. PATTERSON.

Mr. DALZELL with Mr. TAYLOR of Colorado.

Mr. HENRY of Connecticut with Mr. GILL of Maryland.

Mr. SMITH of California with Mr. WALLACE.

Mr. FOSTER of Vermont with Mr. HOWARD.

Mr. LAFEAN with Mr. GILLESPIE.

Mr. MURDOCK with Mr. RHINOCK.

Mr. THISTLEWOOD with Mr. WILLETT.

Mr. WOOD of New Jersey with Mr. LINDSAY.

Mr. WOODS of Iowa with Mr. SHERWOOD.

Mr. CRUMPACKER. Mr. Speaker, I desire to change my vote.

The SPEAKER. Call the gentleman's name.

Mr. CRUMPACKER's name was called, and he answered "No."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed and read a third time.

Mr. CAMPBELL. Mr. Speaker, I move that the bill be recommitted to the Committee of the Whole with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CAMPBELL. I am opposed to the bill. I move to recommit the same with instructions, to report the same back in the shape of the substitute.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] moves to recommit the bill with the following instructions, which the Clerk will report.

The Clerk proceeded to read the substitute.

Mr. CAMPBELL. Mr. Speaker, this substitute has been read. It was the substitute that was offered, and I ask unanimous consent that it be not read again. It fixes the number at 391, and follows the bill as reported by the committee in other respects. It conforms also to the amendment just rejected by the House.

The SPEAKER. The gentleman from Kansas asks unanimous consent to omit the reading of the substitute which covers the bill, with the exception of the change that he indicates. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. I have stricken out the words "by the legislature thereof," so as to conform to the amendment that has just been voted down. It strikes out "433" and inserts "391."

Mr. HEFLIN. Mr. Speaker, I move to lay the motion of the gentleman from Kansas [Mr. CAMPBELL] on the table.

The SPEAKER. That motion is not in order. The question is on the motion to recommit the bill with instructions.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 133, nays 171, answered "present" 8, not voting 72, as follows:

YEAS—133.

Ames	Ellis	Kopp	Olmsted
Anthony	Elvins	Kronmiller	Palmer, H. W.
Barchfeld	Englebright	Küstermann	Parker
Barnard	Esch	Law	Parsons
Barnhart	Fassett	Lawrence	Pearre
Bartholdt	Fish	Lenroot	Pickett
Bartlett, Nev.	Focht	Lindbergh	Poindexter
Bennet, N. Y.	Foelker	Longworth	Prince
Bingham	Foss	Loud	Reeder
Bradley	Gardner, Mass.	Loudenslager	Roberts
Burke, Pa.	Gardner, N. J.	Lowden	Rodenberg
Calder	Garner, Pa.	McCall	Scott
Calderhead	Gillett	McCreary	Sharp
Campbell	Goebel	McCredie	Sheffield
Cary	Good	McKinley, Ill.	Smith, Iowa
Cassidy	Graff	McLaughlin, Mich.	Smith, Mich.
Chapman	Graham, Pa.	McMorran	Snapp
Cocks, N. Y.	Hamilton	Madden	Southwick
Cole	Hayes	Madison	Stafford
Cooper, Pa.	Higgins	Malby	Sterling
Cooper, Wis.	Hinshaw	Mann	Stevens, Minn
Creager	Hollingsworth	Miller, Kans.	Sulloway
Crow	Howell, N. J.	Miller, Minn.	Tawney
Currier	Howell, Utah	Moore, Pa.	Taylor, Ohio
Davidson	Howland	Morehead	Tilson
Davis	Hubbard, Iowa	Morgan, Mo.	Townsend
Dawson	Hubbard, W. Va.	Morse	Volstead
Denby	Humphrey, Wash.	Moxley	Wheeler
Dickema	Keifer	Murphy	Wiley
Dodds	Kennedy, Iowa	Needham	Wilson, Ill.
Draper	Kennedy, Ohio	Nelson	Young, Mich.
Driscoll, M. E.	Kinkaid, Nebr.	Norris	
Durey	Knapp	Nye	
Dwight	Knowland	Olcott	

NAYS—171.

Adair	Burnett	Dickinson	Godwin
Aiken	Byrd	Dickson, Miss.	Goldfogle
Alexander, Mo.	Byrns	Dies	Gordon
Allen	Candler	Dixon, Ind.	Goulden
Anderson	Carlin	Driscoll, D. A.	Graham, Ill.
Ansberry	Carter	Dupre	Greene
Ashbrook	Clark, Fla.	Edwards, Ga.	Gregg
Austin	Clark, Mo.	Ellerbe	Griest
Bartlett, Ga.	Clayton	Estopinal	Guernsey
Beall, Tex.	Cline	Ferris	Hamer
Bell, Ga.	Collier	Finley	Hamill
Bennett, Ky.	Conry	Fitzgerald	Hamlin
Boehne	Cowles	Flood, Va.	Hammond
Booher	Cox, Ind.	Floyd, Ark.	Hanna
Borland	Cox, Ohio	Fordney	Hardwick
Bowers	Craig	Foster, Ill.	Hardy
Brantley	Cravens	Gallagher	Harrison
Broussard	Crumpacker	Garner, Tex.	Havens
Burgess	Cullop	Garrett	Hay
Burke, S. Dak.	Dent	Gill, Mo.	Heflin
Burleigh	Denver	Glass	Helm
Henry, Tex.	Legare	Oldfield	Sisson
Hitchcock	Lever	Padgett	Slemp
Houston	Lively	Page	Small
Hughes, Ga.	Livingston	Palmer, A. M.	Smith, Tex.
Hughes, N. J.	Lloyd	Peters	Sparkman
Hull, Tenn.	McDermott	Pou	Spight
Humphreys, Miss.	McGuire, Okla.	Pujo	Stanley
James	McHenry	Rainey	Stephens, Tex.
Jamieson	Macon	Randell, Tex.	Sulzer
Johnson, Ky.	Maguire, Nebr.	Ransdell, La.	Swasey
Johnson, S. C.	Martin, Colo.	Rauch	Talbott
Jones	Massey	Reid	Taylor, Ala.
Kelliher	Maynard	Richardson	Thomas, Ky.
Kendall	Mays	Robinson	Thomas, N. C.
Kinkead, N. J.	Mitchell	Roddenbery	Tou Velle
Kitchin	Moon, Tenn.	Rothermel	Turnbull
Korbly	Moore, Tex.	Rucker, Colo.	Underwood
Lamb	Morgan, Okla.	Rucker, Mo.	Webb
Langham	Morrison	Saunders	Weisse
Langley	Moss	Shackleford	Wickliffe
Latta	Nicholls	Sheppard	Wilson, Pa.
Lee	O'Connell	Sims	

ANSWERED "PRESENT"—8.

Adamson	Fairchild	Pray	Thistlewood
Burleson	McLachlan, Cal.	Riordan	Watkins

NOT VOTING—72.

Alexander, N. Y.	Gardner, Mich.	Lindsay	Simmons
Andrus	Gill, Md.	Lundin	Slayden
Barclay	Gillespie	McKinlay, Cal.	Smith, Cal.
Bates	Grant	McKinney	Sperry
Boutell	Haugen	Martin, S. Dak.	Steenerson
Butler	Hawley	Millington	Sturgiss
Cantrill	Heald	Mondell	Taylor, Colo.
Capron	Henry, Conn.	Moon, Pa.	Thomas, Ohio
Coudrey	Hill	Mudd	Vreeland
Covington	Hobson	Murdock	Wallace
Dalzell	Howard	Patterson	Wanger
Douglas	Huff	Payne	Washburn
Edwards, Ky.	Hughes, W. Va.	Plumley	Weeks
Fornes	Hull, Iowa	Pratt	Willett
Foster, Vt.	Johnson, Ohio	Rhinock	Wood, N. J.
Fowler	Joyce	Sabath	Woods, Iowa
Fuller	Kahn	Sherley	Woodyard
Gaines	Lafean	Sherwood	Young, N. Y.

So the motion to recommit was not agreed to.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. JOHNSON of Ohio with Mr. COVINGTON.

Mr. MCLACHLAN of California with Mr. LINDSAY.

On this vote:

Mr. WASHBURN (in favor of 391) with Mr. PATTERSON (in favor of 433).

Mr. DALZELL (in favor of 391) with Mr. TAYLOR of Colorado (in favor of 433).

Mr. HENRY of Connecticut (in favor of 391) with Mr. GILL of Maryland (in favor of 433).

Mr. BUTLER (in favor of 391) with Mr. BURLESON (in favor of 433).

Mr. FAIRCHILD (in favor of 391) with Mr. HOBSON (in favor of 433).

Mr. PLUMLEY (in favor of 391) with Mr. SHERLEY (in favor of 433).

Mr. SMITH of California (in favor of 391) with Mr. WALLACE (in favor of 433).

Mr. FOSTER of Vermont (in favor of 391) with Mr. HOWARD (in favor of 433).

Mr. PRAY (in favor of 391) with Mr. EDWARDS of Kentucky (in favor of 433).

Mr. WOODYARD (in favor of 391) with Mr. HUGHES of West Virginia (in favor of 433).

Mr. ALEXANDER of New York (in favor of 391) with Mr. GRANT (in favor of 433).

Mr. MOON of Pennsylvania (in favor of 391) with Mr. WATKINS (in favor of 433).

Mr. LAFEAN (in favor of 391) with Mr. GILLESPIE (in favor of 433).

Mr. HULL of Iowa (in favor of 391) with Mr. SABATH (in favor of 433).

Mr. THISTLEWOOD with Mr. WILLETT (on apportionment votes).

For balance of this day:

Mr. WOOD of New Jersey with Mr. SLAYDEN.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 31656. An act to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the

Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city.

The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.; and

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5379. An act to provide for the erection of a monument to commemorate the battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the battle of Guilford Court House, N. C.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOYCE, for seven days, on account of important business.

To Mr. HUBBARD of West Virginia, for 10 days, beginning February 10, 1911, on account of important business.

To Mr. BUTLER, for two days, on account of death in family.

WITHDRAWAL OF PAPERS.

Mr. MCCREDIE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Sarah A. Waite, Sixty-first Congress, no adverse report having been made thereon.

Mr. WICKLIFFE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Frederick Arbour, Fifty-fifth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that on the bill (S. 9443) providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States the reference may be changed from the Committee on the Public Lands to the Committee on Immigration and Naturalization.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Friday, February 10, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 30280) authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon, reported the same with amendment, accompanied by a report (No. 2112), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 8868) providing for a permanent resting place for the body of John Paul Jones, reported the same with amendment, accompanied by a report (No. 2114), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, reported the same without amendment, accompanied by a report (No. 2115), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Kansas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, reported the same with amendment, accompanied by a report (No. 2103), which said bill and report were referred to the House Calendar.

Mr. BARTLETT of Georgia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10431) to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 2104), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn., reported the same without amendment, accompanied by a report (No. 2105), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 31651) providing for adjustment of conflict between placer and lode locators of phosphate lands, reported the same without amendment, accompanied by a report (No. 2106), which said bill and report were referred to the House Calendar.

Mr. PETERS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt., reported the same with amendment, accompanied by a report (No. 2107), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32213) to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River, reported the same without amendment, accompanied by a report (No. 2108), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32220) to authorize the board of supervisors of the town of Highlanding, Red Lake County, Minn., to construct a bridge across the Red Lake River, reported the same without amendment, accompanied by a report (No. 2109), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32400) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J., reported the same without amendment, accompanied by a report (No. 2110), which said bill and report were referred to the House Calendar.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the resolution of the House (H. Con. Res. 58) providing for the printing of the proceedings upon the

unveiling of the statue of Baron von Steuben, reported the same without amendment, accompanied by a report (No. 2111), which said resolution and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32340) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., reported the same with an amendment, accompanied by a report (No. 2113), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 32674) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2100), which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2101), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 31106) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 2116), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 32621) granting a pension to Anna Smith, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PRAY: A bill (H. R. 32676) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; to the Committee on the Public Lands.

By Mr. CLAYTON: A bill (H. R. 32677) concerning taxable costs in suits at law; to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 32678) to provide for the exchange of national forest timber in New Mexico for private lands lying within the extension limits of the Zuni National Forest; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: A bill (H. R. 32679) providing that any person who has heretofore made one or more homestead entries and has failed from any cause to perfect his title to any lands embraced in such entry or entries may make a further homestead entry, and for other purposes; to the Committee on the Public Lands.

By Mr. CAMERON: A bill (H. R. 32680) providing for an election for the removal of the county seat of the county of Cochise, Territory of Arizona, and for other purposes; to the Committee on the Territories.

By Mr. HUBBARD of West Virginia: A bill (H. R. 32681) to amend section 1 of an act to regulate the times and manner of holding elections for Senators in Congress, approved July 25, 1866; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: A bill (H. R. 32682) for the relief of the Winnebago Indians of Wisconsin; to the Committee on Indian Affairs.

By Mr. PATTERSON: Memorial of the Legislature of South Carolina concerning election of United States Senators by the direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32683) granting an increase of pension to Darwin Thompson; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32684) granting an increase of pension to Isaac F. Lakham; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32685) granting an increase of pension to Bertha A. Mulhall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32686) for the relief of the estate of Philip Houser, deceased; to the Committee on War Claims.

By Mr. DAWSON: A bill (H. R. 32687) for the relief of Julius M. McCoskry; to the Committee on Military Affairs.

Also, a bill (H. R. 32688) granting an increase of pension to Peter Golden; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 32689) granting an increase of pension to William Brown; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 32690) granting an increase of pension to Mary A. Bullard; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 32691) granting an increase of pension to Sherwood C. Bowers; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 32692) granting an increase of pension to John Frank; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32693) granting a pension to John W. Sturm; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 32694) granting an increase of pension to Charles K. Beecher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32695) to correct the military record of Benjamin Taylor, alias Schofield; to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 32696) for the relief of Bethesda Baptist Church, of Bamberg County, S. C.; to the Committee on War Claims.

By Mr. PICKETT: A bill (H. R. 32697) granting an increase of pension to Asa L. Bushnell; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 32698) granting an increase of pension to William R. Wallis; to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H. R. 32699) granting an increase of pension to Abram H. Bedell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Americus Club, of Buffalo, N. Y., and Common Council of Buffalo, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ANDERSON: Petition of the Los Angeles County Osteopathic Society, against the Mann, Owen, and Creager health bureau bills; to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of business firms of Oakwood, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of the members of the Barbers' Union, No. 114, of Newark, Ohio, requesting the construction of the battleship *New York* in a Government yard; to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of New York Mercantile Exchange, Chamber of Commerce, and Manufacturers' Club, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Los Angeles County Osteopathic Society, against the Owen, Mann, and Creager bills relative to health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Paper to accompany bill for relief of Ernest S. Cash; to the Committee on Pensions.

By Mr. COOPER of Pennsylvania: Petition of Washington Camp No. 787, Patriotic Order Sons of America, of Waynesboro, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the twenty-third congressional district of Pennsylvania, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of Otto Windorf and other citizens of Wisconsin, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. COVINGTON: Petition of ship owners and masters in Maryland, favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Robert R. Smallfield and six other citizens and firms of Davenport, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of officers and enlisted men of the Third Battalion, Second Infantry Michigan National Guard, for the militia pay bill; to the Committee on Militia.

By Mr. DODDS: Petition of citizens of Grand Traverse County, Mich., favoring extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Los Angeles County Osteopathic Society, against the Owen, Mann, and Creager bills; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Wisconsin, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Local No. 145, of La Crosse, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Petition of citizens of first congressional district of Missouri, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petitions of Washington Camp No. 573; Washington Camp No. 645, of Orrstown; and Washington Camp No. 494, of Port Royal, Patriotic Order Sons of America, in the State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of A. E. Jacobs and others, of Malta, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Los Angeles County Osteopathic Society, against a Federal department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of International Association of Machinists, for the eight-hour law and construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Capt. Edw. A. Sanger, of Woodstock, Ill., for the militia pay bill; to the Committee on Militia.

Also, petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Progress Chapter of the American Women's League, of Sandwich, Ill., for the Lewis claims; to the Committee on Claims.

Also, petition of the American Embassy Association, for the Lowden bill, H. R. 30888; to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Petition of James F. Gardner and 26 other residents of Haverhill, Mass., for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Lucans Council and Enterprise Council, Junior Order United American Mechanics, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Laurel Grange, No. 161, of West Newbury, Mass., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of Council of the Union of American Hebrew Congregations, relative to refusal of the Russian Government to honor American passports and urging abrogation of the Russian treaty unless American passports are uniformly honored by Russian Government; to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petition of Local Union No. 164, United Association of Plumbers, Gas and Steam Fitters, of St. Joseph, Mich., urging building of battleship *New York* in Government yard; to the Committee on Naval Affairs.

Also, petition of Constantine Grange, No. 236, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Farmers' Cooperative Co. and 13 others, of Pipestone, Minn., against removal of duty on barley; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota on rural post-office routes, for increase of salary for rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the National Grange of Concord, N. H., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, for amendment of section 121 of Article V of the Constitution by striking out the word "male;" to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petitions of citizens of Moody and J. G. Altorf Co., of Marlin, in the State of Texas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HUFF: Petition of Branch No. 83, Glass Bottle Blowers' Association, of Butler, Pa., for House bill 29866; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: Petitions of citizens of De Mossville, Portland, Indian Head, Dodge, and Louisville, in the State of Kentucky, for enactment of more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petitions of citizens of Oskaloosa, Hillsboro, Hynes, Hesper, Richland, New Sharon, Kanawha, Grinnell, Marshalltown, and New Providence, in the State of Iowa, against fortifying the Panama Canal; to the Committee on Railways and Canals.

By Mr. KNAPP: Petition of citizens of Clayton, N. Y., against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Carthage (N. Y.) Board of Trade League, against the adoption of the proposed reciprocal tariff legislation with Canada; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of Metal Trades Council, Newark, N. J.; Brotherhood of Electrical Workers, Jersey City; International Association of Machinists of West Hoboken and Jersey City, for construction of battleship *New York* in the Brooklyn Navy Yard and for the eight-hour clause; to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of Washington Camp No. 159, Patriotic Order Sons of America, East Berlin, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LATTA: Petition of J. H. Loomer and others, of Knox County, Nebr., against the passage of Senate bill 404 and House joint resolution 17; to the Committee on the Judiciary.

Also, petitions of Beiler Bros., of Norfolk; V. A. Nadorost and 13 others, of Verdigris; Wilson Bros. & Co. and 13 others, of Allen; Chris Asmussen and 13 others, of Craig; J. M. Young and others, of Craig; John B. Sarger and 13 others, of Edwards; A. L. Scutt and 13 others, of Leigh; D. McManus & Son and 33 others, of Lyons, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of Methodist Episcopal Church, Pleasant Hill, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McCREDIE: Petition of Legislature of Washington, relative to tariff revision, urging careful consideration of same; to the Committee on Ways and Means.

By Mr. McHENRY: Petition of Washington Camp No. 19, Patriotic Order Sons of America, of Sunbury, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of Carpenters' Union No. 1883, of Macomb, Ill., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of United Presbyterian Church of Stronghurst, for Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Railway Lodge, No. 695, International Association of Machinists, of Rock Island, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Nebraska City, Falls City, and Plattsmouth, against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Stella and business men of Burr, Douglas, and Auburn, favoring Senate bill 3776, placing express companies under Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Hair Spinners' Protective Union, No. 12347; of Waynesboro Council, No. 760; and E. W. Sisley, Fayette City, Pa., for illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of James J. Judge, for battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, protests of C. H. Coburn, S. Eheman, A. Salter, I. M. Vanderberry, E. J. Kessilmeyre, Conrad L. Haessler, M. Christmas, H. F. Lamborn, W. Quinn, C. M. Snow, K. C. Russell, J. W. Lawhead, M. E. Cooke, Rembrandt P. Morris, P. S. Ingersoll, and others, against Sunday rest bill; to the Committee on the District of Columbia.

By Mr. PALMER: Petitions of Local Councils Nos. 255 and 760, Junior Order United American Mechanics; Washington Camps Nos. 483 and 524, and McKinley Commandry, No. 16, Patriotic Sons of America; and Local Unions Nos. 268 and 768, United Brotherhood of Carpenters and Joiners, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 106, International Union of Slate Workers, of Bangor, Pa., for repeal of the oleomargarine tax; to the Committee on Agriculture.

By Mr. POINDEXTER: Petition of Legislature of State of Washington, against change in tariff without careful investigation of facts concerning same as applied to the industries of the Northwest; to the Committee on Ways and Means.

By Mr. REEDER: Petition of Los Angeles County Osteopathic Society, against the Mann, Owen, and Creager national health bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of citizens of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Central Federated Union, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Los Angeles County Osteopathic Society, against Mann, Owen, and Creager national health bureau bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of the Society of Friends in America, of Providence, R. I., deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

By Mr. SIMMONS: Petition of Niagara (N. Y.) Farmers' Club, indorsing the Simmons bill (H. R. 897) regulating importation of Jersey stock; to the Committee on Agriculture.

Also, petition of Niagara Falls Board of Trade and Republican electors of the town of Java, Wyoming County, and Wyoming County Pomona Grange, in the State of New York, protesting against the confirmation of the proposed reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, petition of Batavia Typographical Union, No. 511, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of H. N. Smith; Charles Jones and 9 other residents of Oakland County; Mrs. Bertha Stocking and 15 other residents of Osceola County; Allegan County Grange, Allegan County; D. C. Wells and 16 other residents of Ottawa County; Nunica Grange, No. 1329, of Nunica; James Snell and 25 others, of Delta County; P. J. Dean and 28 others, of Midland and Saginaw Counties; P. J. Haley and 20 other residents of Saginaw County; Olle Sogge and 15 others, of Grand Traverse County; and Nels W. Oleson and 8 others, of Leelanau County, all in the State of Michigan, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of citizens of Texas, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Protest of Henry Feig, of Atwater, Minn., against the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of postal clerks of the tenth division, relative to service and pay of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel C. Hayes, of Nielsville, Polk County, Minn., against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Berlin (N. H.) Board of Trade, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SULZER: Petition of National Wholesale Dry Goods Association of New York, favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petitions of sundry citizens of the twenty-fifth congressional district of the State of Illinois, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of twenty-fifth congressional district of Illinois, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of citizens of Connecticut, for the eight-hour working day and for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Pattern Makers' Association, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Hartford Board of Trade, for an appropriation of $177,000 to widen the Connecticut River between Hartford and the Sound; to the Committee on Rivers and Harbors.

By Mr. WEEKS: Resolutions of National Board of Trade at its forty-first annual meeting in Washington, D. C., January 17, 18, and 19, 1911, as to legislation upon various matters of national importance; to the Committee on the Judiciary.

By Mr. WEISSE: Petition of H. E. Braemer, against repeal of tariff on barley; to the Committee on Ways and Means.

Also, petition of W. S. Burgess and citizens of Wisconsin, against a parcels-post system; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *February 10, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POCATELLO NATIONAL FOREST.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve, which were, in line 8, to strike out "is" and insert "are;" in line 10, to strike out "reserve;" and to amend the title so as to read: "An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest."

Mr. BURNHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

LAND IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, chairman of the commission to investigate the title of the United States to land in the District of Columbia, transmitting a report on the title to lot 20, square 253, assigned to the United States in the division between the public and the original proprietors of the city of Washington (S. Doc. No. 817), which was referred to the Committee on the District of Columbia and ordered to be printed.

CONSTITUTION OF NEW MEXICO.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Territory of New Mexico, transmitting a certified copy of the constitution submitted to and ratified by the people of that Territory, together with a certified copy of the statement of votes cast thereon (H. Doc. No. 1369), which was referred to the Committee on Territories and ordered to be printed.

SENATOR FROM WYOMING.

Mr. WARREN presented the credentials of CLARENCE D. CLARK, chosen by the Legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3982. An act for the relief of David F. Wallace; and

H. R. 30566. An act for the appointment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5379. An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C.;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.; and

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Quarterly Meeting of the Religious Society of Friends, of Westchester County, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. BURNHAM presented a memorial of the Board of Trade of Berlin, N. H., and a memorial of the New Hampshire State Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Frank Jones Brewing Co., of Portsmouth, N. H., praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of John P. Hale Council, No. 9, Junior Order United American Mechanics, of Barrington, N. H., and a petition of Prospect Council, Junior Order United American Mechanics, of Plymouth, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. NIXON presented memorials of sundry citizens of Reno, Elko, and Lovelock, all in the State of Nevada, remonstrating against the enactment of proposed legislation changing the name of the Public Health and Marine-Hospital Service, which were referred to the Committee on Public Health and National Quarantine.

Mr. GALLINGER presented a petition of the Progressive Republican Club of ward 3, Keene, N. H., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented petitions of Local Union No. 568, of Lincoln; of Local Union No. 1883, of Macomb; and of Local Union No. 1873, of Lawrenceville, United Brotherhood of Carpenters and Joiners, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of McIlwain Post, No. 273, Department of Illinois, Grand Army of the Republic, of Springfield, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Capitol Lodge, No. 628, International Association of Machinists, of Springfield, Ill., remonstrating against the repeal of the eight-hour law in connection with the construction of battleships, which was referred to the Committee on Naval Affairs.

Mr. DILLINGHAM presented petitions of Local Lodge No. 683, United Brotherhood of Carpenters and Joiners of America, of Burlington; of Memphremagog Council, Junior Order United American Mechanics, of Newport; of President Arthur Council, Junior Order United American Mechanics, of Sheldon; and of Crawford Council, Junior Order United American Mechanics, of Putney, all in the State of Vermont, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JONES. I present a telegram from the secretary of the Washington Wool Growers' Association, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

NORTH YAKIMA, WASH., *February 7, 1911.*

Senator W. L. JONES, *Washington, D. C.:*

Under pending reciprocity treaty with Canada, sheep are placed on free list, dressed meats are taxed 1½ cents per pound. This affords protection to packers, but not consumers or sheep breeders. If Canadian sheep are admitted free, they will bring millions of pounds of free wool with them. We wish to protest against admission of free sheep from Canada.

H. STAILEY COFFIN,
Secretary Washington Wool Growers' Association.

Mr. GAMBLE. I present a memorial of the Patrons of Husbandry of Erwin, S. Dak., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

ERWIN GRANGE, No. 25,
Erwin, S. Dak., February 3, 1911.

Hon. R. J. GAMBLE, *Washington, D. C.*

DEAR SENATOR: We, the Patrons of Husbandry, implore you to vote for the revocation of the Canadian reciprocity treaty made by our Executive and the Canadian officials. As a faithful servant of the people of this State, you are by duty bound to cause this treaty to be revoked; firstly, because its burdens fall most heavily on this and other agricultural States; secondly, because it is unjust to the people as a whole, in so far as it is an unjust and partial regulation of commerce between the States and Canada.

We will not detain you by going into details, as you have the original treaty before you. Thanking you in advance for your prompt action upon this matter, we remain,

Faithfully, yours,

J. F. WOLKOW, *Com'tmn.*
(Mrs.) CLARA B. HODGES, *Master.*
F. G. LARSON, *Secretary.*

Mr. GAMBLE presented a memorial of the Hentges Clothing Co. and six other business firms of Yankton, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of Local Council of Walnut Cove; Emma Council, of Ashville; Local Council of Hickory; Local Council of Gastonia; Local Council of King; Bear Creek Council, of Gold Hill; Keystone Council, of Proximity; Local Council of Rockville; Local Council of Manndale; Local Council of Apex; and Jeff Davis Council, of Wilmington, all of the Junior Order United American Mechanics; of Washington Camps Nos. 17, of China Grove, and 27, of Gastonia, Patriotic Order Sons of America; and of Local Union No. 1492, United Brotherhood of Carpenters and Joiners of America, of Hendersonville, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN. I present a telegram from the Idaho State Grange, Patrons of Husbandry, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

PAYETTE, IDAHO, *February 9–10, 1911.*

Hon. W. B. HEYBURN,
United States Senate, Washington, D. C.:

The Idaho State Grange, 3,000 strong, protest against reciprocity with Canada unless the farmer is treated as fairly as the manufacturers. We want a square deal, one that is fair to all.

D. C. MULAN, *Master.*
F. P. FRENCH, *Secretary.*
H. HARLAND, *Overseer.*

Mr. CHAMBERLAIN. I present a joint resolution of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the joint resolution was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint resolution 4.

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as our trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a law-making or legislative body therein, to be elected by the people:

Resolved by the Legislative Assembly of the State of Oregon (the senate and house jointly concurring), That we do hereby declare our most earnest opinion that it is necessary to the development of the Pacific coast and of the resources of, and good government in, Alaska that the Congress of the United States shall at the earliest possible date pass an enabling act creating and providing for the organization of a territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in securing the passage of such a bill.

Adopted by the house January 19, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.
BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully

compared the annexed copy of house joint resolution No. 4 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the joint memorial was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of $10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit, the United States land office, the United States post office, the United States weather observatory, also the United States district forestry bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now, therefore,

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of $250,000 for the purpose of constructing such building of such a capacity as to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution, in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the National Treasury; but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. CARTER presented a petition of the North Washington Citizens' Association, of the District of Columbia, and a petition of sundry citizens of the city of Washington, praying for the establishment of a public park bounded by Rhode Island Avenue, Second Street, T Street, and Lincoln Avenue, NE., which were referred to the Committee on the District of Columbia.

Mr. GRONNA presented a petition of the Book and Thimble Club of Williston, N. Dak., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Lodge No. 12018, American Federation of Labor, of Jamestown, N. Dak., remonstrating against any change being made in the method of printing United States bonds and notes, etc., which was ordered to lie on the table.

He also presented a memorial of sundry business men of Galesburg, N. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Adams County Agricultural Association, Pennsylvania, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1048, Brotherhood of Painters, Decorators, and Paperhangers of America, of Carbondale, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of John S. Melvin Post, No. 141, Grand Army of the Republic, Department of Pennsylvania, of Bradford, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. PAGE presented petitions of President Arthur Council, of Sheldon; Memphremagog Council, of Newport; and Crawford Council, of Putney, all of the Junior Order United American Mechanics, and of Local Union No. 683, United Brotherhood of

Carpenters and Joiners of America, of Burlington, all in the State of Vermont, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DU PONT presented petitions of the Central Labor Union of Wilmington; the American Flag Council, Junior Order United American Mechanics, of Newark, and of Washington Camp No. 20, Patriotic Order Sons of America, of Camden, all in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. ROOT presented a petition of Typographical Union No. 523, of Tarrytown and Ossining, in the State of New York, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Rhode Island Anti-Tuberculosis Association, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of sundry members of the International Association of Machinists of Everett, Wash., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a memorial of sundry citizens of Wendell, Minn., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Twin City Wholesale Millinery Association, of Minnesota, praying that reciprocal trade relations be established between the United States and Canada in respect to millinery articles, which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented memorials of the Retail Business Men's Association, the Retail Grocers' Protective Association, the Association of Credit Men, and the United Commercial Travelers' Association, all of Charleston, in the State of West Virginia, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Washington Camp No. 6, Patriotic Order Sons of America, of Crawfordsville, Ind., and a petition of Marion Council, No. 3, Junior Order United American Mechanics, of Marion, Ind., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Encampment No. 51, Union Veteran Legion of the United States, of Fort Wayne, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of Local Lodge No. 381, International Association of Machinists, of Syracuse; Local Councils No. 33, of Syracuse; No. 107, of Mohawk; and No. 24, of Greenwich, Junior Order United American Mechanics; of Local Unions No. 718, of New Rochelle, and No. 24, of Batavia, United Brotherhood of Carpenters and Joiners of America; of Local Union No. 577, Garment Workers, of Cohoes and vicinity; Washington Camp, No. 22, Patriotic Order Sons of America, of Yonkers; and of the Central Trades and Labor Assembly of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Amherst Grange, No. 1131, of Williamsville; Stafford Grange, No. 418, of Morganville; Sandy Creek Grange, No. 127, of Lacona; Pamelia Grange, No. 68, of Evans Mills; and Little Falls Grange, No. 611, of Little Falls, all of the Patrons of Husbandry, in the State of New York, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Celtic Club, of Brooklyn, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Chamber of Commerce and Manufacturers' Club of Buffalo, the Common Council of Geneva, the Chamber of Commerce of Oswego, the Buffalo Brewers' Exchange, and sundry business firms of Rochester, Geneva, and New York City, all in the State of New York, praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of National Lodge, No. 556, International Association of Machinists, of Brooklyn, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division No. 292, International Brotherhood of Locomotive Engineers, of Middletown, N. Y., praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Bela Rich Post, No. 287, of Cattaraugus; Oliver McAllister Post, No. 373, of Philadelphia; and Vander Veer Post, No. 57, of Fonda, all of the Grand Army of the Republic, Department of New York, in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the National Wholesale Dry Goods Association of New York, praying for the enactment of legislation providing for the appointment of a permanent tariff commission, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the enactment of legislation to prohibit the transmission of race-gambling bets, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of Gebhard Lang Council, No. 298, Catholic Benevolent Legion, of Buffalo, N. Y., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last ten years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as our trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a law-making or legislative body therein, to be elected by the people:

Resolved by the Legislative Assembly of the State of Oregon (the senate and house jointly concurring), That we do hereby declare our most earnest opinion that it is necessary to the development of the Pacific coast and of the resources of and good government in Alaska that the Congress of the United States shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in securing the passage of such a bill.

Adopted by the house January 19, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.
BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint resolution No. 4 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial 3.

Whereas there is now pending before the House of Representatives of the United States of America Senate bill 5677, providing for the retirement and relief of the officers and members of the United States Life-Saving Service; and

Whereas the Legislative Assembly of the State of Oregon believes it is desirable and just that such provision should be made: Now, therefore, be it

Resolved by the house (the senate concurring), That our Representatives in Congress be, and are hereby, memorialized and requested to vote for and use their utmost endeavors to secure the passage of said Senate bill 5677 by the House of Representatives and its approval by the President.

Adopted by the house January 18, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 19, 1911.
BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof, which was adopted by the house January 18, 1911, and concurred in by the senate January 19, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representative of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of $10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit: The United States land office, the United States post office, the United States weather observatory, also the United States district forestry bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now, therefore

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of $250,000 for the purpose of constructing such building of such a capacity to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 1.

Whereas the State of Oregon has contributed to the United States reclamation fund a larger sum than any other State; and

Whereas the apportionment of the reclamation fund to Oregon is so inadequate as to constitute actual discrimination against the people of Oregon; and

Whereas the early reclamation of the large areas of desert land in the State of Oregon is dependent upon the work of the United States Reclamation Service; and

Whereas section 9 of the reclamation act, providing that more than 50 per cent of the reclamation fund be expended in the State contributing the same, was repealed at the last session of Congress; and

Whereas the repeal of section 9 of the reclamation act leaves the State of Oregon in position to be hurt by continuation of the present discrimination: Therefore be it

Resolved, That our Senators and Representatives in Congress be memorialized to urge the immediate reenactment of section 9 of the reclamation act of the United States, and use their influence to secure an apportionment of the reclamation fund which shall as nearly as possible conform to the amount of the reclamation fund contributed by the people of the State of Oregon, and a copy of this memorial be transmitted to each of the Senators and Representatives of the State of Oregon in Congress.

Adopted by the house January 17, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 19, 1911.

BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 1 with the original thereof, which was adopted by the house January 17, 1911, and concurred in by the senate January 19, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. CURTIS. I present a telegram signed by the governor of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

TOPEKA, KANS., *February 10, 1911.*

Senator CURTIS, *Washington, D. C.:*

House and senate have passed joint resolution favoring passage of the Sulloway bill, and have asked me to inform you of this. I request your immediate attention for it.

W. R. STUBBS, *Governor.*

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washintgon, D. C., reported it without amendment and submitted a report (No. 1137) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes, reported it with an amendment.

Mr. JOHNSTON, from the Committee on Military Affairs, to which was referred the bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, reported it with amendments and submitted a report (No. 1139) thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 9822) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., reported it without amendment and submitted a report (No. 1140) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to which was referred the bill (S. 10349) to authorize Joseph Swift to construct an elevated trestle across Anacostia Road, in the District of Columbia, submitted an adverse report thereon (No. 1141), which was agreed to, and the bill was postponed indefinitely.

TAXATION IN ARIZONA.

Mr. KEAN. From the Committee on Territories I report back favorably, without amendment, the bill (H. R. 28214) providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes, and I ask for its present consideration. It is an important bill in regard to taxation in Arizona.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, it was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY V. GATES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 343), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Harry V. Gates, son of John F. Gates, late janitor, United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PHILIPPINE ASSEMBLY AND RESIDENT COMMISSIONERS.

Mr. LODGE. From the Committee on the Philippines, I report back favorably, without amendment, the bill (H. R. 32604) providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I am directed by the Committee on Appropriations to report back with amendments the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and I submit a report (No. 1138) thereon. I desire to give notice, Mr. Presi-

dent, that I shall seek an opportunity on Monday next to ask for the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

FIREMEN'S INSURANCE COMPANY.

Mr. GALLINGER. From the Committee on the District of Columbia, I report back favorably, without amendment, the bill (S. 10583) to amend the charter of the Firemen's Insurance Co., of Washington and Georgetown, in the District of Columbia, and I submit a report (No. 1136) thereon. I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF CERTIFIED CHECKS.

Mr. SMOOT. From the Committee on Finance, I report back favorably, with amendments, the bill (H. R. 30570) to authorize the receipt of certified checks, drawn on national banks, for duties on imports and internal taxes, and for other purposes. I ask for the immediate consideration of the bill.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. Mr. President, it strikes me that that is a pretty far-reaching measure and will result in affecting seriously the flow of actual gold into this country. I have no doubt the committee has given consideration to it, but whenever you substitute anything for gold you will find that the supply of gold on hand in the Treasury of the United States will diminish. If you take out of, say, $300,000,000 or $400,000,000, probably more than half of that, which under such a law would be paid by certified checks, those certified checks will be the subject of credits in banks, and there is no provision in the bill which requires them ever to be transferred or, rather, to be exchanged for actual gold.

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I can not consent to the bill being considered to-day. I object, and ask that it go over.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

Mr. BEVERIDGE. To save time, I renew the notice I gave yesterday that during the morning business I shall object to the consideration of any bills. It is not fair to Senators who have given notice of speeches.

Mr. GALLINGER. Let the regular order be proceeded with.

Mr. BEVERIDGE. I do this to avoid any requests for the consideration of bills during the morning business.

The VICE PRESIDENT. Reports of committees are still in order.

CHEROKEE INDIAN ALLOTMENTS.

Mr. SMOOT. From the Committee on Printing I report back a paper submitted on the 7th instant by the Senator from Oklahoma [Mr. OWEN], being a memorial from the Keetoowah Society, a corporation, on behalf of its members, who are all Cherokees by blood enrolled as of September 1, 1902. I move that the memorial be printed as a document (S. Doc. No. 816).

The motion was agreed to.

OSAGE NATION OF INDIANS.

Mr. CLAPP. From the Committee on Indian Affairs, on behalf of the senior Senator from Oklahoma [Mr. OWEN], I report back with amendments the bill (S. 10606) supplementary to and amendatory of an act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. CURTIS. I understood that a certain amendment would be offered to that bill, and that it was to be submitted to certain Senators before the report was made. Being one of the Senators to whom the amendment was to be submitted, I wish to state that it has not been presented to me.

Mr. CLAPP. I knew nothing of that. The subcommittee made their report and were authorized to report the bill. My secretary brought it to me and asked me, in the absence of the Senator from Oklahoma, to present the report. If there is anything of that kind, the report will be withdrawn pending an investigation by the Senator from Kansas.

The VICE PRESIDENT. Does the Senator from Minnesota withdraw the report?

Mr. CLAPP. I do.

The VICE PRESIDENT. The Senator from Minnesota withdraws the report.

MATTAWOMAN CREEK BRIDGE, MARYLAND.

Mr. SMITH of Maryland. On the 8th instant the Senator from Washington [Mr. PILES] reported from the Committee on Commerce the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indianhead, Md., without amendment, and it was placed on the calendar. I move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BURNHAM:

A bill (S. 10750) granting a pension to Jennie H. Dennett (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 10751) granting a pension to Mary Lillie Bauskett (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 10752) granting an increase of pension to John H. Cline (with accompanying papers); and

A bill (S. 10753) granting an increase of pension to Mary J. Stumpff (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10754) granting an increase of pension to George M. Andrus (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 10755) for the relief of Clara D. Miller; to the Committee on Claims.

By Mr. JONES:

A bill (S. 10756) granting public lands to the town of Omak, State of Washington, for public park purposes; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Commerce.

By Mr. BOURNE:

A bill (S. 10758) to provide for the purchase of a site and for the erection of a public building thereon at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN:

A bill (S. 10759) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 10760) granting a pension to Bernard Klatt; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate $300 to pay Leonard Underwood for extra services as clerk to the Committee on Enrolled Bills, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the retirement of officers of the Navy on account of disability, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $150,000 to investigate and report upon the drainage of swamp and other wet lands in the valley of the Mississippi River, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $4,638.42 to reimburse the city of Topeka, Kans., for paving and repaving streets adjacent to Government property therein, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and with the accompanying paper, referred to the Committee on Appropriations.

Mr. BACON submitted an amendment proposing to appropriate $1,500 to place in the courtroom of the Supreme Court of the United States a marble bust, with pedestal, of the late Chief Justice Melville Weston Fuller, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Library and ordered to be printed.

MARY E. HICKCOX.

Mr. NIXON submitted the following resolution (S. Res. 342), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mary E. Hickcox, widow of John S. Hickcox, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. CARTER submitted the following resolution (S. Res. 344), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills and matters pending before said committee, and have the same printed for the use of said committee, and that such stenographer be paid out of the contingent fund of the Senate.

INDIAN EDUCATION.

Mr. CLAPP. I present a paper treating of the extent and character of the educational work which is being carried on by the United States among the Indians. I desire to have the article printed as a document, and I move that it be referred to the Committee on Printing for action.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 3982. An act for the relief of David F. Wallace, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 30566. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, was read twice by its title and referred to the Committee on the Census.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. ROOT. Mr. President, the joint resolution now before the Senate contains two separate and distinct amendments of the Constitution of the United States. The first amendment proposed is to change the third section of the first article, relating to the election of Senators, so that it shall provide for the election of Senators by the people of the several States instead of their election by the legislatures of the States. That is accompanied by an appropriate provision regarding the filling of vacancies which occur at such time as that they can not conveniently be immediately filled by an election.

The other amendment proposed by the joint resolution is to strike from the fourth section of the first article the provision that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

And to substitute therefor a provision that—

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

That involves two changes in the existing provision. One is to abolish the peremptory command of the Constitution directed to the legislatures of the States, requiring them, as a matter of their duty under the Constitution, to prescribe the times, places, and manner of holding elections for Senators, and to substitute for that peremptory command for the performance of a duty under the Constitution a reference to action which the States may or may not take under their own authority. That change is accomplished by inserting the word "as" in the new provisions. I hope I make it clear.

The present section 4 of the first article of the Constituion provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

That is the command of the Nation by the sovereign authority of the Constitution to the legislature of each State, requiring it to prescribe the time, places, and manner of electing Senators; and when they act they act in the execution of a mandate from the Nation embodied in the National Constitution. Now read the proposed substitute:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

If a State prescribes, well and good. It does it under its own authority. If a State does not prescribe, well and good. There is no mandate of the Constitution of the United States requiring the State to do it. It is a clear, distinct, and unquestionable abandonment of the requirement of the Constitution for this fundamental and essential act under national authority for the preservation of the national life.

The second change in the fourth section of the first article of the Constitution is made by omitting from that section all authority in Congress to make or alter the regulations which are prescribed. The present section reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of chosing Senators.

The proposed substitute for the fourth section reads:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

All vestige of national authority as the source of power to perform the act and of national control over the performance of it, or of national power to modify or supplement or compel conformity to national interests, disappears from the provision which is recommended to the Senate in the joint resolution now before us.

Mr. President, I am opposed to both of these amendments. I am opposed to changing the election of Senators from the legislatures to the people at the polls, and I am opposed to abandoning the authority of the National Government over the election and the constitution of the members of this branch of the Government.

Let me first state the reasons why I am opposed to the change in the manner of electing Senators.

It is not wise that the people of the United States should contract the habit of amending the Constitution. Stability in our Government is a matter of vital concern. When America set forth in her great experiment, the almost universal opinion of the world was that she would speedily encounter the disasters that all attempts at popular government had met before that day. The world knew well that the tendency of democratic government was toward frequent change; it knew well that, while all forms of government have weaknesses peculiar to themselves, the weakness of democratic government was its liability to change with the impulse and enthusiasm of the moment, and, through continual changes, to vary from extreme democracy, which men called ochlocracy, on the one hand, to oligarchy and dictatorship on the other. And since the time when our fathers framed the Constitution half a score of nations, seeking to follow the lines of our experiment, have, in varying degree, and some of them to the last degree of failure, justified such an apprehension.

But with us, Mr. President, there has been one great anchor. In our Constitution we have embodied the eternal principles of justice; we have set up a barrier against ourselves. As Ulysses required his followers to bind him to the mast that he might not yield to the song of the siren as he sailed by, so the American democracy has bound itself to the great rules of right conduct, which are essential to the protection of liberty and justice and property and order, and made it practically impossible that the impulse, the prejudice, the excitement, the frenzy of the moment shall carry our democracy into those excesses which have wrecked all our prototypes in history.

Mr. President, reverence for that great instrument, the belief of mankind in its perpetuity, the unwillingness of our people to tamper with it or to change it, the sentiments that are gathered around it—these, constituting the basis of stability in our Government, are the most valuable of all the possessions of the Nation that inhabits this rich and fertile land. Because the American people stand by their Constitution and are unwilling to yield to suggestions that it be tampered with and altered upon slight provocation, every acre of farm land, every farmhouse and barn, every stock of goods, and every manufactory in the country are of greater value. No change in our Constitution should be permitted to cast a doubt upon its permanency and inviolability unless there be the weightiest and most commanding reasons. All presumptions are against it. The great public policy of a century is against it. A heavy burden rests upon those who wish to make the change.

This is especially true, Mr. President, when a change is proposed which in any degree alters the delicate relations which exist between the National and the State Governments, or which in any degree affects or modifies any of those great compromises of the Constitution which enabled the 13 original Colonies, different in interests, in traditions, in size, in population, and in industries, to adjust their different views and to enter into a binding agreement.

Whenever a proposal is made to change the provisions that affect the relations between the States and the National Government, or to modify any of the terms of one of those great

compromises upon which the institution rests, there are special reasons for rejecting it, and a double burden rests upon those who propose it. For more than 100 years the provisions of this instrument as they are, with every sentence weighed, with every word scanned and receiving its full meaning, have been considered and clarified and determined upon by the courts. Our people have become accustomed to statutes based upon these provisions as they are. A great war has been fought to settle the most vital and important of the questions arising under this instrument as it is. The different parts have become adjusted to each other. We have come to understand what their relation is. The ship has found itself and we are free, after a century of discussion, from serious questions as to the relations of the General and State Governments.

How the field of discussion has changed! Look at the old records of Congress, and you will find them filled with animated and excited controversies which have passed away. And now I say that for us to launch into a new era of changed provisions and new questions arising from them would be justified only by the most serious and weighty reasons. Changes by amendment may seem to gentlemen who propose them simple, and their effect may seem to be unquestionable. But, Mr. President, no one can foresee the far-reaching effect of changing the language of the Constitution in any manner which affects the relations of the States to the General Government. How little we know what any amendment would produce!

One hundred and seven years ago we made an amendment relating to the election of the President and Vice President. Has that amendment produced the result which its authors expected? No; far from it. The results of action under that amendment are as different from those which were expected by its authors as our Government is different from the government of any oriental power.

Forty-five years ago we made a series of amendments, following upon the great Civil War. Have those amendments worked out as their authors expected? No. No man can open to the fourteenth and fifteenth amendments of the Constitution and for a moment maintain that they have accomplished what the Congress of the United States expected them to accomplish when it passed the resolutions for their submission, or what the State legislatures expected when they approved them.

We enter upon a field of doubt, of new discussions, the end of which no man can foresee, when we begin to tamper with the delicately adjusted machinery to which we have been so long accustomed and which we now understand so well.

Mr. President, there has been but little attempt here to assign reasons for the proposed change in the election of Senators. It has been left in the main to rest upon the proposition that the people of the country desire it; that there have been resolutions adopted by many legislatures; that planks have been put in many political platforms; and that as a whole the people of the country wish for the change.

I am convinced, sir, and I think I can anticipate a general agreement from the Members of this Chamber in the proposition, that the desire of the people for this change, if there be a desire, is not a very active and violent feeling. It is a rather mild assent to a proposition which is suggested to them as an appropriate remedy for certain ascertained and recognized evils. There is, we all know, a general tendency in all democracies to favor propositions which look to the extension of power at the polls. Extension of suffrage, extension of the direct power of the voters at the polls, naturally receive assent at first blush.

There is another tendency which is natural and in which we all share, and that is that when an evil is recognized, and some one suggests that such and such a provision of law will cure the evil, our interest is attracted and our support is conciliated for the proposed measure.

I submit that what the people of the country really want is to have certain evils which they recognize in the present election of Senators cured, and that they are quite indifferent about this change except as it is certified to them to be a sure cure for the evils. Whether it will be a cure or not has been little discussed and little considered by the people of the United States, and it has been little discussed and little considered by the Senate.

The evil which the people of the country wish to see cured, and which I wish to see cured with them, and we all do, consists of certain patent defects in the working of the system of election of Senators by the State legislatures.

The first of those is a defect in the execution of the law which requires them to select. It is the deadlock that exists so frequently. The inexplicable delay of the Legislature of Montana to return my friend, the Senator from Montana [Mr. CARTER], the obstinacy of all branches of the Democratic Party in the Legislature of New York, the reluctance of the Legislature of Iowa to follow any of its great and gifted leaders—all these cause dissatisfaction on the part of the people, and, I believe, constitute the chief reason for the assent of the people to propositions to change the manner of election.

But, Mr. President, it is not our duty to say to the people of the United States that these deadlocks come not from the consitutional provision, that they come from our statute of 1866. They can be ended forever on any day by this Congress through a simple amendment of the statute. For the deadlocks arise from the fact that our statute requires a majority vote, and everywhere among people of independence and individual will it is a difficult thing to secure a majority vote.

If we chose to-day to amend our statute so that the legislatures of these States could elect by a plurality, they would elect to-morrow. If we chose to say that in any legislature where a majority vote should not be obtained within 30 days of the beginning of the Congress in which the successful candidate was to take his seat, there should be an election by plurality, in every one there would be an election the day after the period expired. And what is more, there would be majorities obtained in order to avoid those elections by pluralities.

But we have not chosen to do it. We have fallen upon times when it seems as if not the last thing, but the first thing, that is to be done to cure an evil is to amend the Constitution of the United States. Mr. President, this very joint resolution proposing to amend the Constitution of the United States will force us to abandon the majority rule and to entrust the election of Senators to a plurality, for never can the Senate of the United States maintain a working force if a majority vote is required for the election of Senators by the people of the several States.

I appeal to a universal recognition of the fact that it will not be practicable to have Senators elected under a requirement of a majority vote in case this amendment to the Constitution is adopted. In every close State the outlying parties, the irreconcilables, not occasionally or accidentally, but as a rule, poll more votes than the difference between the two great parties, and that means that, as a rule, in the close States of the Union no one is elected by a majority vote.

So, sir, we are proposing to cure this evil by an amendment of the Constitution which lands us in the same position as to the rule of majority or plurality that we would reach if we cured it as we can cure it absoultely by an amendment of our statute.

But there is another reason why the people are dissatisfied with the discharge of the functions of our State legislatures. From time to time there are rumors, suspicions, and occasionally proofs of corrupt conduct on the part of State legislatures, and from time to time a belief that State legislatures have been influenced by personal considerations or controlled by extra-official influences in the performance of their duty.

Mr. President, we are too apt in having our attention fixed upon the exceptional to forget the usual. It is true that what have long been known in this Chamber as forbidden and abhorrent forces do sometimes affect the election of a Senator, but it is only occasional, and the great body of the Members of the Senate are, and always have been, elected as the free and intelligent judgment of their State legislatures dictate.

There is no claim, sir, that I have heard, certainly there has been no ground suggested to sustain a claim, that an honest and intelligent legislature, fairly canvassing the abilities and the character of the men who can best serve their country as Senators for their States, can not make as good a choice, if not a better choice, than the electorate at large.

There has been no claim, or certainly no ground stated to sustain a claim, that the wise men who framed our Constitution were mistaken in their belief that wise and intelligent and faithful State legislatures would make the best possible choice for Senators of the United States.

No; the real ground is that, arguing from these exceptional and occasional cases, the people of the United States have been led to believe that the legislatures of their States are unfaithful to their trust in making their selections, and that they will continue unfaithful.

Mr. President, what is the remedy the people of the United States should seek, if this be true? Are they to abandon the performance of their duty in the election of their State legislatures? Are they to abandon the system, rather than reform the system? This whole proposition rests upon the postulate of the incapacity of the people of the United States to elect honest and faithful legislatures. If the framers of the resolution had made it read so that it would express the true principle on which they base it, they would have made it read like this:

Whereas the people of the several States have proved incompetent to select honest and faithful legislators in their own States:
Resolved, That the Constitution of the United States be so amended as to relieve the people from the consequences of their incompetency

by taking from the State legislatures the power to choose Senators of the United States and vesting that power in the same incompetent hands.

But, Mr. President, if the people of our States are to abandon the attempt and be faithless to the duty to elect honest and faithful legislatures, what becomes of the governments of our States? The growing complication of life, the daily increasing interdependence of all men under our highly developed social system, under which for food, for clothing, for shelter, for fuel, for health, for opportunities for business and for transportation, and at every side and on every occasion in life we are dependent on each other. In this highly developed interdependent condition day by day we grow to rely more and more on the government that is regulating all the agencies that are necessary to our lives. What government shall perform that function? If the State government is abandoned, if we recognize the fact that we can not have honest legislatures, sir, the tide that now sets toward the Federal Government will swell in volume and in power. Here is a power that can answer the demands of life.

Let me tell the gentlemen who are solicitous for the preservation of the sovereignty of their States that there is but one way in which they can preserve that sovereignty, and that is by repudiating absolutely and forever the fundamental doctrine upon which this resolution proceeds. Let them go home to their States when this session ends and invoke the patriotism of their people to make the government of their States worthy of the great duties that rest upon them and competent to preserve the autonomy of their States against that incursion of Federal power which is being continually urged, urged, urged by those who fail to find satisfaction from the governments of the States.

In my humble judgment, sir, the most vital thing to be done in the United States to-day is to strengthen the legislatures of the States. I fear the breaking down of the Government of the United States by the accumulation of demands upon it, through the gradual weakening of the State governments, through the failure of the State governments to keep pace with the continually increasing demands of our social and business life.

We have come very near the limit, sir, of what we can competently do, very near the limit of what we can do as well as it ought to be done. Our executive officers are overburdened. The business of this Congress is conducted with less and less knowledge on the part of the Members of the body in general as to what the committees have been doing. We are forced session by session to more complete reliance upon the reports of the committees, with less and less consideration from the Members of the Congress at large. Our judicial force is being overburdened and our calendars clogged, and we are looking about for ways to relieve this court and that from too heavy a burden and to prevent the law's delays.

Let us continue upon the theory that State governments are corrupt and incompetent. The time will come when the Government of the United States will be driven to the exercise of more arbitrary and unconsidered power, will be driven to greater concentration, will be driven to extend its functions into the internal affairs of the States; and then sooner or later the people of the country will reject a Government that has subjected their personal and intimate neighborhood affairs to the control of a central power in Washington, and then in the place of competent States governing their own affairs we shall go through the cycle of concentration of power at the center while the States dwindle into insignificance, and ultimately the breaking up of the great Republic upon new lines of separation.

Mr. President, there is another view of the fundamental proposition on which this resolution rests. It is an expression of distrust for representative government. It does not stand alone. It is a part of the great movement which has been going on now in these recent years throughout the country and in which our people have been drifting away from their trust in representative government. These modern constitutions which are filled with specific provisions, limiting and directing the legislature in every direction, furnishing such startling contrasts to the simplicity of the Constitution of the United States, are an expression of distrust in representative government. The initiative is an expression of distrust in representative government. The referendum is an expression of distrust in representative government.

This resolution is an expression of the same sentiment. And strangely, sir, this movement comes at the very time when the development of our country in its business and social and political life makes it all the more necessary that we should depend upon representative government. We have gone far, far away from the days of the old New England town meetings. I doubt if some of the Senators coming from States of small population realize how far we have gone in the great industrial communities of the East and the Middle West from that condition in which direct democratic government is possible.

Mr. President, this whole series of expressions of distrust, the detailed limiting constitutions, the initiative, the referendum, the amendment of the Constitution, which is now before us, are all an expression of that weakness of democracies which it is the function of the Constitution to guard democracies themselves against.

Mr. President, what is to become of the State legislatures if we follow the principles of this resolution? If you rob them of power, of dignity, of consequence, what will be the personnel of the State legislatures? We have had illustrations. The boards of aldermen in some of our American cities, originally bodies of high consideration, filled by citizens of consequence and of high standing among their fellows, have dwindled and sunk to insignificance and worthlessness, as power after power has been taken away from them. Once begin the progress in that direction by taking the first step based upon the principle of this resolution and you will find the members of our State legislatures growing less and less competent, less and less worthy of trust, and less and less efficient in the performance of their duties.

You can never develop competent and trusted bodies of public servants by expressing distrust of them, by taking power away from them, by holding them up to the world as being unworthy of confidence. Honest men, good men, self-respecting men, men whose standing in their community makes it desirable for the public service that they shall go into our State legislatures, will never subject themselves to be ranked in bodies suspected and discredited and deprived of power.

Mr. President, this resolution providing for an amendment is not an expression of confidence in the people; it is an expression of distrust in the people. It is not progress; it is a slipping back. It is not an improvement on our system of government; it is an abandonment of our system of government.

The true remedy for the evils that we see is not to abandon our duty, but to perform it. Sir, there is no weaker course for men to take than to endeavor to make up for the failure to do their duty by changing the form of the duty. This is a proposition that the people of the several States who have stayed away from the polls, who have been deaf to the considerations of public interest, who have allowed personal favoritism to supplant their desire to select the best public servants, who have been bought to cast their franchises, as the people of Adams County, Ohio, were bought, instead of curing themselves and performing their duty in the election of their State legislatures, shall try another way to select Senators of the United States. It is a proposition that the people who can not elect honest men from their own neighbors can elect honest men to the Senate of the United States.

Sir, what vote ever cast by an American citizen can be cast with a stronger probability that it is well informed than a vote for a member of his legislature? He is a neighbor; he is a man whom he has known all his life; he knows all about him. How can the men who are unable or unwilling to perform the duty of making a selection of an honest and faithful legislator from their own vicinage improve upon their performance in the selection of a candidate in a State-wide election of candidates whom most of them know very little or nothing about, except what they get from the newspapers?

Sir, apart from that, it is never possible to cure neglect of duty by changing the form. There is but one safety for a popular government. No matter what constitutions you have or what statutes you enact, sooner or later you come to the polls; and if you do not have virtue and public spirit there, your government goes down.

I press upon the Senate now the duty of saying that it will not give its assent to any attempt at an evasion of that duty by the people of the United States. The pathway lies clear before them under the Constitution. If they will do their duty, the Constitution needs no amendment. If they do not do their duty, you can amend the Constitution a thousand times without any utility. Here, if anywhere, the truth ought to be told; here, if anywhere, should be found men with the courage to say to their own constituents: "The trouble in the election of Senators of the United States is not in the Constitution; it is with you; it is because you are not doing your duty." If there be no voice found in this land with authority and power to reach the minds of our people with such a message, then we are caucusing over idle words when we talk of an amendment to the Constitution.

Mr. President, it is wholly unnecessary to abandon the attempt to elect honest legislatures. The whole purpose of re-

lieving and remedying the evil which has led to this agitation for an amendment to the Constitution can be accomplished, and it is in process of being accomplished, without an amendment. We are to-day in a condition of affairs political, social, and business which is but temporary. The enormous increase in the productive capacity of mankind, followed by an enormous increase of wealth, an increase which always in the beginning is congested before the processes of distribution are fully at work, is in active operation. The necessity for a readjustment of the relations of government to the great properties that constitute and continually create wealth, to the great enterprises through which that wealth is gained and is continued—the necessity for a readjustment of the relations of government to these new conditions has led to a control over our State legislatures in many cases which is abnormal, which is to be condemned, and which has been the cause of practically and substantially all of the evils that underlie the desire for a reform. That control has been exercised in part through a form of political organization which grew up under simpler conditions and is in many respects outgrown by our people, and in part by the direct application of the wealth which was seeking to save itself from destruction in the readjustment of conditions to influence the action of legislators.

I say that condition is temporary. I say the process of relieving it is going on, and is going on all over this land. I think it has been proceeding longer in the Southern States, and then in the Western States, and now in the Eastern States. With many of the expedients for the readjustment I do not agree; with many of them I do agree. Of this I am certain, that, altogether, they exhibit the strivings of a great democracy adjusting itself to new conditions, and they are bound to result in a successful accomplishment. The pendulum will swing to and fro. Experiments will be tried and abandoned. Experiments will be tried and found successful here, and needing modification there; but ultimately we shall come back to a new adjustment under the new relations, having all the competency of popular government that existed before the great increase of wealth in our generation.

Mr. President, the proposers of this joint resolution ask that we shall make one of the first steps in this great experimental process, the irrevocable step, of amending the Constitution of the United States. Ah, Mr. President, that is an inconsiderate proposal. It is hardly worthy of grave and experienced legislators. The time may come, after all these experiments have been worked out, when it will be found necessary to amend the Constitution. I do not believe it will; I am confident that under the broad terms of that instrument, which has been sufficient for all the growth and change of a century and a quarter, the process of reform which has now begun will go on to a successful end in comformity to the Constitution as it is. But, if I am wrong, if at some time or other it becomes needful to amend the Constitution for the purpose of remedying evils, let us amend it after the experiment, and not at the beginning; let us do it as the result of that experience which brings wisdom, and not as the result of those conjectures which lead to continual change.

Mr. President, there are specific reasons against this change. The first and great reason in my mind is that it is inconsistent with the fundamental design of the Senate. The purpose of the Constitution was to create in the Senate a body which would be as unlike as possible to the other House. It was to be a body more secure in tenure, different in the manner of its election, different in its responsibility, more conservative, more deliberate than the other House, which responds year by year to every movement of the public mind and the public feeling. As the limitations of the Constitution were set up by the American democracy to protect them against themselves in every impulse to violate the fundamental rules of justice, so the Senate was established by the Constitution to protect the American democracy against itself in the legislation which was required under the Constitution.

The framers of the Constitution realized that the weakness of democracy is the liability to continual change; they realized that there needed to be some guardian of the sober second thought, and so they created the Senate to fulfill that high and vitally important duty. Mr. President, this change tends to decrease the difference between the Senate and the lower House. It tends to make the two more alike; it tends to make the function of the Senate less distinctive, and to reduce the benefit which the Senate can render to the public service.

There has been a restiveness in the country at times, Mr. President, over the delay of the Senate; but when you examine the statutes and when you talk with your fellow citizens wherever you may go throughout the country, of whatever calling or condition in life, you will find that America has suffered not from too little but from too much legislation; not from too much consideration, but from too hasty and inconsiderate action; and if you will probe down into that universal consciousness of the people that is never wrong, you will find that there rests a conviction which proves beyond the possibility of doubt that in the delay, in the long-drawn discussion, in the deliberate and unhurried action of the Senate, it has during all its existence performed its duty to the Government and to the people of the United States.

This change would tend to decrease the peculiar quality and character of the Senate which has enabled it to perform its duty.

The change proposed would interfere with one of the great compromises of the Constitution and would lead the minds of our people up to the point where they look over into the constitution of the Senate—and let me say to the gentlemen who are here as Senators for States with but a few thousand or few hundred thousand people, States with 84,000, with 124,000, with 300,000, which have the same representation as Illinois, with her five millions and nearly six, Pennsylvania, with six millions and nearly seven, and New York, with nine millions, that they can not afford to put these great industrial communities in an attitude where they feel that the honorable obligation of the great compromise of the Constitution has been taken away.

This change, sir, would prevent the Senate from having the benefit of the service of a large class of citizens who are specially qualified by character and training to render a peculiar kind of service specially needed for the purposes of the Senate, men who by lives of experience and effort have attained the respect of their fellow citizens and who are willing to undertake the burdens of public office, but are unwilling to seek it; men who will accept the burden as a patriotic duty, accept it doubtless with mingled feelings of satisfaction at the honor and dissatisfaction with the burden, the disturbance of life, the abuse of the press, the controversies about performance of duty, but who never would subject themselves to the disagreeable incidents, the labor, the strife, the personalities of a political campaign.

Mr. President, I do not mean to say—I beg that no one who hears me will for a moment think that I consider that such men as I have described are any better or more useful to the public than the men who are younger and full of the energy of life and the willingness for strife. No; if we can have but one class, then let us have the young and the vigorous; but, Mr. President, we are not confined to the choice of one. We can have both, and it was the purpose of the creation of the Senate that it should contain men who should be the elder statesmen and who should answer to the universal appreciation of the dignity and deliberate judgment involved in the title, Senator.

This change will exile from the floor of the Senate men who answer closely to many of the greatest names in the glorious history of this body. Still you approach nearer and nearer to identity with the lower House, to identity with those functions that it is necessary the lower House should perform, identity with those characteristics that it is necessary the lower House should have and which ought not to be duplicated here, else our usefulness will greatly disappear.

Mr. President, this change would take the direct responsibility of Senators for their actions from the States legislatures to the people at the polls. The members of the State legislature—I am talking about an honest and faithful State legislature, such as I know our people can have if they do their duty—are familiar with the incidents and the difficulties of legislation. They know how necessary it is that in order to accomplish beneficent results mutual concession shall be made. They know how impossible it is that any one man, or any one locality, or any one State can have all of its own way. When Members of this body have to explain to the State legislature the reasons for their action, they meet minds that are competent and trained for the appreciation of their explanation. The people at large have far less understanding upon the subject that I am now speaking of than their legislature, and the inevitable result of such a change as this will be to increase the unyielding opposition of the position of one State and its Senators to the position of other States and their Senators. It will largely do away with the benefit of discussion and comparison of views and mutual concessions and that fair and open-minded yielding to the argument of our fellows, which is the essential of good legislation. This will cease to be a deliberative body if every Senator has to convince, to explain to the great body of the people of his State every act he performs and every concession he makes.

Mr. President, it is unnecessary to demand or to provide for a reform in the constitution of the Senate upon the theory that the existing system has failed. I grant you that occasionally

bad men are sent to the Senate; occasionally a man is sent here who would not have been chosen by a fair and honest choice of the people of his State; but, sir, they find their level and they find it in innocuous insignificance here. I undertake to say—I am so young a Member of this body that I can say it—the basis of my experience and my observation has been so largely formed while holding executive positions and not as a Member of this body—I undertake to say and to maintain here or anywhere that never in this world has any institution of government wrought out more successful results than the provision of the American Constitution for the selection of Senators of the United States. Exercising a power more varied than any other deliberative body in the world; sharing in the legislative and executive and judicial functions; with control over the laws providing for the raising and the expenditure of revenue, through its constitutional power of amendment; with control over the appointments to offices by the necessity for its confirmation; with control over foreign affairs, through the necessity of its consent to the ratification of treaties; with the function, that highest of all judicial functions, constituting it the court for the trial of impeachments, after a century and a quarter of life, I declare to you and to my countrymen that the Senate of the United States has performed its duty loyally, faithfully, and competently, and has furnished to the history of its country a line of illustrious names and a record of great achievement which furnish one of the most convincing proofs the world has yet had that popular government through representative institutions is a possibility among men.

Mr. President, when we consider the multitude of failures that line the pathway of history, when we consider the multitude of difficulties that stand in the way of successful government, let us pause before we abandon the character and the constitution of a body which has proved itself and been proven as has the Senate of the United States.

Mr. President, one of the illustrations of the dangers of intermeddling with this delicate relation between the States and the National Government established in our Constitution is found in this joint resolution. The gentlemen who fathered this joint resolution have found that they could not make this change without going on and proposing another amendment striking at the relation between the States and the National Government at a vital point. The interdependence of these provisions of the Constitution is well illustrated by this joint resolution. The danger of tampering with one cog, one spring, one lever, one wheel of this delicate machinery is well illustrated by the fact that in the same breath that the committee reports a resolution for a change in the manner of electing Senators it reports a resolution to revolutionize the relation between the National Government and the States. I say "revolutionize" advisedly, sir. The theory of our Constitution was that regarding all matters within the limit of the Constitution the relation of the National Government should be a direct relation between the Government and the people; that it should operate upon the people. It was that these Senators who are about me are not ambassadors from a foreign State, but they are officers of the United States; that their primary obligation is not to any one State, but it is to the common good of the commonwealth of the United States. And the theory of the Constitution was that the National Government should be invested with all the powers necessary for the preservation of its national life and the execution of its national powers and the performance of its national duties, so that it would not be dependent in any respect upon the will or pleasure of any State. That was the fundamental change from the Confederation to the Union under the Constitution.

So the Constitution, after providing that the Members of the House of Representatives should be elected by the people and that the Members of the Senate should be elected by the legislatures, provided that the times and places and manner of holding elections shall be prescribed.

As I have already said, it is a peremptory command, so that the duty is performed as a duty under the Constitution of the United States and not at the will or pleasure of the State itself. They provided that when the times, places, and manner of holding elections for Senators and Representatives have been prescribed by the legislature of a State, in performance of that duty under the National Constitution, the Congress itself may at any time by law make or alter such regulations.

Now, I submit that the proposed substitute, which takes out of the Constitution the peremptory command resting upon the legislatures of the States, and which takes out of the Constitution the right of the National Government to make or alter regulations for the selection of the Members of the Senate, revolutionizes the relations between the Government of the United States and the government of the States. We no longer have, if this amendment is adopted, the power of self-preservation and self-perpetuation.

James Madison, of Virginia, was the great advocate of the provision which gave to the Government of the United States the power, in the last resort, and, if ever need be, to control and direct and require the elections which were to determine the constitution of both bodies of its National Legislature. Now, sir, we are about to abandon it, if this resolution is adopted.

Mr. President, the provision which is now to be wiped out of the Constitution was the basis of the Federal election law.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I will yield; but I shall conclude in a very few minutes, and I shall prefer that the Senator would wait.

My memory goes back far enough to remember the condition of affairs in the State of New York when the Federal election law of 1868 was first applied. For several years while it was in force I happened to be the district attorney of the United States for the southern district of New York and to be charged with the enforcement of it. I beg to assure my colleagues in the Senate that the application of that Federal election law broke up a condition of corruptions in the elections in the city of New York which made the election of Senators and presidential electors a mere matter of the dictation of one man. Ballot-box stuffing, false counting, repeating in large parts of that city were the rule rather than the exception, and it was only the application of the Federal election law of 1868 which made possible a reform in those conditions and led the way which the State of New York itself followed by its own enactments designed to continue the honesty of elections produced by the application of the Federal law.

I do not know, sir, that the time will ever come—I hope it never will—when it will be necessary to apply another Federal election law to prevent the creation of Members of this body from being a shame and a disgrace, but I protest against robbing our Nation of the power to exercise such control over the selection of the men who are to constitute its Government.

I am deeply sympathetic, Mr. President, with our friends from the South, who are dealing with the difficult problem of adjusting the relations between the white and the black populations of their States. I look back over our history and realize that mistakes have been made in the attitude of that part of the country where I was born and bred and where I received my first ideas of the political policy of our country. I would not now like to see an attempt to stretch out the hand of Federal power and interfere with the progress of our friends in the South toward the solution of that difficult and embarrassing problem.

But, Mr. President, I must protest with all the energy of which I am capable against our country's robbing itself of the power to do it if it need be.

Freely conceding to our friends of the South the manifold shortcomings of my own people in the North, they must not think hardly of me if I say that from time to time things are done in some parts of the South that the States ought to prevent, and if they do not that the country must prevent the moment they touch the Constitution of our Government.

It is true that in the State of New York we can not afford to be without the safeguard always standing back of our political procedure of power in the Nation to compel purity, fairness, honesty. No State can afford it; no State, North or South, can afford it; and, above all, loyalty to the Nation can not afford it.

Mr. President, it is true that this resolution would leave in the Constitution that provision which makes each House the judge of the elections and qualifications of its Members; but, sir, it would rob this House of the power to require the regulations regarding the elections of Members to be such that we could exercise the power of judging of the elections.

Sir, we found it necessary in 1842 to change the method of electing Congressmen. We found it necessary in 1866 to reach out our hand and change the methods by which the State legislatures were electing Members of the Senate. With that experience before us, will gentlemen tell us that never in the long process of time is it possible that it will be requisite for the National Government to reach out its hand and in order that the election of Senators shall be so conducted as to make it possible to perform the duties of government in judging of their election to control and direct and modify the regulations under which they are elected?

It is true, Mr. President, that the fourteenth and fifteenth amendments will still remain in the Constitution, but, so far as those amendments affect the exercise of the power of the

States or of the individual voters in the States to constitute a Member of this body, the second part of this resolution would rob the Government of the United States of the power to make those preliminary dispositions regarding elections necessary for the enforcement of the amendments.

There has been some discussion here as to whether the amendment offered by the Senator from Utah [Mr. SUTHERLAND] proposed the granting of a new power to the National Government over the elections in the States or whether the resolution proposed by the committee provides for taking away an existing power.

Let me state what I think it is. As the Constitution now stands, Senators are elected by legislatures whose proceedings are under the control and regulation of the National Congress. The resolution proposes to transfer the power of election from the legislatures to the popular electorate without extending to the new electorate that power of national control. The Sutherland amendment proposes to carry over to the new body of electors the same control which the present Constitution attaches to the existing power of electors.

Now, Mr. President, we are told that that is too high a price for the South to pay. The Senator from Mississippi [Mr. PERCY] has said to us:

> Notwithstanding the suggestions of the Senators from New York and Montana, the day may be far distant, if it will ever come, when any political party will again find it expedient to attempt to enact Federal laws for the supervision of elections. But this optimistic hope furnishes no safe reason for extending the power of the Government as to the enactment of such laws, and I would not be dealing in frankness with our Republican allies, who are supporting us in this measure, and for whose patriotism and earnestness in the support of it I have the profoundest respect, if I did not say to them that in my judgment the extension of the power of the Federal Government, as required by the Sutherland amendment, is a price greater than the South is willing to pay for the election of Senators by the direct vote of the people. I have no hesitancy in saying that it is a price greater than it should pay.

Mr. President, I beg leave to say to the Senator from Mississippi and to his Republican allies, from a heart full of sympathy with all measures of conciliation between the two parts of the country, that the time has not yet come when the people of this Nation are entering the market place to buy from them or from any of them the right to preserve and protect by the exercise of our own national power the Government of the United States under its Constitution.

Mr. JOHNSTON obtained the floor.

Mr. DEPEW and Mr. BACON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. DEPEW. For a moment only.

Mr. JOHNSTON. Certainly.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I gave notice yesterday that I would to-day ask the Senate, at the conclusion of the speech of my colleague, to proceed to the consideration of the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes. I find that many Senators want more time to examine that measure, and I therefore ask that it be made a special order for next Thursday, immediately after the morning business.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the bill referred to be made the special order for next Thursday, February 16.

Mr. BAILEY. Pending that I would like to know what the bill is.

Mr. DEPEW. It is the bill to provide a civil government for Porto Rico. It is really a new organic law for that island.

Mr. BAILEY. Of course, so far as this side of the Chamber is concerned, I leave that to the Democrats on the committee.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Chair, with the permission of the Senate, will again state the request for unanimous consent presented by the Senator from New York. The Senator requests that the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, be made the special order for next Thursday, the 16th instant, immediately following the routine morning business.

Mr. KEAN. The special order will not interfere with appropriation bills?

Mr. DEPEW. No; of course not.

The PRESIDING OFFICER. It being understood that the special order will not interfere with appropriation bills. Is there objection?

Mr. BORAH. Does that interfere in any way with the order with reference to the unfinished business?

The PRESIDING OFFICER. It is the understanding of the Chair that it will not in any sense interfere with the rights of the unfinished business.

Mr. KEAN. Or appropriation bills.

The PRESIDING OFFICER. Or appropriation bills. Is there objection? The Chair hears none, and such an order is entered.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield to the Senator from Georgia?

Mr. JOHNSTON. I yield to the Senator.

Mr. BACON. I desired to ask the junior Senator from New York [Mr. ROOT] a question, but unfortunately he has left the Chamber, of course not knowing that I intended to ask him the question, or he would doubtless have remained. I desired to ask him a question that I think ought to be asked at this time, and the answer to it ought to be in the RECORD. I extremely regret that the Senator is not present.

Mr. TILLMAN (to Mr. BACON). Well, ask it anyhow.

Mr. BACON. I will state the question I wanted to ask, and the Senator can take some other time to answer it when he has the information as to what it is.

Mr. DEPEW. My colleague has been making a long and exhaustive speech. I think he has simply gone down to get a little lunch, and that he will be back here in a short time.

Mr. BACON. Mr. President, I would not desire to trespass upon the time of the Senator, even if he were here, at any length, but in the very strong and forceful speech which the Senator made, and to which we have all listened with the greatest interest, it being a most impressive speech, he said with very great earnestness that there were some things which were done in the South, which, if the Southern States did not themselves correct the National Government must correct. That was a very strong expression, but one which was not definite in specification as to what those things are.

For us to sit silent, Mr. President, would indicate that we recognized that there are some things done in the South which ought not to be done and which the Southern States ought to prevent from being done, and which if the Southern States do not prevent from being done the National Government ought to prevent from being done.

I desired to know what those things are in order that we might have proper information. I will not press the matter now, in the absence of the Senator from New York, but I desire that the same RECORD which carries that statement by the learned and distinguished Senator shall carry the fact to the Senate that the statement is challenged. We want to know what it is.

SENATOR FROM ILLINOIS.

Mr. JOHNSTON. I ask to have laid before the Senate the report in regard to the election of the junior Senator from Illinois [Mr. LORIMER].

Mr. BORAH. The Senator from Alabama would not object to speaking on the measure that is now before the Senate?

Mr. JOHNSTON. Not at all.

The VICE PRESIDENT. The Senator from Alabama, however, asked that the matter to which he is going to speak be temporarily laid before the Senate.

Mr. JOHNSTON. I shall ask to have it laid aside when I conclude.

The VICE PRESIDENT. Without objection, the Chair lays the following business before the Senate.

The SECRETARY. Table calendar No. 11, Senate report No. 942. Report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. JOHNSTON. Mr. President, the Senate witnessed the hurdle race for first place between three Senators in the opening of this case.

The Senator from Indiana [Mr. BEVERIDGE], fresh from an election in that State, with the smoke of battle still on his garments and fire flashing from his eyes, having in his mind, no doubt, former elections, when the fair fame of his State was smirched by the slimy conduct of "blocks of five," but where now, happily, no corruption exists, all is pure and serene, and every official represents the sound, sober, well-founded judgment of an intelligent and virtuous electorate; he got in the first blow, and well sustained his reputation for zeal and eloquence that has given him so many oratorical victories in the Senate.

Close upon his heels came the Senator from Oklahoma [Mr. OWEN], with tomahawk and scalping knife, the Pocahontas blood in his veins surging and throbbing at the sight of the auburn locks of the Senator from Illinois [Mr. LORIMER], and seemingly intent to add one more magnificent scalp to the tent pole of his wigwam.

A little later came the Senator from South Dakota [Mr. CRAWFORD], and whilst his entry was slightly delayed he made up in speed and energy what he lacked in start, and his path through the law and facts of this case was as fast and furious as that made by a frightened herd of buffalo rushing furiously over the plains of South Dakota, trampling down everything in front, and leaving only desolation, dust, and death behind.

Now let me review the swift remarks of these Senators.

SENATOR BEVERIDGE.

The Senator from Indiana says:

Miss Vanderveer, Dennis, and Kirkpatrick saw the money received by White and saw it was in large denominations.

Dennis, White's associate, did not say he saw White with "unusual amount of money or bills of large denominations." He stated he saw White pay some bills—accounts. He said he could not say whether White had any substantial sum of money. Those paid might be about $200. (Record, p. 262.)

Kirkpatrick did not say he saw a large sum of money with White the latter part of June, 1909. Kirkpatrick did not see the money in the envelope left in the safe of his employer by White—which was marked $800 by White—but stated he saw some fifty and twenty dollar bills. (Record, pp. 223–224.) Miss Vanderveer, White's bookkeeper, says she saw White with some money at his office about June 17 or 18, but did not count the money. That he paid her $50.50. (Record, p. 272.) She states she had a list of the parties he owed and the amounts, but had no idea how much they footed up, and had no impression as to the amount. "There were several accounts, but mine was the largest." (Record, p. 273.)

White never did account for the money he says he received. It was a material thing to do.

The Senator from Indiana says:

But Link repeatedly testified under oath at various times that he had received some sums of money under the same circumstances, and at the same times and places where his fellow members received theirs.

Link says he received no bribe money for his vote or because of his vote for LORIMER, and no witnesses contradicted him on that question. (Record, pp. 301, 302.)

The Senator from Indiana states that the third-degree methods of the State's attorney to force testimony from the witnesses is immaterial—

unless the Senate believes that they were "compelled" or "driven" to this repeated perjury by the conduct of the State's attorney.

Link testified that under great pressure he told the State's attorney that he would go before the grand jury and lie if he had to, but he didn't want to, and that then he told the story that the State's attorney wanted him to tell. (Record, p. 298.)

The Senator from Indiana states:

Upon this point the testimony convinces me that "four members of the general assembly which elected Mr. LORIMER" who "testified to receiving money as a consideration for their votes" actually did receive such money.

No four men confessed to any such thing, and no witness testified that he received money as a consideration for his vote except White. Link denied it specifically (record, pp. 301, 302), and Beckemeyer (record, p. 235), and Holstlaw (record, p. 198).

The Senator from Indiana and also the Senator from Oklahoma [Mr. OWEN] say:

On important points Broderick refused to testify, on the ground that it might incriminate himself.

Broderick never at any time refused to testify because "it might incriminate himself," but did testify on every question and to everything that the committee or counsel asked him to testify on, except to give the names of his witnesses that were present when Holstlaw was in his place, and who were to be used in his defense in Sangamon County. (Record, pp. 563, 567, 570.) At first he declined to say whether or not he had written a letter to Holstlaw, but in answer to Senator FRAZIER he stated he had not written such a letter to Holstlaw. (Record, pp. 567, 568.) The only thing he refused to testify to was the disclosure of the names of witnesses to the interview with Holstlaw, which he intended to produce in another case wherein he was a defendant.

The Senator from Indiana says that—

The testimony is overwhelming and conclusive that four members were bribed and that three of their fellow members paid them their money.

White is the only witness who testified that he was bribed to vote for LORIMER. Link, Beckemeyer, and Holstlaw swear they were not bribed to vote for LORIMER. Browne, Wilson, and Broderick swore that they never bribed or paid anybody anything of value to vote for LORIMER or because he or they had voted for anyone for Senator.

The Senator says:

While Shephard and Clark did not confess, and Luke, who is dead, could not confess, the evidence convicts them of having shared the plunder at the same times and places, from the same hands, and for the same consideration as their fellow members, who repeatedly testified to having received it and who were afterwards shown to be in possession of it.

There is no evidence in the record that Shephard, Clark, and Luke were ever paid anything by anybody in connection with the election of LORIMER. Shephard and Clark denied emphatically that they ever received any money from anybody for any purpose at any time or place. (Shephard, record, p. 329; Clark, record, p. 365.)

The Senator from Indiana says—and the Senator from Oklahoma [Mr. OWEN] makes the same statement:

Luke's wife testified that along about this time Luke came home and showed her $950 in bills of large denominations, without saying where he got it. The committee declined to permit testimony as to Luke's statement concerning this money and his visit to St. Louis.

The committee did not refuse to let Mrs. Luke testify, but heard her testimony in full. (Record, pp. 494, 495, 496.) In answer to the prosecution Mrs. Luke stated that her husband went to St. Louis after he received a telegram. She stated she did not see anything he brought back with him; did not see large sums of money; did not see $950 in his possession after his return from St. Louis. Mrs. Luke testified that she saw $950 in her husband's possession before he went to St. Louis; that she did not discuss with him anything in reference to where he received it and knew nothing about the money, except that she saw him with it, and did not remember the time she saw him with it, except that it was before he went to St. Louis. (Record, pp. 495, 496.)

The Senator from Indiana says:

Still, without this excluded testimony, the evidence, taken altogether, shows that Luke got his money in the same amounts and from the same sources and in the same places at the same time that the confessed bribe takers got theirs.

This is a clear misstatement of the testimony of Mrs. Luke and of the entire record. White testified that he got his money in St. Louis and that Luke was in the city at the same time. Mrs. Luke testifies that the $950 which she saw with her husband was in his possession some time before he went to St. Louis.

The Senator from Indiana says:

That Shephard admits that he was in St. Louis when Wilson was there, and that he visited a safe deposit bank which he had rented in St. Louis the same afternoon that he met Wilson at the hotel.

This is a clear misrepresentation of Shephard's testimony. Shephard stated he ran over to St. Louis for some packing for his machine, and did not know that Wilson was there until he met Luke on Fourth Street, who asked where Shephard was going, and Shephard stated he was going to Locust Street to the safe-deposit bank of the Mercantile Trust Co. Luke then informed him that Wilson was in town, and asked Shephard to go with him. Shephard declined, but stated if he had time he would call on him later. Shephard stated he then went to the safety vault and clipped some coupons from some bonds he had there. It was afterwards that he called on Wilson. (Record, pp. 321–322.)

The Senator tries to create the impression that Shephard first visited Wilson and then went to the deposit vaults, while the reverse is true, as shown by his own testimony in the record.

There is not evidence in this record or elsewhere, except in the imagination of the Senator from Indiana, that Shephard did not go to St. Louis for packing, and that his visit there was a lucrative one, or that his meeting with Wilson was different than that as stated by Shephard himself. (Record, p. 321.)

The Senator says Browne and Wilson made a long and uncomfortable trip. That statement that it was a long or uncomfortable trip for Browne and Wilson to St. Louis is not supported by any evidence in the record. The testimony in the record shows that St. Louis was the common and most convenient place to get at from central and southern Illinois. (Link, record, p. 288; Clark, record, p. 359; Shephard, record, p. 332; Browne, record, p. 609.)

The Senator says:

Clark bought diamonds during the session which he paid for after it adjourned.

Why did not the Senator tell the big sums in "bills of large denominations" that Clark paid for those diamonds? The record shows that he paid $105 for two small diamonds. His salary as a member of the legislature was $2,000, and allowances for stationery and other things between $50 and $100 more. He was also police magistrate in his city, the former capital of Illinois. If the expenditure of $105 for unnecessary things will convict a man of conspiracy and receiving bribes, and so forth, what legislative body in this country could retain any of its members?

SENATOR OWEN'S ERRORS.

The Senator from Oklahoma [Mr. OWEN] says that—

The investigation was not searching and complete as it should have been. The jack-pot conspiracy was not investigated. (CONGRESSIONAL RECORD, p. 666.)

The subcommittee authorized the Chicago Tribune, who had brought the White story and was diligent in establishing it, to act as prosecutor, and named the Tribune's attorney to present the evidence and cross-examine the witnesses, and every witness named or suggested by the Tribune or its counsel was called by the committee. The members of the committee had no personal knowledge of who should be called and had to rely on those making the charges to suggest them.

The Senator says Broderick promised Holstlaw money to vote for LORIMER.

Holstlaw did not swear that Broderick had promised him money if he would vote for Mr. LORIMER. At the top of page 198, record, the attorney for the prosecution asked the following question of Holtslaw:

Mr. AUSTRIAN. Pursuant to that talk, did you vote for Senator LORIMER the next day?

A little further down Mr. Holstlaw answered:

No, sir; I intended to vote for him anyway. I had made up my mind to vote for him before—

Referring to the conversation had on the evening of May 25.

The Senator from Oklahoma says:

His testimony is obviously insincere and untrue.

He did not see the witness or hear him testify and knows nothing about him except what appears in the printed record, and there is nothing in that to show that Broderick was insincere or untruthful.

The Senator says Beckemeyer entered into a corrupt agreement with Lee O'Neil Browne.

Beckemeyer denied in most emphatic language that he ever entered into any corrupt arrangement to vote for LORIMER or into any arrangement by which he was to be paid anything for his vote for Senator or because of his vote for Senator. Here is what he said before the committee: That when Browne requested him to vote for LORIMER he demurred, but Browne then showed him a list of Democrats who were going to vote for LORIMER, and he then told him that if they were going to vote for LORIMER, he would vote with them. (Record, p. 225.)

He also testified that no money or other thing of value was paid or promised him to vote for LORIMER, and that he did not know or believe that he would be paid anything afterwards for so doing. (Record, p. 235.) And again, on page 256, that nothing was said to him about money previous to his vote.

The Senator said that:

Beckemeyer received $900 from Wilson for his vote for LORIMER.

No witness testified that Beckemeyer received $900 from Wilson on account of Beckemeyer's vote for Senator. He says he received the money, but he never anywhere said that it was for his vote for LORIMER.

There is nothing in the record to show that Link ever got any money to vote for LORIMER or because he had voted for LORIMER. Link testified that he never received anything to vote for LORIMER or because he had voted for LORIMER. He testified to exactly the reverse in every place. (Record, pp. 278, 287, 301.)

The Senator from Oklahoma says that—

White accounted before the committee for the money he received from Browne and Wilson, $1,900. The fact is that he presented bills which he had paid before the committee aggregating only $300 or $400. (Record, p. 192.)

The only witness who swore that the letter from Wilson to Beckemeyer, dated June 26, 1909, was dated back was Beckemeyer. He stated that he destroyed the envelope on receiving it. This would have shown when it was mailed. Wilson denied that it was dated back. All things are presumed against a spoliator.

The Senator from Oklahoma says that—

The first Browne jury was hung and the second acquitted him, but that Erbstein was indicted for bribing the jury in the second trial.

Erbstein was not indicted for bribing the jury, but for bribing one juror—McCutcheon. He was tried, and, by the unanimous verdict of the jury, acquitted in five minutes after the jury left the courtroom, January 20, 1910.

White did not testify that Link stated he got $1,000 or that White got $1,000 for voting for Senator. The quotation in the speech of the Senator from Oklahoma is taken from the Chicago Tribune story written by White. The quotation is from the story of White printed in the Tribune, as shown by the reference to page 11, and is not found in his evidence.

SENATOR CRAWFORD.

The Senator from South Dakota [Mr. CRAWFORD] says:

Mr. LORIMER was compelled to have 103 votes.

A quorum of each House was present and 202 votes were cast, 102 was a majority, and that only is required by the Constitution. Why does the Senator add one more in this case?

The Senator says:

On August 9, 1909, De Wolf, who was known to be a poor man without money, bargained for a piece of real estate and make a cash payment of $600 on it.

De Wolf had been sheriff of his county and had saved money (record, p. 344,) as he explained in detail and to the satisfaction of every one who heard him, on his real-estate transactions (pp. 339, 340, 341, 342, 343) stating that he never received anything for voting for LORIMER (p. 345).

The Senator says:

Link confessed to receiving money designated as Lorimer money.

Link did not so confess at any time or place, and on all occasions swore that he never received any Lorimer money and never so stated to anyone. I would like the Senator to point out the evidence.

The Senator from South Dakota says:

Shephard, Luke, and Clark might as well have admitted it, because the evidence as to their guilt is overwhelming.

There is no evidence in the record to sustain that statement, except White's, and Senator CRAWFORD says he is a vile creature and can not be believed.

The Senator says:

Clark, after his vote for LORIMER, bought two diamond rings.

This statement is more important in what it omits than what it contains. It follows the statement of the Senator from Indiana in omitting to state the amount paid for them, namely, $105.

The Senator says that—

Wilson, pursuant to an appointment, met White, Beckemeyer, Link, Clark, Shephard, and Luke, and in the bathroom, etc.

No witness testified that Shephard met Wilson by appointment, and Shephard swears that he had no appointment with Wilson, and did not know that Wilson was in St. Louis until he met Luke on the street while Shephard was on his way to the safety deposit vault to cut off some coupons. (Record, pp. 321, 322.)

The Senator says:

White, Beckemeyer, Holstlaw, and Link are self-confessed criminals. They are contemptible people.

I readily grant that.

All who saw them agree with the Senator from South Dakota on that point, and they also agree that their testimony can not be relied upon or believed.

The Senator from South Dakota says:

To my mind the attempt of counsel for Mr. LORIMER to overcome the testimony produced to show that these votes were corruptly cast for him * * * miserably fails of its purpose, and its only tendency is to further confirm and corroborate the proof that LORIMER was not elected.

Well, this is a corroborative fact that I am satisfied the committee entirely overlooked. Any lawyer who attempts to show that evidence against his client is false only confirms the proof of his client's guilt. We are certainly getting into a very rare atmosphere of virtue when the fact of a man having counsel who impeach false testimony against him tends to show his guilt.

The Senator from South Dakota says:

He (White) was maintaining expensive offices in East St. Louis, one a real-estate and insurance office and the other a collection agency.

No witness testified that the offices occupied by White were expensive or otherwise.

The Senator says:

He (White) was doing no business in either.

The record does not sustain the statements made.

The Senator says:

The conduct of the witnesses upon whom Mr. LORIMER relies, as well as their manner of testifying, confirms the impression that they are just such men as one would expect to find giving and receiving bribes.

Only a party who was present could have observed the conduct of the witnesses and their manner of testifying, but the learned Senator who delivered the speech certainly did not do either, as he was not on the committee and was not present at the hearing.

We all know that the Senator is a gentleman of extraordinary mental ability, but we had never suspected that he could, with his X-ray eye, look across a part of South Dakota, count as nothing the distances and spaces of the great States of Iowa and Illinois, penetrate the chamber where the witnesses were

being examined before the subcommittee, and distinguish their "conduct and manner" of testifying. If the Senator had not himself delivered this sentiment in the open Senate, we should be inclined to believe that the words had been put into his mouth by some profane and designing man who was present.

The Senator says that LORIMER received about one-third of the Republican vote, showing he was not acceptable to the Republicans, and not having been a candidate in the primary there was no popular demand to support his candidacy, and that he does not think he really represents the will of the people of Illinois.

The Senator informs us, however—

If the people of Illinois want him and will give him popular approval in a primary, I think he might be entitled to a seat in the Senate; otherwise not.

So the Senator gives us his real reason of opposition. He was not chosen in a primary. Had LORIMER received an honest legislative majority of 50 votes he would still be ineligible unless he had the approval of the popular vote in a primary. There is yet no such constitutional requirement, however much we need it.

Now, Mr. President, I have only discussed these matters simply to show that the Senate can not rely upon the accuracy of statements, made in haste, even by distinguished Senators.

I shall not review the evidence in detail. That has been done so well by Senators who heard the witnesses, the Senator from Michigan [Mr. BURROWS], the Senator from Kentucky [Mr. PAYNTER], and the senior Senator from South Dakota [Mr. GAMBLE], that I think it unnecessary for me to do so; but I shall call attention to a few facts which I think worthy of the attention of the Senate.

TAINTED VOTES.

The Senators do not agree on the number of tainted votes in this case. The Senator from Indiana [Mr. BEVERIDGE] finds 10 such, namely, Beckemeyer, Browne, Broderick, Clark, Holstlaw, Link, Luke, Shephard, White, and Wilson. The Senator from South Dakota [Mr. CRAWFORD] finds the same number, but not the same men, for he includes De Wolf and leaves out Wilson to make the number. The Senator from Oklahoma [Mr. OWEN] goes one better and finds 11, adding the name of Griffin and omitting De Wolf, but his colleagues can not stand Griffin. Only one of these three Senators includes the name of De Wolf or Griffin, but together they find 12 tainted votes. Not a single one of the Senators heard the evidence or saw the manner, bearing, and demeanor of the witnesses.

If every one of these votes were excluded from the count, LORIMER would still have a majority. The committee are almost unanimous that all the precedents are that a quorum being present the man receiving a majority of the untainted vote is elected. All of these Senators, however, state that the number of tainted votes is not material and that one or more is sufficient to unseat Senator LORIMER.

The Senator from Tennessee [Mr. FRAZIER], who did hear all the evidence and saw the witnesses, finds only seven tainted votes, the four men who confessed to receiving money and the three who they alleged gave them the money.

The Senator says as to this question, amongst other things:

This being true—that is, the evidence failing to show that Senator LORIMER was guilty of any corrupt practices or the knowledge of such—the question then arises were bribery or corrupt practices used by others in his behalf to influence votes for him? And, if so, were enough votes thus tainted with fraud and corrupt influence, when eliminated, to reduce his vote below the legal majority required for his election. * * *

The testimony taken by the committee satisfies me that members of the legislature were paid money for voting for, or in consequence of having voted for, Senator LORIMER. One senator and three representatives admitted under oath before this committee that they were paid money, and the admissions and the acts and circumstances of the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator LORIMER.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator LORIMER as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind, the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act of bribery he demonstrates the fact that he is none too honest to receive a bribe if offered him.

While the proof is not clear or conclusive that the three alleged bribe givers were themselves bribed or corruptly influenced to vote for Senator LORIMER, when I take into consideration their corrupt conduct as bribers of others, together with all the facts and circumstances surrounding this case, I can not bring myself to agree with the majority of the subcommittee that their votes are free from taint or corruption. These three votes added to the four confessedly bribed would make seven tainted votes. Eliminate them and the vote received by Senator LORIMER was less than a majority of the votes cast.

It appears, therefore, that the Senators from Indiana, Oklahoma, and South Dakota, amongst themselves, were able to extract from the dead print of the evidence five more corrupt members than the Senator from Tennessee was able to find from living witnesses.

The subcommittee was unanimous in the agreement that there were only two questions in the case.

First. Whether Senator LORIMER himself was guilty of bribery or corrupt practices, or knew of or sanctioned them; and if so, he should be unseated.

The subcommittee was unanimous in finding such not to be the case.

Second. If enough members of the legislature voting for him were bribed or influenced by corrupt practices, that deducting their votes from the total received by him it would reduce his vote below the legislative majority required to elect.

The subcommittee was unanimous as to the law, and only one dissented as to the facts.

I think that the Senator from Tennessee [Mr. FRAZIER] erred in his conclusion, even should we concede his finding of seven corrupt votes.

Upon the final vote, resulting in Senator LORIMER's election, 202 votes were cast.

Lorimer received	108
Hopkins and Stringer together	94
Total	202

If seven votes were cast for LORIMER and purged from the the ballot, it would leave—

Lorimer	101
Hopkins and Stringer	94

Leaving LORIMER seven majority, a quorum of both houses still having voted. But the Senator from Tennessee evidently thought that the seven votes deducted from LORIMER votes should be arbitrarily added to the other candidates, to do which would have resulted in a tie.

I think in this he errs, for if the men who confessed to receiving money are to be believed as to that fact, which was strongly contradicted, why should they not be believed when uncontradicted? Link, Beckemeyer, Holstlaw, all swore that when they voted for LORIMER no money or other thing of value had been promised them. Therefore, even if the Senator's theory is correct, these voters were not seduced from the support of Hopkins or Stringer by bribes, and their votes, therefore, certainly could not be added to the anti-Lorimer vote, and he would still have a vote of 105.

If the theory of the Senator from Indiana [Mr. BEVERIDGE], the Senator from Oklahoma [Mr. OWEN], and the Senator from South Dakota [Mr. CRAWFORD] prevails, that any corruption invalidates an election, two corrupt men in any legislature could prevent the election of any man to the Senate, one swearing that he had paid the bribe and the other admitting that he had received it.

DISPOSITION OF CORRUPT VOTES.

The Senator from Kentucky [Mr. PAYNTER] has presented such an able study of the law and the precedents and has reached such a convincing conclusion as to what disposition should be made of corrupt votes, that I shall content myself by quoting and agreeing heartily with his conclusions. He says:

The status of an illegal vote is just as it would have been had the voter been absent at the time of the election. The same rule must apply in either case. It is a just and fair rule that excludes the illegal votes, thus allowing those entitled to vote to determine the election. * * * The theory of the law is, and this investigation was based upon the claim, that the corrupt voters had lost their right to participate in the election of a Senator. It would be a novel doctrine that a voter if bribed to vote for a candidate and he does so vote, although the vote is illegal, to say that it is to be given to the opposing candidate. The effect of such a theory may be stated in this way: The corrupted vote is illegal and should not be counted for the candidate who received it, notwithstanding that it is illegal and should not be counted, still it should be credited to the candidate for whom it was not cast or intended to be cast.

It did not in this case require 101 votes to elect. A quorum of each house was present and voting, excluding the seven or even 12 votes claimed to be tainted, and all that was necessary was for Mr. LORIMER to receive a majority of the remaining honest votes, and this he did.

BURDEN OF PROOF.

It has been suggested that when it was shown that one or more corrupt votes were cast in the election of Senator LORIMER, the burden of proof was shifted and the onus was then on Senator LORIMER to establish the integrity of every vote cast for him.

The law presumes every man innocent until the contrary appears, and this presumption is stronger with respect to sworn officials discharging their duty honestly than it is as to private citizens. Is it possible that one corrupt vote by one member of the legislature shall put every other member, whose integrity has never been questioned and against whom no charge is made, upon the stand to prove his innocence? It is inconceivable to me that any proof showing that one legislator acted corruptly should cast a suspicion upon the integrity of every other member of the legislature.

In the hearing the Senator from Kentucky [Mr. PAYNTER] called attention to this, saying that—

He indulged the presumption that the members of the legislature who voted for LORIMER did not do it as a result of bribery, and that that would be presumed unless the contrary appeared.

And Mr. Austrian replied:

That is the presumption that the law gives them.

The Senator from Idaho [Mr. HEYBURN] said later on upon the hearing that—

There would be no dissent as to the lack of presumption in favor of corruption or corrupt practices * * * and the burden is on those who charge otherwise.

And Mr. Austrian replied:

That is the burden we are trying to carry.

Here is a distinct admission by the attorney most largely interested in the prosecution of this case, a man of ability and zeal and fully familiar with the law and the facts. Is it possible that he should have assumed an unnecessary burden?

HOLSTLAW.

Holstlaw swore on the stand that when he got $2,500 he deposited it in the First National Bank of Chicago, the same day he received it from Broderick, to the credit of the Holstlaw Bank, of Iuka. This was his first testimony. Thereupon, the counsel for the prosecution asked him, "Do you mean the First National Bank or the State Bank of Chicago?" and the answer was, "Pardon me, I believe it was the State Bank." But afterwards he again, on page 201, testified that he deposited it in the First National Bank. He evidently was in doubt where he deposited this money. The deposit ticket is lithographed by the counsel for the prosecution, and two very curious facts are observed. The first is that the name of the Holstlaw Bank is not spelled correctly, and the second is that it has the stamp of the note teller on it. Now, this may not mean anything to persons not familiar with banking, but those of us who have had experience in that line would say that such a deposit slip would prima facie show that the $2,500 was used in paying a note to the bank. It may be said that whether he deposited or paid a note makes no difference whatever, but it does make a vast difference whether his story is correct or false.

Mr. PAYNTER. Mr. President, if the Senator will allow me to make the suggestion, Holstlaw claimed he made out the deposit slip himself. The name "Holstlaw" is misspelled.

Mr. JOHNSTON. Yes; that is correct. It was testified that he had himself written the deposit slip, and yet the name "Holstlaw" is spelled wrong.

Holstlaw testified that the State bank was the correspondent of his bank; that they made frequent deposits and drew checks against them. I am inclined to think that if the truth were fully shown it would be that Holstlaw bank owed the State bank a note of $2,500, and Holstlaw went to Chicago, took that amount of currency and paid this note. There is no evidence to show that Broderick knew of his coming. Holstlaw swore that he had not advised him what day he would be there. (Record, p. 210.) Broderick swears that he did not know that Holstlaw was in the city until he went down to his place of business at the usual time in the morning and found him there. Now, if this be true, and it is absolutely uncontradicted, it is hardly reasonable to suppose that Broderick would have had $2,500 in his pocket at all. Business men in cities do not carry such a sum around with them, keeping it overnight on their persons.

Then, I am inclined to think that if Broderick is half the man painted by the Senators who attack this report, and if $2,500 had been given him to pay Holstlaw, taking no receipt therefor, he would never have given it up, but kept it himself. Broderick certainly appeared more credible on the stand as a witness than Holstlaw, who was shown to have perjured himself in regard to another transaction.

ACTION OF LEGISLATURE.

In 1909 there were 64 Democrats in the house and 13 in the senate. Sixty Democrats voted for Shurtleff for speaker. These include all but four of both factions of the party. So far as I know, the idea never occurred to anyone that these Democrats had been bribed to vote for Shurtleff, but that they were simply exercising their choice between two Republican candidates.

The Senator from South Dakota [Mr. CRAWFORD] thinks that the conspiracy was formed between LORIMER, Browne, and Shurtleff at that time. If so, Browne took not only his own faction but nearly all the Democrats into the conspiracy, and yet LORIMER was not a candidate for the Senate until 10 days before his election—many days, weeks, and months after the election of the speaker.

When LORIMER was elected he received 30 votes of the Browne faction and 17 votes from the Tippitt faction, including Tippitt himself, and the votes of six Democratic senators who belonged to neither faction. So that LORIMER received 23 Democratic votes not of the Browne faction, or nearly one-half of the whole Democratic vote that had been cast for him, and he would have failed of election had not this vote been so cast. Only 47 of 64 Democrats in the house voted for LORIMER. The conspiracy of the Senator seems to have weakened.

Is it possible that these men are to be denounced and charged with corruption because, having no chance to elect a Democrat, they chose between Republicans? I should be sorry to see such a presumption established in this case. It would raise a question as to the election of my honorable friend from Vermont [Mr. PAGE], who I believe incapable of corrupt conduct, who received the vote of every Democrat in the legislature of his State. It would also put me in a delicate position, because I received the vote of every member of the legislature, Democratic as well as Republican.

WHY NOT PUNISHED IN ILLINOIS.

The present Senate of Illinois is composed of 34 Republicans and 17 Democrats, and has taken some notice of this case, as it should have done; and, we are told by the press, a resolution was offered to expel Holstlaw, presumably for his corruption in the furniture deal or perjury in reference thereto. Evidently they could not have expelled him for being bribed by Broderick in this case, for in that case they would have included in the expulsion Broderick, who is alleged to have paid the bribe and who still retains his seat unchallenged.

The Illinois House consists of 82 Republicans and 68 Democrats, and no one of these has been bold enough to move to expel Lee O'Neil Browne or Wilson, which they should do if they are the bribers it is here argued they were.

With these alleged convincing proofs of the guilt of 12 men, all punishable under the laws of Illinois, with the governor hostile to LORIMER, and all the machinery of justice in the hands of the prosecutors, not a man has been convicted, although the election of LORIMER occurred in May, 1909, and the alleged facts have been in the possession of the prosecuting officer for more than a year.

Browne has been tried and acquitted by a jury and reelected to the legislature, along with Wilson and Broderick. The vote in November, 1910, after all these trials and this evidence in Chicago, where it was most exploited, was, for senator, twenty-seventh district:

Broderick, Democrat	8,018
Scouten, Republican	3,349
Scattering	881

And in the twenty-sixth representative district, also in Chicago:

Hagan, Republican	17,829
Anderson, Republican	14,014
Wilson, Democrat	30,021
Prohibition and Socialists jointly	17,666

And in the thirty-ninth district, near Chicago:

Lewis, Republican	10,687
Scanlan, Republican	12,727
Lee O'Neil Browne, Democrat	14,083
Doyle, Democrat	9,879

The only men that have been repudiated by the juries and people of Illinois are White, Beckemeyer, Link, and Holstlaw, the star witnesses upon whose evidence we are asked to unseat Mr. LORIMER.

NEWSPAPER COMMENTS.

A pamphlet containing about 123 editorials, headed "Comment on the Lorimer case," has been laid on my desk, and doubtless on the desks of other Senators, to enlighten us on the law and the facts of this case and the proper vote to cast on it.

I will give a few sample extracts for the information and guidance of Senators. The first refers to the action of the subcommittee. Speaking of the action of the subcommittee and their reports to the general committee this intelligent editor says:

An equal number of jackasses could have accomplished as great a triumph of judicial wisdom.

This is an argument why we should vote against Senator LORIMER.

The second is in another editorial:

A Senate committee has just exonerated Ballinger, and it is in order to whitewash LORIMER.

That is an appeal to reason.

Third, I read:

This is the way honest people will look at the matter all over the country, and it would be well for the Senate to go slow on the whitewashing business. But LORIMER is a Republican and a high-tariff man; the money paid for his election was Republican money, and hence the prospect of his being ousted by a Republican Senate is slim.

I hope so.

Senators are not inclined to scrutinize too closely the methods by which others of their number obtained their seats.

That is a valuable suggestion.

The old guard of special privilege deem it a sacred duty to stand by one of its number, right or wrong.

Of course, this conclusion has been made possible by the failure of the Illinois court to convict anyone in connection with the affair. There are some things concerning which one may be convinced, but which we can not produce legal proof to sustain.

This is a suggestion that we get away from the proof.

There are too many Senators who owe their seats to the same influences that placed LORIMER in the Senate to make his removal expedient.

These are the arguments that are sent gravely to Senators. If such a paper should be sent to the judges or jurors on any decent court in the United States, the parties sending it would be promptly committed to jail.

Mr. GAMBLE. May I ask the Senator from Alabama who is the compiler of the publication from which he has just read and whose imprint appears thereon?

Mr. JOHNSTON. There is no authority in the world given for this. It is just headed "Comment on the Lorimer case," and there is no evidence to show who got it up or, so far as I know, by whom it was circulated.

Mr. GAMBLE. My attention has never been called to it, and I asked the Senator simply for information.

Mr. JOHNSTON. I am just saying that the Senate will try this case on the law and the facts. If this paper, sent in here to influence their votes, had been sent to the jurors or judge of any decent court in the United States the party sending it would have been promptly committed to jail.

The whole fabric of the case rests—

First. Upon the testimony of Charles A. White, a self-confessed scoundrel, who was contradicted by many witnesses, and whose manner and bearing upon the stand was such that six of seven members of the committee entirely disregarded his unsupported testimony.

Second. Upon the testimony of Beckemeyer and Link, who, taken before a grand jury, first swore that they never had received any money, were either indicted or threatened with indictments for perjury, and then changed their stories.

Third. The testimony of Holstlaw, another confessed perjurer.

These men were flatly contradicted by Browne, Wilson, and Broderick, men whose bearing on the stand was infinitely superior to these vile creatures.

I think I can show that there is not a member of the committee who would not have believed Browne in preference to Beckemeyer, Link, or Holstlaw.

So far the testimony of the first three men has been contemptuously not believed whenever it was given before a jury in Illinois, and now six of seven Senators seeing and hearing them do not believe that any weight should be given to it. The subcommittee were almost unanimous that those men were not only base, but utterly unworthy of belief. I not only have a reasonable doubt of the truth of their stories, but I have no reasonable doubt of their testimony being utterly false.

Senators are asked to exclude a man from the Senate upon the testimony of the most corrupt scoundrel I have ever seen.

The people of Alabama know that I heard all the evidence in this case, saw the witnesses, marked their bearing and conduct, and they know I had better opportunity to consider and weigh the evidence than they; they know, too, that I have not been accustomed to be driven from the path of duty as I saw it, or to be turned aside from my convictions by popular clamor or newspaper criticism; if they believed that some other gentleman would be here in the place I occupy. The people of Alabama are a brave, intelligent, and law-abiding people, and they expect my vote in this case to be cast as a juror according to the law and the evidence and under my oath as a Senator. They shall not be disappointed.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BEVERIDGE. In common, Mr. President, with every Senator upon this floor, I listened with pleasure to the engaging remarks of the Senator from New York [Mr. ROOT] on perhaps the greatest constructive, or, as he thinks, destructive, proposition now or for some years before the American Congress.

Every step of human advance, Mr. President, has been resisted by a certain type of mind, perfectly sincere, no doubt, which saw in that advance great dangers. There is hardly a good proposition that is embedded in our Constitution that did not create sinister forebodings.

So everyone who is in favor of the election of Senators by the direct vote of the people to-day, as James Wilson, acknowledged to be perhaps the ablest mind in the Constitutional Convention, was in 1787, or as James Madison was, is met now by a multitude of fears as to what the election of Senators by the direct vote of the people would accomplish to the framework of our Government, the preservation of our liberties, and the development of our destiny.

And I suppose, Mr. President, that in the whole Senate, and indeed in the entire country, no man could be found who more ably and artfully could gather together these forebodings of disaster and paint in somber colors upon that melancholy background a more grewsome picture to make us afraid than that distinguished Senator to whom we have just listened.

And however much, Mr. President, I might myself like to paint with a silver lining the cloud which he has cast over us, I would not attempt with any poor abilities of my own that happy task.

But as the Senator proceeded, so far as I was able to detach myself from the spell of his oratory, I noted down some of the points that he made with such fervor, and I shall hope to somewhat illumine his portrayal of despair, not with any thoughts or words of my own, of course, but with what I think everybody will recognize as the accepted facts of undisputed history.

The first point made by the Senator from New York, a point to which he attached such importance that time and again he reverted to it, was that all scholars at the time the Constitution was adopted recognized that the great danger of a democracy was the people's unstability, uncertainty, and changeableness. He said that one of the chief concerns of the fathers in view of the wisdom of the whole world upon this subject, was to guard the people against themselves, so as to prevent those mutations which had wrecked the other democracies of history.

But, Mr. President, what is the fatal defect of that argument? When I mention it every Senator here, whether he is for or against this proposition, will admit it. The ancient, medieval, and other democracies that had flourished before our Constitution was adopted were small, compact in area, limited in numbers.

Take Venice. Take a still better and the most notable illustration of ancient times, Athens. All the electors of Athens could be assembled within the sound of the human voice, and it was due to this fact that popular oratory developed in Greece to a higher point than it ever had before or has since. It was to this natural circumstance that skill in swaying an immediate multitude became the greatest art of that illustrious period. Not Phidias with his divine talent for sculpture was a greater master of the principles of art than were the great speakers of ancient Hellas.

And so it came about that they did influence that democracy as a crowd is swayed. It was to this that Milton referred in his immortal lines—

> To the famous orators repair,
> Those ancient, whose resistless eloquence
> Wielded at will that fierce democratie,
> Shook the arsenal, and fulmin'd over Greece.

But that is not true with us. The people of Athens were fewer than the people of the city of Washington—its electorate smaller still. Does the Senator from New York mean, in making a comparison with the mutabilities of democracies, to put Greece or Venice on the same basis as this Republic, with its thousands and thousands of miles of frontier on two oceans and its almost hundred million inhabitants?

Does he think that this mighty Nation, with a continent for its home, can be compared with the handful of electors who made up those democracies, whose mutabilities so alarm the Senator, even across thousands of years?

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. BEVERIDGE. Yes.

Mr. BROWN. I suggest the absence of a quorum.

Mr. BEVERIDGE. Oh, no.

The VICE PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Gore	Root
Beveridge	Crawford	Guggenheim	Scott
Borah	Culberson	Heyburn	Shively
Bourne	Cullom	Kean	Simmons
Brandegee	Curtis	La Follette	Smith, Md.
Briggs	Depew	McCumber	Smith, S. C.
Bristow	Dick	Money	Smoot
Brown	Dillingham	Nelson	Stephenson
Bulkeley	du Pont	Oliver	Sutherland
Burkett	Fletcher	Overman	Swanson
Burrows	Flint	Owen	Thornton
Burton	Foster	Page	Warner
Chamberlain	Frazier	Paynter	Watson
Clapp	Frye	Percy	
Clark, Wyo.	Gallinger	Perkins	
Clarke, Ark.	Gamble	Piles	

Mr. BACON. I desire to announce that the continued illness of my colleague prevents his presence in the Senate. It is not necessary that I should announce it at each roll call.

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. BEVERIDGE. I was citing, Mr. President, illustrations of democracies which had existed down to the time of our Constitution, which gave rise to the fear voiced by the Senator from New York, even in this twentieth century, that democracies were uncertain and unsafe, and that this liability to uncomfortable change on the part of these democracies was one of the great problems which confronted the framers of the Constitution.

I had cited, for instance, the democracy of Athens, the most notable in the history of the world—its physical limitations, the fact that its electorate was smaller, perhaps, than the population of this city; that all of them could be gotten together within the limit of the human voice; that it was due to that that the great art of oratory developed there as it never had developed anywhere else; and that the changes of that democracy, like the changes of Venetian and other democracies, were due to the fact that they were a crowd that could be immediately appealed to.

But does the Senator from New York think that they are any parallel to this vast democracy which covers a continent and numbers now almost a hundred million people? No demagogue in the sense of the Greek orators can reach all the American people at one time or even a small fraction of 1 per cent of them. The American millions are not to be swayed as an audience is swayed in a political meeting.

It has been noted by the acutest students of our institutions from the days of De Tocqueville down to the time when Bryce illuminated them by his great book that while perhaps one city, or even one State, of the Union may become unduly excited for a month, or even a year, yet it is impossible to get all of the States unduly excited at the same time for a month or a year.

True, they all do get in earnest about fundamental things, and they stay in earnest. But the American people are not lightly changeable; they are not changeable at all without cause; they are wisely steady.

The very fact of the greatness of our numbers, of the extent of our domain, absolutely obliterates the causes that produced the changes in the ancient democracies to which some of the debaters in the Constitutional Convention referred, and which, after a century of our development, the Senator from New York has echoed, in belated terror, to-day.

There are other circumstances that make our vast American democracy different from those others, to which I shall refer as I go on. But first I want to call attention to a passage from Wendell Phillips, with which I am sure the Senator from New York, with his great erudition, is familiar. In one of his noblest addresses Wendell Phillips was speaking of these very objections and answering them.

He referred to the democracy of Athens, and called attention to the great fact that although it lasted only 90 years, yet in that brief period it produced the age of Pericles; it gave to the world the greatest thinkers almost of all time, and, as Phillips said in his immortal apostrophe, it lighted the fires of intellect upon the mountain peaks of human thought which have illuminated the world from that day to this.

Even those democracies are not to be sneered at by anyone, not even by the Senator from New York. It would be well if the much-vaunted stable governments of the world to-day could make such a contribution to human thought, to art, to political science, as did those very changeable democracies of the past.

But, Mr. President, they are called changeable; and we are solemnly warned against all democracy because of that. But such instability as they displayed was due to their limited area and small numbers. Is it just to compare Athens or Venice or the others to this vast democracy, which has no parallel in history, but which does have a splendid imitation in Europe to-day? I call the attention of the Senator from New York to the experience of that Republic on the point of stability. I, of course, refer to France.

Since the time of the second Napoleon France has been a Republic, and all said by her enemies to the contrary notwithstanding, France, except ourselves, is the greatest example of a democracy now in the world. In spite, Mr. President, of the repeated prophecies of disaster to France by the enemies of republican institutions, in spite of the fervent desires of French monarchists who wish to get back their position and power, history records that the democracy of France, its electorate of peasants and business men, has grown steadier and steadier as the years have proceeded.

To the confounding of her enemies, more and more stable grows the Republic of France because it rests, as James Madison said he thought the election of our Senators should rest, upon the solid foundations of the people's will. So the great fear now raised—a hundred years too late—does not apply that we are in danger of the uncertainties of a democracy if we give the people a larger control of their own Government.

The Senator from New York says that in the establishment of the Senate of the United States the great consideration in the minds of the fathers was stability. I grant that to be true. But what kind of a stability? An intelligent stability, based on reason and faith in the people, or a stability based upon an obstinate determination to negative all human advance? Since when was such attitude of mind considered stability?

I quote again from James Madison, and chiefly because the Senator from New York used that great authority to sustain the second proposition of his address, with which I do not wholly disagree.

It is well known to everyone that the really great intellects of the Constitutional Convention were not for the present method of electing Senators. That was Dickinson's amendment, and has anybody ever heard that Dickinson was one of the great constructive minds of that convention?

James Wilson, James Madison, and others of that stature were. Most of the great men of that time, I believe, were from the first down to the compromise, in favor of the election of Senators by the people. James Wilson, in one of the ablest addresses made before that convention, said that not only should Senators be elected by the people, but they should be elected by senatorial districts and not from States, in order that this should be truly a government of the people.

The Senator from New York relies on James Madison as being the author of the provision giving Congress a reserved power over the election of Senators. If he has such faith in Madison as to that provision, why has not the Senator equal faith in Madison as the proponent of the election of Senators by the people, which is involved in this resolution before us?

Madison said that he thought it would be better if the Senate should rest directly on the solid foundation of the people rather than on the pillars of State legislatures. I think I quote Madison's exact words. Why did the Senator from New York forget them if he has such faith in Madison's wisdom?

Stability! Mr. President, where is stability to be found? Is it to be found in an oligarchy or is it rather to be found in the minds and consciences of an instructed and patriotic people? Are not the people themselves competent to choose their servants? If they are wise enough to choose members of a State legislature, are they not wise enough to choose a Senator of the Nation?

Suppose a legislature acting as the people's agent selects a man as Senator—and such things have occurred—whom the people do not want to serve them here as Senator, yet the people could not negative that unwelcome act of their agent. What would be said if an agent of a principal were to select a servant of whom the principal disapproved, and yet the principal be utterly without power to disapprove the agent's action in selecting that servant of his principal? Absurd.

Mr. President, what was the history of this provision concerning the election of Senators? So far as the Senator from New York went, he gave it correctly. But I think he will agree with me that inadvertently he left out some notable and vital facts.

If I am wrong about it, I want any Senator to correct me. The theory upon which the election of Senators by legislatures finally was agreed upon was this, and this only: That the members of a legislature should be absolutely free to choose the wisest, the bravest, and the most virtuous man in that Commonwealth as a Senator of the United States from that State.

The theory was precisely the same as that upon which the election of Presidents by the college of presidential electors was based. That theory was that these electors, whom the people should elect, would get together and select the best man in the whole country for wisdom, learning, courage, and uprightness to be the Chief Magistrate of the Republic.

And now I come to an exceedingly important fact. It was supposed that these legislatures were to make this ideal choice of Senators and this college of electors was to achieve this exalted selection of a President regardless of political parties. Political parties at that time did not exist in the sense in which they now exist. The partisan germs were there, and the far-sighted Washington, realizing what those germs might develop in the mad partisanship of a later day, gave a great part of his farewell address to warning us against the danger of party and of faction.

But in the sense in which we now understand political parties—the convention, the campaign committee, the great election machinery of the present day, which has evolved our "party managers"—were not in existence or in contemplation at the time those provisions were written into the Constitution.

Mr. President, there was not any political convention in this country until 1838. Jackson's day witnessed the development of the political convention, and it was devised to take the place of the outworn caucus system, which was a form party management had taken for some years preceding.

So these legislatures, utterly aside from their other business, with no reference to political issues in their States, with no reference to local questions upon which they would be called to legislate, but acting absolutely separate from all that, were supposed to select the best man who could be found to be their Senator here.

But the evolution of parties has ended all that. It did not have its basis in human nature, in the first place. What is the situation to-day? Political parties, Mr. President, elect a legislature, and that majority in that legislature is not supposed, nor even permitted, according to the original theory of the Constitution, to select the best man in the State, regardless of all other considerations. No. It must select a man of the party which elected the legislature.

The development of parties, when great issues that create parties pass, and when the parties are kept alive only by the inertia of their victories or defeats, created that not altogether fortunate type, the "party manager"—the party "boss." So it comes to pass that Senators actually have been and are and will be the selection not even of the best men from the party chosen by the partisan majority in the legislature, but the man selected by the "party managers" or "party manager."

The party boss has become more potent than the legislature, or even the people themselves, in selecting United States Senators in more than one State.

Will anybody deny that that has occurred? Will anybody deny that that is occurring now? In the Senator's own State the vast majority of one party, according to popular report, which we have not heard denied, is acting in support of one man because the party managers have selected him.

Therefore, do conditions to-day apply to the theory upon which this Senate was constituted? Do they not, on the contrary, Mr. President, absolutely negative them?

The Senator asked what is the purpose of creating the Senate, and he answered his own question by saying that it was to get a steadier body of men, a wiser body of men he might have said; and he might still have gone further and still have been within the literal statements of many Members who spoke upon this subject in the Constitutional Convention. But the Senator did not go further; he did not quote all the reasons given for constituting the Senate of "steady" men.

So I will repeat sentences that every Senator will recognize with reference to the Senate—sentences from the debates on the Senate in the Constitutional Convention.

It was said, for example, that the Senate should represent the property interests of the country. It was said in debate that the Senate should be composed of men of higher social standing. It was declared finally that it should be the representation of the aristocratic element in our Government. Everybody knows that it was copied after the House of Lords. But does that theory hold now?

That idea was advanced in 1787 because the men of property who were in that convention, and who had taken part in our Government such as it was before, were men of considerable wealth. If the time was not so late I would refer to some of the eminent men from New York, whom I believe, except Alexander Hamilton, were very heavy landowners.

But will any Senator seriously go to the American people to-day with the proposition that the Senate of the United States ought to represent "the aristocratic element" in our Government, or to represent the money of the land, or to stand for the private property in the Republic? That theory has passed away during this great historic period of enlightenment.

Property needs no special representation in government. All that property needs is honesty on the part of its owners. No person will so defend property and property rights as the great masses of the people themselves, who have little or no property.

Mr. President, when war breaks out and the Nation is in danger and all property in peril of chaos and destruction, who then are its defenders? Who carry the muskets and serve the shotted guns and charge willingly to death for the institutions under which that property exists and is preserved? It is the people themselves. It always has been the people themselves.

Mr. President, when the Revolutionary War was being fought there was, I believe, only one man of great wealth in the field, George Washington. The great commercial interests of Manhattan Island in the heavy majority were Tory in their sympathies. It was the ragged Continentals who fought the war that gave us our liberty and laid in their blood the foundations of the Nation.

Robert Morris gave of his wealth. A patriotic Jew, Simons, I think his name was, of Philadelphia, gave his all to the cause of liberty, and a grateful Republic permitted him to die afterward in New York a pauper.

So when it is said that the Senate must represent the property of the Nation as contradistinguished from the House, which represents the population of the Nation, I say that a hundred years of the progress of human rights has utterly demolished it. I say it has been burnt out by the flames of the flashing guns of human freedom from Yorktown to Appomattox.

Property, whether individual or corporate, has nothing to fear but everything to hope by trusting to the people. It is from the people that all wealth comes, and it is the people who always have been its defenders. It would be a wiser policy to-day, as a mere selfish proposition, if the wealth of the country were to show more faith in the people of the country.

Indeed, Mr. President, I think that just this is what is occurring—slowly coming about perhaps, but still visible. One of the most hopeful signs of our vexed social and industrial problems, to my mind, is this: That the ablest and wisest among the "captains of industry," as they are called, and masters of finance are coming little by little, yet more and more, to take the people into their confidence. When they do that frankly and entirely the people will respond not with hostility, but with hospitality, if these men's proposals are honest and sound.

So the theory that the Senate was to be composed of men of property, as one man said in debate in the Constitutional Convention, men of exalted social standing, that it was to be to the American Government what the British House of Lords was to the English Government, has utterly passed away.

Take the House of Lords to-day. What is occurring in Great Britain itself? Is the power of the House of Lords increasing? Are not the English people the very models of the world's intelligent conservatism? And upon whom do they lean, the weakling Lords or the stalwart Commons, who draws their commissions from the people and are responsive to the people themselves?

The Senator referred to this provision in the Constitution as one of the great compromises. It is not necessary to go into that. It was not one of "the great compromises," as certain well-known compromises are called, although it was one of the compromises. It was a great compromise in this, that it was the point—the rock, I should say—upon which the Constitutional Convention nearly foundered.

I recall to the Senate what all of you know, of course, better than I do a scene which occurred in that Constitutional Convention when the wiser minds, like James Madison and James Wilson and those great intellects whose thought has illuminated our history even to this day, were confronted with the proposition now in the Constitution.

They would not yield it until they saw that the smaller States would not agree to ratify the Constitution unless they did; and Belden—I believe that was his name—of New Jersey, actually threatened the convention that New Jersey would withdraw and form an alliance with a foreign power if the smaller States could not have their way. I think this is substantially correct; but if I am in error, some erudite Senator will set me right, I hope. Since we are going into historical origins, that little matter might be mentioned. If I had time, I should mention still others.

The Senator says that the Senate is supposed to be composed of "elder statesmen." This is in the same vein that he said the Senate was to be composed of the conservative classes, the steadier minds, the "elder statesmen."

Mr. GALLINGER. In part, he said.

Mr. BEVERIDGE. Very well; in part. Let us say in part, although I think the Senator from New York did not say "in part." But no matter. Let us examine the origin of the term "elder statesmen." Did anybody in the Constitutional Convention utter that phrase? No. Where did it come from? What did it come from? What did it mean?

Did the Senator from New York invent the term "elder statesmen?" Alas, no. Yet all peoples have heard it during this decade. It has made an impression on all of us and on the world. Since when? Since six or seven years ago when we constantly read about the wisdom of the "elder statesmen" of the Japanese Empire. That was its origin.

What were those "elder statesmen?" Members of the Japanese Chosi Clan. There were and are two great clans in Japan, the Samurai, the warriors, and the Chosi Clan, or the statesmen—hereditary warriors and hereditary statesmen. All the latter, I believe, or most, at least, are nobles trained to

statesmanship, observing scrupulously their class tradition, and so far as world politics is concerned governing at least with precision of action if not with profound wisdom.

That is the origin of the term "elder statesmen;" and it does fit into the theory so often voiced on the floor of the Constitutional Convention that the Senate should represent the aristocratic element in our Government. It does fit into the ancient theory announced anew by the Senator from New York.

But, Mr. President, if the "elder statesmen" of Japan, if the Chosi Clan, does, under the theory of that Empire, do it good service, would not that clan be an anachronism in the American Republic in the twentieth century? "Elder statesmen," Mr. President!

The Senator from Massachusetts the other day showed that the Constitution was adopted by men mostly under 45 years of age. Nobody else dared, nobody else ever does dare, a revolution. I may be wrong, but I think I now remember, with my mind going fleetingly over it, that the Declaration of Independence was signed chiefly by young men. Everybody knows that most wars are fought by the youth of the land. But among these may be elder statesmen in the sense of thought.

I want to refer to some in the history of this body. It is a great roll call that I am going to indulge in—Henry Clay, Daniel Webster, John C. Calhoun, Charles Sumner, Oliver P. Morton, and the other mighty of our past.

Will anyone say that Daniel Webster was in this Chamber merely by the wisdom of a legislature, although legislatures were freer to act in those days than they are in these days, as I shall show?

Did Henry Clay come to this body because of the discriminating care of the Legislature of Kentucky? Is that why Charles Sumner was here, or Oliver P. Morton?

Or is it the historic fact that Clay, and Webster, and Calhoun, and Sumner, and Morton, and all the great men whose names and genius have made this body illustrious, came here because they represented to the point of personification the thought, conscience, and purpose of the people of their States?

John C. Calhoun—I will be supported by the Senators from that State who are here—was more the State of South Carolina, better personified the common people of South Carolina than the Legislature of South Carolina itself. Daniel Webster was not put in the Senate by the legislature over the will of the people, but he was put here by the legislature obeying the will of the people of his State. That is true of Charles Sumner; that is true of Oliver P. Morton; that is true of every great man who as a Senator of the United States has shed renown not only upon this body but upon the whole Nation for all time.

I was surprised the other day when I heard a man of the extreme erudition of the Senator from Massachusetts [Mr. LODGE] intimate that the great statesmen in this body had been chosen by the discriminating wisdom of legislatures, when the historic fact is known by everybody from schoolboy up to scholar that the greater minds that have been sent within these walls have been sent here because of the will of the people bearing upon their legislatures until their legislatures had no other thought but to send them here, and if their legislatures had done anything else they would have been punished by the people's disapproval, anger, and contempt.

The Senator from Massachusetts the other day spoke about direct elections of Senators giving us nothing more than Congressmen at large. Has that been the history of the wisdom of the people in this and other countries in selecting their public servants? Which body has given to the world the great names of England in statesmanship, oratory, and thought, the House of Lords or the House of Commons?

I ask the Senator from New York whence came Pitt the elder? Whence came Pitt the younger? Whence was the public origin of Burke, and Fox, and Gladstone, and O'Connell, and Disraeli, and all those others of that splendid constellation of English statesmanship that has preserved and enlarged the liberties of the United Kingdom and thrown the lines of the British Empire around the world? Every one of them came from popular elections.

Could a State legislature have done better than to have selected Charles James Fox, the most accomplished debater, perhaps, any English-speaking people ever has produced? Could a State legislature have improved upon Edmund Burke? Was not O'Connell sent by the people of Ireland, eloquent as an orator, learned as a scholar, great as a lawyer, wise as a statesman? Yet all these men were given their places in English public life by the direct vote of the people.

I know it will be said that the electorate of England in that time was limited compared with what it is to-day, but to whom is it due that the English people now have universal manhood suffrage? To Gladstone. That was his great reform, and then came his others of cheap postage and the humane land laws of Ireland, which latter the conservatism of Great Britain said were nothing short of socialism.

Yet Gladstone was the product of popular election from his earliest days to the close of his brilliant career. Could a State legislature have done better than to have selected Gladstone? And Disraeli came in the same way.

If I had time I would refer to the rising British statesmen who bid fair to rival in the stature of their ability, their courage, their energy, and their devotion to the English people the great sons of England's past. Every one of them has come from the votes of the people, and they are devoted, in turn, to the people.

Yet the Senator from Massachusetts and the Senator from New York say, "Oh, Gladstone, he was nothing more than a congressman at large," because he was elected by the people. Burke, away with him, say they; he was a congressman at large because he was elected by the people. Charles James Fox, discredit his genius in debate; what does he amount to? He came from the humble English electorate. Disraeli, nothing more than a congressman at large.

Why, Mr. President, the laws of England—I had almost said for centuries, but I will not go that far, because I want to be strictly accurate—have rested upon the wisdom, the patriotism, and the courage of the House of Commons. And it has been due to that fact that England has made steadier progress to enlarge human rights than any other fact except one, one of which we must soon take note, and that is the fact that England has guarded the purity of her elections with a sternness that no people ancient or modern has done.

Is property imperiled in Great Britain? Has it been for a hundred years? Mr. President, in my reading of books and of the speeches of those who in this country pretend to fear the advance of popular rights, I have read time and again that England is the place where property was most secure, where conservatism was most steady and intelligent, where radicalism was checked until it ripened. Yet her laws of property and of political rights all are passed by the House of Commons, elected directly by the people. That electorate is universal.

Does that suggest to Senators that perhaps there is, after all, nothing so much to fear from the people if they elect their Senators? Does it suggest to Senators that possibly the American people may return to this body men who in their day may approach the great ones whom the English people have sent to the House of Commons?

The Senator from New York asked the question—I think I quote his words correctly—how can the people better choose a Senator than can the legislature? The answer is so clear that I am sure the Senator from New York himself will agree to it. The members of a legislature are chosen, to use the not quite American phrase—yes, I guess it is, too—by the people of the vicinage, the voters of the locality. Everybody who has anything to do with American politics knows that legislatures are chosen by localities—and for local reasons.

There is not a man here who does not know of cases where a legislative district has returned a man because of a question of street improvement, or because of a local law that the people of that district wanted to get through, or some other purely local consideration——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. If the Senator will allow me to finish my statement, I will gladly yield. Or a legislature is elected upon a question exclusively local to that particular State, which one party or the other takes up, and which is of no coacern to the Nation.

Mr. GALLINGER. I wanted simply, Mr. President, to inquire of the Senator from Indiana if it is not a fact that whenever a senatorial vacancy is about to occur the legislature is elected largely with a view of filling the vacancy with the choice of the people of the State as expressed through the legislature.

Mr. BEVERIDGE. Yes; and I was coming to that. The Senator is quite right, and I think the Senator will acknowledge what I am going to say.

Mr. GALLINGER. I am very glad the Senator is not going to overlook that fact, for it is a fact.

Mr. BEVERIDGE. No; I am not. I put down my notes hurriedly—but I am not going to overlook that point. Assuming it to be true, as it often is true, that it comes about when there is a senatorial vacancy that the parties so act that that enters into the election; it also is true that very frequently there are local issues affecting the State itself, having nothing whatever to do with those national affairs upon which a Senator must pass and for attending to which he should be chosen. Is not that true?

Mr. GALLINGER. Mr. President, I apprehend that may be true in some States. I believe it was true in the Senator's own State.

Mr. BEVERIDGE. Yes; and it has been true many times in all States. That is a frequent occurrence. It is also true in the Senator's State, and always will be true and increasingly true. So if the people could express their will on the question of the representation of the State in this body, the result would be one way; but, having at the same time to choose upon a party issue which has nothing to do with national legislation, they have got to express their will another way. Thus it is, Mr. President, that our present system by development, not anticipated by the fathers, almost always is putting paradoxes up to the people.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Is it not equally true that those local differences would find expression in a popular election? If the Senator were a candidate and some other man were a candidate, would not their views on those local questions be demanded, and would not the vote give expression to the feeling of the people on those subjects?

Mr. BEVERIDGE. The Senator from New Hampshire gives me another very good argument that I had not thought of. I am grateful. They might, or they might not; but assuming that they might, it follows that the Senator has been selected because of his expression of an opinion upon a purely local State question, having nothing whatever to do with his duties as a national legislator for attending to which he is supposed to be elected Senator. Is not that true? Yes.

Mr. GALLINGER. My query——

Mr. BEVERIDGE. I answered your query.

Mr. GALLINGER. My query was directed to the election of Senators by the people, and the point that has troubled me is whether the Senator is going to get rid of his local issues in the event of the election of Senators by the people.

Mr. BEVERIDGE. Not at all. I do not want to get rid of them; they ought not to be gotten rid of; but they ought not to be mixed up with election of a United States Senator. I would have the people vote upon their local issues as local issues, and upon their Senator as a Senator.

Mr. GALLINGER. But they vote upon the Senator because of the position he takes on those local issues.

Mr. BEVERIDGE. If that is true—and sometimes it is—then the Senator has given me the best argument I have ever heard advanced for the direct election of Senators by the people, because, according to the Senator's proposition, the people would select a Senator, no matter how unfitted he might be, because he had a certain view upon a local question that absolutely was alien to his duties as a Senator here.

Mr. GALLINGER. Mr. President——

Mr. BEVERIDGE. Pardon me just a moment. You asked a question. The Senator is not elected here to put through a local issue of New Hampshire; he is not elected here to cast his vote or to do his work because he has an opinion upon some momentary fancy local to the State of New Hampshire; he is dealing here, he is here, just what the Constitution calls him—not a Senator of New Hampshire, but a Senator of the United States from New Hampshire.

And he is dealing with what? With the local question that might have arisen in his State election? No; with all the foreign affairs that affect this Government and that run out on lines across the waters of the world and to every Cabinet of every country. He is dealing as an arbiter of the foreign destinies of the Republic; he is dealing as the highest judge established by any Government on earth; he is dealing as a legislator in a forum which is the only place where free speech now exists on all the globe; he even tries a President.

And yet the Senator would have us say that this man, clothed with these mighty powers unprecedented in the history of human government, ought to be selected because he has a certain opinion upon some local question in his State.

Mr. GALLINGER. The Senator entirely misapprehends, or else he purposely misrepresents, my position—one or the other.

Mr. BEVERIDGE. I am taking the converse of the Senator's proposition. The Senator asked me whether or not it was not true that a Senator's position on some local question might affect his election. I say, yes; and that is the very thing we want to avoid.

Mr. GALLINGER. The Senator's argument was that in the election of members of the legislature local questions entered into the controversy; that men were elected on those issues rather than on the question as to who should be Senator from the State; and my query was whether or not, if the election was by popular vote, the position of the candidates on those local questions would not be sought, and whether the votes might not be cast in that case just as much as in the other, along the lines of those local questions.

Mr. BEVERIDGE. And I say, yes, as Senators now are elected; but not so much, if at all, if Senators were elected by the people.

Mr. GALLINGER. That is all I said. I agree with the Senator's eloquent words about what a Senator ought to be and what he ought to represent.

Mr. BEVERIDGE. I did not say what he ought to be; I say what the Constitution makes him.

Mr. GALLINGER. Exactly. He ought to be that, if the Constitution makes it so.

Mr. BEVERIDGE. Of course. The Senator stated——

Mr. GALLINGER. And I have always contended that we were Senators of the United States and that we ought to look to the interests of the Nation, perhaps, primarily, but not forgetting the interests of our State at the same time.

Mr. BEVERIDGE. Of course.

Mr. GALLINGER. I absolutely agree with the Senator from Indiana on all those points.

Mr. BEVERIDGE. Of course; and the Senator, I say, in stating that very pertinent interrogation, furnishes, I think, the best argument I have ever heard for the election of Senators by the people which is——

Mr. GALLINGER. Will the Senator allow me a moment?

Mr. BEVERIDGE. Let me repeat it, because I am going to take this thing up, now that the Senator has mentioned it.

Mr. GALLINGER. I was about to remark that I have never furnished an argument in favor of the election of Senators by the people. This is the first argument I have ever heard that has appealed to the Senator.

Mr. BEVERIDGE. That one appeals to me. Thank heaven, then, for its source. Now, the Senator having made his argument for it, I would be glad if the same process might go on——

Mr. GALLINGER. I will not interrupt the Senator.

Mr. BEVERIDGE. It is all right. I am glad to have the Senator interrupt me, as he knows. Let us enlarge upon this a little bit. The Senator from New York [Mr. ROOT] asked, How can the people better choose their Senators than can their legislatures? The legislatures, he says, are elected by men taken from the vicinage, from the neighborhood, of the voters.

First, I answer that the members of the legislatures often are elected, as every Senator in this Chamber knows, in various localities because of local considerations peculiar to those localities. But the situation is not now as it was when the Constitution was adopted. When the Constitution was adopted that was true, too; but at that time the theory was that the members elected on account of local considerations would get together, absolutely aside from their local legislation, and would canvass the State for the best man for Senator, without regard to party or local considerations or anything else except preeminent fitness.

At the present time, however, the various members in the Legislature of New York, for instance, or in New Hampshire, or in any other State, are elected because of the conditions existing in a locality, and do not get together to select the best men for Senators, regardless of all other considerations, as the Constitution contemplated they should.

But, being members of political parties, which, in the sense they new exist, did not then exist, vote, not even for the best man in the State without regard to party, not even necessarily for the best man in the party, but for the man determined upon by party managers, and that frequently has been so in our larger States.

Second, take the case suggested by the Senator from New Hampshire [Mr. GALLINGER], where there are issues purely local to the State of New Hampshire, affecting the rest of the country not at all, and the people elect their legislature upon those issues. The Senator knows that that occurred in more than one State without regard to national legislation at all; yet that legislature, being bound by party lines, votes for some person who perhaps may have been named at the primaries or by a convention of that party, because, as the Senator says, of his expression on this local question. Is that a wise way to select a Senator who must deal not only with every domestic law of the Nation, but with all the foreign affairs of this great and growing Republic?

Suppose, on the other hand, the people should vote on the local issue affecting New Hampshire; that they should first vote on that, and on that alone elect their legislature, and at the same time could vote directly for a man to represent them in Washington. What they were voting on would be clearer

in their minds, would it not? They would not be involved in two different things at the same time, would they?

I have in mind now a State west of the Mississippi River, where the law provides that the candidate for Senator shall be put at the head of the ticket. The people can then directly vote on that, regardless of any local issue. I am not now referring to the Oregon plan, and do not care to go into that this afternoon. I intend to speak on the main proposition before us—the election of Senators by the people—and I am answering the Senator as to why it is that the people can select Senators better than the legislatures can select them.

The next point that I jotted down from the remarks of the Senator from New York—and to me it was curious—was this: He asked, What is to become of our legislatures if we take from them the power of electing our Senators? Why, Mr. President, we should then relieve our State legislatures from this alien and unnatural power and let our State legislatures attend to their proper business.

That is what is to become of them; and contemporaneous experience shows in at least two States in this Union at the present moment, and in many others since I have been a Member of this body, that the business of the people of the States to be transacted by their legislatures has been interfered with because they were called upon to do the illogical thing of electing a Senator of the United States.

The Senator admits that the provision as to State legislatures was already framed when this idea that they also should elect Senators was hit on. The idea as to what the duty of the State legislatures should be was thoroughly understood before the provision that they should elect Senators was put in the Constitution. That is true, is it not?

The legislatures were not framed chiefly for the purpose of electing Senators; the legislatures were framed for taking care of the domestic legislation of the State. That is true, is it not? And the election of Senators by these legislatures was added to that as an extraneous duty and, as the Senator from New York has said, as a compromise.

So, when the Senator asks what will become of the legislatures if you take away this power, the answer is both historic and immediate, we shall relieve them of the power that finally was thrust upon them as an expedient and let them attend to their proper business of legislating for the concerns of the people of their Commonwealths.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. It occurs to me that too much stress is being laid by the Senator, and has been laid by other speakers and writers, upon the fact that the election of Senators, where there are long contests, interferes with the work of the legislature. As a rule, where there is a prolonged contest, as in New York at the present time, and as we have had in my State on one or two occasions, a single ballot is taken each day. It occupies but a little while, and then the legislature goes along in the transaction of its other business, and very little time is wasted or mischief done. That has been my observation.

Mr. BEVERIDGE. Well, Mr. President, to answer the Senator in two ways, first, I would not have laid so much stress on that if it had not been for the query, which rather surprised me, what was to become of our legislatures if we do not permit them to elect Senators of the United States. I had not thought of it up to this time and was surprised by it.

Now, as a matter of fact, for a second answer, the Senator in the case from Montana some years ago, that he very well remembers, will recall that in that case it appeared that the time of that legislature was taken up for a long period in trying to elect a Senator, and that when they were not balloting they were caucusing and consulting and conniving, and they were giving up their time to this immediate problem rather than passing the laws of the State. That is true. It is only human nature.

Again, consider the excited condition of the legislative mind. Suppose it is true that the general assembly meets and takes only an hour out of twenty-four in balloting for Senator, nevertheless it comes to be the pressing question on their minds. That is what they are thinking of. They are not thinking of the bills to be passed. No; but "Who is going to win this contest?" It is just under conditions like those that bills get through that ought never to get through.

The attention of most men is taken by the imminent conflict and not by their immediate duty. That is human nature, is it not? It interferes with their work, and, what is more, in case there is corruption, it furnishes the opportunity not only for corruption in the election of the Senator, but for corruption in passing the people's laws.

So that when the people vote for a legislature under the circumstances cited by the Senator from New Hampshire they are not voting upon single and simple issues, but upon composite and complex issues which have nothing to do with each other.

The Senator from New York gave an illustration, to which I wish to call the particular attention of Senators. He asked, Are legislatures to be strengthened by stripping them of power? "Take a city council," said the Senator, "does it grow in dignity, strength, and virtue by diminishing its prerogatives?"

Well, take a city council, Mr. President. Suppose a city council were given the power to select the mayor. Is that any different in principle from the selection of a Senator by a legislature? And yet will anybody be heard to say that under our present development of free institutions we ought to give a city council the power to select the mayor? If mayors were selected as in Germany, perhaps yes—there might be a question. But here—what does the Senator say?

Suppose the city council of New York should choose New York's mayor, on the theory that the city council could select a wiser man than could the people of New York. Does anybody in New York believe that the selection would be wiser? The time has been there when the city council was selected by a lawless local political organization, which is notorious not only throughout the Republic but throughout the civilized world—and I am not sure that this is not true even now.

Mr. GALLINGER. As well as the mayor.

Mr. BEVERIDGE. As well as the mayor; but the mayor, being responsible to the people, has, in recent years especially, more and more responded to them.

The Senator from New Hampshire says "as well as the mayor." The Senator from New Hampshire has been kind enough to ask me a question or two, for which I am obliged to him, and I will ask him a question myself. Does he think that the city council of New York or the city council of Chicago could better select the mayors of those cities than could the people?

Mr. GALLINGER. Mr. President, my answer to that would be that I am not quite sure as to whether it would be wise or not. I think I have in mind the election of mayors in some cities not a thousand miles from my own home where the city council could not have done any worse, if it had tried, than the people did.

Mr. BEVERIDGE. Possibly; but will the Senator answer the question: Would he, on the whole, taking one year with another, say that the mayor had better be selected by the city council than by the vote of the people?

Mr. GALLINGER. I would not say so.

Mr. BEVERIDGE. Neither would I; and yet the illustration has been advanced by the Senator from New York that a city council is not strengthened by taking away its power—therefore, of course, strengthened by giving it more power. I make the power analogous to that of the legislature electing a Senator and apply the argment of the Senator from New York, and ask, Would it be better for a city council to select a mayor than for the people to select the mayor? No, Mr. President.

Yet, if the people can better be trusted to select a mayor than can a city council, why can not the people be better trusted to select their Representatives to sit for six years in this body, with greater power than any mayor has, instead of a city council, because a State legislature is a State council, is it not? Indeed, some of the States still call the State legislature the "State council."

So, taking the illustration of the Senator from New York in support of his question, "What is to become of our State legislatures if you take away this power," I asked the Senator whether it is better to have a city council select the mayor than to have the people select the mayor, and the Senator from New Hampshire, with his accustomed frankness, says, "No; he does not believe it would."

Upon this point, Mr. President, the Senator from New York says let us strengthen the State legislatures; let us not insult them by taking away their power by reducing their prerogative. Do the legislatures themselves object to this? No, Mr. President; the very legislatures whose self-respect the Senator thinks will be lowered by providing that Senators shall be elected by the people have petitioned for this change. I have forgotten how many now, but almost a majority, perhaps more. I will ask the Senator from Idaho [Mr. BORAH] or the Senator from Oklahoma [Mr. OWEN] how many of the State legislatures have petitioned for this amendment.

Mr. OWEN. I think 31.

Mr. BEVERIDGE. Thirty-one—many more than half the legislatures of this country, acting under the right of petition, which is one of the most solemn rights that comes down to us from Magna Charta—have prayed us to grant them this very

relief which the Senator from New York says will derogate from their self-respect and power.

If the legislatures of the States themselves are the petitioners, Mr. President, surely the legislatures are estopped from saying that we are robbing them of a power which they ask to be taken away from them and which the history of the Constitution shows was given them only as a last expedient in the shape of a compromise.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes; I do.

Mr. OWEN. Mr. President, including those States where the primary law in effect puts the nomination of Senators in the hands of the people, 37 States have acted favorably on this matter.

Mr. BEVERIDGE. Well, 37. That is still more. The Senator from New York spoke wisely about the weakening of State governments. He referred to the fact that duties are coming to us by a natural process, because the State governments more and more are failing to discharge their duties.

Could a better reason have been given, Mr. President, for relieving those State governments of this extra burden? Why are they falling behind? There are two reasons—mingled economic and political reasons. One is that many of the greater affairs with which States formerly dealt are now economic national affairs, and the States can not deal with them properly.

The trust question, the transportation question, the distribution question—all these fundamental questions affect all the people of the United States as a whole instead of some of them as States separately. Another reason is this very question of the election of Senators, an extraneous duty, that takes their time and their attention from their immediate business.

So if it be true, as the Senator says, that State governments are falling behind, that they are growing weak because of nonuser of their powers, why not relieve them of this extra power which they petition to be relieved of?

The Senator spoke about the people staying away from the polls, I suppose, as a kind of argument why they ought not to be intrusted with any more power. Mr. President, that is a serious question. I suppose there is no other purely political question that has so engaged the thought and attention of students as the curious fluctuations of a popular electorate, and the reason, I believe, has, by the consensus of the most learned opinions, been agreed upon.

The people stay away from the polls to the extent that they do, Mr. President, because they understand that after all their voting they have mighty little to do with the laws; that after all their voting they have mighty little to do with the election of any officer who is elected by their legislature.

Scores of years of wire pulling in legislatures, with which the people are thoroughly familiar, refusal to pass needed laws until after years of agitation for them, until the popular demand becomes so insistent and irresistible that even the interests that profit because those laws do not exist can no longer prevail—all the experience so familiar to legislation, is one reason why the people are no longer interested.

So it comes to be said, and that, too, by intelligent people—and I am coming to the intelligence of the masses in a minute—"What is the use? The caucus fixes who is to be nominated; conventions, run by bosses, say who is to be nominated by both parties; I can not vote for whom I like; it will have no influence with the laws." That is the reason, Mr. President, why the people's voting is falling off.

But where the people understand that they themselves can take part in legislation; that they themselves can vote for a Senator, for example; that they themselves under that system, which started in older countries than ours, can cast their vote upon a specific law, I observe that history shows that they come to the polls in greater abundance. Mr. President, if you want to encourage the negligence of the great privilege and duty of voting by the people just continue to take away from them more of their participation in government.

The Senator from New York says that this proposition comes because of evils in legislatures in connection with the election of Senators by those legislatures. Mr. President, partly; but it comes from a reason far deeper than that. It comes from the natural growth of the democratic idea. It comes by an increasing determination of the people to choose their own servants, to make their own laws.

The Senator says this is a part of a movement against representative government. If it is, Mr. President, it is a movement against representative government because, in the people's opinion, representative government no longer represents the people. The common voter is asking the question: Whom does representative government represent?

It is true that this is a part of a great movement. How great? As great as two or three States? Yes. As great as a great section of the Republic? Yes. As wide as the Nation? Yes; and more than that, it is a part of a movement as wide as the world.

Who would have said three or four years ago that Turkey by this time would have a constitution, a chamber of deputies, and the beginnings of a republican government? Who would have prophesied, after the experience of Alexander the First in Russia, that the time would arrive within less than half a century when even that autocracy would have the beginnings of republican government? What mind would have been so wild as to prophesy that the idea of the people ruling themselves would penetrate the Orient, overthrow the ancient dynasties of Persia, and establish a parliament there?

Who could have believed 75 years ago that the most ancient monarchial people in the world but one, Japan, would have by this time as complete a voting system, almost, as that of Great Britain? It is a part of a movement, a movement wide as the world and deep as humanity, and it did not begin yesterday.

No; it did not begin, even, with the ringing of the Liberty Bell or with the Bill of Rights or with Magna Charta. It began when the idea first lodged in the human mind that the people ought to rule themselves. We have been in advance of that idea. Within the last few years England has overtaken and passed us. Switzerland is far ahead in her democratic institutions. So is France. No! the present phase of this world-wide and history-old movement is not a wild fancy of an excited populace, but another step forward of the deliberate and intelligent advance of all humanity.

The Senator from New York spoke of the pendulum swinging. There is the very mistake. This is no pendulum-swinging affair. This is a historic movement. The pendulum does swing in the case of a political phase that does not have its roots in the ongoing of things; but never in all time was there a swinging back of the pendulum in a historic movement of the people's advance.

Did the pendulum swing back from the time the Declaration was signed and the agitation of the years before that brought it into existence? No; the movement went on until Yorktown.

Did the pendulum swing back in the great agitation for our present constitutional form of government, which was toward a greater national unity and the resting of the Government upon the shoulders of the people themselves? No; it went on, not only till the Constitution itself was adopted, but has gone ever since. It always will.

Did the pendulum swing back in the period of Garibaldi, the soldier, and Cavour, the statesman, in Italy? No. It went on until Italy was unified, and instead of the servants of a few paltry princes there was a people of citizens. Did the pendulum swing back in the great human historic movement of the unification of the German people?

The Senator mistakes. This is not a pendulum swinging affair. It is not a passing passion. It is a great historic advance of the people, the continuance of the march which they began in the years of the heroic past.

The Senator speaks of changes in the Constitution. Everybody knows, as all writers on the history of our institutions set forth, that there have been mighty changes in our Constitution. It has vitality. It is not a dead thing. It is not a petrified form. Those changes have come by judicial interpretation and by practical administration.

The hour is so late or I should give several examples, but I will give one now, and that is The Legal Tender cases. The Constitution gives Congress the right to *coin* money. The Congress issued promissory notes, the legal tender of the Civil War. Does anybody believe that the power to *coin* money that was understood, when the Constitution was adopted, to be gold and silver and the smaller coins, involved the issue of paper promises to pay?

Well, that question was taken to the Supreme Court, and in the Hepburn case the Supreme Court said, no, in answer to Mr. Potter's wonderful argument, which I suppose never really has been refuted.

And then the Supreme Court changed, and in The Legal Tender cases the court said that not because we have power to coin money, but for reasons of power that we could deduce from many sections, or from the whole Constitution taken together, we had the power to do this.

That was considered by the law journals of the time to be absolutely revolutionary. If the hour was not so late, I should give—and I think I shall take occasion hereafter to give—a good many notable illustrations, some of which, I think, the Senator from New York has enlarged upon elsewhere, where the

Constitution has grown and changed by interpretation and administration, and therefore has been made responsive to the needs of the Nation.

But here is a case where it can not be enlarged by interpretation, where it can only be changed by amendment. Senators seem to think that we are tearing the Constitution to tatters. Oh, no; we are obeying its plain letter. The fathers foresaw that amendment would be necessary, and provided how it could be done. Then when we follow this plain method prescribed by the Constitution itself, are we designated as iconoclasts?

Mr. President, there is great fear of the people. The Constitution and the people! we hear, as though they were hostile forces. Well, Mr. President, what about the Constitution and the people? The Constitution was made for the people, made by the people; the people were not made for or by the Constitution. The Constitution is the people's instrument. The people are not the Constitution's instrument. The Senate is the people's servant, the Nation's servant, not their master. The people and the Nation are not our servants, and the Constitution ought to be changed whenever the people say it should be changed, because they made it and it is for them.

I challenge any man to have more reverence for that great instrument than I have, for men of my blood have fought for it on fields of blood. I have no greater reverence for anything else on earth than for it, except one, and that is for the intelligence and the conscience of the combined millions that make up the American people themselves.

There has been all through this debate, Mr. President, a profound distrust of the people. Of course you can not make any argument against this amendment to the Constitution except upon the distrust of the people. And to-day we heard what was said on the floor of the Constitutional Convention in 1787, that the people were not sufficiently informed for this and that and the other.

I want to repeat to the Senate an opinion given me by one of the greatest men that ever I knew, a man whose memory we all revere, to whose wisdom we all look up, even the older Senators, sitting at his feet like Saul at the feet of Gamaliel—Senator Platt of Connecticut—upon that subject. He was commenting upon speaking in his own State before the people there and speaking here, and he said to me, in substance—

> I do not tremble when I rise to address my colleagues in the Senate, but I do tremble when I speak to a group of farmers or working men in Connecticut, because my experience is that they are thoroughly informed on all the questions, economic as well as political, upon which I can address them.

The fact is, Mr. President, due to the spread of education or the time that the farmer and the laborer and the salaried class have to read the news and reviews, the ordinary audience in this country, and especially in the rural communities, and the working and salaried classes, are better informed than their average servant in Congress. They are posted, and any man who goes among the people, not once or twice in the year in some notable speech, but all the time, mingling with them, will find that out. Senators make a profound mistake of fact when they imagine that the people are not intelligent and thoroughly informed.

Mr. President, one of the reasons that has been stated time and time again why it was not safe to trust the election of Senators to a direct vote of the people when the Constitution was adopted is because it was said the people were not informed at that time and were liable to be excited. As the Senator from Kansas pointed out yesterday, there were no means of communication in those days. People were separated, scattered apart.

But to-day San Francisco is nearer New York than Washington was to Pittsburg when the Constitution was adopted. The whole country is knit together by a network of living intelligence. Newspapers, magazines, books go everywhere, and Senators have simply made a profound mistake of fact when they doubt the intelligence of their constituents and of the people of the whole Nation. You can select from almost any community men who are as well up, even on the economic problems of the hour, as the average Senator here.

I know of one little crossroads in Indiana, at the juncture of three rich farming counties, where more serious reviews, both American and foreign, are taken than by a like number of people in the Back Bay district of Boston. I know farmers who take not only more popular magazines, but more serious English quarterlies and our own serious reviews than the average Senator in this Chamber. They read them, too. They study them. And they get the books referred to in the articles. So the people are intelligent enough. The people are informed. The Senator should not be alarmed about that.

The last point the Senator made on this particular question was to warn us that the amendments to the Constitution heretofore made have not worked as they were intended. That is true, Mr. President. It is fortunately true, as I think the Senator from New York will be the first to assert. I am going to give him one illustration and ask him if he does not agree to it. I myself am a believer in Providence over all that we do in the end. The Senator cited the fourteenth amendment. I cite it, too, and especially the last provisions—

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

When that amendment was passed—I am going to relate a circumstance now which I am sure is within the memory of the senior Senator from New York [Mr. DEPEW]—it was supposed to refer only to the freedmen—colored people who had been slaves—and there at once began to be interpretations of it, a critical one, where the word "person" was applied not only to the freedman, but to corporations. One of the cases was the famous San Mateo case, I think it was—I am speaking on the spur of the moment, and if that is not the case where this question was considered, I hope some Senator will correct me. But I think that was the case.

Anyhow, in the case I have in mind, a former Senator from New York made the great argument before the Supreme Court of the United States. Roscoe Conkling, after he went out of the Senate, made that argument. It did not seem to alarm Mr. Conkling in making that great argument which influenced the decision of the court, that amendments to the Constitution had not worked as they were intended to work. I believe the argument was made, and, if not, I am sure that the senior Senator from New York [Mr. DEPEW] can correct me, because he knows all about that case, that the last part of the amendment referred to corporations as well as persons, and therefore no law could be passed which would take from a corporation its property without due process of law or deny to any the equal protection of the laws; that that covered corporations just as much as it did the colored people.

It was argued on the other side that the history of the amendment showed that it grew out of and was for the purpose of protecting the individual freedman. That was the issue, was it not? When Conkling came to answer that he closed his argument in something like these words:

> It may be true, your honors, that this amendment was not intended by its framers to have such a broad application as its words justify. But no matter, a greater wisdom than theirs was at work—

Then Conkling recited these wonderful lines so applicable to his contention—

> The hand that rounded Peter's dome,
> And groined the aisles of Christian Rome,
> Wrought in a sad sincerity;
> Himself from God he could not free;
> He builded better than he knew.

That was the expression of another great New York statesman and lawyer in one of the most notable cases that ever came before our Supreme Tribunal in the interpretation of the Constitution. No, said Conkling, it did not apply as the men who drafted the amendment thought it would, but it applied with a broadness of wisdom greater than their temporary intentions, and "they builded better than they knew."

Mr. President, that quotation was, of course, as everybody recognizes, from Emerson's immortal poem "The Problem." And Emerson observed in one of his essays, which was a prose statement of that great poem, that it always has been found to be true that wherever any law was passed for the people's rights, where any constitution had been drafted to enlarge the people's powers, it always worked out, under the direction of an Infinite Wisdom, better, wider, and wiser than its authors knew.

So in the election of Senators by the people, Mr. President, the forebodings which the Senator from New York conjured with, after all are lighted up, if, indeed, they are not transformed into rosy hopfulness by these simple facts of history.

The Senator says, Whence comes this desire; that there is no fervent desire among the people for this. How shall the people show their desire, Mr. President? How shall they prove the fervency of their hearts for this proposition within the limits of law? Can they do it more powerfully than by the petitions which they have showered upon Congress, not recently only, but for years?

Can they do it in any other peaceful way than the ordinary way in which they continuously and increasingly have done and are doing it? Does the Senator think the people can express the ardency of their wish for a thing only by arming and marching on Washington?

Mr. President, the people have expressed by every means known to the orderly procedure of peoples of our race their desire for this great reform. Petitions to the Senate for this

amendment, petitions of the legislatures to the Senate for this amendment——

Mr. HEYBURN. How many?

Mr. BEVERIDGE. Thirty-six or thirty-seven. I discussed that while the Senator was out.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do.

Mr. HEYBURN. The Senator will find some difficulty in verifying his statement that 37 States have asked that Congress shall submit this amendment to the legislatures. They have asked that conventions be called, which is an entirely different proposition.

Mr. BEVERIDGE. The Senator does not need, I know, and does not intend, to quibble with a great business.

Mr. HEYBURN. There is no quibble about it.

Mr. BEVERIDGE. The point is this, that 37 States have asked that in one way or another way the people be permitted to elect their Senators. That is the main proposition. And that is not all——

Mr. HEYBURN. I will call the Senator's attention to the figures at another time, but he had better examine as to it in the meantime.

Mr. BEVERIDGE. I referred to two thoroughly posted Senators on the floor, the Senator's colleague and the Senator from Oklahoma [Mr. OWEN], and they both assured me that the figures were right.

Mr. HEYBURN. I have the resolutions from the States in my desk, and at the proper time I will call attention to them.

Mr. BEVERIDGE. I think it appears that three or four other Senators have those figures; great numbers have, in any event.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. I will remind the Senator from Indiana that the pending question before the Senate is whether we shall surrender the power which Congress now possesses to supervise in the last analysis the election of Senators, and I have been waiting to hear the Senator say whether he is in favor of that particular part of the joint resolution.

Mr. BEVERIDGE. Mr. President, I am grateful if that circumstance has chained the Senator to his seat for this time. I do not wish to speak upon that——

Mr. SUTHERLAND. That is not the only thing that kept me here.

Mr. BEVERIDGE. I am still more grateful to the Senator for the implication I am permitted to draw from that. I want to speak upon the other question. I will not say whether I disagree with the Senator upon the question he propounds. I am apprehensive of destroying the power of the Congress over these elections, but I am principally determined, so far as my vote and efforts are concerned, upon the main proposition, the election of Senators by the direct vote of the people. The Senator and other Senators might just as well know that nobody can divert the attention of the people from that main issue.

I listened without the slightest thought of intending to speak on this question to the Senator from New York making good points upon that question; but when he came to the election of Senators by the people there were a few unintentional omissions of historical detail to which I thought I would essay to call attention. It was not my purpose to take up so much time.

Mr. SUTHERLAND. Will the Senator permit me?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. Does not the Senator from Indiana think we ought to present a joint resolution to the legislatures of the various States which will embody that one question of the election of United States Senators by a direct vote of the people?

Mr. BEVERIDGE. I should like to see it done, Mr. President, in the quickest and most direct and most single-phased way it possibly can be done.

Mr. SUTHERLAND. Does not the Senator from Indiana think it is vital that this power, which has been possessed by the Government for nearly a century and a quarter, should be preserved?

Mr. BEVERIDGE. It is exceedingly desirable, Mr. President, but when the Senator uses the somewhat limited word "vital" I do not believe at this late hour of the night I want to split hairs about that. The thing we do want, the thing upon which the people are determined, the thing which they ought to have, both as a matter of reason and of changed conditions since the Constitution was adopted, is a right of the people to elect their Senators themselves.

Mr. SUTHERLAND. The Senator from Indiana has not yet made up his mind on the other question, I understand.

Mr. BEVERIDGE. When we come to voting I will try to express my final conclusions upon that, though I must say I regret that it ever was brought into the case. I am not without sympathy with the Senator's proposition, though I do not believe I am prepared to go as far as to say that I would be willing to preserve that power and lose the main thing. I am very sorry that that question ever arose, because it does permit a justifiable difference of opinion, based upon history and existing conditions; whereas the main question does not.

I was merely pointing out in closing, Mr. President, when the Senator from New York declared there was no desire for this among the people, that our people had expressed in every way known to the orderly conduct of peoples of our race their desire, their fervent desire, their continued and continuous desire by petitions, resolutions of legislatures, and in every possible way by which it could be done.

More than that, Mr. President, what is the meaning of the advance in the direct primary laws in our various States? It is because in spite of the people's petitions we have not answered the people's petitions as they desired, and so they are trying to get their heart's desire in another way, by primaries, by other plans.

There was a recent great agitation, I think, in the Senator's own State for the direct-primary system. I do not know whether that included the selection of a party's candidate for Senator by direct primaries or not. It does in most of the States, and I assume it did in the State of New York. Perhaps the public prints were wrong, but they represented the Senator as being in favor of that general plan, as was the governor of the State at that time.

In several of the States of the Union the people have tried to get this thing done after we have refused it to them by taking the situation in their own hands and making a provision that the people should vote for two candidates for Senator just as they vote for their governor. In one form and another, from ocean to ocean, the people have not only expressed their fervent desire, which the Senator from New York says he does not perceive, but when we have denied them that desire they have tried to get it indirectly by affirmative laws in their own States.

Senators, can the people in any other or better way express their feelings than they have done? They have been restrained; they have been moderate; they have been orderly. Naturally the Senator does not expect that a desire of the people for legislation shall take the form of mob violence.

Mr. President, Senators need not have any fear of the ability of the people. I venture to say that the masses of the people of Kansas are as steady in their composite judgment and as wise in their combined intelligence as any Representative they send here.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. I am not referring to the Senator in the slightest.

Mr. CURTIS. The Senator referred to my State. I want to say that the State of Kansas is in favor of the proposition to amend the Constitution so that Senators may be elected by direct vote, and both the Senators from that State are going to vote for the proposition.

Mr. BEVERIDGE. Mr. President, I say, in conclusion, that this is a part, as the Senator from New York said, of a great movement; but it is not a part of a great recent movement, but of a historic movement; not a temporary movement, but one as permanent as the race and as lasting as time. It had its origin in the beginning of human history, and it will go on through human development to the close of human history, with the people's government getting more and more into the people's hands. It is affecting every nation in the world to-day. It is overturning thrones; it is establishing parliaments. We who in modern history began the march should continue to lead that historic progress. [Applause in the galleries.]

PROTECTION AND PRESERVATION OF FOOD FISHES.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1375), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

On the 2d of February, 1910, I submitted to Congress "A system of uniform and common international regulations for the protection and preservation of the food fishes in international boudary waters of the United States and Canada," in order that due legislative action on the part of the Government

of the United States may be taken as stipulated in article 3 of the convention of April 11, 1908, between the United States and Great Britain on the subject. The attention of Congress was again called to the subject in my annual message of December 6 last.

I now transmit a report from the American member of the International Fisheries Commission furnishing further information in explanation of the value of the regulations and as to certain modifications which have been proposed and showing the importance of early action by Congress. He calls attention to the fact that the fisheries embraced in the regulations are among the most important in the world, and that they can be adequately protected only by the joint action of the two Governments. I can not too strongly urge upon Congress the importance of taking prompt action to put into operation the conservation measures provided in the regulations and to which this Government is pledged by treaty stipulation.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1911.*

RAILWAY MAIL SERVICE.

Mr. LA FOLLETTE. I ask leave to submit a resolution and have it go over for the day. Let it lie on the table, subject to my call. I give notice that I will call it up to-morrow morning.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 345) was read, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate a statement from the records of the Post Office Department showing—

1. The number of opportunities for promotion of railway mail clerks, resulting from deaths, removals, or otherwise, during the past fiscal year and the number of promotions actually made, giving classes in each instance.

2. The number of railway mail clerks killed and injured in wooden railway mail cars suffering wreck or collision while being operated in trains in front of heavier cars of steel or steel underframe construction during the last fiscal year.

3. What penalties, if any, have been enforced against railroads for operating wooden mail cars in front of steel or steel underframe construction cars in the same train, and the amount of penalties collected or withheld from railroads on this ground during the last fiscal year.

4. A statement of all penalties collected or withheld from the railroads for delays in the transportation of mail during the last fiscal year.

5. A list of all railroads with whom mail contracts have been made during the past year in which no provision is made for penalty or damages for (a) delay in the transportation and delivery of mail matter, (b) violation of the law and rules of the department regarding the operation of wooden mail cars in front of steel cars or steel underframe cars in the same train.

6. The number of post-office cars now being constructed or under contract for construction on plans and specifications approved by the Post Office Department showing (a) the number of wooden cars, (b) wooden cars with steel underframe, (c) steel cars.

7. The increase in mail tonnage and the increase in the number of letters and parcels carried during the last fiscal year over the preceding year and the increase, if any, in the number of railway mail clerks and total pay thereof during the same period.

8. The number of resignations of railway mail clerks during each of the past five years, giving the class from which each clerk resigned.

9. The number of unworked mail pouches and bags carried through during the month of January, 1911, as shown by the daily reports of the railway mail clerks on the following representation lines:

Chicago–St. Paul via Chicago, Milwaukee & St. Paul Railway.
Harrisburg–New York via Pennsylvania Railway.
Washington–Atlanta via Southern.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BACON. Mr. President, I desire to say one word with reference to the joint resolution before it is laid aside for the day. I dislike extremely to recur to the matter to which I called attention immediately after the address of the Senator from New York [Mr. ROOT] relative to a statement made by him in his exceedingly impressive and forceful argument, one of the most impressive and forceful I think I have had the pleasure of listening to in the Senate during my term of service here.

It is mainly because of the fact of the character of the speech, its very great impressiveness, and the very great attention which it received not only in this Chamber, but which it will receive from the public at large, that I feel that one of the statements made by the Senator in that speech should not go to the country without some further explanation of the meaning of the Senator as to what he then had in view.

I will repeat substantially what I said to-day when the Senator was unfortunately out of the Chamber. The statement made by the Senator in his speech, if I recollect it correctly (and if I do not the Reporter's notes, of course, will show wherein I am in error), was to the effect, if not in words, that from time to time there were things which happened in the Southern States which ought not to be permitted to happen by those States, and that if they were not corrected by those States the National Government must correct them.

If the Senator had not said that these were happenings in the Southern States I would not feel called upon as a Southern Senator to ask that some more explicit statement be made by him. When the Senator says that they are happening in the Southern States, there must be some things peculiar to the Southern States which do not happen in other States.

I, for that reason, would be very glad to ask the honorable Senator what are the things to which he alludes which from time to time are happening in the Southern States which the Southern States ought not to permit, and which, if the Southern States do permit, the National Government should correct and prohibit.

Mr. ROOT. Mr. President, the Senator from Georgia will recall that I was discussing the surrender by the Government of the United States of the power necessary effectively to enforce the fourteenth and fifteenth amendments. Those amendments were designed to give to the black men of the South protection through the exercise of the power that rests in suffrage. The power of self-protection was one of the great moving considerations of the fourteenth and fifteenth amendments.

Sir, there have been in the South—and my remarks are limited to the South, because it is there that the questions arise under the fourteenth and fifteenth amendments, and for no other reason, and I accompanied it, the Senator will remember, by a frank admission that there are many things done in the North also which call for the reservation of the same power on the part of the National Government—there have been in the South lynchings, which I am sure the Senator from Georgia deplores as much as I do; there has been peonage, which I am sure he deplores equally with myself; there have been introduced into the constitutions of the Southern States clauses which are grouped under the general description of "grandfather clauses," and which are apparently adapted to limit the operation of the fourteenth and fifteenth amendments.

Mr. President, the people of the United States are willing, apparently, to hold their hands and to give godspeed to the people of the South in working out the great and difficult problem that is before them; but, sir, if it should come into the mind of the people of the United States that the protection of the blacks, which was designed in these amendments, is not being secured; if it should come that the people of the United States are convinced that injustice and oppression are being visited upon them, then the great reserve power of the National Government to enforce in full the fourteenth and fifteenth amendments will be exercised, and ought to be exercised. So long as the people of the South are working out their difficult problem in kindness to the blacks, so long the rest of the country looks on with sympathy and with good wishes; but if it shall ever come that the spirit of lynching and peonage denies to those poor people the protection that these amendments of the Constitution were designed to give to them, then the reserve power will be reenergized. That is what I meant by what I said.

Mr. BACON. Mr. President, the Senator from New York has brought into this discussion features which are not cognate to the immediate matter under consideration. The question which was being discussed, as I understood, was the necessity of the adoption of the Sutherland amendment in order that the National Government might maintain the control of the manner, the times, and the places of the election of Senators if those elections should be by a direct vote of the people. Therefore the question was on the subject of the exercise of the suffrage, and I thought that the Senator in his reply to my inquiry would possibly confine himself to that, because the other questions to which he makes reference open a very wide field for discussion.

Mr. President, it would probably be sufficient if I were to answer so much of the Senator's reply as relates to the matter of suffrage, because that is the question which we have had under consideration; but as the Senator goes out of his way to speak of lynchings and of peonage, I desire to say one or two words in regard to that without proposing to go into any general debate upon that subject at present, though, if it is desired, I presume not only myself but others from my section will be very glad to answer any argument which may be made or to meet any allegations of fact which may be made in regard to these matters. I will, however, now say one or two things in regard to them.

The great State of New York is not free from the crime of lynching. The great State of New York has very much less in the way of provocation, very much less of those things, those

horrible outrages, which convert men into demons than have the people of the South. They have very much less of those things, Mr. President, which deprive men of their reason and make them do things which they would not otherwise do.

Sir, no man in the South defends lynching. I say "no man," but I mean no man of proper feeling and regard for the law. Yet many at the South realize the fact that there are provocations to resist the power and impulses of which humanity is not only frail, but helpless. As I say, even in the great State of New York there has not only been a lynching, but a lynching of the most extreme and barbaric character, one in which the person lynched was burned at the stake. But further than that, Mr. President, there would be 10 lynchings in New York to where there ever has been one if it were not that New York is a thickly populated State, and most of the provocations to lynchings occur in large communities where there is ample police protection to protect the intended victim from the mob.

A year, sir, never passes but that the New York papers tell us of several, if not many, efforts to lynch people even in the city of New York; efforts which would be successful but for the fact that there is an army of policemen to prevent them, whereas in the South, with innumerably more occasions for those occurrences which stir men to these lawless redresses, the communities are thinly populated and there is no opportunity for organized police to protect them against lynchings.

Mr. President, I could go somewhat further on that subject. I shall not, however, do so, but I think I have suggested a sufficiency of answer in that regard.

I want to say to the Senator from New York in regard to peonage, that there never was a grosser slander against a people than that which is contained in the charges made and often in the prosecutions which are found in the South on that subject. We know what peonage is; we know the country from which it comes and the system which there prevails, where there is practically a slavery, a life-long slavery; and not only a life-long slavery, but a slavery from generation to generation under the bondage of debt.

There is no such thing in the South, and the pretenses of peonage in the South are based upon those things which are hardly worth while being called offenses. They grow out of a condition of affairs where honest men, honorable men, law-abiding men, have to advance money as monthly wages to people under a contract that they will do work for a certain period, generally a very short period, and where those who have thus contracted seek to evade their obligation, and where it is simply an effort to make them carry out the contract, not of peonage, but the contract for ordinary labor for which they have been paid in advance. That is about the sum and substance of every charge of peonage that comes up from the South. It is in almost every instance the effort to enforce the performance of a contract of a few months, where the wages have been in good faith paid in advance by the employer for the advantage and convenience of the laborer. It is a gross slander upon our people, too often countenanced by the courts, to represent that as peonage.

I have no doubt, Mr. President, that if the facts could be known. If the east side of New York could be investigated, there would be found very much greater violations of personal liberty, very much greater violations of the law which prohibits that one man or one woman or one child shall be deprived of liberty by another, than is ever found in any so-called peonage at the South.

But, Mr. President, that is not the question to which I addressed my inquiry to the Senator from New York, and I did not understand that those things were in the mind of the Senator when he was delivering his powerful speech, for such it was. I thought the Senator had in mind—and I still think so—those things which related directly to the matter which is before us for consideration and determination. I thought he had in mind the question which arises out of the amendment offered by the Senator from Utah—the Sutherland amendment—whether, in case we adopt the constitutional amendment giving to the people the right to elect Senators by direct vote, the question as to the manner of that election shall be determined by the States or whether it shall be determined by the Federal Government.

Although he did not then say so, I understood the Senator, in the remark which I have challenged, to have reference only to the question of suffrage. In the discussion of that particular question, he said that there were happenings in the South from time to time—if I recollect aright, those were his words, not once but "from time to time"—which ought not to be permitted to happen, and which, if they were allowed by the States to continue to happen, the National Government must put its hand out and prevent their happening. I understood him to mean exactly what he alluded to, or substantially what he alluded to, in the latter part of his remarks with reference to the suffrage features of the law in some of the Southern States. For that reason I wanted to ask him to state plainly if he meant that if the Constitution shall be so changed as to provide for the election of Senators by direct vote of the people, in his opinion, the Sutherland amendment was needed in order that if, according to the opinion of Congress, the laws of the Southern States with reference to the suffrage were not such as accorded with the view of Congress as to the rights of the people under the several amendments of the Constitution to cast their votes in the election, it would then be the duty and power of Congress by law to see to it that the laws of the Southern States in those particulars were abrogated and annulled and that those elections for Senators should be governed by laws which would emanate from Congress and not from the States? Am I correct in that, I will ask the Senator?

Mr. ROOT. Perfectly, Mr. President. My proposition is that if the Members of the Senate are to be elected at popular elections the Government of the United States must retain the power to make those elections honest and fair and free, the power to say, if the regulations prescribed by the State are not adequate to that end, that they shall be superseded by regulations made by the Congress of the United States. My proposition, further, is that without that power accompanying this change in the method of the election of Senators, if the change be made, the Government of the United States has surrendered the power for its own preservation and protection.

Mr. PERCY. Mr. President——

Mr. BACON. If the Senator will pardon me just one second, then I will yield to him.

Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses, as they are called, all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress should conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?

Mr. ROOT. Without the slightest doubt.

Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.

Mr. ROOT. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so.

Mr. BACON. Mr. President, I have performed a service in having the Senator announce it, not in general terms, but in particular terms. Sir, with this view it is certainly a very grave risk to run to adopt the Sutherland amendment and to put any such power in the hands of Congress.

I do not desire, Mr. President, to discuss the question of the grandfather clause and the laws of that class adopted by the Southern States for their protection, but I will say this to the Senator from New York and to others: No people ever went through so dark a day as the southern people when they were called upon to deal with the question whether they would submit to what was then the intention of the legislation of Congress, that by enfranchising the blacks and disfranchising many whites their government should be surrendered to the ignorant blacks.

I want to say to the Senator that if the southern people had not heroically contended and battled for white supremacy in the South, had they not subordinated all else to that issue, civilization would have been destroyed in the South; and if civilization had been destroyed in the South, the fatal poison would have speedily affected the whole body politic, and it would have been but a short time before civilization would have been practically destroyed in the whole American Nation.

Mr. BORAH obtained the floor.

Mr. FLETCHER. May I say just one word in this connection?

The PRESIDING OFFICER. The Chair recognized the Senator from Idaho.

Mr. BORAH. I was going to have the matter laid aside, but if the Senator from Florida desires to speak I have no objection.

Mr. FLETCHER. It will take only a moment.

Mr. President, the question of peonage has been referred to, and I will confine my remarks to that one subject in reply to the Senator from New York. I would like to add a word to what the Senator from Georgia has said, especially since there has come to Florida some notoriety in that connection.

In the southern district of Florida there was, I think, one trial involving the question of peonage. There was an acquittal of the defendant in that trial. The judge who conducted it is one of the most eminent on the Federal bench in this country.

In the northern district of Florida there were two trials and two convictions of peonage. One was the case known as the Clyatt case, where there was a conviction in the district court, a writ or error was taken to the circuit court of appeals, and the judgment was affirmed by the circuit court of appeals. But the judges of the circuit court of appeals certified to the Supreme Court, fortunately, the one question as to whether the act under which the prosecution took place was a valid law.

The case therefore came to the Supreme Court of the United States almost by accident, and that court, investigating the case, examined the whole record and reversed the judgment, and declared that there was not a "scintilla of evidence" upon which to base a conviction of the defendant in the case, and the defendant was discharged. The Senator from Georgia [Mr. BACON] informs me he appeared as counsel in that case in the Supreme Court, and he will agree, I think, with my statements as to the conclusions of it.

The other case was tried by the same judge within six weeks of his death. He was a judge of whom I do not like to speak further than to call attention to the fact a short while before that he was on trial before this body under charges of impeachment. There was a conviction in that case, known as the Harlan case. A writ of error was taken to the circuit court of appeals. By a majority of the court the judgment was affirmed, without a written opinion. Every effort was made to bring that case to the Supreme Court of the United States, and those lawyers who have examined it thoroughly—a large number of them, at least—are convinced to-day that it would have resulted in the same way that the Clyatt case resulted—in a reversal of the judgment of the lower court. But the Supreme Court of the United States was never able, under the technical rules which control it in such proceedings as were taken, to examine that record, and that conviction stands.

But, Mr. President, what I mean to say in this connection is that it did not concern the colored man at all. No man of color was involved in it. The prosecuting witnesses and the parties who charged they had been subjected to peonage were foreign laborers, brought down from New York under contract with an employer engaged in the lumber and naval-stores business. They were the very sweepings of the slums of Europe.

Mr. BACON. I will say further, if the Senator will permit me, that the party charged in that case was not a southern man. He was from the State of Iowa.

Mr. FLETCHER. The employer charged was from the State of Iowa, and I say here from my place, and on my responsibility, I fully believe that he ought not to have been convicted. But at the same time that is not the question. The point is that the colored man, of whom the Senator from New York speaks in respect to peonage, was not involved. I would say, further, that the colored man is getting fair and decent treatment in the South, and millions of dollars are being spent on his education and for his benefit by the people who pay the taxes in that section.

Mr. BORAH. I presume we have made all the progress to-day we can on the joint resolution. We have discussed a great many things which have no more connection with it than the man in the moon. The question of lynching and the question of peonage can have no possible relation with this subject in any way, shape, or form, and everyone understands precisely why they are brought into this debate. But as we will not be able to discuss the question at length this evening, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. PERKINS. I desire to give notice that to-morrow morning, immediately after the routine morning business, I shall ask the Senate to consider the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 11, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1911.

IN THE NAVY.

I nominate the following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Harry A. Badt,
Walter L. Heiberg, and
Martin J. Peterson.

POSTMASTER.

Robert Z. Swegle to be postmaster at Eureka, Kans., in place of Thomas E. Dittemore, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1911.

THIRD ASSISTANT POSTMASTER GENERAL.

James J. Britt to be Third Assistant Postmaster General.

UNITED STATES ATTORNEY.

Charles W. Holtt to be United States attorney, district of New Hampshire.

SURVEYOR OF CUSTOMS.

Duncan E. McKinlay to be surveyor of customs in the district of San Francisco.

POSTMASTERS.

IOWA.

Henry C. Hill, Milton.
J. Ken Mathews, Mediapolis.
George W. Metcalf, Lansing.
C. H. Westrope, Elliott.
William E. Whetstine, Columbus Junction.

MISSOURI.

Julius H. Conrath, Jefferson City.
George N. Stille, Charleston.

PENNSYLVANIA.

William F. Balsbach, Bellwood.
John N. Brosius, Middleburg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 10, 1911.*

The House was called to order at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 21646. An act for the relief of William Doherty;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 19505. An act for the relief of Eugene Martin; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9288. An act releasing the claim of the United States Government to that portion of land being a fractional block bounded

on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola;

S. 8736. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.;

S. 8358. An act providing for the releasing of the claim of the United States Government to arpent lot No. 87, in the old city of Pensacola, Fla.;

S. 9269. An act releasing the claims of the United States Government to lot No. 306, in the old city of Pensacola;

S. 10171. An act to amend an act entitled "An act to provide for the reorganization of the Consular Service of the United States;"

S. 7650. An act for the relief of Thomas N. Boyle;

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7638. An act for the relief of Bellevadorah Steele;

S. 974. An act for the relief of Albert S. Henderer;

S. 2207. An act to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri;

S. 9270. An act for the relief of Frank W. Hutchins;

S. 1031. An act for the relief of Jaji Bin Ydris;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.;

S. 9437. An act to provide American register for the steam yacht *Diana;*

S. 10690. An act providing for aids to navigation along the Lewingstone Channel, Detroit River, Mich.; and

S. 10274. An act to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States;

H. R. 26150. An act to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 18342. An act for the relief of E. C. Young;

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. JONES, and Mr. BAILEY as the conferees on the part of the Senate.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that pension bills on the Private Calendar may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar may be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New Hampshire if he means simply pension bills.

Mr. SULLOWAY. I said pension bills.

Mr. MANN. I did not know whether the gentleman's request included bills to relieve charges of desertion.

Mr. SULLOWAY. I suppose they will be in order afterwards; but I did not make that request.

Mr. MANN. I have no objection.

The SPEAKER. The Clerk will call the first bill.

The first business was the bill (H. R. 32435) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William M. Wilson, late of Quartermaster's Department, United States Army, and pay him a pension at the rate of $12 per month.

The name of David B. Macaser, late of Company G, Eighth Regiment Illinois Volunteer Infantry, and Company G, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ignatius O'Daniell, late of Company E, Eighty-first Regiment, and Company D, Fifty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Cramer, late of Company B, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Kluner, late of Company F, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon P. Ulch, late of Company E, Tenth Regiment Iowa Volunteer Infantry, and Company I, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Patrick H. Overman, late of Garrison Guards, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James F. Larimore, late of Company K, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Smith, late of Company D, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Patton, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph P. Clark, late of Company C, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Park, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Campbell, late of Company B, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Arison, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Fultz, late of Company A, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elymas F. Wilkins, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $14 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Alva C. Garrison, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nimrod Austin, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard P. Chandler, late of Company F, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franz Nibler, late of Company D, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Tucker, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Robbins, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Monroe, late of Company G, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cyrus W. Kirk, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Leonhart Miller, late of Company G, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Pegg, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Hefflefinger, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson T. Russ, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Blake, alias John Smith, late of Company H, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Britigan, alias Breachum, late of Company H, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron Hart, late of Company K, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Delilah J. Chambers, widow of George W. Chambers, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jared K. Rayen, late of Company G, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Allen J. White, late of Company I, Eighth Regiment Missouri Volunteer Infantry, and second lieutenant Company C, Second Regiment United States Colored Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Lockstone, late of Company E, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Roberts, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Coonrod, late of Company C, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses H. Hemenway, late of Company H, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Bride, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Washington Davis, late of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie Richards, former widow of Alfred Wilson, late of Company C, Second Battalion, Sixteenth Regiment United States Infantry, and widow of George W. Richards, late of Company H, First Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph H. Stonebraker, late captain Company G, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Pollock, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Greene, late of Company H, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Banks, late of Company C, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Glazebrook, late of Company B, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion Titsworth, widow of Cyrus Titsworth, late of Company I, Thirtieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rona B. Roswell, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily Swank, widow of George W. Swank, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Huskins, late of Company C, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Smedley, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Murray, alias John Murray, late of U. S. S. North Carolina and Mercury, United States Navy, and alias Michael McLaughlin, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of Jacob Fisher, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram B. King late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ole Johnson, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Mardis, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and first lieutenant Company C, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Sanders, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli C. Sensabaugh, late of Companies L and A, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Stillwell, late of Company C, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Velonso Cahill, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phillip Denton, late of Companies H and A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Harvey, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Patterson, widow of Thomas J. Patterson, late of Company A, Seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Thomas Smashey, late of Company H, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Sager, late of Company F, Ninety-sixth Regiment, and Company H, Twenty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Loveland, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Good, late of Ninth Unattached Company, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Nancy A. Foley, widow of Thomas Foley, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Adam L. Foley, helpless and dependent son of said Thomas Foley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy A. Foley, the name of said Adam L. Foley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nancy A. Foley.

The name of James A. Phelps, late of Company G, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Harvey Dennis, late of Company G, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Milligan, widow of Thomas G. Milligan, late second lieutenant Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $27 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank A. Milligan, helpless and dependent son of said Thomas G. Milligan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Milligan, the name of said Frank A. Milligan shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary J. Milligan.

The name of John T. Cannon, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 dollars per month in lieu of that he is now receiving.

The name of Ruben L. Crosno, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert A. Houston, late of Company B, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Raymond, former widow of John Bolton, late of Company I, First Regiment Wisconsin Volunteer Infantry, and One hundred and forty-ninth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Washington G. Marshall, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Whelan, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Baker, late of Company E, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Sparlin, late of Company F, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Carpenter, late of Company F, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hugh H. Sullivan, late of Company K, Fourteenth Regiment Indiana Volunteer Infantry, and Battery C, Third Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Victor Jacket, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey T. Rathbone, late of Company M, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Morris, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton J. Holland, late of Company G, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellis C. Howe, late of Company D, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Henley, late of Company K, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Stearns, late of Company K, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Andrews, late of Company G, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Laughton, late of Company F, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William G. Lewis, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank B. Hall, helpless and dependent child of Benjamin Hall, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Samuel Wilson, late of Company C, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McGeoch, late of Company I, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Shirley, late of Company E, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick M. Butler, alias Patrick Meehan, late of Ninth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Gibson, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Loyd, late of Company E, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Reed, late of Company K, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel W. Kessler, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte Credit, widow of James Credit, late of Company D, Twenty-fourth Regiment, and Company D, Eighteenth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emma Credit, helpless and dependent daughter of said James Credit, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Charlotte Credit, the name of said Emma Credit shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Charlotte Credit.

The name of John Murphy, late of Company E, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin E. Edgell, late of Company F, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Snyder, late of Company A, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram G. Jackson, late of Company D, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edmund Coburn, late of Company D, Sixth Regiment Massachusetts Militia Infantry, and Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Hawkins, late of Company L, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome Telliga, late of Company F, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Warren, late of Company D, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Pepper, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles West, late of Company M, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Talmadge, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Main, late of U. S. S. North Carolina, Lancaster, and Savannah, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Moss, widow of Sumers Moss, late of Company B, Ninth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ruth Moss, helpless and dependent daughter of said Sumers Moss, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa Moss, the name of said Ruth Moss shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Louisa Moss.

The name of George G. Fiss, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dudley L. Chase, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles P. Rogers, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Holmes, late of Company A, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Murray, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Findley, late of Company H, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Schleich, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Tucker, late of Company C, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Buckner, late of Company B, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert K. Russell, late of Companies K and E, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Smith, late of Company F, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar W. Cornish, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Parmelee, late of Company L, and sergeant major Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse McKinsey, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert L. Yancy, late of Company C, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Campbell, late of Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jasper Williamson, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Godfrey Goldsmith, late of Company D, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. McClenny, late of Companies I and C, Second Regiment Kansas Volunteer Cavalry, and Company K, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Deveny, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Ellis, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hale Chadwick, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward L. Butts, late of Company A, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archer A. Owens, late acting master, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Board, late of Company K, First Regiment Wiscousin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elizabeth E. Fisher, widow of George Fisher, late of Companies I and F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Stella Grace Fisher, helpless and dependent daughter of said George Fisher, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth E. Fisher the name of said Stella Grace Fisher shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth E. Fisher.

The name of Charles F. Bridges, late unassigned, Fourteenth Regiment New York Volunteer Heavy Artillery, and Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Schaler, late of Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew G. Bracy, late first lieutenant Company H, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Davis, late of Company A, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Baker, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip Briody, late of Company A, Sixty-ninth Regiment New York Volunteer Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James W. McKrill, late of Company B, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Barr, widow of John G. Barr, late of Company F, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jeanette Ballard, widow of Warren F. Ballard, late first lieutenant and quartermaster Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David C. Barnard, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ellen Snow, widow of Edward E. Snow, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Srackangast, late of Company G, Twelfth Regiment, and Company K, Twenty-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tildon Graham, late of Company I, Twentieth Regiment Illinois Volunteer Infantry, and Company D, Fifth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Ferguson, late of U. S. S. Winnebago, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip S. Clinard, late of Company K, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Evans, late first lieutenant Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles J. Cram, late of First Company, Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus E. Pierce, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Goodwin, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, and Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis D. Moss, late of Company H, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Flower, late of Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. MacGregor, late of Company H, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christina Gouley, widow of David Gouley, late of Company C, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Murphy, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lorane Maville, widow of Frank Maville, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said soldier until said children shall arrive at the age of 16 years: *Provided*, That in the event of the death of Mary L. Maville, helpless and dependent daughter of said Frank Maville, the additional pension of $12 per month herein granted shall cease and determine: *And provided further*, That in the event of the death of Lorane Maville the name of said Mary L. Maville shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lorane Maville.

The name of Oscar F. Kellogg, late of Company F, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa Layman, late of Company M, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick E. Lockwood, late paymaster's steward, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Owen Hogan, late of Company B, Van Horn's battalion, United States Reserve Corps, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Sabine, late surgeon, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Boyer, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph S. Johnson, late second lieutenant Company H, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Moses Yocum, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Miller, late of Company O, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet J. Skidmore, widow of Samuel Skidmore, late of Company D, Sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Melinda S. Lambert, widow of James H. Lambert, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Theodore F. Colgrove, late lieutenant colonel One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Sloyer, late of Company F, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Ruedi, late of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payments without any deduction or rebate on account of former alleged overpayments or erroneous payments or pension.

The name of Louis H. Glaser, helpless and dependent child of Henry Glaser, late of Company B, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Adam H. Taylor, late of Company M, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry P. Stewart, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Sweigart, late of Company F, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Helen M. Williams, widow of John H. Williams, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry Seibert, late of Company A, One hundred and seventy-fourth Regiment, and Company A, One hundred and sixty-second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Norman H. Kile, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jennie C. Curtis, former widow of Edwin A. Casey, late assistant surgeon, Twenty-seventh Regiment Missouri Volunteer Infantry and acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of Thomas Skillman, late of Company F, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Paden, late of Twenty-second Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan A. Bates, widow of Robert J. Bates, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Turnage, late of Company K, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Bland, late of Company I, Sixty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin L. Mock, late of Company C, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Piper, late of Company A, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susanna Butler, widow of Nathaniel Butler, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, any pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John L. Butler, helpless and dependent son of said Nathaniel Butler, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susanna Butler, the name of said John L. Butler shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Susanna Butler.

The name of Anderson H. Ash, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Lampson, late of Company F, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zadock Baker, late of Company F, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Parks, late of Company C, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Howard, late of Company G, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo King, late of Company B, One hundred and thirty-seventh Regiment, and Company H, One hundred and forty-fifth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willard H. Eaton, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Dunkleberger, late of Company G, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Burns, late of Company B, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Mahan, late of Company K, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo D. Stoddard, late of Company F, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis H. Ferguson, late of Company I, Seventy-seventh Regiment Illinois Volunteer Infantry, and Company H, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cary A. Smith, late first lieutenant Company L, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Palmer, late of Company A, Eighty-sixth Regiment New York Volunteer Infantry, and Company A, Twelfth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Peck, late of Company G, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Robertson, late of Company B, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Butler, late second lieutenant, Company B, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nixon B. Stewart, late of Company E, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Beck, late of Company C, First Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Kelley, late of Company E, Thirty-seventh Regiment, and Company C, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen H. Collar, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin H. Bailey, late of Company D, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Mansfield, late of Company F, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Morrison, late of Nineteenth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen McCollum, late of Company K, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Gaston, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Weld, widow of Manchester W. Weld, late acting ensign, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gilbert M. Dinsmore, late of Company D, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter S. Ludwig, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick O'Brien, late of Company I, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. W. Dow, late second lieutenant Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Morrow, late of Battery A, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Neriah B. Kendall, late captain Company G, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Rockwell, late of Company D, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Sibley, late of Company D, Second Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Francis M. Hesler, late of Company H, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Dollen, late of Company K, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Bookstore, late of Company I, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Gordon, late of Company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ideral Van Fleet, late of Company C, Thirty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James M. Wilkinson, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer E. Wilkin, late of Company C, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Rebecca Mowbray, widow of Clement T. Mowbray, late second lieutenant Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Orville E. Sawdy, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Ackerman, late first lieutenant Company B, Second Regiment Indiana Volunteer Cavalry, and first lieutenant Company I, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Magrath, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Sisemore, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Wooton, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos S. Ladd, late of Company B, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin Hobart, late of Company F, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edna S. Littlefield, widow of Solomon Littlefield, late of Company H, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Randall, late of Company E, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Barry, late of Company F, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. McKenny, late of Company F, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson P. Noyes, late of Company B, Second Regiment, and Company A, Third Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Mooney, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Carter, late of Company H, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Caroline F. Everett, widow of Henry D. Everett, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter Shoffner, late of Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. King, late of Company E, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pleasant G. Mills, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Collins, late of Company K, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George I. Stivers, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zoa M. Ladoo, widow of Marshall Ladoo, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rufus Robbins, late of U. S. S. Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ovid P. Webster, late of Company H, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evan F. Cowger, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hulsizer, late of Company E, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben E. Talmadge, late of Company E, Eleventh Regiment New Jersey Volunteer Infantry, and Company H, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nix, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Armstrong, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Ballew, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Schulenburg, late of Company G, Fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Lukins, late of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Kennedy, widow of William Kennedy, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of Stephen Comstock, late of Company H, Seventeenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caleb A. Worley, late enrolling officer, tenth district of Illinois, and pay him a pension at the rate of $12 per month.

The name of Noble C. Burkhart, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Hiller, late of Company D, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas L. Story, late of Company B, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almanzer W. Layton, late of Company F, Fourth Regiment Maryland Volunteer Infantry, and Eighty-first Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard T. Maupin, late of Company F, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert M. Cole, late of Company I, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert W. Mateer, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Blackwood, late of Companies A and K, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hila Allbee, helpless and dependent child of Vietts W. Allbee, late of Company G, Seventh Regiment Vermont Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Allen Byers, late of Company C, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Edward P. Burnett, late of Company F, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Seely, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I offer the following amendments, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 11, strike out lines 12, 13, 14, 15, and 16, granting an increase of pension to Amos Mardis, a similar bill having passed the Senate.

On page 20, strike out lines 21, 22, 23, 24, and 25, for increase of pension to Edmund Coburn, a similar bill having passed the House.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 700. William M. Wilson.
H. R. 925. David B. Macaser.
H. R. 1302. Ignatius O'Daniell.
H. R. 1359. George W. Cramer.
H. R. 1805. August Kluner.
H. R. 1964. Simon P. Ulch.
H. R. 2345. Patrick H. Overman.
H. R. 2782. James F. Larimore.
H. R. 3539. Thomas Smith.
H. R. 3941. Andrew J. Patton.
H. R. 4597. Joseph P. Clark.
H. R. 5313. John W. Park.
H. R. 5315. Thomas H. Campbell.
H. R. 6124. George W. Arison.
H. R. 6536. Edward Fultz.
H. R. 7291. Elymas F. Wilkins.
H. R. 8609. Alva C. Garrison.
H. R. 10088. Nimrod Austin.
H. R. 10123. Richard P. Chandler.
H. R. 10507. Franz Nibler.
H. R. 11234. Henry C. Tucker.
H. R. 11335. William M. Robbins.
H. R. 11907. James M. Monroe.
H. R. 11908. Cyrus W. Kirk.
H. R. 12015. Leonhart Miller.
H. R. 12449. John A. Pegg.
H. R. 12466. William Heffelfinger.
H. R. 12588. Wilson T. Russ.
H. R. 12847. John Blake, alias John Smith.

H. R. 12857. Edward Brittigan, alias Edward Breachum.
H. R. 12973. Aaron Hart.
H. R. 13105. Delilah J. Chambers.
H. R. 13122. Jared K. Rayen.
H. R. 13545. Allen J. White.
H. R. 13655. William Lockstone.
H. R. 14825. James H. Roberts.
H. R. 15136. John A. Coonrod.
H. R. 15143. Moses H. Hemenway.
H. R. 15643. John W. Bride.
H. R. 15715. Washington Davis.
H. R. 15758. Annie Richards.
H. R. 16148. Joseph H. Stonebraker.
H. R. 16486. John M. Pollock.
H. R. 17190. Hiram Greene.
H. R. 17329. John Banks.
H. R. 17668. William Glazebrook.
H. R. 17793. Marion Titsworth.
H. R. 18882. Rona B. Roswell.
H. R. 19198. Emily Swank.
H. R. 20171. William Huskins.
H. R. 21655. Richard Smedley.
H. R. 21889. Michael Murray.
H. R. 21986. Jacob Fisher.
H. R. 22058. Hiram B. King.
H. R. 22342. Ole Johnson.
H. R. 22357. Amos Mardis.
H. R. 22430. Jacob Sanders.
H. R. 22581. Eli C. Sensabaugh.
H. R. 22669. Samuel Stillwell.
H. R. 22835. Velonzo Cahill.
H. R. 23043. Phillip Denton.
H. R. 23203. William H. Harvey.
H. R. 23205. Sarah A. Patterson.
H. R. 23233. William Thomas Smashey.
H. R. 23489. Charles Sager.
H. R. 23504. Henry D. Loveland.
H. R. 23669. John Good.
H. R. 23837. Nancy A. Foley.
H. R. 24054. James A. Phelps.
H. R. 24117. Harvey Dennis.
H. R. 24173. Mary J. Milligan.
H. R. 24422. John T. Cannon.
H. R. 24524. Ruben L. Crosno.
H. R. 24528. Robert A. Houston.
H. R. 24545. Mary E. Raymond.
H. R. 24934. Washington G. Marshall.
H. R. 25383. Peter Whelan.
H. R. 25449. John R. Baker.
H. R. 25479. William B. Sparlin.
H. R. 25546. Thomas Carpenter.
H. R. 25680. Hugh H. Sullivan.
H. R. 25705. Victor Jacket.
H. R. 25787. Harvey T. Rathbone.
H. R. 25850. John Morris.
H. R. 25980. Newton J. Holland.
H. R. 26039. Ellis C. Howe.
H. R. 26081. George E. Henley.
H. R. 26118. Adam Stearns.
H. R. 26341. Samuel Andrews.
H. R. 26346. John A. Laughton.
H. R. 26379. William G. Lewis.
H. R. 26604. Frank B. Hall.
H. R. 26709. Samuel Wilson.
H. R. 26771. John McGeoch.
H. R. 26855. John A. Shirley.
H. R. 26906. Patrick M. Butler, alias Patrick Meehan.
H. R. 26912. Joseph C. Gibson.
H. R. 26928. George Loyd.
H. R. 26929. Charles Reed.
H. R. 26937. Samuel W. Kessler.
H. R. 27002. Charlotte Credit.
H. R. 27018. John Murphy.
H. R. 27039. Benjamin E. Edgell.
H. R. 27060. George Snyder.
H. R. 27157. Abram G. Jackson.
H. R. 27306. Edmund Coburn.
H. R. 27322. James M. Hawkins.
H. R. 27329. Jerome Telliga.
H. R. 27331. Augustus Warren.
H. R. 27372. William Pepper.
H. R. 27379. Charles West.
H. R. 27381. Isaac Talmadge.
H. R. 27389. John B. Main.
H. R. 27467. Louisa Moss.
H. R. 27479. George G. Fiss.
H. R. 27506. Dudley L. Chase.
H. R. 27515. Charles P. Rogers.
H. R. 27517. Henry Holmes.
H. R. 27533. Alexander Murray.
H. R. 27617. John B. Findley.
H. R. 27631. Martin Schleich.
H. R. 27648. William Tucker.
H. R. 27674. Richard Buckner.
H. R. 27688. Albert K. Russell.
H. R. 27712. John M. Smith.
H. R. 27726. Oscar W. Cornish.
H. R. 27728. John S. Parmelee.
H. R. 27750. Jesse McKinsey.
H. R. 27783. Robert L. Yancy.
H. R. 27800. John Campbell.
H. R. 27801. Jasper Williamson.
H. R. 27807. Godfrey Goldsmith.
H. R. 27872. William C. McClenny.
H. R. 27878. Elias Deveny.
H. R. 27893. John W. Ellis.
H. R. 27935. Hale Chadwick.
H. R. 27964. Edward L. Butts.
H. R. 28005. Archer A. Owens.
H. R. 28038. Stephen Board.
H. R. 28057. Elizabeth E. Fisher.
H. R. 28091. Charles F. Bridges.
H. R. 28144. John M. Schaler.
H. R. 28171. Andrew G. Bracy.
H. R. 28174. John C. Davis.
H. R. 28199. Peter Baker.
H. R. 28302. Philip Briody.
H. R. 28312. James W. McKrill.
H. R. 28230. Jane Barr.
H. R. 28411. Jeanette Ballard.
H. R. 28414. David C. Barnard.
H. R. 28420. Ellen Snow.
H. R. 28458. David Srackangast.
H. R. 28477. Tildon Graham.
H. R. 28513. John A. Ferguson.
H. R. 28583. Philip S. Clinard.
H. R. 28657. Benjamin F. Evans.
H. R. 28758. Charles J. Cram.
H. R. 28768. Cyrus E. Pierce.
H. R. 28796. Charles F. Goodwin.
H. R. 28836. Willis D. Moss.
H. R. 28839. Lewis Flower.
H. R. 28843. John C. MacGregor.
H. R. 28849. Christina Gouley.
H. R. 28894. John Murphy.
H. R. 28933. Lorane Maville.
H. R. 28936. Oscar F. Kellogg.
H. R. 28944. Asa Layman.
H. R. 29009. Frederick E. Lockwood
H. R. 29010. Owen Hogan.
H. R. 29083. Andrew Sabine.
H. R. 29116. Charles W. Boyer.
H. R. 29137. Joseph S. Johnson.
H. R. 29184. Moses Yocum.
H. R. 29198. James G. Miller.
H. R. 29256. Harriet J. Skidmore.
H. R. 29264. Melinda S. Lambert.
H. R. 29315. Theodore F. Colgrove.
H. R. 29326. Edward Sloyer.
H. R. 29328. Henry Ruedi.
H. R. 29336. Louis H. Glaser.
H. R. 29381. Adam H. Taylor.
H. R. 29409. Perry P. Stewart.
H. R. 29485. William H. Sweigart.
H. R. 29509. Helen M. Williams.
H. R. 29534. Henry Seibert.
H. R. 29592. Norman H. Kile.
H. R. 29678. Jennie C. Curtis.
H. R. 29701. Thomas Skilliman.
H. R. 29738. Andrew J. Paden.
H. R. 29778. Susan A. Bates.
H. R. 29836. John W. Turnage.
H. R. 29895. James Bland.
H. R. 29978. Martin L. Mock.
H. R. 29996. Charles F. Piper.
H. R. 30001. Susanna Butler.
H. R. 30036. Anderson H. Ash.
H. R. 30048. John R. Lampson.
H. R. 30113. Zadock Baker.
H. R. 30172. Richard Parks.
H. R. 30192. John S. Howard.
H. R. 30196. Alonzo King.
H. R. 30220. Willard H. Eaton.
H. R. 30222. Samuel H. Dunkleberger.
H. R. 30224. John A. Burns.
H. R. 30244. John H. Mahan.
H. R. 30254. Alonzo D. Stoddard.
H. R. 30314. Willis E. Ferguson.
H. R. 30339. Cary A. Smith.
H. R. 30382. Daniel Palmer.
H. R. 30391. Charles H. Peck.
H. R. 30397. George W. Robertson.
H. R. 30402. Benjamin F. Butler.
H. R. 30440. Nixon B. Stewart.
H. R. 30460. William Beck.
H. R. 30474. Patrick Kelley.
H. R. 30476. Stephen H. Collar.
H. R. 30502. Benjamin H. Bailey.
H. R. 30514. James Mansfield.
H. R. 30599. James S. Morrison.
H. R. 30747. Stephen McCollum.
H. R. 30763. James Gaston.
H. R. 30823. Mary E. Weld.
H. R. 30911. Gilbert M. Dinsmore.
H. R. 30933. Peter S. Ludwig.
H. R. 31107. Patrick O'Brien.
H. R. 31111. Charles W. W. Dow.
H. R. 31117. William Morrow.
H. R. 31133. Neriah B. Kendall.
H. R. 31147. John E. Rockwell.
H. R. 31154. Solomon Sibley.
H. R. 31159. Francis M. Hesler.
H. R. 31190. William Dollen.
H. R. 31227. Martin Bookstore.
H. R. 31228. William B. Gordon.
H. R. 31277. Ideral Van Fleet.
H. R. 31278. James M. Wylkinson.
H. R. 31334. Ebenezer E. Wilkin.
H. R. 31345. Sarah Rebecca Mowbray.
H. R. 31417. Orville E. Sawdy.
H. R. 31420. Lewis H. Ackerman.
H. R. 31439. George Magrath.
H. R. 31476. William Sisemore.
H. R. 31478. William Wooton.
H. R. 31501. Amos S. Ladd.
H. R. 31522. Franklin Hobart.
H. R. 31530. Edna S. Littlefield.
H. R. 31571. William H. Randall.
H. R. 31579. Thomas Barry.
H. R. 31591. George W. McKenny.
H. R. 31605. Nelson P. Noyes.
H. R. 31628. James R. Mooney.
H. R. 31632. Paul Carter.
H. R. 31646. Caroline F. Everett.
H. R. 31668. Peter Shoffner.
H. R. 31676. George C. King.
H. R. 31690. Pleasant G. Mills.
H. R. 31692. Daniel Collins.
H. R. 31744. George I. Stivers.
H. R. 31753. Zoa M. Ladoo.
H. R. 31754. Rufus Robbins.
H. R. 31755. Ovid P. Webster.
H. R. 31763. Evan F. Cowger.
H. R. 31766. William Hulsizer.
H. R. 31767. Reuben E. Talmadge.
H. R. 31768. John Nix.
H. R. 31769. Henry C. Armstrong.
H. R. 31781. William A. Ballew.
H. R. 31793. Frederick Schulenburg.
H. R. 31794. Henry H. Lukins.
H. R. 31818. Mary A. Kennedy.
H. R. 31832. Stephen Comstock.
H. R. 31850. Caleb A. Worley.
H. R. 31851. Noble C. Burkhart.
H. R. 31879. Andrew J. Hiller.
H. R. 31896. Thomas L. Story.
H. R. 31903. Alamanzer W. Layton.
H. R. 31946. Bernard T. Maupin.
H. R. 31957. Albert M. Cole.
H. R. 31974. Albert W. Mateer.
H. R. 31977. Josiah Blackwood.
H. R. 31997. Hila Allbee.
H. R. 32032. Allen Byers.
H. R. 32033. Edward P. Burnett.
H. R. 32143. William W. Seely.

DAVID F. WALLACE.

The next business was the bill (H. R. 3982) to remove the charge of desertion from the record of David F. Wallace.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws, David F. Wallace, who was a private of Company M, Fifth Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of June, 1864."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of David F. Wallace."

THOMAS SEALS.

The next business was the bill (H. R. 16268) to remove the charges of desertion against Thomas Seals.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws Thomas Seals shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company I, Thirteenth Regiment Ohio Volunteer Infantry, on the 6th day of August, 1862."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Thomas Seals."

PENSIONS AND INCREASE OF PENSIONS.

The next business was the bill (S. 10326) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John D. Elliott, late of Company D, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmund B. Updegrove, late of Company C and first lieutenant Company B, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of A. Paul Horne, late of Company B, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dana H. McDuffee, late of the U. S. S. Monongahela and Ohio, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles R. Crouch, late of Company M, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Elwood, widow of Azariah S. Elwood, late assistant surgeon, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elisha W. Bullock, late of Company M, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. C. Herriman, late of Company D, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russell C. Harris, late of Company A, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Butterfield, late of Company H, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Eaton, late of Company H, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Parker, late of Company I, Seventeenth Regiment, and Company E, First Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Stephenson, late of Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette J. Spangle, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Stout, late of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Dickerson, late first lieutenant Company D, First Regiment Colorado Volunteer Infantry, and Company C, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leonard Faulkner, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Miller, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Simpson, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Beaumont, late of Company D, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua Minthorn, late of Company C, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lurinda E. Spencer, widow of Henry C. Spencer, late second lieutenant Company E, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of Rowena M. Calkins, widow of Wilbur F. Calkins, late of Company K, Twenty-seventh Regiment Connecticut Volunteer Infantry, and United States Marine Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Helen G. Berkele, widow of Charles W. Berkele, late of Company C, Third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Lynderman Wright, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gardner Lewis, late first lieutenant Company F, Seventy-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Wells, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and One hundred and fourteenth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Montgomery, late of Company M, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emil Joerin, late of Company L, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie T. Penrose, widow of James W. Penrose, late captain Company F, Fifteenth Regiment New Jersey Volunteer Infantry, and major Second Battalion New Jersey Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Annie Givin Penrose, helpless and dependent daughter of said James W. Penrose, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Annie T. Penrose the name of said Annie Givin Penrose shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Annie T. Penrose.

The name of Rufus M. Taft, alias Madison R. Baker, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Inman, late second lieutenant Company H, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas A. Dunham, late of Company B, One hundred and seventy-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Monnahan, late of Companies A and F, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Bruss, late of Company B, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Haley, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugene McNair, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McCartney, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Olmstead, alias Charles R. Campbell, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Long, late of Company C, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Turner, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore Lynde, late of Company B, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Wilson, late of Company L, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas C. Crocker, late of Company B, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Armstrong, late of Company H, First Regiment New York Volunteer Dragoons, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Coose, late of Company E, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Everly, late of Company H, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Masters, late of Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Judson D. Haren, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry V. Steiner, late of Company E, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac James, late of Company B, Third Battalion Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter S. Huffman, late principal musician, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wallace W. Chaffee, late of Company C, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Cox, late of Company G, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clark Jaco, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia A. Patch, formerly Lydia A. Wilson, late nurse, Medical Department, United States Volunteers, and former widow of James M. Wilson, late of Company K, Second Regiment Minnesota Volunteer Infantry, and One hundred and fifty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Harer, late of Company B, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Patton, late of Company D, Second Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Garrett Conn, late of Company C, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Nolte, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. McElhaney, late of Company I, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Ryan, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orrin Dailey, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew W. Muldrew, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Granville Farance, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Payne E. Lisenbee, late of Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion G. Dunn, late of Company G, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Friedline, late of Company A, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth Kew, former widow of Mathew Blair, late of Company I, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Albert H. Jarnagin, late of Company D, Eighth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Myers, late of Company I, Eighty-fourth Regiment, and Company F, Twenty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Jones, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Brady, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Mott, late of Company K, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Polydore R. Pike, late of Company K, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher Lee, late of Company L, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Jencks, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Wheeler, late of Company C, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis W. Heath, late captain Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Clucas, late of Companies E and F, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Anthony, late of Company B, Twenty ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Venable, widow of Minor Venable, late of Company K, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amos L. Jones, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Harvey Emerson, late of Company G, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos R. Walters, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Billings, late of Company C, First Regiment, Company G, Twenty-first Regiment, and Company G, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice Jordan, widow of Hezekiah Jordan, late of Company E, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis Kelley, late of Company K, One hundred and fifteenth Regiment, and Company H, One hundred and eighty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hester S. Crane, widow of Orrin J. Crane, late lieutenant colonel Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Joshua Burton, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wiley Burton, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Brafford, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan W. Dawson, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick O. Hykes, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael O'Brien, late of Capt. De Goyler's independent battery, Michigan Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Boyd, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Milton Church, late of Company L, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Greenberry Gabbard, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Thomson, late of Company K, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abby M. B. Hayes, widow of Charles Hayes, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of James A. Grove, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Eckels, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Pennington, late second lieutenant Company F, Second Regiment Maryland Volunteer Infantry, and first lieutenant and adjutant Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alexander C. McKeever, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah N. Brainerd, late of band, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Johnson, widow of Michael Johnson, late of Company K, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas B. Sperry, late of Company I, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph N. Harriman, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Kline, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Brice McKinley, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Moeller, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo D. Shaw, late of Company C, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William G. Wade, late of Company D, Twenty-eighth Regiment New York Volunteer Infantry, and Battery M, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Spencer M. Wyman, late second lieutenant Company K, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Van Dien, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Smith, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ione D. Bradley, widow of Luther P. Bradley, late brigadier general, United States Volunteers, and brigadier general, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Judson A. Wright, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Dearing, late of Company I, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmer J. Clark, late of Company K, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Sharp, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and Company I, Third Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry G. Rollins, late first lieutenant Company B, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Smith, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Esty, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ansel W. Fletcher, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cordelia Patterson, widow of Robert Patterson, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert C. Pettit, late of Company B, Tenth Regiment, and Company H, Thirty-seventh Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Turner, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Olaus H. Lucken, late second lieutenant Company G, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Shaver, late of Company A, Third Regiment Minnesota Volunteer Infantry, and first lieutenant Company F, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Price, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Smith H. Beeson, late of Company B, Eleventh Regiment Iowa Volunteer Infantry, and Company K, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Sterling, late of Company K, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Womersley, widow of Alexander Womersley, late of Company B, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Brooks, now known as John Hopkins, late of Company H, Fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard Koebler, late of Battery H, Fifth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick A. Reen, late of Company B, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and captain Company B, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eugene E. Curtice, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Stowell, late of Company F, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and U. S. S. Ohio and Sacramento, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah P. W. Roach, late of Company B, Battalion, Tenth Regiment Maine Volunteer Infantry, and Company C, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gant, late of Company E, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram W. Crocker, late of Company I, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin H. Macalaster, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward R. Kneeland, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nettie E. Higgins, widow of Henry H. Higgins, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert A. Blood, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas L. G. Hansard, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Videtto, late of Company F, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall M. Clothier, late of Company F, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis Sullivan, late of Company C, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Ball, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leander Eddy, late of Company G, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Blaker, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob A. Davis, late of First Regiment New York Volunteer Mounted Rifles, unassigned, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clement G. Moody, late of Companies I and D, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Morse, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac C. Vaughan, late of Second Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Roscoe D. Dix, late of Company K, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Lennane, late of Company K, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Milton Ralston, late of Company D, Fourth Independent Battalion Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Bodley, late of Company A, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Davisson, late of Company E, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo J. Batchelder, late of Companies H and E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Hankinson, late of Company D, Eighth Regiment Michigan Volunteer Infantry, and Thirteenth Independent Battery Michigan Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Byford E. Long, late captain Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Grace V. D. Spencer, widow of Thomas J. Spencer, late of Company I, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. SULLOWAY. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 3 strike out lines 11, 12, 13, and 14, granting an increase of pension to Charles W. Eaton, the beneficiary being dead.

On page 30 strike out "1910" and insert "1911."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 26. John D. Elliott.
S. 734. Edmund B. Updegrove.
S. 745. A. Paul Horne.
S. 748. Dana H. McDuffee.
S. 852. Charles R. Crouch.
S. 855. Mary E. Elwood.
S. 1145. Elisha W. Bullock.
S. 1181. John D. C. Herriman.
S. 1204. Russell C. Harris.
S. 1688. George W. Butterfield.
S. 2304. Charles W. Eaton.
S. 2448. Theodore Parker.
S. 2792. James A. Stephenson.
S. 2934. Lafayette J. Spangle.
S. 3087. William G. Stout.
S. 3227. Eli Dickerson.
S. 3237. Leonard Faulkner.
S. 3240. Samuel Miller.
S. 3242. James E. Simpson.
S. 3297. George Beaumont.
S. 3320. Joshua Minthorn.
S. 3384. Lurinda E. Spencer.
S. 3386. Rowena M. Calkins.
S. 3387. Helen G. Berkele.
S. 3504. Lynderman Wright.
S. 3511. Samuel Gardner Lewis.
S. 3918. John D. Wells.
S. 3939. James A. Montgomery.
S. 3944. Emil Joerin.
S. 3992. Rufus M. Taft (alias Madison R. Baker).
S. 4213. James Inman.
S. 4364. Thomas A. Dunham.
S. 4365. Henry Monnahan.
S. 4483. William H. Bruss.
S. 4816. Annie T. Penrose.
S. 4969. John B. Haley.
S. 5152. Eugene McNair.
S. 5195. James McCartney.
S. 5324. George Long.
S. 5332. John F. Turner.
S. 5467. Theodore Lynde.
S. 5497. David Wilson.
S. 5514. Thomas C. Crocker.
S. 5774. Charles E. Armstrong.
S. 5888. George Coose.
S. 6038. David Everly.
S. 6054. Eli Masters.
S. 6106. Judson D. Haren.
S. 6112. Henry V. Steiner.
S. 6177. Isaac James.
S. 6216. William L. Olmstead (alias Charles R. Campbell).
S. 6308. Peter S. Huffman.
S. 6484. Wallace W. Chaffee.
S. 6517. John H. Cox.
S. 6626. Clark Jaco.
S. 6689. Lydia A. Patch (formerly Lydia A. Wilson).
S. 6774. Henry Harer.
S. 6775. John Patton.
S. 7019. Garrett Conn.
S. 7074. Charles Nolte.
S. 7078. William J. McElhaney.
S. 7116. Thomas Ryan.
S. 7150. Orrin Dailey.
S. 7175. Andrew W. Muldrew.
S. 7117. Granville Farance.
S. 7294. Payne E. Lisenbee.
S. 7325. Marion G. Dunn.
S. 7326. Abraham Friedline.
S. 7335. Elizabeth Kew.
S. 7506. Albert H. Jarnagin.
S. 7508. George T. Myers.
S. 7553. George Jones.
S. 7555. William H. Brady.
S. 7614. William Mott.
S. 7680. Polydore R. Pike.
S. 7774. Christopher Lee.
S. 7825. Samuel C. Jencks.
S. 7853. John A. Wheeler.
S. 7869. Lewis W. Heath.
S. 7871. Joseph Clucas.
S. 7873. James Anthony.
S. 7885. Mary F. Venable.
S. 7920. Amos L. Jones.
S. 8018. Isaac Brinkworth.
S. 8133. James Harvey Emerson.
S. 8138. Amos R. Walters.
S. 8224. John Billings.
S. 8247. Alice Jordan.
S. 8276. Francis Kelley.
S. 8313. Hester S. Crane.
S. 8365. Joshua Burton.
S. 8366. Wiley Burton.
S. 8373. John Brafford.
S. 8422. Nathan W. Dawson.
S. 8423. Frederick O. Hykes.
S. 8446. Michael O'Brien.
S. 8447. James J. Boyd.
S. 8464. Milton Church.
S. 8468. Greenberry Gabbard.
S. 8640. James Thomson.
S. 8652. Abby M. B. Hayes.
S. 8656. James A. Grove.
S. 8734. William W. Eckels.
S. 8750. Henry Pennington.
S. 8837. Alexander C. McKeever.
S. 8841. Elijah N. Brainerd.
S. 8845. Mary Johnson.
S. 8846. Thomas B. Sperry.
S. 8870. Joseph N. Harriman.
S. 8876. William S. Kline.
S. 8877. Brice McKinley.
S. 8879. William H. Moeller.
S. 8896. Lorenzo D. Shaw.
S. 8899. William G. Wade.
S. 8900. Spencer M. Wyman.
S. 8904. Richard Van Dien.
S. 8915. George F. Smith.
S. 8934. Ione D. Bradley.
S. 8976. Judson A. Wright.
S. 9016. John Dearing.
S. 9017. Elmer J. Clark.
S. 9034. Samuel Sharp.
S. 9035. Henry G. Rollins.
S. 9036. James W. Smith.
S. 9064. Henry H. Esty.
S. 9065. Ansel W. Fletcher.
S. 9066. Cordelia Patterson.
S. 9067. Robert C. Pettit.
S. 9070. Charles H. Turner.
S. 9074. Claus H. Lucken.
S. 9075. James Shaver.
S. 9106. William J. Price.
S. 9111. Smith H. Beeson.
S. 9153. William J. Sterling.
S. 9164. Mary F. Womersley.
S. 9202. William H. Brooks (now known as John Hopkins).
S. 9203. Leonard Koebler.
S. 9206. Frederick A. Reen.
S. 9230. Eugene E. Curtice.
S. 9231. Benjamin F. Stowell.
S. 9236. Jeremiah P. W. Roach.
S. 9319. John Gant.
S. 9380. Hiram W. Crocker.
S. 9431. Benjamin H. Macalaster.
S. 9432. Edward R. Kneeland.
S. 9433. Nettie E. Higgins.
S. 9483. Robert A. Blood.
S. 9494. Thomas L. G. Hansard.
S. 9517. Charles H. Videtto.
S. 9568. Marshall M. Clothier.
S. 9574. Dennis Sullivan.
S. 9616. David Ball.
S. 9622. Leander Eddy.
S. 9632. William H. Blaker.
S. 9664. Jacob A. Davis.
S. 9686. Clement G. Moody.
S. 9687. Benjamin F. Morse.
S. 9689. Isaac C. Vaughan.
S. 9690. Roscoe D. Dix.
S. 9730. Michael Lennane.
S. 9763. John Milton Ralston.
S. 9974. James W. Bodley.
S. 9996. William H. Davisson.
S. 10003. Alonzo J. Batchelder.
S. 10005. Richard H. Hankinson.
S. 10065. Byford E. Long.
S. 10204. Grace V. D. Spencer.

Mr. HOWELL of Utah. Mr. Speaker, the following resolution was recently passed by the Legislature of Utah, and I desire to read it at this time:

Whereas the Nation is under lasting obligation to the men who preserved the Union during the dark days from 1861 to 1865: Therefore be it

Resolved by the Legislature of the State of Utah, That we respectfully request the Senators and the Representative at large from the State of Utah to aid in the prompt enactment of the measure now pending before the Congress of the United States represented by Senate bill 4183 and House bill 18899, entitled, respectively, "To create in the War Department and Navy Department, respectively, a roll designated as 'The Civil War Volunteer retired list,' to authorize placing thereon with retired pay certain surviving and enlisted men who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes."

SEC. 2. That a copy of this concurrent resolution be transmitted to the Senators and the Representative at large from the State of Utah.

HENRY GARDNER, *President of the Senate.*
E. W. ROBINSON, *Speaker of the House.*

Mr. Speaker, it is well for this Nation, or any other nation that would continue to exist and thrive in security, to recognize those who bear the burdens when the hour of peril arises; not only because it is just and proper to those who bear those burdens, but more on account of the virtue of setting an inspiring example to the citizens of to-day and those of the future, that they may know the Nation is not ungrateful or unmindful of those who render valuable services when those services are most necessary.

The best guide for present conduct is the experience of the past, and the fact that this Nation has been generous and just to its defenders is a most hopeful omen for the future safety of the Republic. In the hour of the country's need it is well that its citizens should be assured that if they make sacrifices for the general welfare, their deeds, when the days of trouble have passed, will not be quickly forgotten nor go unrewarded.

Our country was founded and established by men who believed in free institutions, and who were willing to offer everything they possessed, even their lives, to insure to posterity the heritage of these ideals. In the crucial periods since its birth equally strong men, truly devoted to its welfare, have arisen and willingly sacrificed their all that the Government might be preserved. And it is well that we have endeavored to heed the wise words of the immortal Lincoln, when he said:

Care for him who shall have borne the battle, and for his widow and his orphans.

And also the appropriate thoughts expressed by President Taft in his last message:

To the man who risked everything on the field of battle to save the Nation in the hour of its direct need, we owe a debt which has not been and which should not be computed in a begrudging or parsimonious spirit.

I repeat, it is well that our policy has been in accord with the sentiments thus expressed, as thereby past services are rewarded and an inspiring incentive is held out for future service that insures the stability and life of the Nation.

Where a country like ours, of such magnificent proportions and of such varying and diversified characteristics, has been

settled and built up, it is but natural that in different sections events have transpired which have directly affected the welfare and the existence of that particular community, and hence have indirectly been of importance to the country of which they were an integral part. By settling these difficulties and allaying the dangers as they have arisen, and thereby making sure the peace and the prosperity of these various sections, great service has been rendered the Republic. Conditions peculiar to the different regions have presented various problems. I have in mind to-day particularly the events incident to the settling and upbuilding of the Rocky Mountain West, and in this connection I shall take the liberty of reading a memorial to Congress from the Legislative Assembly of the State of Utah:

To the honorable the Senate and House of Representatives of the United States of America:

Your memorialist, the ninth session of the Legislature of the State of Utah, hereby submits for your consideration the following memorial:

Whereas the frontiersmen and early settlers of the Rocky Mountain region made possible, by their fearless courage and heroic self-sacrifice, the present splendid growth and prosperity of the western part of our Nation and have performed a national service of inestimable value; and

Whereas the settlement of the West was accompanied by and its resulting blessings were secured only after bitter and sanguinary conflict with savage foes; and

Whereas the services rendered by the citizen soldiers in Indian warfare, between the years 1854 and 1874, have never been properly recognized or compensated and the day will soon be past in which it will be possible to express the gratitude of the Nation to the lingering remnant of those who performed heroic service in defense of the first efforts of the white man to establish civilization in the mountains and on the plains of the far West: Therefore

The ninth session of the Legislature of the State of Utah respectfully requests that Congress enact such legislation as will give to those who performed service in Indian wars a pensionable status under the laws of the United States, and also that all just claims for compensation for services and supplies be recognized and paid;

That a copy of this memorial be furnished Senators SMOOT and SUTHERLAND and Congressman HOWELL for presentation to the United States Senate and House of Representatives.

HENRY GARDNER, *President of the Senate.*
E. W. ROBINSON, *Speaker of the House.*

Attest:

C. S. TINGEY, *Secretary of State.*

Approved, January 18, 1911.

Mr. Speaker, it affords me pleasure to make a few remarks at this time in favor of the substance of this memorial. Each succeeding age and every different country has in its time and place produced its quota of heroes. Fame has singled out some of the most conspicuous figures, and history has heralded their triumphs, but where one hero has thus been recognized I venture to say there are hundreds whose lives were equally heroic and whose acts if publicly recorded would call forth the unstinted plaudits of mankind, but these heroes belong to that vast majority, who are doomed to "waste their fragrance on the desert air."

In the settlement, growth, and development of our expansive country a multitude of noble characters have been produced; men whose lives were, if the welfare of the community required it, freely placed at the disposal of their fellows. To this class belong the Indian war veterans of the Rocky Mountain West, who for 20 years, from 1854 to 1874, were the defenders of the outposts of civilization against the assaults and attacks of the red man. These men will ever occupy a unique position in history; they were humble husbandmen, they were intrepid warriors, and they were pathfinding pioneers.

No poet or story-teller will ever adequately sing their praises or relate their deeds, as the stage of their activities was far removed from the meeting place of the muses and the office of the record keepers. These men lived unassuming lives; they met every emergency with fortitude and courage; when imminent danger threatened their destruction they rose to the occasion and made such defense and resistance as they were capable of, and then, in a matter-of-fact manner, unannounced and unheralded, returned to their daily tasks.

It seems to me that it is not so difficult to be a hero when in the glamor and excitement of the contest you behold the angel of fame standing near ready to loudly proclaim with resounding trumpet blasts your achievements. But it is altogether different when you are isolated and alone, with no one to announce or note your effort. The men who fought Indians in Utah were separated from civilization by a thousand weary miles of rugged mountains and desolate prairies, with no means of communication other than the slow, patient, plodding oxen. Out there in the wilderness alone and unaided they were endeavoring to provide homes for themselves and families. Gold was not their goal, avarice and greed had not lured them; their fondest hopes were centered in winning a home where they might enjoy peace and quiet. To accomplish this ambition they blazed the trail, they killed the snakes, and they built the bridges. They cleared the stubborn sagebrush from the ground and tilled the virgin soil and reared their crude and humble cottages. But all the while their families and their property were in constant jeopardy and peril from marauding bands of hostile, savage Indians. Therefore the settlers were organized into military companies, standing constantly prepared to go into active service at any moment. The Indians were ever ready when game and forage became scarce to descend upon the settlers and carry away their animals and their provisions; and to prevent these ravages the citizen soldiers would go out and remain out for months protecting the settlements from destruction.

These attacks were fraught with more dangerous consequences than the ordinary war. The Indians knew no code of ethics, and defeat to the white men meant not only temporary loss but utter annihilation and destruction to the whole community, because even though the Indians failed to kill them outright they would rob them of all food supplies and drive away their animals, leaving them destitute, so that before help could arrive they would inevitably have succumbed to the horrors of starvation. Therefore these men fought with desperation. To give up their own lives was comparatively easy if success would finally come, so that homes might be established where people could dwell in safety and security.

In fighting these cruel savages no strains of martial music cheered the soldier in the conflict; if perchance he fell no taps were sounded; no solemn military honors were accorded him. At the conclusion of the sanguinary conflict, when the foe was temporarily vanquished or a truce effected, the soldier returned to take up his labor where it had been interrupted.

Thus intermittent warfare continued throughout 20 years, during which time civilization was steadily creeping west, and settlers, learning of the improved conditions, were rapidly making homes and developing the resources of the country, until now a new empire has been added to the Republic.

With the passing of the years the effects of hardships, privations, and struggle imprinted their ineffaceable mark on these Indian fighters, and left them bowed and bent, and a younger, stronger generation is reaping the benefits of their sacrifices. Many of them have passed to their eternal reward, and their comrades who still remain should be recognized by this Government and receive some compensation for the immeasurable service they rendered in making possible the speedy settlement of the West.

Mr. Speaker, these men should, in the name of plain justice, be remembered in a substantial manner. Not so much is asked; merely that they be given a pensionable status, and be partially reimbursed for supplies furnished in those campaigns. In view of the incalculable and far-reaching beneficial results that have accrued to the Nation by reaping the fruits of their unrequited toil, I urge that adequate recognition be given to the claims of the veterans of the western Indian wars.

JOHN LEE, ALIAS JAMES RILEY.

The next business was the bill (H. R. 30160) for the relief of John Lee, alias James Riley.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John Lee, alias James Riley, now a resident of Kansas, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Forty-seventh Regiment New York Volunteer Infantry, and United States Navy, on the 9th day of April, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The next business was the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Henry Fleming, late of Company M, Third Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rebecca Whitthorne, widow of William J. Whitthorne, late major, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of John J. Duke, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of William T. Douglass, late of Ordnance Detachment, United States Army, and pay him a pension at the rate of $20 per month.

The name of William H. H. Watkins, late of Capt. B. Miller's Company I, Second Regiment Washington Territory Volunteers, Oregon and

Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Andrew L. Weatherford, late of Company L, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelia A. Nickels, widow of John A. H. Nickels, late captain, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of John Gillespie, late of Capt. Callister's company, Smith's regiment, Utah Volunteers, Utah Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mary G. McCarty, widow of Willard A. McCarty, late of the U. S. S. Buffalo, United States Navy, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Willard A. McCarty until they reach the age of 16 years.

The name of Irene H. Eubanks, widow of John Eubanks, late of Troop B, Tenth Regiment United States Cavalry, and Hospital Corps, United States Army, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said John Eubanks until he reaches the age of 16 years.

The name of Allen Russell, late of Capt. Standage's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Margaret C. Dougherty, widow of John A. Dougherty, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Theophilus R. Bewley, late of Capt. Ankeny's Company C, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Lyda S. Armstrong, widow of William K. Armstrong, late first lieutenant, Twenty-eighth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles C. Hanford, late of Capt. Brady's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The following committee amendments were read:

On page 1, strike out lines 1 to 5, inclusive, being the case of Henry Fleming.

On page 2, strike out lines 7, 8, and 9, being the case of William T. Douglass.

On page 2, strike out lines 15, 16, and 17, being the case of Andrew L. Weatherford.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 1218. Henry Fleming.	S. 9663. Mary G. McCarty.
S. 2525. Rebecca Whitthorne.	S. 9671. Irene H. Eubanks.
S. 4877. John J. Duke.	S. 9971. Allen Russel.
S. 8210. William T. Douglass.	S. 9981. Margaret C. Dougherty.
S. 8211. William H. H. Watkins.	S. 10134. Theophilus R. Bewley.
S. 8939. Andrew L. Weatherford.	S. 10167. Lyda S. Armstrong.
S. 9377. Cornelia A. Nickels.	S. 10218. Charles C. Hanford.
S. 9660. John Gillespie.	

The next business on the Private Calendar was the bill (S. 10327) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joseph Phillips, late of Company H, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of August Siebrecht, late of Company B, Sixty-second Regiment Illinois Volunteer Infantry, and commissary sergeant, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pearl M. Welch, late of Battery A, First Battalion Maine Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Pauline S. Bloom, widow of Edward J. Bloom, late first lieutenant, Fourth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, with $2 per month additional on account of the minor child of said Edward J. Bloom until he reaches the age of 16 years.

The name of William Horrigan, late of Company G, Seventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Helen J. Sharp, widow of Alexander Sharp, late captain, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kate M. Armstrong, widow of Samuel E. Armstrong, late captain, Twenty-fourth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ralph C. Fesler, late of Company K, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of John D. Harrell, late of Company A, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edward O. Berg, late of Company H, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ferdinand Imobersteg, late of band, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John C. Tripp, late of Company E, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. Georgia, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Mary Andrews, dependent mother of Eugene O'Neil, late of Company E, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Ada J. Swaine, widow of William M. Swaine, late captain, First Regiment United States Infantry, and major, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Robert L. Ivey, late of Capt. William H. Cone's company, Florida Mounted Volunteers, Florida Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James J. Raulerson, late of Capt. Harrington's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Elizabeth P. Bell, widow of Vivian G. Bell, late first lieutenant Company H, Second Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $17 per month, and $2 per month additional on account of each of the minor children of said Vivian G. Bell until they reach the age of 16 years.

The name of Sarah E. Dean, widow of Richard C. Dean, late medical director with rank of rear admiral, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James M. S. Wilmot, late of Company C, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $6 per month.

The name of Emma M. Heines, widow of Edward Heines, late of Battery A, Second Regiment United States Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the minor children of said Edward Heines until they arrive at the age of 16 years.

The committee amendments were read, as follows:

On page 1 strike out lines 10 and 11, and on page 2 strike out lines 1, 2, and 3.

On page 3 strike out lines 21, 22, 23, and 24, and on page 4 strike out lines 1 and 2.

On page 5 strike out lines 11 to 16, inclusive.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 3701. Joseph Phillips.	S. 8603. John C. Tripp.
S. 3946. August Siebrecht.	S. 8772. Louisa A. Thatcher.
S. 4098. Pearl M. Welch.	S. 8914. Mary Andrews.
S. 4880. Pauline S. Bloom.	S. 9127. Ada J. Swaine.
S. 4958. William Horrigan.	S. 9225. Robert L. Ivey.
S. 7584. Helen J. Sharp.	S. 9227. James J. Raulerson.
S. 7974. Kate M. Armstrong.	S. 9229. Elizabeth P. Bell.
S. 8308. Ralph C. Fesler.	S. 9325. Sarah E. Dean.
S. 8479. John D. Harrell.	S. 9438. James M. S. Wilmot.
S. 8508. Edward O. Berg.	S. 9635. Emma M. Heines.
S. 8541. Ferdinand Imobersteg.	

Mr. MARTIN of South Dakota. Mr. Speaker, I desire to oppose the first committee amendment that the Clerk has just read and to address the House upon it for a moment or two and have a vote upon the amendment. Mr. Speaker, this is the case of a soldier who was a volunteer in the Civil War, later enlisted in the Regular Army, and was discharged for disability. The disability certified in his discharge was said to have been caused in the service by the use of improper or impure vaccine. Later he applied for a pension, was granted a pension, and for 21 years has been drawing a pension of $12 per month for this disability contracted in the service. At the time of his disability discharge the extent of his disability was certified to as being one-half, or 50 per cent. A bill was introduced in the Senate, it passed the Senate, and has been stricken from this bill by the committee amendment upon the sole ground that the soldier ought to have applied again for an increase of pension at the Pension Bureau before seeking special relief in Congress. No attack is made by the committee upon the seriousness of the present condition of the soldier or that his disability was not acquired in the service and that he should not now be pensioned for the amount stated.

I desire a separate vote upon this amendment and think that the merits of the case being conceded the rule of the committee ought to be waived in this particular instance, at this time in the session, when we all know that if this Senate bill is disallowed here in the House the effect may be to deny relief to this soldier at least for another year.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. I will.

Mr. NORRIS. I want to ask a question for information. From the statement the gentleman made in regard to the claim of the committee, that this soldier should apply again to the bureau, is it conceded that if he did make such an application he could get relief there?

Mr. MARTIN of South Dakota. Well, as to that, of course no one knows until it is tried.

Mr. NORRIS. Has he complied with the rule that requires all other soldiers to comply with; that is, that he has exhausted his rights and has been refused before the department?

Mr. MARTIN of South Dakota. Of course I know that is the rule of both the committees of the Senate and the House, to require——

Mr. NORRIS. My judgment is the gentleman's case ought not to be taken in a rule separate from that which applies to other cases, and if he could get relief there and has not exhausted his rights before the department to establish——

Mr. MARTIN of South Dakota. You all know the Senate has occasionally, as in this case, the physician certifying that the man's disability has very seriously increased during the year, in a case like that, close to the end of the session, granted relief by a Senate bill. In doing so they have made an exception to the rule of the Senate. The House committee has declined to make an exception to the rule of the House without going at all into the merits, but simply saying the man ought to have applied more recently for relief to the bureau.

Mr. NORRIS. I think the gentleman ought to concede that the rule ought to be general and ought to apply to all applicants or to none. The rest of us probably have cases similar to that, and they have been cut out.

Mr. MARTIN of South Dakota. Personally, when I have introduced a bill I have always required the soldier to make a recent application to the bureau.

Mr. NORRIS. Has this man done that?

Mr. MARTIN of South Dakota. He has not; but the Senator from my State, knowing the exigency of this case, took the other course. I understand frequently in a case of that kind an exception has been made to the rule. This man had service both in the volunteer service and for a long period in the Regular Army.

I have every reason to believe that if the bill had been sent to the Committee on Invalid Pensions that committee would have made an exception in the case of this soldier, as it has done in other cases. But it went to the other committee by reason of his disability having been acquired in the Regular Army service. The exception has been made by the Senate.

Mr. NORRIS. It comes from the Committee on Pensions and not the Committee on Invalid Pensions?

Mr. MARTIN of South Dakota. Yes; it comes from the Committee on Pensions and not the Committee on Invalid Pensions. I earnestly request Members of the House to make the same exception in this case that the Senate committee has made, and not deny this man relief.

Mr. KOPP. Mr. Speaker, the Committee on Pensions has no objection to the consideration of the claim in question upon its merits. Of course it is a rule familiar to the Members of this House that a claimant must not seek special legislation until he has exhausted his remedy before the Bureau of Pensions. If we allowed a claimant to come before the House for special legislation without first exhausting his remedies before the bureau, then Congress would supersede the Pension Bureau, and there would be no limitation upon the number of cases that we would be called upon to consider.

Now, in this particular case in question the man was pensioned in the early eighties, and applied three times for increase before the bureau, and each time the increase was allowed. But since 1889 he has not even applied for an increase. That is 21 years ago. It is 21 years since he even applied for an increase, and still he comes here and asks us to give him relief by special legislation, which, if granted, would thereby set a precedent which does not now exist. If I may be allowed to differ with my friend from South Dakota [Mr. MARTIN], I will ask, if the Committee on Pensions could not see its way clear to recommend the granting of the relief asked for, even if this man had a good case upon its merits, why should the gentleman from South Dakota come here in his behalf and attempt to have his case made an exception and seek relief when the soldier has not been to the Pension Bureau for 21 years? The Senate sought to make it an exception. The House committee, following all the precedents, recommended to strike it out.

Mr. MARTIN of South Dakota. I desire to say, Mr. Speaker, that I did not state that the Pension Committee had made an exception in such cases, but I stated that the Committee on Invalid Pensions under some circumstances has made an exception to the rule.

Mr. KOPP. Does the gentleman from South Dakota say that there is a case where an exception had been made by the committee in the House?

Mr. MARTIN of South Dakota. I say there have been exceptions before the Committee on Invalid Pensions, and I think that this man, having served as a volunteer soldier in the Civil War as well as served in the Regular Army, is entitled under the rules of the House to have his case considered as an exception.

Mr. KOPP. What, then, will the Committee on Pensions say to any claimant who comes before them, although he has not applied to the Pension Bureau at any time or for a long period of time, if we establish this precedent, and say that a man shall have special relief even though he has not applied to the Pension Bureau for 21 years and the committee will recommend that it be allowed?

Mr. MARTIN of South Dakota. I think they can say, as I have already said, that this man was not only a soldier who had received disability in the Regular Army, but that his case was exceptional, because he was a Civil War veteran. He received his disability in the Regular Army, but he would be entitled to a pension as a Civil War veteran, independent of that disability.

Mr. NORRIS. If he received his disability in the Regular Army, there would be no question about his getting relief at the department, would there?

Mr. MARTIN of South Dakota. I can not say as to that. I know that in many cases they do not get the degree of relief that they are entitled to. Many of the pension bills we pass here are passed on the theory that the men can not get what they are entitled to in the bureau.

Mr. NORRIS. I will admit that there are a good many cases like those which the gentleman mentions, but the theory of special legislation is that these disabilities do not come from the service. If they come from the service and originate there, there would be no limit, and in that case the applicant might perhaps get a higher pension from the department than he would receive through a special bill passed here in the House.

Mr. MARTIN of South Dakota. Of course this is an exception to the rule, but it should be borne in mind that this is an exceptional case, and it is a case under which the man, considering his disability, certainly would be entitled to the relief asked for before the other committee.

Mr. KOPP. What reason can the claimant assign for not applying to the Pension Bureau for relief?

Mr. MARTIN of South Dakota. Of course, as I stated at the outset, that was the proper course for him to have taken. If I had introduced the bill myself, I would have insisted that he should have done so. But I want to say, on the other hand, that it is not always the man who is most persistent before the bureau in demanding increase after increase who is the most worthy, and the fact that this man has suffered long under a blood poisoning that he obtained in the service, which has been certified to, now for 21 years without having asked for a further increase, makes it clear to my mind that there ought to be a limit to the punishment that the House puts upon him for not having made earlier application. I know that in good and orderly procedure this man should have done so. But we are approaching the end of the session, and in such an extreme case as this I think the House would more honor the rule in its breach than by its observance, especially when we know that no other bill for this man's relief can be passed at this session.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KOPP. Division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 30.

Mr. MARTIN of South Dakota. I demand tellers, Mr. Speaker.

Tellers were refused.

So the amendment was agreed to.

The other committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

ALFRED CHILDERS.

The next business on the Private Calendar was the bill (S. 2469) for the relief of Alfred Childers.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Alfred Childers, who was a private in Company I, Seventh Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 30th day of August, 1862: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The next pension bill on the Private Calendar was the bill (S. 10454) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Lyman Aldrich, late of Company A, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Black, late of Company C, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah M. Rice, late of Company I, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Moulton, late captain Company B, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Taylor, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrus T. Wardwell, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette Carmack, late of Company M, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Black, alias William Hutchinson, late of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Mills, late of Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Anderson, late of Company E, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Burt, late of Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Dannels, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perry W. Holcomb, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthew M. Perry, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos Tyson, late of Company F, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christoph Stolte, late of Company G, First Regiment Missouri Volunteer Engineers of the West, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Israel D. Lewis, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Williams, late of Company B, Fourth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar Williams, late of Company F, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lena Rodelsheimer, widow of Solomon Rodelsheimer, late captain Company A, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William A. Hicks, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Mead, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Griffin, late of Company G, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie F. Grosvenor, widow of Silas N. Grosvenor, late of Company C, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucetta A. Robinson, widow of John A. Robinson, late assistant surgeon Thirty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John L. Corey, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sampson G. Haws, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Odle, late of Company K, Fourth Regiment Illinois Volunteer Cavalry, and Company H, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Tournier, late of Company A, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert G. Fitch, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Chappell, late of Company I, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Bishop, widow of Wait R. Bishop, late of Company A, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. Griffith, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Felmly, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William White, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin O. Spaulding, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sebastian Glasstetter, late of Company G, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Carr, late of Company F, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Worden, late of Company C, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per nomth in lieu of that he is now receiving.

The name of John A. Churchill, late of Company A, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Derick Banta, late of Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Crawford, late of Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Collins, late of Company G, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Wolgamot, late of Company C, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Merrifield, late of Company G, and second principal musician Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Tubbs, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Wiswall, late of Company I, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George Bond, late of Company K, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Loftus, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Henderson, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McCombs, late of Company H, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Fine, late of Company A, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Benson, late of Company G, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. McCune, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Thomas, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fording, late of Company H, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Stroyick, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David D. Rains, late of Company A, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Cole, late of Company G, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert J. Atwell, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Joy, late of Company G, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Pollock, late first lieutenant Company I, Thirty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas E. Nason, late of Company A, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonah Hutzler, late of Company D, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Sullivan, late master-at-arms U. S. S. Grampus and Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jefferson D. Coats, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Loren Shedd, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert L. Graves, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Snodgrass, late of Company G, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lena D. Nickerson, widow of Azor H. Nickerson, late captain Company I, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Thomas D. Dalton, late of Companies F and A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hezekiah E. Burton, late of Company I, Thirtenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy F. Neil, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Edwards, late of Company I, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret Cullen, widow of James Cullen, late of Third Independent Battery, Connecticut Volunteer Light Artillery, and Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie Neid, former widow of Bernard Diestel, late of the United States Military Academy Artillery Detachment, United States Army, and pay her a pension at the rate of $12 per month.

The name of Elihu S. Warner, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Simons, widow of Thomas Simons, late of Company A, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joshua G. Richardson, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David S. Bender, late second lieutenant and captain Company I, Forty-seventh Regiment Indiana Volunteer Infantry, and captain Company M, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amos H. Cory, late of Company K, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Van Tuyl, late first lieutenant Company G, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Daugherty, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Romanzo J. Ashley, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederic C. Buten, late second lieutenant Company B, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Bixby, late of Company E, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Carter, late captain Company B, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Baker, widow of Peter Baker, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Norris, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace A. Massey, alias Charles D. Monroe, late of Company B, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of Edward F. Smith, late of Fifth Independent Battery (E), Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall Sias, second, late of Company I, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dewitt C. McGill, late of Company A, Thirty-second Regiment New York Volunteer Infantry, and Company D, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dayton P. Clark, late first lieutenant and captain Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John K. Law, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael H. Higgins, alias Michael Hennessy, late of Company C, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilman S. Danforth, late of Company I, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar D. Purinton, late of Company K, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mantle, late of Company C, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah C. Burdick, widow of Caleb H. Burdick, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Justus P. Luther, late of Company E, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Russell, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Haines, late of Battery C, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thaddeus Cross, late of Company A, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Maxey, late of Company E, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Cox, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Anderson, late of Company E, Twenty-first Regiment, and second lieutenant Company K, Twentieth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Moores Freeman, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. B. McNees, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Shields, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ulvilda E. Britton, widow of Edward Britton, late of Sixth Independent Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Birney Wilkins, late of Companies I and D, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Blackburn, late of Company F, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Wallace, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert G. Webster, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac T. Hart, late first lieutenant Company D, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Sandford, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan E. Garland, widow of Samuel J. Garland, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ira Hakes, late of Company M, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abner B. Crombie, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alden S. Wood, late of Company G, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Patch, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Scheer, late of Company D, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Ann Duffy, widow of Joseph Duffy, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joshua S. Fisher, late of Company C, First Battalion Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Marsh, late first lieutenant Company F, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Addleman, late of Company I, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Means, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Fairman, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McCune, late of Company E, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Durham, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Lauderback, late of Company H, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa Blanchard, late first lieutenant Company F, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nahum B. Pinkham, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas H. Drenner, late of Company D, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Johnson, late of Companies A and D, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Anderson, widow of Albanis L. Anderson, late first lieutenant Company F, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Blade, alias James Malaney, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephriam Hanson, late of Company B, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles P. Powers, late of Company C, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horatio Nelson, late of Company E, One hundred and sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benoni Sweet, late sergeant major Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Young, late of Company K, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William E. Stewart, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen J. K. Dean, widow of William B. Dean, late second lieutenant Company H, Twelfth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jasper England, late of Company F, Fifteenth Regiment, and Company H, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Evans, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charlotte Johnson, widow of George W. Johnson, late of Companies K and E, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Barr, late acting ensign, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert N. Adams, late colonel Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, line 11, granting an increase of pension to Marshall Sias, strike out "twenty-four" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 701. Lyman Aldrich.
S. 1188. William C. Black.
S. 2089. Josiah M. Rice.
S. 2106. Charles Moulton.
S. 2936. George W. Taylor.
S. 3274. Cyrus T. Wardwell.
S. 3816. Lafayette Carmack.
S. 3820. William H. Black (alias William Hutchinson).
S. 3855. James H. Mills.
S. 3963. Thomas Anderson.
S. 3964. Thomas Burt.
S. 3967. William Dannels.
S. 3989. Perry W. Holcomb.
S. 3990. Matthew M. Perry.
S. 3991. Enos Tyson.
S. 4270. Christoph Stolte.
S. 4430. Israel D. Lewis.
S. 4658. Joseph B. Williams.
S. 4763. Edgar Williams.
S. 4811. Lena Redelsheimer.
S. 4889. William A. Hicks.
S. 5096. William B. Mead.
S. 5478. John Griffin.
S. 5515. Jennie F. Grosvenor.
S. 5776. Lucetta A. Robinson.
S. 5990. John L. Corey.
S. 6061. Sampson G. Haws.
S. 6098. Alfred Odle.
S. 6210. Charles A. Tournier.
S. 6331. Gilbert G. Fitch.
S. 6451. Levi Chappell.
S. 6476. Sarah E. Bishop.
S. 6697. James W. Griffith.
S. 6701. William L. Felmly.
S. 6755. William White.
S. 6909. Benjamin O. Spaulding.
S. 6911. Sebastian Glasstetter.
S. 7072. John W. Carr.
S. 7087. John B. Worden.
S. 7188. John A. Churchill.
S. 7189. Derick Banta.
S. 7207. George W. Crawford.
S. 7208. Thomas Collins.
S. 7279. Joseph Wolmagot.
S. 7303. James E. Merrifield.
S. 7309. James B. Tubbs.
S. 7327. Charles Wiswall.
S. 7328. George Bond.
S. 7353. Alfred Loftus.
S. 7367. David A. Henderson.
S. 7407. John McCombs.
S. 7422. George W. Fine.
S. 7489. Frank Benson.
S. 7540. William H. McCune.
S. 7544. William A. Thomas.
S. 7556. William Fording.
S. 7583. John G. Stroyick.
S. 7598. Henry Moore.
S. 7692. David D. Rains.
S. 7776. John Cole.
S. 7778. Robert J. Atwell.
S. 7870. Martin Joy.
S. 7880. John W. Pollock.
S. 7951. Thomas E. Nason.
S. 8035. Jonah Hutzler.
S. 8178. George Sullivan.
S. 8264. Jefferson D. Coats.
S. 8267. Loren Shedd.
S. 8298. Albert L. Graves.
S. 8314. William P. Snodgrass.
S. 8315. Lena D. Nickerson.
S. 8368. Thomas D. Dalton.
S. 8369. Hezekiah E. Burton.
S. 8375. Timothy F. Nell.
S. 8444. John T. Edwards.
S. 8838. Margaret Cullen.
S. 8843. Annie Neld.
S. 8847. Elihu S. Warner.
S. 8848. Anna Simons.
S. 8895. Joshua G. Richardson.
S. 8903. David S. Bender.
S. 8906. Amos H. Cory.
S. 8921. John J. Van Tuyl.
S. 8923. James S. Daugherty.
S. 9037. Romanzo J. Ashley.
S. 9076. Frederic C. Buten.
S. 9077. Philip Bixby.
S. 9083. George W. Carter.
S. 9149. Mary A. Baker.
S. 9155. John Norris.
S. 9165. Horace A. Massey (alias Charles D. Monroe).
S. 9166. Edward F. Smith.
S. 9170. Marshall Sias, 2d.
S. 9223. Dewitt C. McGill.
S. 9224. Dayton P. Clark.
S. 9232. John K. Law.
S. 9279. Michael H. Higgins (alias Michael Hennessy).
S. 9280. Gilman S. Danforth.
S. 9315. Oscar D. Purinton.
S. 9341. John Mantie.
S. 9342. Sarah C. Burdick.
S. 9406. Justus P. Luther.
S. 9416. Charles H. Russell.
S. 9434. John S. Haines.
S. 9435. Thaddeus Cross.
S. 9472. William C. Maxcy.
S. 9481. James W. Cox.
S. 9522. Samuel M. Anderson.
S. 9544. Meeres Freeman.
S. 9555. James H. B. McNees.
S. 9663. Patrick Shields.
S. 9672. Ulvilda E. Britton.
S. 9688. Birney Wilkins.
S. 9702. Solomon Blackburn.
S. 9712. William H. Wallace.
S. 9713. Albert G. Webster.
S. 9728. Isaac T. Hart.
S. 9739. Peter Sandford.
S. 9843. Susan E. Garland.
S. 9871. Ira Hakes.
S. 9879. Abner B. Crombie.
S. 9880. Alden S. Wood
S. 9881. William H. H. Patch.
S. 9884. Frederick Scheer.
S. 9886. Mary Ann Duffy.
S. 9911. Joshua S. Fisher.
S. 9936. Henry A. Marsh.
S. 9942. Henry A. Addleman.
S. 9943. William Means.
S. 9944. William M. Fairman.
S. 9972. John McCune.
S. 9980. James G. Durham.
S. 9982. Thomas Lauderback.
S. 9986. Asa Blanchard.
S. 10000. Nahum B. Pinkham.
S. 10029. Silas H. Drenner.
S. 10031. John H. Johnson.
S. 10032. Sarah E. Anderson.
S. 10049. James Blade (alias James Malaney).
S. 10058. Ephriam Hanson.
S. 10061. Charles P. Powers.
S. 10120. Horatio Nelson.
S. 10123. Benoni Sweet.
S. 10128. Francis Young.
S. 10129. William E. Stewart.
S. 10140. Helen J. K. Dean.
S. 10163. Jasper England.
S. 10174. William Evans.
S. 10178. Charlotte Johnson.
S. 10280. John C. Barr.
S. 10290. Robert N. Adams.

The next pension bill on the Private Calendar was the bill (S. 10595) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Horace Perry, late first lieutenant Company I, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Riffe, late of Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Algernon Luse, late of Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Uhler, late of Company H, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Rutherford, late captain Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac R. Jameson, late sergeant First Company Sharpshooters, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cassius W. Andrew, late of Company B, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ezra W. Robinson, late first lieutenant and adjutant, Second Regiment Indiana Home Guards Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Obed W. Barnard, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Evans, late of U. S. S. North Carolina, Sebago, and Savannah, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Dannerberger, late of Company D, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Stetson, late of Company D, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Magers, late of Company K, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hector C. Northington, late first lieutenant Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Rigney, late of Company G, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron A. Doty, late of U. S. S. North Carolina and Augusta, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan Rouch, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wellington K. Eggleston, late of Company G, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry E. Davis, late of Company H, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Morrison, late of Company G, Fifteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia M. Rhodes, widow of Hinman Rhodes, late major and colonel, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Francis M. Choat, late of Company A, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Mather, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zelates Hill, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey R. Currier, late of Company I, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Smith, late of Company C, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rose, late of Company G, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine M. Cunningham, widow of Peter J. Cunningham, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel W. Graham, late of Company D, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company F, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caleb Reynolds, late of Company G, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Cook, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Jerome, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Taylor, late of Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Dickson, late of Company F, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrenius J. Laughlin, late of Company F, Second Regiment Ohio Volunteer Cavalry, and Troop L, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Springsteen, late of Company D, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asbury F. Haynes, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary M. McLean, widow of Allen C. McLean, late of Company C, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Milton M. Adamson, late of Company I, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. McLaughlin, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Castle, late sergeant major Seventy-third Regiment, and captain Company A, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Massey, late of Company E, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Mitchell, late of Company A, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Thomas, alias Franklin, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Sackett, late of Company H, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Rine, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Miller, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Williams, late of Company C, Second Regiment West Virginia Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Dill, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jennie S. McKenney, widow of James McKenney, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David H. Janes, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Amick, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse Gray, late of Company C, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abel Markwell, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and Forty-third Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Augsburger, late of Company A, Fortieth Regiment, and Company I, Fifty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Fontaine, late of Company B, Third Regiment, and Company K, Sixth Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Drew, late of Company D, First Battalion, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Tousley, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Folger, late of Company E, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer Walker, late of Company K, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry N. Bradbury, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson R. Brown, late of Companies G and B, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert D. Damren, late of Company F, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen Sargent, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Lawrence Payne, jr., late of Company K, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Gunning, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hudson Sherwood, late of Company G, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melville J. Lane, late of Company G, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Armstrong, late of Company D, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gunner Larsan, late of Company H, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winfield S. Webster, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos Allman, late of Company E, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sidney J. Hazelbaker, late of Company K, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nannie R. Dudley, widow of William W. Dudley, late lieutenant colonel Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Stephen G. Bowles, late of Company H, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Criswell, late of Company G, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter Dickinson, late of Company K, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John O. Sutherland, late of Company G, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Morgan, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Riley, late of Company A, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Stewart, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Clark, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clark H. Butterfield, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Jane Norton, widow of Francis M. Norton, late of Company I, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ralph Kent, jr., late of Company F, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvester O. Lord, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Lyon, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and Company A, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli B. Clark, late of Company F, First Regiment Maine Volunteer Infantry, and Second Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Taylor, late of Company H, Seventh Regiment, and Company D, One hundred and forty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter S. Chenoweth, late of Company A, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Snow, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company C, Fifth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine Manion, widow of Martin Manion, late of United States Marine Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Asbury B. Castle, late chaplain One hundred and fifteenth Regiment Ohio Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Oliver, widow of Alfred S. Oliver, late assistant surgeon Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sidney W. Park, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Woodward, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Whipple M. Brayton, late first lieutenant Company D, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Lucian, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Kelley, late of Company F, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Hanaford, late of Company F, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie A. Sanborn, widow of John G. Sanborn, late of Company I, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter E. Pingree, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis Griffin, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nazaire Bodett, late of Company H, First Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Darwin R. Streeter, late of U. S. S. Exchange, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Scace, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Washburn, late second lieutenant Company L, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Burrows, late of Fourth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin F. Bolton, late of Company E, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Marquart, late of Company H, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Shaffer, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Hoyt, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman C. Eversz, late of Company H, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seth W. Ewings, late of Company E, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles G. Rising, late of Company G, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William V. Sheets, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Driscoll, late of Company H, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of May C. Knight, widow of Edwin A. Knight, late hospital steward, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adelbert Bywater, late of Company H, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Harvel, late of Company B, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Jones, widow of Seymour Jones, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ira W. Dill, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jessie F. Loughridge, widow of James Loughridge, late first lieutenant Company K, Thirty-third Regiment Iowa Volunteer Infantry, and former widow of Peter K. Bonebrake, late of Company I, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Crawford S. Barclay, late of Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph F. Kassner, alias Frank Weber, late of Company B, Stewart's Missouri Volunteer Cavalry, and Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Wilson, late of Company G, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonora M. Talbot, widow of Charles H. Talbot, late first lieutenant Company E, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Henderson, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Thessia, late of Company F, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. French, late second lieutenant Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Littlefield, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Burgess, late of Companies E and H, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clarence E. Bullard, late of Company B, Sixth Regiment, and second lieutenant Company C, Thirty-sixth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melinda E. Chase, widow of Sherman Chase, late of Company E, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clara M. Murray, widow of John H. Murray, late captain Company M, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adams T. Murphy, late of Company G, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Beach, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelbert Whitney, late of Company A, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi B. Wallace, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Murdie, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sadie O. Purcell, widow of Thomas Purcell, late first lieutenant Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Marcus P. Wheeler, late of Company G, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Royal S. Childs, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, and Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Tilton, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi T. Pond, late of Company K, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Culhan, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Malachi Cordero, late of Company C, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Vangilder, former widow of Robert McConnell, late of Company B, Brackett's battalion, Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Thomas Reed, late of Company H, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Stern, widow of Charles G. Stern, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Elizabeth V. McKeever, widow of John McKeever, late of Company D, Third Battalion, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward Kightlinger, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred H. Miller, late of Company I, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Farney A. Cooper, late of Company B, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be read a third time, was read the third time, and passed.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 276. Horace Perry.
S. 721. John W. Riffe.
S. 1047. Algernon Luse.
S. 1512. Francis M. Uhler.
S. 1791. James A. Rutherford.
S. 2095. Isaac R. Jameson.
S. 2267. Cassius W. Andrew.
S. 2932. Ezra W. Robinson.
S. 3228. Obed W. Barnard.
S. 3229. Richard Evans.
S. 3235. John Dannerberger.
S. 3408. Edward Stetson.
S. 3879. Samuel Magers.
S. 3975. Hector C. Northington.
S. 3976. Patrick Rigney.
S. 3986. Aaron A. Doty.
S. 4165. Nathan Rouch.
S. 4211. Wellington K. Eggleston.
S. 4486. Perry E. Davis.
S. 4529. John L. Morrison.
S. 4909. Julia M. Rhodes.
S. 5028. Francis M. Choat.
S. 5210. Jesse Mather.
S. 5217. Zelates Hill.
S. 5218. Harvey R. Currier.
S. 5219. John Smith.
S. 5223. John Rose.
S. 6128. Catharine M. Cunningham.
S. 6246. Daniel W. Graham.
S. 6678. Caleb Reynolds.
S. 6696. Joseph Cook.
S. 6698. Franklin Jerome.
S. 6700. William Taylor.
S. 6798. David Dickson.
S. 6955. Cyrenius J. Laughlin.
S. 7082. John W. Springsteen.
S. 7089. Ashbury F. Haynes.
S. 7234. Mary M. McLean.
S. 7329. Milton M. Adamson.
S. 7403. Thomas J. McLaughlin.
S. 7433. Henry A. Castle.
S. 7436. Francis M. Massey.
S. 7442. William E. Mitchell.
S. 7545. Robert Thomas (alias Franklin).
S. 7577. Frank Sackett.
S. 7593. David Rine.
S. 7596. Calvin Miller.

S. 7664. Alfred Williams.
S. 7693. Edward Dill.
S. 7695. Jennie S. McKenney.
S. 7709. David H. Janes.
S. 7710. George W. Amick.
S. 7736. Jesse Gray.
S. 7815. Abel Markwell.
S. 7819. John Augsburger.
S. 7874. James H. Fontaine.
S. 7879. William F. Drew.
S. 7882. Joseph C. Tousley.
S. 7924. Frederick Folger.
S. 7940. Spencer Walker.
S. 7952. Henry N. Bradbury.
S. 7993. Nelson R. Brown.
S. 8020. Robert D. Damren.
S. 8150. Ellen Sargent.
S. 8214. Lawrence Payne, jr.
S. 8215. Thomas Gunning.
S. 8225. Hudson Sherwood.
S. 8226. Melville J. Lane.
S. 8230. James Armstrong.
S. 8240. Gunner Larsan.
S. 8266. Winfield S. Webster.
S. 8275. Enos Allman.
S. 8328. Sidney J. Hazelbaker.
S. 8393. Nannie R. Dudley.
S. 8469. Stephen G. Bowles.
S. 8514. William Criswell.
S. 8601. Walter Dickinson.
S. 8634. John O. Sutherland.
S. 8658. George W. Morgan.
S. 8669. Daniel Riley.
S. 8791. William E. Stewart.
S. 8816. George Clark.
S. 8824. Clark H. Butterfield.
S. 8849. Mary Jane Norton.
S. 8850. Ralph Kent, jr.
S. 8851. Sylvester O. Lord.
S. 8888. Charles C. Lyon.
S. 8901. Eli B. Clark.
S. 8991. Charles W. Taylor.
S. 8992. Peter S. Chenoweth.
S. 8994. Andrew J. Snow.
S. 9051. Catharine Manion.
S. 9059. Asbury B. Castle.
S. 9078. Mary J. Oliver.
S. 9079. Sidney W. Park.
S. 9116. William Woodward.
S. 9154. Whipple M. Brayton.
S. 9173. John B. Lucian.
S. 9233. George Kelley.
S. 9235. William F. Hanaford.
S. 9237. Annie A. Sanborn.
S. 9281. Walter E. Pingree.
S. 9285. Dennis Griffin.
S. 9288. Nazaire Bodett.
S. 9312. Darwin R. Streeter.
S. 9315. William B. Scace.
S. 9316. Nelson Washburn.
S. 9344. Calvin Burrows.
S. 9346. Franklin F. Belton.
S. 9467. David Marquart.
S. 9478. William C. Shaffer.
S. 9479. Charles L. Hoyt.
S. 9486. Herman C. Eversz.
S. 9487. Seth W. Ewings.
S. 9489. Charles G. Rising.
S. 9490. William V. Sheets.
S. 9491. Thomas Driscoll.
S. 9535. May C. Knight.
S. 9549. Adelbert Bywater.
S. 9563. John M. Harvel.
S. 9569. Maria Jones.
S. 9604. Ira W. Dill.
S. 9610. Jessie F. Loughridge.
S. 9619. Crawford S. Barclay.
S. 9623. Joseph F. Kassner (alias Frank Weber).
S. 9640. David Wilson.
S. 9661. Leonora M. Talbot.
S. 9744. William Henderson.
S. 9810. Thomas Thessia.
S. 9811. George F. French.
S. 9812. Albert Littlefield.
S. 9835. Thomas Burgess.
S. 9870. Clarence E. Bullard.
S. 9885. Melinda E. Chase.
S. 9945. Clara M. Murray.
S. 9946. Adams T. Murphy.
S. 9953. Nelson Beach.
S. 10002. Adelbert Whitney.
S. 10044. Levi B. Wallace.
S. 10045. John Murdie.
S. 10048. Sadie O. Purcell.
S. 10096. Marcus P. Wheeler.
S. 10130. Royal S. Childs.
S. 10166. Henry F. Tilton.
S. 10254. Levi T. Pond.
S. 10262. Patrick Culhan.
S. 10291. Malachi Cordero.
S. 10292. Martha Vangilder.
S. 10315. Thomas Reed.
S. 10316. Mary E. Stern.
S. 10322. Elizabeth V. McKeever.
S. 10338. Edward Kightlinger.
S. 10339. Alfred H. Miller.
S. 10517. Barney A. Cooper.

The next business on the Private Calendar was the bill (H. R. 32674) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James H. Campton, late of Fifth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Lolless, late of Company C, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin C. Overturf, late of Company H, Thirty-fifth Regiment Illinois Volunteer Infantry, and Company F, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elbridge G. Arlin, late of Company H, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Knocke, late of Company I, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frank C. Bruner, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Stark, late of Company D, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthias S. Hartman, late of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Bow, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Hickman, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Grace Olive Jones, helpless and dependent child of Robert Jones, late of Company B, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Marion J. Green, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Weber, widow of William M. Weber, late first lieutenant and regimental quartermaster Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Andrew J. Fortner, late of Company C, Thirty-fifth Regiment Kentucky Volunteer Infantry, and Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah J. Littleton, widow of Adam D. Littleton, late first lieutenant and adjutant Fifty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Silvester Bryant, late of Company M, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Clear, late of Company K, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza S. Stiteler, widow of William Stiteler, late of Company A, and quartermaster sergeant Seventy-seventh Regiment Illinois Volunteer Infantry, and former widow of Charles F. Brown, late of Company I, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Estella M. Brown, helpless and dependent daughter of said Charles F. Brown, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza S. Stiteler the name of said Estella M. Brown shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza S. Stiteler.

The name of Andrew J. Huggins, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Q. Moses, late of Company I, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Nesler, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah Jennings, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Norman B. Ames, late captain Company A, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph McClellan, late first lieutenant Company C, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Owens, late of Company G, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James T. Kilgore, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah H. Devin, widow of George W. Devin, late adjutant Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Lockhart, late of Company G, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Rearick, widow of Joseph W. Rearick, late of Company K, One hundred and sixty-ninth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Estella Rearick, helpless and dependent daughter of said Joseph W. Rearick, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha Rearick the name of said Estella Rearick shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Martha Rearick.

The name of John E. Merritt, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dallas Wamsley, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Hile, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Almon G. Cooley, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Boyer, late of Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Voigt, late of Company H, Twenty-sixth Regiment, and Company H, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Turner, late of Company K, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clement R. Strahan, late of Company D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Betz, late of Company E, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Siders, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonidas Folckemmer, late of Company A, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jessie W. Sterling, widow of Amos J. Sterling, late lieutenant colonel, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Oscar Hoskins, late of Company G, Sixty-seventh Regiment, and Company G, Sixty-fifth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adget V. Kenney, late of Company B, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam D. Miller, late of Company K, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Foreman, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archibald Matthews, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Kelliher, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Rawson Holman, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Edgar L. Beckwith, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Trickey, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen M. Blanchard, widow of John A. Blanchard, late surgeon Forty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas B. Riley, late of Company K, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mercy M. Sutorius, widow of Alexander Sutorius, late first lieutenant, Third Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca E. Ginn, widow of Benjamin F. Ginn, late of Company A, Seventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William O'Neill, alias William McDonald, late of Company A, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Bishop, late of Eighteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Steckel, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Hathaway, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Goodwine, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and Ninty-third Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Trimble, late of Company C, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lees, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William N. Hunt, late of Company D, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew P. Brink, late of Company B, Third Regiment Minnesota Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Leonard A. Gay, late first lieutenant Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucien I. Perry, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank B. Carey, helpless and dependent child of Daniel J. Carey, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $12 per month.

The name of John W. Hunter, late of Company E, Second Regiment Eastern Shore Maryland Volunteer Infantry, and Company I, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha P. Lansing, widow of Eli Lansing, late of Company F, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Sohrwelde, late of Company E, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Reid, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew M. Finch, late of Company H, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles H. Ranney, late of Company A, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Junius S. Smith, late of Company H, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jasper W. Brewster, late of Company A, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Palmer, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John B. Smith, late of Company A, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius B. Libey, late hospital steward, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary S. Lillibridge, widow of Clark Lillibridge, late of Company C, Second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Morris B. Matheny, late of Company K, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen D. Guerin, late of Company I, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Rugg, late of Company L, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Kerr, late of Company E, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Wise, late of Company G, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Gochenour, late of Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and Company F, Fifth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Unglaube, late of Company C, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Dickey, late of Company E, First Battalion, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Corwin A. Belknap, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David N. Brown, late of Company H, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Rohleder, late of Twenty-first Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Tucker, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emanuel Coykendall, late of Company M, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and Company D, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert P. Talmadge, late of Sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Kent, late of Company G, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Crow, late of Company I, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emanuel Peter, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willard P. Marsh, late of Companies E and C, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adolph Blanchard, late of Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Hicks, late of Company A, First Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Hughes, late of U. S. S. Princeton, Linda, and Delta, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Throckmorton, late of Company A, Forty-first Regiment, and Company K, Fifty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel W. Yount, late of Company D, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Stralt, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Chadwell, late of Company E, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Uriah Butler, late of Company I, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Watt, late of Company G, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward J. Green, late of Company A, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Davis C. Smith, late of Signal Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Bruner, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Murray, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and Company I, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Anderson, late of Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Coakley, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Siddall, late commissary sergeant One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Erastus W. Hanes, late second lieutenant Company E, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham S. Reed, late of Company C, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Kibler, late of Company K, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane V. McBroom, helpless and dependent child of William H. McBroom, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clara B. Dunn, widow of James Dunn, late of Company F, Twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alpha H. Shlidtz, late of Company B, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Dunn, alias John Perry, late of Company G, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry T. Bevans, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mads C. Morison, late of Company B, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Braden, late of Company F, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Carr, late of U. S. S. Dan Smith, Home, and Princeton, United States Navy, and Company F, Second Regiment United States Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Heston, late of Company F, One hundred and forty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Chamberlin, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick W. Farr, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eldridge P. Hargrove, late of Company E, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Washburn, former widow of Hosea Hall, late of Company C, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Wilhelm, late captain Company F, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Conrad Shefler, late of Company K, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip H. Bayes, late of Company B, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Elder, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and Company B, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bianca Blenker, helpless and dependent child of Louis Blenker, late brigadier general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Edward Loreaux, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Flynn, late of U. S. S. Ohio, Colorado, and Princeton, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis C. Hadley, late of band, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Moore, late of Company C, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Gordon, late of Company H, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Chaplain, late of Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah J. Hall, former widow of Hiram S. Wentworth, late of Company L, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Seton Harper, late of Company I, One hundred and twenty-first Regiment, and Company B, Sixty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard H. Washburn, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Green, late of Company D, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Lonergan, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Brown, late of Company E, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hutcheons B. Durham, late of Company H, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John C. Haverfield, late of Company H, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ebenezer Blanchard, late of Company E, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Kaiser, late of Company G, Fifty-seventh Regiment Illinois Volunteer Infantry, and Company C, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Colistus G. Bell, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Balser Kirsh, late of Company B, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Wellar, late of band, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gabriel L. Mullock, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bazel D. Battin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper N. Marsh, late of Company C, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Cameron, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Jenness, late of Seventh Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Blocksom, late of Company G, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Powell, late of Company A, Eleventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $12 per month.

The name of George F. Mullen, late of Company E, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Leavell, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph V. Gillespie, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Springer, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Norris S. Burnett, late of Company A, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Creighton, late of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard M. Braden, late of Company F, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus R. Jaynes, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Hanna, late first lieutenant Company H, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson S. Clark, late acting master's mate, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram B. Melendy, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Geiger, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roderick A. Caldwell, late of Company D, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Cherry, late unassigned, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac R. Nichols, late of Company F, Ninth Regiment West Virginia Volunteer Infantry, and Company F, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron W. Nicoll, late of Company E, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Howell, late of Company D, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Bortz, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ephraim Sempere, late of Company F, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel L. Fridiger, late of Company C, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Stitt, late of Capt. Dougherty's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John V. R. Williams, late of Companies K and F, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Cassel, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Potter, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William B. Brown, late of Company K, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip M. Fridley, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John N. West, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Grace E. Kniffen, helpless and dependent child of Charles H. Kniffen, late of Company K, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and Company H, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joanna Burnett, helpless and dependent child of James W. Burnett, late of Company K, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hilon L. Mead, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Convers C. Black, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram D. Alford, late of Company A, Eighty-third Regiment, and Company K, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ernest Weinhold, late of Company H, First Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mooney, late of Company G, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Prentice E. Call, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall Clark, late of Company L, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Kennedy, late of Company I, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Spencer Hunniwell, alias George Spencer, late of U. S. S. Itasca and O. H. Lee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Penelton Ziler, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Shearer, late of Company D, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton P. Chase, late of Company A, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Hicks, late of Company F, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Lanier, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Gordon, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Walker, late of Company F, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Courtney, late of Company K, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Watson, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Ackley, late of Company A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael T. Holden, late of Company K, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome C. Holloway, late of Company C, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Gibbons, widow of William Gibbons, late of Company B, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Burtie Gibbons, helpless and dependent daughter of said William Gibbons, the additional pension herein granted shall cease and determine.

The name of Anna E. Birkle, widow of Landolin Birkle, late of Company I, Fifteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ira G. Haven, late of Company G, Eighty-third Regiment, and Company B, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Hicks, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Georgia Ann Watts, widow of William J. Watts, late of Company B, First Regiment Alabama and Tennessee Volunteer Vidette Cavalry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Chilcote, widow of Nathan B. Chilcote, late of Company C, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Dennis, late of Company G, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar B. Knight, late of Company F, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Cannon, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hans Johnson, late of Company G, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nels Nelson, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Satterfield, late of Company F, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli Ambers, late of Company C, Second Regiment New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Emma Price, widow of Joseph W. Price, late of Company D, Second Regiment, and Company A, First Regiment, Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Johnson, late of Company F, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Derrick Huck, late of Company A, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philander M. East, late of Company H, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos B. Watson, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Johnson, late of Company D, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David McMiller, late of Company I, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of William L. Carpenter, late second lieutenant Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard Murphy, late of U. S. S. North Carolina, Potomac, and Lackawanna, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos P. Caldwell, late of Company L, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Richmond, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Rooney, late of Company C, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie L. Comstock, widow of Richard E. Comstock, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jesse M. Roberts, late first lieutenant Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles S. Griffith, late of Company L, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles June, alias Charles Crawford, late of Company G, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Eliza Newton, widow of Andrew Newton, late first lieutenant Company F, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel P. Hyatt, late of Company A, One hundred and thirty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Ford, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry G. Bickel, late of Company E, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Troy, late of Company C, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Hooser, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lennon, alias John Leonard, late of Independent Company, Oneida (N. Y.) Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine Mequillet, widow of David Mequillet, late captain, Company H, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary M. Godwin, widow of Charles W. Godwin, late of Company H, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Annie Godwin, John Godwin, and Lilly Godwin, helpless and dependent children of said Charles W. Godwin, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary M. Godwin the names of said Annie Godwin, John Godwin, and Lilly Godwin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $10 per month each from and after the date of death of said Mary M. Godwin.

The name of Edwin Jones, late of Battery G, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh C. Hamilton, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert A. Williams, late of Company C, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Peters, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Oatman, late of Company K, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Welker, widow of John J. Welker, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nicholas Doran, late of Company G, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. McClane, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles Shoppell, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and Company C, Twelfth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Williams, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Brennan, widow of James Brennan, late of Company B, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lucy Brennan, helpless and dependent daughter of said James Brennan, said pension shall be reduced to $20 per month.

The name of Michael Looney, late of Company K, Twentieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton Coberly, late of Second Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eben R. Wadleigh, late of U. S. S. Sonoma, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Campbell, late of Company D, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Fritts, late of Companies I and B, and hospital steward, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Gilmore, late of Company I, Ninety-first Regiment, and Company B, One hundred and twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Tubbs, late of Company A, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Smith, late of Company G, Second Regiment New Jersey Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Demas L. Coe, late of Company G, Sixteenth Regiment, and Company B, Forty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Clemens, now known as John Stewart, late of Company G, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McCollister, late of Company E, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Abner R. Bradney, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Watson, late of Company G, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Smith, late of Company I, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lorenzo S. St. John, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. Modglin, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, on page 19, I move to strike out lines 21, 22, 23, and 24, the beneficiary, John D. Strait, being dead.

The amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, on page 34, I move to strike out lines 23 and 24, and on page 35 lines 1 and 2, increasing the pension of John Mooney, he being dead.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 587. James H. Campton.
H. R. 1303. Andrew J. Lolless.
H. R. 1679. Franklin C. Overturf.
H. R. 4394. Elbridge G. Arlin.
H. R. 4768. August Knocke.
H. R. 4793. Frank C. Bruner.
H. R. 5972. John Stark.
H. R. 6786. Matthias S. Hartman.
H. R. 7841. Andrew J. Bow.
H. R. 8371. James A. Hickman.
H. R. 8679. Grace Olive Jones.
H. R. 8736. Marion J. Green.
H. R. 9681. Sarah A. Weber.
H. R. 10003. Andrew J. Fortner.
H. R. 10254. Sarah J. Littleton.
H. R. 10495. Silvester Bryant.
H. R. 10525. Henry H. Clear.
H. R. 11222. Eliza S. Stiteler.
H. R. 11506. Andrew J. Huggins.
H. R. 12477. John Q. Moses.
H. R. 12577. Solomon Nesler.
H. R. 13949. Elijah Jennings.
H. R. 14047. Norman B. Ames.
H. R. 14351. Joseph McClellan.
H. R. 14432. William H. Owens.
H. R. 14749. James T. Kilgore.
H. R. 15112. Sarah M. Devin.
H. R. 16392. Benjamin F. Lockhart.
H. R. 16406. Martha Rearick.
H. R. 16982. John E. Merritt.
H. R. 18255. Dallas Wamsley.
H. R. 18940. George M. Hile.
H. R. 19208. Almon G. Cooley.
H. R. 19511. William H. Boyer.
H. R. 19541. Robert Voigt.
H. R. 19904. John Turner.
H. R. 19974. Clement R. Strahan.
H. R. 20206. John Betz.
H. R. 20243. Henry A. Siders.
H. R. 20289. Leonidas Folckemmer.
H. R. 20653. Jessie W. Sterling.
H. R. 20852. Oscar Hoskins.
H. R. 20873. Adget V. Kenney.
H. R. 21169. Adam D. Miller.
H. R. 21258. George B. Foreman.
H. R. 21382. Archibald Matthews.
H. R. 21386. Michael Kelliher.
H. R. 21468. Rawson Holman.
H. R. 21575. John W. B. Huntsman.
H. R. 21640. Edgar L. Beckwith.
H. R. 22128. George M. Trickey.
H. R. 22181. Helen M. Blanchard.
H. R. 22265. Thomas B. Riley.
H. R. 22399. Mercy M. Sutorius.
H. R. 22743. Rebecca E. Ginn.
H. R. 22785. William O'Neill, alias William McDonald.
H. R. 22903. John B. Bishop.
H. R. 22955. Henry L. Steckel.
H. R. 23028. George H. Hathaway.
H. R. 23622. Jacob Goodwine.
H. R. 23958. Edward Trimble.
H. R. 24102. William Lees.
H. R. 24347. William N. Hunt.
H. R. 24354. Andrew P. Brink.
H. R. 24447. Leonard A. Gay.
H. R. 24489. Lucien I. Perry.
H. R. 24491. Frank B. Carey.
H. R. 24543. John W. Hunter.
H. R. 25174. Martha P. Lansing.
H. R. 25184. Henry Sohrweide.
H. R. 25543. William Reid.
H. R. 25611. Matthew M. Finch.
H. R. 25839. Charles H. Ranney.
H. R. 25910. Junius S. Smith.
H. R. 25940. Jasper W. Brewster.
H. R. 26390. Josiah Palmer.
H. R. 26413. John B. Smith.
H. R. 26421. Cornelius B. Libey.
H. R. 26522. Mary S. Lillibridge.
H. R. 26775. Morris B. Matheny.
H. R. 26784. Stephen D. Guerin.
H. R. 26828. William I. Rugg.
H. R. 26854. John T. Kerr.
H. R. 26999. Henry Wise.
H. R. 27040. Amos Gochenour.
H. R. 27104. Paul Unglaube.
H. R. 27162. William Dickey.
H. R. 27166. Corwin A. Belknap.
H. R. 27327. David N. Brown.
H. R. 27330. George Rohleder.
H. R. 27342. George W. Tucker.
H. R. 27373. Emanuel Coykendall.
H. R. 27390. Robert P. Talmadge.
H. R. 27392. John R. Kent.
H. R. 27396. William Crow.
H. R. 27476. Emanuel Peter.
H. R. 27503. Willard P. Marsh.
H. R. 27504. Adolph Blanchard.
H. R. 27513. Samuel Hicks.
H. R. 27516. Thomas H. Hughes.
H. R. 27534. John W. Throckmorton.
H. R. 27547. Daniel W. Yount.
H. R. 27764. John D. Strait.
H. R. 27766. James Chadwell.
H. R. 27787. Uriah Butler.
H. R. 27804. Albert Watt.
H. R. 27855. Edward J. Green.
H. R. 28050. Davis C. Smith.
H. R. 28247. Reuben Bruner.
H. R. 28253. James B. Murray.
H. R. 28291. James Anderson.
H. R. 28332. William W. Conkley.
H. R. 28397. Frank Siddall.
H. R. 28415. Erastus W. Hanes.
H. R. 28515. Abraham S. Reed.
H. R. 28584. George W. Kibler.
H. R. 28684. Jane V. McBroom.
H. R. 28693. Clara B. Dunn.
H. R. 28700. Alpha H. Shildtz.
H. R. 28724. James Dunn, alias John Perry.
H. R. 28791. Henry T. Bevans.
H. R. 28837. Mads C. Morison.
H. R. 28838. James M. Braden.
H. R. 28915. Edward Carr.
H. R. 29026. John Heston.
H. R. 29063. Thomas Chamberlin.
H. R. 29082. Frederick W. Farr.
H. R. 29097. Eldridge P. Hargrove.
H. R. 29148. Maria Washburn.
H. R. 29233. George Wilhelm.
H. R. 29322. Conrad Shefler.
H. R. 29334. Philip H. Bayes.
H. R. 29335. Joseph Elder.
H. R. 29531. Bianca Blenker.
H. R. 29532. Edward Loreaux.
H. R. 29561. John M. Flynn.
H. R. 29618. Willis C. Hadley.
H. R. 29619. James Moore.
H. R. 29769. Charles Gordon.
H. R. 29839. David Chaplain.
H. R. 29845. Hannah J. Hall.
H. R. 29904. Seton Harper.
H. R. 29943. Leonard H. Washburn.
H. R. 29990. John F. Green.
H. R. 30013. Michael Lonergan.
H. R. 30054. Harrison Brown.
H. R. 30059. Hutcheons B. Durham.
H. R. 30090. John C. Haverfield.
H. R. 30091. Ebenezer Blanchard.
H. R. 30102. Jacob Kaiser.
H. R. 30133. Colistus G. Bell.
H. R. 30195. Balser Kirsh.
H. R. 30208. James M. Wellar.
H. R. 30213. Gabriel L. Mullock.
H. R. 30221. Bazel D. Battin.
H. R. 30223. Jasper N. Marsh.
H. R. 30275. Alexander Cameron.
H. R. 30279. William Jenness.
H. R. 30338. Joseph Blocksom.
H. R. 30377. Andrew J. Powell.
H. R. 30378. George F. Mullen.
H. R. 30384. William H. Leavell.
H. R. 30441. Joseph V. Gillespie.
H. R. 30456. George W. Springer.
H. R. 30475. Norris S. Burnett.
H. R. 30481. Robert Creighton.
H. R. 30498. Richard M. Braden.
H. R. 30508. Cyrus R. Jaynes.
H. R. 30541. Calvin Hanna.
H. R. 30613. Jackson S. Clark.
H. R. 30614. Hiram B. Melendy.
H. R. 30616. James W. Geiger.
H. R. 30619. Roderick A. Caldwell.
H. R. 30620. John W. Cherry.
H. R. 30648. Isaac R. Nichols.
H. R. 30651. Byron W. Nicoll.
H. R. 30655. William Howell.
H. R. 30729. Benjamin Bortz.
H. R. 30749. Ephraim Sempere.
H. R. 30841. Samuel L. Fridiger.
H. R. 30848. Andrew Stitt.
H. R. 30856. John V. R. Williams.
H. R. 30939. John Cassel.
H. R. 30945. Robert Potter.
H. R. 30973. William B. Brown.
H. R. 30978. Philip M. Fridley.
H. R. 31013. John N. West.
H. R. 31032. Grace E. Kniffen.
H. R. 31033. Joanna Burnett.
H. R. 31118. Hilon L. Mead.
H. R. 31123. Convers C. Black.
H. R. 31131. Hiram D. Alford.
H. R. 31132. Ernest Weinhold.
H. R. 31148. John Mooney.
H. R. 31195. Prentice E. Call.
H. R. 31215. Marshall Clark.
H. R. 31271. Richard Kennedy.
H. R. 31282. George Spencer Hunniwell, alias George Spencer.
H. R. 31294. Penelton Ziler.
H. R. 31338. Josephus Shearer.
H. R. 31352. Hamilton P. Chase.
H. R. 31375. Samuel Hicks.
H. R. 31456. James W. Lanier.
H. R. 31457. Isaac Gordon.
H. R. 31458. John Walker.
H. R. 31468. William Courtney.
H. R. 31471. William Watson.
H. R. 31475. Charles Ackley.
H. R. 31514. Michael T. Holden.
H. R. 31557. Jerome C. Holloway.
H. R. 31561. Margaret Gibbons.
H. R. 31629. Anna E. Birkle.
H. R. 31634. Ira G. Haven.
H. R. 31639. Adam Hicks.
H. R. 31642. Georgia Ann Watts.
H. R. 31665. Mary E. Chilcote.
H. R. 31693. George Dennis.
H. R. 31705. Oscar B. Knight.
H. R. 31752. Robert Cannon.
H. R. 31759. Hans Johnson.
H. R. 31771. Nels Nelson.
H. R. 31825. Samuel C. Satterfield.
H. R. 31864. Eli Ambers.
H. R. 31874. Emma Price.
H. R. 31877. Samuel Johnson.
H. R. 31891. Derrick Huck.
H. R. 31892. Philander M. East.
H. R. 31910. Amos B. Watson.
H. R. 31948. James Johnson.
H. R. 31949. David McMiller.
H. R. 31971. William L. Carpenter.
H. R. 31976. Bernard Murphy.
H. R. 31981. Amos P. Caldwell.
H. R. 31996. Edwin Richmond.
H. R. 32034. John Rooney.
H. R. 32045. Jennie L. Comstock.
H. R. 32053. Jesse M. Roberts.
H. R. 32088. Charles S. Griffith.
H. R. 32095. Charles June, alias Charles Crawford.
H. R. 32112. Mary Eliza Newton.
H. R. 32115. Daniel P. Hyatt.
H. R. 32136. Daniel Ford.
H. R. 32139. Henry G. Bickel.
H. R. 32144. Joseph C. Troy.
H. R. 32151. John W. Hooser.
H. R. 32155. John Lennon, alias John Leonard.
H. R. 32183. Josephine Mequillet.
H. R. 32184. Mary M. Godwin.
H. R. 32192. Edwin Jones.
H. R. 32195. Hugh C. Hamilton.
H. R. 32201. Robert A. Williams.
H. R. 32207. William C. Peters.
H. R. 32211. George Oatman.
H. R. 32227. Elizabeth Welker.
H. R. 32229. Nicholas Doran.
H. R. 32231. Thomas B. McClane.
H. R. 32236. Charles Shoppell.
H. R. 32237. Charles Williams.
H. R. 32241. Mary Brennan.
H. R. 32242. Michael Looney.
H. R. 32253. Newton Coberly.
H. R. 32257. Eben R. Wadleigh.
H. R. 32258. Charles S. Campbell.
H. R. 32276. John R. Fritts.
H. R. 32277. James A. Gilmore.
H. R. 32287. John B. Tubbs.
H. R. 32291. Joseph N. Smith.
H. R. 32298. Demas L. Coe.
H. R. 32311. Peter Clemens, now known as John Stewart.
H. R. 32323. John McCollister.
H. R. 32330. Abner R. Bradney.
H. R. 32365. James F. Watson.
H. R. 32370. William R. Smith.
H. R. 32374. Lorenzo S. St. John.
H. R. 32529. William T. Modglin.

The next business on the Private Calendar was the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William A. Williams, late of Capt. J. S. Boggess' Company A, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William O. Tumlinson, late of Capt. J. B. McCown's company, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Marion M. Redmon, late of Capt. James Bourland's First Company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Green B. Powell, late of Capt. Boggess' Company A, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Samuel J. McElrath, late of Company A, First Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George W. McKinzie, late of Capt. John G. Walker's Company B, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John J. Jacobs, late of Capt. Walker's Company B, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Besser, late of Capt. McCown's company, Texas Mounted Rangers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Abner H. Beard, late of Capt. H. E. McCulloch's company, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John F. Arnett, late of Company A, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Hurst, late of Capt. Fitzhugh's Company D, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Isaac C. Holt, late of Capt. Bagby's company, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Alfred House, late of Capt. H. E. McCulloch's company, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Elijah Goodnight, late of Capt. J. J. Grumble's company, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William B. Fleming, late of Capt. William R. Henry's Company C, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Solomon Fitzhugh, late of Company D, Mounted Battalion, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Adam H. Files, late of Capt. McCown's company, Texas Mounted Rangers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Robert W. Eller, late of Capt. H. E. McCulloch's company, Texas Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Alexander Earp, late of Capt. Boggess's Company A, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John H. Debord, late of Capt. Henry's Company C, Texas Mounted Volunteers, Texas and New Mexico Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin F. Dye, late of Capt. W. R. Henry's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George Bingaman, late of Company I, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry Horton, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Jonathan F. Titus, jr., late of Company F, Fifth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Feemster Penland, late of Company H, Second Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lars P. Nelson, late of U. S. S. Monadnock, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lillie P. Hinman, late nurse, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Cyrus R. Manion, late of Company E, Sixth United States Artillery, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Emma C. Smith, widow of Frank G. Smith, late second lieutenant Company H, Third Regiment New York Volunteer Infantry, War with Spain, and pay her a pension at the rate of $15 per month.

The name of Shipman H. Crouch, late of Capt. John Creighton's company, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John M. Poplin, late of Company H, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Abraham H. Garrison, late of Company B (Capt. B. F. Burch), First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Hannah J. Alexander, widow of Willis Alexander, late of Company F, Twenty-fourth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Susie E. Gore, widow of Jesse H. Gore, late of Company E, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John S. Miller, late captain, Oregon Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin F. McKee, late of Capt. Charles Bennett's Company F, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John L. Johnson, late of Company K (Capt. F. M. P. Goff), Second Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George P. Robertson, late of Company H, Thirty-fifth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Isabella S. Craig, widow of John N. Craig, late captain, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William H. Jaquett, late of Capt. Jesse Walker's company (A), Ninth Regiment Oregon Mounted Militia, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George L. Hayes, late of Capt. Abel George's company, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month.

The name of William W. Cox, late of Company E (Capt. H. O'Neil's company), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Ernest T. Aulich, late of Company M, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Cora M. Jackstock, widow of Louis Jackstock, late of Company I, Two hundred and second Regiment New York Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Louis Jackstock until she reaches the age of 16 years.

The name of James W. Hollandsworth, late of Company A, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of John Kennedy, late of U. S. S. Harvard, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carrie Olson, widow of Ned Olson, late of Company L, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of the three children of said Ned Olson until they reach the age of 16 years.

The name of James C. Coppedge, late of Company A, Second Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Andrew Kirkpatrick, late of Company I, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Daniel Smith, late of Company K, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of George W. F. Julian, dependent son of Alfred M. Julian, late of Capt. Jacob Peak's company, Tennessee Volunteers, and pay him a pension at the rate of $12 per month.

The name of Joseph B. Kisting, late of Troop D, First Regiment Ohio Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Catherine Lusk, widow of John Lusk, late of Capts. Brassfield's and Kelley's company, Kentucky Militia, War of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of James O'Hare, late of Company I, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of James W. Gray, jr., late first lieutenant Company F, First Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Catherine C. Malin, widow of James F. Malin, late of Company K, Third Regiment Connecticut Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the three children of said James F. Malin until they reach the age of 16 years.

The name of Frank E. Moore, late second lieutenant Company F, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Henderson, late of Capt. Newbern's company, Florida Volunteers, Florida Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Almira G. Kilbourne, widow of Henry S. Kilbourne, late major and surgeon, United States Army, War with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of James Kelley, late of Troop L, Second Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William M. Bowen, late of Capt. O'Neill's company, Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Golda McGill, widow of Arthur C. McGill, late of Company K, Thirty-second Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Robert B. Davis, late of Capt. William Tom's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 3103. William A. Williams.
H. R. 3113. William O. Tumlinson.
H. R. 3126. Marion M. Redmon.
H. R. 3133. Green B. Powell.
H. R. 3143. Samuel J. McElrath.
H. R. 3145. George W. McKinzie.
H. R. 3152. John J. Jacobs.
H. R. 3167. James Besser.
H. R. 3172. Abner H. Beard.
H. R. 3174. John F. Arnett.
H. R. 3179. William Hurst.
H. R. 3186. Isaac C. Holt.
H. R. 3189. Alfred House.
H. R. 3195. Elijah Goodnight.
H. R. 3197. William B. Fleming.
H. R. 3198. Solomon Fitzhugh.
H. R. 3200. Adam H. Files.
H. R. 3201. Robert W. Eller.
H. R. 3204. Alexander Earp.
H. R. 3205. John H. Debord.
H. R. 3207. Benjamin F. Dye.
H. R. 5008. George Bingaman.
H. R. 6694. Harry Horton.
H. R. 9153. Jonathan F. Titus, jr.
H. R. 10903. Feemster Penland.
H. R. 12607. Lars P. Nelson.
H. R. 13109. Lillie P. Hinman.
H. R. 16069. Cyrus R. Manion.
H. R. 16748. Emma C. Smith.
H. R. 18235. Shipman H. Crouch.
H. R. 20625. John M. Poplin.
H. R. 20922. Abraham H. Garrison.
H. R. 21953. Hannah J. Alexander.
H. R. 23604. Susie E. Gore.
H. R. 24901. John S. Miller.
H. R. 24902. Benjamin F. McKee.
H. R. 26080. John L. Johnson.
H. R. 26427. George P. Robertson.
H. R. 26625. Isabella S. Craig.
H. R. 26850. William H. Jaquett.
H. R. 27555. George L. Hayes.
H. R. 27556. William W. Cox.
H. R. 27589. Ernest T. Aulich.
H. R. 27857. Cora M. Jackstock.
H. R. 28013. James W. Hollandsworth.
H. R. 28354. John Kennedy.
H. R. 28900. Carrie Olson.
H. R. 29231. James C. Coppedge.
H. R. 29316. Andrew Kirkpatrick.
H. R. 29461. Daniel Smith.
H. R. 30429. George W. F. Julian.
H. R. 30665. Joseph B. Kisting.
H. R. 30985. Catherine Lusk.
H. R. 31339. James O'Hare.
H. R. 31499. James W. Gray, jr.
H. R. 31686. Catherine C. Malin.
H. R. 32013. Frank E. Moore.
H. R. 32054. Robert Henderson.
H. R. 32224. Almira G. Kilbourne.
H. R. 32279. James Kelley.
H. R. 32304. William M. Bowen.
H. R. 32413. Golda McGill.
H. R. 32552. Robert B. Davis.

Mr. DRAPER. Mr. Speaker, on page 6, line 14, after the word "Sixth," I move to insert the word "Regiment."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 14, after the word "Sixth," insert the word "Regiment."

The amendment was agreed to.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer an amendment to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, after line 24, add the following:

"The name of Mattie J. Sarver, widow of Doctor E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the three minor children of said Doctor E. Sarver until they reach the age of 16 years.

Mr. MARTIN of Colorado. Mr. Speaker, I want to say a word in explanation and in support of the amendment. Doctor E. Sarver entered the Spanish-American War service from West Virginia on July 1, 1898. He was discharged April 10, 1899. At the time of his discharge he was suffering from a condition of the lungs which ultimately developed into consumption, so that his friends were required to send him to Colorado for relief. This soldier, who had served nearly one year in the service of the United States in the Spanish War, actually died in the poorhouse in Colorado Springs, leaving a widow and three small children, who are now in such destitute circumstances as to be objects of charity and in danger of becoming poor-farm tenants themselves.

The pension claim of the widow has been rejected in the Pension Bureau on the sole ground that the soldier was suffering with this disease prior to his enlistment. I have carried on a great deal of correspondence and have gone to a great deal of trouble out of my sympathy for this poor woman and her little children, and have accumulated a volume of 50 letters in the endeavor to help them. Among other things, I have run down and located the commanding officer of the company and got a letter from him, which I turned over to the Pension Committee on the first day of the present Congress, or, to be more specific, on the 7th of last December, stating that to all appearances this man was physically sound and healthy at the time he entered the service.

Mr. SHERWOOD. Where did he serve?

Mr. MARTIN of Colorado. I do not believe he went to Cuba. I am not sure where he served. I believe that when the United States accepts the service of a soldier and subjects him to a physical examination before enlisting him, it ought to be concluded by the findings, but I have gone further than that in this case, and, at great cost of time and effort to myself, have run down the commanding officer, who furnished a statement to the effect that this man appeared to be sound and well when he enlisted.

Mr. KOPP. Has there been a special bill introduced for this claimant?

Mr. MARTIN of Colorado. There has been a special bill introduced for her.

Mr. KOPP. When was it introduced?

Mr. MARTIN of Colorado. At the last session of Congress, and I have endeavored to get action upon it and get it put through at this session. I do not care to go into that feature of the case, however. I do not care to criticize anybody on account of inattention to this very deserving measure.

Now, proceeding, the Pension Bureau, in running down this case, sent a special examiner to West Virginia, and he examined and took the affidavit of two persons, who testified as follows. They testified that they knew Sarver well; that they had an opportunity to observe his condition upon his return from the service. They know that he was suffering with lung trouble upon his return, which was about three weeks after his discharge; that he suffered from lung trouble considerably from that time until the spring of 1904, when he went to Kanawha County, W. Va., and later his lodge sent him to Colorado, where, as I stated, he died of consumption at the county farm; but the point to which I wish to direct attention is this, that these witnesses knew this man well, but did not make any statement to the pension examiner that he was suffering from lung trouble before he entered the service, and the pension examiner, having secured no testimony to that effect from them and there being no testimony in the record to show that the man was suffering from tuberculosis before he entered the service, I say that it ought to be deemed conclusive that he was sound, especially when the Army examiner found him to be sound on enlistment, and that therefore it would inevitably follow that this condition accrued after his entry into the service. In addition to that, I want to say that there are affidavits here of the company sergeant stating that Sarver was a good soldier, that he was a manly man, and certifying that he suffered three distinct sicknesses as the result of colds caught when on duty, exposed to the cold and the rain and the snow.

[The time of Mr. MARTIN of Colorado having expired, by unanimous consent he was granted five minutes more.]

Mr. FOSTER of Illinois. Mr. Speaker, the gentleman has mentioned two; as I understand, the evidence was taken on special examinations.

Mr. MARTIN of Colorado. Yes.

Mr. FOSTER of Illinois. Was that all of the special examination that was taken in West Virginia, or does the gentleman know what the other evidence is?

Mr. MARTIN of Colorado. No; there was an attempt made to get some statement from the regimental surgeon, who said he did not know the man at all and remembered nothing about his case.

Mr. FOSTER of Illinois. These were lay witnesses that testified?

Mr. MARTIN of Colorado. Yes. They also got the affidavits of physicians who treated him in West Virginia for lung trouble after his discharge from the service. The examiner of the Pension Committee placed before me what he said was all of the evidence that had been secured by the Pension Bureau, and after reading it I said to the committee examiner that I would defy the Pension Commissioner or anybody else to point out to me one scintilla of evidence to show that Sarver had tuberculosis prior to the time of his enlistment; and I say now, on my honor as a Member of this House, that if there is any evidence to that effect pending in the Pension Bureau it was not pointed out in the files before me by the examiner of the committee, and I went to the trouble of making copies of all of the testimony that had been secured by the Pension Bureau in this case, and I hold it in my hand, and no evidence of that character whatever was present there.

Mr. KOPP. Was any action taken by the committee?

Mr. MARTIN of Colorado. There has been no action by the committee one way or the other. As I stated a moment ago, that is a subject I could go into, but I do not care to do that.

Mr. AMES. I want to ask that question myself. This is the first time that I have heard of the case. The case may be a perfectly good one and I would like to know why the gentleman could not get some consideration.

Mr. MARTIN of Colorado. I will say that on December 7, 1910, I wrote to the chairman of the Committee on Pensions, inclosing the letter which I had just then secured from the commanding officer of the company, and which I asked to have filed with my bill (H. R. 25620) granting a pension to Mattie J. Sarver.

On the next day, which was December 8, I sent the chairman of the Committee on Pensions this letter:

DECEMBER 8, 1910.

COMMITTEE ON PENSIONS,
House of Representatives, Washington, D. C.

GENTLEMEN: I will thank you to advance and consider H. R. 25620, granting a pension to Mattie J. Sarver, in support of which four affidavits are on file with your committee. I wrote you concerning the bill

on July 27, 1910. Since then, forgetting about the rejection of the claim in the Pension Bureau, I have succeeded in running down and getting a letter from First Lieut. A. F. Millan, which I mailed you yesterday. I am convinced that the soldier died as the result of conditions contracted in the service, and the need of the widow, with her three small children, is so urgent that I have done a large amount of corresponding to locate witnesses and get statements in support of her claim. I trust, therefore, that the evidence on file will be found sufficient and that you may see your way clear to making an early and favorable report.

Very truly, yours, JOHN A. MARTIN.

Mr. AMES. Will the gentleman allow me to interrupt him again? To what subcommittee was that bill referred?

Mr. MARTIN of South Dakota. There was a reply. I received a reply from the chairman of the committee on December 17, 1910. That reply is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PENSIONS,
Washington, D. C., December 15, 1910.

Hon. JOHN A. MARTIN,
House of Representatives.

MY DEAR SIR: Referring to your letter requesting that your bill H. R. 25620, proposing to grant a pension to Mattie J. Sarver, be considered by this committee, I would suggest that you take the matter up with Mr. BENNETT of Kentucky, the subcommittee having charge of all Colorado bills.

Yours, very truly, H. C. LOUDENSLAGER, *Chairman.*

I then visited the committee room and called up Mr. BENNETT's office at about that time and ascertained that he was in Kentucky, and I understood he was absent for a long period of time. I went to Mr. BENNETT's office during the Christmas holidays and left a list of four or five pension bills to which I had called the attention of the committee clerk and which I wanted considered, and I will say now I have never had one single bill considered or acted upon by the Pensions Committee during this whole Sixty-first Congress. I made special mention, Mr. Speaker, of this bill to the committee clerk, and Mr. BENNETT's secretary, because I had then received a letter from Mrs. Sarver's friends in Colorado Springs stating that her state of mind was so serious that if her bill was acted upon adversely she was not to be notified for fear of some rash action.

Mr. COOPER of Pennsylvania. Do I understand the gentleman to say the Pension Office has finally rejected this claim?

Mr. MARTIN of Colorado. Yes.

Mr. COOPER of Pennsylvania. And it was done upon the ground this man had the disease at the time of his enlistment?

Mr. MARTIN of Colorado. Yes; and no other.

Mr. COOPER of Pennsylvania. You say the record was that there was no such disease. Now, how do you justify—what evidence does the department have to base that rejection upon?

Mr. MARTIN of Colorado. I have already made this statement. I have said the examiner in the Pension Committee upstairs here in the building furnished me with the evidence, which he stated to me was all the evidence which had been secured by the Pension Bureau, and I found no statement to that effect in that evidence, which I copied off and have here, and I have already called attention to the affidavits of two persons, given to the Pension Bureau examiner, who said they knew Sarver well and that when he returned from the service he had consumption, and I have tried to impress upon the Members the significance of the fact that there was no testimony secured from these witnesses that prior to the time of entering the service there was any such disease.

Mr. COOPER of Pennsylvania. Was there any evidence, other than that on which this evidence was based, going to prove that?

Mr. MARTIN of Colorado. As I said a moment ago, I have not found it, but I do not want to be put in a position of having made a false statement.

Mr. KOPP. Mr. Speaker, I know nothing about the merits of this bill. I doubt whether any member of the Pensions Committee does, but in justice to the committee a statement should be made. I know that every Member on the floor of this House, or nearly so, who has bills pending before the Committee on Pensions, and has had bills postponed, or at least the consideration of them, thinks that the committee perhaps has not been giving them due attention. I know that the prevalent idea is that the Committee on Pensions is not doing all that it can. Now, that is being judged from the fact that so many are being reported from the Committee on Invalid Pensions. Of course it is well known that these two committees are acting under different laws. So far as I am concerned, I will say I have not missed a meeting of the committee. We have met regularly ever since our chairman returned, and we have had special meetings. We have made a consistent effort to report out all the bills possible; but, operating under a service law only, and with hundreds, aye, thousands, of bills pending before the committee, we could only report out a certain number. We have been doing the very best we could, whether we are criticized by the membership of the House or not. We have tried to be fair and have tried to report out the meritorious bills.

The gentleman from Colorado [Mr. MARTIN] had a bill which may be meritorious; I am not prepared to say that it is not meritorious, but I am prepared to say that there are hundreds of other bills, no doubt just as meritorious, that have not been reached, because we have not had the opportunity to take them up. It seems to me that legislation in this way, by piecemeal, is ill advised, and if we are going to give this claimant a pension, why not give every other worthy claimant a pension from the floor of this House? That is all I have to say, Mr. Speaker.

Mr. MARTIN of Colorado. Mr. Speaker, I hold in my hand a copy of a letter which I served in person, on the 1st of February, on the subcommitteeman who had charge of this bill, and at his suggestion I phoned to the Pension Committee examiner to have the files in the case sent for; I did that myself.

FEBRUARY 1, 1911.

Hon. JOSEPH B. BENNETT, M. C.,
House of Representatives.

DEAR SIR: During your absence in Kentucky I left a list of pension bills pending in your subcommittee which I would be glad to have considered, and particularly H. R. 25620, to grant a pension to Mattie J. Sarver. There are several affidavits filed with the bill, making a sufficient showing, I think, to justify favorable action, and the case is a most urgent one. Sarver died of tuberculosis, but the Pension Bureau rejected the widow's application on the ground that the disease originated prior to his enlistment. Among other things, I have secured a statement from Sarver's commanding officer, A. F. Millan, first lieutenant Company G, Second West Virginia Volunteer Infantry, stating that when Sarver entered the service he appeared to be physically sound. Sarver left a wife and three small children, who have been in such destitute circumstances as to require charitable assistance. Indeed, so desperate is her case that friends have requested me not to inform her in the event of an unfavorable issue with reference to her pension act.

I have done a great deal of work and corresponding in this case and I trust that it will receive favorable action.

I would also appreciate consideration of the other bills mentioned in the list to which I refer.

Very truly, yours,

Mr. KOPP. We are not responsible for the action of the subcommittee. The gentleman must realize that each subcommittee has several hundred bills pending before it, and each member of the subcommittee can not have written up all the bills intrusted to him. No doubt the Member referred to by the gentleman from Colorado has a good reason to assign for the delay in reporting that bill. I have not been able to report out 10 per cent of the bills that have been referred to me, covering the States of Kansas, Nebraska, Minnesota, and Wisconsin, although I have made an earnest effort to get out as many as possible, and I have no doubt the Member of the subcommittee in question has made that same effort.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The Speaker laid before the House the bill (H. R. 30886) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of certain soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The Speaker also laid before the House the bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The Speaker also laid before the House the bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House do concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills in order for to-day were passed was laid on the table.

SALE OF LAND TO FORT SMITH, ARK.

The SPEAKER laid before the House the bill (S. 10348) entitled "A bill to cede and sell to the city of Fort Smith, State of Arkansas, a municipal corporation, a portion of a tract of ground adjoining the national cemetery in said city of Fort Smith, State of Arkansas," etc.

The clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the city of Fort Smith, State of Arkansas, a municipal corporation, of such sum as he may determine to be the reasonable value of the premises, to convey to said city the following-described portion of the National Cemetery Reserve in the city of Fort Smith, State of Arkansas, to wit: Beginning at a stone which is set approximately at the center of South Sixth Street and at the extreme northeast corner of the National Cemetery Reserve in the city of Fort Smith, State of Arkansas, for a point of beginning; thence in a westerly direction and along the line of said reserve 157.2 feet to a point; thence in a southeasterly direction 207.6 feet, more or less, to a point in the east line of said cemetery reserve and in the west line of South Sixth Street; thence in a northerly direction and along the line of said cemetery reserve for a distance of 145.5 feet to the point of beginning.

Mr. HULL of Iowa. Mr. Speaker, I move that the bill do pass.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar bill, H. R. 31823, was laid upon the table.

THOMAS HOYNE.

The SPEAKER laid before the House, House joint resolution 209, for the relief of Thomas Hoyne, with Senate amendments.

The Senate amendments were read.

Mr. HAWLEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 27144, a similar bill, was laid on the table.

DAM ACROSS THE COLORADO RIVER.

Mr. MANN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I ask unanimous consent that the bill H. R. 32479 be transferred from that committee to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the following bill be transferred from the Committee on Interstate and Foreign Commerce to the Committee on Indian Affairs. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 32479) to authorize the maintenance and operation of a diversion dam across the Colorado River, and for other purposes.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

EVAN M. JOHNSON.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to offer a concurrent resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] offers the following concurrent resolution (H. Con. Res. 59), which the Clerk will report.

The Clerk read as follows:

Resolved, That in the enrollment of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army, the enrolling clerk of the House is hereby authorized and directed to strike out of line 10 of the engrossed bill the words "March 24, 1902," and insert in lieu thereof the words "May 16, 1899," the latter being the date of the sinking of the transport Meade, mentioned in the bill in question.

The SPEAKER. The bill does not seem to be here.

Mr. GRAHAM of Pennsylvania. I understood it had passed the Senate and was over here for the purpose of enrollment; possibly it has not been enrolled yet.

The SPEAKER. Without objection, the concurrent resolution will be agreed to.

Mr. UNDERWOOD. Mr. Speaker, I reserve the right to object until I understand what the purpose is.

Mr. GRAHAM of Pennsylvania. It is just to correct an irregular date. In passing the bill between the House and Senate there was a mistake made in the date of the sinking of the vessel. The bill has passed the House and Senate unanimously, and it is just to correct the record, by having the enrolling clerk insert one date instead of the other.

Mr. SULZER. Is this a joint resolution?

Mr. GRAHAM of Pennsylvania. It is a concurrent resolution.

Mr. SULZER. It ought to be a joint resolution.

Mr. UNDERWOOD. What was the bill?

Mr. GRAHAM of Pennsylvania. The bill is for the relief of a man named Johnson.

Mr. MANN. How did it pass the House?

Mr. GRAHAM of Pennsylvania. It passed unanimously.

Mr. MANN. What date was in the bill when it passed the House?

Mr. GRAHAM of Pennsylvania. The bill will show it exactly.

Mr. MANN. The gentleman says the date was changed in transmission from one House to the other, and I want to know.

The SPEAKER. The situation seems to be this, as far as the Chair can judge without having the original bill, that the original bill gives the date of sinking the transport *Meade* in the harbor of Ponce as March 24, 1902. The concurrent resolution is to authorize the enrolling clerk of the House to change that date to May 16, 1899, that being the date of the sinking of the transport *Meade* mentioned in the bill in question.

Mr. UNDERWOOD. I would like to ask the gentleman a question. Is the change merely for the purpose of identifying the time and place?

Mr. GRAHAM of Pennsylvania. That is all.

Mr. MANN. The error was in drafting the bill?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MANN. And not in transmitting it between the two Houses?

Mr. GRAHAM of Pennsylvania. No, sir.

Mr. MANN. That is quite a different thing.

The question was taken, and the concurrent resolution was agreed to.

LEAVE OF ABSENCE.

Mr. SMITH of Texas, by unanimous consent, was granted leave of absence for the day on account of sickness.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1375), which was read and referred to the Committee on the Merchant Marine and Fisheries and ordered to be printed:

To the Senate and House of Representatives:

On the 2d of February, 1910, I submitted to Congress "a system of uniform and common international regulations for the protection and preservation of the food fishes in international-boundary waters of the United States and Canada," in order that due legislative action on the part of the Government of the United States may be taken, as stipulated in article 3 of the convention of April 11, 1908, between the United States and Great Britain on the subject. The attention of Congress was again called to the subject in my annual message of December 6 last.

I now transmit a report from the American member of the International Fisheries Commission, furnishing further information in explanation of the value of the regulations and as to certain modifications which have been proposed, and showing the importance of early action by Congress. He calls attention to the fact that the fisheries embraced in the regulations are among the most important in the world, and that they can be adequately protected only by the joint action of the two Governments. I can not too strongly urge upon Congress the importance of taking prompt action to put into operation the conservation measures provided in the regulations and to which this Government is pledged by treaty stipulation.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1911.*

The SPEAKER. The Chair is informed by the chairman of the Committee on Foreign Affairs that the matter referred to in the President's message, in which he states reference was made to a former special message, is now pending before the Committee on Foreign Affairs. In view of that fact, by unanimous consent, the reference will be changed from the Committee on the Merchant Marine and Fisheries to the Committee on Foreign Affairs.

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill (H. R. 31596).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GAINES in the chair.

The CHAIRMAN. When the bill was last before the committee a point of order was pending, reserved by the gentleman from Illinois [Mr. FOSTER] and the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, since the last meeting of the committee I have conferred with the chairman of the Com-

mittee on Agriculture and have come to the conclusion that it would be impracticable to adopt the same character of amendment that was carried in the naval appropriation act of last year, which authorized the Secretary of the Navy to settle claims up to an amount of $500 and make report thereof to Congress. So far as I am concerned, I withdraw the point of order and offer an amendment which will require the Secretary of Agriculture to make an annual report to Congress of the amounts that may be refunded hereunder.

Mr. FOSTER of Illinois. I am with the gentleman from Wisconsin.

The CHAIRMAN. Is the point of order withdrawn?

Mr. STAFFORD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend by inserting after the semicolon, in line 4, page 48: "and the Secretary of Agriculture shall make annually reports to Congress of the amounts refunded hereunder."

Mr. FOSTER of Illinois. Mr. Chairman, I thought the gentleman was going to limit the amount to be paid.

Mr. STAFFORD. No; I stated that after investigating this matter—I do not wish to take any advantage of the gentleman's reservation—I found it was entirely impracticable to apply the same condition to the Agricultural Department as that which we applied to the Navy Department and which we have also extended to the Department of Commerce and Labor. Instances have been called to my attention by the chairman of the committee wherein there may be amounts that would require the refunding of thousands of dollars, that would occasion great embarrassment in the administration of the forest reserves. I think in the administration of this branch of the service we must allow a large discretion in the Secretary of Agriculture, and that we safeguard the interests of the Government by making him report annually the transactions under this provision.

Mr. FOSTER of Illinois. This provision will only be good for one year in this bill, would it not? That does not make it law.

Mr. STAFFORD. It is merely appropriation law. That would be subject, I think, to a point of order in a succeeding appropriation bill, if it was sought to raise the point of order then.

Mr. LEVER. Let me suggest, Mr. Chairman, that the chairman of the committee make a statement in respect to this matter.

Mr. MANN. This makes permanent law, I will say to the gentleman, in my judgment.

Mr. FOSTER of Illinois. Then I shall object to permanent law. Mr. Chairman, I am not in favor of that. I would have to reserve the point of order to that extent.

The CHAIRMAN. The Chair asked the gentleman from Illinois whether the point of order had been withdrawn, and was informed that the point of order had been withdrawn.

Mr. FOSTER of Illinois. Yes; it was with the understanding, as I understood, that there was to be a limitation of the amount to be paid in any one case.

The CHAIRMAN. The point of order was withdrawn.

Mr. FOSTER of Illinois. I will agree with the Chairman, but the gentleman does not desire to take any advantage of the matter.

Mr. SCOTT. Mr. Chairman, I think I can make a statement that will satisfy the gentleman from Illinois, simply citing a specific instance to bear out the general observation made by the gentleman from Wisconsin [Mr. STAFFORD]. There are pending now in the Forest Service two timber sales in each of which a deposit of $25,000 has been required. That money has gone into the Treasury. It would still be within the discretion of the Secretary of Agriculture to cancel all that may have been done looking to the carrying out of these contracts, and if he should do that it certainly would seem as if the firms who have advanced these large sums of money ought to have them refunded without going to the Court of Claims.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. MANN. That is covered by existing law, is it not, as to deposits?

Mr. SCOTT. It has been held by the comptroller that it was not. I will read to the gentleman a decision of the comptroller——

Mr. MANN. If it does not, then this does not do it.

Mr. SCOTT. Which the solicitor of the department cites as a reason for asking for this provision to be inserted. The comptroller, under date of December 28, 1910, rendered a decision, which is as follows:

Money collected for a supposed timber trespass on an unprotected homestead entered prior to the inclusion of the lands in a national forest, but afterwards found to have been lawfully cut thereon, can not be refunded under the act of March 4, 1897, if the timber so cut is not the product of the national forest.

Mr. MANN. Yes; but the gentleman stated that they wanted to be able to refund money which had been deposited. That is covered by existing law, or at least this section says so. Here is what the paragraph reads:

Provided further, That so much of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907 (34 Stat. L., pp. 1256, 1270), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended, etc.

Mr. SCOTT. Yes. But in relation to the latter part of the paragraph the statement which the Forester supplies to me is this:

It happens occasionally that on account of defective surveys the area upon which timber is marked for sale includes land which is afterwards found to be in private ownership. This was the case in the sale made to J. H. Hamblin & Sons Co., of Little Rock, Ark., for timber in the Arkansas National Forest, of which an amount valued at $79.70 was cut from the lands of J. D. Henderson. The comptroller held that under existing law the money could be refunded to neither of the parties.

It is to cover a case of that kind that we are asking this legislation.

Mr. MANN. That is not a case of a deposit.

Mr. SCOTT. No; it is not a case of a deposit; it is a case of erroneous payment.

Mr. MANN. I suggest to my colleague from Illinois [Mr. FOSTER], under the amendment which requires the amount of these refunds to be reported to Congress, so we are notified of the amount and the nature, if further legislation be necessary that there is an ample provision for the protection of the Government.

Mr. LEVER. Will the gentleman from Kansas give me the information as to the total amount of money included in these claims?

Mr. SCOTT. Mr. Chairman, I endeavored to obtain that information, but I was not able to get it, because most of these claims are on file in the district offices—the six or seven district offices scattered throughout the country. There are on file here in Washington claims amounting altogether to $143.95. These range in amount from $2 to $47.

Mr. LEVER. That about answers what I was going to ask and that was, if there is any information as to the largest amount of any one claim.

Mr. SCOTT. I notice here another amount of $52.25, which is the largest amount in the statement given to me, but I was informed there might be a larger amount even than $500 occasionally collected by mistake. But whatever the amount, it would seem it ought to be refunded. It ought to be refunded all the more if it was a large amount than if it were a small amount.

Mr. MANN. If we collect this money erroneously, we ought to pay it back and then be informed of that fact.

Mr. SCOTT. I will be glad if the gentleman will withdraw the point of order, and when the report is made it will be easy, then, for the next Congress to make any change that experience may show to be wise.

Mr. FOSTER of Illinois. Mr. Chairman, I would like to ask the gentleman, in reporting back to Congress, if this goes into the permanent law it would require an act of Congress to get rid of it.

Mr. MANN. Undoubtedly.

Mr. FOSTER of Illinois. And you might have some difficulty about getting rid of it.

Mr. MANN. If there was shown to be an abuse there would not be any trouble about getting rid of it.

Mr. FOSTER of Illinois. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Not to exceed 10 per cent of the total of all sums appropriated under "General expenses, Forest Service," and under "Improvement of the national forests," may be used in the discretion of the Secretary of Agriculture as provided above under "General expenses, Forest Service," and under "Improvement of the national forests," for all expenses necessary for the general administration of the Forest Service.

Mr. SCOTT. Mr. Chairman, my attention was diverted for the moment and I did not notice the Clerk had read the paragraph with the subhead of "Improvement of the national forests." I would like to offer the following amendment, simply to correct the form of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, page 48, after the word "forests," strike out "there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $490,000, to be expended as the Secretary of Agriculture may direct," and insert, in line 15, page 48, after the word

"forests," the following: "four hundred and ninety thousand dollars," so that the paragraph will read:

"For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests, $490,000."

Mr. STAFFORD. Mr. Chairman, I notice there is almost a doubling of appropriation of this item than was carried last year. Is the chairman of the committee able to inform the committee as to the reason for this large increase for this special service?

Mr. SCOTT. Mr. Chairman, the appropriation last year carried $275,000 for the improvement of the forests. There is an increase recommended this year of $215,000, and the committee felt justified in making that recommendation on account of the very obvious need of improving the forests just as rapidly as possible. There are detailed estimates on file with the committee aggregating $8,000,000 for such improvements in the forests as the Forester believes ought to be made in order to afford adequate fire protection—for the construction of trails, the making of fire lanes, the building of telephone connections, and things of that sort. The Committee on Agriculture feels that, considering the large sum that has been estimated for for this object, it is not extravagant to spend in the neighborhood of half a million dollars in one year, because we believe the expenditure will very much more than pay for itself in the enlarged opportunity which the improvements will afford for the better protection of the forests.

Mr. STAFFORD. Then I understand that, in order to carry out the recommendations of the department, it will require an appropriation of over $8,000,000 and that you have recommended the appropriation of but one-twentieth of that amount in this bills.

Mr. SCOTT. That is the situation.

Mr. STAFFORD. Is the committee approving a plan to carry out the recommendation of the department that will involve an expenditure of $8,000,000?

Mr. SCOTT. There has been appropriated for the improvement of the forests sums ranging from $275,000 to $600,000 each year for a number of years. The committee is acting upon the theory that the forests should be improved just as rapidly as the work of improvement can be economically done. We do not believe that $2,000,000 or $3,000,000 could be economically expended in one year, but we do believe that half a million dollars can be judiciously expended.

Mr. STAFFORD. Has the proposition as it has been before the committee in prior years, involving the expenditure of millions of dollars, as suggested by the gentleman, been asked for this year in the estimates?

Mr. SCOTT. I did not mean to convey the impression that the estimates this year had asked for $8,000,000, to be all appropriated and expended in the coming fiscal year. I intended to say that estimates had been made, or plans had been presented to the committee, outside of the Book of Estimates, showing that in the aggregate there would be required something like $8,000,000 to improve the forests to the extent that the Forester thinks they should be improved in order to be perfectly protected.

Mr. STAFFORD. Have not the plans of prior years, as submitted to the committee by the Forester, involved an expenditure of millions of dollars, as has been submitted this year?

Mr. SCOTT. There was one year when the Forester came before the committee and asked for an appropriation of $2,000,000, to be available for expenditure in a single year in the improvement of the forests. The committee's recommendation for that year was $500,000.

Mr. STAFFORD. As I understand, then, from the gentleman's remarks, there is no abatement in the policy for the protection of our national forests, but, in fact, there has been an elaboration of the plan to protect them.

Mr. SCOTT. There is certainly no abatement of the policy. It is well understood that in order to have these forests properly safeguarded against fire it is necessary to construct trails and fire lines and telephone connections, and the committees believe that ought to be done just as rapidly as it can be done, with a reasonable annual expenditure.

Mr. BOOHER. Will the gentleman from Kansas yield for a question?

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has the floor.

Mr. BOOHER. Do I understand that this bureau will be self-sustaining in the near future?

Mr. SCOTT. That subject had not come into the discussion, and I have made no statement in regard to it.

Mr. BOOHER. I understood the chairman to say something about this extra appropriation, to the effect that it would result in making the Bureau of Forestry self-sustaining.

Mr. SCOTT. The statement I made was that it would promote the protection of the forests, and make it easier to guard them against fire. I have made no statement as to the time when we might look to see the forests self-supporting. I may say, however, that the income from the forests this year will amount to something like $2,000,000; so that they are now about 50 per cent self-supporting. It will be some years, I think, before they can be expected to support themselves.

Mr. BOOHER. I suppose the chairman of the committee is aware of the fact that during the Fifty-ninth Congress, in the Littlefield investigation, the Chief Forester said that in three years from that time the Forestry Bureau would be self-sustaining, and at that time the total appropriation was only $1,000,000. This bill carries over $5,000,000.

Mr. SCOTT. I remember very well the statement to which the gentleman refers, and I think, without doubt, if the forests had been exploited, if the policy of selling the timber that was most accessible, as fast as possible, had been pursued, the forests would by this time have been self-supporting.

Mr. BOOHER. When was the policy of selling this waste material discontinued?

Mr. SCOTT. The policy was changed some two or three years ago, it being the judgment of the Forester, having, I suppose, of course, the support of the Secretary of Agriculture, that it would not be a wise conservation of a great natural resource to sell off the timber which was easily available and leave unsold that which was less accessible; and the policy was then entered upon of gradually improving the forests, so that the various sections of the country could be supplied from the forests most convenient to those sections.

Mr. BOOHER. At the time of the Littlefield investigation the Chief Forester testified that the receipts of the Forest Service at that time were about $600,000, and the expenditures $1,000,000 for that year. Now the receipts are something over $2,000,000 and the expenditures over $5,000,000, so that the expenditures have increased a great deal more largely than the receipts.

Mr. SCOTT. It is explained by the fact that a great deal of work is being done now in the forests that was not being done then, by the fact that a great many uses are being made of the forests which were not being made then, and by the fact that the forests have been greatly extended.

The gentleman knows, doubtless, that the more the country is settled up and the more that homesteaders locate within the forests or in the neighborhood of the forests, the greater is the demand upon the forest force.

Mr. BOOHER. Then, the receipts should be so much greater.

Mr. SCOTT. That would not necessarily follow, because a very large proportion of the timber used by homesteaders is granted to them free of cost.

Mr. BOOHER. That certainly would not add to the cost of maintaining them.

Mr. SCOTT. Yes; it would add to the cost of maintaining them, for the reason that just as careful supervision is required, if not, indeed, a more careful supervision, over the man who is using timber without cost than over a man who is using timber that has been bought.

Mr. LAMB. And for the further fact that millions of acres of land have been converted into the forest reserves since that time.

Mr. SCOTT. What the gentleman from Virginia [Mr. LAMB] says is very true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. I ask unanimous consent that it be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. At the time to which the gentleman refers I think the area of the forests was perhaps about 100,000,000 acres. It is now about 190,000,000.

Mr. BOOHER. Is it true that as you add to the forest reservation the expense becomes so much greater than the receipts all the time, increasing by a much larger per cent?

Mr. SCOTT. It will be true to a certain extent.

Mr. BOOHER. Then what is the average of increase, if the expense increases at a greater per cent than the receipts?

Mr. SCOTT. I think I might say to the gentleman that the philosophy of the forest policy, as I understand it, is to conserve the forests primarily, and not primarily to go into the timber business; and it follows, therefore, necessarily, that if we want to conserve the forests we must extend their boundaries to include all the forests that belong to the Nation.

Mr. BOOHER. Is it the gentleman's idea of the conservation theory that the longer it is continued the greater the expense will be?

Mr. SCOTT. No; that does not follow at all. In fact, the longer it is continued in proportion the less the expense will be.

Mr. BOOHER. The expense has not decreased during the last five years.

Mr. SCOTT. Because we have been extending the borders of the forest reserve, but we have now taken in practically all the land that will ever be so designated. From this time on, it seems to me, the receipts from the forests ought gradually to overtake the expenditures.

Mr. BOOHER. I hope that is true. Mr. Chairman, I ask unanimous consent to insert in the RECORD a part of the testimony taken before the Committee on Expenditures in the Agricultural Department—the testimony of Chief Forester Pinchot.

The CHAIRMAN (Mr. BOUTELL). Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The following is the matter referred to:

Appropriations for Forest Service for the following years, ending June 30: 1907, $1,000,000; 1908, $2,400,000; 1909, $3,296,000; 1910, $4,646,200; 1911, $5,801,000.

The CHAIRMAN. Are all the forest reserves of the Government open to grazing by private individuals, subject to the regulations and control of the Government?

Mr. PINCHOT. Subject to regulation; yes.

The CHAIRMAN. Does the Government receive anything for those privileges?

Mr. PINCHOT. It does. Two years ago, for the first time, we announced that a charge would be made for grazing on the public lands in the forest reserves, and we collected the first year $540,000 from that privilege. This coming summer we will get probably $600,000 or more.

The CHAIRMAN. That is a net income to the Government, is it?

Mr. PINCHOT. No; it is not a net income.

The CHAIRMAN. What do we have to expend in order to produce that $600,000 of result?

Mr. PINCHOT. That question requires this answer: When the forest reserves were transferred to the Department of Agriculture the income for the previous fiscal year had been less than $60,000, under the charge of the Land Office, and the expenditures $375,000. The gross appropriation for the two the year of the transfer was $850,140, I think. The income was $767,000 for the first full year we had charge of it, and the net charge upon the Treasury was about $400,000 less than it had been before. In other words, we began at once to make forest reserves pay. At the time of the transfer I agreed that I would never ask Congress for more than a million dollars for running expenses.

The CHAIRMAN. You mean for the whole bureau?

Mr. PINCHOT. For the whole bureau; but I would earn the rest, if they would give me the right to do it. This year I asked for $900,000 instead of the million, and the income for the present fiscal year will amount to about one and one-quarter millions.

The CHAIRMAN. Will it result in making the expenses of your bureau, taking everything into account, about $2,100,000?

Mr. PINCHOT. No; the expenses this year will be about $1,800,000.

The CHAIRMAN. So that you have a margin to the good?

Mr. PINCHOT. We have a margin to the good; and I have promised the Committee on Agriculture that in five years from the transfer the forests will be costing the Government nothing at all.

The CHAIRMAN. That is, your bureau will be self-sustaining?

Mr. PINCHOT. Yes. It has three more years in which to do it.

Mr. RUCKER of Colorado. Mr. Chairman, I would like to ask the chairman in charge of this bill a question. From what source do you get the $2,000,000 and over that is spoken of as the income from the Forestry Bureau?

Mr. SCOTT. In general terms, it comes from the sale of the timber and grazing fees. There are also other special uses from which other receipts come.

Mr. RUCKER of Colorado. To what other uses does the chairman refer?

Mr. MANN. Water powers and uses of that kind.

Mr. SCOTT. The leased land over which irrigation ditches are carried and water power furnished, and so forth. Let me say that during the fiscal year 1910 the receipts were as follows: From sales of timber, $1,043,428.20; grazing, $986,909.38; special uses, $58,910.50. In addition it was estimated that the free use of timber was allowed to the value of $176,166.51.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I want to say that I have been very much interested in this subject, because in our State, instead of this Forest Service being a benefit to us, it is absolutely an injury, both as respects the grazing privilege, from which some $900,000 is collected—partly from our State and partly from other States that are under this tribute system—but more especially with reference to that part collected at the expense of diminishing our timber supply and the destruction of its usefulness.

Mr. Chairman, one-third of the area of the State I have the honor in part to represent is included in forest reserves. In this connection, I hope you will remember that the original purpose for these withdrawals from the public domain was based upon the idea that in order to conserve the water supply needed for irrigation purposes this was deemed necessary to preserve the forests, they helping to make the best reservoirs for such supply. That fundamental idea and purpose met with the hearty acclaim of the whole semiarid region, but no sooner was the power given and the withdrawals made, than, greatly to our dismay, the opposite of what we expected was soon projected. That a system of espionage was to be inaugurated against the homeseeker on our public domain and the prospector in our mountains against their free and unlimited right, under the law, to pursue their respective vocations, was not expected. And now, since the full developments of the realities contemplated by these "New Nationalists" has dawned upon us, we find none to defend the policy save a few cattle barons and a few manufacturers of lumber. The owners of small herds of cattle, who, in times gone by, were wont to use the ranges, have been driven out, and the home builders are made to pay nearly double the price they formerly had to pay for their lumber.

That is not all. Vast areas of good agricultural land have been inclosed in these reserves, thus withdrawing an opportunity from the homeseeker and, at the same time, imposing upon the present taxpayer a burden he would be proportionately relieved from, could such areas be brought within the taxing power of the State.

The man who wants a home, who perhaps has spent the most of his days upon the farm, acquainted with soils, a long resident of the West, knowing the adaptability at different altitudes for a given kind of crop, and willing to take his chances, is met with a denial of his right by some youngster just from the city, or college life, and is curtly informed the land is not suitable for agricultural pursuits. The judgment of the dilettante prevails, and the homeseeker is told as the sweep was, in one of Dickens's novels, to "move on."

Again, when the old grizzled prospector, with his years upon years of experience in reading the language of rocks, has but unloaded his patient and faithful burro, pitched his tent, spread his shakedown, and shouldered his pick, then comes around another of these youngsters, who, in terse and peremptory language, tells him that he is not in a mineral zone and, therefore, he must move on. If the old prospector has been so unfortunate as to have escaped discovery until he has spent much time, labor, and money, and has, in his judgment, just reached the cap-rock of his pursuit, and is then discovered, nevertheless, he is told to move on. And so it is with reference to every endeavor of those undertaking to follow others whose pluck and energy opened up to the world the secret sources of wealth in the West with freedom, and without hindrance—they are met upon the threshold of a new undertaking by the order to move on.

The laws with reference to obtaining title to agricultural land, as well as mineral, by this new policy of which we complain, are made to bend by exasperating rules and regulations in the hands of these regulators, corresponding to their peculiar whims, prejudices, and incompetence.

The prospect for the one seeking a home of finding one, and the other to prospect as he would for the discovery of a mine, is so discouraging that increased population of our State and the future of our mining resources is brought to a standstill.

Mr. Chairman, this bill brings the yearly demand for millions of dollars for the support of the Forestry Bureau. Year after year, we find an increased demand. This appropriation asks for $5,500,000 and over. Last year we appropriated $5,000,000 for this same service. We have, therefore, an increased demand over last year of $500,000, and, as appears from the colloquy between the chairman and myself, the Government receipts for the sale of timber from these forest reserves in 1910 were $1,043,428.20, and from grazing privileges $986,909.38, and $58,910.50 from rentals of rights of way, water-power sites, and so forth. I do not, of course, include the item of $176,166.51, allowed for the free use of lumber, nor do I see how such item could in any way be regarded as a proper charge. Therefore we have the account as follows: Five million dollars spent last year, and $2,124,808.08 received, at an expense to the Government of $2,908,751.92, less 25 per cent to the States and Territories for roads and school purposes.

Mr. Chairman, I venture to say I voice the sentiment of 99 per cent of the citizens of those States and Territories exploited by this policy in saying we have received no corresponding benefit from the operation of this bureau, and if the objector or the credulous asks "Why," I should be led to say that outside of the pecuniary loss to us—of which I shall speak later—we are justified in criticizing the Government for engaging in a commercial business at all, because it is un-American and un-Republican, as well as unconstitutional. Further, we feel resentful, because such acts upon the part of the Government is a discrimination against us never exercised toward our sister Commonwealths in the upbuilding of their statehoods. History shows that the timber supply, grazing privileges, coal lands, and water-power sites of these sister Commonwealths were never capitalized for Government revenues, hence the unjustified discrimination against the West.

But, more than that, Mr. Chairman, and aside from the moral and ethical phase, and aside from the economic side of the question, as shown by the receipts and expenses of the bureau, there is another view which challenges the wisdom of the policy. We not only need our forests to conserve the rainfall, and that very badly, but we need the lumber that may be spared, and that very badly, for our own building purposes. Under the present system our watersheds are shorn of their power to store water, the timber felled that ought to stand for still other purposes, and there is transferred from us 75 per cent of its value to the National Treasury. Along with this 75 per cent goes also 75 per cent of our grazing privileges. And when there is added to this through culling out of some partly matured trees, a loss of from a dozen up of young trees, killed by the felling of one of those isolated giants, there may be a better appreciation of the injury we sustain. Coupled with this, we may add that the axman does not realize that our trees only grow 90 days in the year, and only six hours a day over that period, and, therefore, none are matured, and hence a further wanton and unnecessary destruction of our forests and consequent loss to us. Besides that, under this bill the Government is allowed to sell, not only to a trust, but is allowed to sell to a trust authorized to ship the product from our State, though we have been for years importers of lumber for house building.

Mr. Chairman, I will not ask the indulgence of the Chair, nor impose upon the House the history and evolution of the laws and rights of the occupants of our public domain. I will, however, say briefly that whilst this history shows there was a time in the early days that the Government sought to utilize the natural resources for governmental purposes, it only lasted during the time when the original 13 States owned the whole of the public domain westward, but not since the Louisiana purchase in 1803 has the Government invaded the rights of home builders.

It is well known that the Free Soil Party, formed in 1850, established the status of the American citizen to acquire, free of cost, a home on his own soil. Following this movement, we find perfected the rights as now defined by law—the acquirement by citizens of homes on the public domain. Side by side we find the public mineral domain open for exploration and ownership, and their well-defined rights have never been challenged nor interfered with until the introduction of the "red tape" and exasperating regulations inaugurated by the heads of the Forestry Bureau.

Mr. Chairman, it was by a chance glance of an early pioneer in that western country, pursued by an Indian, tomahawk and scalping knife in hand, whilst in hiding by the side of a rivulet, he discovered a gleam in the sand, so different in color that it led him to pick it up with his trembling hand, which finally led to the discovery of the gold fields of California. Thenceforward the stream of migration has been westward. That migratory movement has been more or less attended with dangers, privations, and disappointments; yet the pluck, energy, and perseverance of the early pioneers and their descendants have builded empire upon empire there, and the country they invaded, conquered, and reclaimed has contributed millions to our wealth in gold and silver, and is destined to be the granary of the world, adding year after year to the population, wealth, and substance of our Nation.

Mr. Chairman, directly traceable to the shortsighted policy concerning the administration of the natural resources of Colorado I wish to give an illustration:

The census figures show that in 17 of the mining counties of the State where the greatest number of acres of forest reserves are located they lost in population nearly 33,000 in 10 years. I challenge all experts in calculation to find a greater loss, according to popuation, in any section of the Union, and I hold that the loss is due solely to this Forestry Bureau and its administration of the Forest Service.

We Congressmen from the West ask our colleagues from the South, North, and East to consider calmly our demand, and we hope future legislation will be measured out to us upon the principle of the Golden Rule—

As ye would that men should do unto you, do ye so unto them.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; 5 clerks, class 4; 6 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 18 clerks, at $900 each; 1 clerk, $720; 1 property clerk, $1,600; 1 assistant property custodian, $900; 1 chief food and drug inspector, $2,760; 1 food and drug inspector, $2,250; 6 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 8 food and drug inspectors, at $1,400 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 2 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 17 laboratory helpers, at $720 each; 2 laboratory helpers, at $660 each; 19 laboratory helpers or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 tool maker, $1,200; 1 janitor, $1,020; 1 student assistant, $300; 2 messengers, at $840 each; 1 skilled laborer, $900; 2 skilled laborers, at $720 each; 1 skilled laborer, $600; 4 messengers or laborers, at $600 each; 2 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 1 messenger or laborer, $360; 6 charwomen, at $240 each; in all, $242,190.

Mr. MACON. Mr. Chairman, I make the point of order against the language to be found beginning in line 3 on page 49, "one chief clerk, $2,000." The present salary is $1,800. I make the point of order as against the increase of $200.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I offer the amendment to restore the original salary to $1,800.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, lines 3 and 4, after the semicolon, insert "one chief clerk, $1,800."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, rent, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $610,110.

Mr. BARTLETT of Georgia. Mr. Chairman, I reserve the point of order on this paragraph for the purpose of making an inquiry. I notice this paragraph uses this language for the purpose of carrying out the law, and so forth—

In the city of Washington and elsewhere.

It then goes on and provides for an appropriation for expenses, and so forth, and the employment of such assistant clerks and other persons as is considered necessary for the purpose named, and appropriates $610,110. I want to inquire what this word "elsewhere" means, and if that is not new legislation. I reserve the point of order on the paragraph, and especially upon the word "elsewhere."

Mr. SCOTT. Mr. Chairman, the language to which the gentleman calls attention is not new legislation.

Mr. BARTLETT of Georgia. The gentleman means by that that it has been carried in appropriation bills heretofore?

Mr. SCOTT. It has been carried in appropriation bills heretofore, and the necessity for it arises from the fact that in the enforcement of the pure-food law it is necessary to send inspectors all over the country and to maintain chemical laboratories in various large cities in the country. On that account it is essential that the word "elsewhere" should appear in this paragraph.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not recall that it has ever been ruled by a Chairman presiding in Committee of the Whole that even the Agricultural Department, where not specially authorized by acts, could provide for officers outside of the city of Washington. It has been uniformly held that the departments, under the Revised Statutes establishing various departments, and providing for their various duties, and giving them various authorities, might create offices and expend money in the District of Columbia and the city of Washington, but that when you undertake to provide that a head of a department should expend money by the appointment of employees or officers outside of the District of Columbia, there would have to be some specific authorization of law for it other than in an appropriation bill.

Mr. SCOTT. Will the gentleman permit an interruption?

Mr. BARTLETT of Georgia. Certainly.

Mr. SCOTT. The Department of Agriculture is specifically charged with the enforcement of the pure food and drug act.

Mr. BARTLETT of Georgia. I understand that.

Mr. SCOTT. Does not the gentleman believe that in view of the legislation which imposes upon the Secretary of Agriculture this duty he would be warranted in expending money outside the city of Washington if it were necessary in order to enforce the act?

Mr. BARTLETT of Georgia. I do know under the rulings that have been made. I do not know that I am going to make the point of order, but I wanted to call the attention of the House and the Chair to this provision. I know how important it is that this act should be enforced. I do not agree with the policy of it in all particulars. If we could have it administered as it should be administered, it would be of great service to the people, and has been a great service to the people, I will state that. Until the questions that have been raised in the courts have been decided I do not want to hamper or hinder the proper enforcement of this law, but what I object to, what I want to direct the attention of the committee and the country to, is the unlimited discretion, the unlimited power, that is sought to be given in this bill to the Secretary of Agriculture to spend money upon anything, whether it relates to the enforcement of the pure-food law or any other law. There is no suggestion in the bill, no effort anywhere to say how many places he shall create, how many employees he shall employ, and what salary he shall pay, and there is no restriction or limitation whatever in this bill upon the Bureau of Chemistry or the Secretary of Agriculture as to the amount he shall pay any particular person or the money he shall spend for any particular object. He is given carte blanche to spend $610,110 as he pleases without any effort to say what the salary shall be of the man in any particular case. I think it is subject to a point of order. I am not going to discuss that.

Mr. SCOTT. Will my friend yield for one more question?

Mr. BARTLETT of Georgia. Of course.

Mr. SCOTT. The language by which the Department of Agriculture is charged with the duty of enforcing the meat-inspection act is practically the same as that in which it is charged with the enforcement of the pure-food law. Does not my friend believe that an appropriation bill may properly carry language which allows the Secretary to employ meat inspectors in Chicago, Kansas City, and other places?

Mr. BARTLETT of Georgia. Well, I understand the bill provides for so many inspectors.

Mr. SCOTT. Oh, no.

Mr. BARTLETT of Georgia. It ought to if it does not.

Mr. SCOTT. But it does not.

Mr. BARTLETT of Georgia. It ought to whether it does or not.

Mr. SCOTT. It leaves it discretionary with the Secretary.

Mr. BARTLETT of Georgia. It ought to provide for a specified number and ought not to leave unlimited the number that may be employed and the amount of salaries which can be paid unlimited in amount.

Now, I merely want to enter a protest against this manner of legislation. I want to suggest that this bill, which in a great measure does great benefit to a large number of our farmers throughout the country—and I do not want to suggest that I want to attack it in any way—but there is, however, in my judgment, under the guise—I will not use that word in any offensive sense—I will say, under an effort to expend money in the interest of agriculture, too much discretion given to the department. There is too much money provided, and the expenditure of that money is by officials who have the discretion of saying what shall be done with the money and what salaries people shall receive. Now, after pointing out under the statute in what the other departments are required to do, to appoint such clerks, such employees, or such officials to discharge their duties in those departments in Washington, that would be a compliance with the law, but when the Agriculture Department was created and when the various other departments were created, their duties were specifically stated and their powers specifically limited, and I hope in the near future, when the Members of Congress shall assemble to enact the next agricultural bill and to enact the other appropriation bills, the men who have been chosen by the people to represent them will be more careful than have those in this bill and in some other appropriation bills, and let the people understand for what purposes and for what offices their money is being expended and what salaries are being paid.

I say this mode of legislation is contrary to our rule, and that the Department of Agriculture or any other department should not be given carte blanche to appoint all the officials and employees it sees fit and even undertake to fix what the salaries shall be, whether $1,000, $1,200, $1,500, $2,000, or even $5,000. It has a tendency to create favoritism in the appointment of officials; it has the tendency to overestimate the qualifications of men for the duties which they are called on to perform; it has a tendency to put off the day when other employees and clerks in the service of this Government in the city of Washington may have their salaries justly increased. For that purpose I have reserved the point of order, but I do not desire to make it.

The CHAIRMAN. The point of order is withdrawn.

Mr. LAMB. Mr. Chairman, I just want to say in reply to my friend from Georgia that the Committee on Agriculture have been doing just exactly what he would expect them to do, from the remarks which have fallen from his lips. Now, if you will turn to the Book of Estimates, you will find out that the Agricultural Committee had before them a list of these expenses in Washington and elsewhere. For instance, under the food and drugs act, in Washington there was an estimate of $182,770. Then the food and drug act salaries out of Washington and elsewhere is defined in this language. Then that follows on with a bill of particulars, I might say, and sums up $221,246, thus accounting for nearly the whole amount in this paragraph.

Mr. BOOHER. May I ask the gentleman from Virginia a question?

Mr. LAMB. Yes, sir; certainly.

Mr. BOOHER. Does this bill in any place give the number of veterinarians employed in any of the stock yards, or the number of meat inspectors?

Mr. LAMB. The bill does not, but the annual reports from the Bureau of Animal Industry of the Department of Agriculture do give the numbers of those officers. My friend from Missouri can find out all that information at any time he desires by going down and getting that document.

Mr. BOOHER. I know; but in every other department we appropriate for so many clerks and employees specifically, while in this bill it is left almost entirely in the discretion of the department to fix the number and salaries of the employees.

Mr. LAMB. Yes; but the gentleman must have faith and confidence in somebody. Somebody has got to be responsible, and in the administration of this food and drug act, which spreads all over the country, we are compelled to vest discretion in somebody to administer this money.

Mr. BOOHER. May I call the attention of the gentleman from Virginia to the expenditures of the so-called referee board? Does he think those expenditures are right?

Mr. LAMB. Yes; $28,088 is the amount that was expended for the year.

Mr. BOOHER. From the 1st day of March, 1908, to December 31, 1909, Dr. Russel H. Chittenden's salary was $13,709.66, and his other expenses were $5,769.59. Dr. C. A. Herter's salary was $9,822.13 and his other expenses were $3,518.66. Dr. John H. Long's salary was $15,685.34 and his expenses were $8,473.48.

Mr. LAMB. What is the gentleman reading from?

Mr. BOOHER. I am reading from the testimony of Mr. Zappone, the disbursing clerk of the Department of Agriculture. Dr. Ira Remsen's salary was $11,631.36 and his expenses——

Mr. LAMB. My friend from Missouri is making a speech and taking my time.

Mr. BOOHER. No. If the gentleman will allow me, I was just calling the attention of the gentleman to this subject and asking him if he approved of this expenditure.

Mr. LAMB. Does the gentleman from Missouri comprehend the wide scope of this board of review, and does he know what splendid talent is required in those positions?

Mr. BOOHER. Yes; I will say to the gentleman, I know. Dr. Ira Remsen's salary was $11,631.36 and his expenses were $4,030.86.

Mr. LAMB. Those gentlemen cover the whole administration of that service.

Mr. BOOHER. I beg to differ with the gentleman. We have here the salaries and expenses of those gentlemen traveling about the country.

Mr. LAMB. I rose to speak on this paragraph and to answer a question of my friend from Georgia, and now the gentleman from Missouri is occupying my time. The bill that we are discussing is in the hands of an abler man than I, but——

Mr. BOOHER. If the gentleman from Virginia will allow me, I am not complaining about the conduct of the bill by the chairman of the Committee on Agriculture, but I simply want to call the attention of the House to these expenditures under the referee board.

Mr. COCKS of New York. That is the referee board. We know all about that.

Mr. BOOHER. Now, permit me to ask, Why should there be such a difference in the salaries of these officers, doing the same business and performing the same duties, under the same terms?

Mr. LAMB. For the same reason that there is a difference between your salary and the salary of one of these clerks at $2,000.

Mr. SCOTT. Will my colleague from Virginia [Mr. LAMB] allow me to answer the question?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. LAMB] has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that he may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. I do not want the committee to get the impression from what has just been read by the gentleman from Missouri that the salaries of $11,000 and $15,000, and other large sums, are paid to one individual man. The amounts there named are paid to the men whose names are given in connection with them for the total cost of maintaining the laboratories which they are conducting in carrying out the work of the department, and if the gentleman will look into the matter a little more carefully he will find out that the sum actually received by the individuals whom he has named is a very modest sum, indeed.

Mr. BOOHER. Here is the proposition: Why should one of these men receive $15,000 in salary for a certain period of time and another receive $9,000?

Mr. SCOTT. I can not allow the gentleman to state that this person receives $15,000 in salary. The $15,000 covers an allotment with which the scientist to whom it is paid is to carry on the expense of the laboratory in which he is to make certain investigations for the Department of Agriculture.

Mr. LEVER. He may carry a dozen clerks.

Mr. SCOTT. He may carry a dozen clerks, and does carry two or three skilled chemists, and pays them a large part of that sum.

Mr. BOOHER. Why is it carried on the books of the department under the head of "Salaries?"

Mr. SCOTT. It is not so carried.

Mr. BOOHER. It is; I beg the gentleman's pardon.

Mr. SCOTT. On the books of the department the gentleman will find, if he investigates, the sum has been lumped by Mr. Zappone in the testimony he is quoting.

Mr. BOOHER. The Committee on Investigation of Expenditures in the Agricultural Department investigated this very thing, and we elicited from the bureau the thing I am stating, that under the head "Salaries" they carried this amount to Dr. Long of $15,500.

Mr. SCOTT. Did the gentleman get an impression that $15,000 was paid to Dr. Long as his compensation?

Mr. BOOHER. I most certainly did.

Mr. SCOTT. Then he has got an erroneous impression. The sum was paid to Dr. Long for the entire cost of maintaining the laboratory which he conducts to carry on these investigations and a great many other expenses.

Mr. BOOHER. I insist that the expenses the chairman speaks about come under the head of "Other expenses" and not under the head of "Salaries."

Mr. LEVER. Mr. Chairman——

Mr. SCOTT. I yield to my friend from South Carolina [Mr. LEVER], who has, no doubt, the detailed estimate before him.

Mr. LEVER. If the gentleman will yield to me, I will read:

Referee board.

Five consulting scientific experts, at $2,000 each	$10,000
One expert	3,500
Three experts, at $200 per month each	7,200
Two experts, at $150 per month each	3,600
One expert, at $1 per hour (estimated amount)	1,800
One expert, at $50 per month	600
One collaborating stenographer, at $25 per month	300
Total	27,000

Mr. BOOHER. Now, that is exactly the "Other expenses," and here is this extra help paid for under the head of "Other expenses," exactly as I have it, and it does not cover any part of the salaries. Under the head of "Salaries" is carried the salaries of the members of the referee board.

Mr. MANN. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. MANN. I was not in sympathy with that board or the creation of it——

Mr. LEVER. Neither was I.

Mr. MANN (continuing). But in justice to the facts it is proper to say that these were investigations carried on in a chemical laboratory and in a laboratory under the control of Dr. Long, where he was at great expense; and those consulting scientists received a salary of $2,000 each.

Mr. BOOHER. That is set out here under the head of "Other expenses," that the gentleman from South Carolina read. We have the same list of "Other expenses" here.

Mr. LEVER. Except that your list refers to two years ago and mine refers to the past year.

Mr. BOOHER. It carries the same thing.

Mr. MANN. Mr. Chairman, the fact is that the amount which the gentleman read was not an individual salary to Dr. Long, but was to cover the expense of his laboratory in doing this work, which involves the payment of a number of experts.

Mr. MACON. Will the gentleman allow me to ask what the salary of Dr. Long is, in fact?

Mr. MANN. Two thousand dollars.

Mr. SCOTT. Will the gentleman from Missouri [Mr. BOOHER] allow me to make this statement?

Mr. BOOHER. Certainly.

Mr. SCOTT. The entire cost of the referee board for the fiscal year 1910 was $27,000. Obviously, therefore, the amount spoken of by the gentleman from Missouri could not be paid to each one of these gentlemen as salaries.

Mr. BOOHER. I am going by the sworn testimony of the officials.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I am familiar with what my friend from Virginia calls attention to. I have been familiar with the fact for several years that the Secretary of the Treasury has to submit to the Congress an itemized statement of the expenditures and the estimates. I had that book upon my desk, the same as my friend from Virginia had, and which he read from; and because I had that and saw the expenditures that have been made, and the estimates that have been proposed, I call attention to the large increase in this amount.

Now, we have in the last appropriation bill for the Department of Agriculture this item:

For all expenses necessary to carry into effect an act known as the pure food and drug act, in the city of Washington and elsewhere, including chemical apparatus, chemical supplies, etc., $240,000.

And—

For employing such assistants, clerks, and other persons as the Secretary may consider necessary for the purpose named, $287,340.

The Committee on Agriculture, in passing its last bill, the bill for the last fiscal year, saw fit to segregate that amount, and saw fit to say how much was to be expended elsewhere and in the city of Washington for the purpose of carrying that out.

They do not do that in this bill. Now, the Secretary in submitting these estimates says:

There is an apparent decrease in the above appropriation of $92,230; but adding the saving in salaries of 137 employees transferred to the statutory roll, amounting to $152,230, there is an actual increase of $60,000. This increase is for paying the expenses of expert witnesses and other expenses in connection with the enforcement of the food and drugs act. This appropriation has been segregated from the appropriation for general expenses, Bureau of Chemistry, and several minor changes made in the wording.

Now, we have in the same Book of Estimates, in relation to the food and drugs act, the number of employees and the salaries paid to each, amounting to $182,770, and for those employed outside of Washington, $259,108.50, so that it all amounts to about $460,000.

Now we are asked—and I apprehend we are going to do it—to pass a bill without anything in the report of the committee, without anything in the bill indicating to this House for what purpose this large increase over last year is made. It is said by my friend from Virginia that in order to inform ourselves about it each Member not upon the Appropriations Committee must go and dig up the information contained in the Book of Estimates.

Mr. LAMB. I beg the gentleman's pardon; I did not say any such thing.

Mr. BARTLETT of Georgia. The gentleman held the Book of Estimates in his hand, and said that each one could get the information from it.

Mr. LAMB. I said we would show it. I did not say you could dig it up.

Mr. BARTLETT of Georgia. The gentleman said we could find the information in this book. Oh, yes; if all of us were on the Committee on Agriculture, or if we had the time to devote to it, as my friend has, we could go through the pages of this large volume and find it for ourselves; but I humbly and respectfully submit that it might be the duty of the Committee on Agriculture to inform other gentlemen who may not desire to engage in this apparently useless work of finding out where the money is expended, where this increase goes.

Mr. SCOTT. Will the gentleman allow a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. SCOTT. I did not hear the statement the gentleman made, and I wish he would state how much of an increase he figures there is over the current year.

Mr. BARTLETT of Georgia. I read from the Book of Estimates.

Mr. SCOTT. I thought the gentleman made a statement as to the amount of the increase.

Mr. BARTLETT of Georgia. I undertook to do so. I called attention to the statement made by the Secretary of the Treasury in a note on page 121 of the Book of Estimates.

Mr. SCOTT. I thought the gentleman said there was $200,000 increase.

Mr. BARTLETT of Georgia. I said the whole amount paid for the enforcement of the pure food and drugs act amounted to about $460,000, and that here you appropriated some $600,000.

Mr. SCOTT. I would like to make this statement to the gentleman: The increase in the appropriation for the enforcement of the pure food and drugs act carried in this bill in excess of the current appropriation is $60,000. The total increase in the entire bureau over the appropriation for the current year is only $68,080.80.

Mr. BARTLETT of Georgia. I said that the report of the Secretary of the Treasury, as contained in the Book of Estimates, showed that under this bill there was an appropriation for salaries in Washington, $182,770; and for salaries outside of Washington, $259,108.50. And added together they amounted to about $455,000.

Mr. SCOTT. Probably about $555,000, making a total appropriation of about $60,000 more than last year.

Mr. BARTLETT of Georgia. I simply ran the figures up in my mind. I will admit that the gentleman is more accurate, as he probably has the exact figures. I called attention to the fact that there was an evident increase of over $60,000. I did not misquote anybody.

Mr. SCOTT. Oh, not at all. I did not know that the gentleman made the statement.

Mr. BARTLETT of Georgia. My only information is from the Book of Estimates furnished by the Secretary of the Treasury. Now, Mr. Chairman, it does seem to me that when we are increasing appropriations by leaps and bounds, increasing them from year to year, running up into thousands of dollars, we ought to know for what this money is expended. I apprehend that there are not 20 Members in this House outside of the Committee on Agriculture that can find the time or occasion to tell for what this large sum of money appropriated is expended. That is all I desire to call the attention of the House to, and to the unwise way of appropriating large sums of money, to be expended in Washington and elsewhere, without any safeguards thrown around it. I do not care who is at the head of a department, or who the official may be, we ought to safeguard and protect the expenditure of the people's money, no matter for what purpose it is expended, and no matter how pure and honest and how faithful the official may be to whom the expenditure is intrusted. It is our business to know where it goes, and to protect it. That is all I desire to say. I withdraw the point of order.

The Clerk read as follows:

That the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," be amended so as to provide that whenever any preparation, such as tincture made from a fresh plant or from any part thereof, or a dilution of either a fresh or dried plant tincture or other drug substance which may be made upon the scale of 1 part of the tincture or solution and 9 parts of menstruum, and which process may be successively repeated by using 1 part of each succeeding dilution and 9 parts of menstruum or a trituration made upon the scale or proportion of 1 part of the substance and 9 parts of milk sugar, and which process may be successively repeated by using 1 part of each succeeding trituration and 9 parts of milk sugar, is not mentioned in the United States Pharmacopœia or the National Formulary and is mentioned in the Homeopathic Pharmacopœia of the United States, it shall be judged by the standard contained in the Homeopathic Pharmacopœia of the United States.

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph.

While I have made the point of order against this provision in the bill, it is not because I object to giving recognition to a Homeopathic Pharmacopœia in the pure-food law. When the pure-food law, otherwise known as the food and drugs act, was prepared, it provided, as a mere matter of convenience, that drugs named in the United States Pharmacopœia should not be required to have any specific statement as to strength or otherwise in connection with the name of the drug if the article conformed to the requirements for the drug so named in the United States Pharmacopœia.

It is evident that we can not successfully enforce a law which has two standards under the same name without any further indication of what is intended. But, as I understand the item in this bill, it obviates that difficulty by proposing that only those drugs which are named in the Homeopathic Pharmacopœia and not named in the United States Pharmacopœia shall conform to the requirements of the Homeopathic Pharmacopœia if the name be given without further indication of the strength or other quality.

I am inclined to think there could be no objection to this provision if there were no controversy as to what Homeopathic Pharmacopœia shall be recognized. There is no controversy in reference to the United States Pharmacopœia. There is but one. But there are two homeopathic pharmacopœias, each claiming to be the correct one.

The paragraph in the bill proposes to recognize the Homeopathic Pharmacopœia of the United States, published under the direction of the committee on pharmacopœia of the American Institute of Homeopathy. The first edition of this publication, I think, was issued in 1897, and the second, which, I believe, is the last, was issued in 1901. But there is another homeopathic pharmacopœia, known as the American Homeopathic Pharmacopœia, th eighth edition of which was issued in 1904 or 1906.

Various bills have been before Congress since the passage of the food and drugs act seeking recognition, by amendment of that act, for the Homeopathic Pharmacopœia of the United States, the one referred to in the paragraph in this bill. Those, so far as the House is concerned, have been before the Committee on Interstate and Foreign Commerce. I think, also, that one or two bills have been introduced in one of the branches of Congress seeking to recognize the American Homeopathic Pharmacopœia.

I am not qualified at present to pass upon the respective merits of these two homeopathic pharmacopœias. But there have been many communications sent to us protesting against the recognition in the law of the Homeopathic Pharmacopœia of the United States as against the American Homeopathic Pharmacopœia.

In an article in the Hahnemannian Monthly of September, 1908, is an article objecting to recognition of the Homeopathic Pharmacopœia of the United States, and various articles have appeared at different times in the Homeopathic Recorder, published at Lancaster, Pa., to the same effect. I have received a large number of letters along the same lines, a few of which I herewith insert.

The following is a letter from the secretary and manager of the Standard Homeopathic Pharmacy, of Los Angeles, Cal.:

STANDARD HOMEOPATHIC PHARMACY,
Los Angeles, Cal., December 15, 1908.

Hon. JAMES R. MANN, *Washington, D. C.*

RESPECTED SIR: It is my privilege, and I give myself the honor to write you with regard to the recognition of the Pharmacopœia American Institute of Homeopathy.

I most respectfully petition that this be denied. The book which is used at present has been used for many, many years, and is entitled and known as the "American Homeopathic Pharmacopœia," and should receive the consideration of the Congress of the United States.

I humbly petition this in the name of and in the spirit of hundreds of physicians along the coast and in California, all of whom, as far as I have been able to ascertain, are opposed to the recognition of the book known as the "Pharmacopœia American Institute of Homeopathy."

The recognition of the Pharmacopœia American Institute of Homeopathy would work great hardship, not only upon the human subscriber and the business he represents, but it would cause a great deal of trouble, misunderstanding, and inharmony to the profession, and would be the cause of a great deal of monetary loss. I speak from a practical experience of over 20 years in homeopathic pharmacy and its relation to the physician.

In the interest of homeopathy, its followers, and the financial and general moral interest, the undersigned respectfully presents—

THE STANDARD HOMEOPATHIC PHARMACY,
WM. A. BROOKS, *Secretary and Manager.*

I concur most heartily.

F. S. BARNARD, M. D., *President.*

Here is a letter from the manager of the Kansas City Homeopathic Pharmacy Co.:

KANSAS CITY HOMEOPATHIC PHARMACY CO.,
Kansas City, Mo., December 10, 1908.

Hon. JAMES R. MANN, of Illinois,
Washington, D. C.

RESPECTED SIR: I have the honor to address you upon a subject touching the recognition of a book entitled and known under the name of "Pharmacopœia American Institute of Homeopathy."

The undersigned manager of the Kansas City Homeopathic Pharmacy Co., begs to submit for consideration that instead of the above-named book, called "Pharmacopœia American Institute of Homeopathy," another book, published by Messrs. Boericke & Tafel, of Philadelphia, Pa., entitled "The American Homeopathic Pharmacopœia," should receive recognition by the Congress of the United States.

The subscriber most respectfully presents this petition, based upon the fact that, in his capacity as manager of the above-named pharmacy, he is supplying and is in contact with thousands of homeopathic physicians in the West; that he has duly solicited and has the expressions of the wants of such physicians, which are that they desire to have the American Homeopathic Pharmacopœia recognized as the

official book. This book is now being used and is recognized as the practical, truthful, representative book and the guide for and of the homeopathic profession, and has been so used for many years and is still the recognized guide almost universally employed; any deviation or change from the teachings of this book at this time would very much harm the cause of homeopathy, as well as of the individual physician; therefore the adoption of the Pharmacopœia American Institute of Homeopathy would invite inharmony, misunderstanding, great hardship, and untold confusion.

The undersigned also most respectfully calls attention to the fact that applications now before you to recognize the Pharmocopœia American Institute of Homeopathy, supported by so-called supplications obtained in a political routine and rushed through meetings in an obscure way ought to carry very little weight with your honorable committee.

The writer, informing himself further upon the expressions, finds that the large homeopathic establishment in Philadelphia, known under the name of Boericke & Tafel, the largest pharmacy in the East, has the same experience. A similar opinion is obtained from the pharmacy in Louisville, and still another opinion of the same character is obtained from the extensive homeopathic pharmacy in Los Angeles.

Respectfully submitted.

J. C. WISE.

Also a letter from the Southwestern Homeopathic Pharmacy Co., of Louisville, Ky.:

SOUTHWESTERN HOMEOPATHIC PHARMACY CO.,
Louisville, Ky., December 14, 1908.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

RESPECTED SIR: I take the liberty to address you with reference to the recognition of a book called "Pharmacopœia American Institute of Homeopathy," and I most humbly beg that this request be refused, and that instead of the above-mentioned book the American Homeopathic Pharmacopœia be recognized.

The reason for this petition is based upon the requests of many prominent homeopathic physicians whom we supply, and also upon the honest conviction of your humble writer, that the said Pharmacopœia American Institute of Homeopathy would create much disorder, hardship, and misunderstanding, both morally and financially.

The writer, in petitioning for the recognition of the American Homeopathic Pharmacopœia, calls attention to the fact that this book has been for a great many years, and is yet, the accepted guide of formulary of homeopathy throughout the United States, being used by physicians and colleges, and the Pharmacopœia American Institute of Homeopathy is not desired by the fraternity at large, notwithstanding the fact that so-called supports from State associations have, in a political way, been obtained for it.

After making a thorough investigation, your humble petitioner finds that a large majority of other pharmacies have the same experience, and that the desire of the majority of homeopathic physicians is to recognize the American Homeopathic Pharmacopœia.

Hoping that this petition may meet your approval,

I am, with much respect, yours, truly,

M. E. HAYDON,
Manager Southwestern Homeopathic Pharmacy Co.

Also a letter from the proprietor of the Washington Homeopathic Pharmacy of this city:

WASHINGTON HOMEOPATHIC PHARMACY,
SUCCESSOR TO BOERICKE & TAFEL,
Washington, D. C., May 12, 1908.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Your valued communication of the 8th instant to hand, asking for information relative to the standing of the two pharmacopœias pertaining to homeopathy.

I am very glad of the opportunity to submit the following by way of explanation, and I trust that you will comprehend that the matter is of vast importance to the homeopathic pharmacists throughout the country.

The American Homeopathic Pharmacopœia is a compilation of the ideas, formulas, and data as handed down to us by the founder of homeopathy, namely, Samuel Hahnemann, and which the homeopathic pharmacists have used continuously for the past 100 years. Upon this our materia medica is based, upon this our provings have been made and recorded to the satisfaction of every homeopath, not only in this country but the whole world. Again, the above pharmacopœia serves to teach the different strengths of all homeopathic preparations, and which concedes, quite naturally, that the drugs therein should be handled in quite a different manner from the method set forth in the pharmacopœia known as the United States Homeopathic Pharmacopœia, the sole idea of which is to teach us that all of our drugs shall consist of but one strength.

The United States Homeopathic Pharmacopœia consists of ideas originated by a few who would revolutionize the homeopathic world, and by some manner of means succeeded in having the same adopted by the American Institute of Homeopathy, a large body consisting of nearly every homeopathic physician in this country, and it is safe to say there are a very few of them who know anything about pharmacy.

Now, even though the American Institute of Homeopathy did adopt this new publication, think you that the pharmacists conform to the step taken by them? I invite you to take a canvass of the homeopathic pharmacists throughout this country and you will learn that we prefer Hahnemann's ideas, and that we stick to them, and will continue to do so unless Congress passes on the bill offered and known as the Gallinger bill.

The matter simmers down to this: Are we to follow Hahnemann, the founder of homeopathy, or take up the opinion of a seemingly private work?

This subject has been the bone of contention for the past 10 years, and in the opinion of the writer has reached that stage when it is looked upon as a farce, and I beg to assure you that the matter should be dropped and not referred to again until the same can be taken up with the American Institute of Homeopathy, which meets in June, and final disposition is determined upon.

The homeopathic pharmacists of this country have not been acquainted with the object of the Gallinger bill, but I have taken steps to acquaint them of the existence of the same, and it is quite likely that you will receive communications from all of them, the more staid of which will be better able to treat of the subject than the writer.

Yours, very truly, C. V. DORMAN.

Also a letter from Dr. William O. Cheeseman, homeopathic physician of Chicago:

CHICAGO, ILL., *April 29, 1908.*

Hon. JAMES R. MANN, *Washington, D. C.*

FRIEND MANN: I write you to protest against the bill amending the food and drug act, and is numbered H. R. 6089.

This amendment has been introduced through the efforts of Dr. T. H. Carmichael, professor of pharmacology, Hahnemann Medical College, Philadelphia.

This bill represents only a desire of a small portion of the homeopathic physicians of this country, as about 90 per cent now use by preference the preparations made according to the American Homeopathic Pharmacopœia, published by Messrs. Boericke & Tafel.

On behalf of the majority of the homeopathic physicians of the United States I urge you to vote against this bill and use your influence to defeat it.

Thanking you in advance for this favor, and with best wishes for yourself, I remain,

Sincerely, yours, WM. O. CHEESEMAN, M. D.

Also two letters from Dr. A. C. Allen, of the Medical Advance, homeopathic publication of Chicago:

THE MEDICAL ADVANCE,
Chicago, Ill., April 27, 1908.

Hon. JAMES R. MANN, M. C., *Washington, D. C.*

MY DEAR SIR: In reply to your esteemed favor of 21st: It has always been considered a fundamental principle in the homeopathic school that the remedy should be prepared in the same way and by the same method as was the drug from which the original provings were made. This has not only been the custom, but is considered vital in securing the active properties of a medicine. The Pharmacopœia, seeking legal indorsement in Congress, changes the method of preparation and consequently the strength of many of the homeopathic mother tinctures from the strength in which the remedy was originally tested on the healthy—that is, the drug provings on which the homeopathic materia medica is based.

In making the potencies of the various remedies, either alcohol or distilled water is used in converting the triturations of the solid substance, metal or mineral—e. g., gold, silver, lead, graphite, alumina, silica, etc.—from the triturations into the liquid potencies. This Pharmacopœia does not authorize the conversion of triturations in any form into liquid potencies.

The majority of homeopathic colleges in the United States do not use this Pharmacopœia in their pharmaceutical departments or in instructing their classes, and for the reasons above stated are opposed to its becoming legalized by Congress.

A large majority of the homeopathic physicians in this country, for the reasons mentioned above, use the American Homeopathic Pharmacopœia, and probably will continue to use it, even if the House bill now in Congress should become a law.

Yours, very truly, H. C. ALLEN.

—

CHAIRMAN OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

DEAR SIR: I write to protest against the bill which is before the committee for amending the food and drugs act and is numbered H. R. 6089.

This amendment has been introduced through the efforts of Dr. T. H. Carmichael, professor of pharmacology, Hahnemann Medical College, Philadelphia. The bill represents the desire of but a very small class of homeopathic physicians, as more than 90 per cent of the homeopathic physicians of the United States now use by preference preparations made according to the American Homeopathic Pharmacopœia, which differs in principle from the United States Homeopathic Pharmacopœia. The majority of homeopathic colleges in the country use the American Homeopathic Pharmacopœia as a textbook.

This is an effort to obtain official indorsement of a Pharmacopœia to the detriment of an earlier and rival work. It will be of no earthly use to the profession if the bill becomes a law, and you will confer a favor on many of your friends by killing it if possible.

Very truly, yours, H. C. ALLEN, M. D.

Also, a letter from P. H. Mallen Co., manufacturing homeopathetic pharmacists, of Chicago:

P. H. MALLEN CO.,
MANUFACTURING HOMEOPATHIC PHARMACISTS,
Chicago, Ill., May 11, 1908.

Hon. J. R. MANN, M. C., *Washington, D. C.*

DEAR SIR: We wish to protest against bill No. 6089 now pending before the Committee on Interstate and Foreign Commerce. This bill is one amending the pure food and drug act, and the amendments make the Homeopathic Pharmacopœia of the United States the authorized work. We wish to say that more than 90 per cent of the homeopathic physicians of the United States are using, by preference, the homeopathic remedies that are prepared according to the American Homeopathic Pharmacopœia, which differs in principle from the Homeopathic Pharmocopœia of the United States. We trust that you will use your best efforts in having the American Homeopathic Pharmacopœia substituted for that of the Homeopathic Pharmacopœia of the United States.

Very truly, yours, P. H. MALLEN CO.,
P. H. MALLEN, *President.*

Also a letter from Mr. Boericke, of Boericke & Tafel, homeopathic pharmacists, of Philadelphia. This firm is the publisher of the American Homeopathic Pharmacopœia.

PHILADELPHIA, *November 21, 1908.*

Hon. J. R. MANN, *Washington, D. C.*

DEAR SIR: In accordance with a request sent us by Dr. M. R. French, of Chicago, I mail you to-day a copy of the American Homeopathic Pharmacopœia and some journals, together with a catalogue of Boericke & Tafel.

From the articles marked and from the letter to Dr. Carmichael by the Bayard Club, it may be evident that there is a decided opposition to the United States Homeopathic Pharmacopœia, and it is a fact that the majority of homeopathic physicians, as well as the majority of homeopathic pharmacies, prefer the preparations made according

to the American Homeopathic Pharmacopœia. This latter pharmacopœia is also adopted as the standard in several States, and was adopted at the annual meeting last June by the International Hahnemannian Association, which is a representative body of homeopathic physicians of considerable influence.

Any further information I may be able to give you in this matter will be gladly furnished by me.

Yours, truly, F. A. BOERICKE.

In view of the fact that I have received so many letters in connection with the consideration of this subject before my committee protesting against official recognition of the Homeopathic Pharmacopœia of the United States and insisting that most of the homeopathic pharmacists and physicians recognize the American Homeopathic Pharmacopœia and not the Homeopathic Pharmacopœia of the United States, I have made the point of order to strike out the provision in the bill which proposes to recognize the Homeopathic Pharmacopœia of the United States.

The Committee on Interstate and Foreign Commerce, which has jurisdiction of this subject, is quite willing to give full and complete consideration to the question at any time when the parties interested desire to appear before it, although it would seem that the people believing in homeopathy ought to come to some agreement among themselves before they ask Congress to enact legislation which may determine for them to a large extent the character of the medicinal preparations they are to receive.

Mr. SCOTT. Mr. Chairman, in order that the reasons which actuated the committee in inserting this paragraph may be understood, I submit the following letter:

AMERICAN INSTITUTE OF HOMEOPATHY,
Philadelphia, Pa., January 10, 1911.

Hon C. F. SCOTT, *Chairman,*
And Members of the Committee on Agriculture.

GENTLEMEN: In accordance with the request of the Hon. C. F. SCOTT, your chairman, I submit the following facts in reference to the proposed paragraph in the report of the Secretary of Agriculture, which provides for the introduction of the Homeopathic Pharmacopœia of the United States into the food and drugs act as the standard for such preparations of drugs as are not mentioned in the United States Pharmacopœia or National Formulary.

As chairman of the pharmacopœia committee of the American Institute of Homeopathy, I represent 2,900 members out of a total of 15,000 physicians in the United States who desire that their preparations shall be standardized in the food and drugs act. It will be observed that our national society bears the same ratio in membership to the total number of physicians as obtains in other national medical associations. In addition, there are a very large number of other physicians who use fresh-plant tinctures.

We are not asking that our pharmacopœia supplant the United States Pharmacopœia, and wherever the preparations are of the same kind, as in cases of tinctures from dried plants, the United States Pharmacopœia would remain the standard, but in the case of tinctures from fresh plants, of which there are about 300, and triturations with milk sugar, and the dilutions of remedies, there is now no standard, and for that reason we pray for the introduction of the Homeopathic Pharmacopœia of the United States, and that these preparations be plainly labeled "prepared according to the Homeopathic Pharmacopœia of the United States." This would, of course, clearly designate the standard. In the cases mentioned by Dr. Wiley, opium, nux vomica, and cinchona, being dried-plant tinctures and mentioned in the United States Pharmacopœia, that work would be the standard.

We would, therefore, suggest the adoption of the following, which you will notice is identical with the statement made by your chairman (see p. 254, next to last paragraph, statement of Dr. Wiley, on agricultural appropriation bill), which Dr. Wiley in the next paragraph says would be perfectly satisfactory to him. We simply mention, after the words "that whenever any preparation" and the words "is not mentioned in the United States Pharmacopœia, etc.," the following, for the purpose of defining the use of the word "preparation" as used in this connection: "*Provided*, That whenever any preparation, such as a tincture made from a fresh plant or from any part hereof, or a dilution of either a fresh or dried-plant tincture, or other drug substance, which may be made upon the scale of one part of the tincture or solution and nine parts of menstruum, and which process may be successively repeated by using one part of each succeeding dilution and nine parts of menstruum, or a trituration made upon the scale or proportion of one part of the substance and nine parts of milk sugar, and which process may be successively repeated by using one part of each succeeding trituration and nine parts of milk sugar, is not mentioned in the United States Pharmacopœia or the National Formulary, and is mentioned in the Homeopathic Pharmacopœia of the United States, it shall be judged by the standard contained in the Homeopathic Pharmacopœia of the United States."

This definitive declaration prevents ambiguity, and does not in any manner alter the paragraph as inserted by the Secretary of Agriculture and modified by your chairman and agreed to by Dr. Wiley.

Respectfully submitted.

T. H. CARMICHAEL, M. D.,
Chairman Committee on Pharmacopœia,
American Institute of Homeopathy.

Mr. FOSTER of Illinois. Mr. Chairman, the paragraph of this bill under the heading of Bureau of Chemistry, which is no doubt subject to a point of order, if adopted will recognize the United States Pharmacopœia as the standard of such drugs as are not now recognized under the pure food and drugs act.

The Homeopathic Pharmacopœia of the United States is the one which has been recognized by the American Institute of Homeopathy. This is an organization of homeopathic physicians of the United States, and is composed of the foremost leaders of the profession of this country. In my judgment, if Congress is to recognize any pharmacopœia of this school of medicine, it should adopt that one which has the indorsement of the national organization. A good many years ago the American Institute of Homeopathy appointed a committee of eminent physicians to write a pharmacopœia that might be satisfactory and have the indorsement of the organization. This committee after years of work and study finally produced in 1897 the first addition. Those physicians who composed the committee and edited this first edition were such men as Conrad Wesselhoeft, Boston, Mass., chairman; J. Wilkinson Clapp, Boston, Mass., secretary; Lewis Sherman, Milwaukee, Wis.; Henry M. Smith, New York, N. Y.; James E. Gross, Chicago, Ill.; William Boericke, San Francisco, Cal.; A. C. Cowperthwaite, Chicago, Ill.; Malcolm Leal, New York, N. Y.; H. R. Arndt, San Diego, Cal.; Edward P. Colby, Wakefield, Mass.; A. F. Worthington, Cincinnati, Ohio; and T. Y. Kinne, Paterson, N. J. And those who edited the edition of 1901 are the following: Charles Mohr, Philadelphia, Pa., chairman; J. Wilkinson Clapp, Boston, Mass., secretary; Conrad Wesselhoeft, Boston, Mass.; A. C. Cowperthwaite, Chicago, Ill.; C. A. Boericke, Philadelphia, Pa.; O. A. Dewey, Ann Arbor, Mich.; John L. Moffat, Brooklyn, N. Y.; and T. H. Carmichael, Philadelphia, Pa.

Dr. J. P. Dake, of Nashville, Tenn., had much to do with the early part of the writing of this pharmacopœia, but on account of his death was unable to help complete the work. These men have been eminent in the profession, and in my judgment were unselfish in recommending this pharmacopœia to the homeopathic physicians of the United States. They did not represent any particular manufacture of medicines, but sought to write and adopt such work as would be of use to physicians of this school of practice.

There have been other homeopathic pharmacopœias published in the United States, but these usually were written for some manufacturing firm. The foremost among them is the American Pharmacopœia, and is published by Boericke & Taffel, a manufacturing firm of Philadelphia, Pa. This is a reliable firm and one in which the physicians of the school have confidence in their honesty and integrity. Yet it hardly seems fair that there should be a failure to recognize the pharmacopœia of this school of medicine because it does not suit any particular manufacturing firm. But the one should be recognized that has the indorsement of the profession at large. It seems that the one indorsed by the American Institute of Homeopathy should be indorsed, if any is to receive recognition by Congress. This paragraph only seeks to recognize as the standard of this school of such remedies as are not mentioned in the United States Pharmacopœia. There is quite a difference in the preparation of many of the remedies used by the different schools of medicine. While it is not feasible to recognize two standards under the pure food and drug act, yet it seems to me that we ought to give recognition to the one which now has the indorsement of the highest authority of the organization of this school of medicine. It is not probable that the complete indorsement by all manufacturing firms of this pharmacopœia could be brought about in the near future. But if Congress will recognize the work of the highest authority in the school, I have no doubt that in a short time whatever changes may be necessary in this work will be carried out. And it is no doubt the changes will be necessary, as the United States Pharmacopœia, which is now recognized under the pure food and drug act, has had many changes made since it was first adopted in convention. This must necessarily be so with the advancement in medicine and new remedies being discovered and new processes of manufacture and extracting the active principle of drugs. I regret that it has been thought necessary to make a point of order against this provision in the bill for the reason that it must defer the recognition of the pharmacopœia of this school of medicine.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,000; 1 executive assistant, $2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, $1,200; 8 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $840 each; 1 soil bibliographer, $1,400; 3 draftsmen, at $1,200 each; 1 draftsman, $1,000; 1 photographer, $1,200; 1 messenger, $720; 1 messenger, messenger boy, or laborer, $480; 1 messenger boy, $360; 1 laborer, $600; 1 laborer, $300; 1 charwoman or laborer, $480; in all, $48,320.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. MACON. Mr. Chairman, I make the point of order against the language in the paragraph, in lines 16 and 17:

One soil physicist, who shall be chief of bureau, $4,000.

His present salary is $3,500, and I make the point of order.

Mr. SCOTT. Mr. Chairman, I concede the point of order on the salary of the chief.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, there is nothing now that I desire to say in connection with the matter.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 17, page 53, before "dollars," insert "three thousand five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the investigation of the relation of soils to climate and organic life and of the texture and composition of soils in the field and laboratory, $51,600.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding a new paragraph after line 15, page 54, as follows: "For exploration and investigation within the United States to determine a possible source of supply of potash, nitrates, and other natural fertilizers, $12,500, $2,500 of which shall be immediately available."

Mr. SCOTT. Mr. Chairman, I reserve the point of order on the amendment.

Mr. LEVER. Mr. Chairman, the amendment just offered by me, if adopted, will inaugurate a most important line of work to the people of the United States, and especially those engaged in agriculture. Briefly, the purpose of the amendment is to give authority to the Department of Agriculture to conduct explorations and investigations throughout the country, with a view of determining the probable sources of supply of potash, nitrates, and other natural fertilizers. The amendment, if adopted, will enable the department to make a thorough investigation to locate deposits of nitrates, potash, and such other minerals as may be useful as fertilizers.

As the virgin soil of the country becomes more and more exhausted, as it is becoming more and more exhausted each year, the intelligent farmer—and they are all becoming educated more and more—adopts the system of intensification in his farm methods. This means that the farmer is planting less acreage and producing by intelligent methods larger results in the way of crops raised. The soil is a great storehouse, filled with the food and clothing of the human family. To manage the soil in such a way as to make it yield the most for humanity is the science of agriculture. This management consists in three methods of human control—rotation, tillage, and fertilization.

The use of commercial fertilizers is therefore recognized by the leading agricultural scientists of this day as a necessary method in the control and exploitation of the soil. At this time commercial fertilizers are used most largely in the South, and especially in the South Atlantic States, where, on account of the one-crop system prevalent in that section, the soil has been depleted in a measure of much of the necessary elements of plant growth. But it must not be overlooked that experiments prove that the richest soils yield most readily in increased crop production to the use of commercial fertilizers, and this matter of the use of these ingredients becomes each day more and more a question of nation-wide importance. The rich alluvial lands of the Mississippi Valley and the prairie lands of the West are just as much in need of the application of commercial fertilizers as are the worn-out lands of the older States.

Gentleman of the committee will understand the vast importance of this undertaking proposed in this amendment when the fact is called to their attention that the United States consumes commercial fertilizers to the amount of $120,000,000 every year and that the bulk of the supply of the raw material comes from foreign countries. A complete fertilizer consists of certain proportions, dependent upon the soil and the crop or plant, of nitrogen, phosphoric acid, and potash. The nitrogen supply of this country comes largely from Chili, while the entire supply of potash comes from Germany, and in the matter of potash alone this country, its farmers, pay to Germany an annual tribute of over $8,000,000. Germany has a complete and absolute monopoly upon the potash business of the world, with an absolute power to make the price of this essential ingredient of a complete fertilizer exactly what she pleases to make it. It seems to me inconceivable that a great agricultural people, that a nation whose wealth is dependent upon the producing capacity of its agricultural classes, should be willing to sit quietly down and continue without any effort to relieve the situation, and to permit a condition to exist which makes them dependent upon a foreign nation for one of the necessary elements which enters into the productive power of the soil. Why should we continue to remain at the mercy of the German monopoly in potash when a thorough investigation of our own great stretch of country might develop the fact that we have sufficient potash on our own soil to supply the needs of our agricultural classes? That Germany has such a monopoly as I have hinted at no one questions.

I presume most of us have read very much during the past six months of the controversy between our country and Germany on the question of certain contracts alleged to have been made by certain American buyers of potash with certain German corporation sellers of this article. I do not intend at this time to discuss the merits of this controversy. Time will not permit it, and it is not germane to the point under discussion. But at some future day, if I shall get the opportunity, I do propose to have something to say about it and to make inquiry to ascertain the reason for the continued delay upon the part of the State Department in bringing about a settlement of this question. I only mention this matter because the discussion of it directed my attention to the lamentable condition of the farmers of the country in their absolute dependence upon a foreign nation for their supply of one of the essential ingredients of a commercial fertilizer.

I do not know what the prospects are for discovering potash deposits in the United States, but I am satisfied that these prospects are favorable. I have taken the matter up with Dr. Whitney, Chief of the Bureau of Soils, and he has written me this letter which I desire to read for the information of the House:

FEBRUARY 9, 1911.

Hon. ASBURY F. LEVER,
House of Representatives.

DEAR MR. LEVER: In response to your letter of February 8, I am sending herewith memoranda which show the amounts of potash salts imported into this country, their value, and their distribution, for the year ending June 30, 1910. These figures are obtained from the reports of customs receipts to the Treasury Department, and can be accepted as approximating very closely to the truth and subject to but slight probable revision pending the issuance of official figures by the Department of Commerce and Labor.

Of the items enumerated, the carbonates and hydrates enter into the manufacture of soaps, glass, ceramics, dyes, etc.; the cyanide in plating and mining, and a negligible quantity goes into the manufacture of fertilizers. The muriate, sulphate, and most of the nitrate go into the fertilizer trade, mainly in the preparation of mixed fertilizers. That is to say, that imports of fertilizer salts for agricultural use approximate 250,000 tons of a value of nearly $8,000,000. By far the larger portion of this material comes from the Stassfurt deposits in Germany, the production from all other sources in the world being almost negligible in comparison.

Reliable statistics are not available for giving the distribution of this material in the several States. Since by far the major part of it enters into the manufacture of mixed fertilizers, its distribution is probably not materially different from that for fertilizers in general. A recent estimate has been made by one of our experts from the best information he could gather from official sources and the confidential statements of manufacturers. It appears that about 80 per cent of the fertilizers sold in this country go to the Southern States, including Texas and Missouri; the Carolinas and Georgia being the heaviest consumers. About 15 per cent goes to the Northern and Middle Western States east of the Mississippi River. The remaining States use less than 5 per cent, of which the citrus fruit regions of southern California are the most important, the trucking areas around San Francisco and Seattle taking a small quantity, and the other areas in the trans-Mississippi States using at present only negligible quantities. It is, however, only a question of time, and probably a short time, when fertilizers will be used generally throughout the country.

Of the possible sources of potash in commercial quantities in this country three now seem worthy of consideration, although scientific inquiry may develop others as time goes on. It is possible that workable deposits of potash salts exist in the desert basins of arid regions. Depoits of alunite, a mixed sulphate of potash and alumina, are known, and considerable deposits of leucite, a potash silicate, have been reported in such regions which could reasonably be expected to lead to the formation of deposits of soluble potash salts. Field explorations by a chemist for the existence of such deposits and laboratory investigations of methods for the isolation of the valuable constituents are much needed and would prove valuable for the interests of this country.

A second possible source of potash salts is in the brines of our salt wells. Many of these brines are known to carry potash, but whether in workable amounts is not known. A field inspection of these salt wells is eminently desirable, and the laboratory investigations referred to above are as necessary in this case.

A third possible source of potash is in our potash-bearing rocks and minerals. Certain feldspars and other minerals like leucite contain relatively large percentages of potash which can be extracted by laboratory methods, which are at present of doubtful practicability on a commercial scale. Further investigation of this source of potash and methods for extracting it are eminently desirable and could very well be prosecuted by governmental agencies in the interests of the people at large.

Respectfully, MILTON WHITNEY, *Chief of Bureau.*

This letter encourages the hope that we may find either in the semiarid and arid regions of the West, in the salt wells of New York and Ohio, or through some process of extracting potash from minerals containing potash, the relief which we seek from the monopoly of a foreign nation in the supply of potash so necessary to the agriculture of this country. To make the investigation, even though it involves a considerable expenditure of public money, and even though no positive good comes from it, is still worth while. We shall at least settle the

question and know once and for all how to deal with this situation. If, however, we can find through this investigation some way by which to supply the potash necessities of this country it will mean millions and millions of dollars saved to the American farmer and to the American Nation. It is an opportunity for trying to do something to reduce the cost of crop production and to enhance the profits of our agricultural classes which I am certain this House will not neglect. I therefore most earnestly urge the adoption of this amendment, feeling that it contains possibilities for good that very greatly overbalance the expenditure involved. [Applause.]

Mr. SCOTT. Mr. Chairman, I have given some attention myself to the conditions which the gentleman from South Carolina has outlined, and I am convinced, if this proposition had been brought before the committee, it would have received a favorable report, because it seems to appeal to anyone that it would be wise to expend a reasonable sum of money when scientists inform us there is a prospect of success in endeavoring to locate and develop resources for materials which are now imported from abroad at very great cost. I therefore withdraw the point of order. [Applause.]

Mr. MOSS. Mr. Chairman, I renew the point of order, and I would like to give my reason in a moment for doing so. I do not doubt the fact we are expending $120,000,000 a year for commercial fertilizers. I want to call Prof. Whitney as a witness himself, who said more money was wasted in the United States in commercial fertilizers than any one of the things which concern agriculture. There is a very little soil in the United States but what has got enough potash in it to last a thousand years, so far as agriculture is concerned, except in some of our muck soils, and if at the time of the birth of Christ one had commenced farming land and had never put anything back, there would still be potash in the soil. Now, all it is proposed to do is to attempt to locate some minerals, and to that I object and make a point of order against it.

Mr. LEVER. The gentleman from Kansas conceded the point of order.

The CHAIRMAN. The Chair would like to hear under what law this would be authorized.

Mr. LEVER. It is up to the gentleman who made the point of order to state why he makes it.

Mr. MOSS. Mr. Chairman, of course, I made it largely because I am opposed to the expenditure of this amount, and I made it largely because I do not believe it is any part of the functions of the United States Government to enter upon the question of an expenditure for the purpose of finding minerals. I am aware of the fact that what potash we now have comes from Germany, but after we have gone through more than a hundred years of agricultural development it seems to me we can expend our money to better advantage in the aid of agriculture than we can in going out to find some minerals in order to maintain——

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. MOSS. That is true.

Mr. EDWARDS of Georgia. Now, would it not be a great deal better to permit this investigation? The amount is not large, and even going upon the theory of the gentleman from Indiana, if money is being wasted for this item would it not be a great deal better for us to waste our money right here at home than to waste this enormous sum of $8,000,000 a year, that goes out of the pockets of American farmers, in a foreign country? I hope the gentleman will withdraw his point of order.

Mr. MOSS. Mr. Chairman, I would like to say that we are expending something like $15,000,000 a year in the Agricultural Department, and less than $3,000,000 of that amount is going to the agricultural interests of the country, so far as that is concerned, and therefore I still object.

Mr. LEVER. Has the gentleman concluded?

Mr. MOSS. I am giving the reasons which I entertain and upon which I base my objection. If the point of order is well taken, I understand you can not legislate upon an appropriation bill, but whether you can authorize the expenditure of the money may be a doubtful question. I presume, perhaps, you can.

No one would welcome more cordially than I any improvement in our agricultural conditions, but our Government has no business in exploring to find mineral wealth. If found on private premises, the resulting benefit can not go to the public, and this proposition is not to be limited to the public lands.

We get busy every once in awhile and go off chasing visionary projects. A few years ago we undertook to teach the people to distill alcohol cheaply and use it as a fuel to break down the monopoly of the Standard Oil. We have spent many thousands of dollars on this project and to-day there is only one still in the United States and the Government owns that. Still we go on appropriating public money every year, and this year more than usual, to support this project, which has proven a complete failure. Not a gallon of denatured alcohol has been produced for commercial purposes in the United States as a result of this adventure, and so little interest has grown out of it that we can not secure any students to come here and study the process of distilling under free Government instruction.

A few years ago the dual-purpose cow was much talked about in the agricultural press, and we promptly started our Agricultural Department in search of the milk-and-beef cow. Since then we have been supporting, out of the Public Treasury, a project to develop a strain of shorthorn milch cattle. Private breeders have produced since then shorthorn cows which have been known all over the world, but not one farmer in ten thousand ever heard about this governmental project, and not a dollar has been added to our agricultural wealth as a result. But every year we appropriate money to sustain the project.

Likewise, we are making an effort as a Nation to develop the gray draft horse. One of the oldest breeds of draft horses is the gray Norman or Percheron, and thousands of good stallions of this color and breed have been imported from France by private individuals; yet we are spending public money year after year to keep up this project, which is practically without results and is practically unknown to the live-stock men of our country.

These examples need not be multiplied. At the present moment, because of an excitement over a potash contract, we propose to create a new activity of Government and send men at public expense to explore the earth for a deposit of potash salts, which, if discovered, will most probably belong to some private individual who can maintain monopoly prices if he has the monopoly of supply. For this reason, Mr. Chairman, I make the point of order.

Mr. LEVER. Mr. Chairman, I do not care to discuss further the merits of this proposition with the gentleman who has made the point of order, for I have not the time, but I think I can convince this House of it merits without any difficulty, notwithstanding the objection of the gentleman from Indiana. I would like to call the attention of the Chair to the broadness of the language creating the Department of Agriculture, as set forth in section 526 of the Revised Statutes:

> The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power.

I take it, Mr. Chairman, that the Department of Agriculture was established in the interest of the agriculture of the country, and that whatever is in the interest of the agriculture, whatever we may do to better agricultural conditions, would not be subject to a point, but proper under the rules of the House. That is all I care to say on that matter.

The CHAIRMAN. The Chair would like to see a copy of the provision of the act just read by the gentleman from South Carolina.

Mr. LEVER. May I call attention further, Mr. Chairman, to this other language in the statute creating the departmen?

> That there shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, then, it seems to me that if the Chairman understands that phosphate and many more fertilizers are related in the closest possible way to agriculture, the point of order does not stand.

The CHAIRMAN. Does the gentleman from South Carolina contend that the only use of potash and nitrates is for agricultural purposes?

Mr. LEVER. I contend, Mr. Chairman, that the largest use of potash and nitrates is as commercial fertilizer, and that is the purpose, and only purpose, of this amendment. The department would not have the right under my amendment, as I understand it, to make these investigations except as the result might relate to agriculture.

Mr. MOSS. Let me ask the gentleman a question. Suppose they were to find a great deposit of potash; have you any way of knowing that the farmers would get the benefit of it or that it would advance agriculture in any way?

Mr. LEVER. I do not know that the sun is going to rise to-morrow morning, but I have every reason to believe that it will. I have every reason to believe, likewise, that if a great deposit of potash were found in this country the farmers would get the benefit of it. Of course, I think so. What else would you do with it? Would you eat it? [Laughter.]

Mr. MOSS. Most of the fertilizers that I know of in this country are said to be controlled by combinations.

Mr. LEVER. If the gentleman would direct us where some of these potash deposits are, he would get rich.

Mr. MOSS. I said most of the fertilizing deposits. At least that charge has been made in regard to fertilizing deposits in the South, I will say to the gentleman.

The CHAIRMAN. It is quite apparent from the language of the fundamental law that the Secretary of Agriculture is given very broad powers for making different investigations here in furtherance of the interests of agriculture, and the Chair is inclined to think, from a careful reading of this amendment, and especially the words "and other natural fertilizers," that it is clear the investigations as to the source of supply of potash and nitrates are clearly in furtherance of the interests of agriculture. In other words, that it comes within the very broad powers given to the Secretary.

The Chair therefore overrules the point of order.

The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MONDELL. Mr. Chairman, I would like to be heard on the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. MONDELL. It seems to me, Mr. Chairman, the amendment ought not to be adopted. It is proposed to place upon the Agricultural Department the carrying on of an entirely new class of research and investigation.

The geological survey and classification of the lands of the United States and investigations with regard to minerals are placed under the Geological Survey of the Interior Department. The Agricultural Department has never carried on any work looking to the discovery of mineral wealth or of mineral deposits. It is true that potash is used in fertilizers, but it is nevertheless true that potash is a mineral, the locations of deposits of which are properly investigated by the Interior Department and not by the Agricultural Department.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. MANN. Does the gentleman understand that this is a scientific investigation, and not a hunt?

Mr. MONDELL. I do not so understand it.

Mr. MANN. It is not expected to find potash deposits, but to see whether it is possible to produce potash from some of the natural resources of the country which are easily found.

Mr. MONDELL. Well, that may be the gentleman's view of it, but I do not think that is what is contemplated at all. What is contemplated by the amendment which, I understand, will be presented to the House on the sundry civil bill is a hunt, as the gentleman styles it, for potash deposits.

Mr. MANN. I do not know what the sundry civil bill is going to carry, but we have this matter before us now.

Mr. MONDELL. We all know that potash is not found in any considerable quantities except in the form of a deposit, and an investigation for the purpose of determining whether potash can be produced from some of the known products of the country is entirely unnecessary, for that field has been thoroughly gone over by those interested in the production of fertilizers and the manufacture of fertilizers and others, and there is no excuse for spending money with a view of determining whether it is possible to produce potash in commercial quantities from any known products in the country.

Mr. COCKS of New York. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COCKS of New York. Is it not just as well to investigate this matter as it is to see whether paper can be made out of other material than wood, and is it not much in the same line?

Mr. MONDELL. The Forest Service is under the Agricultural Department. There is no other department of the Government which has jurisdiction over investigations relating to forestry.

Mr. COCKS of New York. What difference does that make?

Mr. MONDELL. All the difference in the world.

Mr. COCKS of New York. You propose to have an investigation of it by some other department?

Mr. MONDELL. By all means.

Mr. COCKS of New York. Oh, the gentleman does not object to the work, but he wants it done by some other department.

Mr. MONDELL. I object to the work if it is to be carried on as the gentleman from Illinois [Mr. MANN] understands that it is going to be carried on.

Mr. MANN. We will do it both ways.

Mr. MONDELL. A simple investigation with a view to determining whether or not potash can be produced from products already in existence and the present locality of which is known, I think is altogether a useless sort of an investigation.

The CHAIRMAN (Mr. GAINES). The time of the gentleman has expired.

Mr. MONDELL. I ask that my time be extended five minutes.

Mr. MANN. Let us have debate closed. I ask unanimous consent that debate be closed in five minutes, and the gentleman from Wyoming have that five minutes.

The CHAIRMAN. The gentleman from Illinois asks that debate be closed in five minutes, and the gentleman from Wyoming have the five minutes. Is there objection?

There was no objection.

Mr. MONDELL. The gentleman from Illinois assumes, evidently, that what the gentleman from Wyoming says on the subject will in no way affect the vote. I am rather inclined to agree with him, for this so-called farmers' appropriation bill has become so popular that no matter what sort of appropriation is proposed in the name of the farmer is carried. I want to call attention to the fact that we are proposing a very serious and unnecessary duplication of work.

If we are proposing to do what the gentleman from Illinois understands it is proposed to do, we are to do something that will have no practical value. If, on the other hand, we are proposing to make explorations for the purpose of discovering deposits of this material, then that is a class of work that does not properly come under the Agricultural Department. It seems to me that the House ought to stop and consider before it appropriates here for carrying on a class of work clearly within the jurisdiction of another department of the Government and for carrying on which the Department of Agriculture has not the necessary data, has not the necessary field force, whereas the Department of the Interior, under the Geological Survey, has the data and has the field force for making the explorations.

I do not think there is anyone who has studied the question of potash but that understands that practically all the commercial potash of the world, the great bulk of it, is found in a few great deposits, mostly, unfortunately, in Germany. It is hoped and believed by the Geological Survey that deposits of potash may be found on the public lands, but unless we shall find such deposits on the public lands, or private lands, if you please, there is no hope of a largely increased product in the United States. The chemists of the world have been for a generation searching for known and possible sources for potash.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. EDWARDS of Georgia. Does the gentleman contend that the investigation should be left to another department; and, if so, what department?

Mr. MONDELL. To the Interior Department—to the Geological Survey.

Mr. EDWARDS of Georgia. Does the gentleman contend that the Geological Survey now has the right to make that investigation?

Mr. MONDELL. I am sure that it has.

Mr. EDWARDS of Georgia. Why have they not done it, or why are they not doing it?

Mr. MONDELL. Until very recently we have been getting our potash from Germany, and the conditions have been such that potash could be obtained at a reasonable price. These large deposits in Germany have been furnishing the world with commercial potash, and the chemists of all the world have been endeavoring to find material from which potash could be produced in commercial quantities at a reasonable price, and have been unable to do so. Now, no investigation that the Department of Agriculture could carry on would illumine the situation. Another thing, this appropriation will mean the inauguration of a new line of work under the Agricultural Department—the making of investigations with a view to discovering new sources of mineral wealth in the deposits of this class of mineral—a work which belongs to the Geological Survey. It is a work that ought to be confined to one bureau, and that a scientific bureau, charged under the law with the investigation of these matters. I do not believe any practical good will come from the expenditure of this money.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the investigation of soils, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $145,000: *Provided*, That not more than 10 per cent of this sum shall be expended in any one State.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on the proviso.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MADDEN. I make the point of order on the proviso.

Mr. SCOTT. Mr. Chairman, it seems to me that this proviso is not obnoxious to the rules. It is merely a limitation upon the appropriation, upon the manner in which it may be expended, and I will ask the Chair to rule.

The CHAIRMAN. The Chair sustains the point of order.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word. In the paragraph just read, providing for investigations and indicating upon maps, and so forth, the result of those investigations, the investigations are practically worthless unless the reports are printed and put in such form that they can be distributed. I would like to ask what provision is made for the printing of those reports, as to the number of the reports and the distribution of them.

Mr. SCOTT. The rule or practice, as I understand, in relation to these reports, is that 2,000 copies are printed and they are commonly placed at the disposal of the Representative—that is, the greater part of them—in whose district the survey is made.

Mr. EDWARDS of Georgia. That is a rule or the law?

Mr. SCOTT. I think it is a rule.

Mr. EDWARDS of Georgia. I want to say to the gentleman—and this is the reason why the question comes up in my mind—that a soil survey was made several months back in Bullock County, Ga., in my district, and the report has not yet been printed. I am advised that when it is printed I will have for distribution only 1,000 copies. That is not nearly enough to go around in the county and to parties who have already requested them of me. I understand, of course, that the chief of the bureau will very kindly loan me some copies; but even with the number that is allowed under the rules, it will not be sufficient. I think that a rule of this kind is rather arbitrary, and I would like to know if the chairman does not think that a provision ought to go in here fixing the number by law that should be published.

Mr. MANN. It is fixed by law.

Mr. SCOTT. I do not believe it would be practicable to fix upon this appropriation bill a limitation upon the number that could be published of any particular report. The gentleman knows, of course, that there are a great many different publications of the Department of Agriculture—in the neighborhood of a thousand last year—and we certainly can not assume to fix the number that shall be printed of each one of those reports. We must trust to the general regulations and to the discretion of the Secretary. I think that a very large discretion lies with the Secretary, because when the first edition of any publication has been exhausted he may order a reprint if he thinks there is a sufficient demand to justify it.

Mr. EDWARDS of Georgia. That is within the discretion of the Secretary of Agriculture?

Mr. SCOTT. Yes.

Mr. MANN. The number he can print in the first instance, I think, is fixed by law. I think it is 2,000.

Mr. SCOTT. Mr. Chairman, I would like to ask if I properly understood the Chair to sustain the point of order that was made against the limitations.

The CHAIRMAN. The Chair understood the gentleman from Kansas to concede that it was obnoxious to the rule, and the Chair did sustain the point of order.

Mr. SCOTT. I did not mean to be so understood.

The CHAIRMAN. The Chair does his best to hear what the gentleman from Kansas says.

Mr. SCOTT. I apologize to the Chair for not speaking so as to be heard. I did not argue the question at length, because it seemed to me so clear that the provision was not subject to the point of order.

In order that the matter may be again passed upon I offer the language which has been stricken out as an amendment to the paragraph.

The CHAIRMAN. The gentleman who made the point of order not now being present, if the chairman of the Committee on Agriculture desires to be heard on the point of order, he may ask unanimous consent to return to it when the gentleman who made the point of order is present in the House.

Mr. STAFFORD. Mr. Chairman, in order to bring the issue before the House, I make the point of order, so that we can have a new ruling.

Mr. SCOTT. I merely reoffer the amendment in the interest of expedition, so that the question might——

The CHAIRMAN. The Chair does not think that immediately after——

Mr. SCOTT. The gentleman from Illinois [Mr. MADDEN] is now here.

Mr. MADDEN. What is the proposition, Mr. Chairman?

Mr. SCOTT. For the information of the gentleman from Illinois, who has just returned to the Chamber, I desire to state that believing the ruling by which the proviso beginning in line 20, page 54, was stricken out was due to a misapprehension on the part of the Chair as to the position of the chairman of the committee, I have reoffered the amendment in order that it can again be considered.

Mr. MADDEN. Mr. Chairman, I made the point of order against the amendment, and I wish to suggest——

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. MADDEN. Mr. Chairman, it seems to me, in the first place, the proviso which authorizes the expenditure of 10 per cent of the total appropriation provided in the paragraph might result in an expenditure of a sum vastly more than the whole appropriation if each State of the Union demanded the expenditure of 10 per cent of the appropriation. We have 46 States now and will soon have 48——

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RUCKER of Missouri. Let me suggest to the gentleman that I do not think the language is open to his criticism. This amendment was put in by the committee for the purpose of requiring this work to be done in the various States and not all in one State. The purpose of placing this limitation on expenditure of the amount appropriated is to guarantee the work is done in various localities rather than have it all done in one or two localities. I will say to the gentleman there seems to be well-founded grounds for the criticism against those in charge of the work that too much of it heretofore has been done in one or two communities to the sacrifice and neglect of other communities. That is the purpose of this limitation and the only purpose, and I think the proviso is wise legislation.

Mr. MADDEN. Mr. Chairman, if the proviso should be stricken out, and as a result of its having been stricken out, the department would be permitted to expend the whole appropriation in any one State, of course that would be a great misfortune, and I have no desire to embarrass the States which are entitled to a part of the expenditure of this appropriation. At the same time I agree with the gentleman from Missouri that no one State should be permitted to absorb it all.

Mr. RUCKER of Missouri. Mr. Chairman, let me say to the gentleman, further, that I offered the amendment in the very best of faith, because after looking at a great many of the maps brought here for our edification and entertainment it became absolutely apparent to me that the work of this bureau is being done in a certain section, and I want to say to the gentleman it did not affect his section or mine either, and that is the reason I want to see the department broaden out and expend some of its activities in sections of the country which produce largely of the great farm staples, but which in the past seem to have been neglected.

Mr. MADDEN. Mr. Chairman, with the light thus thrown upon the question by the amendment of the gentleman from Missouri and the statement made by the gentleman from Kansas in charge of the bill, I desire now to withdraw the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to withdraw the point of order?

Mr. MADDEN. I do.

Mr. MANN. Mr. Chairman, I renew the point of order.

Mr. RUCKER of Missouri. Mr. Chairman, if the point of order is reserved, can I be heard for just a moment?

The CHAIRMAN. The Chair will hear the gentleman from Missouri on the point of order.

Mr. RUCKER of Missouri. It seems to me this amendment, as was said by the chairman of the committee, is not subject to the point of order because it is simply a limitation upon the expenditure of the money appropriated in this paragraph, and it can not be otherwise construed.

The CHAIRMAN. Under the circumstances existing with reference to this point of order, the Chair will make this statement to the committee: The Chair understood that the chairman of the Committee on Agriculture admitted that the point of order was well taken, and on that account the Chair sustained the point of order. In view of the discussion, however, the Chair is in considerable doubt as to whether the point of order ought to be sustained or not, therefore the Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 executive assistant, $2,250; 1 chief clerk, $1,800; 1 clerk, class 4; 2 clerks, class 3; 6 clerks, class 2; 4 clerks, class 1; 5 clerks, at $1,000 each; 2 clerks, at $900 each; 1 clerk,

$720; 1 artist, $1,400; 1 superintendent of moth work, $2,750; 1 assistant superintendent of moth work, $1,080; 1 entomological assistant, $1,800; 1 entomological draftsman, $1,400; 1 entomological draftsman, $1,080; 3 foremen, at $1,080 each; 1 entomological assistant, $900; 2 entomological preparators, at $840 each; 1 entomological preparator, $720; 6 entomological preparators, at $600 each; 2 student assistants, at $300 each; 1 messenger, $840; 2 messengers or laborers, at $720 each; 1 mechanic, $840; 1 mechanic, $750; 1 laborer, $540; 2 charwomen, at $480 each; 1 charwoman, $240; in all, $60,130.

Mr. MACON. Mr. Chairman, I make the point of order on the words "five hundred" to be found on line 5, page 55, it being an increase of salary to that amount. The present salary authorized is $4,000.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For investigations of insects affecting forests, $44,750.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the chairman of the committee whether this appropriation is new or whether it is substantially the same as it was last year?

Mr. SCOTT. The paragraph has been carried in the bill for a number of years. The appropriation this year shows an actual increase of $31,650 over the appropriation which was provided for the current year.

If the gentleman will permit me, I will state the reason why that large increase is made. Up to this time there has been an appropriation only for the purpose of carrying on investigations and experiments as to the best methods of controlling forest insects. It was a question upon which there was but little information to begin with, and necessarily a great deal of research was required before the very best methods could be determined. As a result of this research the scientists who have the work in charge are now of the opinion that they have succeeded in developing entirely effective methods for the control of forest insects, and they therefore ask for a larger appropriation in order that they may demonstrate those methods, and in order that they may send a number of scientists into the field in different sections of the country to show the people how these insects may be controlled, and particularly to cooperate with the Forest Service in efforts for the extermination of insects in the national forests.

Mr. MOORE of Pennsylvania. Would there be any cooperation with the State forest services?

Mr. SCOTT. Undoubtedly.

Mr. MOORE of Pennsylvania. We have heard a great deal during the past year about the blister rust of the white pine and about the chestnut blight; especially in the Middle States with regard to the chestnut blight. I want to ascertain if this appropriation as extended was intended to cover investigations of that kind.

Mr. SCOTT. Undoubtedly under this appropriation the work to which the gentleman refers can be covered.

Mr. MOORE of Pennsylvania. The chestnut blight has become quite prevalent in Pennsylvania and in some of the other Middle States. Efforts have been put forth by the State officials to check it, but they need cooperation. I merely wanted to inquire if this cooperation was contemplated by this appropriation.

Mr. SCOTT. I am quite sure it is.

Mr. COLE. Mr. Chairman, the Forestry Association of the State of Ohio met in Columbus a few days ago and passed a resolution calling upon Congress to provide an appropriation to investigate this insect which is destroying the chestnut trees in the State of Ohio. I presume the same pest extends through the neighboring State of Pennsylvania.

Mr. MOORE of Pennsylvania. Yes. It is killing our chestnut trees, particularly in the eastern part of the State.

Mr. COLE. And it was to extend this work, as I take it, to the Middle States that this appropriation was increased from $14,000 to $44,750 in the appropriation bill.

I called up the Chief of the Bureau of Entomology, Mr. Howard, and he informed me that scientists would be sent to the States of Ohio and Pennsylvania, and to any other place where this blight was attacking the forest trees, especially the chestnut trees, and that they would cooperate with the various States with a view to ascertaining some remedy and applying it.

Mr. MOORE of Pennsylvania. I am sure the department of forestry in Pennsylvania will be glad to cooperate, and that that arrangement will be entirely satisfactory.

Mr. STAFFORD. Can the gentleman inform the House whether the State forester of Ohio, or the department of forestry in Ohio, has done anything toward restricting or killing off these blights by insects—and not only as to Ohio, but as to any other State?

Mr. COLE. I am unable to say as regards this one particular item, but I know that the department of agriculture in the State of Ohio is very well organized and that it has a large appropriation each year and that it does cooperate in every way with the National Government in all its various functions and operations. And the association out there is taking very active steps in combating this insect, and at the same time the National Government has valuable information and has men well equipped for this work, and it is for the purpose of getting the benefit of the information and knowledge of the National Government that it calls upon us to increase this appropriation.

The Clerk read as follows:

For investigations of miscellaneous insects, inspection work, study of insects affecting the health of man and animals, insecticides, and the importation and exchange of useful insects, $19,740.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to offer the following amendment: Page 57, line 12, after the word "of" in that line, insert "mosquitoes," so that that section will read:

For investigations of mosquitoes and miscellaneous insects, etc.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 57, line 12, after the word "of," insert "mosquitoes."

Mr. MANN. Mr. Chairman, I make a point of order against the item. It is covered by what is in here, and they are investigating mosquitoes.

Mr. EDWARDS of Georgia. I have no doubt, Mr. Chairman, if I may be permitted just a few remarks, that investigations are not very extended in this line. As was stated by the gentleman from Pennsylvania [Mr. MOORE], this is a rather important matter. If it is the opinion of the chairman of the committee [Mr. SCOTT] and the gentleman from Illinois [Mr. MANN] that it is covered by this section, I will withdraw the amendment.

Mr. SCOTT. A bulletin has been recently issued on the subject, and the matter has been under investigation for a long time.

The Clerk read as follows:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One biologist, who shall be chief of bureau, $3,500; 1 chief clerk, $1,800; 1 clerk, class 4; 1 clerk, class 3; 1 clerk, class 2; 4 clerks, class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 photographer, $1,400; 1 warden, $1,200; 1 messenger, $720; 1 messenger, messenger boy, or laborer, $480; 1 laborer, $600; in all, $24,100.

Mr. MACON. Mr. Chairman, I make a point of order against the words "five hundred," to be found in lines 8 and 9, page 58, it being an increase of salary to that amount, the present salary being $3,000.

Mr. STAFFORD. Will the gentleman submit to an inquiry at that point?

Mr. MACON. With all due deference, Mr. Chairman, to the gentleman, I must, in order to hasten through with the bill, decline to yield.

Mr. STAFFORD. It will only take a minute.

Mr. MACON. I have not time to yield. I make the point of order. And on the same page, beginning on line 12——

Mr. STAFFORD. I hope the gentleman will yield.

Mr. MACON (continuing). I find "one photographer, $1,400." The present salary is $1,200. I make a point of order on the increase of $200.

Mr. SCOTT. Mr. Chairman, I concede both points of order, and offer an amendment inserting the word "two" in line 13.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that it seems to the Chair that no amendment is necessary, the point of order having been made only as to the increase.

Mr. SCOTT. No amendment is necessary as to the first salary mentioned in lines 8 and 9. My amendment goes to line 13, where the word "four" has been stricken out by the point order, and in place of that word I wish to substitute the word "two," so that the present salary will be restored.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 13, strike out the word "four" and insert "two," so that it will read "two thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the enforcement of sections 241, 242, 243, and 244 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and for the enforcement of section 1

of the act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," $12,000.

Mr. FOSTER of Illinois. Mr. Chairman, I notice an appropriation of $12,000, an increase from $9,420 of last year. Does the National Government make a business of attempting to prohibit the violation of the law for shipping of game in all the States—that is, from one State to another?

Mr. SCOTT. It endeavors to enforce the law prohibiting the interstate shipment of game. I will say to the gentleman, however, that a large portion of the increase of $3,580 which is provided in this paragraph was asked for in order to more effectually enforce the law relating to the importation of injurious birds and mammals.

Mr. FOSTER of Illinois. Does the Government, under this appropriation, attempt, in all the States, to prevent the interstate shipment of game?

Mr. COCKS of New York. The illegal shipment.

Mr. SCOTT. What is known as the Lacey Act forbids the interstate shipment of game in violation of law.

Mr. FOSTER of Illinois. I understand that.

Mr. SCOTT. To the best of its ability, the Department of Agriculture, through the Bureau of Biology, enforces that act.

Mr. FOSTER of Illinois. Does not the gentleman think that the local laws are sufficient to stop the interstate shipment of game?

Mr. SCOTT. I presume that Congress must have been of a different opinion or the Lacey Act would not have been enacted. It is now on the statute book, and it would seem as if it ought to be enforced, and this appropriation is made for that purpose.

Mr. FOSTER of Illinois. Does not each State look after the shipment of game illegally shipped out of the State?

Mr. SCOTT. I think a good deal of the work done by the bureau is to enforce the law in relation to the Territories, particularly the district of Alaska, where, of course, local regulations can not very well be enforced.

Mr. MANN. Let me say to the gentleman from Illinois, that where game is shipped from one State to another in violation of the laws of the first State, the first State can not enforce the law, because the game has gone beyond it, and the second State does not have any special reason for enforcing it, and in such a case it is the duty of the General Government to enforce the law, if they know of a violation.

Mr. FOSTER of Illinois. I will ask my colleague if in our State, where we have an army of game wardens—who are familiarly called there "rabbit shepherds"—if he does not think that they are sufficiently able to enforce the law, and if a man gets by them, if he does not think he ought to be permitted to go? Is not there a sufficient army to enforce the law?

Mr. MANN. These people get on to the violations of the law and notify the Government, and in cases of interstate shipment it is wholly without the power of the local game wardens to prosecute.

Mr. FOSTER of Illinois. It occurs to me that the local laws would be able to take care of it, but I see where the importation of harmful birds ought to be taken care of.

Mr. SCOTT. In further reply to the gentleman's question, let me read a brief statement from the Chief of the Bureau of Biological Survey:

The CHAIRMAN. Do not all the States now enforce their game laws pretty rigidly, so that there is really not much left for the Federal Government to do in the way of interstate commerce?

Mr. HENSHAW. I think there is a very large amount of work to do in the enforcement of the Lacey Act. We have really just begun that work. If we undertake to carry it through much larger appropriations will be necessary in the future. The law is being violated quite largely in some game centers, and our efforts hitherto have been concentrated chiefly in St. Louis and Chicago. These cities were formerly great markets for the receipt of illicit shipments of game.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas permit me to make a suggestion?

Mr. SCOTT. Certainly.

Mr. COOPER of Wisconsin. I have recently received communications, and I presume the gentleman himself has, from local Audubon societies, complaining that meadow larks, robins, and many other migratory birds are being exterminated and sent north and sold in restaurants under other names. Does the gentleman know how extensively that sort of trade is going on?

Mr. SCOTT. No such complaints have been brought to me, but they are no doubt well founded.

Mr. COOPER of Wisconsin. I received a letter from Milwaukee, and also three other letters, complaining that these birds are being exterminated. They used to go South in the fall in great numbers and return North in the spring, but now they are slaughtered in the South and shipped under other names by thousands.

Mr. SCOTT. Of course, the best remedy for that would be for the State legislatures to enact laws and then strictly enforce them. The Lacey Act is merely to supplement the State laws.

Mr. FOSTER of Illinois. The States ought to take care of that work altogether.

Mr. COOPER of Wisconsin. Dealers in Chicago and other large cities get these birds from the Southern States.

Mr. FOSTER of Illinois. Every State has a law preventing the shipment of game out of it.

Mr. COOPER of Wisconsin. I think that the best remedy would be a rigidly strict enforcement of the Lacey Act.

Mr. FOSTER of Illinois. Yes; but it would take two or three million dollars to do it.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000; 1 assistant chief of division, $2,750; 1 chief of office of accounts and fiscal agent, who may be detailed to the Forest Service for duty in or out of the city of Washington, $2,500; 7 district fiscal agents, at $2,000 each, who may be detailed to the Forest Service for duty in or out of the city of Washington, $14,000; 1 supervising auditor, $2,250; 1 auditor, $2,000; 1 cashier and chief clerk, $2,250; 1 deputy disbursing clerk, $2,000; 1 supervising bookkeeper, $2,000; 2 clerks, class 4; 10 clerks, class 3; 16 clerks, class 2; 9 clerks, class 1; 4 clerks, at $1,000 each; 6 clerks, at $900 each; 1 custodian of records and files, $1,200; 1 messenger, $720; 1 messenger, $600.

Mr. MACON. Mr. Chairman, I make the point of order against the increase in salary to be found on page 60, in line 11. I notice they provide for one clerk—a disbursing clerk—who shall be an administrative officer of the fiscal affairs of the department, at $4,000. His present salary is $3,225.

Mr. LAMB. Will my friend withhold his point of order for a moment?

Mr. MACON. To withhold a point of order, I will say to my friend from Virginia, simply prolongs debate on this bill, and brings on controversies that sometimes lead to something else.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MACON. In line 11, one assistant clerk of division, $2,750. The present salary is $2,500, and I make the point of order on the increase. In line 18, one supervising auditor, $2,250, where the present salary is $2,000, and I make the point of order on the increase. Beginning on line 19, one cashier and chief clerk, $2,250, the present salary being $2,000, and I make the point of order on the increase. In line 22, one supervising bookkeeper, $2,000, present salary $1,800, and I make the point of order on the increase.

Mr. LAMB. Mr. Chairman, I again ask my friend to withhold his point of order just for a few moments.

Mr. MACON. I stated to the gentleman, with all deference, that I could not afford to reserve the point of order, because that sometimes brings on trouble. I therefore make the point of order.

Mr. LAMB. Oh, there can not be any trouble between two such small men as the gentleman and myself.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I now offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 60, line 11, before the word "dollars," insert the words "thirty-five hundred."
Page 60, line 12, before "dollars," insert "five hundred."
Line 22, before "dollars," insert "one thousand eight hundred."

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. SCOTT. Mr. Chairman, I also offer another amendment, which I send to the desk and ask to have read, to correct a clerical error.

Mr. MANN. Ought not the gentleman to provide for two auditors instead of one?

Mr. SCOTT. I did not observe that the point of order had been made against two auditors.

Mr. MACON. I made the point of order against one supervising auditor at $2,250.

Mr. SCOTT. I thought the point of order went only to the salary.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the Chair understands the point of order was made against the words "two hundred and fifty" as being an increase. The Clerk will report the amendment which the gentleman from Kansas sends to the desk.

The Clerk read as follows:

On page 60, at the end of line 17, and at the beginning of line 18, strike out the comma and the words "fourteen thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,500; 1 editor, who shall be assistant chief of division, $2,250; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 3 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,000; 1 draftsman or photographer, $1,600; 2 draftsmen or photographers, at $1,500 each; 6 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,600; 1 foreman, miscellaneous distribution, $1,600; 1 foreman, farmers' bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 2; 5 clerks, class 1; 12 clerks, at $1,000 each; 10 clerks, at $900 each; 40 clerks or skilled laborers, at $840 each; 15 clerks or skilled laborers, at $780 each; 50 clerks or skilled laborers, at $720 each; 1 chief folder, $1,000; 1 folder, $900; 3 folders, at $840 each; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 2 laborers, at $660 each; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $176,810.

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. CARY. I wish also to reserve the point of order.

Mr. SCOTT. Will the gentleman from Arkansas yield to me for just a moment in order that I may make a correction in the preceding paragraph?

Mr. MACON. Yes.

Mr. SCOTT. Mr. Chairman, my attention has been called to the fact that in offering the amendment to restore the salary of the Chief of the Division of Accounts and Allowances, I fixed it at $3,500. It should have been fixed at $3,250. That was an error on my part; and I ask unanimous consent that the amendment may be considered as $3,250 instead of $3,500, in line 11 on page 60.

The CHAIRMAN. The gentleman asks unanimous consent to return to line 11, page 60, for the purpose of making the correction suggested. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the correction will be made in accordance with the statement of the gentleman.

There was no objection, and it was so ordered.

Mr. CARY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARY. I wish to make the point of order, and reserve it on lines 21 and 22, page 61.

The CHAIRMAN. Points of order have already been reserved on the paragraph by the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of salary to be found on page 61, in line 17, "one editor, who shall be chief of division, $3,500." His present salary is $3,000. By making the point of order against the $500 it will leave the salary in this bill as it is in the existing law.

The CHAIRMAN. The Chair would ask the chairman of the Committee on Agriculture before proceeding, in order to keep points of order straight, if he concedes the point of order?

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. And if the gentleman from Arkansas will pause when he has made his point we will settle that at the time.

Mr. MACON. The next is to be found in line 22, "three assistant editors, at $1,800 each." Their present salaries are $1,600 each.

Mr. SCOTT. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. And I offer to substitute the word "six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "thousand," in line 22, page 61, insert "six."

The question was taken, and the amendment was agreed to.

Mr. MACON. In line 25, "one assistant editor in charge of indexing, $2,000." One thousand eight hundred dollars is the present salary, and I make the point of order on the increase of $200.

Mr. SCOTT. Mr. Chairman, I concede the point of order and offer the necessary amendment.

The CHAIRMAN. The point of order is sustained, and the Clerk will report the amendment:

The Clerk read as follows:

Page 61, line 25, after the word "indexing" insert "eighteen hundred."

The question was taken, and the amendment was agreed to.

Mr. MACON. Page 62, line 3, "one draftsman or photographer, $1,600." His present salary is $1,500, and I make the point of order against the increase.

Mr. SCOTT. Mr. Chairman, I concede the point of order and offer the necessary amendment.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will report the amendment.

The Clerk read as follows:

Page 62, line 3, after the word "thousand" insert "five."

The question was taken, and the amendment was agreed to.

Mr. MACON. In line 4, "two draftsmen or photographers, at $1,500 each." Their present salaries are $1,400, and I make the point of order against the increase.

Mr. SCOTT. I concede the point of order and offer the necessary amendment.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 62, insert after the word "thousand" the word "four."

The question was taken, and the amendment was agreed to.

Mr. MACON. In line 10, same page, "one foreman, miscellaneous distribution, $1,600." His present salary is $1,500, and I make the point of order against the increase.

Mr. SCOTT. Mr. Chairman, I concede the point of order and offer the necessary amendment.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will report the amendment.

The Clerk read as follows:

In line 10, page 62, after the word "thousand," insert the word "five."

The question was taken, and the amendment was agreed to.

Mr. MACON. Now, Mr. Chairman, in consideration of the fact that the next salary to be affected seems to be a forewoman, I am going to reserve the point of order, if the gentleman from Kansas desires to make a statement in regard to her compensation, out of deference to the fact that she is a woman. It says "one forewoman, $1,400," and her present salary is $1,200.

Mr. SCOTT. I think the gentleman must have a misprint. There was no change in the salary. The language of the bill I have is "one forewoman, $1,200," which is the present salary.

Mr. MACON. The bill I have says "one forewoman, $1,400."

Mr. SCOTT. Oh, there are two forewomen at different salaries, but according to the notes which I have there has been no change. I have the law before me now and I find that these women are now carried on the rolls at the rates given in this bill.

Mr. MACON. At $1,400?

Mr. SCOTT. At $1,400 and $1,200.

Mr. MACON. I do not know how I made that mistake in marking.

Mr. SCOTT. It is very easy to make a mistake of that kind.

Mr. CARY. Mr. Chairman, I want to make a point of order, on page 62, lines 21 and 22, and I will ask the chairman of the committee if he will acept the amendment which I send to the desk?

The CHAIRMAN. Does the gentleman offer an amendment, or does he raise a point of order?

Mr. CARY. I will reserve the point of order and ask the chairman of the committee to accept that amendment.

Mr. MANN. The amendment is to be read for information.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 62, lines 21 and 22, after the word "dollars," amend so as to read: "Four folders at $900 each; one skilled laborer at $1,000."

Mr. CARY. Now, Mr. Chairman, the reason I offer this amendment and have it read for information is to equalize the positions and salaries of those four ladies who occupy positions in that room, Miss Fowler, Miss Quinn, Mrs. Wanstall, and Mrs. Ida Smith. They do exactly the same work. Three of them have been there for over 11 years, and one of them has been there for less than seven years. This increase to $1,000 salary is meant for the one who has been there for less than seven years. Now, I think by striking out one skilled laborer and reducing $100 there, and putting that amount substantially in the other line, giving four folders $900 each, it makes an increase of only $80 and equalizes the four positions and salaries, and makes a little more harmony in that particular department. I trust the chairman of the Committee on Agriculture will accept it.

Mr. SCOTT. I will not object to that, Mr. Chairman.

Mr. CARY. Eighty dollars is all that is involved in it.

The CHAIRMAN. The point of order has been withdrawn, and the gentleman from Kansas accepts the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 62, line 11, after the word "dollars," insert "assistant foreman, miscellaneous distribution, $1,100."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

[Mr. DICKSON of Mississippi addressed the committee. See Appendix.]

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAMER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes; and

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF STATISTICS.

Salaries, Bureau of Statistics: One statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 17 clerks, class 1; 11 clerks, at $1,000 each; 10 clerks, at $900 each; 11 clerks, at $840 each; 2 messengers, at $840 each; 2 messengers or laborers, at $720 each; 2 messengers or laborers, at $660 each; 1 messenger or messenger boy, $480; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $180,720.

Mr. MACON. Mr. Chairman, I make a point of order against the increase of salary to be found on page 64, beginning in line 10, "One statistician, who shall be chief of bureau, $4,000." The present salary is $3,500.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 64, line 11, before "dollars," insert "three thousand five hundred."

The amendment was agreed to.

Mr. MACON. In line 13, same page, "one chief clerk, $1,800." The present salary is $1,600. I make the point of order on the $200 increase.

Mr. SCOTT. Will the gentleman state that again?

Mr. MACON. Beginning at line 13——

Mr. SCOTT. I would like to say to the gentleman from Arkansas [Mr. MACON] that there is no raise of that salary.

Mr. MACON. Mr. Chairman, I see where I made an error, and withdraw the point of order on that proposition.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] withdraws the point of order, and the Clerk will read.

The Clerk read, as follows:

General expenses, library: For books of reference, technical and scientific books, papers, and periodicals, and for expenses incurred in completing imperfect series; for rent and the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and other material, $15,500: *Provided*, That hereafter employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the library.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. What is the purpose of authorizing the transfer of these employees connected with the library so that they may be interchangeably used as here provided?

Mr. SCOTT. Mr. Chairman, it has been the custom always to permit books to be withdrawn from the general departmental library to the various bureaus, and there are therefore, as it were, branch libraries in each of these bureaus. Of course a librarian must be placed in charge of these books, and up to the present time that librarian has been detailed from and carried on the rolls of the bureau where he or she was employed, and, of course, has been directly under the control of the chief of that bureau. It is believed, however, that it would result in better administration if all of the employees who have to do with the books of the department should be under the control of the librarian, so that they might be placed here and there as would seem to best promote the convenience of the service, and it is in order that this may be done that the proviso has been inserted.

Mr. STAFFORD. Do I understand from the chairman that in each of the bureaus connected with the Agricultural Department there is a separate library which is maintained as a separate institution?

Mr. SCOTT. There is a general library in the Department of Agriculture which, as the result of legislation many years ago, is a strictly technical, scientific library. It is probably the best library relating to the science of agriculture that exists anywhere in the world. In that, of course, are gathered books which are useful to all of the various bureaus of the department, and as a matter of convenience shelves have been put up in rooms provided in the various bureaus for the books which cover subjects directly under investigation by those bureaus. Naturally, there must be some one to look after those books, and what we desire is that such persons may be detailed from the library force.

Mr. STAFFORD. What, in the nature of the work of the department, requires the maintenance of distinct libraries connected with each bureau?

Mr. SCOTT. Purely a matter of physical convenience. The gentleman probably is aware that the Department of Agriculture rents 17 different buildings. Here is the Forest Service, for instance, in a building over on F Street, a mile or more away from the department proper. Other buildings are scattered at long distances. The gentleman will realize that a scientist, engaged in research in the investigation of some particular subject, would like to get all the books relating to that subject which he can find immediately before him so as not to have to send for a book when he wanted to look up a certain reference or go a long distance to get that book. It is purely a matter of convenience.

Mr. STAFFORD. I can understand wherein there might be need for separate libraries, with bureaus separated by distance as the gentleman has pointed out. I can not conceive wherein it is not practicable and feasible to have one general library for all the bureaus under one building or within a near radius.

Mr. SCOTT. There is just one general library, and this proviso is inserted here with a view to still further concentrating the work.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. No book is ordered or purchased now except through the librarian. No book is given out from the library except through the librarian. So that there is practically but one library in the department.

Now, as I have already explained, when for purposes of convenience a large number of books of this library are required in the Bureau of Chemistry, we will say, which need not be left in the general library room, because nobody except chemists have any particular interest in them, it has been the custom to detail a clerk in that bureau to look after the books. It is believed, however, that it would tend to better administration if, instead of having a clerk in the Bureau of Chemistry, we will say, detailed to look after the books which are brought in for the use of that bureau, there should be a clerk carried on the rolls of the librarian to follow these books.

Mr. STAFFORD. The Bureau of Chemistry is within a short distance of the new Agricultural Building. Can the gentleman conceive of any reason why there should be a library for the Bureau of Chemistry separate from that of the main library in the Agricultural Building proper?

Mr. SCOTT. I presume it is 10 minutes' walk from the chemistry building to the library of the department. I am sure it would be a great inconvenience for a chemist engaged in research upon some subject to be obliged to drop work whenever he wanted to consult some authority and spend 20 minutes walking to and from a book.

Mr. STAFFORD. He might do the same as we do when we wish to get a book from the Library of Congress, send a page over to the library and have the book brought to him.

Mr. SCOTT. The cases are hardly analogous. We only have occasion for a book now and then, and then for a special pur-

pose for a small part of our general duties. The gentleman knows that when a scientist is engaged in research he assembles about him a library of books, a score or more of which he is liable to consult within an hour; and surely he would not wish to put men to the inconvenience of traveling to another building in order to consult books which he might just as well have within reach of his arm.

Mr. STAFFORD. The gentleman's erudition has been great enough to know that it is much better for a scholar engaged in research in scientific work to have a general library rather than a separate library of limited capacity; but as this provision is for the improvement of administrative work I will withdraw the point of order.

Mr. LAMB. Mr. Chairman, I move to strike out the last word. I do so for the purpose of calling attention of gentlemen who have not been present before and who are not on the Agricultural Committee to these increases in salary. This committee has been careful in recommending these increases of salary, and I want to say further that in every instance save one the recommendation of the Secretary of Agriculture was cut down about 50 per cent, so that where salaries were recommended with an increase of $800 or $1,000 they have been cut down one-half. It touches a class of people who can not have an increase of salary save through the action of the Committee on Agriculture, because they are on the statutory rolls.

Employees who are paid out of the lump-sum appropriation can have their salaries increased within the discretion of the Secretary of Agriculture, as the hearings before our committee show. Many of these men who are recommended for increase can find positions in commercial houses and private life at a much higher rate than they obtain in the Agricultural Department.

Now, Mr. Chairman, I want to call attention to another fact that is striking: There has been no increase in this agricultural appropriation for three or more years. During that time all these salaries have increased just $10,000. Two thousand dollars a year for an increase of salaries of this kind of the heads of departments and some of the other clerks. Can any charge of extravagance hold against a committee that has been so careful in making up its appropriations?

And I want to say by way of parenthesis that the observation applies just as well to increases that have been attacked to-day in the Department of Chemistry. I want to refute the suggestion that has come during this debate on various occasions that the Department of Agriculture has been extravagant in these appropriations, for we have held them down to a degree, and we say that with the development of the country and the increased business that this increase in the agricultural appropriations has not kept up with the business of the country.

What is the effect of the points of order that have been raised here? These salaries very likely will be restored in the Senate. Mr. Chairman, a point of order may be a good thing, and sometimes it is, and at other times it is distressing. Many things that are in themselves good can be carried to extremes. I have heard that a Virginia mint julep was a very good thing, and some people think so. [Applause.] But woe betide the man that puts too much grass in his whisky and does not call a point of order on himself. [Applause.]

We know that orators and poets have exhausted the language in apostrophizing love. The greatest thing in this world is love; yet we know this holy sentiment has been prostituted to wicked ends. A noble American poet said:

> Nor suffer the majesty of love to be likened to the meanness of desire;
> For love is no more such than seraphs' hymns are discord,
> And such is no more love than Etna's breath is summer.

Mr. Chairman, I make a point of order against these repeated points of order here, that it is destroying our opportunity to confer upon these people the compensation for their services that they well deserve and that they could secure in private enterprise. I make this statement now in fairness, in justice, as I see it, to the Department of Agriculture and the committee whose bill you are considering. [Applause.]

The Clerk read as follows:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for rent in the District of Columbia; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $110,000.

Mr. SHEPPARD. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I would like to ask the chairman how much rent this department pays now in the District.

Mr. SCOTT. The department paid during the fiscal year ending June 30, 1910, rent to the amount of $69,929.

The CHAIRMAN. Without objection, the pro forma amendment be withdrawn, and the Clerk will read.

The Clerk read as follows:

OFFICE OF EXPERIMENT STATIONS.

Salaries, Office of Experiment Stations: One director, $4,000; 1 chief clerk, $2,000; 1 computer, $2,000; 1 draftsman, $1,800; 1 clerk and proof reader, $1,800; 1 editorial clerk, $1,400; 1 editorial clerk, $1,200; 1 draftsman, $1,200; 5 clerks, class 2; 7 clerks, class 1; 6 clerks, at $1,000 each; 4 clerks, at $900 each; 9 clerks or messengers, at $840 each; 1 clerk or messenger, $720; 3 clerks, messengers, or laborers, at $600 each; 4 mesengers, messenger boys, or laborers, at $480 each; 1 copyist or laborer, $720; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $56,000.

Mr. MACON. Mr. Chairman, I make the point of order on the increase of salary to be found on page 67, line 24, 1 chief clerk, $2,000, the present salary being $1,800.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 24, page 67, after the word "clerk," insert the words "one thousand eight hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MACON. Mr. Chairman, on page 68, beginning on line 1, "one chief clerk and proof reader, $1,800." The present salary is $1,600, and I make the point of order on the increase.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 2, page 68, after the word "reader," insert "$1,600."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To carry into effect the provisions of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories to be paid quarterly in advance, $720,000: *Provided*, That not to exceed $15,000 shall be paid to each State and Territory under this act.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. FOSTER of Illinois. I reserve the point of order on the paragraph.

Mr. MANN. I would like to ask the gentleman in reference to this: Has there been any ruling of the comptroller in regard to it?

Mr. SCOTT. Mr. Chairman, it is the opinion of the comptroller that under the Adams Act it would be necessary to pay $30,000 a year to the experiment stations in addition to the $15,000 a year which is now carried under the Hatch Act. I am quite sure the gentleman's recollection will agree with mine, that at the time the Adams Act was passed, in 1904, it was the understanding of Congress that when it matured it should contribute $15,000 a year to the experiment stations, so that, taken together with the appropriation carried under the Hatch Act, the total should be $30,000 a year; but the language of the act is such as to make it very reasonable that it should be construed to give them $30,000 under the Adams Act alone, which, with the $15,000 under the Hatch Act, would be $45,000 instead of $30,000. I will say that representatives of the experiment stations have come before the committee and stated that they do not desire $30,000 a year, even if Congress should be disposed to give it to them, at this time. Furthermore, until this year the amount carried under the Adams Act has been provided in a permanent appropriation, so that it was not necessary for the amount to appear in this bill at all; but it is the opinion of the comptroller that the language of the permanent appropriation will not carry beyond this year unless, as I have said, it carries the total sum of $30,000.

It was therefore believed to be necessary, in order that the experiment stations should get the $15,000 a year each to which they are plainly entitled under the Adams Act, and should not have the $45,000 a year each in total sum which we believe Congress did not intend to give, that this provision should appear in the bill.

Mr. MANN. Do I understand the gentleman to say that the comptroller has held that under the Adams Act the States were entitled to $30,00 each?

Mr. SCOTT. The Comptroller of the Treasury, under date of April 28, 1910, rendered a decision to the effect that the special appropriation carried under the Adams Act expires with the close of the fiscal year ending June 30, 1911.

Mr. MANN. That was my understanding. But he did not hold, and I do not believe that any other reasonable being would hold on reading the Adams Act, that it provides for $30,000 a year. However, that is not a matter in controversy here, and I do not wish to detain the gentleman or the House.

Mr. SCOTT. I have read the Adams Act quite carefully——

Mr. MANN. I have just read the Adams Act over four or five times in the last two or three days in order to see if it is possible to have any such construction, and while I do not say it is not possible, it does not seem to me it is.

Mr. SCOTT. The comptroller held——

Mr. MANN. No; the comptroller did not hold that. Quite the contrary. The comptroller held the permanent appropriation expired with the end of this fiscal year. That is what the comptroller held.

Mr. SCOTT. He held that, and I understood also, but I may be mistaken in this, that he expressed a view that it was a question whether the Adams Act did not by its terms carry $30,000 a year in addition to the sum carried by the Hatch Act. I may have received that information from some other source.

Mr. MANN. I do not know what the comptroller might have said, but I think he did not say anything about it. I am quite sure he did not have any holding, because he had no occasion to make a holding; nobody was proposing to pay $30,000. Is it necessary to make this appropriation now?

Mr. SCOTT. Undoubtedly.

Mr. MANN. To carry out the purposes of the Adams Act?

Mr. SCOTT. Undoubtedly. If the appropriation were not carried in this bill experiment stations would get only $15,000 next year instead of $30,000 to which they are entitled.

Mr. MANN. I understand it is clearly settled that the permanent appropriation can not provide any additional sum.

Mr. SCOTT. There does not seem to be any doubt about that whatever.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

To enable the Secretary of Agriculture, in cooperation with the Association of American Agricultural Colleges and Experiment Stations, to prepare, publish, and distribute original technical reports of the scientific investigations made by the agricultural experiment stations established in accordance with the aforementioned act approved March 2, 1887, and the acts supplementary thereto, including rent and the employment of clerks, assistants, and other employees in the city of Washington and elsewhere, printing, illustrations, and all necessary expenses, $20,000: *Provided*, That said reports may be issued in editions not exceeding 2,500 copies and distributed without charge to libraries, colleges, scientific institutions, and persons actually engaged in teaching or in scientific investigations relating to agriculture.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph, and I wish to inquire as to the work that is being performed by this association of agricultural colleges and experiment stations, and particularly as to whether the association publishes these bulletins and distributes them throughout the States.

Mr. SCOTT. The Association of American Agricultural Colleges and Experiment Stations, as such, does not do any work. It is simply an organization composed of the presidents of the various agricultural colleges. This provision has been inserted by the committee upon the very earnest solicitation of representatives of this association, who argued that a great deal of the scientific literature of the country was practically lost because there was no publication in which it could be collected; that scientific students of agriculture in all the various States wrote articles that would be of great value to other students of agriculture, but some of them are published in one periodical and others in another, so that the student who is attempting to find all that may have been written upon any branch of research may be obliged to assemble a score or more of periodicals.

The result, therefore, is that it is practically impossible for any scientific student of agriculture in the United States to avail himself of the work of other students in our country. Another result is that all the work which is done in America is practically lost so far as recognition in Europe is concerned. The very fact that it is scattered through a great number of periodicals discourages the bibliographers of Europe, so they make practically no reference to any work that is done by American scientists. Those are the reasons, in brief, why this periodical is desired.

Mr. STAFFORD. If the gentleman will permit, if this new arrangement should be established, following the argument advanced by the gentleman, there would be no limit as to the number of publications that would be issued by the department. For if the argument should extend to publications of all kinds of scientific institutions, such as the Massachusetts Institute of Technology and the Lawrence Scientific School, connected with Harvard University, it could be extended to juridical societies and chemical societies and other organizations of that character.

Mr. SCOTT. Does not the gentleman think that the moderate appropriation provided here would afford a satisfactory limit to the expenditure?

Mr. STAFFORD. The gentleman is aware of the fact that when an appropriation is once started it almost always goes beyond the original limits.

Mr. SCOTT. The expectation is that a board of experts representing different branches of agricultural science would be organized who would pass judgment upon the various articles submitted and publish only such as would seem to be of widespread and permanent value. I do not care to discuss the matter at length.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MANN. Are all the appropriations for printing for the Department of Agriculture carried in this bill?

Mr. SCOTT. No; none of them is carried in this bill.

Mr. MANN. Why does the gentleman think this provision should be carried in this bill?

Mr. SCOTT. Because there is no provision elsewhere for the publication, and the committee desired to set out specifically the amount that it would probably cost.

Mr. MANN. If the gentleman will permit, I think this information ought to be published, but the appropriation to publish it ought not to be carried in this bill. It properly belongs under the sundry civil appropriation bill, which carries the general appropriations for printing. So far as I am concerned, Mr. Chairman, I shall not now insist upon the point of order, but I hope that next year whoever has charge of this work will see that it is here in the proper bill. If it is not carried on the proper bill and I am lucky enough to be here at that time, I will make a point of order then.

Mr. SCOTT. It came from the Department of Agriculture in the proper and ordinary way.

Mr. MANN. The gentlemen in the Department of Agriculture knew that the Committee on Agriculture does not make the appropriations for printing. The appropriations for printing ought to be segregated and made by themselves.

Mr. COOPER of Wisconsin. I think the gentleman from Illinois is right.

Mr. MANN. I think this information, for which we pay nearly $1,500,000 to obtain, should be published.

Mr. STAFFORD. I am not opposed, Mr. Chairman, to the publication of articles under the direct supervision of Government experts, but I am opposed to the Government entering upon a policy that may eventually involve wholesale expenditures.

Mr. MANN. We have just made an appropriation in this bill—two items, each of $720,000; that is, $1,440,000—for the purpose of aiding in this experiment-station work. By this item it is proposed to spend $20,000 a year to publish that information which we spend $1,440,000 a year to obtain.

Mr. STAFFORD. I am well acquainted with the provisions of the Adams Act. I recall the great work which was done by my lamented colleague, the late Henry Cullen Adams, in obtaining the enlarged appropriation for the State agricultural colleges, but it does not contemplate that the National Government should take entire control of all that work undertaken by these State institutions, nor pay for the publication of the reports giving the results of their experimentation. I therefore make the point of order against the paragraph as being new legislation.

Mr. SCOTT. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $105,000, as follows: Alaska, $30,000; Hawaii, $30,000; Porto Rico, $30,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

Mr. RUCKER of Colorado. Will the gentleman allow me to ask him a question?

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. RUCKER of Colorado. I wish to offer amendments to this section. The first one is on page 70, line 14, to strike out the words "and the island of Guam."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 70, line 14, strike out the words "the island of Guam."

Mr. RUCKER of Colorado. And in line 19 strike out the words "and Guam."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 19, strike out the words "and Guam."

Mr. RUCKER of Colorado. And in line 23 strike out the words "and the island of Guam."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 23 strike out the words "and the island of Guam."

Mr. RUCKER of Colorado. Mr. Chairman, in the absence of any report from this committee concerning what has been done at Guam with the appropriations that have heretofore been made for this purpose, there being in the first instance, I think, in 1898, $5,000, and in 1909, $15,000, and now another appropriation for $15,000, I would like to ask what has been done and is being done with these appropriations.

I have some personal knowledge, Mr. Chairman, of what appeared to me was being done with the money when I was over there a little over a year ago. There are 26 hectares in this tract set apart for agricultural experiments. There was about an acre and a half of kaffir corn raised that year, and I was told there was not an excess of that raised the year before. There had been a few pear trees set out, and I am reliably informed that in the past year, 1910, the acreage was not increased and that no more pear trees were set out.

There have been a few houses, shacks, built here and there, and the man who is in charge has built himself quite a commodious residence. There is absolutely no necessity for this station in the island of Guam, because it is in the same climate and latitude and all conditions both with reference to soil and otherwise are about the same as those of the Philippines.

Now, I suggested to the chairman of this committee a year ago that I would ask for this item to be stricken out, for the reasons that I then had. I have additional reason now, having some information—not, of course, at first hand, but perfectly reliable, in my judgment—that it is a perfect waste of money to undertake to maintain this station there. It must be known, too, that, politically considered, this is a very peculiar island—the most so of our possessions. It is a naval station, and all the expenses outside of this particular item of $15,000 furnished by this Government are furnished through the naval appropriation bill—their shortage in school funds and their building of hospitals, and so forth. It is an island infested with more lepers, compared to the number of inhabitants, than any other section of the world, I suppose, and they have several kinds of diseases incident to and closely connected with leprosy, so the greatest safeguard has to be put around the island, because it is a naval station, and the Navy Department has taken entire care of it. A Navy officer is stationed there and he is ex officio governor.

Now, I suggested to the gentleman, as I say, a year ago, if he would leave this item out I would see the other committee, the Committee on Naval Affairs, and have an additional appropriation made there in lieu of this. Since that time one of their hospitals has been destroyed by an earthquake, and the Navy Department, at my instance, telegraphed over there, I think, some $6,000, and the building was reerected immediately.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. May I have three minutes more, Mr. Chairman?

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent for three minutes more. Is there objection?

Mr. MANN. We will close debate in what time?

Mr. SCOTT. I would like five minutes.

Mr. MANN. I ask that debate on this paragraph close in eight minutes, the gentleman from Colorado [Mr. RUCKER] to have three minutes and the gentleman from Kansas [Mr. SCOTT] to have five minutes.

Mr. SCOTT. With the understanding that I have five minutes, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. I want to call the attention of the committee to the further fact that I have the reports of 1908 and 1909 from the governor of Guam. I am not possessed of information as to what is contained in the last report due now, but I can undertake to say it would not shed any more light upon the agricultural situation there than the report of 1909 and nothing whatever concerning any improvement in conditions. The governor says, among other things, that he very much deprecates the fact that the very liberal sum allowed for the agricultural station was not duplicated for some good purpose.

This is his language, and this is the only thing he says with reference to this item or station, and nothing concerning the agricultural resources of the island in any of his reports.

Mr. COCKS of New York. What is the name of the governor of Guam?

Mr. RUCKER of Colorado. The report is signed by Gov. Dorn. He says:

The governor can not but regret that the liberal appropriation of $5,000 and $15,000 made by the past two Congresses to establish an agricultural experiment station in Guam could not have been duplicated for the building of sorely needed schoolhouses and the payment of teachers of children of the people eager as are these to acquire the language and adopt the customs of the Nation to which they now belong.

Mr. Chairman, I insist on my amendment.

Mr. SCOTT. Mr. Chairman, the statement which has just been read by the gentleman from Colorado from the governor of Guam is certainly no reflection on the work that is being done in the island under this appropriation. The expression of regret that an amount of money could not have been spent for schoolhouses and teachers equivalent to that spent for agricultural education certainly does not condemn the expenditure for the latter purpose.

I may say, however, that unfortunately a certain amount of friction has arisen between the governor of Guam and the superintendent of the experiment station in the island. The governor seems to feel as if the expenditure of the appropriation should be placed in his hands. Therefore his relations to this experiment work have not been friendly, and therefore any report he might make upon that work should be taken with a grain of allowance.

The latest report we have from the superintendent of the station shows that—

Of the 32 acres which are adapted to general agriculture all but 5 or 6 are now under cultivation. The greater portion of the land is planted to forage crops of various kinds. One of the lines of work which it is desired to take up is the introduction of better live stock, but before this can be done a regular supply of forage must be assured. On this account especial efforts are being given to the production of forage plants, and Kafir corn, Egyptian corn, milo maize, Johnson grass, Guinea grass, *Paspalum dilatatum*, peanuts, jack beans, cowpeas, soy beans, and velvet beans have all been introduced and are under comparison. Kafir corn has produced large yields of green feed when planted during the dry season, and when cut the plants send out new shoots and quickly produce a new crop. Among the grasses, *Paspalum dilatatum*, a native of Brazil, gives promise of the greatest value. Guinea grass was taken to Guam from Hawaii, and it is believed that under favorable circumstances it will yield heavily.

And so I might continue with a long report of the very active and successful work that is being done in this island to improve agricultural conditions. Certainly these conditions are so pitifully poor now as to appeal to the sympathies of every American citizen, and I am sure that this House will not withdraw the very moderate appropriation which is now devoted to bringing about a happier situation. I have here a number of photographs of the experiment grounds which I should like to show gentlemen of the House, because they show conclusively that the information of my friend from Colorado is not reliable as to conditions existing there.

Mr. COCKS of New York. Mr. Chairman, I just want to state that oftentimes Members of Congress visiting a place get entirely different views of things. The governor of Guam, when I was there in 1907, was very much interested in obtaining Federal aid for their agriculture, and took particular pains to show me what he had done with the limited means at his disposal and urged me strongly to ask the Federal Government for aid, saying that they were sorely in need of it. The only crop that they have now there is coconuts, and they sell the dried coconut or copra. They certainly do need our help. So far as the climate being the same as in the Philippines, I can not agree to that being any reason for withholding this appropriation. What they need is demonstration work, and as we are spending hundreds of thousands of dollars in demonstration work in the South, we certainly ought to be able to help Guam and to show them by demonstration the possibility of what can be done in that island.

Mr. GRAHAM of Illinois. Can the gentleman state what the cultivatable area is in the island?

Mr. RUCKER of Colorado. It is about 10 miles by 16 miles and has less than 13,000 inhabitants.

Mr. GRAHAM of Illinois. But my question is not the entire area of the island, but the cultivatable land.

Mr. RUCKER of Colorado. Their only crop now there is coconut, and it will furnish a coconut 365 days in the year—food enough for every individual.

Mr. SCOTT. Does the gentleman from Colorado think that is all they ought to raise there?

Mr. COCKS of New York. In answer to the gentleman from Illinois, I will say that it is difficult to state the exact amount of cultivatable area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $80,000.

Mr. CRAIG. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out the word "eighty," in line 9, page 72, and insert in lieu thereof the words "one hundred," so as to read "$100,000."

Mr. CRAIG. Mr. Chairman, under this section the Bureau of Irrigation Investigations is doing a work which commends itself to the whole American people, not only in the arid regions but in the humid regions also; and being a resident of the humid regions, of course my interest, primarily, is that something more be done in our part of the country. Last year under the appropriation that was made there were $3,600 used in the humid region. The balance was used in the arid regions. It is not my purpose or my wish that one dollar should be deducted from that which is being used in the West; but it is my wish that more money should be given both to the West and to the humid regions in these investigations. The Secretary of Agriculture, under the appropriation last year, was able to put one man in the field in the eastern, southern, and middle western part of the country with that $3,600. The appropriation at that time for all the investigations everywhere was $70,000.

It has been suggested to the chairman of the committee and to me that if the $10,000 additional, which is provided for in the bill, passes, $1,400 will be used in the humid regions, making altogether $5,000. Now, that will not be enough to put two men in the field. My amendment, proceeding on the same ratio, would provide $4,200 in addition to the $3,600, which, I believe, would put another man in the field and pay his expenses. To show that this is necessary, I will read to you from the report of the Secretary of Agriculture, page 152, "Irrigation in the humid region:"

The widespread drought of the past summer throughout most of the humid region has greatly increased the interest in the irrigation of gardens, truck farms, and orchards, and the demands on the one agent we have been able to detail to this work have been far greater than he could meet.

Now, certainly under that statement of the Secretary of Agriculture, there should be one other man in this field. I know something personally of what the man already assigned to this work is doing. I have had him in my district, and I would have had him there many times more but for the fact that the demands upon his time were so great that I could not get him. The interest in supplemental irrigation in the South, in the East, and in the Middle West is growing all of the time, and I wish to read just a little further along in this report of the Secretary of Agriculture to show the general interest that is being taken in the work:

The advantage of irrigation as an insurance against the long dry spells for some of the common crops has been brought out in a striking manner on several farms where experiments were conducted this summer. As a result of adding both moisture and fertilizer to the soil on experimental plats in Iowa by irrigating with sewage, the yield of beets was increased one and one-half times, that of timothy was doubled, while the yield of bluegrass was 10 times as great as on the nonirrigated plats.

At Neenah, Wis., it was found that irrigation prolonged the bearing season of strawberries 10 days and increased the yield 50 per cent. On the same field irrigated carrots yielded 50 per cent and irrigated onions 150 per cent more than the nonirrigated crops.

The utilization of a flowing well at Albany, Ga., in irrigating corn the past season quadrupled the yield, and as the result of an experiment conducted by this department wells are now being sunk in this district for the irrigation of corn, cotton, and legumes in order to insure against droughts, to introduce scientific rotation, and to increase the profits from small farms.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAIG. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate close in 10 minutes.

Mr. CANDLER. Will not the gentleman make it 15 minutes? There are one or two other gentlemen who desire to speak on this amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on the paragraph close in 10 minutes. Is there objection?

There was no objection.

Mr. CRAIG. Now, Mr. Chairman, the Secretary goes on further and discusses a proposition which vitally affects the people of the South, namely, that wherever the boll weevil has made its appearance it is absolutely necessary to insure the food crops; and they can not be insured absolutely unless something is done to supplement the rainfall. Droughts of more or less duration occur not only in the South, where the most interest in supplemental irrigation has been shown, but in practically all of the humid region. It is true that our rainfall is large and that it would be ample for all purposes if we could control it so as to distribute it properly when it is most needed. Of course that can not be done; and a very large part of our annual rainfall is lost because it comes in such great quantities at times that the earth can not absorb it and it runs off into the streams. At other times, and frequently during the growing season, there are prolonged periods of drought when vegetation suffers and crops are greatly curtailed and sometimes lost.

As an evidence of the widespread need of something to assist the farmer in his fight against the vagaries of the elements, I call your attention to the following tables of droughts, one compiled from the weather observations taken at Vineland, N. J., one from observations at Selma, Ala., and one from observations taken at Orlando, Fla. I think these three compilations will give a fair idea of conditions all over the humid regions. The tables are as follows:

Record of droughts at Vineland, N. J.

Year.	Duration of drought.			Rainfall (inches).	Remarks.
	From—	To—	Number of days.		
1893	May 6	July 17	71	2.58	Light scattered showers.
1894	June 20	Aug. 12	53	1.13	Do.
1895	July 28	Sept. 6	40	1.09	Do.
1898	Aug. 20	Sept. 22	34	.37	One shower.
1899	Apr. 9	May 7	28	.27	Do.
1901	June 17	July 6	20		
1902	May 1	June 13	40	1.57	1.25 inches in one storm.
1903	Apr. 17	July 10	85	3.58	Light scattered showers.
1906	Aug. 31	Oct. 16	47	2.45	Do.
1907	June 30	Aug. 3	35	1.80	0.71 inch in one storm.
1908	June 17	July 21	35	.35	
1908	Sept. 8	Oct. 25	48	.78	
1909	June 29	Sept. 9	73	4.07	

United States Weather Bureau record of droughts at Selma, Ala., from 1891 to 1910.

Year.	Duration of drought.			Rainfall (inches).	Remarks.
	From—	To—	Number of days.		
1891	Mar. 14	June 4	83	0.50	0.50 inch Mar. 31.
1891	Sept. 13	Nov. 9	58	.40	2 showers.
1892	Sept. 28	Nov. 1	35	.21	Do.
1893	Sept. 7	Oct. 8	32	.13	1 shower.
1894	Apr. 11	May 12	32	.54	4 showers.
1894	Sept. 15	Oct. 28	44	.72	1 rain of 0.67 inch and 1 shower.
1895	Aug. 28	Oct. 7	41	.30	2 showers.
1896	Aug. 26	Oct. 22	58	.42	1 shower.
1897	Sept. 1	Oct. 31	61	.60	6 light showers.
1898	Apr. 25	June 2	39	.38	3 showers.
1899	Apr. 8	May 12	35	.25	1 shower.
1899	Sept. 2	Oct. 4	33	.13	Do.
1900	Nov. 3	Dec. 2	30	1.00	2 showers.
1900	Apr. 24	May 22	30	.64	3 showers.
1901	June 8	July 16	39	.25	Do.
1901	Sept. 29	Nov. 3	36	.21	2 showers.
1902	May 22	July 3	43	.83	5 light showers.
1902	Apr. 9	May 7	29	.20	3 light showers.
1903	Oct. 8	Dec. 1	55	.53	4 light showers.
1904	Sept. 10	Nov. 1	52	.00	
1905	Mar. 24	Apr. 21	29	.30	3 showers.
1905	May 17	June 12	27	.41	Do.
1906	Apr. 1	May 3	54	.33	Do.
1906	July 31	Jan. 30[1]	184	5.12	Sept. 28, 2.22; Sept. 29, 1.26; remainder in light showers, less than 0.14.
1906	Oct. 1	Jan. 30[1]	122	.76	18 showers.
1907	Jan. 1	Jan. 30	30	.13	3 showers.
1908	Nov. 5	Nov. 30	26	.21	Do.
1909	Sept. 24	Nov. 1	39	.20	4 showers.
1910	Mar. 12	Apr. 4	24		

[1] 1907.

United States Weather Bureau record of droughts at Orlando, Fla., from 1892 to 1910.

Year.	Duration of drought.			Rainfall (inches).	Remarks.
	From—	To—	Number of days.		
1892	Oct. 25	Dec. 12	49		
1893	Sept. 14	Nov. 22	70	0.05	1 shower.
1894	Jan. 1	Jan. 24	24	.01	Do.
1894–95	Dec. 13	Jan. 8	27	.19	3 showers.
1895	Mar. 9	Mar. 31	23	.01	
1896	Mar. 25	Apr. 30	37		
1897	Jan. 1	Jan. 25	25	.05	1 shower.
1898	...do....	Feb. 14	45	.64	7 showers.
1898	Mar. 9	May 6	59	.19	4 showers.
1899	Nov. 1	Dec. 11	41	.15	6 showers.
1900	Nov. 13	Dec. 19	37	.73	9 light showers.
1901	Nov. 2	Dec. 1	30	.34	5 light showers.
1901–2	Dec. 16	Feb. 19	66	2.04	1 rain, 1.25 inches, and 6 showers.
1902	Apr. 21	May 30	40	.42	5 showers.
1902	Oct 27	Dec. 3	38	.52	6 showers.
1903	Mar. 28	May 3	37		
1903–4	Nov. 29	Jan. 11	44	1.00	1 rain, Dec. 25.
1904	June 1	Sept. 2	94		
1904–5	Dec. 16	Feb. 1	48	.44	3 showers.
1905	Oct. 29	Nov. 30	33	.33	5 showers.
1906–7	Nov. 4	Mar. 31	148	.32	Do.
1907	Oct. 11	Dec. 8	59		
1908	Feb. 21	Apr. 12	52	.25	1 shower.
1908–9	Nov. 15	Jan. 3	50	.68	3 showers.
1909	Jan. 6	Feb. 15	41	.05	1 shower.
1909–10	Nov. 25	Jan. 20	57	.78	6 showers.
1910	Mar. 5	May 7	64	.53	Do.

Now, Mr. Chairman, everyone knows that the man who attempts to farm against conditions such as shown in these tables, not knowing at any time how much or at what time he is going to be blessed with the rains of heaven, or how often or how long or how many times he is going to be cursed with droughts that destroy the profits, is simply playing a game of chance with nature. What does good business sense suggest in such a case? It suggests just exactly what it does in all matters that are of doubtful determination, namely, to insure against a loss. There are no insurance companies that will take the risk; but nature has supplied us with underground and surface water courses that will amply insure an industrious, intelligent farmer against loss caused by a lack of rain. With supplemental irrigation he may protect his crop from drought and put his business upon a basis of certainty instead of continuing to gamble on the weather from one year's end to another. Of course, irrigation in many places is impracticable because of adverse conditions; but in many localities of the humid regions of the United States it is altogether practical, and is being practiced now.

Mr. Milo B. Williams discussed this subject very ably before the Denver Irrigation Conference on September 24 last, and I read from his report:

IRRIGATION IN THE HUMID SECTIONS.

[By Milo B. Williams.]

I have prepared a brief outline and my survey of the territory will necessarily be of a very general nature owing to the large area under discussion. I will first outline the fields where irrigation has made its greatest development and from where the largest number of inquiries are coming for information regarding the subject.

The humid section of the United States may be divided into three territories with respect to irrigation. The most inquiries are made from, and probably the greatest possibilities lie in, the Southern States. I am not including the irrigation of rice, nor the irrigation of cranberry marshes, as we have had no opportunity to investigate them and the inquiries are few regarding their irrigation. The territory comprising Alabama, Georgia, the Carolinas, and Florida may then be taken as the first division.

The second important division is made up of the Northeastern States lying along the Atlantic coast, from New England to Virginia, and extending back to the western boundary of New York and Pennsylvania. This section, although the topographical conditions are not uniformly adapted to irrigation from the standpoint of water practice, yet the great demand for intensive farming created by the nearby eastern markets makes it desirable to adopt irrigation in some form.

The third section or Northwestern States, Wisconsin, Michigan, Minnesota, Iowa, and the upper ends of Illinois, Indiana, and Ohio, complete the humid section outside of the southern rice district. The territory including Kentucky, Tennessee, and West Virginia is not so well suited for irrigation because of its mountainous topography, while the southern ends of Illinois, Indiana, and Ohio practice more general farming in the way of hay and grains and is not the intensive type of farming that will probably justify irrigation development.

After this brief outline I desire to take up the possible water supplies for irrigation in the humid section, and will begin with the South as it is most important. The water supplies of Florida are great. The rivers are very flat, wide, and have slow velocities, while there are large tracts of land gently sloping back from the streams. The rivers, lakes, and springs make up the surface supplies. In the higher portions of the State the lakes are very numerous. In the small county of Orange there is said to be over 1,300, and the little town of Orlando has seven lakes within its limits. On the banks of these lakes are the greatest citrus districts. The lifts range from 10 to 50 feet to deliver the water to the high points. Florida also has a reenforcement of the water supply in its underground flow. There is probably no State in the Union which has such an abundant underground supply, especially in the peninsular portion. This entire section has a stratum of lime stone made up of marine deposits and full of great cavities and creases, through which the water flows readily. In a great many localities, yes, practically all over the State, this water is under pressure and along the coast and heads of streams you can find water boiling up which is fed from the interior of the State. This pressure is great enough to raise it in general 25 to 30 feet above sea level, so that in a great many sections along the coast and banks of streams it is possible to sink wells and obtain a flow, while in the higher portions of the peninsula it is possible to have the water raise within suction lift of the surface. The wells seem to be almost inexhaustible in the amount of water they will either take in or give up. I have seen three large fire hose turned into a well for hours and not fill it. Sewage is often disposed of by running it into highland deep wells.

Coming north we get into Georgia and Alabama and here the rivers are different. They are on steep grades as they come from the mountains and get flatter as they approach the ocean, with wide bottom lands. The bottom lands are used extensively for hay and grain, and probably will be farmed intensively without truck until they are better protected from overflow by the rivers, but in the uplands there are many fine opportunities to irrigate from flowing wells and artesian wells which do not flow. From Montgomery in Alabama, then running southeast to Albany, Ga., there is a wide strip of country where flowing wells can be obtained on the highest elevations with sufficient flow in connection with a storage to irrigate large tracts.

In the Northern States rivers and wells make up the available water supplies for irrigation purposes, while we have in Minnesota and Wisconsin a large number of lakes. Along the banks of the rivers and lakes there are great bodies of good farming land, and as we must think of irrigation in the humid region as a great number of small individual projects and not large cooperative affairs, this condition makes it possible for a great many farmers to utilize the water which bounds or lies beneath his land.

An unfavorable condition exists, however, in the use of river water in the humid sections, because most streams, being heavily appropriated for power purposes, and the deficiency of water for power coming at the same time irrigation is most needed. It undoubtedly will prove much more difficult to obtain laws regarding the diversion of water for irrigation purposes in the humid region than it has been in the West, while in most sections probably far beyond the reach of the few individuals who will wish to irrigate.

In investigating the soils of the eastern half of the United States we find wide extremes being farmed, ranging from the sterile, sandy soil of Florida, which takes water very greedily, to the black muck lands of Iowa, Illinois, Ohio, and Indiana, which take water slowly, while in the Eastern Atlantic States we get the clay, gravelly, and sandy loams, and in Georgia and Alabama the red clay. In Wisconsin and Michigan we have the sandy glacial drift, and in the river bottoms of the entire regions clay and sandy alluvial soil. But nowhere do we find the depth of fertile soil that has made the great arid West so rich, and this enters in as one of the strongest factors in making the western farm methods of irrigation unadaptable, because you can not level the land for surface application without doing great injury in exposing the "locked up" under soil in places and accumulating the fertile surface soils in others.

Taking up the climate Florida is practically the only State included in the humid section that has a distinct wet and dry season. The wet season comes in the summer and the dry in the winter. It receives an annual rainfall of 40 to 70 inches, practically all of which comes between the months of April and October. They are apt to have a shower any time during the dry season, but it can not be counted upon. During the winter of 1906–7 they had less than a half inch in 5 months, while the total for the 2 years was over 130 inches. The usual winter rainfall is 4 or 5 inches, but it may all come in one storm.

As we come north in Florida we cross the frost line or the line below which they consider it safe to raise citrus fruit—about half way up the peninsula—and as we come still farther up into Georgia and Alabama, the crop can be planted to catch the market early or late and the irrigation becomes a matter of insurance, while as we come farther north irrigation is still more a matter of insurance. In the short northern season the grower can not afford to run the risk of losing two or three weeks in the middle of his growing period by a drouth, as he may be caught later by a frost, so it is desirous to rush his crops through to maturity as fast as possible.

The irrigated crops of Florida are truck and citrus fruits. This State has the largest irrigated area in the humid section, not including rice and cranberries. There are probably between 4,000 and 6,000 acres irrigated, the bulk of it being at Sanford in the noted celery fields. The citrus fruit is being irrigated in all the districts to a large extent, although many growers make good crops by intensive cultivation alone.

Georgia and Alabama, and the Atlantic coast States extending north, irrigate for early truck to come into the markets after the winter stuff of Florida and before the Northern States, while in the past two years our experiments have shown that it is profitable to irrigate the old stable crops of corn, cotton, potatoes, etc., in the Southern States.

The principal crops irrigated in the Northern States are truck, small berries, and apples. Most pleasing results are being obtained in all these crops, while there are a few localities where meadows and forage crops and grains are showing up well under irrigation. In fact, any crop will give wonderful results if the farmer irrigates when the drouth comes at a dangerous period of plant growth.

One of the greatest problems in eastern irrigation is to find the proper method of applying the water to the land. A great many new factors enter in that are not in evidence in the arid West. In the beginning it must be remembered that practically all irrigation done in the humid region is done by individual plants, scattered about through the entire country; therefore one farmer does not have the opportunity to learn from old, experienced irrigators as the new western irrigator does, and this has brought about a great diversity of methods worked out independently by individuals. Then you will find that the eastern farmer has not been educated to have open ditches cutting his beautiful fields, and many condemn the western method for that one feature. Again, the average topography of the Eastern States is not as adaptable for irrigation, and the water goes to a depth where it is doubtful if the shallow-rooting plants ever receive any benefit from it, especially if a western head of water is furnished to the surface.

Because of the topography and other factors brought out very little flood irrigation will be done in the Eastern States, excepting in a few localities where the natural lay of the ground and the nature of the soil permit; for forage crops and meadow irrigation the surface method

that can be used the most extensively is furrow irrigation and it can be used in row crops, such as the bush berries, strawberries, corn, cotton, potatoes, cantaloupes, etc., provided the land has the natural grades and soil conditions. The use of furrows needs some peculiar obstructions. For instance, in strawberries a large percentage of growers wish to keep the entire ground surface covered with a straw mulch during the full bearing season and object to having it destroyed to run furrows for irrigation that would tend to put loose earth in the patch. Again, it is the custom in many sections for apple growers to raise hay in their orchards and not cultivate clean only, say, two years out of five.

Mr. BARK. Do you find much alfalfa?

Mr. WILLIAMS. Alfalfa is being grown successfully in many States, while the State institutions are doing extensive experimenting with it. There are difficulties in curing it, and it is necessary to use a great deal of lime on the land in nearly all sections. We are trying alfalfa under irrigation in New Jersey and expect good results.

The two principal systems of application developed in the humid section differ radically from western methods. These are the overhead spray irrigation and subirrigation. The spray irrigation to which I refer is outside law sprinkling, and where plants are put in to spray 10 to 30 acres, spraying 5 to 10 acres at one operation. The first systems were designed to use circular spray nozzles similar to the lawn sprinkler. Individual nozzles were mounted on standpipes, which were located at distances so the spray would meet while being fed from a system of underground piping. This proved to be a most expensive system to install and is now being replaced by a more successful overhead-spray system. I refer to what is known in the East as the Skinner method, which is a system devised and first used by a Mr. Skinner, of Troy, Ohio, in greenhouse irrigation and later to irrigate outdoor trucking crops.

Mr. ROCKWELL. What is the cost of installing nozzles?

Mr. WILLIAMS. It runs very high on account of the necessary network of underground pressure pipe. From $200 to $300 per acre would probably cover the cost, independent of the pumping plant.

Mr. ADAMS. What size pipe do they use?

Mr. WILLIAMS. Very seldom over 6-inch for main distribution pipes and ¾-inch for standpipes to the nozzles.

The Skinner system consists of laying one main feed pipe across the end or through the center of a field, depending upon the area to be irrigated, from which at intervals of 50 to 60 feet standpipes are brought up, each to feed a lateral pipe line supported on posts at an elevation of 7 feet above the ground. These laterals parallel each other across the field, each spraying a certain strip of land.

Mr. ADAMS. How wide apart are they placed?

Mr. WILLIAMS. From 50 to 60 feet, depending upon the pressure obtainable. In the shell of each lateral pipe line is screwed a set of small brass nozzles 4 feet apart, each throwing a fine straight stream, and all located in a direct line on the same side of the pipe. Then, as the pipe is so supported on posts that it can be rolled in its bearings, this line of nozzles can be turned to throw the water to any desired location in the lateral's zone.

In considering the installation of a system of this nature it first must be planned to grow a crop that will pay interest on the investment from its net returns; the system will cost $80 to $100 per acre, independent of the pumping plant.

Mr. BARK. The cost of pumping must be high.

Mr. WILLIAMS. That is the direction from which you can attack the system, but I find that the amount of water needed at one time to irrigate the delicate truck crops of the humid States is very small and you can get along with so much less water by this absolute control and so little labor is required that it goes a long way to balancing up for the extra power needed to do the work. Such crops as celery, lettuce, onions, etc., generally pay well under this system.

The spray system has many advantages in operation. It gives the irrigator absolute control of the amount of water he applies, which gives him a much better opportunity to fill in small or large deficiencies of rainfall at any time and not be subject to injury from an unexpected rain. Heavy soils that have a tendency to bake can be touched up with a light spray and made cultivable, while the gardener can set out delicate plants at any time and make them grow by many light irrigations that would be impossible by furrow methods of application.

Mr. ROCKWELL. What effect does the wind have?

Mr. WILLIAMS. It is generally desirable to apply the irrigation in the evening or the morning when there is very little wind. A light wind sometimes proves an advantage in diffusing the water. We have had no opportunity as yet to investigate evaporation losses, etc. The Skinner Irrigation Co. is seeking for advantages outside of irrigation to supply the plant with moisture. They claim the spray is a preventative of damage by light frosts, on the theory that many crops are not hurt by a freezing temperature, and that by constantly spraying through a cold spell freezing ice over the plants and never letting the ice get dry or below freezing, the plant will come out without injury. The control of certain diseases and insects is being investigated also. I understand that Mr. Skinner will spend the coming winter on a model plant in Texas studying the control of the onion thrip by spray irrigation.

Mr. BARK. The freezing theory does not seem plausible.

Mr. WILLIAMS. A number of farmers have tried it out but have failed because the forming of ice frightened them and they stopped spraying. I think that celery can be saved through several degrees below freezing if handled right.

The second system, the success of which is probably peculiar to the humid sections, is, as I have mentioned, subirrigation by drain tile. I have had opportunity to study a large acreage of subirrigated lands at Sanford, Fla., where it is pronounced a general success by its users. The subirrigated lands lie along the bank of Lake Monroe, which is an enlargement of the St. Johns River. The slope is very gentle from the river back toward the high lands and the upper boundary of the present subirrigated district is at an elevation where flowing wells can be obtained for the water supply.

The few factors noted which enter into the success of subirrigation at Sanford are as follows: 1. A valuable crop is grown that will pay interest on a large reclamation outlay, winter celery, lettuce, etc. 2. The land needs thorough drainage as well as irrigation, so that one-half the expense can be counted against drainage. 3. The surface soil is nothing more than the most sterile fine sand, and fertility is applied to the surface mostly in commercial form. 4. The land is underlaid with an impervious stratum from 18 inches to 4 feet below the surface, which forms a bottom to the soil reservoir and aids in lateral percolation and maintenance of the water for the slow action of capillarity. 5. The crops grown are all shallow-rooting and do not reach the underground tile. 6. The topography of the surface is extremely continuous and even, which permits the tile lines being run parallel to the surface and at the same time straight and on very gentle grades. 7. Their water does not cost them in proportion to the amount used, and therefore large seasonal quantities can be run through the tile regardless of the underground waste.

The construction used is of the most simple design. For example, to irrigate a 10-acre plot a 5-inch vitrified sewer pipe would probably be led from a well bored at the center of the high side of the field and cutting the area into two 5-acre lots. The joints of this main will be cemented up tight and at every 18 or 20 feet perpendicular laterals of 3-inch common drain tile taken out. At the junction of main and laterals a manhole is inserted, so that the amount of water that goes into each lateral can be controlled by a system of plugs. At intervals in each lateral is placed a "stop box" built of cement and containing a small weir wall, in which another set of plugs is used for putting the desired pressure on the section of lateral just above. The joints of the drain tile are left open, but cinders, waste fiber, or some other material is used to keep the fine sand out but still allow the water to pass readily. Each lateral wastes into a drainage ditch at its lower end. The laterals are spaced 18 to 20 feet apart 18 inches below the surface and have 1 to 2 foot fall per 100 feet.

There are some failures in this section, which, I believe, are caused by careless laying of the tile, the lack of the proper underground conditions, or laterals not having been run properly with regard to the contours of the natural surface.

Mr. Samuel Fortier, the Chief of the Bureau of Irrigation Investigations, addressed the Farmers' Demonstration Society at Vineland, N. J., last November upon the subject of irrigation in that locality. From his address I quote as follows:

THE NEED OF IRRIGATION IN NEW JERSEY.

If the land of southern New Jersey is to be farmed in the old way, it is questionable if irrigation is either necessary or desirable. The small revenue annually received from the land would scarcely pay for the extra water. On the other hand, if the land should be farmed in accordance with the latest scientific methods, irrigation during dry spells will become, I believe, a necessity for all crops having a gross valuation of from $50 to $250 and over per acre. Some light is thrown on this point by reference to the records of rainfall and the water requirements of the most valuable crops. For a period of 32 years the average rainfall at Atlantic City has been 40.82 inches. If this amount of moisture was evenly distributed, the need for any artificial supply would not be keenly felt. It is, however, very irregular in its distribution, as may be seen in reviewing the precipitation at Vineland, N. J., during the past 17 years. On frequent occasions the monthly rainfall in this city (Vineland, N. J.) has exceeded 7 inches, and on rarer occasions it has varied from 8 to 13 inches per month, while dry spells of varying duration have occurred, in which the natural rainfall was wholly inadequate to meet the requirements of growing crops. The accompanying table gives a record of some of the dry periods which the farmers of this district have had to contend with since 1893.

Compare, if you will, the cloud water in the above table with the ditch water used by a western farmer. In raising alfalfa, for example, he puts on from 3 to 6 inches of water per month while the plants are growing. Three inches per month, including both ditch and irrigation water, is considered the least amount of water which will keep alfalfa in a vigorous condition. What is true of alfalfa also applies to most of the truck crops. These may not require so much water at any one time, but it should be more frequently applied. We are therefore very glad of the opportunity to cooperate with your society in an effort to find out to what extent irrigation water will increase the yield and improve the quality of your best paying crops.

On May 8, 1909, this same gentleman wrote as follows to the State Horticultural Society at Jacksonville, Fla.:

Compared with the arid region, the citrus districts of Florida have an abundant annual rainfall, but since much of this is wasted in runoff during heavy downpours the amount which the roots of trees can obtain is frequently below rather than above what is required. Then, too, long periods occur when little rain falls. The Weather Bureau records show that at Orlando, from November 1, 1906, to March 31, 1907, a period of five months, the rainfall was only a trifle more than half an inch. The quantity of water required by the citrus orchards of Riverside, Cal., including both irrigation and rain water, averages about 3 inches a month. For the past 9 years at Tampa, Fla., the average rainfall during October and November has been only 1½ inches per month, and for more than half the year it is considerably below 3 inches per month.

The preliminary investigations made by Mr. Williams, in your State, during the past winter have convinced him of the need of installing irrigation plants to supplement the natural rainfall and as an insurance against crop failures during dry periods. The lakes, rivers, and artesian basins of the peninsula furnish abundant water supplies at low cost, and the only questions that are deserving of careful consideration are the installation of the right kind of a pumping plant that will perform efficient service, the adoption of the best distribution system, when both economy and efficiency are the main factors, and the application of water in such a way and by the use of such implements as will best serve the objects sought.

This office has been studying such questions in the West for the past 10 years, and if any of the experience thus gained or the data collected will prove of service to your industry we shall endeavor to place both at your disposal.

In order that we may have before us some further information as to the technical side of the question under discussion, I submit some observations of eminent engineers on the subject of irrigation of orange groves and subirrigation in Florida, the paper on the irrigation of orange groves being a statement concerning the plant of Charles Drennen, of Orlando, Fla., prepared by Mr. M. B. Williams for the Florida State Horticultural Society:

STATEMENT CONCERNING PLANT OF CHARLES DRENNEN, ORLANDO, FLA., PREPARED BY MILO B. WILLIAMS FOR THE FLORIDA STATE HORTICULTURAL SOCIETY, MAY 17, 1910.

During the spring of 1909 a cooperative arrangement was entered into between Dr. Charles Drennen, of Orlando, Fla., and the Office of Experiment Stations, United States Department of Agriculture, for the installation of an experimental irrigation plant and distribution system

for the purpose of investigating the practical and economical methods of applying water to citrus groves in Florida.

Preliminary surveys were run and tests made during the spring months of 1909, the tests being conducted with the pumping plant Dr. Drennen had at that time. Water was conveyed through the orchard in open ditches and applied to the surface in furrows or in basins. This study led to the following general conclusions:

That the loss of water is excessive when run for a length of time in open supply ditches made in sandy soil.

That water can be distributed over the surface in small furrows, providing the furrows are given proper grades and from 25 to 30 gallons of water per minute be supplied to each furrow.

That the tendency of the dry soil is to present a resistance to the absorption of water when first applied, which aids greatly in the flooding of small-basin areas.

That the water when applied to the Florida high-land soil in furrows does not percolate sideways in the root zone of the citrus tree more than 2 or 3 feet from the point of application in a five-day period, but has a tendency to go downward rapidly and be wasted in the deep, porous white sand, making it necessary to have a close spacing of furrows and a large flow of water to each for a short length of time.

From the data secured it was decided to remodel the pumping plant already on the ground in such a way that it would be used in supplying a distribution system built similar to the concrete construction used so extensively in the irrigation of citrus groves by gravity flow in southern California.

The pumping plant as now installed consists of a 25-horsepower Hagen gasoline engine, connected by belt to a 5-inch Gould centrifugal pump of the one-stage type. The water is drawn from a large lake and lifted to an elevation of 34 feet where it is delivered into a concrete standpipe which is situated at a controlling elevation in the orchard. The suction consists of a 7-inch steel pipe, while the discharge is made up of two 5-inch pipe lines to utilize some of the pipe on hand, left from the old plant. The economical capacity of the pumping plant is 44,000 gallons per hour, and the distribution system is designed to handle this amount.

The general design of the distribution system consists of large water-tight conduits, laid below the cultivated surface and following the most prominent ridges, in order to reach all high points in the orchard. At points where it is desired to supply water to furrows or basins small standpipes or hydrants are placed in the underground conduit and the water brought to the surface through these devices. Each hydrant is equipped with a valve which controls the amount of water taken from the underground supply, while in the sides of the standpipes are small division gates which divide the total head into the individual furrows. By means of check valves built into the main lines of the conduits the water can be taken, in part or in whole, to any portion of the orchard.

The construction of the distribution system was begun during the spring of 1910. The first conduit to be tested out was built of concrete, according to the standard specification used in southern California, which calls for a "dry-mixture" pipe, or a concrete pipe made from a comparatively dry mixture of sand and Portland cement, wetted only to a consistency that will permit immediate removal of the molds, and cured carefully afterwards by applying water in the form of spray until the cement is set. Each section of pipe is coated on its inside surface with a mixture of neat cement and the standard design of tongue-and-groove joint, as used in southern California construction, molded on each length. Three thousand feet of the above design of pipe was made and laid in the Drennen orchard.

In testing this amount of pipe under the Drennen grove conditions the following difficulties have been encountered: First, that the same design of joint as used in the California field, where the water flows through the lines by gravity and under low-pressure heads, is not suitable for the pressure heads necessary to conduct water in the Drennen grove, and, second, that a dry-mixture pipe, although carefully painted on its inside surface, is more or less porous and shows an undesirable amount of moisture upon its outside surface under the higher pressure heads.

With these data on hand, together with the results of comparative tests which this office has obtained from experiments with "wet-mixture" concrete pipe, vitrified sewer pipe, and dry-mixture pipe during the past winter months, it has been decided to delay the construction of the Drennen system and make arrangements to complete it in part with "wet-mixture" pipe and in part with vitrified sewer pipe, which will give a comparison of the three kinds under the same conditions.

Molds for the wet-mixture pipe are now being built, which will turn out pipe 8 inches in diameter in sections 5 feet in length, with a tongue-and-groove joint. A separate mold is also being made that will make a reenforcing concrete collar, to be placed about each joint, to overcome the difficulties encountered in the California joint.

The Drennen plant is being installed with the following experimental objects in view: To learn the possibilities of surface application of water in the irrigation of citrus groves in Florida; to study the effects, value, and disadvantages of irrigation; to determine the cost of pumping and applying water in irrigation by the surface methods; to gain data as to the quantity of water necessary for the insurance of citrus groves against drought; and to open a field for cheap pipe construction that will meet Florida requirements.

The plant when completed, therefore, will be so constructed that the different methods of surface application may be experimented with on different plats of the orchard and a study made of the feasibility of each method. An effort will be made to determine the proper size, depth, length, grade, and spacing of the furrows to use in obtaining an even distribution of moisture through the root zone and give the least waste of water. The proper amount of water to apply per irrigation and the length of time between applications, with respect to the amount of rainfall, cultivation, and soil moisture, will be investigated in the hope of obtaining data that will be of value to those who are developing water resources or designing irrigation plants. The system will be equipped with measuring devices, whereby a continuous record will be kept of the amount of water used, together with the time of application. A standard rain gauge is placed in the orchard, so that the exact record of precipitation and its distribution as to time can be had and the total amount of water any one plat of the orchard receives during a day, a month, or a growing season can be calculated.

The other paper to which I call your attention deals with the interesting subject of subirrigation and is as follows:

SUBIRRIGATION.

The term "subirrigation" is used to indicate the supplying of moisture to vegetation from an underground system. This method of application is very attractive, but difficult and expensive to apply successfully only under certain favorable natural conditions.

Where subirrigation has succeeded the following natural conditions exist: A surface soil which possesses high capillary power and will permit of rapid lateral percolation, an impervious understratum, and a uniform surface topography which will permit an even distribution.

In a few localities of the United States it has been found that after running water through earthen supply ditches for a time the land was kept moist from the seepage of the ditches and that surface application became unnecessary. This land is being subirrigated by the water sinking to and traveling along an impervious stratum, thereby being distributed beneath the surface, where it can be brought up slowly to the plant roots by capillarity.

In two or three localities subirrigation has been applied successfully by means of distributing the water through underground pipes, but this method has not reached favor for any growth except shallow-rooting plants.

There exists a patent subirrigation system, using continuous machine-made cement pipe for distribution, which injects the water into the soil through tubes placed in the top of the pipe line, over each tube being placed a portion of cement pipe, convex side up, to prevent earth and roots entering the tubes and stopping up the tile. This system is still in the experimental stage.

Subirrigation has reached its most successful state in the truck regions of Florida and California, and the following discussion is given on the Florida system as data on this subject:

System: The system consists of a water supply delivered to the highest portion of the field to be irrigated, from where a main feed pipe is run connecting with a distribution lateral system, which in turn terminates at a drainage ditch or tile.

Main feed pipe: From the most elevated portion of the field the water supply is delivered into a main feed pipe, which is run according to the lay of the land to feed the laterals, the lateral system determining the position of the main feed pipe. The best construction consists of a 4 or 5 inch cement pipe or vitrified clay sewer pipe, with water-tight cemented joints. This pipe line should be placed parallel to the surface profile, so that each lateral will be fed at the desired depth, generally 18 to 20 inches below the cultivated surface. In the main feed-pipe line at each lateral connection, if the water is to be delivered two ways, a standpipe is inserted in concrete, for the diversion and control of water in the connecting laterals. If laterals are to run only one way from the main feed pipe, it is more economical to place in the main feed pipe a T and put the standpipe in the first joint of the lateral tile. It is necessary also to place the standpipe in the first tile joint of the lateral along that portion of the main when a pressure is to be exerted greater than that equal to a head the height of a standpipe.

Lateral system: The lateral system consists of a series of parallel pipe lines made of common cement or clay drain tile 3 inches inside diameter and 12 inches in length. At points in each lateral where it is desirous to check the water a cement stop box is located for use in operation.

A correct spacing, location, and laying of the laterals is most important to the success of a subirrigation system when natural conditions permit the use of this method. The spacing is determined principally by the texture and powers of the soil to convey water within itself. In Florida sandy soils the spacing is 18 to 24 feet. In heavy soils this distance would be much less. The ruling facts of location are the grade of the tile and the topography of the land, the grade of the tile depending upon the texture of the soil. To facilitate quick drainage of the field it is desirous to give the laterals as much grade as possible and yet get an even distribution of irrigation water without water logging the soil at the lower end of the laterals and immediate to the stop boxes. Grades ranging from 1 to 3 inches to the 100 feet are used. To aid in a uniform distribution and to prevent the earth becoming too wet about the cement stop boxes, the best systems have cemented joints for three or four tile lengths just above the stop boxes, and in this way prevent the usual flow from these few joints. The balance of the lateral tile joints are clothed with a shovelful of cinders, charcoal, or some porous material like fiber waste. The object of this protection is to prevent sand getting into the tile and also to permit quick irrigation or quick drainage through the joints.

Standpipes: A standpipe consists of a 12-inch vitrified pipe set with the bell end up in the main feed pipe at each lateral head. The lower end of the standpipe is set in a concrete base in which the tile lines are embedded, also as they enter and leave the standpipes. The office of the standpipe is to act as a manhole into which the irrigator can reach and with a system of wooden plugs control the distribution of the water among the different laterals.

Stop boxes: A stop box consists of a cement box set in the lateral tile line having one open end at the surface of the ground. In the stop box is a weir division wall containing two holes, one 3-inch hole in line with the lateral tile and another 2-inch hole just above the 3-inch for the water to pass through when the lower one is plugged. If the shutting of the lower hole does not afford stoppage enough, the system of plugs may be used in the upper one; the weir division wall divides the box into two chambers, the longer chamber being of size to permit the plugs to be put in or removed with ease. This wall is made low at the top, so that both holes may be plugged and allow the water to weir over, which puts several inches of pressure on the tile lines above to quicken the filling of the soil with water.

Plugs: Wooden plugs are used to control the flow of irrigation throughout the tile system. Generally, each hole in the weir wall or pipe connection will be fitted up with a system of plugs, consisting of a large hollow plug which fits the opening and a smaller solid plug fitting into the hole in the larger plug. By operating this system of plugs different sized streams may be obtained.

This system of plugs, as used in Florida subirrigation, could be improved upon, in the writer's opinion, by introducing sliding gates into the stop boxes and standpipes. The wooden plugs often become water soaked and difficulty follows in removing them or fitting up.

Operation: The operation of a subirrigation system is comparatively easy when the construction has been planned properly and is done carefully. Water is turned into the main feed pipe and streams allowed to go into the lateral according to the amount needed for the existing conditions which each irrigator must learn by experience. Subirrigation is slow, the rapidity depending mostly upon the power of the soil; therefore each lateral must be supplied according to the rate that the soil will take the moisture without oversaturating that along the tile line before it can travel and meet between the individual laterals. The tendency in the operation in a great many of the subirrigated fields, especially when flowing wells are used as a source of water supply, is to overirrigate by allowing the water to run through the tile continu-

ously until water is discharged into the drainage system. This tends to put an excess of moisture into the soil, and in draining out not only gives a loss of water, but leaches the sandy soils of soluble fertilizer.

Adaptability: The principal factors which enter into the adaptability of a subirrigation system are topography, soil texture, understratum, and crops to be grown.

Topography: A comparatively flat area with a gentle slope in one direction is the best lay for a subirrigation system, although it is possible that the system can be used successfully, when other features do not interfere, on somewhat undulating land where great care can be taken in tiling the surface. It is absolutely necessary that the lateral tile have close-grade limits, and therefore should be run generally on a grade contour acting as intercepting drains to the slope, whether this contour runs on a straight line or on a curve. The main feed pipe may be run up and down slopes within certain pressure limits, depending upon the construction used. In general, the laterals should parallel the greater uniformity of grade and leave the greater irregularity of grade to parallel the main feed-pipe line.

Soil texture: The texture of the soil is a very important factor to the success or failure of subirrigation. Even in the sandy peninsula of Florida we find soils too heavy and claylike to permit the use of subirrigation on an economical basis. Soil to subirrigate well must submit to quick lateral percolation and have high capillary powers. The most successful systems in Florida are embedded in almost pure sand. As water in a subirrigation system is placed below the surface to begin with, it is necessary that the soil in which the plant roots lay be capable of drawing the moisture up to the root zone, which is true of soils where subirrigation succeeds.

Under strata: Where subirrigation has reached success in Florida there exists an underlying impervious stratum which tends to hold the moisture in place for the use of capillarity. This stratum may be hardpan, clay, rock, or the water table. In other words, there must be a bottom to support the water while it makes its slow transit laterally and upward through the soil, otherwise there would be a tendency toward a heavy loss by seepage before lateral distribution and capillary action could take place.

Feasibility: The generally high first cost of a subirrigation system makes it quite necessary to figure upon the value of existing factors. Practically all of the subirrigated land in Florida needs drainage before it can be farmed, therefore a large per cent of the expense for the tile system can be placed against the drainage end of the question. The subirrigated sections are the truck sections, also where the value of crops taken off each year is very large and will pay interest on a heavy reclamation investment. The class of growth to be put on the soil must be of root length sufficient to enter the shallow-laid tile, to prevent many difficulties in maintenance. Celery, lettuce, cabbage, potatoes, and nearly all other truck crops are grown by subirrigation in Florida.

Cost: Outside of the water supply the Florida subirrigation systems cost $85 to $125 per acre.

The material and labor come at approximately the following rates at Sanford, Fla.: 3-inch tile, $20 to $21 per 1,000 feet; 4-inch vitrified sewer pipe, $85 per 1,000 feet; 12-inch sewer pipe for standpipe, $1 each; cement stop boxes, 65 cents each; 2-inch iron pipes for lateral connection, 10 cents each; wooden plugs, 35 cents each; labor, common, $1.25 to $1.50 per day.

Supplemental irrigation is not a new thing. It has been practiced in Europe since the twelfth or thirteenth centuries, and the water meadows of England are so old that they would seem always to have been watered as at present. It seems odd, but nevertheless it is true that large areas in Arkansas that are now irrigated to great advantage had first to be drained of water that had stood upon them for years. Those lands up to a few years ago were worthless, wet, soggy prairie. They were drained, wells were sunk, and they are now being irrigated with water from the wells and producing more rice to the acre than any other lands in the world.

There are, of course, many difficulties to be encountered by the farmer who attempts this work, and for that reason, as well as for other good reasons, the Government ought to enlarge the scope of its investigations in order to assist him with information and advice. That this increased appropriation is needed in the humid regions can not be denied.

That it is needed in the arid country I can not doubt, and as evidence of it I will submit the following letters and resolutions from the State of Idaho:

BOISE, IDAHO, *February 7, 1911.*

Representative CRAIG,
United States House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing herewith a resolution passed by the Idaho Agronomy Association at its annual meeting at Gooding, Idaho, January 30 and 31.

I feel that the irrigation investigations of the United States Department of Agriculture in our State are of such great benefit to the new settlers and that it is so important that the results of these investigations be made available to them that I can not too strongly urge upon you to use your best efforts to the end that ample appropriations may be secured for the continuance and further extension of this valuable work, which is of such vital importance to the new settlers.

Respectfully, yours, ELIAS NELSON,
President Idaho Agronomy Association.

Whereas thousands of new settlers are endeavoring to establish homes on the irrigated lands of Idaho; and

Whereas the majority of these settlers are unacquainted with the requirements of successful farming on the irrigated lands; and

Whereas it is necessary, in order that successful homes and farms be established, that extensive investigations as to the use of water for the various crops and soils be made and the results of the investigations be made available to the farmers of Idaho: Be it

Resolved, That the Agronomy Association of Idaho urge upon the Congress of the United States to increase as much as practicable the funds to be appropriated for irrigation investigations in the State of Idaho.

STATE OF IDAHO,
HOUSE OF REPRESENTATIVES,
Boise, February 2, 1911.

Hon. Mr. CRAIG, *Washington, D. C.*

DEAR SIR: I am inclosing a copy of a joint memorial that passed both houses of our legislature early this week.

The majority of our new settlers are unfamiliar with irrigation practices. If some little assistance and instruction can be given them on the start they will be successful, otherwise many failures will result.

I therefore trust that your honorable body may appropriate liberally to this cause, which means so much to the entire West.

Yours, very truly, FRED NIHART, *Representative.*

House joint memorial No. 4.—By Fred Nihart.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Idaho, would respectfully represent and make known that the development of irrigation has been very rapid in the West, there having been millions of acres added to our irrigation area during the past few years;

That the settlement on these new lands has been almost wholly by people from the East who have practically no knowledge of irrigation; that irrigation farming is an intricate science which requires considerable study; that the interests of the millions of farmers in the irrigated portion of the West, and of the West wholly, demand that these settlers learn irrigation farming in the shortest possible time.

Wherefore your memorialists urgently petition that the Government of the United States provide more liberally for education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture, and that at some place centrally located in the irrigation belt a permanent institute be established at which instruction in the subject of irrigation and allied subjects be made a specialty, and that said subject be taught to all those who desire instruction therein.

I therefore sincerely hope the House will grant the increase provided for in my amendment. [Applause.]

Mr. MADISON. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes.

Mr. MADISON. Mr. Chairman and gentlemen, I very earnestly hope that the amendment offered by the gentleman from Alabama [Mr. CRAIG] will carry. Our people out in the western portion of this country need this increased appropriation. It is an actual need, not an imaginary one. This question of irrigation is always a vital one; and the work that is being done by this bureau, under Dr. Fortier, is a very effective one, and is rendering great good to the people out in our section of this country. Now, I desire to call your attention to this point, that practically every dollar—or a great many dollars, at least—which you appropriate for this purpose are duplicated by the different States in the West. One of the most valuable features of the work of this bureau is its cooperative work. Why, the State of California appropriated $60,000, with the understanding that the Government would appropriate $60,000 for the same work, and together they have done magnificent work in California. My friend HAWLEY, who sits here to my left, represents a State which is considering the question.

The State of Idaho appropriated some $6,000 with the understanding that the Government would use the same amount, and Idaho and the Government have been cooperating and getting magnificent results. The State of Texas is contemplating the same thing, also the State of Colorado; and my own State has under consideration an appropriation of money with the understanding that the same amount that it puts into the work the Government will put in also. Now, all of these States can not be accommodated unless this House will give the necessary money for the cooperative agreement, and in doing so you are doubling your dollars when you appropriate them for the purpose of assisting this bureau; and I earnestly hope that the amendment which is offered by the gentleman from Alabama [Mr. CRAIG] will carry. [Applause.]

Mr. SCOTT. I quite agree with all that has been said by the gentleman from Alabama and my colleague from Kansas as to the importance of the work that is being done by this office and as to the efficiency of that work. I believe, however, that the committee has sufficiently recognized its importance by bringing in here a recommendation that an appropriation be made which is in the aggregate $12,820 greater than the appropriation for the same work for the current year. That is an increase of nearly 20 per cent in the appropriation, and it will provide for a very large amount of new work. It is exactly the sum that was recommended by the Secretary of Agriculture in the estimates submitted to the committee, and it has not been my experience that the Department of Agriculture fails to ask for the money which it thinks it can satisfactorily and profitably use. I trust, therefore, that the amendment will not be agreed to.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Alabama [Mr. CRAIG].

The question was taken; and on a division (demanded by Mr. MADISON) there were—ayes 22, noes 14.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $80,000.

Mr. ROBINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 16, page 72, after the word "expenses," strike out "eighty" and insert "two hundred and fifty," so that it will read "$250,000."

Mr. ROBINSON. Mr. Chairman, this amendment proposes to increase the amount carried in the agricultural appropriation bill for drainage investigations from $80,000 to $250,000.

The Department of Agriculture, during the last four years, has expended for drainage investigation $230,588.40. These investigations covered an area of almost 10,000,000 acres. About one-half of the lands investigated were subject to overflow by floods; about two and a half millions were lands continually wet and swampy; about one-half million were lands requiring new outlets or the improvement of water courses. A little more than 350,000 acres of irrigated lands needing drainage were investigated. Experiments in farm drainage were limited to about 5,500 acres.

CHARACTER OF INVESTIGATIONS.

The character of the work carried on by the department consisted of drainage examinations and surveys made in the interest of agriculture, at the request of farmers' organizations and drainage districts, or of other persons or associations having special drainage difficulties and requiring information of a reliable character. The drainage districts have been required to contribute a part of the expense. Preliminary and advisory work alone are done.

The department has been able, on account of the limited appropriation available, to make the investigations and furnish assistance in only a few of the many cases, comparatively, in which its services have been invoked.

In addition to these investigations and surveys, the department's engineers have given advice to commissioners of local drainage districts, and have aided and directed them in commencing and conducting their work in accordance with approved methods. This work is not included in the areas above set forth.

Investigations relative to drainage have been made of muck lands of various kinds with a view to determining the depth to which the water may be lowered, the conservation of moisture in dry seasons, and the amount of water necessary to be removed from a saturated muck.

Experiments in the drainage of irrigated lands have been made in cooperation with farmers in California, Utah, Wyoming, Washington, Texas, and New Mexico. Special examinations have also been made of salt marshes along the Atlantic coast. Farmers' organizations are furnished with bulletins containing information, as are local drainage districts, and those actively interested in the organization and development of drainage districts under local laws.

No feature of the work done by the Department of Agriculture has been more fruitful of benefit. The extension of irrigated areas in the West and in the South make necessary and desirable the rapid extension of this service. Since 1904 hundreds of thousands of acres of lands in the State of Arkansas have been irrigated for the culture of rice. This has added a new industry, exceedingly profitable, to that section; but it has brought to agriculture there new problems, not the least among which is the drainage of the irrigated lands. It is quite as important to be able to get rid of the water from rice lands at the right time as it is to be able to supply it when needed.

The department has recognized the importance of investigations in the drainage of rice lands. It has made a few experiments, very satisfactory in their results. It is hampered and embarrassed by a lack of sufficient funds with which to prosecute this very important line of research.

SWAMP AND OVERFLOWED LANDS.

The vast area of swamp and overflowed lands in the Union, and situated especially within the States of Missouri, Arkansas, Louisiana, South Carolina, North Carolina, Florida, and Maryland, can, in the main, be reclaimed to cultivation by systematic and comprehensive drainage plans which can only be devised so as to inspire the confidence of all interested through the investigations and reports of the Department of Agriculture and its engineers. It is difficult to state, within a narrow limit, the importance of this subject. These several States are all making rapid progress, under local laws, in the reclamation of this character of land. It is not designed that the Government of the United States shall relieve the localities affected of the responsibility of conducting this work and of meeting the expense which it occasions. But it is desired for many reasons that the Federal Government shall make the investigations and plan the drainage systems on a broad and comprehensive scale, so that the work of one local district will not interfere with the work of another, and so that the systems adopted in one State for the drainage of its wet lands will not impose needless or unfair burdens on adjoining States. It can not be denied that the services of the department in this regard have already resulted in great good. The assistance rendered local drainage districts in various parts of the Union in formulating plans and in starting and prosecuting the work has been of great practical benefit.

In this subject the people of the great Mississippi Valley are profoundly and directly interested. Within the lazy embrace of its swamps and lagoons are locked millions of acres of immeasurable fertility and productivity. The reclamation of this vast area is a work of such importance and gives promise of such great results as to occasion a meeting of the governors of five States in the city of Memphis recently. They gave their unqualified indorsement to a resolution asking that this Congress make more liberal appropriations for drainage investigations. A convention held in the city of Memphis recently, attended by citizens from Louisiana, Mississippi, Arkansas, Missouri, Tennessee, and other States, enthusiastically indorsed the work done by the Department of Agriculture, and asked greater liberality in appropriations to the end that this service may be speedily extended.

Its adoption will result in practical benefit. You of the West, who enjoy the results of the wonderful system of irrigation which has reclaimed millions of acres of desert and semi-arid land, should sympathize with this movement to reclaim the swamp land in other sections; for it is certainly true that the movement, viewed from the standpoint of area to be affected and of results to be accomplished, is not less important than that of irrigation, which has accomplished so much for the West. [Applause.]

Mr. EDWARDS of Georgia. Mr. Chairman, I offer the following substitute, which I ask the Clerk to report.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Georgia.

The Clerk read as follows:

Strike out all the paragraph beginning on line 10, page 72, after the words "Drainage investigations," down to and including the word "dollars," on line 17 of page 72, and insert in lieu thereof the following, so that it will read:

"To enable the Secretary of Agriculture to locate, survey, investigate, and report upon the drainage of swamp and other wet lands in the United States, with a view of determining what of such lands are susceptible of drainage, and at what cost per acre, the value and effect of drainage on such lands with respect to the public health and agricultural production, together with reports on existing legislation of the different States on the subject of drainage and operations thereunder, foreign drainage policies and their results, and the relation of the Federal Government to local and State authorities and legislation on drainage; and to prepare plans for the removal of surplus waters by drainage; and for the preparation, printing, illustration, and distribution of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere and all necessary expenses, $250,000."

Mr. EDWARDS of Georgia. Mr. Chairman, for several years I have been deeply interested in the subject of drainage. I have given it considerable study and attention since I have been in Congress. I do not believe there is any subject which deserves greater consideration by Congress than legislation looking to the drainage of the swamp lands of the country.

In Senate Document No. 443, Sixtieth Congress, first session, on the subject of "Swamp Lands of the United States," we are told that there are in the United States 79,005,023 acres of wet land, and in addition to that there are 150,000,000 acres of what is now known and occupied as farm lands, which is too wet for the most profitable cultivation and whose production would be increased 20 per cent by proper drainage. These figures are enormous, and to one who has not given the matter considerable study I may add that they are surprising.

Showing how the 79,005,023 acres of unreclaimed swamp and overflowed lands are distributed, I wish to read the following, taken from the Senate document that I have just referred to:

The following is an estimate of the number of acres of swamp and overflowed lands in the several States which may be reclaimed for agriculture, exclusive of the coast lands, which are overflowed by tidewater. The acreage given is that obtained from the most recent in-

formation secured by correspondence with officials of the counties in the States represented.

	Acres.
Alabama	1,479,200
Arkansas	5,911,300
California	3,420,000
Connecticut	30,000
Delaware	127,200
Florida	19,800,000
Georgia	2,700,000
Illinois	925,000
Indiana	625,000
Iowa	950,500
Kansas	359,380
Kentucky	444,600
Louisiana	10,196,605
Maryland	192,000
Maine	156,520
Massachusetts	59,500
Michigan	2,947,439
Minnesota	5,832,308
Mississippi	5,760,200
Missouri	2,439,600
Nebraska	512,100
New Hampshire	12,700
New Jersey	326,400
New York	529,100
North Carolina	2,748,160
North Dakota	200,000
Ohio	155,047
Oklahoma	31,500
Oregon	254,000
Pennsylvania	50,000
Rhode Island	8,064
South Carolina	3,122,120
South Dakota	611,480
Tennessee	639,600
Texas	2,240,000
Vermont	23,000
Virginia	800,000
Washington	20,500
West Virginia	23,000
Wisconsin	2,360,000

The lands above enumerated are not all permanently unfit for cultivation in their natural state, but part of them are swamp or are subject to such frequent overflows from streams as to be entirely unproductive, while a part are only periodically rendered unfit for cultivation by reason of their wet condition. The lands named in the foregoing list are properly those which may be wholly reclaimed from either a permanently or periodically swamp or overflowed condition.

It will be observed that Georgia has 2,700,000 acres of swamp and overflowed lands that are susceptible of improvement and reclamation, a great portion of which are in the district that I have the honor to represent. Most of this land is very fertile and would be unusually productive and profitable if it were drained and put in condition that it could be cultivated. In its present condition, swampy and wet, it is practically worthless. In many cases it is a nuisance, because, without question, it depreciates the value of the adjoining and surrounding land of a better character and is conducive of malaria. Figuring that this land is worth $1 per acre, which is a reasonable valuation for it in its present wet condition, remembering that it is producing nothing of the world's wealth, with a comparatively small expenditure per acre this vast amount of land, if properly drained, would be worth at least $20 per acre, which would mean $54,000,000 in valuation, as against $2,700,000, showing an increase of $51,300,000, to say nothing of the agricultural production every year that would result to the State of Georgia. What I have said with regard to Georgia's swamp lands applies with equal force to the wet lands in all of the other States of the Union, and I imagine that the increase in value would be in about the same proportion.

The Government is committed to the project of irrigating the arid lands of the West. I do not propose to discuss the wisdom of the legislation through which the Government has become committed to the irrigation of the arid lands, but I do think that there is ample precedent for the Government to undertake to drain the swamp and wet lands of the country in that it is already committed to the same principle in the irrigation of arid lands. I am of the opinion that there is even a stronger argument in favor of legislation whereby the swamp and overflowed lands of the country may be drained than there is in favor of irrigating the arid lands. It is not a question, however, as to whether we shall have drainage to the exclusion of irrigation, or vice versa. The fact is, however, that the arid lands are being irrigated on a large scale through the help of the National Government, while the swamp lands are receiving but little attention. If it is just and right to irrigate the arid lands, it is equally right and just that the Government contribute toward the drainage of the lowlands.

The amendment that I have offered provides for a general survey and investigation of the swamp and wet lands of the United States to determine what of such lands can be drained, and at what cost per acre, the value and effect of such drainage with respect to public health and agricultural production, all of which will be accomplished if my amendment is adopted. It provides further that reports on the existing legislation of the different States be looked into and reported upon, as well as foreign drainage policies and their results. It will enable the Secretary of Agriculture to prepare plans for the drainage of these lowlands, and to have printed the results of his investigations, in order that the general public may have the benefit thereof.

Since I have been in Congress I have gotten through the Department of Agriculture a preliminary drainage examination of Liberty, Bryan, and McIntosh Counties, and a survey of Effingham County is soon to be made, in Georgia. In taking the matter up with a view of distributing to the people residing in those counties copies of the surveys, I found that there is no provision under which the reports of these drainage surveys can be printed for distribution. I have had a great number of requests from citizens in the district that I represent for copies of the surveys of the counties that I have just named, and in each case where copies have been furnished they have been typewritten copies, entailing an immense amount of work and great delay. If we are to provide for this important work of drainage investigation, we should do it in a way that will be effective.

I regret to admit that of the 23 States which have enacted general drainage laws, which are considered operative and sufficient to accomplish the purpose for which they were made, Georgia is not included. I hope that the next Georgia Legislature will see the wisdom of enacting a drainage law for that State along the line of the one enacted by North Carolina.

In 12 of the States that have drainage laws large areas of wet lands have been reclaimed under their provisions, while in the other 11 the laws have not been in force for a sufficient length of time for the completion of extensive drainage work, but I am advised that large projects have been inaugurated and are in process of construction in several of the States last referred to.

In Senate Document No. 443, which I referred to awhile ago, we are told that—

It is estimated that the following areas in the States named have been drained and reclaimed under the provisions of the State drainage laws:

	Acres.
Illinois	3,496,000
Indiana	3,358,000
Ohio	3,400,000
Michigan	1,600,000
Minnesota	1,500,000
Iowa	945,000
California	700,000
Missouri	350,000
Wisconsin	200,000
Nebraska	100,000
North Dakota	150,000
Louisiana	120,000
Total	15,889,000

The States of Arkansas, Mississippi, Kansas, Texas, and Washington have drainage laws similar to the above States, and have under consideration the execution of projects of considerable magnitude. The States of Utah, South Carolina, Oklahoma, Colorado, and Montana have laws, the efficiency of which has not been fully tested. All other States of the Union, except Alabama, Georgia, Nevada, Wyoming, and West Virginia, have drainage laws, some of which were enacted at an early date, but are not now regarded adequate for use in cooperative agricultural drainage.

The benefits that will result from drainage are manyfold. I wish to refer briefly to the effect, as discussed in the Senate document already referred to, that it will have in benefiting agriculture and in improving the health of the country.

The benefits that would accrue to agriculture from thoroughly draining the lands classed as swamp and overflowed will be, first, the addition of 79,005,023 acres which are now waste to the productive area of the country. This land will differ greatly in value when reclaimed, since it is found in widely different climatic conditions and does not possess equal natural fertility, nor will it be possible to cultivate all of it with equal profit.

The effect of draining swamp and overflowed lands upon the public health is shown by a decrease of malarial diseases and of mortality due to them. Such diseases prevailed to an alarming extent in the greater portions of Indiana, Illinois, and Iowa prior to the construction of extended drainage systems in those States. The census of 1870 gives the number of deaths from malaria for the preceding year as 52.5 per 1,000 of the total, while the census of 1890 gives the deaths due to malaria at 8.6 per 1,000. During that time large areas of land in those States were drained, with the result that lands which were formerly swamp and unfit for cultivation were converted into productive

farms. It is safe to conclude that these changes in malarial conditions was due largely to draining.

In support of this conclusion the following comparison of malarial conditions in States where the swamps and wet lands were not drained during the same period is given: From the census of 1870 it appears that the deaths from malaria in the lowlands of the Mississippi River from Cairo to the Gulf during the preceding year were 89.8 per 1,000 of the total. In the census of 1890 we find that for the same territory the deaths from this disease were 88.8 per 1,000, showing practically no change in this regard. It is also noted that during the two decades named no material amount of drainage was done in that section. For the southeast coast of South Carolina, Georgia, and Florida the deaths from malaria in 1870 were 66.2 per 1,000, and in the same territory in 1890 they were 61.7 per 1,000. These figures show that malarial conditions did not materially change in these sections during the two decades. It is also observed that little agricultural drainage was executed there during the same time.

Drainage operations in some districts which were once malarial show that such work has had a remarkably beneficial effect upon the health of the people within their boundaries. We are told that the white people of James Island, opposite the city of Charleston, S. C., were formerly obliged to leave the island during the summer months on account of the prevalence of malaria. Since the general introduction of drainage upon the farm lands of that section no difficulties of this kind have been experienced, and white people now remain upon the island during the entire season without suffering from malaria. Some exceptional malarious localities in Charleston County, S. C., have been made completely sanitary within the last five years by means of drainage ditches, constructed under the authority of the sanitary and drainage commission of that county. A particularly unwholesome locality about 7 miles from the city has been made by drainage so thoroughly sanitary that a large manufacturing plant now occupies the ground that was formerly considered dangerous for white men to live upon. Should these operations be extended to the 2,000,000 or more acres of land of the coast region in that State, and to the swamp lands of the country generally, it is safe to predict that the sanitary condition would be improved in the same ratio as in the drained lands of Indiana, Illinois, and Iowa previously referred to.

Chatham County, Ga., at its own expense, has been draining the lands of that county, until to-day it has a splendid system of drainage. The result has been that the public health has been wonderfully improved, the death rate materially reduced, and thousands of acres of fertile land have been reclaimed and made fit to be cultivated. This has been made possible through the help and push the great city of Savannah has given the movement in order that the health of its citizens may not be endangered. Through such measures in properly looking after her sanitary condition Savannah is one of the cleanest, most healthy, beautiful, and progressive cities in the whole country, while Chatham's farm lands are of the best, and "malaria" is a word seldom heard in that section, and I hope will be entirely forgotten when Chatham's great drainage scheme has been completed.

With such a splendid object lesson as to the effect of drainage in Chatham County, I am at a loss to understand why the Georgia Legislature does not proceed to enact proper drainage legislation and proceed upon a comprehensive and effective plan with this important work, in order that national aid might be invoked. I can not understand, either, why Congress does not give more encouragement to this great work, which, if carried out in all of the States, would reclaim millions of acres of fertile land and would improve the public health of every State in the Union and would tend to materially reduce the death rate from malaria and kindred causes from one end of the country to the other, to say nothing of the billions of dollars that would be added to the Nation's wealth in increased values and through agricultural productions upon lands that are now practically waste, worthless, and unproductive.

Here is an opportunity for real conservation of health and resources through reclamation that is full of hope and benefit to our country. The arid lands of the West are not endangering the health of the surrounding sections, but the swamp lands are. If either is to wait for their respective improvements, it is less dangerous and less injurious to let the arid lands wait. Our country is big enough and strong enough, however, to carry on both the irrigation and drainage work, and if those representing States needing drainage will speak out and make a fight fo this important work, it would not take long to commit the Government to a policy to aid in drainage reclamation. All parts and sections of the country are interested in this drainage movement.

These vast areas scattered throughout the country, and many right at the doors of our great cities, offer an opportunity for relieving the overcrowding of cities. Their nearness to centers of population is assurance that when made habitable they will in a measure tend to turn the pendulum of the population from the city back to the farm. In many sections of our country requiring reclamation by drainage nearly all the lands naturally cultivable in localities where moisture is supplied by rainfall are already occupied.

The demand for land is increasing every year by the natural increase of native born and by the addition of about 1,000,000 foreigners annually, who must also be provided with homes. What are we to do? We are not making more land, but the population is constantly growing more and more, and the demand for land is growing greater and greater as the years go by.

Our people must have homes. The future greatness and happiness of this country is dependent upon happy homes, and, if you please, upon farm productions, in order that our people may be clothed and fed.

The Government is aiding in making homes in the arid plains of the West, and the desert is being peopled with home makers, building an empire in a region long vacant and voiceless. "National drainage" is just as important as "national irrigation," and can be accomplished and maintained at a less cost with greater benefits to the general public, because the swamp areas are menaces to human prosperity, health, and life. Land reclaimed by irrigation is expensive to maintain, because it is necessary to keep it watered by artificial means, while land reclaimed by drainage would not be subject to that expense, as it would be watered by natural rainfall.

It is short-sighted statesmanship to delay longer in this important matter, for we have reached that period of our progress when a serious study of the conditions of these uninhabited regions of swamp land is imperative and when a broad policy of "drainage reclamation" on the part of the Government is demanded by all citizens who have the general welfare of the Nation at heart.

Some will say, "The Government can not go into the drainage business for the benefit of private landowners." No; but it can loan money upon easy installments, at a low rate of interest, to landowners for the general good, as it is now doing in the great irrigation work, especially as it will improve the general health as well as add to the general valuation in increased values of land and agricultural production. Drainage is of vast importance, but it is too great an undertaking to be attempted by individual landowners, just as irrigation in the West is too large an undertaking to be attempted by individual landowners.

Through governmental aid irrigation has been made possible and successful, and through the same means, if justice is done by this great movement, drainage will be made possible and successful.

I hope my amendment will be agreed to, and if it is I believe it will be a long step toward the reclamation of the swamp lands and I hope will commit the Government in the near future to the policy of reclamation by drainage as it is now committed to a policy of reclamation by irrigation.

EXHIBIT A.

[U. S. Department of Agriculture. Office of Experiment Stations. Drainage investigations. Report of a preliminary drainage examination of Bryan County, Ga., to the Chief of Drainage Investigations, by J. V. Phillips. Field examination made January–February, 1910.]

In letter from the office, dated January 14, 1910, I was instructed to visit Bryan County, Ga., and make a general report upon the drainage conditions of the entire county.

This investigation was made at the request of Mr. CHARLES G. EDWARDS, M. C., first congressional district of Georgia, and information was obtained from the following-named men, who are more or less interested in the draining of the different sections of the county: J. R. Shuman, W. C. Downs, Zac. Gay, E. C. Bell, L. L. Downs, J. W. English, C. H. Downs, B. Myrick, A. G. Cox, Jasper Wise, Z. Shuman, T. M. Morgan, Wm. Ahern, J. C. Burnsed, Z. Cowart, J. H. Keleher, and G. H. Lanier, all of Ellabell, R. F. D.; Hampton Wise, Preston Wise, J. W. Stuart, and S. D. Harn, of Clyde, Ga.; J. H. Blitch, Blitchton, Ga.; Hosteen Roberts, of Olney, Ga.; W. F. Slater, G. C. Slater, J. C. Cowart, and Quincy Edwards, of Eldora, Ga. (Some of these mentioned I did not see, yet they are more or less interested and bulletins should be sent them.)

Bryan County, as will be seen from the accompanying map, is a long, narrow county, situated just west of Chatham County, in which lies Savannah, Georgia's chief seaport. Bullock County lies to its north, the Ogeechee River forms its eastern boundary line, the Atlantic Ocean bounds it on the south, and the Canoochee and Midway Rivers form most of its western boundary line.

It is traversed by three competing lines of railroads. The Seaboard Air Line crosses the northern section of the county, while the Seaboard Air Line and the Atlantic Coast Line cross the south central section of the county. Also the Savannah and Statesboro Railroad affords transportation for the extreme northeastern section of the county.

The county has many swamps over the entire area, all of which afford independent outlets for their respective sections, or would do so if they were improved. I visited practically every section or locality in the county and studied the conditions existing in each, both by ques-

tioning the more prominent landowners and by personally riding over different sections of these creeks, which are merely flat swamps in many cases.

In several cases I found that some of the largest landowners were very much interested in the draining of their lands, and that they wished to go into the work. Not being able to see them all in this particular section at that time, I made an engagement with them and returned later, when I could see more of them.

Some of the more prominent outlets in the county are: Cana Branch, Mill Creek, Black Creek, Savage Creek, Cross Swamp, and Mill Creek No. 2, all of which are shown on the map.

I found the landowners along the Cana Branch district more eager to expend money for its improvement than elsewhere in my entire examination. Those who were ignorant of the benefits to be derived from a plan of drainage along this branch soon grasped what it meant and showed their willingness to go into the work. Although this branch is several miles in length, there is a good fall to it, and the landowners from its head to 5 or 6 miles below desire to improve that section. As the lands bordering along the branch are low, flat woodlands, at wet times the excessive water held in the swamp along the branch soaks into this higher land, thus injuring it very much. By digging a suitable canal along the branch an area of about 2 to 3 miles in width can be thoroughly drained. The body of the swamp itself varies from a few hundred feet to a quarter of a mile in width.

Mill Creek No. 1, Black Creek, Savage Creek, and Cross Swamp each have about the same watershed as Cana Branch. Each also has its swamp with its more or less open run, its black mud lands along same varying in width from an eighth to a half mile. The soil is about 2 to 3 feet deep, with a sand generally beneath this; however, a light brown or red clay is found in places. The area to either side of the swamp is flat, low lying, and badly in need of drainage. This area varies from a light sandy loam to a sandy soil, yet there is very little of these lands that are too sandy for profitable cultivation after drainage.

Note the place marked on the map with cross in the northeastern section of the county. This is the home of Mr. Quincy Edwards. He owns about a thousand acres or more of good mud land and sandy loam. There is a chain of ponds or depressions on this land leading to Black Creek, a distance of some 3 miles. The area on either side that would be benefited by draining these ponds is about a mile or more in width, flat and very fertile, being a dark, sandy loam. The ponds themselves contain gum and cypress and have a black mud soil, with a clay subsoil. Mr. Edwards is very much interested in the draining of this area and is willing to do even more than his share as soon as the department has more thoroughly examined the district and given him a general plan to follow. I think the other landowners also will be made to see the benefits to be derived from such a course in the near future.

As mentioned above, the county is well covered with swamps, each of the larger swamps having its numerous tributaries and chains of ponds or depressions leading back into the higher lands. The Ogeechee River, on the eastern boundary of the county, and the Cannochee, on the western boundary line, afford ample outlet for these several swamps, yet in their present condition, with their poor "runs" and thick undergrowth, these swamps and tributaries are worthless as outlets during wet times, wholly or partially rendering the flat woodlands lying in their watershed area unfit for cultivation.

Regarding practical drainage, there has been none undertaken in this county since the days of slavery. Practically all of it at that time was for the culture of rice. With few exceptions this was practiced along the rivers in the tidal belt. To-day these old drains and embankments have all been entirely neglected and allowed to go to ruin. In Mauldin Swamp, just southeast of Cana Branch, there is an old cleared field containing about 100 acres. This field was cleared and thoroughly drained by slave labor years ago, and it is said that 50 bushels of corn and rice were grown per acre, while a bale of cotton was made on the same area. The swamp has a very rich black mud soil about 3 to 4 feet in depth. Black gum is the prevailing timber, and there is several feet fall per mile. The swamp varies in width from one-fourth to one-half mile, with a good sandy loam woods land on either side in the watershed. Some of the same landowners in Cana Branch watershed own lands in this watershed, and it is only a question of time until this will be brought under cultivation also.

The farming conditions are about the same as are usually found in such localities that have much swamp land. The people are living on the higher places, which, though by far the poorer lands, are mostly free from excessive water. Some of the farmers are a shiftless set of people, depending to a great extent upon either the timber or the turpentine interests for most of their subsistence, and paying little attention to their crops. Fifteen to forty bushels of corn can be made per acre, from one-half to a bale of cotton, about 300 gallons Georgia cane sirup, and about 300 to 400 bushels sweet potatoes, and good hay crops. Though few at present have given much attention to the science of better farming, I see signs of it rapidly coming, for, with a change in the convict system for the State, each county is building good roads. Bryan County now has many miles of well-graded roadbed, while they are extending the same over the entire county. They realize how backward they have been regarding this important feature in agriculture, as also their status as farmers and in general the poor farming conditions. There is now being projected a railroad from without the county, which, if the charter is followed, will go through Pembroke, Ga., down to Clyde, Bryan's county seat; thence to Ways Station. Thus will the people have the very best transportation facilities through the farming section. That section of the county south of Ways Station, though very rich for the most part, is held to the extent of about 90 per cent by wealthy northern men and by clubs for hunting purposes solely. Little farming is practiced in this section, save on a very small scale by a few negroes. Although I pushed my examination down as far as Keller Post Office, I found very little encouragement in my work. I found that the tide usually comes up the Ogeechee River into the Canoochee River, about 3 miles south of Clyde, the county seat.

Having a semitropical climate, a good rich sandy loam soil over the most of the county, being near a good trucking market, and having a fair transportation, by instituting drainage in this county I think the county can be benefited beyond their most sanguine dream, for 80 per cent of the lowlands may, at a very small cost, be brought under very profitable cultivation. And after having discussed the subject with a great many of the landowners I feel that all are more or less interested in this work, though in only two cases do I think their interest great enough to lend them to take up drainage at any near date.

The two places being greatly interested are the Cana Branch district and the district where the cross is made, in the northeastern part of the county. In each of these places a main canal down the swamp will be all that is necessary.

In closing I will say that I found the people to be very intelligent, and that, with some encouragement in the way of circulars or bulletins, they can be easily induced to improve their condition along the line under discussion.

I am inclosing views showing some characteristic parts of the county.

Very respectfully submitted.

J. V. PHILLIPS.

EXHIBIT B.

[U. S. Department of Agriculture. Office of Experiment Stations. Drainage investigations. Report of a preliminary drainage examination of Liberty County, Ga., to the Chief of Drainage Investigations, by F. G. Eason. Field examination made Jan. 21 to Feb. 2, 1910.]

Under instructions from the Chief of Drainage Investigations, dated January 14, 1910, I began an investigation of Liberty County, Ga. This county is in the first congressional district of Georgia, of which Hon. C. G. EDWARDS is the Representative. There is no drainage organization of any kind in the county. Those most interested in drainage and from whom information was obtained are N. McQueen, of Ludowici; E. P. Miller, of Walthourville; A. F. Winn, of Dorchester; and W. M. Stevens, of Dunham.

The examination was conducted by visiting the different points in the county by train and team. Those who are interested in drainage were interviewed and their opinions gotten on the subject. They were also asked to describe the conditions in their several localities. Their opinions were afterwards verified by personal inspection. As a part of this county had already been visited and described by me (see my report on McIntosh County, December, 1909), it was not necessary to visit it a second time, and it will not be described in detail in this report. I wish to draw attention to the similarity of Liberty and McIntosh Counties. They are adjoining coast counties of Georgia and resemble each other very closely in natural conditions and the attitude of people.

Liberty is one of the largest counties of Georgia, having an area of 976 square miles and a population of 13,000 people, two-thirds of this number being negroes. The county seat is Hinesville, and it has no railroad connection. The main watershed runs through the central part of the county in an east and west direction, the water on the south flowing into the Altamaha River and on the north into the Canoochee River.

The main drainage channel for the southern part of the county is the Altamaha River, and its main tributaries are Beards Creek, Jones Creek, and Doctor Creek. For the northern part, it is the Canoochee River, and the main tributaries are the Little Canoochee River and Taylors Creek. For the eastern part, it is the Atlantic Ocean, and its main tributaries are South Newport River, North Newport River, and Midway River.

The soil of the county is of two different kinds. The coast and northern sections are sandy, with a light clay subsoil, and central and southern part is a very fertile alluvial clay, deposited from the Altamaha River and known as the "flat clay lands."

The county has good natural drainage as a whole, but there are several localities which can and need to be greatly improved. In the coast section, a great deal of it is needed. The proposition here is a comparatively easy one, as the whole section is a network of tidewater rivers and creeks, giving many drainage outlets. Before the Civil War this section had a complete and thorough system of drainage, and fine crops were raised. It was the richest section of Georgia then, but the large owners have either left or allowed the places to run down, until to-day all that remains of a once fine system are a few overgrown ditch banks. It is a section of bygone days. The drainage here would be a matter of individual activity, as nearly all of the places are on some creek.

The northern part of the county is high, sandy, rolling land, and the drainage is very good into the creeks and rivers through the branches and swamps. It could be improved in some instances by opening up these swamps.

The central and southwestern part of the county is the section which I desire to call especial attention to, as the drainage here is very poor and it is annually overflowed. This is the section which I have already referred to as the "flat clay lands," but it is really the alluvial plain of the Altamaha River. All of this section can be reclaimed by building some short levees along the river and by digging canals through the swamps to the tidewater rivers of the coast. It is necessary for McIntosh and Liberty Counties to work together in this matter.

The farming conditions of the coast section are very poor. What I have written about this section of McIntosh County applies to Liberty County as well. As said before, it used to be very rich, and the people take great delight in telling you so, but when you ask them why they do not improve their lands and bring them under cultivation again, they merely shrug their shoulders. This country near Dorchester used to have five men worth over a million dollars each, and they all made it off of farming. There are a few small farms in this locality which are crudely worked. A great deal of the land here is owned by negroes, and they can never be counted on for anything progressive. Nothing is recommended for this section now, but there is a possibility that they will wake up and improve their lands some day.

On account of the overflow conditions and lack of drainage in the "flat clay lands," no farming is done here. The section north of the Atlantic Coast Line Railroad is the best farming section of the county. I do not mean that it is the best land, but conditions are best suited for it. It is high and well drained and the farmers raise very good crops by the use of much fertilizer. The chief crops are corn, cotton, potatoes, and cane.

The transportation facilities throughout the county are not very good. There are three railroads. The Atlantic Coast Line traverses the central part, the Seaboard Air Line the eastern part, and the Georgia Coast & Piedmont the western part. The entire northern part of the county is without a railroad. The roads are in fair condition. A few small boats ply up and down the large rivers and connect with the coast.

As to the attitude of the landowners, I will again have to divide the county into sections. The coast people have already been described, so nothing further need be said here about them. The people of the northern section are wide-awake, progressive farmers, but are not much interested in drainage. The owners of the "flat clay lands" fully realize the possibilities of the land and are willing to form a drainage district. I found but one of them who was not in favor of the propo-

sition, and I understand from his neighbors that he always opposes anything new or beneficial. I worked this section of the county more thoroughly than any other, and find the people very enthusiastic over the project.

The kind and system of drainage thought to be necessary has been explained in the McIntosh County report. The system will have to be extended up the western part of the county, between the Altamaha River and the Georgia Coast & Piedmont Railroad, nearly to Beards Creek.

The kind of survey has also been described. The work in the western part of Liberty County can be done without a camp, as farmhouses are numerous.

The idea I suggested of making this into a trucking section seems to be growing in favor every day. They feel that if it could be started they would get more for their land. The present market value of most of these lands is from $2 to $3 per acre, and the present value of good truck lands in the South is too well known to state here.

EXHIBIT C.

[U. S. Department of Agriculture. Office of Experiment Stations. Drainage investigations. Report of a preliminary drainage examination of the county of McIntosh, Ga., to the Chief of Drainage Investigations, by F. G. Eason, assistant drainage engineer. Field examination made Dec. 9–17, 1909.]

Early in December, 1909, I was detailed by the Chief of Drainage Investigations to make an examination of drainage conditions in McIntosh County, Ga. This matter was brought about by the influential men of the county, with the aid of Congressman CHARLES G. EDWARDS, of Savannah. There is no drainage organization of any kind in the county at this time; neither is there any drainage law in the State of Georgia, but I have gotten them very much interested in the subject, and I understand steps are being taken to form an organization and also to pass drainage laws in the State at the next session of the legislature. I explained to them that this was a matter of vital importance and referred them to the drainage laws of North Carolina.

Some of the largest landowners and most influential citizens from whom information was obtained are: E. M. Thorpe, of C. C. Davis & Co., at Townsend, Ga.; N. McQueen, banker, of Ludowici, Ga.; R. A. Strain, merchant, of Darien, Ga.; R. H. Knox, of Hilton & Dodge Lumber Co., at Savannah, Ga.; and Fred McFarland, representative, of Darien, Ga. The above men are those most interested in drainage, and some of them very kindly took me over the county. Any of them will be glad to furnish the office information at any time. No map of this county could be procured, so a State map had to be used.

The examination was conducted by getting all the information I could from the residents and later riding over the country verifying it. This was done on horseback, buggy, and train.

McIntosh County is one of the coast counties of Georgia, and consequently is very similar in physical conditions to the other coast counties; that is, low and flat with numerous swamps. It is a small county, containing 308,000 acres and about 9,000 people, the majority being negroes. The part needing improvements the most and to which most attention was paid is the northwestern section of the county. This locality is annually overflowed by freshets from the Altamaha River, which is the western boundary of the county. This water comes out at a point in the northern part of Liberty County through Beards Creek, and several other small places down the river in Liberty and McIntosh Counties, overflowing about 200,000 acres. There is on both sides of the river a swamp from 1 to 2 miles wide, called the River Swamp. This swamp is also overflowed, but it would not be practical to try to protect it, as a very high levee would have to be built along the entire river bank at a very great cost. The eastern boundary of this swamp is a narrow ridge of sand hills, known as the River Sandhills, varying in width from 100 to 500 feet. These are very high and form a natural levee paralleling the river. There are several gaps in this ridge through which the water flows, and, as said above, also through Beards Creek. One of the gaps is about 6 miles north of Barrington and is about 600 feet wide. Another is right on the line between Liberty and McIntosh Counties and is about 500 feet wide. There are several other small ones near the Atlantic Coast Line Railroad from 50 to 200 feet wide. All of the water comes through these small openings. During a freshet, the water from the river backs up Beards Creek and overflows the lowlands, being augmented on the way down by water from these gaps. A portion of this overflow water goes back into the Altamaha River below Barrington (see map), but the greater part of it flows down these flat clay lands paralleling the river for a distance, and then spreads out over the entire country (Tibet to Eulonia), finally emptying into the Atlantic Ocean through the South Newport and Sapelo Rivers. The land north of Tibet and east of Ludowici is high and sandy, and never overflows. The lands in the vicinity of Darien are also high and do not overflow, so that the water is confined to an area bounded by the River Sandhills on the west and the high sand hills near Ludowici on the north, and the high land of the coast on the south. This whole section is not overflowed, because the land is slightly rolling, and the low parts only being covered to a depth of from 1 to 8 feet. This overflow water can be cut off by building a low levee about 3 or 4 feet high along the south bank of Beards Creek for about 1½ miles, and by stopping up the openings in the sand hills. This will require a levee 10 or 12 feet high for about 1,500 feet. This can be done for about 10 cents per yard, making the total cost very small, when considering the large number of acres that will be reclaimed.

This section of the country that would be reclaimed is also the one most needing drainage. As said above, the whole county is cut up by small swamps, but there are only two which can be used as main drainage channels. These are Mortar and Jackey Camp Swamps. Mortar Swamp heads in Liberty County west of Tibet, near the River Sandhills, flowing in an easterly direction, and passing about 2 miles north of Townsend, 500 feet north of Darien Junction, and finally uniting with Bulltown Swamp to form the South Newport River. This swamp is not wide, up to Darien Junction it being from 100 to 600 feet wide and below widening out to half a mile. While the general direction is straight, the swamp itself is rather crooked. The other rain drainage channel would run from this one through Jackey Camp Swamp. This swamp starts near Townsend and flows in a southeast direction, forming the Sapelo River at Eulonia. None of these swamps have a run of any size, and the whole being choked up by brush and fallen trees makes them inadequate to carry off the water, and in consequence there is water in them nearly all the time. Entering into these swamps are numerous other small swamps, through which laterals could be run, or laterals could be run as often as desired through the flat clay lands, making a complete system of drainage for the section. The canal through Mortar Swamp would be approximately 20 miles long and the Jackey Camp Canal about 5 miles long. This system would give thorough drainage channels for these lands. Another canal can possibly be run into the South Newport River through Bulltown Swamp, but it is not recommended at the present time.

Not much attention was given to the coast lands, because they are higher and can easily be drained through the numerous swamps into the Altamaha River and tidewaters of the coast. No large project could be formed here, it being more a question for the individual landowners to solve.

The soil is one of extreme fertility and capable of raising almost any crop. The topsoil consists of a mixture of sand and light, gray clay, the latter predominating. This is underlain by a subsoil 18 to 20 inches below the surface. This consists of thick, yellow clay, which will allow water to pass through very slowly. From this clay the Ludowici roofing tile is made. The mass when mixed makes a very rich soil and one that is easily worked. The swamp soil consists of a mixture of black loam and clay, with a little sand, the whole being of light color. This is underlaid by a thick clay. The swamp growth gives every indication of fertility, being mostly cypress, gum, ash, hickory, and a little maple.

These lands are not farmed now to any extent on account of the overflow conditions and lack of drainage. Only the high knolls which are not covered by water are farmed, and good crops are raised on them. Personal notice of small gardens has shown that these lands are well adapted to growing early garden truck.

The amount of drainage has been roughly given above, but it is thought that a very complete system would have to be laid out on account of the compact condition of the soil.

At the present time, while the natural conditions tend toward agriculture, it can not be called a farming country. The only farming done in the county is a little rice planting on the coast and a small amount of corn and sweet potatoes scattered over the country. Along the main road from Darien to Eulonia I did not see 10 acres of cultivated land, and hardly more from Darien to Barrington. The chief industries are working turpentine, lumber business, and cattle raising. The chief crops are sweet potatoes, rice, corn, sugar cane, cotton, and a little garden truck.

The transportation facilities throughout the county are very good. There are two railroads in the county, the main line of the Seaboard Air Line traversing the western section and the Georgia Coast & Piedmont the central part. The main line of the Atlantic Coast Line runs through Liberty County, near the McIntosh County line. The public roads in the county are, as a general rule, good hard roads, but there are some heavy sandy roads. Connections can also be made by water up the rivers, and daily from Darien to Brunswick, Ga. It is quite evident that this could be made a great trucking section and the products gotten to market easily and quickly.

The attitude of the landowners, on the whole, I would say, is very favorable. A great deal of the land is owned in large tracts by private persons and lumber companies, and they were very enthusiastic on the subject. Most of the land has had all the large timber cut off and only a small, second growth now exists, which is worked for turpentine. This industry will, in a few years, play out, and then these companies will have large tracts on their hands, absolutely worthless to them. If anything can be done to better these lands and put them in condition to offer for sale it can be seen what it would mean to them. The present market value of most of these lands is from $1 to $3 per acre, and some has been bought recently for less. Judging from similar conditions and from small, drained rice-field lands on the coast, I should say they would easily sell for from $12 to $20 per acre when drained. If the trucking industry I spoke of could be started here, there is no telling how high the lands would go.

The survey will have to be made from a camp on account of the scarcity of farmhouses throughout the district. It will have to be quite an extensive one on account of the large acreage. All of the main swamps indicated above would have to be run out and the canals located. The main roads should be run out and the watershed determined. Numerous cross sections would have to be run. There is not much brush in any place, except a little in the swamps, so not many axmen would have to be employed.

The three railroads (Atlantic Coast Line, Seaboard Air Line, and Georgia Coast & Piedmont) are all affected by the high waters and the companies should be very much interested in the subject. They would, I believe, help financially toward a survey.

No drainage (except rice fields) has been practiced at all in Georgia, except some work done in Chatham County by the convict forces.

Interviews were given to both of the Savannah papers and are included in the report.

In conclusion, it is recommended that a survey be made, as the people seem ready and willing to carry out any feasible plan provided they are shown how.

SUPPLEMENT TO REPORT.

DARIEN, GA., *January 13, 1910.*

Mr. C. G. ELLIOTT,
Chief of Drainage Investigations, Washington, D. C.

DEAR SIR: Your letter of the 7th instant received and noted.

For the past several days I have been in the clay lands interviewing the people as to their attitude toward the drainage proposition. The majority of this land, as said before, is owned by large landowners. I have interviewed personally owners, aggregating 75,000 acres, and find every one of them very much in favor of the proposition and willing to go their share on draining the land, if the Government proves the proposition feasible. I have not yet been able to see many of the small landowners, but I believe there will be a little opposition from them, as is usually the case. The names and opinions of all I have seen have been taken for future reference.

As to mutual cooperation, I have my doubts. There are always some few that will oppose, and I believe it will be the case in this instance. However, a drainage law will, no doubt, be passed at the next session of the legislature, in June.

I have not as yet been able to ascertain the number of owners that will be affected, but will report on this later.

As to the fertility of this land, from general questioning, I have arrived at the following figures, which I believe are very conservative: Cotton, 1 bale to acre; corn, 50 bushels to acre; sweet potatoes, 300 bushels to acre.

The land is also well adapted to the growing of sugar cane and early garden truck.

As to the use to be made of it after drainage, most of the large owners will sell and colonize theirs, while the small ones will farm.

I will investigate a little further the small landowners, but their opinion will not have much weight, as they are in the minority, and all the large ones are in favor of it.

A few more days will finish this up and then I shall await your orders as to what will be done down here.

I still make Darien my headquarter and work from this point.

Awaiting your reply, and thanking you for past favors, I am,

Very sincerely, yours,

F. G. EASON,
Assistant Drainage Engineer.

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[U. S. Department of Agriculture. Office of Experiment Stations. Drainage investigations. Report of a preliminary drainage examination of the coast section of McIntosh County, Ga., to the Chief of Drainage Investigations, by F. G. Eason, assistant drainage engineer. Field examination made Jan. 3–6, 1910.]

Under instructions from the Chief of Drainage Investigations, dated December 30, 1909, I was directed to make a preliminary drainage survey of the coast lands of McIntosh County, Ga. Very little time or work was given to this section of the country, as it was seen at the outset that nothing was needed. This section, which is now in a very chaotic state, used to be one of the richest in Georgia, but has gradually been on the decline, brought about chiefly by the lumber and turpentine business superseding agriculture, and this business is rapidly dying out. The price of labor has also tended to diminish farming.

McIntosh County is in the first congressional district of Georgia, of which C. G. EDWARDS, of Savannah, is the Congressman. There is no drainage organization of any kind, nor are there any individuals interested in drainage in a financial way in this section.

Several of the largest farms on the coast were visited and were reached by buggy and train. The farms were then inspected personally.

This section is located on the Atlantic Ocean, about 50 miles south of Savannah and 20 miles north of Brunswick. Darien is the only town in this section of any size, it having about 1,000 people. Most of the investigations were conducted from this place. The country is for the most part high, sandy land, with a gradual slope toward the ocean. It is cut up by many tidewater creeks and swamps which greatly facilitate drainage.

There is no main drainage channel in this section, unless it may be called the ocean. There are three rivers. The Altamaha, which is the largest, flows from the upper part of the State. The Sapelo and South Newport Rivers can hardly be called more than tidewater creeks.

The soil is mostly sandy in the vicinity of Darien, with loam or clay in some places. Farther northward, the soil changes to more of a light clay.

What farms there are here are mostly well drained, for they have natural drainage, but in some instances this has been helped by the construction of small surface ditches emptying into tidewater.

The farming conditions in this section of the country are very crude and poor, and agriculture is practiced only to a small extent. There are three or four farms near Darien and some small ones in the northeastern section of the county near the South Newport River. They seem to raise fair crops on them. They plant mostly corn, sweet potatoes, and sugar cane.

The transportation facilities are very fair. They are connected with Darien by very good roads, one railroad—the Georgia, Coast & Piedmont—which runs along this section of the coast, and by private boats through the inland creeks to Darien.

The attitude of the landowners is very lukewarm in the extreme. For some reason, unaccountable to me, these people have a distaste to farming, and will not do it if they can get anything else to do. There are only a few white men in this section, and most of them have nice homes, which were at one time the centers of plantations. For reasons given above these places have in most cases gone down to almost nothing.

There is very little drainage needed in this section, as most of the farms are well drained, but there is some swamp land in this locality that could be drained and put in condition to cultivate, but the landowners seem loath to take up the proposition, so nothing is recommended in this section at the present time.

A portion of this section which is in the "flat clay lands" will be included in the district to be formed there.

Mr. SCOTT. Mr. Chairman, I make a point of order against that.

Mr. EDWARDS of Georgia. I hope the gentleman will withhold the point of order.

Mr. SCOTT. Let us see if we can reach an understanding. I will reserve the point of order to ask unanimous consent that debate on this paragraph and all amendments thereto be closed in 15 minutes.

Mr. RUCKER of Missouri. Can I have about two and one-half minutes of that time?

Mr. FOSTER of Illinois. Can I have the other half minute?

Mr. SCOTT. I think we can arrange that.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 15 minutes. Is there objection?

Mr. CANDLER. Mr. Chairman, I desire to have a few minutes in reference to this matter.

Mr. SCOTT. I think we can arrange to accede to the request the gentleman from Mississippi makes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 31596, the agricultural appropriation bill, and had come to no resolution thereon.

HOMESTEAD ENTRIES ON RED LAKE RESERVATION.

The SPEAKER laid before the House from the Speaker's table the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota, with Senate amendments.

The Senate amendments were read.

Mr. STEENERSON. Mr. Speaker, I move that the House agree to the Senate amendments.

The Senate amendments were agreed to.

DISPOSITION OF WATERS UNDER RECLAMATION ACT.

The SPEAKER also laid before the House the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, with House amendments disagreed to.

Mr. COLE. Mr. Speaker, I move that the House further insist on its amendments, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. REEDER, Mr. COLE, and Mr. SMITH of Texas.

BRIDGE ACROSS MISSOURI RIVER NEAR ATCHISON, KANS.

The SPEAKER also laid before the House the bill (S. 10594) to authorize S. J. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.

The bill was read in full.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar bill, H. R. 32266, was ordered to lie upon the table.

BRIDGES ACROSS CHARLES RIVER, MASS.

The SPEAKER also laid before the House the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River between the cities of Cambridge and Boston, Mass., with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois moves that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. MANN, Mr. WASHBURN, and Mr. ADAMSON.

LEAVE OF ABSENCE.

Mr. WILSON of Pennsylvania, by unanimous consent, was given leave of absence indefinitely on account of illness in his family.

LEAVE TO PRINT.

Mr. JAMIESON. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD in relation to the agricultural appropriation bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to print remarks on the agricultural appropriation bill. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8358. An act providing for the releasing of the claim of the United States Government to arpent lot No. 87, in the old city of Pensacola, Fla.; to the Committee on the Public Lands.

S. 8736. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.; to the Committee on the Public Lands.

S. 9268. An act releasing the claim of the United States Government to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola; to the Committee on the Public Lands.

S. 9269. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola; to the Committee on the Public Lands.

S. 10690. An act providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.; to the Committee on Interstate and Foreign Commerce.

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 10274. An act to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.; to the Committee on Interstate and Foreign Commerce.

S. 10171. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States; to the Committee on Foreign Affairs.

S. 9437. An act to provide American register for the steam yacht *Diana;* to the Committee on the Merchant Marine and Fisheries.

S. 9270. An act for the relief of Frank W. Hutchins; to the Committee on Claims.

S. 7650. An act for the relief of Thomas N. Boyle; to the Committee on Military Affairs.

S. 7638. An act for the relief of Bellevadorah Steele; to the Committee on Claims.

S. 2207. An act to provide for the erection of a public building at Aurora, in the State of Missouri; to the Committee on Public Buildings and Grounds.

S. 1031. An act for the relief of Jaji Bin Ydris; to the Committee on Claims.

S. 974. An act for the relief of Albert S. Henderer; to the Committee on Claims.

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18342. An act for the relief of E. C. Young;

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 21646. An act for the relief of William Doherty;

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 18857. An act for the relief of Laura A. Wagner; and

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3315. An act amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Saturday, February 11, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pay of the Military Academy (H. Doc. No. 1370); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for Indian depredation claims (H. Doc. No. 1371); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a recommendation for the authorization of a new building for the Departments of State, Justice, and Commerce and Labor (H. Doc. No. 1372); to the committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims (H. Doc. No. 1373); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of waterway from Lockport, Ill., to the mouth of the Illinois River (H. Doc. No. 1374); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting schedules of claims allowed by accounting officers (H. Doc. No. 1368); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting deficiency estimates for the service of the fiscal year ending June 30, 1911 (H. Doc. No. 1367); to the Committee on Appropriations and ordered to be printed.

8. A letter from the governor of New Mexico, transmitting a certified copy of the constitution adopted by the people of New Mexico at an election on January 21, 1911 (H. Doc. No. 1369); to the Committee on the Territories and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

By Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 869) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia, reported the same without amendment, accompanied by a report (No. 2117), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1251) to establish a fish-cultural station in the State of Kentucky, reported the same without amendment, accompanied by a report (No. 2118), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1378) to establish a marine biological station on the Gulf coast of the State of Florida, reported the same without amendment, accompanied by a report (No. 2119), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4785) to establish a fish-cultural station in the State of Nevada, reported the same without amendment, accompanied by a report (No. 2120), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 2130) for the establishment of a fish hatchery at Paris, Tex., reported the same without amendment, accompanied by a report (No. 2121), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3661) to establish a fish-cultural station in the State of Utah, reported the same without amendment, accompanied by a report (No. 2122), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 5196) to establish a fish-cultural station in the county of Hickman in the State of Tennessee, reported the same without amendment, accompanied by a report (No. 2123), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7102) to establish a fish-cultural and biological station in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 2124), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10621) to establish a fish-culture station at or near Sykeston, in the State of North Dakota, reported the same without amendment, accompanied by a report

(No. 2125), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 11306) to establish a fish-culture station in Idaho, reported the same without amendment, accompanied by a report (No. 2126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12433) to establish a fish hatchery in Butler County, Kans., reported the same without amendment, accompanied by a report (No. 2127), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 13408) to establish a fish-cultural station in the State of Missouri, reported the same without amendment, accompanied by a report (No. 2128), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 14504) to establish a fish-cultural station in the State of New York, reported the same without amendment, accompanied by a report (No. 2129), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 17410) to establish a fish-cultural station in the State of North Carolina, reported the same without amendment, accompanied by a report (No. 2130), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19065) to establish a fish-cultural station in the State of Alabama, reported the same without amendment, accompanied by a report (No. 2131), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 20040) to establish a fish-cultural station in the Territory of Arizona, reported the same without amendment, accompanied by a report (No. 2132), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 21838) to establish a fish-cultural station in the State of Oklahoma, reported the same without amendment, accompanied by a report (No. 2133), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 23017) to establish and maintain a fish-hatching and fish-culture station in La Plata County, Colo., reported the same without amendment, accompanied by a report (No. 2134), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 26461) to establish a fish-cultural station near Chicago, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 2135), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 28623) to establish a fish-cultural station in the State of Wyoming, reported the same without amendment, accompanied by a report (No. 2136), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 31432) to establish a fish-cultural station near Walterboro, Colleton County, in the State of South Carolina, reported the same without amendment, accompanied by a report (No. 2137), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referrred the bill of the House (H. R. 32266) to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison Kans., reported the same without amendment, accompanied by a report (No. 2141), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32440) authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island, reported the same with amendment, accompanied by a report (No. 2142), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred the bill of the Senate (S. 6583) for the relief of the legal representatives of Napoleon B. Giddings, reported the same with an amendment, accompanied by a report (No. 2138), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 31774) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator, reported the same without amendment, accompanied by a report (No. 2140), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the House bill H. R. 4931, reported in lieu thereof a resolution (H. Res. No. 958) referring to the Court of Claims the papers in the case of Santa Anna Wallace, accompanied by a report (No. 2143), which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13939) for the relief of the heirs of Hannah F. Traynier, reported the same adversely, accompanied by a report (No. 2139), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9670) granting a pension to J. L. McDowell, alias Leander Dickey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 32691) granting an increase of pension to Sherwood C. Bowers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McGUIRE of Oklahoma: A bill (H. R. 32700) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROBERTS: A bill (H. R. 32701) providing for the equipment of Army transports with life launches; to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 32702) amending an act providing for the purchase of a site and erection of an immigration station at Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. SPIGHT: Resolution (H. Res. 959) to pay Harry D. Williams for special and extra services rendered; to the Committee on Accounts.

By Mr. BELL of Georgia: Resolution (H. Res. 960) for the appointment of two special messengers for the majority and minority caucus rooms, respectively; to the Committee on Accounts.

By Mr. PARSONS: Joint resolution (H. J. Res. 284) providing for the termination of the treaty between the United States of America and Russia concluded at St. Petersburg December 18, 1832; to the Committee on Foreign Affairs.

By Mr. HAWLEY: Memorial of the Legislature of Oregon, praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College; to the Committee on the Public Lands.

Also, memorial of the Legislature of Oregon, asking for Territorial legislature for Alaska; to the Committee on the Territories.

Also, memorial of the Legislature of Oregon, asking Congress to appropriate money for a Federal building at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of Oregon, relative to the reclamation act; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of Oregon, concerning the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BINGHAM: A bill (H. R. 32703) granting an increase of pension to Joseph Fortescue; to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 32704) granting an increase of pension to Martin Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32705) granting an increase of pension to Samuel M. Ream; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 32706) for the relief of Willie L. Cornwell; to the Committee on Military Affairs.

By Mr. COUDREY: A bill (H. R. 32707) granting a pension to Sarah Ann Hepps; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 32708) granting an increase of pension to John Walters; to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 32709) granting a pension to Eleanor M. Freer; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 32710) granting a pension to Catherine Arnold; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 32711) granting an increase of pension to Theodore Hansen; to the Committee on Pensions.

Also a bill (H. R. 32712) granting an increase of pension to Edmond Bonneau; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 32713) to correct the military record of Abraham H. Onstott; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 32714) granting a pension to Charlena J. Young; to the Committee on Invalid Pensions.

By Mr. KRONMILLER: A bill (H. R. 32715) granting an increase of pension to Mary J. Adams; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 32716) granting a pension to Carlton M. Dodge; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 32717) for the relief of J. C. Risher; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 32718) granting a pension to Charles H. Chester; to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 32719) for the relief of A. M. Williams, jr., administrator of Edward Cleve; to the Committee on War Claims.

By Mr. TOU VELLE: A bill (H. R. 32720) to remove the charge of desertion from the record of George T. Silvers; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 1377, of Buffalo, N. Y., favoring building of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of the Steam Fitters' Local, No. 395, of Buffalo, N. Y., favoring the building of the battleship *New York* in Government navy yard; to the Committee on Naval Affairs.

Also, petition of Local No. 1377, Carpenters and Joiners, of Buffalo, N. Y., and Washington Camp No. 201, Patriotic Order Sons of America, of Shamokin, Pa., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of business firms of Liberty Center, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the Legislature of the State of Ohio, on election of Senators by direct vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ANTHONY: Petition signed by citizens of Leavenworth, Kans., asking that Congress insist on having the proposed new battleship *New York* built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Resolutions of the Ohio National Guard Association, favoring the bill providing for Federal pay for the State Militia; to the Committee on the Militia.

Also memorial of house of representatives of Ohio, for an amendment to elect Senators by direct vote of the people; to the Committee on the Judiciary.

Also, petition of Wayne Chapter, Daughters of the American Revolution, of Wooster, Ohio, for Senate bill 423 and House bill 27068, children's bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Ohio National Guard Association, for Federal pay for Organized Militia; to the Committee on the Militia.

By Mr. BENNETT of Kentucky: Petition of the ninth congressional district of Kentucky, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of David Crockett Council and Vale Council, No. 15, Junior Order United American Mechanics, for H. R. 15403; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of International Association of Machinists, of Washington, D. C., for the eight-hour working day and for the construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. CARY: Resolutions adopted by the New York Mercantile Exchange, indorsing the proposed Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, resolutions adopted by the Los Angeles County Osteopathic Society, protesting against the establishment of a health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPMAN: Petition of Macedonia Quarterly Conference of the Methodist Episcopal Church of Corinth, Ill., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Washington Camp No. 18, Patriotic Order Sons of America, of Miami, Fla., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. COUDREY: Paper to accompany bill for relief of Mrs. Sarah A. Hepps; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: Petition of Carpenters and Joiners' Union of Hamilton, Ohio, for repeal of the oleomargarine tax; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Dayton, Ohio, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DALZELL: Paper to accompany bill for relief of John Walters; to the Committee on Invalid Pensions.

By Mr. DODDS: Petition of R. J. Knowlton and 16 other citizens of Gratiot County, Mich., for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Charlevoix County, Mich., for the Miller-Curtis bills (H. R. 23641 and S. 7528); to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the National Wholesale Dry Goods Association of New York, for a tariff commission; to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of Board of Councilmen, Chamber of Commerce, Manufacturers' Club, and the Americus Club, of Buffalo, N. Y., and Brewers' Exchange, New York Produce Exchange, and Chamber of Commerce, of New York State, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of New York, urging building of battleship *New York* in Government yard; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of Military Order of the Loyal Legion of the United States, of Milwaukee, Wis., against abolition of the United States pension agencies; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: Papers to accompany bill for relief of John Battlefield; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 25734) for relief of Bennett D. Cline; to the Committee on Military Affairs.

Also, petition of R. M. Atkinson, G. S. Banks & Son, and others, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOELKER: Petition of International Association of Machinists, of Brooklyn, N. Y., for repeal of oleomargarine tax; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, Chamber of Commerce, Manufacturers' Club, and the Merchants' Association, of New York, commending the proposed reciprocal agreement with Canada; to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petitions of Local No. 683, Burlington, and Iramford Council, No. 6, of Putney, in the State of Vermont, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Marseilles (Ill.) Wrapping Paper Co. and J. D. Tower & Sons, against the adoption of the proposed reciprocal tariff legislation with Canada; to the Committee on Ways and Means.

Also, petition of F. D. Pease, of Malta, Ill., against parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the National Wholesale Dry Goods Association, for a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Buffalo and Chamber of Commerce of New York, in the State of New York, favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Metropolitan Tobacco Co., of New York City, favoring the Esch phosphorus match bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Federation of Labor, for an amendment to the oleomargarine law; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Merchants' Association of New York City, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, of New York, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Ferdinand Hansen, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Dr. S. Edw. Fretz, of Denver, Lancaster County, Pa., against the enactment of H. R. 25241, known as the Foster antinarcotic bill; to the Committee on Ways and Means.

Also, petition of the Lancaster Central Labor Union, of Lancaster, Pa., urging the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HANNA: Petition of printers of North Dakota, for the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, for liberal extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of American Federation of Labor, against repeal of law relative to printing money of the Government; to the Committee on Expenditures in the Treasury Department.

Also, petition of citizens of North Dakota, for building battleship *New York* in Government navy yard; to the Committee on Naval Affairs.

Also, petition of Book and Thimble Club, of Williston, N. Dak., favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens living along rural post-office routes, for increase of salaries for carriers, as per Hanna bill, H. R. 26791; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of citizens of the first congressional district of Oregon, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of Carpenters' Union, Local No. 1082, of San Francisco, Cal., urging that the battleship *New York* be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HIGGINS: Petition of members of Some Club, favoring reciprocity with Canada; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petition of Branch 73, Glass Bottle Blowers' Association, Bellaire, Ohio, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Ohio General Assembly, for election of United States Senators by direct vote of the people; to the Committee on the Judiciary.

Also, petition of Shadyside Council, No. 239, Junior Order United American Mechanics, for House bill 15413, to restrict immigration; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Springfield and Muscatine, Iowa, protesting against the fortification of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KORBLY: Petition of Post 93, Grand Army of the Republic, favoring inclusion of enlisted men in House bill 18899; to the Committee on Military Affairs.

Also, petition of General Assembly of Indiana, favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Seventy-third Indiana Regiment and One hundred and fifteenth Regiment Indiana Volunteer Infantry, for dollar-a-day pension bill; to the Committee on Invalid Pensions.

Also, petition of American Institute of Homeopathy, against the Mann, Owen, and Creager national health bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of board of trustees of Indiana State Prison, against House bill 12000; to the Committee on Labor.

Also, petition of I. A. Hubbard, A. L. Miller, and others, against Senate bill 407; to the Committee on the District of Columbia.

Also, petition of Alvin P. Hovey Post, No. 559, Department of Indiana, Grand Army of the Republic, for dollar-a-day pension bill; to the Committee on Invalid Pensions.

Also, petitions of Councils Nos. 6, 7, 3, 10, 67, and Indiana State Council, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of J. P. Peters Council, No. 42; F. M. Bristo Council, No. 5; E. C. Wenget Council, No. 17; C. S. Baker Council, No. 15; John W. Ebel Council, No. 56; and James Robinson Council, No. 14, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Glass Bottle Blowers' Association, against tax on oleomargarine; to the Committee on Ways and Means.

Also, petitions of Travelers' Protective Association, A. A. Barnes, Havens & Geddes Co., H. C. Atkins, and others, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mississippi Valley Historical Association and the Indian Historical Society, favoring preservation of the language of Indian tribes; to the Committee on Indian Affairs.

Also, petition of Robert H. Thompson, for retention of the eight-hour clause in naval appropriation bill and building of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. KRONMILLER: Petition of Baltimore Federation of Labor, against Senate bill 10646; to the Committee on Printing.

Also, petition of Washington Camps No. 72 and No. 6, of Baltimore, Md., Patriotic Order Sons of America; Independent Council, No. 98, and Star Spangled Banner Council, Junior Order United American Mechanics, of Baltimore, Md.; Wells & McComas Council, No. 16, and Star of the East Council, No. 29, Daughters of America, of Baltimore, Md., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Christian Endeavor Union of Maryland, for the passage of the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, protest of L. Greif & Bro., of Baltimore, Md., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. Eliza J. Russell and other citizens of Baltimore, Md., in behalf of Mary J. Adams for increase of pension; to the Committee on Invalid Pensions.

Also, petition of Baltimore District Council of Carpenters, relating to item in agricultural appropriation bill relating to construction of cattle quarantine building at Curtis Bay, Md.; to the Committee on Agriculture.

By Mr. LANGHAM: Petition of Washington Camps Nos. 696 and 602, Patriotic Order Sons of America, of Armstrong and Jefferson Counties, Pa., urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of William Lytle and 25 other citizens of Gladwin, Mich., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Jordan Barr and 25 others, of Pinconning, Mich., protesting against passage of Senate bill 404 and House joint resolution 17; to the Committee on the Judiciary.

Also, petition of A. V. Hinkly and Myron Gillett, of Onaway, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Carlton M. Dodge; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: Petition of business men of the first Nebraska congressional district, for Senate bill 3776, the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of Eagle, Alvo, Beatrice, and Johnson, Nebr., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. NICHOLLS: Petition of citizens of the State of Pennsylvania, for construction of battleship *New York* in the Brooklyn Navy Yard and for the eight-hour clause; to the Committee on Naval Affairs.

By Mr. OLDFIELD: Paper to accompany bill for relief of John C. Dunehew; to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Memorials of Local Council No. 90, of Spring City, Pa., and Local Council No. 921, of Port Matilda, Pa., Junior Order United American Mechanics, for illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 228, United Brotherhood of Carpenters and Joiners; Washington Camp No. 601, Patriotic Order Sons of America; Newton (Pa.) Council, Morning Star Council, No. 29, Star Council, No. 68, and Penn Council, No. 106, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition signed by K. Howard and others, for the building of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SHEFFIELD: Petition of Hon. Fletcher W. Lawton, Hon. Henry K. Littlefield, and Hon. Henry C. Wilcox, members of the house of representatives of Rhode Island and Providence Plantations, against the free-fish schedule in House bill 32216; to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Thomas Congdon; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petition of citizens of the first congressional district of Texas, against enactment into law by Congress of parcels-post recommendation; to the Committee on the Post Office and Post Roads.

By Mr. SIMMONS: Petition of citizens of New York, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Stafford (N. Y.) Grange, No. 418, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Local No. 24, United Brotherhood of Carpenters and Joiners of America, for enactment of more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petition of John R. Black and 8 others, of Ogemaw County; Joseph Yelle and 40 others, of Marquette County; Thomas Hill and 9 others, of St. Clair County; William Smith and 34 others, of St. Clair County; Jesse Van Riper and 26 others, of Wayne and Monroe Counties; Frank Peters and 15 others, of Wayne and Monroe Counties; Rudolph Templeton and 11 others, of Sanilac County; W. B. Frost and 39 others, of Ingham County; L. McArdle and 39 others, of Iosco County; L. McArdle and 33 others, of Iosco County; and W. M. Osborne and 6 others, of Ogemaw County, all in the State of Michigan, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of A. M. Williams; to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of Standing Rock Council, No. 276, Junior Order United American Mechanics, for enactment of the illiteracy-test immigration law; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Connecticut State Grange, favoring extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: Petitions of Washington Camps Nos. 385, of Beech Creek; 222, of Newberry; 612, of Unityville; 578, of South Williamsport; 158, of Hughesville; 574 of Williamsport; and 299, of Montoursville, Pa., Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petitions of Mercer County Central Labor Union and Local Union No. 62, American Federation of Musicians, Trenton, N. J., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petitions of Washington Camps Nos. 50, of Titusville, and 54, of Baptistown, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *February 11, 1911.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, whom alike the living and the dead praise, we thank Thee for this day of reverent memory and of tender recollection. We thank Thee, who art the giver of every good gift and of every perfect boon, for the lives and services of those whom our lips shall this day name. It is hard to yield up those who have labored by our side and have shared our councils. As they stand again before us in memory and again live in our hearts, teach our tongues fit words to utter our sense of loss and to voice our unchanged devotion. Sanctify to us, we implore Thee, the services of this day, and make us worthy of the fellowship of those who in newness of life dwell with Thee in Thy heavenly kingdom. Join our hearts with theirs, and unite our spirits with the faithful and true, there and here, in one light of faith, one beauty of holiness, one repose on Thee.

And unto Thee, our Father, who has loved us and hast given us eternal comfort and good hope through grace, will we ascribe praise now and forevermore. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 2469. An act for the relief of Alfred Childers;

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city;

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.; and

S. 10595. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

The message also announced that the House insists upon its amendments to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act,

and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. REEDER, Mr. COLE, and Mr. SMITH of Texas managers at the conference on the part of the House.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. MANN, Mr. WASHBURN, and Mr. ADAMSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 30160. An act for the relief of John Lee, alias James Riley;

H. R. 32435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32674. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 32675. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed a concurrent resolution authorizing the enrollment clerk of the House in the enrollment of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army, to strike out of line 10 of the engrossed bill the words "March 24, 1902," and insert "May 16, 1899," the latter being the date of the sinking of the transport *Meade*, mentioned in the bill in question, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3315. An act amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898;

H. R. 18342. An act for the relief of E. C. Young;

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 21646. An act for the relief of William Doherty;

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic Order in Oklahoma;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz., also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the New Hampshire Daughters' Club, of Boston, Mass., praying for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a memorial of the secretary of the municipality of Gobierno, Iloilo, P. I., remonstrating against certain language used in an address by Hon. Dean C. Worcester, secretary of the interior and a member of the Civil Commission of the Philippine Islands, before the Young Men's Christian Association, which was referred to the Committee on the Philippines.

Mr. McCUMBER presented a petition of members of the Book and Thimble Club, of Williston, N. Dak., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Manufactures.

Mr. SCOTT presented memorials of the Hutchinson-Stephenson Hat Co., the Payne Shoe Co., Lewis Hubbard & Co., Noyes, Thomas & Co., the Hubbard-Bedell Co., the Abney-Barnes Co., the Schwabe Clothing Co., the F. H. Hammond Notion Co., the Charleston Hardware Co., the Thomas Shoe Co., the H. O. Baker Furniture Co., Loewenstein & Sons, and of the Business Men's Association, all of Charleston, in the State of West Virginia, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Valley Star Council, Junior Order United American Mechanics, of Limestone, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BRISTOW. I present two telegrams which I have received, and I request that they be read.

There being no objection, the telegrams were read and ordered to lie on the table, as follows:

DES MOINES, IOWA, *February 10, 1911.*

Senator BRISTOW, *Washington, D. C.:*

Bill increasing postage rate to 4 cents a pound would be ruinous to agricultural papers. These papers are doing more to improve farming and educate farmers than any other influence, not only by their own teaching but by publishing work of the Agricultural Department and colleges and experiment stations. This country needs the work of the agricultural press now more than ever before, and any restriction would be a national calamity.

HENRY WALLACE, *Editor Wallace's Farmer.*

BOSTON, MASS., *February 10, 1911.*

Hon. JOSEPH L. BRISTOW,
United States Senate, Washington, D. C.:

The Modern Priscilla, with 24 years' clean record, one-quarter million circulation, giving employment to 200 people, will face ruin if postage is changed from 1 cent to 4 cents per pound, unless the public bears the burden.

We ask for a fair deal. We protest against possible annihilation. Will you come to our relief?

THE PRISCILLA PUBLISHING CO.

Mr. KEAN. I present a telegram, in the nature of a petition, which I desire to have read. I suggest that it had better follow those presented by the Senator from Kansas [Mr. BRISTOW].

There being no objection, the telegram was read, as follows:

NEW YORK, *February 11, 1911.*

Hon. JOHN KEAN, *Washington, D. C.:*

For God's sake kill amendment increasing postage rate on advertising matter in periodicals.

NEW YORK MEDICAL JOURNAL.

Mr. BEVERIDGE. I should like to ask whether the Senator intends to do it.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. KEAN presented a memorial of the Young Friends' Association of Mickleton, N. J., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented the petiton of Felix S. Jacobson, of Arlington, N. J., and the petition of Curtis W. Tallman, of Atlantic Highlands, N. J., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of Wilson Lodge, No. 272, Brotherhood of Locomotive Firemen, of Hampton, N. J., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Edmund A. Horton, of New York City, N. Y., and the petition of Harry Wooten, of Atlantic City, N. J., praying for the enactment of legislation providing for the establishment of a department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented the memorial of William Kugler, of Hillsdale, N. J., and the memorial of M. T. Richardson, of Ridgewood, N. J., remonstrating against an increase of the postage on advertising sections of magazines and other periodicals, which were ordered to lie on the table.

He also presented petitions of Washington Camps Nos. 73, of Hammonton; 61, of Flemington; 23, of Palmyra; 150, of Titusville; 86, of Smithburg; and 141, of Hopewell, Patriotic Order Sons of America; and of Local Union No. 178 and Local

Union No. 139, United Brotherhood of Carpenters and Joiners of America, of Jersey City, in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BEVERIDGE. I present a telegram, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

DES MOINES, IOWA, *February 10, 1911.*

Senator BEVERIDGE, *Washington, D. C.:*

Bill increasing postage rate to 4 cents a pound would be ruinous to agricultural papers. These papers are doing more to improve farming and educate farmers than any other influence, not only by their own teaching, but by publishing work of the Agricultural Department and colleges and experiment stations. This country needs the work of the agricultural press now more than ever before, and any restriction would be a national calamity.

HENRY WALLACE, *Editor Wallace's Farmer.*

Mr. BEVERIDGE presented a petition of Major Robert Anderson Post, No. 369, Grand Army of the Republic, Department of Indiana, of Indianapolis, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BURKETT. I present a communication from Henry C. Richmond, chief clerk of the House of Representatives of the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the communication was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, THIRTY-SECOND SESSION,
OFFICE OF CHIEF CLERK,
Lincoln, Nebr., February 6, 1911.

Hon. E. J. BURKETT,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith the following copy of a resolution passed by the house to-day. It has to do with house roll No. 71, a joint and concurrent resolution enacted by the legislature of 1909. The resolution of to-day is designed to get the goods. In short, we need that clock.

"Whereas the thirty-first session of the Nebraska Legislature duly passed a resolution memoralizing the Congress of the United States to erect on the Federal building at Lincoln, Nebr., a large clock; and

"Whereas the chief clerk of this house was instructed thereby to transmit a copy of the resolution to each member of the Nebraska delegation in either House of the said Congress; and

"Whereas it appears that the resolution was not so transmitted; and

"Whereas the Congress of the United States has not ordered to be erected a large clock for the said Federal building: Therefore be it

"*Resolved*, That the chief clerk of the thirty-second session of the Nebraska Legislature is hereby instructed to transmit the aforementioned resolution to each member of the Nebraska delegation in the House of Representatives and the Senate of the United States."

Yours, very respectfully,

HENRY C. RICHMOND, *Chief Clerk.*

Mr. BURKETT. I present a resolution adopted by the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the resolution was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

[By the House of Representatives, thirty-second session of the Legislature of Nebraska.]

A half century has passed into history since the guns of Sumter proclaimed the beginning of that great struggle between the Northern and Southern States of the Union—an internecine contest that has no parallel in the annals of war.

In this arbitrament by force of arms 2,000,000 men of the North stood to the front of battle, opposed by the men of the South, no less skilled in the art of war, no less determined and courageous.

During the four years' continuation of this Titian struggle for supremacy, from Sumter to Appomattox, to finally settle the question whether or not "this Nation, under God, should have a new birth of freedom, and that government of the people, by the people, for the people, should perish from the earth," 359,458 soldiers of the Union gave up their lives, 275,175 were maimed, and 426,664 discharged by reason of disabilities incurred in line of duty.

In the light of history and in contemplation of these 50 years of most marvelous national prosperity, achievement, and progress, and, above all, in contemplation and enjoyment by all of our people of a more perfect Union, years that have tempered with a broader charity the judgments of men, crumbled to dust the bastion and the redoubt, carpeted with verdure the scarred fields of battle, and garlanded alike with wreath and flower the graves of those who wore the blue and those who wore the gray, no man will be found to say that the soldiers of the Union suffered for naught or laid down their lives in vain.

Of the 2,000,000 enrollments in the Union Army there survive approximately 400,000, of an average age of 68 years. In the course of nature, before the close of the decade upon which we have just entered, the great majority of these will have answered to the last "roll call."

We would make no invidious comparison as between the volunteer and regular soldiers of our Army, but state the fact to be that our Government has ever pursued the policy of depending upon its citizen soldiery in times of great emergency, rather than maintain a large and adequate standing army at vast expense. The history of all of our wars substantiates this statement, and it may be noted here that at the beginning of the Civil War the Regular Army contained approximately 16,000 officers and men. This being a fact, and viewing the whole matter purely from a mercenary standpoint, is it not well, as a matter of financial policy alone, that we redeem all of our promises, written or implied, and treat our country's defenders at least as justly and liberally as we have our bondholders: Be it

Resolved by the Nebraska house of representatives, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending, known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House of Representatives in this behalf.

The chief clerk of the house of representatives is instructed and directed to transmit to Nebraska's Senators, ELMER J. BURKETT and NORRIS BROWN, duly attested copies of this preamble and resolution, with the request that they present the same to the Senate of the United States for its consideration.

Mr. BURKETT presented a memorial of sundry citizens of Chadron, Nebr., remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Strong Post, No. 91, Department of Nebraska, Grand Army of the Republic, of Minden, Nebr., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Shelby and Omaha, in the State of Nebraska, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. GORE. I present a telegram from the Southern Periodical Publishers' Association, of Atlanta, Ga., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table, and to be printed in the RECORD, as follows:

ATLANTA, GA., *February 10, 1911.*

The Hon. THOMAS P. GORE,
United States Senate, Washington, D. C.:

We appeal to you as a friend of the American people and as an advocate of justice to endeavor to prevent the backward step proposed by the Senate committee with reference to second-class postage. We feel that we should inform you that we have wired Senators TALIAFERRO, TAYLOR, and BANKHEAD as follows:

"We are astounded at your position on the postal-rate matter. This means ruin and bankruptcy for hundreds of southern periodicals if enacted. It penalizes the energy and ambition of the South's educators and business builders. In the name of 84 southern periodicals we protest the committee's action, and urge your reconsideration."

SOUTHERN PERIODICAL PUBLISHERS' ASSOCIATION.

Mr. WATSON presented a petition of Valley Star Council, Junior Order United American Mechanics, of Limestone, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of the Association of Credit Men, the Commercial Travelers' Association, and the Retail Grocers' Protective Association, all of Charleston, in the State of West Virginia; and of the Retail Business Men's Association of West Virginia, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. OLIVER presented a memorial of the Pennsylvania Retail Hardware Association, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Purcell Local Union, No. 206, Farmers' Educational & Cooperative Union of America, of Vincennes, Ind., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Lawton-Wayne Post, No. 271, Department of Indiana, Grand Army of the Republic, of Fort Wayne, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 300, Cigar Makers International Union, of Michigan City, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. PILES presented a petition of Local Union No. 131, United Brotherhood of Carpenters and Joiners of America, of Seattle, Wash., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. DEPEW presented petitions of Grover Post, No. 98, of Cortland; Tilton Post, No. 660, of Moscow; J. B. Sloan Post, No. 93, of Penn Yan; and of Devin Post, No. 148, of Brooklyn, Grand Army of the Republic, Department of New York, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of Local Unions Nos. 138, of Metropolis Hall; 251, of Kingston; 187, of Geneva; 1377, of Buffalo; 301, of Newburgh; and 1211, of Syracuse, all of the United Brotherhood of Carpenters and Joiners; of Local No. 829, American Federation of Labor; of Washington Camp

No. 8, of Waverly, Patriotic Order Sons of America; and of Onondaga Council, No. 10, of Syracuse, Junior Order United American Mechanics, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of the New York State Grange, and the Board of Trade of Niagara Falls, N. Y., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a petition of the Paul Revere Council, of Epping, and of the Orient Council, of Newton, Junior Order United American Mechanics, in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Robert Campbell Post, No. 58, Grand Army of the Republic, Department of New Hampshire, of Bradford, N. H., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

DELAWARE RIVER BRIDGE.

Mr. PILES, from the Committee on Commerce, to which was referred the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J., reported it without amendment and submitted a report (No. 1142) thereon.

SUFFERERS FROM FAMINE IN CHINA.

Mr. WARREN. I report back from the Committee on Military Affairs favorably, with amendments, the bill (H. R. 32473) for the relief of sufferers from famine in China. It provides for the transportation of supplies from the Red Cross Society to be sent to the suffering Chinese. I ask for its immediate consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 4, before the words "National Red Cross Society," to insert the word "American;" after the word "Society" to strike out the word "all" and in lieu thereof insert "the;" in line 7, after the words "Army transports," to insert the words "to make a trip;" and to add at the end of the bill the following proviso:

Provided, That the total expense thus incurred shall not exceed $50,000. And the sum of $50,000 is hereby appropriated and authorized to be paid out of any moneys in the Treasury not otherwise appropriated, for the purpose specified in this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to transport, under the supervision of the American National Red Cross Society, the supplies donated by the people of the United States for the relief of the sufferers from famine in China, and for this purpose may order one of the Army transports to make a trip from Seattle, Wash., to China: *Provided*, That the total expense thus incurred shall not exceed $50,000. And the sum of $50,000 is hereby appropriated and authorized to be paid out of any moneys in the Treasury not otherwise appropriated for the purpose specified in this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM P. DRUMMON.

Mr. WARREN. I send to the desk the bill (S. 10743) for the relief of William P. Drummon, which I report back from the Committee on Military Affairs, and I ask for its indefinite postponement, the subject matter having been provided for in a previous measure.

The VICE PRESIDENT. Without objection the action requested will be taken.

PROTECTION AND PRESERVATION OF FOOD FISHES.

Mr. SMOOT. From the Committee on Printing I report back favorably without amendment the joint resolution (S. J. Res. 139) authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague (S. Doc. No. 806), and I ask for its immediate consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the President's message of February 1, 1911, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague, transmitted herewith, and the appendixes to the report, shall be printed as a public document, together with an additional 500 copies for the Department of State, the cost thereof to be defrayed out of the appropriation for printing and binding for Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIXON:

A bill (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; and

A bill (S. 10762) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; to the Committee on Public Lands.

By Mr. PERCY:

A bill (S. 10763) granting an increase of pension to William Hardcastle, alias Jacob Salter; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 10764) granting a pension to Andrew Knight (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSTON (for Mr. BANKHEAD):

A bill (S. 10765) for the relief of the representatives of the estate of Henry C. Sills, deceased; and

A bill (S. 10766) for the relief of the representatives of the estate of Henry C. Sills, deceased; to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 10767) providing for the issuance of a charter to the Veteran Reserve Corps of America, a corporate military organization; to the Committee on Military Affairs.

A bill (S. 10768) granting an increase of pension to Riley Monroe (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 10769) granting a pension to Charles J. Tribble; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10770) fixing the rank of military attachés; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 10771) granting a pension to Josephine Moore (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10772) granting a pension to John H. Kidd; and

A bill (S. 10773) granting an increase of pension to James A. Bean (with accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10774) for the relief of William Leech; to the Committee on Claims.

By Mr. FLINT:

A bill (S. 10775) for the relief of Alice V. Houghton; to the Committee on Claims.

By Mr. DIXON:

A bill (S. 10776) granting an increase of pension to Frank N. Jameison; to the Committee on Pensions.

Mr. McCUMBER. I introduce a joint resolution for an investigation of all wireless telegraph companies and corporations in the United States.

The joint resolution (S. J. Res. 141) for the investigation of all wireless telegraph companies and corporations in the United States was read twice by its title.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Commerce.

Mr. KEAN. I think it should go to the Committee on Foreign Relations.

Mr. BURTON. A bill on that subject heretofore has gone to the Committee on Commerce.

Mr. KEAN. The Committee on Foreign Relations had charge of the treaty in regard to wireless telegraphy, and I supposed the joint resolution referred to our foreign relations in regard to the matter, and therefore I suggested that it should go to the Committee on Foreign Relations.

Mr. McCUMBER. I think it should go to the Committee on Commerce.

Mr. KEAN. I have no objection to that reference.

The VICE PRESIDENT. The Chair thinks the joint resolution, which on its face shows that it refers to domestic corporations and not to foreign corporations, should be referred to the Committee on Commerce. The reference will be to that committee.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DEPEW submitted an amendment providing for a professional investigation including the sum of $1,500 on account of professional instruction given by George H. Baker in the economical firing of boilers on board the ships of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BACON submitted an amendment proposing to appropriate $1,500 to procure for the courtroom of the Supreme Court of the United States a marble bust, with pedestal, of the late Chief Justice Melville Weston Fuller, and also $1,500 to procure for the robing room of the Supreme Court of the United States an oil portrait of the late Chief Justice Melville Weston Fuller, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Library and ordered to be printed.

CLAIMS UNDER THE NAVY DEPARTMENT.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 10668) to satisfy certain claims against the Government arising under the Navy Department, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

TARIFF BOARD.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (H. R. 32010) to create a tariff board, which was referred to the Committee on Finance and ordered to be printed.

BLACK RIVER BRIDGE, MISSOURI.

Mr. STONE. I should like to ask unanimous consent to call up the bill (H. R. 30899) to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. Mr. President, I give notice that on Tuesday, after the conclusion of the remarks of the Senator from Ohio [Mr. BURTON], I shall submit some observations upon the pending election case. If it shall happen that the speech on Monday shall conclude in time I will speak on that day, but I give notice now that after the conclusion of the speech of the Senator from Ohio I shall submit remarks on Tuesday. Otherwise they will be submitted on Monday.

PUBLIC BUILDING AT DALLAS, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 9556) to provide for the extension of the post-office and courthouse building at Dallas, Tex., and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury for the purpose of making suitable provision for the extension of the post-office and courthouse building at Dallas, Tex., to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary for the enlargement of the site of the building at a limit of cost of $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. PERKINS. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915 at San Francisco, Cal.

Mr. SWANSON. Mr. President, I wish to make a statement before the request of the Senator from California is submitted to the Senate. I do not wish to offer an objection to it at this time.

I had purposed to offer an amendment to the joint resolution providing for the exposition at San Francisco commemorating the opening of the Panama Canal, but I understand from the senior Senator from California if my amendment should be adopted it would necessitate the joint resolution going back to the House, and possibly it might occasion some delay, as it might be referred to a committee. I have consented to make no objection to the present consideration of the joint resolution and not to offer my amendment at this time, being assured by the Senator from California and Senators who are cooperating with him that he has no objection to the amendment except on account of the delay and jeopardy it might occasion the measure at the present session, and that he will favor its going on the naval appropriation bill, which he thinks will be entirely satisfactory.

All I ask is that my amendment may be read; but I shall offer no objection to the consideration of the joint resolution.

The VICE PRESIDENT. Without objection, the amendment which the Senator from Virginia proposes to offer to the naval appropriation bill will be read.

The Secretary read as follows:

The President, in his invitation to the foreign nations, shall invite their representatives and their fleets to assemble at Hampton Roads, Va., and from thence come to the city of Washington, there to be formally welcomed by the President, and at the conclusion of the ceremonies at Washington the President is requested to proceed to Hampton Roads and there review the assembled fleets of the world as they start on their voyage to the city of San Francisco.

Mr. SWANSON. Mr. President, I wish to say in this connection, so that there may be no objection to the present consideration of the pending joint resolution, that I do not purpose to offer the amendment as an amendment to the joint resolution at this time. So I have no objection to its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from California [Mr. PERKINS] for the present consideration of the joint resolution?

Mr. CULBERSON. Mr. President, let the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution was read, as follows:

Resolved, etc., That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected, and that the sum of not less than $15,000,000 will be available to enable the Panama-Pacific International Exposition Co., a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of inaugurating, carrying forward, and holding an exposition at the city and county of San Francisco, Cal., on or about the 1st day of January, 1915, to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean, the President of the United States be, and he hereby is, authorized and respectfully requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition, with a request that they participate therein.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PERKINS. Mr. President, I desire to present and have printed in the RECORD a report from the Committee on Industrial Expositions, submitted on the 9th instant by the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. In the absence of objection, the report submitted by the Senator from California will be printed in the RECORD.

The report referred to is as follows:

[Senate Report No. 1133, Sixty-first Congress, third session, Feb. 9, 1911.—Ordered to be printed.]

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. JONES, from the Committee on Industrial Expositions, submitted the following report to accompany H. J. Res. 213:

The Committee on Industrial Expositions, to whom was referred the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915 at San Francisco, Cal., reports the same back to the Senate with a recommendation that it do pass.

The committee begs to state that full hearings were had upon the subject matter of this resolution. Advocates of the city of San Francisco as the location for an international exposition commemorating the opening of the Panama Canal appeared before the committee in support of the above resolution, and representatives from the city of New Orleans were also given an ample opportunity to be heard in opposition to the San Francisco resolution and in favor of a measure providing for the inauguration by the Government of the United States of an international exhibit of arts, industries, manufactures, etc., at New Orleans.

The committee has concluded to report the San Francisco resolution with due regard and consideration of the reasons and arguments urged for holding the celebration at New Orleans. It appears that the people of California have contemplated, since 1904, the holding of an international exposition at San Francisco for the purpose of properly celebrating the completion of the Panama Canal and the four hundredth anniversary of the discovery of the Pacific Ocean; and during the last year they have raised the sum of $17,500,000 for the purposes of such exposition. Of this vast amount $5,000,000 is provided by a special tax levied upon all property in California, an additional $5,000,000 through

the issuance of bonds by the city of San Francisco, and the balance of $7,500,000 by popular subscriptions.

The people of California have thus initiated or created the exposition and have demonstrated their ability to carry it through to a successful conclusion and to make it the greatest exposition that the world has ever seen, without asking the Congress for an appropriation of any character, or directly or impliedly committing the United States Government to any liability or responsibility. They do not ask Congress to inaugurate the celebration, but simply request that an invitation be sent through the proper channels to all foreign nations and countries to participate in the exposition. The committee feels that if the Government were to inaugurate the exposition it would impliedly assume all financial responsibilities therefor. That has been the experience of the past, and since the city of San Francisco undertakes to hold and maintain this exposition without financial aid from the Government, we feel that the courage and enterprise of that city ought to receive the favorable consideration of the Congress, and your committee do not believe that the Government itself should inaugurate and carry on an exposition at this time.

Under this resolution the people of America will have the opportunity to enjoy all the pleasures, fruits, and benefits of an exposition given on a scale befitting the great event that it is intended to celebrate without one dollar of expense to the Government. Although San Francisco is farther removed from the center of population than the city of New Orleans, we believe from past experience that distance will not affect the attendance. The expositions at Portland and Seattle, although farther removed from the center of population, enjoyed a much larger attendance than those given at New Orleans and Jamestown; in fact, Seattle had a paid attendance of 207,000 more than the combined attendance at New Orleans and Jamestown. It is apparent that most people take their vacations during the summer months, and they are much more likely to travel to the Pacific coast, where the climate is cool and bracing during that season of the year, rather than to any southern point.

The committee has carefully considered the question of proximity to the canal, but it is our opinion that more people will see the canal if the exposition be held in San Francisco than if it were held at New Orleans, for a large number who will attend the exposition at San Francisco will take occasion to pass through the canal going or returning. One of the most cogent reasons for our recommending the passage of the San Francisco resolution is that which relates to the growing oriental trade. In recent years the commerce of the Orient has attracted world-wide attention, and all trade-seeking peoples are exerting every effort to obtain a greater share of that commerce. America ought to occupy first place in the trade with Asia. In 1909 the trade between Japan and America amounted to $97,000,000; the entire world trade of Japan was $415,000,000. In 1909 our trade with China amounted to $48,000,000 out of a combined world trade of China amounting to $432,000,000. The manufacturers and producers of America are looking to Asia for new markets to absorb our surplus products, and through our State Department commercial agents are being sent throughout Asia to enlarge our trade and commerce. Our trade with Europe and with the Latin Republics of the South will increase along natural and settled lines, but the great field for exploitation lies in the Orient, and we can not afford to permit any opportunity to pass by that will strengthen our position in those great opening markets. At San Francisco America and Asia can, with greatest ease and facility, exhibit articles intended for exchange, thereby stimulating the trade between the two countries and at the same time further cementing the ties of cordial friendship between America and the nations of the Far East.

In addition to the foregoing reasons why the exposition should be held at San Francisco we feel that a trip to the Pacific coast will be of immense educational value to the people of our country. Assurances have been given that a great reduction will be made in the railway fares and that opportunity will be offered for going and returning by different routes. Tens of thousands of our people will find in the exposition a justifiable inducement to make it a journey of continuous sight-seeing, and while upon the Pacific coast will be afforded rare opportunities of beholding the wonders of the West, its almost inexhaustible resources, and its boundless opportunities for development. Such a trip will be an exposition in itself and will be as profitable as a visit to the exposition grounds, where the products of the genius and skill of the earth will be displayed before their eyes.

In her ability to minister to the comfort, convenience, and pleasure of the throngs that will visit this exposition, San Francisco is unsurpassed; and her invitation to the people of the world to participate with her in this great celebration carries with it a safe assurance of courteous treatment and open-hearted hospitality.

We therefore recommend the passage of House joint resolution 213 without amendment.

Mr. PERKINS. Mr. President, on behalf of the people of the city of San Francisco and of the entire State of California, I take this occasion to express grateful acknowledgment to the people of the South and to our friends from Louisiana and Virginia for the generous and kindly spirit which has been manifested in this matter. From the very inception of the struggle between New Orleans and San Francisco for the honor of holding this great exposition every act on the part of our friends from the South has been characterized by a high regard for courtesy and fairness. They have now crowned this most enviable record by interposing no obstacle whatever to the passage of this joint resolution in the Senate, and we of California appreciate this to the utmost degree.

EMBASSY, LEGATION, AND CONSULAR BUILDINGS.

Mr. LODGE. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

Mr. CLAPP. Mr. President, I shall have to object to the consideration of that bill.

Mr. LODGE. Then I move to take up the bill.

The VICE PRESIDENT. The Senator from Massachusetts moves the present consideration of the bill.

Mr. STONE. Mr. President, I see the Senator from Idaho [Mr. BORAH] is not present, and I should like to ask whether the motion of the Senator from Massachusetts would interfere with the unfinished business?

Mr. LODGE. Not in the least. The unfinished business does not come up until 2 o'clock.

Mr. STONE. With that understanding I shall not object.

The VICE PRESIDENT. The unfinished business will come up at 2 o'clock. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of the bill named by him.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of State to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment; but not more than $500,000 shall be expended in any fiscal year under the authorization herein made. It further provides that in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed $150,000 at any one place) and shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN CITY OF WASHINGTON.

Mr. SCOTT. I should like the present consideration of the bill (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.

In explanation of my request, I will say that this is a bill which the Attorney General desires passed in order to correct title to some land here in the District of Columbia. The Senator from Vermont [Mr. DILLINGHAM] has examined the bill and reported it favorably. It is very important that it should be passed at once.

Mr. SMOOT. I shall not object to the consideration of this bill, but at the conclusion of its consideration I shall ask for the regular order.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to grant to the present occupants of lot No. 20, square No. 253, a quit claim deed of the legal title of the United States to that lot, it having appeared that the United States has no interest herein or claim thereto other than a record title arising from a failure to comply with the requirements of the act of the Maryland Legislature of December 19, 1791, relative to the recording of deeds in the original city of Washington; but the occupants of the lot shall establish to the satisfaction of the Secretary of War their title to the premises, saving only the outstanding legal title of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. A. SISSON.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the bill (H. R. 2556) for the relief of R. A. Sisson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $88.48 to R. A. Sisson, lighthouse keeper of Bloody Point Range, Daufuskie Island, Beaufort County, S. C., for the loss and destruction of his property during the cyclone of 1893.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEASURES PASSED OVER ON THE CALENDAR.

Mr. SMOOT. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is the consideration of the calendar under Rule VIII. The Secretary will state the first bill on the calendar.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as first in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The concurrent resolution (S. C. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will go over.

The bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as next in order.

Mr. BURKETT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over, at the request of the Senator from Nebraska.

The bill (S. 7668) to grant certain lands to the city of Colorado Springs, the town of Manitou, and the town of Cascade, Colo., was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

Mr. CULLOM. Mr. President, as there appears to be no bill on the calendar which the Senate desires to consider, I ask unanimous consent for the present consideration of the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, on page 1, line 3, after the name "Smith," to insert "and," and in the same line, after the name "Green," to strike out "and John J. Hurlbert," so as to make the section read:

Be it enacted, etc., That Edward A. Smith and Harvey S. Green, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct, maintain, and operate a dam across Rock River at a point suitable to the interests of navigation at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and the city of New Orleans was announced as next in order.

Mr. GUGGENHEIM. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over, at the request of the Senator from Colorado.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 7648) to correct the military record of Charles J. Smith was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over at the request of the Senator from Utah.

The bill (S. 3719) for the appointment of a national commission for the conservation of natural resources, and defining its duties, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 8008) granting to Savanna Coal Co. the right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla, and for other purposes, was announced as next in order.

Mr. KEAN. Mr. President, let that bill go over. The Senator from Texas [Mr. BAILEY] is not present. He is somewhat interested as to the description of the land.

The VICE PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

The bill (H. R. 21481) to amend section 4916 of the Revised Statutes, relating to patents, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The resolution (S. Res. 257) to discharge the Committee on Privileges and Elections from further consideration of the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KEAN. Let that go over.

The VICE PRESIDENT. The resolution will go over at the request of the Senator from New Jersey.

The bill (S. 7724) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army was announced as next in order.

Mr. KEAN. Let that go over, Mr. President. Similar provision has been made on an appropriation bill.

The VICE PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

ADDITIONAL PROTECTION FOR OWNERS OF PATENTS.

The bill (S. 1745) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, was announced as next in order.

Mr. KEAN. Mr. President, I have on my desk here a copy of the existing law on that subject, which is almost exactly in the wording of this bill. I therefore ask that the bill be indefinitely postponed.

The VICE PRESIDENT. Is there objection to the request that Senate bill 1745 be indefinitely postponed? The Chair hears none, and that order is made.

ELECTION OF SENATORS BY DIRECT VOTE.

The resolution (S. Res. 262) to discharge the Committee on the Judiciary from further consideration of the joint resolution (S. J. Res. 50) proposing an amendment to the Constitution respecting the election of United States Senators was announced as next in order.

Mr. CLARK of Wyoming. Mr. President, Senate resolution 262 being a resolution with a reference to a matter upon which the Judiciary Committee has acted, I ask that the resolution be indefinitely postponed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is indefinitely postponed.

BILLS PASSED OVER.

The bill (S. 6970) to codify, revise, and amend the postal laws of the United States was announced as next in order.

Mr. KEAN. Let that bill go over.

The VICE PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

The bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President. That is a special order for February 15.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, was announced as next in order.

Mr. DEPEW. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 9935) authorizing a parcels-post service on rural routes, was announced as next in order.

Mr. BURNHAM. Let that bill go over for the present.

Mr. SMOOT. Let that bill go over until 2 o'clock.

The VICE PRESIDENT. The bill will go over.

EXPLORATION AND PROSPECTING PERMITS ON UNAPPROPRIATED LANDS.

The bill (S. 9011) to provide for the granting by the Secretary of the Interior of permits to explore and prospect for oil

and gas on unappropriated and withdrawn lands, was announced as next in order, and the Senate resumed its consideration.

The VICE PRESIDENT. The bill has heretofore been considered, when it reached the point of third reading. The question is on the third reading of the bill.

The bill was read the third time, and passed.

LIGHT AND FOG SIGNAL AT LINCOLN ROCK, ALASKA.

The bill (S. 10015) for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by, was considered as in Committee of the Whole. It proposes to appropriate $25,000 for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL AIDS TO NAVIGATION.

The bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The Chair has a memorandum that the Senator from Massachusetts [Mr. LODGE] asked that this bill be not disposed of in his absence, as he has an amendment which he desires to present to it.

Mr. SMOOT. I ask that the bill go over.

Mr. FRYE. The Senator from Maine has the amendment which the Senator from Massachusetts desires, and will offer it.

Mr. SMOOT. Then I withdraw the objection.

The VICE PRESIDENT. The request that the bill go over is withdrawn. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. On page 2, line 12, after the word "on," I move to strike out "the south or southwesterly end of Castle" and to insert in lieu thereof the word "Governors."

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 12, after the word "on," it is proposed to strike out the words "the south or southwesterly end of Castle" and insert "Governors," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Establishment, under the Lighthouse Service, in accordance with the respective limits of cost respectively set forth, which shall in no case be exceeded.

To construct a power house and foundry and complete the equipment, wiring, etc., of the power plant at the general lighthouse depot, Staten Island, N. Y., at a cost not to exceed $30,000.

To rebuild and improve the present light and fog signal station, or construct a new light and fog signal station, at Brandywine Shoal, Delaware Bay, Del., at a cost not to exceed $75,000.

To rebuild and improve the Buffalo Breakwater North End Light Station, N. Y., at a cost not to exceed $60,000.

To complete the lighting of the breakwater and piers at Superior Entry, Wis., at a cost not to exceed $25,000.

To establish a lighthouse depot on the site belonging to the War Department on Governors Island, Boston Harbor, Mass., or on the site belonging to the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass., and authority is hereby granted for the transfer of the site authorized from the proper department to the Department of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTSHIP NEAR ORFORD REEF, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10210) to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg.

It proposes that the Secretary of Commerce and Labor be, and hereby is, authorized and directed to cause to be constructed and to establish and maintain a first-class, full-powered light vessel at or near Orford Reef, off Cape Blanco, Oreg., for which purpose there is appropriated $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL, SAN PEDRO, CAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10011) for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.

It appropriates $36,000 for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES J. SMITH.

Mr. DU PONT. I ask unanimous consent that the bill (S. 7648) to correct the military record of Charles J. Smith, which was passed over, be now taken up.

Mr. SMOOT. The Senator from Delaware tells me that the objections that were raised to the bill have been withdrawn, and he desires its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws Charles J. Smith, who was a private, unassigned, Third New Jersey Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles J. Smith."

PHOEBE CLARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26529) for the relief of Phoebe Clark.

It proposes to pay to Phoebe Clark, of Helena, Mont., $116, for a typewriter and necessary repairs thereon, furnished and used by her as transcribing clerk in the office of the United States surveyor general of the State of Montana, exclusively for Government work.

Mr. KEAN. Is there a report with the bill?

The VICE PRESIDENT. Yes; there is a report.

Mr. KEAN. I should like to hear it read.

The Secretary proceeded to read the report submitted by Mr. DAVIS January 17, 1911, which is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 26529) for the relief of Phoebe Clark, having considered the same, report thereon with a recommendation that it do pass.

The affidavit of the claimant, the statement of W. J. MacHaffie, manager of the State Publishing Co., Helena, Mont., and the letter of the honorable the Secretary of the Interior, dated February 26, 1908, are herewith appended and made a part of this report.

STATE OF MONTANA,
County of Lewis and Clark, ss:

Phoebe Clark, transcribing clerk, office of the United States surveyor general for Montana, Helena, Mont., being duly sworn, deposes and says: That she is the person who bought a Remington typewriting machine, No. 5, which she used for nine consecutive years for Government work only; that she paid, herself, for repairs thereon, and who is now asking for reimbursement in the sum of $116 therefor; and further, that the dates and amounts are positively correct.

PHOEBE CLARK.

Subscribed and sworn to before me this 1st day of January, 1908.
[SEAL.] GUSTAVE STROBEL,
Notary Public in and for Lewis and Clark County.

HELENA, MONT., *December 31, 1907.*

Mr. MacHaffie, manager of the State Publishing Co., and agent for Remington typewriters in Helena, Mont., and who knows the present condition of the hereinbefore-mentioned machine, says: The machine is worn out; that the No. 5 (the number of my machine) is not manufactured any more; and that he would not take it in at any price, as they are unsalable.

I hereby certify that the above statement is true and correct.

W. J. MACHAFFIE,
Manager State Publishing Co.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1908.

SIR: I have, by your reference for report, H. R. 11632, "for the relief of Phoebe Clark."

In reply you are advised that Phoebe Clark is, and has since 1894 been, a transcribing clerk in the office of United States surveyor general for Montana; that in 1894 a request was made for a typewriter for her official use, but owing to the lack of available funds it was not furnished. It appears that she purchased a typewriter at her own expense and continued to use it in that office in the discharge of her official duties until 1904, when, it being no longer suitable for use, a typewriter was furnished her by this department. Correspondence in this office shows that she paid $100 for the typewriter purchased by her and subsequently expended about $16 in necessary repairs.

It is customary for this department to furnish employees in the offices of surveyors general with typewriters for official use at all times when there are funds available for that purpose, and such employees are not expected or required to furnish their typewriters or to pay for necessary repairs on typewriters used by them.

These facts seem to warrant a favorable consideration of this bill, which proposes a reimbursement for money expended in the purchase and repairing of the typewriter.

Very respectfully, JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. J. M. MILLER,
Chairman Committee on Claims, House of Representatives.

Mr. KEAN. What I desired to find out is whether it is recommended by the department.

Mr. SMOOT. It is recommended by the department in a letter signed by the Secretary of the Interior, dated February 26, 1908.

Mr. KEAN. To my mind, this is rather a new departure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF SAMUEL A. MUHLEMAN, DECEASED.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 865) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, which had been reported from the Committee on Claims with an amendment, in line 7, before the word "thousand," to strike out "five" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in full compensation for the death of Samuel A. Muhleman, on February 14, 1898, caused by injury received on the 9th day of June, 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLARD W. ALT.

The bill (H. R. 17007) for the relief of Willard W. Alt was considered as in Committee of the Whole.

It proposes to pay to Willard W. Alt $125 for resurvey of public lands in the State of Nebraska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF CANAL ZONE.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. BURTON and Mr. SIMMONS. I ask that the bill go over.

The VICE PRESIDENT. The bill goes over.

RITTENHOUSE MOORE.

The bill (S. 6550) for the relief of Rittenhouse Moore was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 2, line 1, after the word "shown," to insert "and the said sum of $3,650.05 is hereby appropriated for the purposes of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rittenhouse Moore, the sum of $3,650.05, being the amount stated and claimed by him as set forth in House Document No. 100, Fifty-eighth Congress, second session, for overwidth dredging in the Potomac River below Washington, D. C., and recommended by the Secretary of War, as therein shown, and the said sum of $3,650.05 is hereby appropriated for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL, PORTAGE RIVER PIERHEAD, MICH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10257) establishing a light and fog-signal station at Portage River Pierhead, Mich.

It directs the Secretary of Commerce and Labor to establish a light and fog-signal station at Portage River Pierhead, Mich., at a cost not to exceed $40,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL, MICHIGAN ISLAND, LAKE SUPERIOR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10256) establishing a light and fog-signal station on Michigan Island, Lake Superior.

It directs the Secretary of Commerce and Labor to establish a light and fog-signal station on Michigan Island, Lake Superior, at a cost not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. EDDY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10141) to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of $602.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAMONT STREET, DISTRICT OF COLUMBIA.

The bill (S. 9707) to authorize the extension of Lamont Street NW., in the District of Columbia, was announced as the next bill on the calendar.

Mr. KEAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

Mr. KEAN. Let it go to the calendar under Rule IX.

Mr. FLETCHER. It is rather an important bill, and there are some improvements pending, waiting on the action on this bill.

Mr. KEAN. So I have been informed, and therefore I ask that it go over.

Mr. FLETCHER. That may be a very good reason in the Senator's mind, but it does not appeal to me.

The VICE PRESIDENT. Is there objection to transferring the bill to the calendar under Rule IX, as requested by the Senator from New Jersey?

Mr. JONES. I do not think it ought to go to the calendar under Rule IX.

The VICE PRESIDENT. The bill will go over.

ESTATE OF ANTONIA SOUSA, DECEASED.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1882) for the relief of the estate of Antonia Sousa, deceased.

It directs the Secretary of the Interior to pay, out of the naval pension fund, to the estate of Antonia Sousa, deceased, late a musician in the Marine Corps of the United States, $19.50 per month from March 4, 1886, to April 27, 1892, both inclusive, being the amount of allotment granted to him by the Secretary of the Navy under section 4756, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 7255) authorizing the Winnebago Tribe of Indians to submit claims to the Court of Claims was announced as the next business on the calendar.

Mr. KEAN. Let the bill go over for the present. I should like to look at the report.

The VICE PRESIDENT. The bill will go over.

The bill (S. 9534) to amend an act entitled "An act to regulate the employment of child labor in the District of Columbia" was announced as next in order.

Mr. SMOOT. The Senator reporting the bill is not present; therefore I should like to have it go over, not that I object to the bill.

The VICE PRESIDENT. The bill will go over.

The bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes, was announced as next in order.

Mr. NELSON. In the absence of the senior Senator from Mississippi I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

SANITARY WATER-STILL CO.

The bill (H. R. 25679) for the relief of the Sanitary Water-Still Co. was considered as in Committee of the Whole.

It proposes to pay to the Sanitary Water-Still Co., of New York, $850, due the company on the sale of two evaporators to the Quartermaster General's Department, United States Army, for the Army transport *Logan*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFUND OF CERTAIN TAXES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 9970) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

It appropriates to the corporations named the amounts respectively placed opposite their names, the amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in 1879 as a tax on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: Zion's Cooperative Mercantile Institution, of Bountiful, Utah, $123.30; Logan Branch of Zion's Cooperative Mercantile Institution, of Logan, Utah, $4,852.42.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RIVER BRIDGES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, and requesting a conference with the Senate on the disagreeing vote of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. DEPEW, Mr. PILES, and Mr. STONE the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 16268. An act for the relief of Thomas Seals; and

H. R. 30160. An act for the relief of John Lee, alias James Riley.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 32435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32674. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 32675. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

SCHOONER "WALTER B. CHESTER."

The bill (H. R. 25074) for the relief of the owners of the schooner *Walter B. Chester* was announced as next in order.

Mr. KEAN. Is there a report with the bill?

The VICE PRESIDENT. There is a report, No. 1007.

Mr. KEAN. I understand that the amendment to the bill cures the defect that I thought was in it.

The VICE PRESIDENT. No amendment has been offered to the bill, unless it be in the report.

Mr. SMOOT. The full amount of the claim was $10,501.75 and included the demurrage for 95 days, at $50 a day. The demurrage was eliminated from the bill, and it carries, as I remember, something like $5,000. That is the amount recommended.

The bill was considered as in Committee of the Whole. It proposes to pay to the owners of the American schooner *Walter B. Chester*, registered, of Wellfleet, Mass., their heirs and assigns, as determined by the United States Court of Claims, $5,751.75, the same being the amount in part awarded said owners by the Court of Claims as damages on account of the U. S. warship *Vandalia* colliding with that schooner, as fully appears in the findings of the Court of Claims in congressional case No. 65, Deering, Donnell, and others against the United States, to which findings and the award made thereon reference is hereby had, which sum shall be in full settlement for all claims for said damages.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT LIVE OAK, FLA.

Mr. CULBERSON. From the Committee on Public Buildings and Grounds I report back favorably with an amendment the bill (S. 5420) to provide for a public building at Live Oak, Fla. I call the attention of the Senator from Florida [Mr. TALIAFERRO] to the matter.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 10, before the word "thousand," to strike out "one hundred" and insert "seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on a suitable site in the city of Live Oak, Fla., a building, including fireproof vaults, heating and ventilating apparatus, and all necessary appointments and equipments, for the use and accommodation of the United States post office, the cost of said building and other equipments and appointments not to exceed the sum of $75,000, which sum, or so much thereof as may be necessary, is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. RICH.

The bill (H. R. 19747) for the relief of William C. Rich was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William C. Rich shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company M, Eleventh Regiment Illinois Volunteer Cavalry, on the 20th day of April, 1864. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I should like to have the report accompanying the bill printed.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. BROWN, from the Committee on Military Affairs, submitted the following report, to accompany H. R. 19747:

The Committee on Military Affairs, which has had under consideration the bill (H. R. 19747) for the relief of William C. Rich, hereby reports the same to the Senate favorably and without amendment and recommends its passage.

The records show that this soldier was enrolled at Peoria, Ill., on December 7, 1861, and mustered into the service on December 20, 1861; that he was reenlisted as a veteran on December 20, 1863. He received the customary veteran's furlough for 35 days from about March 6, 1864, never thereafter returning, and is marked as a deserter from about April 20, 1864.

The soldier alleges that while home on furlough he received an injury by being thrown from a buggy and was unable to return, and has furnished evidence to corroborate his allegations, but on account of the injury not being received in line of duty he is unable to get the charge of desertion removed by the general law, and your committee believe he should be given a pensionable status.

The evidence as to his injury is hereto appended as a part of this report:

STATE OF NEBRASKA, *Douglas County, ss:*

I, William C. Rich, of lawful age, being first duly sworn, depose and say that I enlisted as a soldier in the Civil War December 7, 1861, at Camp Lyon, Peoria, Ill., and was mustered into service December, 1861; that I reenlisted as a veteran December 26, 1863; that I was at home at Chillicothe, Ill., about the middle of March, 1864, and there received injuries by a runaway horse to such an extent that it was impossible for me to return to my command, and that for some time following said date I was in a very critical condition; that I received injuries to my spine, had one shoulder dislocated, two ribs broken, and my head badly lacerated, and that the war closed before I was able to return to service.

WILLIAM C. RICH.

Subscribed in my presence and sworn to before me this 2d day of February, A. D. 1909.

[SEAL.] OSCAR W. JOHNSON, *Notary Public.*

STATE OF MISSOURI, *Barton County, ss:*

I, Henry Keller, being duly sworn, on oath depose and say that I am of lawful age and a resident of Golden City, Mo., and that I was a resident of Chillicothe, Ill., for several years during the War of the Rebellion, and was personally acquainted with Mr. William C. Rich when he enlisted in the service of the United States Army in December, 1861, and again reenlisted in the year 1863, and also for several years following; that some time in March, in the year 1864, the said William C. Rich returned home on furlough, and that during the period of his furlough the said William C. Rich was badly injured by a runaway horse and did not return to his command on account of said injury. The injury mentioned was the only cause, as affiant firmly believes, of the failure of the said William C. Rich to return to the Army.

Affiant also says that the said Rich and family were very respectable people and bore a good reputation.

Further affiant saith not.

HENRY KELLER.

Subscribed and sworn to before me this 30th day of November, 1907.

[SEAL.] JOHN F. DUDEN, *Notary Public.*

My commission expires September 10, 1909.

STATE OF NEBRASKA, *Douglas County, ss:*

I, James D. Thompson, of lawful age, being first duly sworn, depose and say that I am, and in the year 1864 was, personally acquainted with William C. Rich; that I knew him in Chillicothe, Ill., in March, 1864, and that I know that at said place and in said month said William C. Rich met with an accident from a runaway horse from which he sustained serious injuries, so much so that his life was almost despaired of. I further know that said Rich was a soldier at that time, and that before he recovered the war was closed, and that he was incapacitated for service for a long time after the close of the Civil War.

JAS. D. THOMPSON.

Subscribed in my presence and sworn to before me this 2d day of February, A. D. 1909.

[SEAL.] FREMONT BENJAMIN, *Notary Public.*

STATE OF NEBRASKA, *Douglas County, ss:*

G. A. Murphy, of lawful age, being first duly sworn, deposes and says that he was personally acquainted with William C. Rich, at Chillicothe, Ill., in the year 1864; that he saw said William C. Rich shortly after he was badly hurt by a runaway horse, and that he knows of his own personal knowledge that said Rich was in a very bad condition for a year or more after he was injured.

G. A. MURPHY.

Subscribed in my presence and sworn to before me this 16th day of August, A. D. 1905.

[SEAL.] E. N. BOVELL, *Notary Public.*

ARMY, NAVY, AND MARINE CORPS.

The bill (S. 10275) relative to joint operations of the Army, Navy, and Marine Corps was considered as in Committee of the Whole. It provides that when forces or detachments of the Army and of the Navy and Marine Corps are engaged on shore in a common enterprise (not in the nature of a ceremonial or parade), and in the absence of specific authority from the President of the United States, the senior officer of the line of the Army in command of the Army detachment shall command the whole and have authority to issue such orders to the officers in command of the naval and marine detachments while on shore as may be necessary for the success of the enterprise engaged upon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA, TENN.

The bill (H. R. 31649) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. BURTON. As I read the bill, there is an amendment in it.

The VICE PRESIDENT. The calendar states that there is no amendment, and no amendment is indicated in the report.

Mr. BURTON. This bill for a bridge across the Tennessee River, at Chattanooga, in the seventh line, has an amendment "to insert at a point suitable to the interests of navigation." That is in accordance with the report from the Chief of Engineers.

The VICE PRESIDENT. Those words are in the bill, but not as an amendment.

Mr. BURTON. As the bill was printed, those words are printed in italics.

The VICE PRESIDENT. They are not in italics in the bill which the Secretary has at the desk.

Mr. SMOOT. If the Senator will look at the House bill, he will find that the bill as read conforms to the recommendations of the department.

The VICE PRESIDENT. It is a House bill.

Mr. BURTON. Very well.

The bill was ordered to a third reading, read the third time, and passed.

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.

The bill (S. 10491) to incorporate the Carnegie Endowment for International Peace was announced as next in order on the calendar.

Mr. JONES. I ask that the bill may go over.

Mr. ROOT. I hope the Senator will not insist upon his objection.

Mr. JONES. I will state to the Senator that I think possibly when I have had a little time to examine it we will be able to make an agreement so that he can bring his bill to a vote, so far as I am concerned, but I am not prepared now. Early next week the Senator can get the bill passed, so far as I am concerned, but he will save time by a postponement for the present. I could not consent to have it passed to-day.

Mr. ROOT. Well, Mr. President, I yield, but it is a bill which relates to a very great benefaction, to something which is greatly to the public interest and in the interest of the world. I hope the objection will not materially delay the consideration of the bill by the Senate.

Mr. GALLINGER. I suggest to the Senator from New York that I should likewise like to look into the bill a little. I have in charge a bill on the calendar which is somewhat similar, and it has been very seriously objected to on grounds I think that will bring this bill in the same category. However, I should like to examine it a little further before it is acted upon.

Mr. ROOT. Very well. I hope Senators will make such examination of the bill as is necessary to enable them to reach a conclusion upon it at an early day.

Mr. GALLINGER. I will do so, Mr. President.

The VICE PRESIDENT. The bill goes over.

NORTHERN PACIFIC RAILWAY LANDS.

The bill (S. 10105) to authorize the exchange of certain lands with the Northern Pacific Railway Co. was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The VICE PRESIDENT. It will go over.

ALASKAN COAL LANDS.

The bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska was announced as next in order.

Mr. NELSON. Let the bill go over.

The VICE PRESIDENT. It will go over.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

The bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn., was announced as next in order.

Mr. CLARK of Wyoming. I notice that a bill of exactly the same title and reported on the same day from the same committee is Order of Business No. 948 (H. R. 31649), which has just been passed. I should like to know the difference.

The VICE PRESIDENT. Apparently it is a different location. The Chair observes that one is at Walnut Street and the other at West Sixth Street.

The bill was considered as in Committee of the Whole; and it was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOBILE RIVER BRIDGE, ALABAMA.

The bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and cross the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "channels," to insert the words "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, be, and is hereby, authorized to construct, operate, and maintain a bridge, and its approaches thereto, across the Mobile River and its navigable channels, at a point suitable to the interests of navigation, in the counties of Mobile and Baldwin, in the State of Alabama, on a line opposite the city of Mobile, to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN S. HOGAN.

The bill (H. R. 25081) for the relief of Helen S. Hogan was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The bill goes over.

Mr. KEAN subsequently said: I suggest to the Senator from Utah that in the case of House bill 25081, to which he objected, he misunderstood what the bill is. It is merely to allow a person to have a duplicate Government bond with interest upon it, and she gives security for it.

Mr. SMOOT. I withdraw my objection.

The bill was considered as in Committee of the Whole. It proposes to pay to Helen S. Hogan, of Woodford County, Ky., $1,000, together with the legally accrued interest thereon from November 1, 1867, the said sum of $1,000 being the face value of a certain United States Government bond belonging to the loan known as five-twenties of 1862, issued under the act of February 25, 1862. But before making such payment to the said

Helen S. Hogan she shall be required by the Secretary of the Treasury to execute a good, sufficient, and satisfactory bond of indemnity to the United States with the provision that in the event of the subsequent redemption of all three of the outstanding bonds of said loan, being coupon bonds for $1,000 each, Nos. 67783 and 68668 of the second series and No. 21037 of the third series, five-twenties of 1862, act of February 26, 1862, the coupons of which, dated November 1, 1867, were the last coupons paid, she shall refund and pay into the United States Treasury the money so paid to her, and that she shall make the United States whole and free from any loss or liability incurred by reason of said payment to her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF LETTER CARRIERS.

The bill (H. R. 23314) to authorize the employment of letter carriers at certain post offices was considered as in Committee of the Whole. It provides that hereafter when two or more post offices situated within the corporate limits of any city, village, or borough are consolidated by authority of the Postmaster General, and the said offices together produced a gross revenue for the preceding fiscal year of not less than $10,000, letter carriers may be employed for the free delivery of mail matter in like manner as if any one of said post offices had produced such revenue in said fiscal year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOG SIGNAL AT TRINIDAD HEAD LIGHT STATION, CAL.

The bill (S. 10025) for a fog signal and keeper's quarters at the Trinidad Head Light Station, Cal., was considered as in Committee of the Whole.

It proposes to appropriate $20,000 for a fog signal and keeper's quarters at the Trinidad Head Light Station, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG-SIGNAL STATION ON RICHARDSONS ROCK, CAL.

The bill (S. 10023) for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal., was considered as in Committee of the Whole.

It proposes to appropriate $140,000 for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION ON THE YUKON RIVER, ALASKA.

The bill (S. 10022) for establishing aids to navigation on the Yukon River, Alaska, was considered as in Committee of the Whole.

It proposes to appropriate $11,400 for establishing aids to navigation on the Yukon River, Alaska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM AT SAUK RAPIDS, MINN.

Mr. NELSON. I ask unanimous consent to report back from the Committee on Commerce the bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, and I submit a report (No. 1144) thereon. I ask for its present consideration. It is a very short bill.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEN EYCK DE WITT VEEDER.

Mr. GALLINGER. I ask unanimous consent to make a report from the Committee on Naval Affairs. I report back without amendment the bill (S. 10172) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy, and I submit a report (No. 1143) thereon. I call the attention of the senior Senator from Massachusetts [Mr. LODGE] to the bill.

Mr. LODGE. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the President to appoint Ten Eyck De Witt Veeder, now a commodore on the retired list of the United States Navy, to the active list of captains of the United States Navy, to take rank next after Capt. Charles Brainard Taylor Moore, United States Navy. But the said Ten Eyck De Witt Veeder shall be carried as additional to the number in the grade to which he may be appointed under this act or at any time thereafter promoted; and he shall not by the passage of this act be entitled to back pay of any kind.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE TENDER "WISTARIA."

The bill (H. R. 31661) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury was considered as in Committee of the Whole.

It proposes that the Secretary of Commerce and Labor be, and he is hereby, authorized to transfer to the Secretary of the Treasury, for the use of the Public Health and Marine-Hospital Service, the lighthouse tender *Wistaria*, which vessel is no longer needed in connection with the work of the Lighthouse Service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. I should like to have called up and passed Senate bill 9241.

Mr. SMOOT. We will reach that bill in a very little while in regular order, I will say to the Senator.

Mr. TILLMAN. It is the bill (S. 9241) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838. I hope the Senator will allow me to get through with it.

Mr. SMOOT. Very well.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POINT FERMIN LIGHT STATION, CAL.

The bill (S. 10008) for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal., was considered as in Committee of the Whole.

It proposes to appropriate $4,000 for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SANTA BARBARA LIGHT STATION, CAL.

The bill (S. 10017) for a flashing light, a fog signal, and a keeper's dwelling at the Santa Barbara Light Station, Cal., was considered as in Committee of the Whole. It proposes to appropriate $20,000 for a flashing light, a fog signal, and a keeper's dwelling at Santa Barbara Light Station, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT FORT POINT LIGHT STATION, CAL.

The bill (S. 10010) for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal., was considered as in Committee of the Whole. It proposes to appropriate $11,000 for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WACCAMAW RIVER BRIDGES, SOUTH CAROLINA.

Mr. SMITH of South Carolina. I ask unanimous consent for the present consideration of the bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.

Mr. SCOTT. I object. Let us proceed with the calendar. We have all got little bills on the calendar in which we are interested. I myself am sitting here waiting for two to be reached. We shall get to the Senator's bill in a few moments.

BEACON LIGHTS, ETC., ON PUGET SOUND, WASH.

The bill (S. 10012) for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Marrowstone Point and Slip Point, Puget Sound, Wash.,

was considered as in Committee of the Whole. It proposes to appropriate $41,600 for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Marrowstone Point and Slip Point, Puget Sound, Wash.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6754) for the relief of the Alabama Great Southern Railroad Co. was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 730) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

LINCOLN C. ANDREWS.

The bill (S. 9954) for the relief of Lincoln C. Andrews was considered as in Committee of the Whole. It proposes to pay to Lincoln C. Andrews, captain, Fifteenth Cavalry, United States Army, $150 for the loss of his horse by the Quartermaster's Department at Santiago, Cuba, in 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF LAMONT STREET.

Mr. SCOTT. Mr. President, I should like to ask the Senator from New Jersey [Mr. KEAN], for I was out of the Senate at the time, why he asked to have the bill (S. 9707) to authorize the extension of Lamont Street NW., in the District of Columbia, passed over? That is a very important bill, and it has been considered by a subcommittee of the Committee on the District of Columbia, which has examined conditions at that point. Unless the bill shall be passed, people will build across the end of the street, and at some time the Government will have to pay a large sum to have the street opened.

Mr. KEAN. Mr. President, I have had several letters and communications in regard to that bill, which I did not happen to have in my desk when it came up. I therefore asked to have it go over until I could look into the matter.

Mr. SCOTT. I would ask the Senator from Florida [Mr. FLETCHER], who was on the subcommittee, if he will not make a statement, and possibly the Senator from New Jersey will then allow the bill to be acted upon.

Mr. KEAN. I think we had better go on with the regular order.

Mr. SCOTT. This is part of the regular order.

The PRESIDING OFFICER. Objection is made. The next bill on the calendar will be stated.

FIRE ESCAPES IN THE DISTRICT.

The bill (S. 6582) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 6, after the date "1906," to insert "as amended by act of Congress approved March 2, 1907;" on page 2, line 10, after the word "extend," to strike out the words "to or;" in line 11, after the word "with," to insert "ventilating;" in the same line, after the word "skylight," to strike out "window, doors, or other means of ventilating;" line 12, after the word "buildings," to strike out "except stores and warehouses;" in line 15, after the word "escapes," to insert "and;" and line 16, after the word "signs," to strike out "lights, and alarm gongs" and to insert "when the stairways, elevator shafts, and means of egress are reasonably safe, in the judgment of the Commissioners of the District of Columbia," so as to make the bill read:

Be it enacted, etc., That section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, be, and the same is hereby, amended to read as follows:

"SEC. 5. That each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with self-closing fireproof doors; and that such elevator shaft shall extend above the roof and shall terminate with ventilating skylight; that such buildings as are defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this act as to fire escapes and guide signs when the stairways, elevator shafts, and means of egress are reasonably safe, in the judgment of the Commissioners of the District of Columbia."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes,' approved March 19, 1906, as amended by act of Congress approved March 2, 1907."

DISTRICT POLICE AND FIREMEN'S RELIEF FUND.

The bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 3, after the word "member," to insert "or members," and in line 6, after the word "department," to strike out "$1 per month to be deducted from the pay" and insert "a deduction of 1½ per cent of the monthly salary," so as to make the section read:

That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 1½ per cent of the monthly salary of each member of the police and fire departments; and all fines and forfeitures paid into the police court of the District of Columbia, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia are authorized, and they shall direct, the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 21, after the word "department," to strike out "not to exceed one-half of the annual salary to which he was entitled at the time of such discharge" and insert "as follows: Chief engineer, a sum not to exceed $150 per month; deputy chief engineer, a sum not to exceed $125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $100 per month; deputy fire marshals and captains, a sum not to exceed $90 per month; lieutenants, a sum not to exceed $75 per month; assistant superintendent of machinery, a sum not to exceed $60 per month; engineers and drivers, a sum not to exceed $55 per month; assistant engineers and assistant drivers, a sum not to exceed $52.50 per month; inspectors and privates, a sum not to exceed $50 per month;" on page 4, line 20, after the word "in," to strike out "either case" and insert "any case of the police and fire departments;" and in line 25, after the word "department," to insert "before or after retirement," so as to make the section read:

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $150 per month; deputy chief engineer, a sum not to exceed $125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $100 per month; deputy fire marshals and captains, a sum not to exceed $90 per month; lieutenants, a sum not to exceed $75 per month; assistant superintendent of machinery, a sum not to exceed $60 per month; engineers and drivers, a sum not to exceed $55 per month; assistant engineers and assistant drivers, a sum not to exceed $52.50 per month; inspectors and privates, a sum not to exceed $50 per month; and in the case of an officer or member of the police department, as follows:

Major and superintendent, a sum not to exceed $150 per month; inspector and assistant superintendent, a sum not to exceed $125 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $90 per month; lieutenant, a sum not to exceed $75 per month; sergeant, a sum not to exceed $60 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for: that in case of the death of any officer or member of the police or fire department before or after

retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 14, after the word "service," to insert "therein," and in line 15, after the word "five," to strike out "consecutive," so as to make the section read:

SEC. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to a pension to be paid from the said police and firemen's relief fund in an amount not to exceed that provided by section 3 of this act, as may be determined by the retiring board.

The amendment was agreed to.

The next amendment was, in section 6, page 6, line 23, after the word "pension," to insert "or allowance," so as to read:

The said retiring board shall give notice to any applicant for relief or pension to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of pension or allowance, and shall show what amount, if any, is awarded the applicant by way of relief or pension.

The amendment was agreed to.

The next amendment was, in section 7, page 7, at the beginning of the section, to strike out "That where allowances are made as hereinbefore provided, the same shall be permanent and not subject to discontinuance or reduction" and insert "That within 60 days following the 1st day of July, 1911, and every two years thereafter, the commissioners may cause any person or persons receiving an allowance from the police and firemen's relief fund to undergo such medical or other examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners."

Mr. GALLINGER. Mr. President, some years ago I had occasion to incorporate a provision of this kind in a bill, and I think the word "may," in line 14, should be "shall," so that this and the examination once in two years will be obligatory. I move that amendment to the amendment of the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 7, line 14, before the word "cause," by striking out the word "may" and inserting the word "shall."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 8, line 5, before the word "board," to strike out "said" and insert "retiring," so as to read:

Provided, however, That the commissioners may discontinue any relief or pension upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct.

The amendment was agreed to.

The next amendment was, in section 8, page 8, line 13, after the word "such," to strike out "discharged or;" and in line 19, after the word "board," to insert "without compensation therefor," so as to make the section read:

SEC. 8. That any such retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT HIGHWAY SYSTEM.

The bill (H. R. 20375) to authorize certain changes in the permanent system of highways, District of Columbia, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia to prepare a new highway plan for that triangular portion of the District of Columbia lying north of Rittenhouse Street, west of Thirty-third Street, and southeast of the District line, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to that act approved June 28, 1898; and upon the completion and recording of the new highway plan it shall take the place of and stand for any previous plan for that portion of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF THIRTEENTH STREET, DISTRICT OF COLUMBIA.

The bill (H. R. 22688) to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road was considered as in Committee of the Whole.

Mr. BURTON. I should like to make an inquiry in regard to that bill. There is rather a singular provision in it, which reads:

Provided, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages, for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits.

Does that mean that the District Commissioners are instructed to go through the form of condemnation and assess back the cost upon the owners whose lands they condemn?

Mr. GALLINGER. It means, I think, just that. We frequently provide in bills for the opening of streets that a percentage shall be assessed as benefits, and in certain cases, where the commissioners are of opinion that adjoining land will be very greatly benefited, there is no limit as to the direction in which they may assess benefits, except that the property shall be in the vicinity of the street. We have followed their recommendation in this case to assess the entire amount. In several instances that has been done without objection. I do not know whether it is good policy or not, but it is the policy recommended by the commissioners, who investigate these matters and who practically control them, except as we legislate giving them the authority.

Mr. BURTON. I should like to ask whether any hearing was granted upon that bill, and if there was objection made to it.

Mr. GALLINGER. There was not any objection. Those of us who are connected with matters relating to the District of Columbia know that if there is objection to any bill—and bills affecting the District are always carefully examined by the citizens—we hear from those interested, and hearings are demanded in many cases. We always give hearings where they are requested. I do not think any objection was urged to the matter. I do not remember any.

Mr. BURTON. That is, the Senator from New Hampshire states that no objection, so far as he recalls, was made to the bill?

Mr. GALLINGER. So far as I can recall. If there had been, the objectors would certainly have had an opportunity to appear before the subcommittee and present their case.

Mr. BURTON. I called attention to it because it seems like a very singular provision. We might as well pass a bill to take the land at once, without going through all this circumlocution in regard to it.

Mr. SCOTT. As chairman of the subcommittee, I may say there was no application made to me for any hearing in regard to the matter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMODORE BARNEY CIRCLE.

The bill (S. 8645) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IRVING STREET, DISTRICT OF COLUMBIA.

The bill (S. 9239) to change the name of Fort Drive from Seventeenth to Eighteenth Streets NE. to Irving Street was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment in line 6, after the word "Fort," to strike out "Drive" and insert "Place;" so as to make the bill read:

Be it enacted, etc., That the name of the street lying in the county of Washington, D. C., in the tract of land known as Sherwood's addition to Brookland, running from Seventeenth to Eighteenth Streets,

and now called Fort Place, be, and the same shall henceforth be, known as Irving Street. And the Commissioners of the District of Columbia are hereby directed to cause the name of Irving Street, from Seventeenth to Eighteenth Streets NE., to be placed upon the plats and maps of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street."

TRADE-MARKS.

The bill (H. R. 24749) revising and amending the statutes relative to trade-marks was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS BY THE RECLAMATION SERVICE.

The bill (S. 6878) to authorize the acquisition of lands by the Reclamation Service by exchange, and for other purposes, was considered as in Committee of the Whole.

Mr. KEAN. I should like to ask the Senator from Oregon to explain the bill. It seems to be all right, but I think it is an important bill.

Mr. CHAMBERLAIN. It frequently happens that in the construction of these irrigation plants it becomes necessary for the Reclamation Service to acquire private holdings, and they are compelled frequently to pay exorbitant prices for those lands. It has been ascertained that in many cases where individuals own lands that are necessary for reservoir sites the Reclamation Service can exchange lands within the irrigation project for these holdings, and do it at a large saving to the Government.

The bill has been considered very carefully by the Committee on Irrigation, and they were unanimous in reporting it favorably.

Mr. GALLINGER. It is under the jurisdiction of the Secretary of the Interior? That is the change?

Mr. CHAMBERLAIN. Yes; it is under the jurisdiction of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROFESSOR OF MATHEMATICS, UNITED STATES NAVY.

The bill (S. 10342) providing for the appointment of an additional professor of mathematics in the Navy was announced as next in order.

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill is passed over.

REPRESENTATIVES OF WILLIAM M. WIGHTMAN, DECEASED.

The bill (H. R. 24123) for the relief of the legal representatives of William M. Wightman, deceased, was considered as in Committee of the Whole. It proposes to pay to the legal representatives of William M. Wightman, deceased, $3,220.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move to strike out the preamble.

The motion was agreed to.

PENNSYLVANIA ENGINEER CO., PHILADELPHIA, PA.

The bill (H. R. 23888) for the relief of the Pennsylvania Engineer Co., of the city of Philadelphia, was announced as next in order on the calendar.

Mr. SMOOT. Is there a report on the bill? I do not see it on the file.

The PRESIDING OFFICER. There is no report.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill goes over.

EVAN M. JOHNSON.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution (H. Con. Res. 59) from the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army, the enrolling clerk of the House is hereby authorized and directed to strike out of line 10 of the engrossed bill the words "March 24, 1902," and insert in lieu thereof the words "May 16, 1899," the latter being the date of the sinking of the transport Meade, mentioned in the bill in question.

Mr. BULKELEY. I ask the Senate to concur in the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

JOHN G. STAUFFER & SON.

The bill (H. R. 1883) for the relief of John G. Stauffer & Son was considered as in Committee of the Whole.

It proposes to pay $50 to John G. Stauffer & Son, of Mastersonville, Pa., for damages done to their property during target practice by certain batteries of field artillery at Mount Gretna, Pa., during the month of October, 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENISON COAL CO.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (S. 8008) granting to Savanna Coal Co. right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BAILEY. That subject matter was disposed of by placing it as an amendment on a general bill. At the same time and in the same connection I secured an amendment covering a similar case for some of my constituents, but I used at that time a bill which had been introduced in the House, and it afterwards transpired that the metes and bounds as fixed in that bill were not accurate. That mistake has been corrected by the honorable gentleman who represents that district, and I intend to offer as a substitute for the bill on the calendar the House bill, which simply corrects the mistake we made when the Senate, on my motion, passed the other bill.

I offer as a substitute for the bill on the calendar the following, which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and hereby is, authorized to permit the Denison Coal Co to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease which have been demonstrated to be not valuable for coal, as follows: The south half of the north half and south half of section 36, township 1 north, range 9 east; and north half of section 1, township 1 south, range 9 east; and the northwest quarter of section 6, township 1 south, range 10 east of the Indian meridian, containing in all 960 acres of land, more or less, and to include within the lease in lieu thereof the following described land, which is within the segregated coal area and unleased: The southwest quarter of southeast quarter of section 30; northeast quarter of section 31; north half of southeast quarter of section 31; southwest quarter of southwest quarter of section 28; northeast quarter of northeast quarter of section 29; south half of northeast quarter of section 29 and south half of section 29; southeast quarter of southeast quarter of section 30; northwest quarter of northeast quarter of section 32; southwest quarter of northwest quarter of section 32; north half of northwest quarter of section 32; all in township 1 north, range 10 east, of the Indian base and meridian, containing in all 960 acres.

The PRESIDING OFFICER. Does the Senator from Texas propose this as an amendment, or does he propose to substitute it for the Senate bill?

Mr. BAILEY. I move to strike out all after the enacting clause and insert this. Then, of course, it will be necessary to make a corresponding amendment to the title of the bill.

I want to say that this matter is a little complicated, because the property is located in another State, which, under ordinary circumstances, I should not assume to legislate about, but the parties interested are constituents of my own. I have conferred with both of the Senators from the State of Oklahoma, and neither of them has any objection to this bill.

Mr. GALLINGER. I will ask the Senator if the text of the bill as read from the desk is a bill passed by the House?

Mr. BAILEY. No; but it is a bill introduced into the House.

Mr. GALLINGER. Oh!

Mr. BAILEY. But the same subject matter has passed both Houses of Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill authorizing the Secretary of the Interior to permit the Denison Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, and for other purposes."

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BROWN. Unless some Senator desires to speak on the joint resolution, I ask that it be laid temporarily aside.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. BROWN. At this time I desire to give notice that with the indulgence of the Senate I will speak on this joint resolution immediately after the routine morning business on Wednesday next.

Mr. KEAN. I think the Senator from Nebraska had better examine the unanimous-consent agreement before he gives that notice.

Mr. BRANDEGEE subsequently said: The Senator from Nebraska a few minutes ago gave notice of his intention to address the Senate on another matter on the 15th than the business assigned for that day. I do not suppose that could be done even by unanimous consent, there being a unanimous-consent agreement already on the calendar for the same time. I did not want it to appear in the RECORD without the statement that I think the matter assigned for the 15th of February will take that entire day.

The PRESIDING OFFICER. It is a special order?

Mr. BRANDEGEE. It is a unanimous-consent agreement adopted at the last session.

Mr. SMOOT. I just heard the Senator from Nebraska say that no doubt before the day closes he would change the notice. He is out of the Chamber now. I rather think he will change the notice before the day is over.

The PRESIDING OFFICER. The Senator from Nebraska would be compelled to take his chances on that day at any rate.

THE CALENDAR.

Mr. CULBERSON. I see a number of Senators on their feet, and they have risen probably to ask for the consideration of measures. I have waited over an hour to reach the very next bill on the calendar, and I insist on the regular order, at least for the present.

Mr. GALLINGER, Mr. SMOTT, and others. Regular order!

The PRESIDING OFFICER. The calendar will be proceeded with.

PUBLIC BUILDING AT HOUSTON, TEX.

The bill (S. 10189) to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, was announced as next in order on the calendar, and it was considered as in Committee of the Whole. It proposes to repeal the last proviso of section 20, chapter 3916, Thirty-fourth United States Statutes at Large, "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," which proviso reads as follows:

Provided further, That upon the completion of the building herein authorized to be constructed, the Secretary of the Treasury shall proceed by due and proper advertisement, and under such regulations, conditions, and stipulations as he may prescribe, or as Congress may hereafter direct, to sell to the highest bidder the present building and site upon which it is located, in Houston, Tex., now owned by the United States Government and now used and occupied as a post office, courthouse, customhouse, and for other governmental purposes, and deposit the proceeds thereof into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GRAFTON, W. VA.

The bill (S. 9123) to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va., was considered as in Committee of the Whole. It proposes to increase from $135,000 to $170,000 the limit of cost for the erection of the United States post-office building at Grafton, W. Va., provided for in section 3 of "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 25, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SISTERSVILLE, W. VA.

The bill (S. 9124) to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va., was considered as in Committee of the Whole. It proposes to increase from $60,000 to $75,000 the limit of cost for the erection of the United States post-office building at Sistersville, W. Va., provided for in section 3 of "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 25, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LANCASTER, KY.

The bill (S. 5036) for the erection of a public building at Lancaster, Ky., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 4, after the word "to," to strike out the words "acquire, by purchase, condemnation, or otherwise, a site and;" in line 5, after the word "erected," to strike out the word "thereon" and insert "upon the site already selected, as provided by act approved June 25, 1910, in the city of Lancaster, Ky.;" on page 2, line 1, before the word "building," to strike out the words "site and;" and in the same line, before the word "thousand," to strike out "seventy-five" and insert "forty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected, as provided by act approved June 25, 1910, in the city of Lancaster, Ky., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, approaches, and other necessary appurtenances, for the use and accommodation of the United States as a post office and other governmental purposes, at Lancaster, Ky., the cost of said building not to exceed the sum of $45,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PARK IN WASHINGTON, D. C.

The bill (S. 6645) for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SQUARE NO. 857, WASHINGTON, D. C.

The joint resolution (S. J. Res. 82) directing that a portion of square No. 857, in the city of Washington, D. C., be reserved for use as an avenue and improved, was considered as in Committee of the Whole.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND-OFFICE REGISTERS.

The bill (H. R. 6043) for the relief of registers and former registers of the United States land offices was announced as next in order.

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

OLIVA J. BAKER.

The bill (H. R. 6776) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, $1,022. The widow shall receive one-half, and the children shall share and share alike in one-half. But no agent, attorney, firm of attorneys, or other persons engaged heretofore, or hereafter, in preparing, presenting, or prosecuting any claim above referred to shall, directly or indirectly, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim, or for any service or act whatsoever in connection of such claim, a sum greater than 5 per cent of the amount of such claim, and any person who shall violate the above provisions shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed $500

or be imprisoned not exceeding one year, or both, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERMAN COUNTY SETTLERS, OREGON.

The bill (S. 4678) to adjust the claims of certain settlers of Sherman County, Oreg., was announced as next in order.

Mr. KEAN. I ask the Senator from Oregon if he has any idea as to the amount of money required under the bill?

Mr. BOURNE. It is stated in the bill, $250,000.

Mr. CULLOM. Is it a House bill or a Senate bill?

Mr. BOURNE. It is a Senate bill.

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill goes over, on the objection of the Senator from New Jersey.

Mr. CHAMBERLAIN subsequently said: I hope the Senator from New Jersey will withdraw his objection to the consideration of Senate bill 4678. If the Senator will examine the report which is attached to the bill he will find that a bill of similar import has once passed the Senate, and, besides, it is recommended by the Secretary of the Interior. It is for the purpose of repaying men who through the erroneous action of the Secretary of the Interior lost their homes in Sherman County. It has been pending a long time, and the claim has been carefully investigated by the Committee on Claims. I hope the Senator will withdraw his objection.

The PRESIDING OFFICER. Is there objection to returning to the bill?

Mr. KEAN. I have no objection to going back to it.

The PRESIDING OFFICER. The bill will be read.

The bill was read and considered as in Committee of the Whole.

Mr. KEAN. I think the bill requires more of an explanation than has been given.

Mr. CHAMBERLAIN. It could hardly be more fully explained than it is explained in the report of the committee and in the letter of the Secretary of the Interior which is attached to and made a part of the report.

Mr. KEAN. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. BRADLEY on the 7th instant, as follows:

The Committee on Claims, to which was referred the bill (S. 4678) to adjust the claims of certain settlers in Sherman County, Oreg., having had the same under consideration, begs leave to report the bill back with the recommendation that it do pass with the following amendment:

In line 13, page 1, change "February 6" to read "February 26."

This is merely the correction of a clerical error and in no way changes the effect of the bill.

This bill provides for the appropriation of certain sums of money to certain settlers named in a report by Special Agent Thomas B. Neuhausen, of the Department of the Interior, which report was transmitted to Congress December 6, 1904, by Secretary of the Interior E. A. Hitchcock and published as House Document No. 36, Fifty-eighth Congress, third session.

Concerning this report the present Secretary of the Interior says, in a letter hereto attached, that the investigation conducted by Special Agent Neuhausen was exhaustive, that the department accepts the facts as developed in the investigation, and that the facts so ascertained may be safely made the basis for such further relief as Congress deems proper to extend.

The claims of these settlers are based upon the erroneous action of the Secretary of the Interior, as set forth at length in the report above mentioned and summarized in the letter from the Secretary of the Interior R. A. Ballinger, hereunto attached. The basis of their claims is essentially the same as that of what were known as the Des Moines River settlers, for whose relief an appropriation was made by Congress in the act of August 18, 1894 (28 Stat., 396).

Believing that the precedent established in the case of the Des Moines River settlers is in accordance with justice and equity, we recommend that similar relief be extended to the Sherman County, Oreg., settlers, and hence recommend the passage of this bill.

The letter from Secretary of the Interior R. A. Ballinger, above referred to, is as follows——

Mr. KEAN. I suggest that the last paragraph of the letter of the Secretary of the Interior be read to show the great warmth with which he recommends the bill.

Mr. BOURNE. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. KEAN. Certainly.

Mr. BOURNE. I will give a history of this case:

In 1864 the United States made a grant of lands to the Northern Pacific Railroad Co. in aid of the construction of a railroad (13 Stat. L., 365). A portion of the lands covered by this grant were in Sherman County, Oreg.

Three years later, in 1867, the United States made a grant of lands to the State of Oregon in aid of the construction of a military wagon road (14 Stat. L., 409), and this grant was conveyed by the State to The Dalles Military Wagon Road Co. These two grants overlapped in Sherman County, Oreg.

The Northern Pacific Co. did not build the line, as contemplated, through Sherman County, and, in 1890, Congress passed an act declaring the grant forfeited in certain portions, including that portion known as the overlap (26 Stat., 496).

This forfeiture having been declared, the Department of the Interior declared the lands open to entry, holding that the grant in aid of a military wagon road never attached to that portion of the land included in the overlap. The settlers, whose claims are now before Congress, went upon the lands, built homes, improved their property, and complied generally with the homestead laws.

Litigation between settlers and the Eastern Oregon Land Co., successor to the Wagon Road Co., ensued, and after years of uncertainty the United States Supreme Court decided in favor of the grant (176 U. S., 51 and 58).

These settlers, who had relied upon the order of the Secretary of the Interior restoring these lands to entry, were therefore either ousted entirely, or compelled to protect themselves by purchasing title from the land company. Their claim is based upon the fact that they were misled by the action of the Department of the Interior in declaring these lands subject to entry.

Those are the facts relative to it.

Mr. KEAN. I ask to have read the last paragraph of the letter of the Secretary of the Interior

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

In submitting these reports the department made no recommendation, and as the entire record, which appeared to contain all the information necessary to enable Congress to determine the measure of relief which should be extended, is before Congress, I am not in a position to make any specific recommendations. I deem it proper to add, however, that the department accepts the facts as developed in the investigation heretofore made and reported to Congress, and believes the same to be more dependable than data gathered through an investigation at this time. It follows that any further investigation could only result in expense both to the Government and the claimants. For these reasons it is suggested that the facts heretofore ascertained may be safely made the basis for such further relief as Congress deems proper to extend.

Very respectfully, R. A. BALLINGER, *Secretary.*

The COMMITTEE ON CLAIMS,
United States Senate.

The PRESIDING OFFICER. The amendment of the Committee on Claims will be stated.

The SECRETARY. On page 2, line 6, after the word "February," strike out "sixth" and insert "twenty-sixth."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERING RIVER BRIDGES, ALASKA.

The bill (S. 9864) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. JONES. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (H. R. 30793) to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

The bill (H. R. 31927) authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WACCAMAW RIVER BRIDGES, SOUTH CAROLINA.

The bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE, PENNSYLVANIA.

The bill (H. R. 31171) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.,"

approved March 2, 1907, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN ALLOTMENTS.

Mr. JONES. I shall have to leave the Chamber in a little while and I ask that Senate bill 10530, Order of Business No. 1055, be passed over if it is reached.

SURG. I. W. KITE.

The bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 6, after the word "Kite," to insert the following proviso:

Provided, That the said I. W. Kite shall not, by the passage of this act, be entitled to any pay or allowances.

So as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to place upon the retired list of the United States Navy, with the rank of medical inspector, the name of Surg. I. W. Kite: *Provided*, That the said I. W. Kite shall not, by the passage of this act, be entitled to any pay or allowances.

Mr. GALLINGER. In the amendment the word "back" should be inserted after the word "any" and before "pay," so as to read "any back pay or allowances." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WALSH.

The bill (S. 9271) for the relief of William H. Walsh was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "grade," to insert the following proviso:

Provided, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Walsh, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT BUFFALO, WYO.

The bill (H. R. 30727) providing for the sale of certain lands to the city of Buffalo, Wyo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARIFF BOARD.

The bill (H. R. 32010) to create a tariff board was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

FORT BRIDGER MILITARY RESERVATION LANDS.

The bill (H. R. 23827) extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. MILLER.

The bill (H. R. 25234) authorizing the issuance of a patent to certain lands to Charles E. Miller was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a patent to Charles E. Miller, for the benefit of his grantees and their successors, for the land embraced in his homestead entry, serial No. 0287, Lander, Wyo., according to description to be determined by special survey or otherwise, as the Secretary of the Interior may find necessary, corresponding as nearly as possible to the entry as made, upon the payment of all reclamation charges against such lands and the usual commissions and also the cost of survey, if any.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESURVEY OF LANDS IN WYOMING.

The bill (S. 10208) authorizing the resurvey of certain lands in the State of Wyoming was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 8, after the word "four," to strike out "and," and in the same line, after the word "five," to insert the words "and six," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made, in the manner now provided by law for the survey and resurvey of public lands, and from time to time, as may be necessary, a resurvey of the following-described lands: Sections 1, 2, 3, 4, 5, and 6, in townships 12 north, ranges 62 and 63 west, sixth principal meridian, all in the State of Wyoming; and all rules and regulations of the Interior Department requiring petitions from all settlers in said townships asking for resurvey and agreements to abide by the results of same, so far as any of these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied: *And provided further*, That before any survey is ordered under this act it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the lands, and only such parts of lands described herein where the survey is so inaccurate or obliterated shall be resurveyed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE SENATOR STEPHEN B. ELKINS.

The PRESIDING OFFICER. The hour of half past 2 having arrived, the special order of the Senate will be taken up.

Mr. SCOTT. Mr. President, in pursuance of the notice that I gave on January 23, I offer the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The Secretary will read the resolutions submitted by the Senator from West Virginia.

The resolutions (S. Res. 346) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. STEPHEN B. ELKINS, late a Senator from the State of West Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. SCOTT. Mr. President, to-day the Senate pays its last tribute of respect to the memory of my late colleague, STEPHEN BENTON ELKINS. Words of praise spoken here fall short of being adequate to measure our affection for the one who has passed on or the loss his countrymen feel, for a mighty man has passed away; a great leader is no longer with us; a tall cedar has fallen. While our lips pay him this acknowledgment of remembrance, we know that his deeds live after him and that he can not soon be forgotten.

Why does the Nation mourn? Why does the State of West Virginia feel that she has suffered a loss that can not be measured? Because a man wise in counsel, strong in action, a doer of great deeds, a builder up of wildernesses, a constructive man, a power in the market and in the forum, a lovable, genial companion, has passed from our mortal sight forever. It is to bear testimony to these qualities—the qualities which made the man—that we are here to-day. As his colleague and his friend, it becomes my duty to try to give some estimate of the man and his worth to our Nation, as well as to the State he so faithfully represented.

Perhaps no Member of the United States Senate was more widely known and respected than he. The qualities which make up American manhood were found to the full in him, for the qualities which tend to the upbuilding of a republic found him a channel through which to act. His upbringing was similar to that of thousands of young Americans. Reared on a farm in Ohio, his thirst for education took him through college at the head of his class, and the spirit which has built up first the eastern and then the western sections of our great Republic started him on his career. The great war between the States was on, and notwithstanding the fact that his father and family felt it their duty to cast their sympathy with the Confederate States Mr. ELKINS was forced by his convictions to cast his lot with the Union. A short but creditable

career in the Army found him at the end of that great conflict on the threshold of manhood—the future all before him. The Middle West being settled, the golden Southwest tempted him, and New Mexico became his home.

Determined to succeed in his chosen profession, the law, he found it necessary, on taking up his residence in New Mexico, to learn the Spanish language. Just starting his career in a strange land this fact did not daunt him, and in less than a year he possessed a fluency in this tongue which aided materially in advancing his influence and popularity. Though a success in the law, yet political life was to him alluring. The close contact with men who were doing things, who were leading, was most enticing, and it is not strange that he was soon a member of the Territorial legislature and commenced that political career which was to be so full and complete. In a few years he was made attorney general of the Territory; two years afterwards United States district attorney, and a few years afterwards he was chosen to Congress, where he served two terms in the House of Representatives, and made a name and a reputation for himself. Even in the early seventies, while a member of the House, he introduced a bill for the statehood of New Mexico, which passed the House by over a two-thirds vote, passed the Senate with an amendment, and only failed to become a law because of lack of time to take it up again in the House. During these years of the practice of his profession and his first introduction into politics he did not, however, lose sight of the business opportunities which presented themselves. So successful was he along these lines that at the expiration of his term in Congress he was able to commence the great work of development which associated him with the State of West Virginia, and led eventually to his becoming a power in the business as well as in the councils of the Nation.

At that time the great riches of the State which he so long represented in the upper branch of Congress were but little known to the outside world. It is true that stories almost as fantastic as fairy dreams were told of the great wealth lying undeveloped in the hills of West Virginia. A large portion of the State was almost a wilderness, traversed only by a few country roads and sparsely inhabited by a home-loving, liberty-seeking people. To develop this wilderness required capital, energy, and business enterprise of no mean degree. To this task Mr. ELKINS, in company with his distinguished father-in-law, ex-Senator Henry G. Davis, a most noted citizen of our State, dedicated his life. The result in the years that followed more than justified his judgment. The wilderness was made to bloom and blossom; railroads were built, mines were opened up, towns were erected, and nowhere in this broad land of ours can happier, more contented, more enterprising communities be found than among these mountains and hills which he helped to bring in touch with civilization. Following the line of his railroads came schoolhouses, churches, and colleges, and to-day located within the confines of the once wilderness are an educated and God-fearing people.

I first met Mr. ELKINS in the campaign of 1884, when he was striving to have James G. Blaine elected President of the United States. He was then, as I have always known him since, an aggressive, energetic, wide-awake, alert man, and was much interested in the election of Mr. Blaine. They were warm personal friends and had been associated in business. It was a great disappointment to Mr. ELKINS when it was finally decided that Mr. Blaine was defeated. Smilingly he accepted the result, but he always held that several thousand votes in New York should have been counted for him which were counted for another candidate. This election ended Mr. ELKINS's active participation in politics until he became thoroughly a citizen of West Virginia and commenced to help build up in our State the Republican Party, in whose principles he thoroughly believed.

In the year 1888 I was again thrown closely with him in the nomination and election of Mr. Harrison. Mr. ELKINS, with the assistance of several other prominent politicians and friends of Mr. Harrison, perhaps did more to give him the nomination than any other man in the United States. From this period on my personal acquaintance with Mr. ELKINS became closer and closer, and as the years went by I esteemed more highly his friendship. During these years he was a power in West Virginia. His genial, sunny disposition made him friends on every side. His poise of mind, his great intellect, helped him to hold his friends, made him a leader of leaders and eventually led in 1894, when West Virginia became Republican for the first time in almost a generation, to his being the Republican candidate for United States Senator. The legislature selected him and Mr. ELKINS then became the first Republican Member of the United States Senate in many years from the so-called solid South.

The history of these years, leading up to his election and reelection to the Senate, is a part of the history of the development and wealth of our Nation, and especially of our State. It is impossible to attempt, even in the briefest manner, to estimate the influence of Mr. ELKINS without referring to the material development of the large section of country in which he was interested. He was a great captain of industry, and as such became known and respected everywhere. To him and his associates is due directly the building of four railroad lines through different sections of West Virginia—lines that total about 500 miles and are now feeders to great through systems. When one remembers that these roads were built over mountains, across deep ravines, through an undeveloped and virgin country, it can readily be seen that great judgment was necessary and a great faculty for the management and control of men. These faculties he possessed to a high degree and they bound him to the laboring man, the merchant, and the capitalist. He always endeavored to establish confidence and harmony between employer and employee and personally his political enemies loved him as much as his political friends. The improvements to the rivers of West Virginia have been largely due to his influence; changes in railroads stand to his farsightedness, and there has been no material advancement of far-reaching importance in our mountain State for the past 25 years in which he has not had a part. A thriving city on the top of one of the Allegheny Mountains bears his name; a college directly honors his memory, and from the north to the south and the east to the west of our State his memory is closely bound in achievements of all kinds.

Politically, Mr. ELKINS was a Republican. He believed in the principles of that party. He studied with the eye of a student the progress of the protective principle; he saw that it built up and did not destroy; that it was constructive and not destructive; that it made happier the poor man and gave him greater advantages; and to the development of this principle he devoted his time and his energy. He believed in progress and did his best to bring to the markets of the world the undeveloped wealth of one State. He believed that the principles of the party to which he belonged aided in his doing this and he was broad enough to stand for its extension to every other State of the Union. He believed this party right, and he fearlessly stood for what he thought was true.

The career of Mr. ELKINS was laid in troublesome times. With him it was a struggle, a fight, from beginning to end. Struggling for an education, taking part in the great Civil War, conquering a foreign language, wresting supremacy from the hands of nature, fighting for political principles that he thought right—these occupied his attention to the end. But Mr. ELKINS was constituted to enjoy these struggles, in the larger sense, and to him the overcoming of a difficulty was a pleasure and a pride. In the latter years of his life his wonderful personality, his commanding genius, his whole-souled geniality served him in the contests with his political foes without and within his own party. Perhaps one of the deepest regrets of his life was the fact that he was unable to take an active part in the late campaign in our own State. Smiling, he fought until he could fight no more.

Mr. ELKINS was a scholar, and in his books he found rest from the strife of the outside world. He loved his classics, and his Latin or Greek he could read with ease at any time. A great student of the Bible, he found solace and comfort there. Full of humor, he could find something to smile at most anywhere and was ready and apt with quotation or simile.

As an illustration both of his love of books and his power of comparison, I may be permitted to relate an anecdote. During one of our heated party fights, after a State convention which bade fair to split in two our party and over which he had presided, at a great expense of vital force, he returned to his home at Elkins. For several weeks the opposing press and some of the papers of his own political faith bitterly upbraided him for his rulings in the convention, for his "bossism," and for the ruination he was bringing on his party. After these vituperations had traveled from one end of the State to the other, a visitor to his hospitable home found him sitting in his library reading and smiling. In answer to an inquiry, he turned to his visitor and said:

> I have been comforting myself reading the Book of Job; but I don't think Job was in it with me.

His career in the Senate is well known. In his early service, assigned to important committees, he became a painstaking student of all legislative questions coming before this body. With a well-stored mind, a fund of information seldom excelled, he was a ready debater, and gradually won his way to the front. After 16 years of service in this body he was the peer of anyone, unexcelled by none,

Important legislation bears his name. His influence was felt in all directions. Sure of his position, he could meet with a smile the attacks of those who differed from him on matters at issue, but never lost himself. It was largely due to his geniality, his grasp of details, his power of comprehension, his unfailing courtesy, that the great railroad measure which passed this body at the last session became a law. As a legislator none in this body will say me nay when I cry that a great man in the councils of the United States Senate has gone from us.

That such a character should attract to it other great natures was inevitable. So it is not strange that Mr. ELKINS numbered among his warm and personal friends some of the greatest names in the history of our country in the last half of the nineteenth century. Stretching from the time of Lincoln to that of Taft, what an opportunity was his of thoroughly enjoying the friendship of the men who have been shaping the financial and political destinies of our country. Intimately associated with Mr. Blaine, he undoubtedly would have occupied a prominent position in the latter's political family had he become President of the United States. His close friendship to Mr. Harrison led to his selection by that President as Secretary of War, and in this important position his constructive genius had full sway and its effects are still felt. Connected by business ties with the greatest financiers of our age, he possessed their personal esteem and confidence. A Presbyterian in religious convictions, he could yet enjoy the close friendship of the cardinal of the Church of Rome. Intensely American in every fiber of his nature, he was on loving terms of friendship with the distinguished men of foreign nations who have represented their Governments at this capital for the past quarter of a century. To his competitors along business lines he was courteous and friendly, and he numbered among his close followers and friends in his own State all of his largest business opponents. To the humblest West Virginian he was always accessible and greeted him with the same kindly interest with which he met a diplomat, a prelate of the church, or a great financier.

It is no wonder, then, that around his bier stood men whose names will live in history; that loving tributes to his memory and to his kindly heart came from all around the world. It is no wonder that the newspapers of this broad land of ours, those impartial judges of men, carried to all Americans the news of his passing on and their judgment of his work and worth. It is no wonder that in his own State, from every town and hamlet, from every city, expressions of regret and affection came pouring in, and our large dailies were filled with such utterances almost to the exclusion of all other matter. It is no wonder that on that bright January day, when his mortal remains were lowered to rest in a beautiful cemetery in the city he founded, the Army flag flew at half-mast nearly all around the world, that his home city was one sorrowing community, that his State paid its tribute of respect and the Nation its word of farewell. It is no wonder that the governor of our State later appointed his son as his successor in the Senate, a closing tribute to the love and respect borne Mr. ELKINS.

Born September 20, 1841, he passed from our sight January 4, 1911. The wonder is that so much could have been crowded into a life of less than 70 years—farmer's boy, soldier, lawyer, legislator, Member of Congress, Cabinet officer, United States Senator, and a great captain of industry.

Life's struggle over, his mortal remains rest forever on the West Virginia hills, whitened by the snow of winter and carpeted by the flowers of spring. But he still lives in his great works, his kindliness of heart, his purity of character, and his love for his country and his fellow man. Not soon will he be forgotten.

Mr. GALLINGER. Mr. President, it was my privilege to serve for nearly 17 years in this body with the late Senator from West Virginia, whose death we all keenly deplore, and whose splendid achievements, in public and private life, will serve as an inspiration to those of us who knew and admired him. Service with him on three of the important committees of the Senate—Appropriations, Commerce, and Printing—covering a long period of years, gave me unusual opportunities to become acquainted with the qualities of heart and mind of Senator ELKINS. His remarkable career, from boyhood days to the zenith of his power and influence, has been graphically told by the Senator from West Virginia [Mr. SCOTT]. For me it is sufficient to offer a simple tribute of affection to his memory.

It is safe to say that few men have served in the Senate who have been more popular or universally esteemed than Senator ELKINS. The morning after his death, in the course of an appreciative review of his life, the Washington Post truthfully said:

He was a man who made friends on every hand, who drew and held them to him, regardless of political affiliation, religious creed, or racial characteristics. Of him it may be said he was without an enemy. He was the apostle of sunshine, the embodiment of good cheer, the inveterate foe of pessimism, a supreme optimist, who saw only the best in everyone and refused to believe that which was not good. It was impossible for him to harbor a grudge, and if ever this sincere and big-hearted man gave offense in the heat of debate or political discussion, he was quick to retract and heal the wound before it began to hurt.

What higher tribute could be paid to any man than that? The man who makes and holds friends, whose very presence dispels gloom, and whose cheery smile and warm handclasp make his associates forget the little animosities, trials, and burdens of life; such a man is an evangel of peace and love and happiness, and such a man was our late associate.

Senator ELKINS was not an orator, but he possessed powers infinitely more potent than that of oratory. He was an indefatigable worker, and knew the art of approaching and dealing with men. He carried through the Senate measures of great importance to the American people, and in the stirring debates over the bills that he had in charge the success he achieved was largely due to his imperturbable good nature, his courteous treatment of his opponents, and his dogged determination to accomplish results. In the statutes of his country are written monuments of his broad-mindedness, his intense patriotism, his devotion to the public weal, and his independence of thought and action. He was an honest and successful legislator, a shrewd politician, and a high-minded public servant, whose record will grow brighter and brighter as the years come and go.

Mr. President, what more need be said? In my 20 years' service here death has invaded the senatorial circle many, many times. Four honored Senators alone remain of those who greeted me when I entered this Chamber. The list of those who have departed is a long and honorable one. Memory recalls the names, and tender thoughts touch the heart as we summon them before us. But they are gone, and we remain a little longer, to bear the burdens and the cares from which they have escaped. Among them all there was no more genial and lovable soul than the late Senator from West Virginia. He was so strong, so full of energy, and so hopeful for the future that his death came to us all as a peculiar shock. When he left the Senate, a notable figure passed from our view. His seat here is vacant, but his memory will be cherished and his virtues remembered by those of us who admired his character and valued his friendship. In the death of Senator ELKINS this body, the State that honored him, and the Nation which he served so well have sustained an irreparable loss.

Mr. DEPEW. Mr. President, at no time in its history has death in so short a period removed from the Senate so many of its Members. DANIEL of Virginia, ELKINS of West Virginia, DOLLIVER of Iowa, CLAY of Georgia, MCENERY of Louisiana, and HUGHES of Colorado, were among the most valued and distinguished Senators. Many of them had been long in the public service and won national reputations. In their careers, activities, and characteristics they represented distinct types of American citizenship.

I might select for comparison ELKINS, DANIEL, and DOLLIVER. Senator DANIEL was almost the last of that line of southern orators whose fervid eloquence and glowing rhetoric made famous the forum and the platform before the Civil War. He had lofty ideals of government and civic duty. He had an intense pride in the greatness and glory of the country, and drew inspiration from the past for guidance in the present. The wonderful material developments since the Civil War, the increase in national, and especially in individual, wealth did not appeal to him. He never possessed either greed for gain or lust for fortune. He was an idealist of a rare type, whose great gifts were devoted to the realization of those ideals in the preservation of the constitutional limitations of the powers of the Federal and the State Governments, and to bringing back the people to what he regarded as the purer and higher life of the fathers of the Republic. A chivalric figure both on the battle field and in the Senate, he brought the knightly virtues of a romantic age to the solution of the prosaic problems of the day. Senator DOLLIVER, on the other hand, was intensely modern. From the parsonage of his father, in which he received his early training, he carried into public life the spirit of the missionary. He was possessed of a rare faculty for oratory, and equally brilliant in argument, appeal, ridicule, and humor. He came while young into public life and from a constituency which promised a long continuance in the public service.

He never was in contact with and cared little for the wonderful opportunities for men of masterful genius in affairs which have created the phenomenal fortunes of the past 40 years. He was essentially a tribune of the people. His mind was absorbed in the solution of the economic problems of protection and revenue in a way which, according to his faith,

would add to the wealth of the Republic and the individual prosperity of every citizen. He studied the movements of the markets with the sole purpose of originating and promoting such legislation as would keep our places of trade and barter as far as possible for the benefit of the producers and workers of the United States. He also believed in such use of the prestige, power, and diplomacy of the country as would win an open door for our surplus in competition with the great manufacturing nations of the world into the Orient and Africa. He died, as he had lived, on his chosen battlefield, using all his powers and exhausting his energy and vitality for ideas which he believed would eventuate in policies and measures for the best interests of the people. The chivalric knight from Virginia and the modern soldier from Iowa filled large and useful places in our political economy and have left few successors.

Senator ELKINS presented an entirely different and equally useful type of American citizenship and activity in public life. He was preeminently the business man in politics in its best sense. He was a pioneer and a promoter. He could turn the wilderness into productive possibilities which would attract and support masses of people. He could project and construct railroads for the development of the mine and the forest, and won for himself by his genius for affairs an enormous fortune. Yet as a Senator he brought the invaluable aid of his experience, his business acumen, and his knowledge of affairs to legislation which was for the protection of the people against the misuse of millions and the creation or the existence of monopoly.

A contemplation of the lives of these three statesmen presents a vivid picture of varying conditions in the forty-eight Commonwealths which constitute our Federal Union. In many of the States there has been cultivated a hostility to corporations and wealth which builds bars of insuperable height and strength against any man, no matter how gifted, who has made a success in corporate management or accumulated a fortune in active business, becoming a representative of the people in public office. Such communities believe they are best served by theorists and idealists. They accept with eagerness and enthusiasm the various panaceas which are so skillfully manufactured and so attractively presented for the cure of the ills of the body politic. But West Virginia and other States similarly situated present a remarkable contrast. Limitless wealth and opportunities for employment and the accumulation of a competence lie in the mines in her mountains and valleys, and her primeval forests. Instead of locking up her boundless resources she welcomes capital and capitalists who will open her mines, build her villages, enlarge her cities, improve her water powers, and construct her railroads. Ever since her organization as a State she has sent to both Houses of Congress the men who were doing this work in her behalf, while they were accumulating, or had accumulated, large fortunes by their efforts. Her people recognized that every mine opened meant more families supported and more opportunities for the youth, and every railroad built or extended meant the wilderness converted into boundless opportunities for development, for population, and for prosperity. She believed that the men whose genius, energy, experience, and money were accomplishing these results could best secure for her the legislation which would redound to the progress of the State and the benefit of its people. Senator ELKINS was easily the leader among these bold and adventurous spirits who dare risk their all, because they know if they live success is certain to crown their efforts.

ELKINS, the legislator, though a railroad promoter and owner, saw the necessity, for the protection of the people and of investors, of a large measure of Government control over railroad corporations. As the head of the great Committee of Interstate Commerce he had charge of the measures which have accomplished so much in the preceding administration and the present one to remove the railway from politics, to reform and punish abuses, to give shippers and the traveling public a tribunal with power for instantaneous redress, and to secure stability to business and credit by the largest measure of Government activity in railway affairs. The antirebate bill, which goes by the Senator's name, was his own creation. By supervision and penalties he prohibited discriminations in favor of individuals or communities and compelled these great corporations to treat all alike. So the railway rate bill of the Roosevelt administration and the railroad bill of the Taft administration, distinct advances in the line of wise corporate control, greater than had been accomplished since the first locomotive was placed upon the rails 81 years ago, passed through his formative hands as the chairman of the committee that had them in charge and were conducted by his skill and genius as a parliamentarian in their passage through the Senate.

A young American who has finished his college course and continued his law studies until admitted to the bar has the world before him. It is the critical initial period which tests the fiber of his being. He may settle down in his native village or take the more perilous plan of entering the contest in a large city or move to new territory to grow up with the country. His choice and the few years following it indicate his future and fix his career. In 1864 New Mexico was as distant, almost, as Japan now is and as little known in the States. The Spanish adventurer Coronado had conquered the Indians and settled it with his followers 70 years before the Pilgrim Fathers landed on Plymouth Rock.

The Territory had been in 1864 only 14 years annexed to the United States, and its population was still overwhelmingly Spanish. The conservatism of the people is best illustrated by the fact that the first rail was not laid down in the Territory until 1878. Young ELKINS, looking around for the best field for a career, selected this distant Territory. His magnetism, his charm, his resistless energy, and the fact that within a year he had acquired the Spanish language, captured the imagination and confidence of these Latins, who had met no one like him in the over 200 years of their settlement. They sent him to the legislature and elected him twice to Congress. In the House of Representatives he came in contact with the brilliant men who were Members of that body in the Forty-third and Forty-fourth Congresses. With his alert and receptive mind, with his rare faculty of soon gaining an intimacy with strong characters, he speedily absorbed an intimate knowledge of the resources and business opportunities of the different sections of the country. He recognized early the fortunes there were in the acquisition of coal lands, if they could be reached and developed by cheap transportation. He saw that the future for him was not in the slow-moving life of New Mexico, but in bringing into the channels of trade the treasures which had been accumulating for ages beneath the soil of West Virginia. I remember how, in the early years of his life in West Virginia, I used to meet him often in New York trying to inspire men of means with his own confidence and enthusiasm in the resources of his State. Always hopeful, perennially optimistic, neither indifference nor incredulity nor rebuffs could discourage or dishearten him. He brought into the countingrooms of finance the fresh and invigorating atmosphere of his mountain home. By his earnestness, his indefatigable industry, his wonderful ability to win the hardest-headed to his faith, he advanced by many years the progress and development of his State.

Few versatile men are successful. Concentration is the secret of power, but nature endows some highly gifted with the ability to concentrate with equal success in many lines. Senator ELKINS was one of these fortunate individuals. Notwithstanding the cares and anxieties which attend the initial processes of the development of nature's resources, he found leisure to be for twelve years one of the most active and influential members of the Republican national committee. We of the older generation know the trust which was reposed in him by his fellow members and the extent to which the greatest responsibilities were placed upon his shoulders. I never shall forget a dramatic scene between him and the Republican candidate for President, James G. Blaine. It was just after the famous meeting of the presidential candidate with a thousand Protestant ministers when three words uttered by their spokesman ended the most hopeful of canvasses and changed the course of American history. Mr. ELKINS was responsible for bringing about this meeting, which was all right in its conception and intended to remove the prejudice which had grown up among Protestants because of Mr. Blaine's family relationship to the Catholic Church. Of course, no one could foresee that the preacher, who was also the spokesman, had a formula which he had used a hundred times successfully from the pulpit, but which when it became a part of the literature on one side of political controversy proved a can of dynamite for the cause it was uttered to promote. No one saw the disastrous effects of coupling together rum, romanism, and rebellion more clearly than did Mr. Blaine. He was naturally for a while not only indignant, but unreasonable, and yet, when he saw how deeply affected was Mr. ELKINS, Blaine put his arm around ELKINS's neck and said in that tone of tenderness which captured and bound to him thousands, "Steve, it was planned for the best and no one could have foreseen what has occurred."

The few who witnessed the incident knew what a load it lifted from the heart of the one and how deep and abiding was the affection of each for the other.

I had an illustration of Senator ELKINS's methods of accomplishing results. After his second nomination and the retirement of Mr. Blaine from the Cabinet, President Harrison tendered to me the position of Secretary of State. I told him

I could not take it because, as president of the greatest railway system in the country, it would inject in the then inflamed condition of the public mind on railway questions an unnecessary issue into the canvass, which had four months to run before the election. The President did not think so, and sent Mr. ELKINS, then Secretary of War, to persuade me. He did not argue with me, but said, "Come, let's take a walk," and he led me over to the State Department and then pointed to the portraits of those who had occupied that great place, among them Thomas Jefferson, John Marshall, James Madison, James Monroe, John Quincy Adams, Henry Clay, Martin Van Buren, Daniel Webster, John C. Calhoun, Edward Everett, and William H. Seward, and said:

There is a list far more eminent and distinguished than the Presidents of the United States. To have your picture hung in that line is fame.

To Senator ELKINS was granted a rare equability of temper and equilibrium of mind. He was an earnest partisan and stated his views on all public questions with the vigor of profound conviction, but he never uttered a word which injured anyone's feelings or left a sting behind. When partisan rancor was most bitter and passions intense he was equally welcome with every faction of his own party and of the opposition.

Senator ELKINS was a big man physically, mentally, and sympathetically. Successful men have hard experiences, with temporary setbacks, discouraging failures, or faithless friends and implacable enemies. Their experiences harden them against appeals from suffering humanity. But for the Senator these trials broadened his charity. He was remarkably free from enmities and animosities. To forgive and forget were his nature and policy. He was first beside friends in sorrow or sickness, and his affectionate interest and bracing vitality were of infinite help and comfort. If the trouble was financial, instead of avoiding the unfortunate, which is the common way, he would drop his own great affairs to take up those of his friend. If the enterprise was sound and required more pecuniary assistance to tide over the depression of a panic or a mistaken calculation, his sagacity and money would change the situation from impending bankruptcy to prosperity. Though not an orator, yet in debate upon the purely material propositions, which constitute most of our legislation, his common sense, practical experience, and lucidity made him a dangerous adversary and persuasive advocate. The memory of this happy, healthy, helpful figure in our public life will long linger among the best traditions of the Senate. West Virginia is destined to become one of the most prosperous of our industrial Commonwealths. As the State grows because of the development of its exhaustless natural resources, so will the fame of one of its greatest State builders, STEPHEN B. ELKINS.

Mr. BAILEY. Mr. President, when I entered the Senate I enjoyed but a slight acquaintance with the late Senator from West Virginia, Mr. ELKINS, but even that had brought me to appreciate those qualities which made and kept him easily the best-beloved Member of this body; and when one afternoon, soon after I had assumed my duties here, he crossed the aisle and proposed a permanent pair with me, I readily and cheerfully consented to that arrangement. Our relation, thus established, brought us frequently into contact, and Senators will understand all the better what that contact meant when he volunteered to say that if in his absence at any time I felt that my duty to my people or the suitable care of my own political fortunes required me to vote, I was at liberty to do so, even though it left him without a pair.

Our friendship, beginning almost when my term in the Senate began, was not only a source of constant and uninterrupted pleasure to me, but it was often used by my other friends to their good advantage, for it became a common practice with those who knew how much I loved him to seek my intercession with him. When the river and harbor bills were pending Members of the other House, not from my own State alone, but from other States, often appealed to me to interview Senator ELKINS in behalf of projects which deeply interested them, and many was the time I have taken anxious Members of the House to him in order that they might state their own case.

In all of those incidents not once did that Senator ever exhibit an impatience or appear indifferent to the request of a Member whose name perhaps he had not known until I had introduced him and in whose State he could not possibly have felt any local interest. Not only was he generous and obliging to men from all sections, but he was especially so to men of the section from which I came. He was the best friend the Southern States have ever possessed in this Chamber since I have been a Member of the Senate, and in making that statement I do not even except Senators from the South themselves. No Senator from any Southern State ever invoked the friendly offices of Senator ELKINS in vain, and he sometimes aided us in works which we believed right and proper though our colleagues from other Southern States could not agree with us. Not only in those great works of internal improvement, but on every other question which touched the honor or the interest of the South he was our steadfast and our unswerving friend.

He had so impressed me with his peculiar interest in our States and in our section that one day, half in jest and half in earnestness, I said to him, "You are better to us than we are to ourselves, for you will help us whether we are right or wrong." He looked at me with that unfailing good nature which so won the hearts of all who came in contact with him, and he said, "My dear boy, to me the southern people are never wrong." And then, as if that needed to be qualified, he added, "They were wrong once, I suppose, when they tried to dissolve the Union, but that is the only mistake they have ever made, and I never expect to think that they have made another."

Other Senators on this side, who often appealed, as we were compelled to appeal, because we were in the minority here, to his great influence with his colleagues on the other side, appreciated his services no less than I do.

Mr. President, there have been many who have served in this great assembly who were loved and trusted by all their colleagues; there are Senators here now loved and trusted without measure and without question; and yet, without invidious distinction, I believe I may safely say that not one of us who are still here, and not one of those who have gone before us, was as universally loved and trusted as he was. And if I sought a reason for a fact like that I would find it in the other fact, that he loved and trusted us, and thus he warranted us in loving and trusting him.

He was of that nature that, intending no evil himself, was not swift to impute evil motives to other men, and though he passed through that calumny which all successful men encounter, it left no stain upon his name and it left no scar upon his heart. I have seen him when they were misrepresenting his purposes, and when they were challenging his patriotism put such suggestions aside as strong men would the challenges of children, and he was often charitable enough to believe that the men who unjustly aspersed him were honestly mistaken. I almost envied him that virtue. I never envied him his fortune, magnificent as they say it was; I never envied him his station, because perhaps my own was not less than his; I never envied him his friends, though they were manyfold more numerous than mine; I never envied him any of the great and varied success which fate or his own exertion had won for him; but sometimes I did almost feel weak enough to envy him his good nature. To those of us who have a bitterness easily aroused by ungenerous treatment, it is almost incomprehensible how a man can be gentle and patient under criticism which he knows to be malicious and untruthful. To those of us who find it difficult to believe that honest men ever libel other men, it was a source of constant astonishment how this brave and upright man passed unheeded the things that would have deeply wounded others.

In all of my close and intimate association with him, Mr. President, I never saw him out of humor; and I heard the clergyman who officiated at his funeral say that he had never been known to lose his temper. Yet, sir, it must not be supposed that because he did not permit himself to fall into an ugly frame of mind he was one of those weak and vacillating natures who can not be otherwise than civil. He was that strange combination, sir, of which we have often heard but which we seldom see in this world, which unites a gentle nature with the firmest purpose. He would yield and he would compromise the honest differences which often divide men in this Chamber. He was by nature a pacificator; and he did not believe, as too many in high position do, that he was wholly right and those who differed from him were wholly wrong; but conceding to them as much of honesty and as much of wisdom as he claimed for himself, he met them and he sought to accomplish work, to achieve results by adjusting differences where differences could be honorably adjusted. But when he found that it was not a difference which they were seeking to adjust, when he found that men were striving to impose upon his good nature, he could reject all overtures and he could resist all selfish appeals as firmly as any man whom it has ever been my pleasure to know. Gentle, yielding to what he thought others believed was right, yet, sir, when he reached the limit he was as firm as the hills amongst which he sleeps in peace to-day.

When we adjourned the last session of this body and he passed out yonder door, he was a specimen of physical and intellectual manhood such as we seldom see. Full of hope, full of courage, and full of honors, it seemed so reasonable to

believe that he was likewise to become fuller yet of years. So robust, so eager, so devoted to all that is best in life, he was the last amongst all our colleagues upon whom we thought God would soon lay His hand. Stronger than any of us, in robust health, with much undone which he was eager yet to do, it did not seem, sir, that he was standing upon the verge of the grave, and that ere our duties called us back he would sink forever into its narrow bosom.

But, Mr. President, while we stand with uncovered heads and with tear-stained eyes about his open grave, we are not without our consolation, for it was his faith, embraced no matter how late in life, it was still the faith in which he died, that the grave is but the vestibule of a nobler, a better, and a more eternal life than that which he put off amidst our tears but without his fear. He has gone, but behind him in the records of this Nation he has left a monument more enduring than affectionate hands can build for him. Clothed with the confidence and affection of a brave and a free people, commissioned to speak in the highest assembly of the world as one of the representatives of a sovereign State, that would have been honor enough. But that is not all of the honor which belongs to him and to his career, for, sir, his name is inseparably connected with some of the most useful and some of the most far-reaching legislation ever written into the statute books of this Republic; and the memory of his service will endure as long as men read the history of the time in which he lived.

Mr. WATSON. Mr. President, the memory of STEPHEN BENTON ELKINS, for 16 years a distinguished Member of this body, will remain fresh and fragrant in the great State of West Virginia through many generations.

In the upbuilding and development of that splendid Commonwealth; in the progress and prosperity of its people; in the dignity and honor and standing it has achieved, he was a potent force—a fine, fearless figure that loomed dominant and large.

His name will be cherished in affectionate remembrance by our people, and his powerful and attractive personality missed and mourned for many years. In his death his State and this Senate has sustained a loss, the extent of which will be better realized as time passes.

The country as well as the community has suffered by the untimely taking away of this big and lovable man, who labored for the general welfare and whose clear conception of his public duties and comprehensive grasp of public questions marked him as a statesman of great force, wide influence, and tremendous achievement.

His distinguished and inspiring career, his early struggles, the brave battle with life he made and won, his political and professional triumphs have been eloquently and feelingly described by Senators who have preceded me. His success as a lawyer, a soldier, a student, a man of business and finance, and as a public servant have been graphically and truthfully described by men who were at once his colleagues and his devoted friends.

It is to STEPHEN BENTON ELKINS the man to whom I wish to pay tribute—the man whose genial and lovable nature, whose cheering smile and unchanging amiability attracted friends to him as the magnet draws the steel. His warm heart, his kindly nature bound to him those friends with bonds that were never broken, and now, that he is gone forever, his loss leaves them with a void that can not be filled. Time may diminish the pain they now feel, but the memory of his sunny disposition and the great kind heart of the man will be imperishable.

To those upon whom the blow falls hardest—the members of his immediate family—the sympathy of his State, of the Nation, and of the people whom he served goes out in full measure.

His was a full and useful life, crowded with honors and crowned with gratified ambitions; but absorbing as were his many interests and activities they were not allowed to diminish his love and devotion to those nearest and dearest to him, and it is in his home the keenest sorrow is felt and the burden is heaviest.

A sturdy oak has been uprooted. It will be a long while before one springs up to take the place of the towering tree that has fallen.

MEMORIAL ADDRESSES ON THE LATE SENATOR CHARLES J. HUGHES, JR.

Mr. GUGGENHEIM. Mr. President, pursuant to the notice I gave the Senate a few days ago, I submit the following resolutions and ask for their adoption.

The PRESIDING OFFICER. The Secretary will read the resolution submitted by the Senator from Colorado.

The resolutions (S. Res. 347) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. CHARLES J. HUGHES, Jr., late a Senator from the State of Colorado.

Resolved, That as a mark of respect to the memory of the deceased Senator, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. GUGGENHEIM. Mr. President, it is with profound sorrow that I appear on this occasion, not alone on account of the individual loss to Colorado, sustained in the death of my late colleague, but also that the painful bereavements of this body during the sessions of the present Congress have been augmented by his departure.

CHARLES JAMES HUGHES, Jr., was born in Kingston, Caldwell County, Mo., February 16, 1853, and died in Denver, Colo., January 11, 1911. Birth and death define the extremes of life, but it is the filling in of the years that counts—that really interpret life and its profound meaning.

In the early career of Senator HUGHES there were busy years of earnest preparation for life and its activities. In the home and school and in every situation during those formative years he brought to bear the faithful study and intense application which were the marked characteristics of his later life.

If heredity counted for anything, there was transmitted to him from a lawyer father and legal family affiliations a distinct call toward the profession of the law, and in choosing it he made no mistake.

Removing to Denver in 1879, he began a law practice which was immediately lucrative, and he was recognized as a safe, reliable counselor from the start. It was a time, too, when mining and irrigation laws then in vogue, and many of them formulated as exigencies required, were being tested to the uttermost. This situation appealed to the young attorney, who was never so much at home, never so profoundly absorbed in the elemental traits of his intellect, as when called to interpret the most difficult legal problems presented to him; and as he progressed in his practice he manifested his powers of persistence, his depth of learning, and his eloquent ability at the bar.

Never once was his honor and legal judgment doubted by his clients.

He was a great lawyer by intuitive processes as well as by deep and thorough study, and never so happy as when untangling intricate phases of the law in the courts and before classes of university students, in whom he always manifested great interest. He was recognized as a prodigious worker, and so well were his labors classified that the experts and clerks in his office found themselves in an atmosphere of industry, of research, and study that called forth the same qualities of application and effort that were so marked in him. Midnight and daylight found him at work, shirking no duty, and never requiring of others the labor he imposed upon himself.

The conservation interests of Colorado and the great West were studied by him from the foundation up, no feature for or against being hastily assumed, and when made clear and just to himself, then nothing could interfere with his emphatic declarations concerning them.

In politics he was an old-time Democrat, believing in his party and in the ability of the party to build itself into power and permanency from within and on the basis of distinguished precedence, rather than through the agency of numerous and complicated systems of expediency.

The tariff was studied by him in its closest details. For many years he had familiarized himself with great political problems, national and international, with the same deep study which he gave to every local problem affecting his own State of Colorado.

There had been a dream in his consciousness, an ideal toward which he walked, with fine appreciation of its large demands and thorough readiness for its realization—a place among "the seats of the mighty." He came to it steadily, studiously, and unwaveringly. And when he leaped into sudden fame in the United States Senate it was through the mastery of his splendid intellect and training.

But if he came as a surprise to this body, it was not a surprise to his own people. Colorado had taken measure of his mental stature and knew thoroughly his splendid equipment for the place. Proud of the quick recognition accorded him, there was still a larger fulfillment awaiting him.

It is unspeakably strange how a beautiful dream can be realized and how that dream can be so mysteriously shattered—the magnificent preparation to live becoming the magnificent preparation to die.

To the United States Senate this intricate, unsolvable problem has been brought with startling significance. Colorado

mourns the Nation's losses and mourns her own loss, and yet no one of us has seen the hand that opened the door for one and another of our honored membership when the silent call came for them to go. The State of Colorado mourns the death of her exalted citizen. She watched with profit, as well as pleasure, the daily growing of a gifted mind, from promise to fruition; from the beginning of a career, marked by ceaseless effort, devotion to study, and loyalty to principle, to the time when the rich experience of such a life has been garnered with distinguished results. The highest place is none too high for such a life. This was predicated of CHARLES J. HUGHES, Jr., for many years. He idolized his profession. It yielded its secrets to him, keeping nothing back. He venerated the principles of right and justice as embodied in the law and in the Constitution of the United States. Ceaseless and difficult mental work requires almost herculean physical strength. Those who knew him best in Colorado welcomed for him a change of scene and application, hoping he would, as a duty he owed to himself and family, take his new obligations less laboriously and give a personal and justifiable interest to the conservation of his own physical resources, looking to a complete restoration of his health, that he might render larger services to his State and Nation in the future. But the habits of a lifetime, with a restless brain and burning desire to accomplish what he had in view, in his enlarged horizon, were not to be thrust aside.

Senator HUGHES worked as if he wrought for eternity and could not understand human and time limits as applied to his own physical constitution and welfare. Work was his life, and the fierce problems that were slaying his colleagues all about him seemed to be but voices demanding increased energy from him, even when he knew, and those nearest him knew, that he was encroaching upon the reserve forces of his being.

Colorado has lost a distinguished citizen. He died young, if we count it by years; if by achievement, his was a long life, compact with purpose, effort, and realization.

The Nation has lost a leader, a safe guide, a statesman.

The lines of the poet Tennyson, it seems to me, fittingly exemplify his life:

> For can I doubt, who knew thee keen
> In intellect, with force and skill
> To strive, to fashion, to fulfill—
> I doubt not what thou wouldst have been:
>
> A life in civic action warm,
> A soul on highest mission sent,
> A potent voice of Parliament,
> A pillar steadfast in the storm.

Mr. STONE. Mr. President, I have been asked to speak a word of tribute to the memory of CHARLES JAMES HUGHES, Jr. My acquaintance with him dates as far back, perhaps, as 20 years; but, while I came to know him well, I never knew him intimately. Our meetings were too seldom and our association too casual to admit of intimacy. That he was born and reared in Missouri; that he was educated in that State and there began his career, were the circumstances that first attracted him to me. Later, and as I came to know him better, I was attracted by his great personal qualities. While yet a young man, and at the very beginning of his professional activities, he moved to Colorado and located at Denver, the capital and metropolis of the Centennial State. There for more than 30 years he lived and wrought. His environment gave tone and color to his thought, and all the wondrous things about him spurred his ambition and addest zest to his work. There was to him a charm and inspiration in the great, towering mountains that stood as a majestic background to his home. Who has ever been in Denver and watched the red sun fall behind the high-lifted hills which rise just beyond the city's gilded spires, who did not feel profoundly impressed by the wonderful beauty and semisolemnity of the scene? To any man of refined intellectuality and with sentiment enough to respond to nature's wooing there is always to be found in rugged mountain scenery an influence both impressive and ennobling. Winged spirits dwell on mountain heights, and from the crest of lofty peaks inspiring voices call. These spirits stir high-minded men with the fire and passion of great ambitions and these voices call from on high to human souls to climb. With these spirits young HUGHES held companionship and to these voices he gave instant and joyous answer. He became a climber and also perforce became the architect of his own fortune. A brave heart and a strong, normal mentality constituted his first capital. With these he constructed his life work, and we know that he builded wisely and well. Harkening to the call that came down to him from above, he was always climbing, climbing higher, ever higher. With character foundations deep-laid and solid and with moral fiber close-knit and strong, it is no wonder he knew that each year's finished work would stand the white heat of any test; and it was only natural that this knowledge afforded him an ever-present encouragement to advance without fear, always striving for greater and better things. And what of his work—what did he accomplish? Mr. President, when we behold a great life snuffed out by the tragedy of death, and when, looking backward, we seek to measure the worth of the stricken man, what takes first place in the sum of our estimate? There are three things—his individual character, his home life, and his conduct as a citizen—a trinity that might well be merged into one. These three things come first, and as to these the example set by Senator HUGHES is so conspicuous as to deserve universal admiration. I would not say that his daily life—his incoming and outgoing—was in all respects above criticism, for only one wholly blameless ever trod the earth; but I will say that the private life of Senator HUGHES was on lines so elevated and altogether so clean, sincere, and true as to afford little ground even to the most querulous for reproach. His body, impaired by affliction, was weak, but his character was rugged and strong. He could no more be moved from what he believed was right or moved to do what he believed was wrong than you or I could move the eternal mountains he loved so well. Mr. President, it has been well said that home life furnishes the finest test of those high qualities which make up a thorough gentleman. Senator HUGHES's home life, characterized by refinement and gentle courtesy, was ideal. Above his hearthstone love was regnant and with soft hand wielded there his royal scepter, bringing all hearts under the sweet influences of his sway. This home life of Senator HUGHES illustrated in a beautiful way the simple life of all cultured American gentlemen.

Mr. President, it was almost impossible that a man so constituted and trained as this dead Senator could have been other than a model citizen. He was a model citizen. In every work intended to promote the welfare of his city or State he fully performed his part, never shrinking from the call of duty. If a man be brave, faithful, and honest; if he fills his home with sunshine and love; if he is kind to the poor, gentle to the afflicted, a good neighbor, and a loyal friend; if he is a leader in public enterprise and an exemplar of civic duty—if, in short, he embodies all these virtues in some large measure, then there is, indeed, "a combination and form where every god doth seem to set his seal to give the world assurance of a man." Senator HUGHES was of this type. It should be eulogy enough when that can be truthfully spoken of any man. But HUGHES also wrought in other ways, and did things the world calls great. He rose to high professional eminence. In the judicial forum—a forum wherein the best-trained gladiators clash—he ranked among the foremost. When I say that he was reckoned among the great lawyers of America I will not offend by adding that he was at the very head of the Colorado bar, a bar recognized as one of the ablest in the Union. Mr. President, I can not conceive of a more enviable distinction than that of being deservedly recognized as among the great lawyers of the country. How easy it would be for me to name a select company of immortals whose fame is chiefly associated with the law and courts of justice; and, laying down the burden of an arduous life, what greater honor could come to any man than to occupy a niche in the temple consecrated to that illustrious company?

While Senator HUGHES possessed great abilities remarkably well adapted to public work, he had but little experience in that service. This was of his own choosing, for more than once he was offered positions of the highest distinction in his State. He seemed wedded to the law and unwilling to worship at any shrine save the one sacred to that blind goddess in whose hand is held the even scales of justice. The office of Senator, to which he was elected two years ago, and which he filled at the date of his death, was the only public station of any moment he ever occupied. His service here, although lamentably brief, was so exceptionally distinguished as to give great promise of a brilliant future. No man ever rose with greater rapidity or on more substantial merit to a commanding place in this great assembly. He was not here beyond a single session until his forcefulness was recognized and his power felt. Still climbing, as he climbed when life was young and limb was lithe, he was here fast rising to a place of such well-deserved leadership that none could dispute it. The door of opportunity was opening to him for the performance of great services of signal value to his country. Oh, how pitiful that he should fall just as the sun began to shine with smiling face upon a great future for him! Mr. President, it is said that every cloud hath a silver lining. I believe there was never a regret so profound that there was not somewhere in the gloom a comforting spirit—no sorrow ever so acute and hopeless that some solacing thought did not creep in to soothe the anguish of the heart.

Missouri mourns for HUGHES, but finds a comforting pride in the thought that she gave this great son of hers to Colorado. Colorado mourns for HUGHES, but finds an uplifting solace in the thought that all his great qualities as citizen, lawyer, and statesman were matured within her borders and are a part of her heritage.

Here, Mr. President, I would close this imperfect tribute, except that in the circumstances of this hour I can not forbear digressing far enough to speak a kindly word or two of my old friend STEPHEN B. ELKINS. Although not born in Missouri that State was his home from early childhood to mature manhood. There was one striking bond of sympathy and affection between Senators ELKINS and HUGHES and myself. All of us were educated at the University of Missouri, and every university man knows how the heart clings to the old school and to everything and everybody connected with it. The university authorities had voted to confer the LL. D. degree upon Senator ELKINS, and it was expected that the ceremony would occur last June. But, as you know, his legislative duties at that time were so imperative and urgent that it was wholly impracticable for him to absent himself from Washington. I know this was a great disappointment to him, and he often spoke to me of the next university commencement, which he confidently expected to attend, and to which he looked forward with anticipations of a most pleasurable occasion. I had promised to be present and introduce him when the time came to confer his degree. I knew Senator ELKINS well, and held him in most affectionate esteem. Besides being a man of exceptional ability, energy, and force, he was one of the most lovable men I ever knew. When I parted from him at the close of Congress last summer I little dreamed it was the last time I would see the light of his kindly eye and feel the pressure of his hand. It is a sad disappointment to me that we shall not meet next summer, as we had planned, amid the familiar and classic environments of our old university.

Mr. President, Missouri has a right to participate in the obsequies of to-day, and to share with West Virginia and Colorado in paying tribute to the dead statesmen in whose memory these solemn ceremonies are held. I speak here in a dual capacity, for myself and for my State. In speaking for myself I speak as a friend who has suffered a grievous personal loss; in speaking for the State I speak as for a mother who, while weeping at the bier of her dead sons, feels her heart glow with honest pride that she gave such splendid types of American manhood to her sister States and to the world.

Mr. CLARK of Wyoming. Mr. President, for months past the grim and unrelenting archer has stood as sentinel in almost constant attendance upon the doors of this Chamber. His shafts have been thrown with swift, with frequent, and with deadly aim. He has spared neither locality, youth, age, nor activity in service—the North and the South, the East and the West have alike draped their desks in this Senate, and every section has been called upon to mourn its worthy sons. To-day Colorado is joined by her sister States in paying just tribute to the life and character and public services of one who had become bone of her bone and flesh of her flesh; one whose manhood had entered into her history and success, and whom she had honored with the highest political station that was hers to give.

CHARLES J. HUGHES, Jr., was, to all intents and purposes, a product of the mountain west; clean of purpose, direct of thought and of action, he was in the highest degree typical of that race of men who have carved sovereign States out of inhospitable wastes, and have stamped the hall mark of the highest American manhood upon our newer Commonwealths. Born in the Middle West, acquiring his education and profession under the conditions of moderate circumstances and the self-denials and self-helps characteristic of our best American life; with a mental equipment and a strength of character that was to carry him far ere "finis" should be inscribed upon his work, he early turned his eyes and thoughts to our everlasting hills and cast his hopes and his fortunes into the lap and life of the "Centennial State." A lawyer by nature and education, he there entered at once upon the active practice of his profession. His field of labor opened up for him new and unsettled branches of the law, where precedents were few and of little avail. Only in comparatively recent years has mining law become in any sense settled, and irrigation law is still of later date; in both of these important fields Senator HUGHES was a pioneer, and, at the last, a specialist. He delighted in wrestling with the new and untried problems, and to him, as much as to any other one man, is due the credit of working over the crude material at hand into a line of decisions along both branches that welds them into well-settled and logical law. Not content with the ordinary work and results incident to the particular cases at hand, his lectures in the eastern law schools and universities marked him as authority of the highest class in these two most important specialties of the law; and, all in all, the bar of the entire West gladly gave him place among the really first-class lawyers of his time.

To those who knew him well his election as Senator brought the greatest satisfaction. He brought to the duties of that high office a personal character above reproach, a mind alert, keen, and courageous, and a modest self-confidence that itself insured a useful and successful career in this body. His services as a Senator were all too brief, but in the little time that he was here his energy, his faithfulness to his constituency, and the vigorous ease with which his trained mind grasped great public questions gave promise of a great and worthy service and emphasized the great loss the country sustains by his untimely end; and while his short term here precludes the possibility of the greatest legislative fame, those who knew him best, who enjoyed his close personal friendship, and correctly estimated his attainments know that had his life been spared he would have been of inestimable service to his country in these and the coming days of change and vicissitude in governmental problems, and would have written his name far up in the roll of those who in this great body have earned and received, and shall earn and receive, high honor and the thanks of a just and grateful people.

Senator HUGHES was a man who always had, in political as well as in other affairs, the courage of his convictions. A party man, he placed patriotism above party. A Democrat of the old school, he was ever jealous of the rights of his State and suspicious of all attempted Federal encroachment. He believed fully in the restrictions of the Constitution and in the theory that this is a government of law and not a government of men, and these views, honestly held and freely expressed at critical times and on all necessary occasions, endeared him in the highest degree to the people whose commission he bore. Colorado gave him much of honor, but more of confidence and love. He was one of those who made her what she is and who gave in the making to the fullest extent his talent, his energy, and his loyal service, and in the history of that Commonwealth among all the great names that shall shine along its pages by no means the least shall be that of CHARLES J. HUGHES, Jr.

Mr. WARREN. Mr. President—

> Leaves have their time to fall,
> And flowers to wither with the north wind's breath;
> But thou! thou has't all seasons for thine own, O death!

How sadly true the history of this body for the Sixty-first Congress has shown this line of the poet. Reviewing this history we may well pause in our busy deliberations and give thought to the mutability of human life and human institutions. Many times death has come into our ranks during the period so far passed of the Sixty-first Congress and taken acquaintance or friend from us.

When we read the death roll of the session, what distinguished and loved forms are called to our thought and remembrance—Senators with whom we worked day after day, month after month, or year after year, in committee or on the floor of the Senate, some in friendly cooperation and some in friendly rivalry.

This is the long list of our distinguished colleagues who have been taken from us during this Congress:

MARTIN N. JOHNSON, October 21, 1909.
ANSELM J. MCLAURIN, December 27, 1909.
SAMUEL D. MCENERY, June 28, 1910.
JOHN W. DANIEL, June 29, 1910.
JONATHAN P. DOLLIVER, October 15, 1910.
ALEXANDER S. CLAY, November 13, 1910.
STEPHEN B. ELKINS, January 4, 1911.
CHARLES J. HUGHES, Jr., January 11, 1911.

Eight in all within less than 15 months.

To the memory of the last named it is my sad duty to join with other Senators in placing testimonials in our records to his recognized brilliant accomplishments and abilities.

The life story of CHARLES JAMES HUGHES, Jr., is one that tells of toil—hard, constant, unremitting toil—with one predominating object in view, thorough mastery of the subject or task before him. When death claimed him he was young in years, but old in results. In the 58 years of his life he had accomplished much.

Briefly stated, this was his life: He was born in Kingston, Caldwell County, Mo., on February 16, 1853, the son of Charles James and Cerena C. Pollard Hughes. His ancestors were Kentucky pioneers who came from Virginia.

Senator HUGHES was a graduate of Richmond College (Mo.) in the class of 1871, and was a student of the University of Mis-

souri in 1872–73. He received a degree of doctor of laws from both the University of Missouri and the University of Denver. After his graduation be supplemented his collegiate education by studies in higher mathematics, languages, political economy, and sciences useful in his legal practice, including engineering, chemistry, geology, ore deposition, irrigation, and hydraulic engineering. He accumulated one of the most complete private libraries in the country bearing upon these and kindred subjects.

After being graduated from college he spent five years in teaching in the public schools and as a college professor. In September, 1874, he was married to Lucy S. Menefee, and in August, 1877, he began the practice of law, locating in Denver in 1879. As a lwayer he was successful from the beginning, his thorough study and preparation having given him a perfect equipment for practicing his profession.

He built up an extensive practice, not limited to any field or class of clients, and embracing all save criminal law, which he avoided whenever possible.

The ability of Charles J. Hughes as a lawyer was known throughout the business world of the West and East, for he was engaged in conducting much of the important litigation relating to mining, irrigation, and other questions arising out of the formative and constructive period in the history of a new country and new States. Few great mining or irrigation suits in the Middle West have been tried in which he was not a participant as leading counsel. He was successful in the decision of many of these suits in their final settlement before the Supreme Court of the United States, and he admittedly stood with those occupying the front rank in his profession.

Before his election to the United States Senate on January 20, 1909, Senator HUGHES held no political office save that of membership on the State board of capitol managers which had charge of building the Colorado State Capitol. Twice the nomination for governor of Colorado had been tendered him by the Democratic Party, but each time had been declined. He was on his party's ticket as a presidential elector for Colorado in 1888 when he with his party was defeated; he was elected a Democratic presidential elector from his State in 1900, and defeated for the same position in 1904. He was a delegate to the Democratic National Conventions of 1904 and 1908.

His election to the United States Senate in 1909 followed an indorsement of him by the State Democratic Convention in September, 1908.

Senator HUGHES throughout his career as a lawyer had high political ideals. He twice declined the nomination for the governorship of his State, for his gaze was fixed on what he thought a higher station in the political world. That this was so was shown in his speech of acceptance upon his election to the Senate, when he said:

> When there comes to us, as there comes seldom and to so few, the realization of the loftiest dreams of our imagination, hope, and ambition, we find that the feeble words of our language, the faltering utterances of our tongues, can neither respond in thanks nor in promises.

Thus we see that in the struggle for preeminence and success in his profession, Senator HUGHES was hoping and dreaming that the future held in store for him a place in this body. And in the busy moments of his life work his recreation was study and research in philosophy, political economy, and history in order that when his time came, as he surely believed it would, he would be prepared to take his place among the old and trained Members of the Senate and be able to take creditable part in the proceedings without having to serve the apprenticeship which many believe incumbent upon them.

How wisely he builded we who heard him speak during his too brief service with us can testify. How efficient and practical he was as a working member of the committees to which he was assigned, those who were associated with him on these committees well know. He was both a power in debate and a useful committee worker, a combination, as we know, somewhat unusual.

But how brief the fruition of his hopes; how futile the years of preparation to do well his part in the work for which he dreamed. The activity of his mind was too great a tax upon the resisting powers of a not too strong physical organization, and the years of mental toil and strain told, with fatal effect, upon his bodily strength. Perhaps he had a premonition of this, for when he was elected to the Senate he said:

> I hope to slacken the pace of work and effort I have held for years, and believe that in doing so I shall be able to render better service to the State and improve the quality of any professional labors I may perform.

After he came to the Senate he sought to slacken the pace as he had promised, but the old habit of incessant work clung to him, and it was only when he was stricken in August last that he gave up his strong hold upon the activities of his duties. Too late he sought by resting from his labors to regain the strength wrested from him by the hard, unremitting toil of years. He went across the seas to Hawaii in the hope that absolute rest and freedom from the cares of office would bring relief, but without avail, and he returned to his home in Denver, where, surrounded by the members of his family, he passed to the Great Beyond on the morning of Wednesday, January 11 last.

Senator HUGHES was imbued with sterling patriotism. His creed was expressed in his acceptance of the senatorship in these words:

> There can come no hour in the Nation's history when I may not pledge the support of the party which has honored me and my own, however weak, to the strengthening of the hands of our Government by whomsoever administered, in every just cause upon which it shall enter, to the defense of every righteous policy it may espouse, and to the vindication of its integrity and wisdom in the councils of the nations.

He was a strict party man and a consistent supporter of the political party to which he had belonged from his boyhood days. And yet he was willing to act independent of his party upon questions affecting the welfare of his adopted State, Colorado. In the long contest over tariff legislation he voted for what he believed would best promote the interests of Colorado and the Nation in the adjustment of tariff rates, sometimes in opposition to the general attitude of his party associates. It was in defense of this independence of action that he startled the Senate and attracted the attention of the country when he declared:

> I know no master * * * I demand the right to be heard unchallenged, uncriticized, and undominated by any influence save my own judgment and my own political conscience.

It was that declaration of independence and the able manner in which he carried himself in debate with the most skilled opponents in the Senate that evoked the general prediction that he was the coming leader of his party, a prediction that many believe would have been realized had he been spared.

Senator HUGHES was a courteous gentleman, of high ideals, and rugged, almost stern, devotion to an absolute unswerving idea of the right. Beneath an appearance of reserve we who knew him well were aware that he was charitable and hospitable and kind-hearted—one who loved his family, his friends, and humanity.

In my personal intercourse with him I recall many instances of his courtesy and kindness of thought and heart and charity for those in want and distress. His deeds of charity and kindness were performed quietly and without parade or ostentation, and those who were the beneficiaries usually were the only ones who knew of them.

I am conscious that mere words are weak and inadequate to fittingly place in the records of this body a proper estimate of the worth of the late Senator from Colorado. But there is comfort in the thought that while my words fall short and will be forgotten, his life, though brief, was full and complete with the accomplishment of the work which came to his hand.

Words may fade from memory, but the good deeds of a great man live forever.

Mr. TAYLOR. Mr. President, less than two years ago a modest and unobtrusive man quietly walked into this Chamber and was sworn in as a United States Senator from Colorado. Peculiar interest was centered upon him because he was the successor of Henry M. Teller, one of the purest and most illustrious statesmen of our times.

But all doubt as to his worthiness to wear the mantle of that splendid Senator was dispelled when, at the very threshhold of a career which was so soon to end, he distinguished himself, not only as a lawyer and an orator, but as a safe counselor in the affairs of the Nation.

For myself, I was drawn to this man from the beginning, for behind his armor of unpretentions I saw an intellectual gladiator.

I have left it to others better acquainted with his private character and previous public and professional accomplishments to recount them, for it had not been my privilege to know him intimately before his advent in the Senate.

But those who have heard or read his speeches here need not be told that his former life abounded in great achievements, for they gave ample proofs of a profound thinker and a mind stored with the riches of knowledge.

Those who heard him in his first effort in this body will never forget the brilliant revelation of his power and his unmistakable ability to sustain himself in debate with even the ablest men of the Republic.

He possessed the three leading elements of a statesman—a profound knowledge of the law, the power to square public measures to the principles of justice and truth, and the courage to do it. Senator HUGHES's addresses on the tariff, the public lands, the income tax, and the interstate-commerce measures established his reputation at once as a leader. But he had not long to serve his people; he had not long to give evidence of his learning and superb ability in our midst; he was not permitted to reach the summit of his glory. And yet he was among us long enough to convince every Senator, not only of his high purposes and lofty ideals, but of his unselfish loyalty to his friends and to his country.

He was a fighter; a fighter in the courtroom, a fighter in the arena of politics. His convictions were on the side of truth and honor, and he had the courage to battle for them to the last ditch. He belonged to that type of men who make nations great and who lead in the march of human progress. He was imbued with the same spirit which inspired our fathers to establish our free institutions and which sustains and directs the administration of the Government for the good of humanity and for its final and complete emancipation from oppression and wrong throughout the whole world.

In my mind there is no shadow of doubt that the wisdom which devised and builded our form of government was inspired from on high, for the men who wrought it, as great and pure as they were, could never have conceived it so perfectly and completely of themselves.

The most conclusive evidence of the wisdom of the plan of salvation is its comprehensive adaptability to all ages and all conditions everywhere. It never needs amendment. It was all-sufficient in the beginning and will be to the end.

And I say with all reverence, that the plan of the great Republic, conceived and written down by its founders, partakes of this same unfailing sufficiency and adapts itself to the ever-changing conditions of business and government and to the progress of the race.

Has not the influence of our institutions spread all over the earth? Is it not permeating all nations and lodging itself in the universal mind?

And in consequence of all this, are not old ideals and old forms of government fading away? Are not constitutions being written everywhere?

Our lamented colleague was a firm believer in our great dual form of government and in preserving it as it is. He was a splendid interpreter of the Constitution and defender of the rights of the States to control their own domestic affairs unmolested by the Federal Government or any other power under the sun. He believed in curbing Federal power and holding it within the lines drawn by its founders. He believed in the greatest good to the greatest number and in the personal rights of all in the pursuit of happiness.

He was every inch a man, in love with his country and his fellow man, and in his death the Senate lost one of its ablest Members and the Republic one of its noblest citizens.

Mr. President, this has been a year of calamity for this Chamber, and we may well resolve it into a lodge of sorrow while we give voice to our lamentations.

Perhaps at no period in the history of the Senate has the angel of death been so busy and aimed so high.

Many of the best and most useful men of the times have fallen—patriots, scholars, statesmen, the noblest and most lovable spirits who ever blessed any people in any land.

We can not understand why they have been called away from their great work, but let us believe that it is a part of the plan of Him who controls the destinies of us all and who holds us in the hollow of His hand.

They played their particular parts in the great scheme that God devised to lift humanity up out of oppression toward liberty and light and have been called to rest from their labors.

They were not surface men; they did not strut across the stage of public life as daubed and tinseled actors in slipper and buskin to swagger in mock heroics and give frenzied utterance to fictitious thought. They were builders. They chiseled and carved the materials that have gone into the structure of the temple of liberty to beautify and adorn it and make it enduring; they fashioned them into the similitude of truth and wisdom, and truth and wisdom come from God and are God.

The Senator whose life and character we now commemorate was not the least among those master builders. His life will be an inspiration to the younger generation who knew him and witnessed his rise in the world.

There is one valued lesson to learn from his success, and that is the essential importance of preparation. He prepared for the battle before he entered it. He held diplomas from two universities and then finished a course in the law.

He twice declined the nomination for governor of his State; but his experiences in public affairs seemed to peculiarly fit him for the career of a Senator.

And that his people, who knew him best, were of this opinion was demonstrated by the vote he received as a Democrat in a Republican State of 73 out of a total of 100 in the legislature.

Sir, I offer this feeble tribute of appreciation to the memory of the man who within so brief a time impressed us all with his virtues and high attainments and taught us to love him in life and to cherish happy recollections of him in death.

Mr. SMOOT. Mr. President, when CHARLES J. HUGHES, Jr., entered the United States Senate at the beginning of the present Congress he looked forward to a long period of service, and the people of Colorado, regardless of party affiliations, had every reason to expect a most useful and brilliant career for him, his State, and his country. He was splendidly equipped for the duties required of a Member of this body, and few men possessed a more logical or well-trained mind. Scarcely had he been in the Senate a year until everybody became convinced of that fact.

Senator HUGHES was an indefatigable worker. When it became apparent that his health was fast failing him he was no less energetic in the performance of his duties, but even put forth greater efforts to accomplish more. During the present session of Congress I had the honor to serve on a subcommittee with Senator HUGHES in the consideration of important public-land legislation. The pressure of other work made it necessary for the subcommittee to meet at nights, and I do not recall a single meeting which Senator HUGHES failed to attend and in the deliberations and discussions of which he failed to participate actively, notwithstanding it was then plainly evident that he was in no physical condition for such strenuous work. In few men were there combined in such a marked degree the ability and energy so characteristic of Colorado's late Senator.

Senator HUGHES was a scholar in the fullest sense of the word. At 18 years of age he graduated from Richmond (Mo.) College, and before reaching his majority he received the degree of LL. D., from the University of Missouri and the University of Denver, indicating his early boyhood love for the law. From the day of his graduation until his last illness he was devoted to his profession. I know I am within the bounds of truth when I say that there have been few greater lawyers in the United States than Senator HUGHES. As a legal authority he was no stranger to the people of my own State; in fact, he was known throughout all the intermountain States as a man of sterling worth, unquestioned honesty, and brilliant intellect. His counsel was often sought when great questions affecting the interpretation of the mining and irrigation laws were involved.

Not only was he a scholar and a student, but he was also gifted with sound judgment in the great commercial affairs of life. His name is coupled with many of the industries of Colorado which go to make that State great. The future historian in recording the wonderful achievements of Western State builders will refer to Senator HUGHES as a potent factor in the development of Denver, the metropolis of the State of Colorado.

It is sad to contemplate the death of a friend, a brother, a sister, a father, or a mother; but rather would I look at death as a temporary separation, the beginning of a new life, a life better, nobler, and greater than the one through which we are now passing—an advanced step in God's eternal plan.

It is glorious to contemplate the joys and beauties of a well-spent life. The web of life is drawn into a loom for us all, but we weave it ourselves. We throw our own shuttles and work our own treadles. The warp is given us by our Creator, but the filling is of our own making. Everyone is the architect of his own home—his own temple of fame. If he builds a temple, great, glorious, and honorable, the merit and happiness are his; if he rears a house, polluted, unsightly, and ignoble, to him belongs the shame and misery.

The life of Senator HUGHES was not great in years, but great in achievements. His work in this mundane sphere of action has ended. He will be missed by his colleagues in this body and by his countrymen, but the greatest loss will be to his fond and noble wife and children, to whom he was a devoted husband and a loving father. May they have comfort in his honorable and successful life.

Mr. FLETCHER. Mr. President, the announcement of the death of Senator CHARLES J. HUGHES, Jr., by the resolution of January 12, 1911, shocked the Members of this body and his

demise saddened deeply all those with whom he had been associated.

Born in Kingston, Caldwell County, State of Missouri, February 16, 1853, he graduated from Richmond College, Missouri, in 1871, and received the degree of LL. D. from both the University of Missouri and the University of Denver. He married Lucy S. Menefee, September 1, 1874, and began the practice of law in August, 1877, and located in Denver in 1879. He taught school for some five years prior to that, and I have often thought that the best way to permanently fix in mind and memory the subjects studied in college is by engaging in teaching for a period after graduation. The accurate and firm grasp I observed that Senator HUGHES possessed on all matters which he had considered reenforced that view.

On the 11th day of January, 1911, he departed this life, leaving his widow and four children surviving him. His law practice covered a wide range of litigation, and in recent years he appeared on one side or the other of most of the important causes originating in his section of the country. He gave special attention, however, to mining and irrigation litigation and delivered courses of lectures on that subject at Harvard Law School and for many years was professor of mining law in the University of Denver. He was a tireless worker, never saving himself, but throwing his whole soul into whatever he undertook with a concentration rarely equaled and a devotion never excelled. He possessed a thoroughly trained mind. Quick of perception, accurate in analysis, logical in its operations and penetrating in power, it seemed easy and natural for him to see straight to the heart of any question and grasp fully its ramifications. Affectionate and kind in his disposition and nature, he especially lavished upon his family the wealth of his warm heart and richest hopes. His reading took a wide range, and his power of concentration was such that everything of importance became fixed in his mind so it could be readily brought forth for use when needed and constituted a vast fund of information which appeared always at his command. His memory was remarkable for its accuracy and clearness and strength. His power of expression was extraordinary.

Forceful, polished, and dignified, he made plain and lucid any subject he discussed. His command of language was never lacking, an his mental processes were those of a thinker and reasoner, honest and sincere always. He was elected United States Senator from the State of Colorado January 20, 1909, having been the unanimous choice of the State Democratic convention at Pueblo, September, 1908. He took the oath and signed the roll as a Member of this body March 4, 1909, and his term of service would have expired March 3, 1915.

Speaking of him a few days ago, one of the most experienced and eminent Senators said truly that he possessed to a marked degree three qualities which are peculiarly important for service in the Senate of the United States—physical, intellectual, and moral courage. During the short time he was permitted to serve here he took his place in the very front rank of master minds, and his usefulness to his State and the country would have commanded recognition such as the great men of the country have written in our history.

I never met Senator HUGHES until we both took our seats here in March, 1909. It was then my good fortune to be seated next to him and to be thrown with him daily. I esteem it a great privilege to have enjoyed his companionship, which on my part ripened into sincerest friendship. My esteem and admiration and cordial regard for him grew as the days passed by. It is with profound sorrow that I realize the end of that relation—except only in memory—and I mourn his loss as a friend and a colleague, and, in a broader sense, I deplore the country's loss.

Of course no words we can utter here can bring comfort to those of his household who were so near and dear to him, but the consolation which comes from the knowledge that he had faithfully met the responsibilities of husband, father, friend, citizen, and public official, and had impressed the rare qualities of his head and heart upon his countrymen, they have.

He was honored and is remembered because of his high character, ability, and industry. After all, any man has lived to great purpose who has built up, developed, and established such a character, "the one indestructible material in destiny's fierce crucible."

He won distinction at the bar; in the lecture room he was preeminent, and he merited the high honors which were tendered him by the people of his State. He was a close observer, a hard student, and thoroughly familiar with governmental problems. He enjoyed the most valuable quality which characterizes great men—capacity for and power of growth. Gladstone was an example of this power or capacity. Throughout a long and useful life he continued to develop, expand, and grow. So with our friend, every day his alert and comprehensive mind added to its store of knowledge or reached out in some new direction, thus broadening and extending his horizon.

In the records of this Senate and elsewhere the results of his labor and thought will be preserved. At times while here he was not in vigorous health, but he was always cheerful and gentle and always attentive to his duties. Sometimes I have seen him in action, when I was reminded of John Randolph, of Roanoke, who on one occasion, when an angry mob was endeavoring to prevent his speaking, declared:

> My Bible teaches me that the fear of God is the beginning of wisdom, but the fear of man is the consummation of folly.

Again, I have seen him working when he was not able, and I thought of what Talleyrand said of Alexander Hamilton:

> I have seen one of the wonders of the world; I have seen a man laboring all night to support his family, who had made the fortune of a nation.

The self-reliance and the brain-grasp characteristic of him are shown by his speeches in the Senate during the too brief period of his labors here.

His impulses were generous, his public spirit broad and deep.

His sympathy for humanity was of that nature which was not limited to ordinary politeness or etiquette, but measured up to a vital relation of life.

His love for his fellow man was something more than a sentiment—it amounted to a principle.

His religion, not a mere spasm, but a habit.

Being new Senators, occupying the back row and adjoining seats, we spent many pleasant moments looking over the Chamber and confiding to each other our impressions of our various colleagues. The veterans have not everything their own way. They can not deny to the novices the privilege of quiet, confidential, and good-natured comment of a personal nature. We took some delight in that pastime, and enjoyed the survey of the membership between ourselves. Sometimes we would liken the Senate to the famous school at Athens, in which Socrates was the first teacher. He was succeeded by Plato, and we would imagine one of the veterans of the Senate to be this autocratic successor of Socrates, clad in his purple robes, in charge of the school, at a time when Athens thrilled with thought and feeling. Then we would speculate who his successor would be. This school was conducted under the shade of the trees and vines and the pupils reclined on marble benches. We could picture that scene at times when Plato would take charge of the senatorial school and gather his pupils about him. Out of Macedonia came Aristotle, "with all his belongings tied up in a bearskin," to become the pupil of Plato, and subsequently his successor in the conduct of that famous school, when Pericles was delivering those powerful orations and Phidias was carving out of stone figures of exquisite beauty. Who is or is to be the Aristotle in this school? Many a pleasant hour we spent in wanderings and pleasantries of this kind, and I looked forward to the opening of this session with keen delight, in expectation that the attachment which had been so agreeably begun might become closer and stronger throughout our careers here.

It was not to be. The mysteries of life we no more understand than the mysteries of death. It seems about the limit of our knowledge and capacity is, "To do what we can, to do what we ought, and leave hoping and fearing alone." We humbly submit to the final decree, and observe—"Soft as the memory of buried love"—he is no more.

He will be remembered as the courteous gentleman, the kind neighbor, the warm-hearted friend, the ripe scholar, profound thinker, eloquent orator, great lawyer, and wise statesman.

We can only hope, as we believe, he will experience beyond the grave—

> The freer step, the fuller breath,
> The wide horizon's grander view,
> The sense of life that knows no death,
> The life that maketh all things new.

Mr. GUGGENHEIM. Mr. President, I offer the following resolution.

The PRESIDING OFFICER. The Senator from Colorado submits a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of Mr. ELKINS and Mr. HUGHES, the Senate do now adjourn.

The resolution was unanimously agreed to, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, February 13, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 11, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF CONSTITUTIONAL AMENDMENT.

The SPEAKER. The Chair has had forwarded from the States of Oregon and Montana notifications that each of those States has ratified the proposed constitutional amendment authorizing an income tax. Without objection, the same will be printed in the Journal and in the RECORD. The Chair hears no objection.

EXECUTIVE OFFICE,
Helena, Mont., February 3, 1911.

SIR: By direction of the Twelfth Legislative Assembly of the State of Montana, I have the honor to transmit the inclosed certified copy of house joint resolution No. 2, ratifying the proposed sixteenth amendment to the Constitution of the United States.

I have the honor to be, sir,
Yours, respectfully, EDWIN L. NORRIS,
Governor of Montana.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
House of Representatives, Washington, D. C.

House joint resolution 2.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session by a constitutional majority of two-thirds thereof made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely—

"'ART XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.'"

Therefore be it

Resolved by the senate and house of representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Montana; and be it further

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

W. W. MCDOWELL, *Speaker of the House.*
W. R. ALLEN, *President of the Senate.*

Approved January 31, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 31, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint resolution No. 2, ratifying the sixteenth amendment to the Constitution of the United States, enacted by the twelfth session of the Legislative Assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 31st day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 31st day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Senate joint resolution 1, ratifying an amendment proposed by the Sixty-first Congress of the United States to the Constitution of the United States of America, designated as Article XVI and relating to an income tax.

Whereas the Sixty-first Congress of the United States of America at its first session begun and holden at Washington, in the District of Columbia, on Monday, the 15th day of March, 1909, by joint resolution proposed an amendment to the Constitution of the United States in words and figures as follows, to wit:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid in all intents and purposes as part of the Constitution.

"'ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration:'"

Now, therefore, be it

Resolved by the senate and house of representatives of the State of Oregon, That said amendment to the Constitution of the United States be, and is hereby, ratified; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by his excellency the governor of Oregon to the President of the United States, to the Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives, respectively.

Adopted by the senate January 18, 1911.
BEN SELLING, *President of the Senate.*

Adopted by the house January 23, 1911.
JOHN P. RUSK, *Speaker of the House.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 1 with the original theerof, together with the indorsement thereon, which was adopted by the senate January 18, 1911, adopted by the house January 23, 1911, and filed in the office of the secretary of state of the State of Oregon January 30, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 30th day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

JOHN R. KISSINGER.

Mr. PRINCE. Mr. Speaker, I present a conference report (No. 2147) on the bill (S. 7252) granting an annuity to John R. Kissinger.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7252) granting an annuity to John R. Kissinger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the amount proposed insert:

"One hundred dollars."

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

GEO. W. PRINCE,
H. O. YOUNG,
JAMES HAY,
Conferees on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Conferees on the part of the Senate.

STATEMENT.

This bill, as passed by the Senate, proposed to give the beneficiary an annuity of $125 per month. The Committee on Military Affairs of the House reduced the amount to $72 per month, which is practically the amount he would have received as pension had the Pension Bureau accepted his total disabilites as due to service. In view of the fact that Congress has granted annuities to the widows of Drs. Carroll and Lazear, one of whom lost his life undergoing experiments for the propagation of yellow-fever germs through the bite of mosquitoes and the other lost his life as the result of his being connected with the service in connection with the yellow-fever experiments, the conferees agreed to make the rate in amendment No. 1 $100 per month in lieu of the amounts recommended by the respective Houses.

Amendment No. 2 is merely striking out some superfluous language in the bill reciting the fact that beneficiary allowed these experiments to be made on his person, and it in no way affects the character of the legislation.

GEO. W. PRINCE,
H. O. YOUNG,
JAMES HAY,
Conferees on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill (H. R. 31596).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GAINES in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill. When the committee rose there was pending an amendment and a substitute, with a point of order. It was ordered that debate should conclude in 15 minutes on the paragraph and all amendments thereto.

Mr. RUCKER of Missouri. The point of order has not been disposed of.

Mr. SCOTT. There was a point of order which I reserved against the amendment offered by the gentleman from Georgia [Mr. EDWARDS]. I make that point of order and ask that it be ruled upon now.

The CHAIRMAN. Does the gentleman from Kansas want to be heard on the point of order?

Mr. SCOTT. Not at all.

Mr. MACON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, in accordance with the practice and the rules of the House, I insist that the point of order ought not to obtain, for the reason that the paragraph which the gentleman offers his amendment to as a substitute is subject to a point of order. Hence no amendment thereto would be amenable to the point of order made by the gentleman from Kansas, because the original paragraph, being offensive to the rules, and not having had a point of order made against it, makes it, under the rules of the House, in order for an amendment to be offered to the paragraph that would otherwise be offensive to the rule if a point of order had been made against it.

This is an important question, and it is important to the entire Nation, and hence, in passing upon the point of order I hope the Chair will take into consideration every feature connected with it. It is proper and just for the committee to bring in a provision in the bill providing for drainage investigations which ought to be made by the Government, because they are of an interstate character, and hence no one ought to object to this paragraph or the amendments thereto. The particular investigation that I am interested in is that extending from Missouri into Arkansas, known as the St. Francis drainage survey, that has already been entered upon by the Government, as shown by the report on the St. Francis Valley drainage project in Arkansas, which I hold in my hand, made by Arthur G. Morgan, an engineer deputized by the Agricultural Department to make the survey. It sets forth many valuable facts as to why the subject of drainage should be carried on, and I am sure that anyone who will read it will readily understand the great importance of this character of work.

The original paragraph being offensive to the rules of the House, and no point of order having been made against it, certainly the Chair will not hold, and the House will not contend, that it would be now offensive to the rules to offer an amendment thereto that would otherwise be subject to a point of order.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to be heard, briefly, upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. EDWARDS of Georgia. Mr. Chairman, I think under the same authority upon which the Chairman on yesterday overruled the point of order made by the gentleman from Indiana against the amendment offered by the gentleman from South Carolina [Mr. LEVER], authorizing the Department of Agriculture to make investigations on the subject of potash in this country, would apply in this case. I do not believe that under the authorities cited by the gentleman from South Carolina yesterday, all of which are in the RECORD, and with which the chairman is familiar, and under the ruling of the Chairman on yesterday on that question, that the Chair can hold otherwise than this amendment is in order.

Mr. SCOTT. Mr. Chairman, I will ask unanimous consent that the amendment be again reported, for the information of the committee.

There was no objection, and the Clerk again reported the amendment, as follows:

Strike out all the paragraph, beginning on line 10, page 72, after the words "Drainage investigations," down to and including the word "dollars," on line 17 of page 72, and insert in lieu thereof the following, so that it will read:

"To enable the Secretary of Agriculture to locate, survey, investigate, and report upon the drainage of swamp and other wet lands in the United States, with a view of determining what of such lands are susceptible of drainage, and at what cost per acre, the value and effect of drainage on such lands with respect to the public health and agricultural production, together with reports on existing legislation of the different States on the subject of drainage and operations thereunder, foreign drainage policies and their results, and the relation of the Federal Government to local and State authorities and legislation on drainage; and to prepare plans for the removal of surplus waters by drainage; and for the preparation, printing, illustration, and distribution of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $250,000."

Mr. SCOTT. Mr. Chairman, it seems to me that the amendment broadens the scope of this bureau to an extent that certainly can not be contemplated upon an appropriation bill. The existing language, I think, is warranted by the general provisions of the law establishing the Department of Agriculture, and I would therefore challenge the proposition that it is subject to a point of order, and that therefore an amendment which might otherwise be challenged is not subject to a point of order.

Mr. MACON. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. MACON. I desire to call the attention of the gentleman to the fact that this provision went out of the bill a year ago, I believe it was, on the point of order made by the gentleman from New York, Mr. Perkins, the point of order being sustained by the Chairman at that time.

Mr. SCOTT. Mr. Chairman, I think I remember the precedent which the gentleman from Arkansas cites, and yet I can not believe that a provision such as this, which broadens the work of this office in such a way as to permit it to define the relation of the Federal Government to local and State authorities, to report upon the effect of drainage with respect to the public health, and numerous other provisions of this character, can be held in order under any reasonable construction of that law.

Mr. MANN. Mr. Chairman, my recollection is that the item in the bill is subject to a point of order and has been so held, but the question then is, whether the amendment offered to it presents a new substantive proposition or whether it is a mere enlargement of the proposition covered in the provision in the bill. It seems to be perfectly plain that the amendment offered by the gentleman from Georgia presents a number of new substantive propositions. One is to locate and survey the drainage of swamp lands. That is quite a different thing from investigating and reporting upon the drainage of swamp and wet lands. To locate all of the swamp lands in the United States and survey them is quite a different proposition from merely investigating the subject of the drainage of swamp lands and certainly presents a new substantive proposition. One is to report upon the existing legislation of the different States and foreign drainage policies and their results, and various other things of that kind, all entirely different from the scope of the work contemplated by the provision in the bill:

And to prepare plans for the removal of surplus waters by drainage, and for the preparation, printing, illustration, and distribution of reports and bulletins on drainage.

That, I believe, is already covered in the bill, except as to the plans. There is certainly, I think, a new substantive proposition covered by the amendment proposed by the gentleman not included in the language or the scope of the bill.

Mr. EDWARDS of Georgia. Mr. Chairman, just a word. I am frank to confess this language is much broader than the language which is in the bill, and my purpose was to make it much broader. I do not believe that the language carried in the bill is broad enough, and I do not believe the Bureau of Drainage Investigation, though doing a great work, is doing as effective work as it should do. Now, this is a very important work to this country; it is important to the State of the gentleman from Illinois [Mr. MANN]; it is important to the State of the gentleman from Kansas, chairman of the Committee on Agriculture; it is important to Georgia and to many other States in this Union, and I contend that the work that is being done by the Division of Drainage is being hampered by reason of the narrow language of this bill. It is being hampered further by the small appropriations made for it. It is almost a reflection upon Congress to go down here in the Agricultural Department and find the Drainage Division crowded up in one room, with several people employed there, hampered in their work. This language is purposely made broad in order that the investigations may be made and the reports published for the benefit of the people throughout the country. An adequate sum should be appropriated whereby the work can be done. We want the reports and we want the people to know the result of the work that is being done. I believe this is a great and important matter, and, if it is necessary to be done at all, it ought to be done well. The people of the country ought to be notified through the bulletins and the reports as to the results of the work, so as to get the best benefit from the information derived through these investigations.

The CHAIRMAN. The question is not on the language of the original bill, no point of order having been made, but whether an amendment of this kind is therefore in order. The argument of the gentleman from Georgia [Mr. EDWARDS] seems to the Chair to show that the purpose of the amendment is a considerable enlargement of the scope of the paragraph as contained in the bill. The Chair is well aware, as the committee of course is, that the language of the organic act establishing the Department of Agriculture is exceedingly broad. It provides that the Agricultural Department shall gather data

and distribute that data amongst the people of the United States on matters of agriculture in the broadest and most comprehensive sense of the word. But there must be some limitation; and it seems to the Chair that the Agricultural Department is not under that language authorized to go into such questions as "the relation of the Federal Government to the local and State authorities and legislation on drainage." The Chair therefore sustains the point of order.

Mr. SCOTT. Mr. Chairman, before the debate begins for which a limitation of 15 minutes has been made, I would like to ask unanimous consent that the time be divided; the gentleman from Arkansas [Mr. ROBINSON] to control eight minutes of that time in support of this amendment, and seven minutes to be controlled by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the 15 minutes debate that has been allowed under order of the committee be controlled by the gentleman from Kansas and the gentleman from Arkansas, eight minutes to be controlled by the gentleman from Arkansas and seven minutes by the gentleman from Kansas. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ROBINSON. Mr. Chairman, on yesterday I discussed somewhat at length the purpose of this amendment. It is to increase the amount available for drainage investigations and surveys. It is not my purpose at this time to repeat that discussion. I ask the attention of the chairman of the Committee on Agriculture to this statement. I sincerely hope that during the course of this discussion, or at the conclusion, that an agreement may be reached whereby the amount carried in the bill may be materially increased. The importance of this work, as has been stated, can not be overestimated. I desire now to yield to the gentleman from Missouri [Mr. RUCKER] three minutes.

Mr. RUCKER of Missouri. I desire to offer an amendment to the amendment offered by the gentleman from Arkansas [Mr. ROBINSON], by striking out "two hundred and fifty" and inserting "one hundred," so that the amendment will read "one hundred thousand" instead of "two hundred and fifty thousand."

I do this, Mr. Chairman, because I am in favor——

The CHAIRMAN. Will the gentleman state his amendment again?

Mr. RUCKER of Missouri. I propose to strike out "two hundred and fifty" and insert "one hundred."

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Strike out "two hundred and fifty" and insert "one hundred," so as to read "$100,000."

Mr. RUCKER of Missouri. I do this, Mr. Chairman, in the interest of economy, at the same time believing, as I do, that the amendment offered by my friend from Arkansas [Mr. ROBINSON] carries no larger amount probably than ought to be carried, but I fear it is a larger amount than the House is disposed to appropriate for this work at this time. I believe the sum carried in the bill ought to be increased, and that an increase of $20,000 is a reasonable one. This work is of a character so far-reaching in its nature and so beneficial to the country as a whole that I believe this Congress will be derelict in its duty if it does not consent to this reasonable increase in the appropriation.

Mr. SCOTT. Will my colleague yield for a question?

Mr. RUCKER of Missouri. I will.

Mr. SCOTT. I should like to inquire of the gentleman from Arkansas [Mr. ROBINSON] whether $100,000 would be an acceptable compromise from his point of view.

Mr. ROBINSON. In view of the amendment offered by the gentleman from Missouri [Mr. RUCKER] and the inquiry of the gentleman from Kansas, the chairman of the committee, I desire to say to him that I will accept that amendment if it is satisfactory to the chairman of the committee.

Mr. RUCKER of Missouri. I hope the gentleman from Kansas, the chairman of the committee, will not resist it.

Mr. SCOTT. Mr. Chairman, if my friend will yield for a very short statement, I will say that it has been the policy of the department and of the committee for many years to maintain the appropriation for the office of drainage survey and of irrigation at the same figure. The committee brought these appropriations in this year, recommending an appropriation of $80,000 for each. The House on yesterday voted to increase the amount appropriated to the work of irrigation by $20,000, and since that has been done, and in view of the sentiment that has been developed, I am willing, so far as I am concerned, to accede to the suggestion of my colleague on the committee, the gentleman from Missouri [Mr. RUCKER], and accept $100,000 as the appropriation in this paragraph.

Mr. RUCKER of Missouri. Now, Mr. Chairman, since the gentleman from Arkansas [Mr. ROBINSON] has generously consented to the amendment offered by me, and the gentleman from Kansas [Mr. SCOTT], chairman of the committee, has waived objection and will consent to it, it is not necessary for me to make the excellent speech I had in mind to deliver this morning, and therefore I yield the floor. [Applause.]

Mr. ROBINSON. Mr. Chairman, I yield one minute to the gentleman from Mississippi [Mr. CANDLER].

[Mr. CANDLER addressed the committee. See Appendix.]

Mr. ROBINSON. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, I am not going to delay the time of the House except to say that I am heartily in favor of this provision in the bill. The question of drainage of swamp and overflowed lands is one of great importance to the people of our country.

There are millions of acres of overflowed and swamp lands that could be drained and then would be as fine land as there is any place in the country. The Secretary of Agriculture, in his report on this subject for 1910, says that more than 9,000,000 acres have been surveyed, at an expense of not to exceed 3 cents per acre.

The Government has wisely expended millions of dollars in the West in reclaiming land that would otherwise be useless, and has so arranged that all the expense will be paid back to the National Treasury. It seems but fair that something more should be done to reclaim the swamp and overflowed lands. In my judgment, there is an important work to be done in helping to secure the proper drainage of these lands.

Mr. GODWIN. Mr. Chairman, I am glad the amendment was agreed to. This provides for an increase of the drainage funds from $80,000 to $100,000 which will enable the drainage office to further its work.

I would like to see an amendment increasing the funds for the Office of Public Roads, as I believe these are two of the most important subjects now engaging the minds of our people. But as time is limited, I can only discuss for a few moments the drainage question.

The reclamation of the swamp lands of North Carolina, which is being so strenuously urged by influential men, is of vital importance to every North Carolinian. There are approximately 3,500 square miles of untenable land in North Carolina that could, with very little expense, be converted into the most fertile land of the State. By the drainage of this land almost as much more could be doubled in value, for in many places much of the land adjoining the swamps is too low to be successfully drained by ditches until the swamps themselves are canaled. The Bureau of Drainage Investigation has estimated the reclaimable swamp lands and marine marshes of North Carolina at 5,000 square miles. This land lies largely in the most productive section of the State and prevents the proper development of this section. We must have immediate drainage.

The effect of draining the swamp and overflowed lands upon public health is shown by the decrease of malarial diseases in those States where drainage systems have been established. In Indiana, Illinois, and Iowa the deaths caused by malaria have decreased nearly 40 per cent since the drainage of the overflowed lands in these States. Within the last few years scientists have proved, beyond a doubt, that the mosquito is the most common means by which malaria and other fever diseases are conducted into the human system.

Since the mosquito generates in the swamps, the only way to be rid of them is to drain the land. Moreover, the stagnate water in these swamps is not only a menace to health, but it also prevents the development of the surrounding country.

The Bureau of Drainage Investigation has estimated that the swamp land of North Carolina can be drained at an average cost of $12 per acre. The value of reclaimed swamp land near Charleston, S. C., which has the same soil as that of eastern North Carolina, has been increased $75 per acre, thus by an expenditure of only $30,000,000 the value of our land would be increased $187,500,000, a net gain of $157,500,000. The addition of this amount to the value of our real estate is not to be despised. Further, it is absolutely necessary that we obtain some means of supplying our constantly increasing population with food and employment, and there is no better method than by increasing the area of the farm lands. Our forefathers had no need of draining swamp lands, for the West with all its prospects lay open to them, but this westward tide, increased by thousands of immigrants, is now returning, and North Carolina must receive her share. If well cultivated, 100 acres of the reclaimed swamp land will support a family, thus we may easily provide for 25,000 homes. Most of this land, and especially the marine marshes, is well adapted to truck farming on account

of its fertility and its proximity to markets. It will produce vegetables almost as early as States farther South, and, as the cost of transportation to northern markets will be much less, we have an advantage over the other States. Where the reclaimed land is too far from market to be profitable for truckfing, it can be utilized for other purposes, being by far the best corn and cotton land in the State. Some of the land can not be completely drained, but this can be made into pastures equal to those of the western plains. By this we see that the drainage of the swamp lands will not only add greatly to the commercial value of the land, but it will upbuild the State and increase the wealth of its citizens.

The drainage of the swamp lands is a public function, but it can not be accomplished on a large scale without cooperation among the landowners, and it is difficult to secure an organization among the farmers without assistance and encouragement. The landowners, the State, and the National Government must each take a part if drainage is to be a successful undertaking. The Government did not hesitate to do its part in irrigating the West, and national drainage is as important as national irrigation. In fact, the reclaimed swamp land is much more fertile than the irrigated plains and can be redeemed at less cost. If the Government is willing to water a desert, it can not refuse to drain the swamps. We do not ask the Government to drain the swamps of North Carolina alone, but we ask that aid be given to every State where the citizens are as willing to assist in the work as those of North Carolina. The Government has made the West the greatest grain-producing region in the world. By a small expenditure a desert has been converted into farms unsurpassed in all the world for their productiveness, and what was formerly an arid waste has become the pride of our Nation.

Chemical analysis of the southern swamp soil and the western irrigated soil shows that the former is 30 per cent more fertile. The products of this land are as essential as those of the West, and the cost of transportation is practically nothing. Thus we have a great advantage over the West, and if the Government has wrought such a change there by furnishing them with water, what could it not accomplish here by removing the surplus water? If the West is now the garden of the Nation, the South would then be the garden of the world, and North Carolina would be the choice spot of that garden.

When I first introduced a bill in the House for the investigation of the feasibility of draining the swamp lands of North Carolina there were some objections, because certain experiments in drainage have failed. These experiments have, for the most part, been conducted on a small scale by private individuals who had no previous knowledge of such work and no advice from a strictly reliable source. It is evident that this work can never be successfully conducted on a small scale, and besides in these experiments the ditches have invariably been dug too shallow and the dikes constructed too narrow. In fact, it is surprising that so difficult a task, attempted without any established precedents to follow and retarded by such serious errors, ever became even a partial success. In Indiana and other States, where the work has been undertaken on a large scale and conducted by experienced men, it has improved the land even beyond expectations. Drainage has been carried on successfully in England, France, Italy, and other European countries. Two-fifths of Holland has been wrested from the sea, and land which was once covered with salt bogs now supports a population of 450 to the square mile.

If the 3,500 square miles of overflowed land in North Carolina were only drained, its taxable value would be greatly and permanently increased, thus repaying for their outlay, the sickly swamps would be rendered sanitary, and it would provide labor for thousands of men. Instead of educating all of our energetic young men for the overcrowded professions we could then teach them agriculture and provide them with productive farms. Herds of cattle would then supersede the roving fox, and corn and cotton would take the place of reeds and undergrowth. The sickly swamps would be converted into beautiful fields traversed by magnificent streams, and the hum of the malaria-infested mosquito hushed by the songs of the birds. Our swamps are the pathway to agricultural wealth and prosperity, but they must be drained before they can be traveled. [Applause.]

The drainage of swamp lands has become an interesting question in North Carolina, and the people I have the honor to represent are much interested in the project. I discussed the reclamation of swamp lands in a speech I delivered in the House about four years ago, when I introduced a resolution calling for surveys of swamp lands, estimates of cost of drainage, effect of drainage on public health and agriculture, foreign drainage policies, and so forth.

For the past four years much has been done in North Carolina looking to the drainage of our swamp lands. I have made two tours of the sixth district, accompanied by experts from the drainage office here, addressing public meetings with a view to encouraging and educating the people in this important work. About three years ago the first drainage convention for our State was organized at Newbern, N. C., and a well-defined and carefully thought out drainage project was then launched. Since that time regular annual conventions have been held and enthusiastically attended by leaders in drainage work. At the first convention a committee was appointed to draft a bill to be presented to our State Legislature. My colleague, Mr. SMALL, of the first North Carolina district, was a member of the committee to draft the bill. Great care was exercised by the committee in presenting a bill to the legislature that would stand the test of the courts. The mistakes in drainage laws of other States were carefully avoided.

This committee from the drainage convention, led by Mr. J. O. Wright, of the United States drainage office, presented the bill to the legislature of 1909, and soon thereafter, with practically no opposition, the same was enacted into law for our State. This law has been upheld by the courts, and other States have since fashioned their drainage laws after ours.

The people of the State now have the drainage of their swamp lands in easy reach. The National Government, the State, and the people to be benefited cooperate in carrying on the great work.

This bill carries an appropriation for the coming year of $100,000, to be used in making drainage investigations and assisting those who desire to avail themselves of the State law by organizing drainage districts to carry on the work to completion. I hope the day is not far distant when we shall see all the swamp lands in North Carolina properly drained under the provisions of the law and for the many beneficial reasons I have just given. [Applause.]

The CHAIRMAN. Without objection, the amendment will be considered as modified by inserting the amount of "$100,000."

The question is on agreeing to the amendment as modified.

The question was taken, and the amendment was agreed to.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to offer an amendment to this paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of the paragraph:
"And the Secretary of Agriculture shall make a special report to the next session of Congress, giving the aggregate expenditures under this provision and the areas in the several States and Territories which have been investigated."

Mr. FOSTER of Illinois. This, I will say, Mr. Chairman, is the same provision that was in last year's bill, and the Secretary of Agriculture has reported to Congress on this subject, which I think it is important for us to have information upon, and that is the only reason I offer this amendment. I think it is a good thing to have this report, I will say to the chairman of the committee.

Mr. SCOTT. Mr. Chairman, I will say that the language to which the gentleman from Illinois has called attention, and which he says appeared in last year's bill, was omitted this year at the suggestion of the department, which did not seem to think it was necessary. But the special report called for is a matter of small expense, and if it does contain information of value, I am quite willing to allow the amendment to go in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

OFFICE OF PUBLIC ROADS.

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $4,000; 1 chief clerk, $1,800; 1 clerk, class 3; 1 clerk, $1,440; 1 clerk, $1,320; 2 clerks, at $1,260 each; 3 clerks, class 1; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 1 clerk, $1,080; 1 clerk, $1,020; 4 clerks, at $1,000 each; 1 clerk, $900; 1 instrument maker, $1,200; 1 messenger or laborer, $720; 1 messenger or laborer, $660; 4 messengers or laborers, at $600 each; 1 messenger boy, $480; 1 messenger boy, $360; 2 charwomen, at $240 each; in all, $34,060.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I raise a point of order against the paragraph, and particularly against the following parts: Page 72, line 23, "$4,000;" line 24, "$1,800;" and line 25, "$1,440."

Mr. MACON. Mr. Chairman, does the gentleman desire to reserve the point of order?

Mr. MICHAEL E. DRISCOLL. Yes; I reserve the point of order.

Mr. MACON. I shall make it.

Mr. MICHAEL E. DRISCOLL. I may make it before we get through, but I first want to have the matter discussed.

Mr. SCOTT. If the gentlemen will withhold their points of order, I would like to be heard for two minutes. The salary of the Chief of the Office of Public Roads at present is $3,000. It has been at that sum for five years. It was fixed at a time when the appropriations of the office were about one-quarter what they are now. It is $1,000 less than the salary paid to the chiefs of other bureaus of equal importance in the department. Furthermore, during the past year the chief of that bureau has invented a process by which, through the mixture of cement with petroleum or some other heavy oil in certain proportions, it is given waterproof and other qualities which it never had before, and which will undoubtedly add enormously to the field of its usefulness. This process has been patented in the name of the public, so that the man who invented it will obtain no pecuniary benefit from it, and yet it is the estimate of competent engineers that if he had patented it as a private individual it would have been worth to himself a million dollars or more. It seems to the committee that the increase asked for in this bill is no more than a fitting recognition of the high sense of honor which prompted Mr. Page to take out this patent in the name of the public instead of resigning, as he might have done, from the Government service and taking it out for his own benefit, as well as a recognition of the very great ability with which the work of this bureau has been carried on. I appeal, therefore, to the gentleman who has made the point or order that, so far as the salary of the chief of the bureau is concerned, it be not pressed.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserved this point of order and I intend to insist on it.

Mr. STANLEY. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. MICHAEL E. DRISCOLL. Just a moment; I reserve the point of order which I intend to make before I get through, not so much because the salaries of these men are increased beyond their earning capacity somewhere else, but as a protest against the prevalent tendency to commit the Government to the construction of ordinary country roads. There are now introduced by Members of this House 25 bills for the construction of good roads by the Federal Government which I have not examined thoroughly at this time. I did, some four years ago, examine something like 18 bills introduced by Members of this House to the same purpose, and I delivered some remarks on that subject at that time. There are in addition two bills providing for the construction of particular roads in the country, and there seems to be throughout the country a propaganda growing up and spreading and striving to commit the Federal Government to the construction of country roads, to which I am eternally opposed.

Now, my colleague, the gentleman from New York, said upon the floor of this House a few days ago that the best roads in the State, and I do not know but he said the best roads in the country, were in the district or county in which he lives. I asked him a question, and he answered that they built these good roads without any assistance, in the form of instruction or in any other way, from the Federal Government. We are building excellent roads in New York without any help from the Federal Government, and we have bonded our State for $50,000,000, and more will be raised hereafter for that purpose.

Now, I object to the tendency, and the effort that is being made in Congress to commit the Government to the building of ordinary highways, which every State, county, or municipal division should do for itself. When we get through with this I will insist on the point of order. I can not find any authority for any of this paragraph on roads, but whether there is or not in some former law I am not absolutely sure; but I make the point of order against these increases of salaries as new legislation as a protest against what I say is the disposition on the part of this House——

Mr. LEVER. I hope the gentleman will reserve his point of order for a moment.

Mr. MICHAEL E. DRISCOLL. I will reserve it.

Mr. LEVER. The remarks of the gentleman from New York would give the impression that the Chief of the Office of Public Roads in the Department of Agriculture is a leading propogandist in favor of Federal aid for road building in the United States. As a matter of fact, and I think gentlemen of the Agricultural Committee will bear me out in the statement, that Mr. Page himself, before the committee during this session of Congress, said that he was absolutely and unalterably opposed to this propaganda in favor of Federal aid to road building. I call the attention of my friend to the fact that the work of Mr. Page and his office is, in my judgment, doing more to delay the day when this Congress will be brought face to face with the proposition of Federal aid to roads than anything else being done in this country. It is the one thing that is standing between Congress and the enormous sentiment throughout the country in favor of Federal appropriations for roads, and it seems to me the better policy for the gentleman from New York——

Mr. MICHAEL E. DRISCOLL. Is the gentleman speaking in his own time or in mine?

Mr. LEVER. I thought the gentleman reserved his point of order.

Mr. MICHAEL E. DRISCOLL. All right; I will reserve it until the gentleman finishes what he has to say.

The CHAIRMAN. The time of the gentleman from New York [Mr. MICHAEL E. DRISCOLL] has expired.

Mr. THOMAS of North Carolina. I ask unanimous consent that the gentleman may be allowed to proceed for three minutes.

Mr. MICHAEL E. DRISCOLL. I ask unanimous consent that my time be extended for five minutes, in order that the gentleman from South Carolina [Mr. LEVER] may conclude what he has to say.

There was no objection.

Mr. LEVER. I think the gentleman from New York and myself will agree upon this proposition, that if the work of this department of the Government is doing nothing more than to delay the time when we shall be brought face to face with this proposition of Federal aid to roads, it is a good work; but, as a matter of fact, this department is doing an enormous service in teaching the people of this country how to build roads economically, and it is doing it in a perfectly legitimate way and in accordance with the spirit of the law authorizing this kind of work. I can not say more than the gentleman from Kansas [Mr. SCOTT] has said with reference to this particular gentleman, the chief of this office. There is not a more faithful servant in the Government service than he. There is not a more intelligent servant in the public service than he. There is not a man who has sacrificed more personal interests than he has. He has not had an increase in salary for five years. It is a fact that he is at the head of a most important work in this Government, and it does seem to me that this point of order ought not to be made against him. Let us recognize his great service and self-sacrifice. It is due him and it is due us that this justice be done him.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I do not raise any question but that the gentleman in the Office of Public Roads is doing good service, and if his services would put off indefinitely a concerted effort on the part of the country to commit the Federal Government to the work of the ordinary construction, I would be in favor of raising his salary several times and keeping him in office for life; but I am not convinced that that is a fact. Besides, I do not know who recommended the increase, but the whole provision for this Office of Public Roads last year was only $21,260. This bill carries an appropriation of $34,060.

Now, I can not see how that indicates that the director is trying to limit his activities. The whole thing seems to be a disposition to magnify the importance of this office, as every other office in the Federal Government is magnified and made more important by the chiefs and heads of the various bureaus and the officers.

Mr. COCKS of New York. Will the gentleman allow me to say that this one bureau is an exception? This one bureau is continually asked for aid in the way of advice and specifications and general work by those who are seeking to build roads.

Mr. MICHAEL E. DRISCOLL. The appropriation asked for in this bill is 50 per cent larger than it was last year.

Mr. COCKS of New York. Well, it ought to be increased 200 per cent. This is a tremendous country, and there has got to be a very strong demand for information along this line, and the gentleman knows that we in the State of New York have lost a great deal by experimental work.

Mr. MICHAEL E. DRISCOLL. We have been able to use the material that we had there.

Mr. COCKS of New York. We have lost a great deal by experimental work, and I think it ill becomes a Member of Congress from the State of New York to object to this transfusion or transmission of knowledge.

Mr. MICHAEL E. DRISCOLL. I think it ill becomes a Member of Congress from our State, which has built its own roads by taxing its own people, which has dug its canals by its own efforts, which has created its own forest reserve, while other States are demanding that the Federal Government buy their mountain tops—I say that it ill becomes a Representative from New York to say anything which will tend to commit the Fed-

eral Government to the construction of ordinary roads. [Applause.]

Mr. COCKS of New York. All I want is, that this information shall be disseminated and prevent the mistakes that we have made in our road construction.

Mr. MICHAEL E. DRISCOLL. Does the gentleman from New York claim that we have made mistakes in our road building?

Mr. COCKS of New York. Of course we have.

Mr. MICHAEL E. DRISCOLL. Oh, this is only a starter. If you once commit the Federal Government to this you do not know where it will end.

Mr. COCKS of New York. I want all the information in this regard disseminated that is possible.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I make the point of order.

Mr. WILEY. Mr. Chairman, I would like to have the gentleman reserve his point of order; I want to say a word.

Mr. MICHAEL E. DRISCOLL. But the chairman asked me to make the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I ask the gentleman to withhold his point of order for a minute.

Mr. MANN. Mr. Chairman, I call for the regular order.

Mr. SCOTT. The gentleman from New York has already announced that no matter what is said in the end, he will make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks on this subject in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STANLEY. I rise, Mr. Chairman, to propound a question to the gentleman from New York. I sincerely hope my genial friend from New York will withhold the point of order for five minutes. I am under the impression that he is laboring under a misapprehension with reference to the purpose of this increase.

Mr. MANN. I demand the regular order.

The CHAIRMAN. The gentleman from Illinois demands the regular order. The Chair has already sustained the point of order.

Mr. SCOTT. Mr. Chairman, I offer the following amendment: In line 23 insert the word "three" in place of the word "four."

The amendment was agreed to.

Mr. SCOTT. And in line 24 insert the word "six" instead of the word "eight."

The amendment was agreed to.

Mr. SCOTT. And in line 25 insert the words "thirteen hundred and eighty dollars."

The amendment was agreed to.

The Clerk read as follows:

General expenses, Office of Public Roads: For salaries, and the employment of labor, and rent in the city of Washington and elsewhere, supplies, office fixtures, apparatus, traveling and all other necessary expenses for conducting investigations and experiments, and for collating, reporting, and illustrating the results of same, and for preparing, publishing, and distributing bulletins and reports as follows: *Provided*, That no part of these appropriations shall be expended for the rent or purchase of road-making machinery, except such as may be necessary for field experimental work.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, to correct a typographical error.

The Clerk read as follows:

At the end of line 3, page 74, strike out the colon and in lieu thereof insert a semicolon.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $60,000.

Mr. CANDLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 74, line 9, strike out the word "sixty" and insert in lieu thereof "one hundred."

Mr. CANDLER. Mr. Chairman, my amendment is for the purpose of increasing the appropriation from $60,000 to $100,000 for the investigation of the best methods of road building and the best methods and kinds of road-making materials and for furnishing expert advice on road building and maintenance; and in support of this amendment I desire to say that I do not believe there is anything that is of more importance throughout the country at this time than the construction of good roads. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] stated awhile ago that this was only an entering wedge to appropriations by Congress for the purpose of building roads. If it was, I would be the stronger, if possible, for it, but this paragraph is confined to the subjects of investigations and the best method of road making and the best kind of road-making material and for furnishing expert advice on road building and maintenance. Therefore it does not touch the question of the construction of public roads by the National Government itself. That is a question which should have engaged our attention before this time and no doubt will engage the attention of Congress at some time in the future, but it is not the question just now before this House.

The sole question involved in this proposition is as to the appriation for the purposes mentioned, nothing more and nothing less. If we make an appropriation as to the best methods of road construction and road-making material, we should furnish this bureau with sufficient money at least to make it of substantial benefit throughout the country. When you limit it to $60,000 for this great Republic, you limit it to an amount that is absolutely inadequate to meet the necessary and natural demands, but if you will give this additional appropriation, while it does not amount to a great deal, still it will add to the amount that is now carried in the bill and will, to the extent of the addition, permit the Director of Public Roads to carry forward these investigations. I do not know whether gentlemen upon the floor of the House have had experience, but I presume they have had experience along this line. In my district in Mississippi I have had occasion to call upon the Director of Public Roads simply for the purpose of securing an expert to make these very identical investigations, and to give advice in regard to the construction of roads.

I have found him ready to respond when possible, but he has been hampered because of the fact that the appropriations are not sufficient. He is ready and willing and anxious to do it, and, as was stated by the gentleman from South Carolina [Mr. LEVER], there is no better, no more efficient, no more energetic and patriotic citizen or public official than the Director of Public Roads, Mr. Logan W. Page. Therefore I ask that this appropriation be increased in order that the services provided in this paragraph may be rendered in different sections of the country, wheresoever it will be for the best interests of the people and wheresoever information can be given that will accomplish good for the development of the purpose for which this bureau was established.

Mr. LANGLEY. How much increase does the gentleman propose?

Mr. CANDLER. Forty thousand dollars. The bill provides for $60,000, and I ask that it be increased to $100,000.

Mr. BARTLETT of Georgia. How much did we expend last year?

Mr. CANDLER. I do not remember what the appropriation was last year. I presume they spent all that was carried in the bill, because it was a very limited amount.

Mr. BARTLETT of Georgia. Did the Office of Public Roads ask for more than the committee granted?

Mr. CANDLER. I do not know in reference to that.

Mr. LEVER. The estimates that came to the committee asked for $60,000.

Mr. BARTLETT of Georgia. And the appropriation last year was $40,000?

Mr. LEVER. The appropriation last year was $43,000.

Mr. THOMAS of North Carolina. Does the gentleman know what the estimate was that is made by the chief of the division to the Secretary of Agriculture?

Mr. LEVER. I do not know that.

Mr. CANDLER. My good friend from Georgia will recognize the fact, and we all know, or at least have been advised, that the word has gone down the line that increases are not to be asked for to any very considerable extent. They propose to practice a great deal of so-called economy.

Mr. BARTLETT of Georgia. I did not know that that was manifested in any department but the Post Office Department.

Mr. CANDLER. Well, I would not say it is even manifested much there, although in the Post Office Department it is

true that even some appropriations made by Congress have not been expended, but have been turned back into the Treasury.

Mr. BARTLETT of Georgia. And I would state to the gentleman that it has been suggested economy has not been manifested.

Mr. CANDLER. That is true.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in 5 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate upon the paragraph and all amendments pending thereto be closed in five minutes. Is there objection?

Mr. HEFLIN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. SCOTT. Mr. Chairman, I move that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. STANLEY. Say 15 minutes. I am not objecting, but I would like 10 or 15 minutes.

Mr. SCOTT. Any particular time.

Mr. HEFLIN. I want five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate close in 10 minutes.

Mr. STANLEY. Fifteen minutes.

Mr. SCOTT. Well, gentlemen of the committee, ask the time to be extended to 15 minutes and I will agree to that.

Mr. STANLEY. And I suggest that that time be divided half and half.

Mr. SCOTT. I will include in the request that the time be divided, eight minutes to be taken by the supporters of the amendment, and seven minutes to be controlled by myself.

The CHAIRMAN. Will the gentleman from Kansas indicate what gentleman is to control the eight minutes?

Mr. SCOTT. I suggest the gentleman who offered the amendment.

The CHAIRMAN. The gentleman from Kansas asks that all debate on the paragraph and all amendments pending thereto be closed in 15 minutes, eight minutes to be controlled by the gentleman from Mississippi and seven by the gentleman from Kansas.

Mr. CANDLER. I would like to suggest that there are three gentlemen on this side of the House who would like to have four minutes each, and I would like to have the privilege of yielding time to them.

Mr. SCOTT. Would two minutes help the gentleman?

Mr. HEFLIN. Yes; and I would be obliged to the gentleman.

Mr. SCOTT. I yield two minutes to the gentleman from Mississippi from my time.

Mr. CANDLER. Out of your seven minutes?

Mr. SCOTT. Out of my seven minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. CANDLER. Mr. Chairman, that gives me 10 minutes in all, and I yield to the gentleman from Alabama [Mr. HEFLIN] four minutes.

Mr. HEFLIN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Mississippi [Mr. CANDLER], because the $60,000 provided for in the bill is not sufficient to enable the Director of the Office of Public Roads to render such aid and to give such information as he is called upon to give. It is a fact that this department is unable to respond to the many calls for expert advice on road building, because we do not have a sufficient number of men engaged in this work. If the department had sufficient funds, the number of men necessary to do this work would be employed, and the people all over the country desiring information as to the best methods of building roads would receive it when they want it. Now, they must wait, and wait in many instances just because the Office of Public Roads is absolutely unable to meet the demands made upon it.

Mr. Chairman, the county commissioners and the boards of revenue, who have in charge the construction of public roads in the counties, are seeking information to-day as they never have before. They are seeking the advice of expert road builders, and if we are going to have a Director of Public Roads at all, he ought to be equipped with men and money enough to send men with this expert advice whenever it is asked for. The people of the counties work up a strong sentiment for improving the public roads.

Public meetings are held, and it is often the case that when the county commissioners or boards of revenue call on the Office of Public Roads for a good roads expert they are unable to get him, simply because these expert road men employed in the department are too few in number to respond to the many calls made for them.

We can make this Office of Public Roads a power for good to the millions of our people who live in the rural districts by making it the mighty agency for carrying to them information—the very best information—that can be had in the world on the matter of material to be used and the best method to be employed in building up the public highways of our country. Mr. Chairman, the farmers of the country would be greatly benefited by this character of information, and the merchants would share their blessings. The value of their property would be greatly enhanced by the improvement of our public roads. Life on the farm would be made more attractive. These men who feed and clothe the world deserve this aid and encouragement at the hands of our Government. Every dollar expended in encouraging road building, every dollar employed to carry expert advice on road construction into the various sections of our country, is a distinct contribution to the welfare, the comfort, and happiness of all the people. [Loud applause.]

Mr. CANDLER. Mr. Chairman, I yield to the gentleman from Texas [Mr. SHEPPARD] four minutes.

Mr. SHEPPARD. Mr. Chairman, I shall support the amendment of the gentleman from Mississippi [Mr. CANDLER], because it will increase the facilities of the Federal Office of Public Roads for the further investigation of the best methods of road making in this country. Considering the meager funds at its disposal this office is rendering conspicuous service to the American people. As is well understood, its functions are confined to the collection and distribution of expert information on the subject of better roads and to the giving of expert instruction. During the last fiscal year this office supervised the construction of over a million square yards of road built at local expense. For every mile of road supervised by this office many more miles are constructed under the influence and example of the Government's labors.

This small increase in the sum to be at the disposal of the National Office of Public Roads is especially justified, because its chief benefit will inure to our rural roads. Let me say that probably 90 per cent of Federal appropriations is expended in the cities, while about 60 per cent comes from the pockets of the farmer. There should be a more liberal apportionment in the interest of rural communities. The cities and the towns are already blessed with good roads, as a rule; the country roads will be especially benefited by the better information and instruction which will result from this appropriation. [Applause.]

The question of good roads presents one of the most vital subjects in the range of human discussion. The final measure of all progress may be found in the rapidity and extensiveness with which the products of human thought and toil are transmitted and interchanged. One of the fundamental problems of a nation's development is the problem of transportation. The supreme test of a country's permanent prosperity lies in the facilities it affords for the interchange of its products and the intercommunication of its citizens. The most neglected phase of the transportation question in America is the improvement of dirt roads. If the man who boasts of the annihilation of space and time by modern methods of transportation should travel one of our ordinary roads in the rainy season, he would find it more suggestive of the truth to speak of the annihilation of the team, the vehicle, and the religion of the driver. [Laughter.] Mud is the chief enemy of civilization. It is the element out of which man was originally made, and it has clung to him ever since. When we speak of the facilities of modern transportation, we have a vision of the fast freight train conquering the distances with amazing ease and think but little of that other vision of the farmer struggling with heavy load and tired team along inferior roads. And yet almost every pound of produce in the cars must first be carried to the railway on wagon roads.

Billions have been expended in the construction of railways, while but comparatively little attention has been given the rural highways, without which the railways would find their occupations gone. If the progress in equipment and construction has cheapened railroad transportation with such marvelous benefit to the country, would it not be equally beneficent to cheapen and to facilitate transportation from the form to the railway? Nearly all the freight transported annually by American railroads must first be carried to the railways from the farm on common roads.

And yet, under present conditions, the average cost of carriage on common roads is 25 cents per ton per mile—33 times the cost by rail and 100 times the cost by water. In England and France, where good roads have been largely adopted, the average cost per ton-mile of drawing farm produce is about 10

cents; in Belgium, 9½ cents; in mountainous Switzerland, 8 cents; in Italy, 7½ cents; in Germany, 6½ cents. It is figured that of all the common roads in the United States only one-ninth may be said to be improved, one-tenth to be fairly passable, the remaining eight-tenths or more being bad—muddy beyond temperate description in wet weather, dusty beyond endurance in dry. It has been computed that the actual annual loss from poor roads in America is over $76 for every hundred acres, or between five and six hundred millions for the entire farm area of a million square miles, the loss being equivalent to more than one-tenth of the total home value of the farm products of the Union. Truly, the mud tax is the farmer's highest tax. It is the highest tax of manufacturer and merchant, because their prosperity depends upon the farmer's ability to buy. It is the highest tax of railways and ocean lines, because their tonnage must be drawn on wagon roads from forest, field, and mine. It is the city's highest tax, because the city leans upon the farm. It is the Government's highest tax, because the Government can not exist one hour without the farmer's supporting arm.

Good roads bear so intimate a relation to the general welfare, affecting all the people so equally, and present an enterprise so gigantic in scope—an enterprise whose burdens belong to the public at large and not alone to the farmer—that the State, the most general representative of the people, must lend its aid and counsel. No permanent road system has ever been devised without state aid. The roads erected by the governments of antiquity enabled them to combine the world in an administrative unity. Herodotus, the father of history, describes a great road in Egypt constructed in the reign of Cheops, on which more than 10,000 men were employed for a decade. In Strabo, another early historian, we find that Babylon was paved about 2000 B. C., and that three great roads were built from Babylon to Susa, to Ecbatana, and to Sardis. Along the road from Babylon to Memphis rose the splendid cities of Nineveh, Damascus, Tyre, and Antioch.

The governments of Athens, Thebes, and Sparta, in which rested at different periods the supremacy of Greece, devoted especial attention to the construction and the care of roads. The Carthaginians were scientific road builders and gave to their Roman conquerors the idea of systematic road making. The world is familiar with the roads of Rome, some of which are in use to-day at an age of 2,000 years. The farthest regions of the Roman Empire were connected by a succession of roads. From the wall of Antoninus, in North Britain, in the extreme northwest, to Jerusalem, in the extreme southeast, there was a continuous road, interrupted by less than 100 miles of sea—a road 4,080 Roman, or 3,740 English miles in length. On these roads the Romans traveled easily a hundred miles a day. It was impossible for mere local means to have accomplished these great enterprises.

Perhaps it would be proper to state here that the use of broken stone is the distinguishing feature of modern road making, a feature made prominent by John Loudon Macadam, an expert surveyor and road maker, who first came into notice on account of the roads he had constructed in the vicinity of Bristol in 1820. He is undoubtedly the most celebrated road builder of modern times. His conception of a good road involved, primarily, a dry subsoil, a foundation impervious to rain, not more than 10 or 12 inches thick, and a cover of broken stones. So permanent were his contributions to human happiness and advancement that his name has been adopted in his own and several foreign languages to describe the road of his invention, a name significant of the best character of modern roads. His memory will be applauded when emperors and empires shall have been forgotton.

Good roads will make possible the consolidation of rural schools, for without good roads we can not have good schools, the establishment of central libraries and lecture halls in the country, the development of an active community, life, and spirit. They will destroy the loneliness and monotony that drive young men to seek the glamour of the city and the glitter of the town. Already a majority of the people east of the Mississippi and north of the Ohio and the Potomac are crowded in the cities. It is the saddest sign, the darkest feature, of the age. The fact that the good-roads movement will restore the glory and the attractiveness of the farm makes it of more importance to this Republic than a hundred victories in diplomacy and war. [Applause.] Thank God for the new economic battle cry, "Back to the soil."

Again, by enabling the people to assemble more easily, good roads will deepen, solidify, and enrich the religious life of the community. The prophetic fancy of Isaiah could conceive of no more fitting honor for Omnipotence than a beautiful road when in the Asian wilderness he cried, "Prepare the way of the Lord, make straight in the desert a highway for our God." [Applause.] But good roads are beneficial in another way. Let us suppose that a young man in the prime and flower of his days resolves to make the fateful offer to the empress of his dreams and requests her company for a drive on one of our ordinary roads. Let us suppose that after a few stammering preliminaries he approaches the question of all questions when suddenly the wheels strike a mudhole and she goes in one direction, he in another. [Laughter.] He might never work up to the point of proposal again. [Laughter.]

Mr. COLE. Does the gentleman speak from experience? [Laughter.]

Mr. SHEPPARD. Most certainly. [Laughter.]

On the other hand, let us assume that they had driven along a splendid macadam road, the graceful stepper straining on the bit as his hoofs ring rapid music from the stone. Another union would have been registered in heaven before they had gotten a mile from town. [Laughter and applause.]

Oh, may this movement for good roads succeed. It is ordained of God. It should be accepted of man, for down these rural highways have come the intellectual Titans of the earth. [Applause.] It is fraught with blessings for God's multitudes. It will bring to the rural home the modern comforts and refinements, and young men will no longer hasten to desert the firesides of their fathers. It will quicken rural life with the pulse beats of modern progress. When this Republic, fashioned in the people's blood, the people's tears, shall have been interlaced with highways everlasting as the roads of Rome, imperishable as the pyramids, when along these mighty roadways the people's homes shall rise in beauty, and aspiring youth shall find in the adornment of the rural home the highest object of ambition and of pride, when these material monuments shall proclaim the advent of universal brotherhood and culture, then, and not till then, will the dreams of the founders have been achieved, a Government of the people in truth established. [Loud applause.]

Mr. CANDLER. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. WEEKS. Will the gentleman yield to a question?

Mr. LANGLEY. No; I can not yield.

Mr. WEEKS. I want to find somebody who will yield to a question.

Mr. CANDLER. I hope somebody will yield to the gentleman from Massachusetts, but I have not time to do it. I utilize this opportunity to ask unanimous consent to print my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent for the same purpose.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHEPPARD. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Chairman, I have, I believe, but a minute remaining. Will the gentleman from Kansas use his time, and I will use my minute in reply.

Mr. SCOTT. I yield two minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. I dislike very much to disagree with my genial friend from Mississippi [Mr. CANDLER], but I want to call the attention of my colleagues on this side of the aisle to this situation: In a few months the responsibility for legislation will be shifted from that side of the aisle to this. We have been pledged in our party's platforms to economy in the expenditure of public money. We can not economize if we are going to continue to increase appropriations. I am just as much in sympathy with the work of this Office of Public Roads as my friend from Mississippi, but I want to call his attention to the fact that 17 years ago, when we authorized this work, we appropriated $10,000 to carry it on. In this bill we carry an appropriation of $160,760. More than that, the estimates that come to us from the Secretary of the Treasury, approved by the Secretary of Agriculture, call for an appropriation of $60,000 for this particular purpose. The Committee on Agriculture has given exactly what was asked for, and that is an increase of $17,000 over last year's appropriation. It does seem to me, therefore, that it is bad legislation; it is a bad beginning for us here, who are about to be charged with the responsibility, to force down the throats of these various departments large sums of money which they have not asked for.

We shall do pretty well if we make up our minds and have the courage to cut down the estimates submitted to us by these departments from time to time.

Mr. SHEPPARD. Why did not the gentleman make the same point against these other increases that have been made here?

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The gentleman from Kansas is recognized.

Mr. SCOTT. I think I am to close the debate on that item. My friend from Mississippi can use what remains of his time now, and then I can follow.

Mr. CANDLER. I offered the amendment, and that entitles me to the privilege of closing.

Mr. SCOTT. I would like to have the opinion of the Chair as to which side is to close. My impression is that the Member in charge of the bill has the right to close.

Mr. CANDLER. And it is my opinion, Mr. Chairman, that the Member who offers an amendment has the right to close on that amendment.

Mr. SCOTT. Will the Chairman be kind enough to rule on that question?

The CHAIRMAN. The Chair will give the chairman of the Committee on Agriculture, in charge of the bill, the opportunity to close.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to quote Rule XIV, paragraph 6. It is immaterial to me who has the right of closing on this matter, but we have a rule on it, Rule XIV, paragraph 6, section 746, of the Manual:

> No Member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply.

Mr. CANDLER. That, Mr. Chairman, seems to settle it.

Mr. SCOTT. That does not answer the question, Mr. Chairman, as to whether I or the gentleman from Mississippi shall have the right to close.

Mr. MANN. That rule does not apply to amendments in the Committee of the Whole at all, and does not pretend to. That applies to matters in the House.

Mr. BARTLETT of Georgia. Mr. Chairman, the gentleman from Illinois makes a reply to my statement. I insist that the rule I have quoted does apply in the Committee of the Whole. I am not concerned in this matter, but I do not like to have that statement of the gentleman go unchallenged.

The CHAIRMAN. It is the observation of the present occupant of the chair that a chairman of committee having charge of a bill has the conclusion on items of the bill under circumstances like the present. The circumstances of the present case suggest two propositions, or two questions, namely, whether the mover of the amendment is the proponent or the Member in charge of the bill. The Chair has ruled, and the Chair recognizes the gentleman from Mississippi [Mr. CANDLER] for one minute.

Mr. CANDLER. I want to emphasize the identical proposition which is included in the amendment I offer. The sole, single, and only proposition which is presented is whether or not you will increase this appropriation from $60,000 to $100,000 for the purpose of investigating road-building material and for furnishing expect advice and superintending road building.

Mr. SHEPPARD. The amounts for irrigation and drainage investigation have just been increased.

Mr. CANDLER. You have increased the appropriations for irrigation and drainage investigations, and now let us put public-roads improvement in the same line. My friend from South Carolina [Mr. LEVER] says he believes in economy and that he regrets to differ with me in reference to this proposition. I believe in economy as strongly as does he or anybody else, but I do not believe in economizing along the lines of the development of this great country among the people who take care of the country. [Applause.] If you want to begin economy, let your economy begin at some place where it ought to begin, and not upon the plain citizenship of this country, who are compelled to sustain and support this Government, as is shown by statistics which are familiar to all of us. [Applause.]

As was said by the distinguished gentleman from Alabama [Mr. HEFLIN], there is nothing that is so engaging the attention of the American people at this time, and especially in the Southland, as the construction of public roads. The people engaged in this work need the advice of this Government, and ought to have it, and there ought to be sufficient money appropriated in order that that may be furnished to them. The difficulty has been that while this is a good proposition, the money has not been appropriated in sufficient amounts to furnish the people with the advice and assistance which they desire. [Applause.]

Mr. Chairman, the statistics all show that wherever the public roads have been improved it has resulted in great benefit not only to the people of the country but to the cities and towns as well, and hence improvement of the roads is a matter of the greatest importance to all of the people, and in aiding the construction of the improvement of the public roads we would help and benefit every class of our citizenship. The statistics also show that hauling over the country roads costs upon an average of 23 cents per ton per mile, amounting to the enormous sum of $432,400,000 annually, and that wherever the public roads have been improved the cost of hauling has been reduced one-half. That means, Mr. Chairman, that if our public roads were improved it would be a saving to the people of this country of practically $250,000,000 a year. Is not this a question which should receive our serious, careful, and candid consideration? The Government has given to the people rural delivery, the greatest blessing it has ever bestowed upon them. They have and are now enjoying this blessing. So let us now do what we can to help them improve their public roads, and in doing so we will confer upon them another blessing, which is as far-reaching and as important and will be as beneficial in the end as the others which they now possess.

I am glad that this agricultural bill now pending before the House has given larger appropriations to the agricultural interests than the preceding bills. Let us continue to increase the appropriations for the great agricultural interests of this country until the necessities of the country will be met. Let no man stand in the way of a reasonable and honest appropriation which will be beneficial and useful to develop the agricultural interests, because in helping that interest, as I have oftentimes said upon the floor of this House, we will help every other interest throughout our country. I appeal to you, my fellow Members, to stand by me and, within governmental functions, help the masses of the people who contribute so much to sustain the prosperity of the country and who also bear the greatest burdens of this Government. [Great applause.]

Mr. SCOTT. Mr. Chairman, the gentleman from Mississippi [Mr. CANDLER] seems to have been prompted to offer this amendment largely, if not chiefly, by the fact that when be applied for an expert to be sent into his district he was unable to obtain him.

Mr. CANDLER. Will the gentleman yield?

Mr. SCOTT. I can not yield.

Mr. CANDLER. Just a moment. I desire to say that the gentleman's statement is not fair.

Mr. SCOTT. I do not want to be unfair.

Mr. CANDLER. "The gentleman from Mississippi" did not make that statement. He said he had made application for experts and had found difficulty, because of the limited appropriation, in obtaining them sometimes, but that was not his motive in offering the amendment. His motive is to encourage and help road building throughout the country.

Mr. SCOTT. The gentleman is repeating substantially what I said—that he thinks this appropriation ought to be largely increased, for one reason because he found difficulty in obtaining experts when he has wished to have them in his district. I think I am not misquoting the gentleman.

Mr. CANDLER. I hope the chairman of the committee will not misrepresent me——

Mr. SCOTT. Did not the gentleman use it as an argument, that he had been unable to obtain experts when he desired them?

Mr. CANDLER. I used it as an illustration.

Mr. SCOTT. Oh! Then I trust the House will take notice of the fact that the gentleman has merely stated as an illustration certain conditions, from which he appeared to argue that the House would be warranted in increasing this already large appropriation, but which he did not intend should be regarded by the House as an argument. I beg to call attention to the fact that if we intend to make an appropriation large enough to send experts wherever they are asked for, into every congressional district in this country, we shall have to appropriate more nearly $1,000,000 than $100,000; and I want to call the attention of the Committee of the Whole also to the fact that we have already increased this appropriation from $43,000 to $60,000, and this is only one of the increases that has been made for this bureau. We have increased this item $17,000, but we have given an increase to the entire bureau of over $50,000, increasing it in this bill from $111,000 to over $160,000.

We have given to the work of this bureau every dollar that, in my judgment, it can economically and effectively expend, and I certainly hope that the House will not agree at this hour to increase this appropriation to an amount more than double that which was estimated for by the department itself.

Mr. EDWARDS of Georgia. Mr. Chairman, I want to say to the gentleman from Kansas that I asked the gentleman from South Carolina, while he was speaking awhile ago, what amount had been estimated upon by the Chief of the Office of Public Roads to the Secretary of Agriculture, and whether or not the estimate as made by the Secretary of Agriculture to the Committee on Agriculture is the same as was estimated by the Chief of the Office of Public Roads.

Mr. SCOTT. I presume the gentleman from South Carolina was unable to answer the question because we are not furnished with the figures presented in the first instance by the chief of the bureau to the Secretary of Agriculture. We have nothing before us but the estimates of the Secretary.

The CHAIRMAN. By order of the House debate on this paragraph and amendments thereto has expired. The question is on the amendment offered by the gentleman from Mississippi.

Mr. DAWSON. Mr. Chairman, may we have the amendment again read?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 74, line 9, strike out the word "sixty" and insert the words "one hundred," so that it will read "$100,000."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. CANDLER) there were 39 ayes and 63 noes.

So the amendment was lost.

Mr. CANDLER. Mr. Chairman, I ask unanimous consent that all those who have spoken on this amendment may have leave to extend remarks in the RECORD.

The CHAIRMAN. The Chair will state to the gentleman that general leave can not be granted in Committee of the Whole.

Mr. CANDLER. I did not ask for general leave; I asked for those who spoke on the amendment.

Mr. MANN. The committee can not grant that.

Mr. HEFLIN. Mr. Chairman, I asked permission a few minutes ago, and so did the gentleman from Texas, to extend remarks in the RECORD, and no objection was made.

The CHAIRMAN. The Chair will say that while the Chair did in that case, instead of separating the two requests, put them together, strictly the Chair was in error. A general grant of permission to extend remarks can not be given in Committee of the Whole.

Mr. CANDLER. Then, Mr. Chairman, I ask unanimous consent to extend remarks in the RECORD.

There was no objection.

Permission to extend remarks in the RECORD was severally granted by unanimous consent to Mr. MORGAN of Oklahoma, Mr. SHEPPARD, and Mr. SLEMP.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. I do not desire to delay the consideration of the bill for any great length of time. I think, however, it is pertinent to this debate and it would be well for me in the course of the debate to read what was said on the subject of good roads by the chairman of the Committee on Agriculture [Mr. SCOTT] in his most excellent, able, and comprehensive résumé of the work of the Department of Agriculture, on February 2 last, at the beginning of the debate on the Agriculture appropriation bill.

I have made many speeches on the subject of good roads, and do not now wish to take the time of the committee or delay the passage of the bill. I indorse everything that was said by the chairman of the Committee on Agriculture [Mr. SCOTT] in the speech to which I have referred, which is as follows:

OFFICE OF PUBLIC ROADS.

Another of the very striking developments of the past 10 years has been the movement for the improvement of the public highways. It is safe to say that there have been more good-roads conventions held, more good-roads speeches made, more good-roads literature printed, more good-roads legislation enacted, and probably more good roads really built during this period than during all our previous history. And in this great movement the Office of Public Roads in the Department of Agriculture has been "guide, philosopher, and friend." It has tested all sorts of materials, it has supervised the building of half a million dollars' worth of object-lesson roads in 35 States, it has devised plans for road management and maintenance, it has supplied advice in the framing of laws, it has given lectures, it has issued nearly 200 different publications, it has invented methods of treatment whereby iron can be made rust proof and cement waterproof—in a word, it has been tireless and successful in pointing out the wisest way in which to expend the $80,000,000 which is annually appropriated for the improvement and maintenance of the 2,100,000 miles of public roads in the United States.

[Applause.]

I withdraw the pro forma amendment.

The Clerk read as follows:

For investigations of the chemical and physical character of road materials, $25,000.

Mr. SLAYDEN. Mr. Chairman, I regret to say that absence on account of illness deprived me of the opportunity of giving a great deal of attention to this bill. I am interested in the construction of roads. I am particularly interested in the construction of good roads throughout the country. I think it is entirely probable that this bureau has done some good and efficient work. I have appealed to it myself from time to time for information touching the question of the construction of highways. It is reasonable to suppose that this bureau has given valuable assistance, because it is an expensive one and employs experts, but what I want to say has nothing to do particularly with the ability of that office to advise as to material or as to the methods of constructing roads. There is no great mystery about it. Capable road engineers abound and reasonably good material is found widely distributed throughout the country.

What I want to say is that gradually in this bill and in that bill, upon this occasion and upon other occasions, the Federal Government is invading the rights of the States, just as in my judgment it is doing it in this paragraph, and gentlemen who profess to be State rights Democrats and gentlemen who profess to be State rights Republicans yield to the temptation of a small appropriation, the small pecuniary advantage that attaches to paragraphs of this kind, and lend their support to these measures. And, then, between times, when not having dangled in front of them an appropriation to blind their reason to the importance of it, they protest against the growth of centralized power and lament the good old days when the dignity of the forty-odd Commonwealths that make up the Union was properly respected everywhere.

This method of assaulting the States—I do not refer to this particular item—is the most dangerous that the States encounter anywhere, and I protest against its being extended or continued.

Mr. STANLEY. Mr. Chairman, I do not yield to the gentleman from Texas [Mr. SLAYDEN] or to any other man in this House in my inveterate, changeless, absolute devotion to the doctrine of State rights. I believe that the States are as indestructible as their union is indissoluble, and I would never favor any legislation that would in any way affect in the remotest degree the inviolate right of any State to be absolutely sovereign in the control of her local affairs. But wherein will you invade the rights of a State by simply giving to that State useful information? If I thought that intelligence, that learning, that improvement in the arts would invade the rights of the States I would abandon it, for I would rather be a slave than a fool.

Mr. SLAYDEN rose.

Mr. STANLEY. Oh, I do not mean that at all as a reproach to the gentleman from Texas.

Mr. SLAYDEN. Oh, I do not suppose the gentleman does and I had not that in mind, but I rose to ask the gentleman if he knew that there are bills now pending here to make large appropriations out of the Public Treasury to construct highways.

Mr. STANLEY. That is exactly what I am coming to. I do not believe there is any great difference between myself and the eminent gentleman from Texas, for whose learning I have great respect, but I want to say this. I am not advocating the building of roads by the Federal Government at this time. I simply wish to call the attention of the committee to this fact, that outside the construction of public highways, we have to-day at the head of this good roads commission a man who is the Edison of road building. We have opportunities here for mastering the science of road building as well as the art. That knowledge can be brought home to the States by the Federal Government. All over this country, in your district and in mine, people are clamoring not for a few thousand dollars to buy stone or cement or gravel or something of that kind, but they are asking for the intelligence of the engineer, not for the modicum of money that the Government might give, and you can not expend money in any better way than by sending men trained in this business to instruct and to supervise the construction of roads paid for by the States. The transportation problem—the problem of good roads—has grown by leaps and bounds. The means which we now possess is but an earnest of that which is coming, of transportation with power and with celerity over the highways, making the good highway the harbinger of learning, the handmaid of commerce, the capstone in the arch of the prosperity and the glory of a great Republic. [Applause.]

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. MADDEN. Mr. Chairman, the question of road building depends largely upon the cost. The question of the kind of material to be used will depend upon how much it costs to get it to the place where it is to be used. Any information which the Federal Government may be able to supply with respect to the utility of given materials would have no weight with those who were called upon to pay the bills if the material recommended by the Federal Government were going to cost more than it ought to cost. Every locality within the States decides the question of road building for itself, and that is as it should be. There is no reason why the National Government should enter upon a campaign of road building in any section of the Union. Every State has its own laws, under which it levies assessments from which money can be raised with which to make these improvements, and all of the great States of the Union have already entered upon campaigns of road building, and many of them have most of their highways already constructed of materials found in the locality in which the roads are made. The question of the cost of transportation, of production of materials, will always be taken into account when the community is considering the proposition of building a road.

When the people of a locality are considering a proposition to build a road, the people in the locality where it is to be built are qualified to decide what is the best kind of material to be used, but they do not always use it because it is not always accessible. The question of first cost to the people who pay the bills is always the important question, and although it might be very well understood that crushed stone, granite if you please, mixed with a composition of asphalt well rolled in, either hot or cold, would make the best and the most durable road, that material might be so expensive as to make its use impossible. So the people who want to build a road might decide to use gravel, because gravel can be found in the immediate neighborhood in which the road is to be constructed. So I can see no special benefit to be derived from any information to be disseminated through this Bureau of Good Roads, because it would not matter what its recommendations were if the recommendations were counter to the local interests——

Mr. COOPER of Wisconsin. Will the gentleman permit me a question?

Mr. MADDEN. Certainly.

Mr. COOPER of Wisconsin. It seems that the question of State rights is said to be involved here. Has the gentleman any doubt that under the constitutional provision authorizing the Congress to establish post offices and post roads that Congress can build a road whether a State wants it built or not?

Mr. MADDEN. Oh, I have not any doubt about that, and yet I believe that the States themselves are quite competent to enter upon this enterprise of building roads, and that the responsibility should be with the States.

Mr. BARTLETT of Georgia. Will the gentleman permit a suggestion?

Mr. MADDEN. Certainly.

Mr. BARTLETT of Georgia. But this provision about giving information in regard to the building of roads is not confined to post roads in this bill.

Mr. MADDEN. True, true; and I believe that it is a dangerous step for the Federal Government to take, to expend any money either to build an initial sample road for the information of the community or for the construction of roads longer than the sample road would be.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COLE. Mr. Chairman, the Committee on Agriculture has taken great interest in this Office of Public Roads, as is evidenced by the increased appropriation. I want to protest here against the objection that was made to the increase of salary of the chief official of this bureau. If there is a man in the public service to-day who is more deserving of an increased salary I have not been informed of that gentleman. Dr. Page has been offered $15,000 a year in private life. Dr. Cushman, his first assistant, who served for two years without compensation, is now receiving a salary of $32,000 in private life. It occurs to me that if we want to retain the service of very eminent gentlemen who are qualified for the duties of their office it is incumbent upon the Congress to recognize their qualifications by an occasional increase of salary. I wish to say in regard to the criticism raised by the gentleman from Texas, that this bill is not invading the old doctrine of States' rights; that long prior to the time when that doctrine received a fatal blow in this Nation that the National Government was engaged in the construction of national highways, the national highway across this country known as the Old Nose Pike, which our ancestors followed through Pennsylvania over into Ohio, Indiana, and Missouri and populated the Mississippi Valley, stands to-day as a condemnation of the policy, both of State and Nation, in their method of building and constructing public roads. Last year I took this route back to Ohio. I found that down through a part of the State of Maryland it was in a proper state of repair, but when we came down to Hancock and started up through the hills on through to Cumberland it was almost impassable. Some half century ago the National Government turned it over to the States and the State government turned over the maintenance of it to the various counties through which it runs. Some of those counties, which may be willing, were unable to build one public highway. Mr. Chairman, the time has come when it is necessary to construct great roads across this continent.

Some States and some localities are not qualified, from a monetary standpoint, to construct those roads, so I say it becomes incumbent upon the National Government in such emergencies to assist the localities not only by means of advice, but in a financial way in the construction of these highways. [Applause.]

Mr. Chairman, I have heard this doctrine of State rights exploited here on numerous occasions, but I am inclined to think that the retort of the gentleman from the State of South Carolina rather expresses the attitude of the South on the subject. He said:

I never permit my views on the subject of State rights to interfere with a Federal appropriation for the State of South Carolina.

[Applause.]

I am not opposed, Mr. Chairman, to this construction of that doctrine. I think it is to the honor and credit of the National Government that since the scourge of war has passed away it has gone into the South to encourage diversified agriculture, to assist in the construction of her highways, and to remove industrial depression and put her on the road to the great prosperity she is now enjoying. Never by my vote upon this floor will I attempt to obstruct the National Government in bringing back the blessings of peace and prosperity to the Southland, even though it does violence to the ancient doctrine of State rights. [Applause.]

Mr. MICHAEL E. DRISCOLL rose.

The CHAIRMAN. For what purpose does the gentleman rise? Debate has been concluded.

Mr. SCOTT. Mr. Chairman, there was an understanding between the gentlemen here when debate was closed that the last five minutes might be divided between the gentleman from New York [Mr. MICHAEL E. DRISCOLL] and the gentleman from Ohio [Mr. COLE]. The gentleman from Ohio [Mr. COLE] has inadvertently run over the time.

The CHAIRMAN. The Chair will state that the committee is now proceeding under the five-minute rule. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the rental and erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $10,000.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. Does the gentleman from Illinois reserve or make the point of order?

Mr. MADDEN. I make it.

The CHAIRMAN. What is the point of order?

Mr. MADDEN. The point is that it is new legislation and not authorized by law. If the gentleman from New York [Mr. MICHAEL E. DRISCOLL], however, would like to speak to this question, I will be glad to reserve the point of order.

Mr. MICHAEL E. DRISCOLL. "The gentleman from New York" does not wish to speak to the point of order.

The CHAIRMAN. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] is recognized for five minutes.

Mr. MICHAEL E. DRISCOLL. The gentleman from Ohio [Mr. COLE] directed the first part of his remarks to me because I raised the point of order against the increase of salaries to some of the officers in the Office of Public Roads. I stated then that I did not make that point of order on account of the fact that they did not earn their salaries, but as a protest against the continuous effort to increase the activities of this Office of Public Roads and the tendency all through the country to force the General Government into the construction of ordinary country roads.

I was very much interested in the speech made by the gentleman from Texas [Mr. SLAYDEN], and also by the gentleman

from Kentucky [Mr. STANLEY]. Since I have been on this floor I have heard many eloquent speeches made against paternalism and against the invasion of State rights, and I hope when the question comes up that these and other gentlemen will reduce it to a practical application and that they will stand by their theories. But, Mr. Chairman, when the proposition comes up by which their States or districts may get some benefit or advantage, then it is a condition and not a theory that confronts them. Then they are human, and they yield to the pleas and petitions of their constituents; then they fling their academic views to the winds and vote for the appropriation, as my friend from Ohio [Mr. COLE] said the gentleman from South Carolina did.

Only a few years ago there was a proposition to commit the Federal Government to fighting yellow fever down in the Gulf States. The gentlemen from Louisiana and other Gulf States were for it strenuously, because it helped them out, whereas most of the gentlemen from Texas were against it, because they said it violated State rights. On another occasion there was a proposition here to irrigate arid lands, and the gentlemen from Texas were in favor of that because they had some arid lands which they wanted irrigated at the national expense. Later on, only last year, there was a proposition here for the General Government to buy and reforest our mountain tops along the Appalachian Range, and some of the Representatives from the old and conservative Commonwealth of Massachusetts were for it, and they defended it under the "general-welfare" clause. By and by, when there comes a proposition to drain the swamps down through some of your States it will be a condition that will confront you.

You will not raise any objection to the invasion of the rights of your States, nor will you talk against paternalism, but you will be for the proposition. For good or ill, and, I think, for ill, Mr. Chairman, the power and jurisdiction of the central government are increasing very rapidly relatively to the power of the several State governments, and those increases are coming in appropriation bills and will continue to grow until the people arise in their might against the growing expenditure of the Federal Government.

Mr. SCOTT. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] has withheld the point of order. I concede, of course, that this is new legislation, and therefore would be obnoxious to the rule. I feel quite confident, however, that upon consideration of the reasons which induced the committee to insert the provision my friend from Illinois will not insist on his objection.

I do not know how those reasons can be more clearly and succinctly stated than they are in the testimony of Mr. Page himself, the chief of the office. In reply to questions, he said:

> What I want to do is this: To make arrangements with the Maryland and District of Columbia authorities for a continuous stretch of road leading out of Washington, so that I can make actual experiments on all of these different kinds of materials that are used as artificial binders now and that I may maintain this stretch of road and keep accurate cost data. As it is now, it is the most difficult thing.

Mr. MADDEN. Will the gentleman yield there? Does Mr. Page say that he wants the authority to maintain the road?

Mr. SCOTT. Exactly.

Mr. MADDEN. And to build the road?

Mr. SCOTT. To build the road.

Mr. MADDEN. And to pay for it out of the Federal Treasury—for the binders?

Mr. SCOTT. Yes. He estimates that the total cost will not exceed $10,000 for the year.

Now, I continue reading from his testimony:

> We get letter after letter asking how much it costs to maintain a road of a certain material and how much it costs to lay it. Now, unless we can get them in actual competition that way and keep accurate cost data we can not accurately answer those questions. And another thing, from an educational standpoint it would be a very good thing. There are a great many road engineers and road builders that come to Washington every year, and they naturally gravitate to the road office, and they want to see different types of road, different types of construction, different types of treatment. Well, I only have to show them what we have here, which is very small in number, and with a road like that to take them out and show them just how this particular kind of material and particular kind of construction looks, and explain to them exactly how it is done, and then show them exactly what it costs, and, most important of all, how to maintain it, is what I want to do.

It seemed to the committee that that was a reasonable proposition; that instead of building or supervising the construction of model roads and sample roads in different parts of the country there should be built here, right close to the city of Washington, a stretch of road in which there could be instituted comparisons as to the value of different binding materials, and the cost of maintenance, and the length of life, and the other important questions involved.

Mr. SLEMP. Mr. Chairman, I am heartily in favor of this amendment, increasing, as it does, the appropriation for investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building. In my judgment $40,000 additional is even inadequate for this service, important and valuable as it has proven to be in extending national aid in the great work of road construction, and I should be glad of an opportunity to vote for a greater amount.

The work of the Public Roads Bureau has been of inestimable value to State and other local authorities in many practical ways toward a uniform system of road building. This bureau, by its experiments in road making, by its investigations of the chemical and physical character of road materials, and by the distribution of bulletins and reports, has performed a service that will eventually prove the basis upon which a national system of good roads will be constructed.

In my district in southwestern Virginia, a district rich in virgin soil, in grazing lands, in mineral and other natural resources, and with vast possibilities of material development, this question of good roads is considered one of the most important that could engage our attention, and we take advanced views on the subject. Our people have had demonstrated to them the practicability and value of governmental aid in road building, and they believe that the facilities thus afforded should be increased, while at the same time they themselves have cooperated and are cooperating with local and national authorities to make every portion of that wonderful section accessible from without to those seeking homes in a healthful climate, and to bring nearer, through the medium of good roads, the marts of commerce and trade furnishing a market for their diversified products. The question of transportation with us is a serious problem, which we think can be solved to a great extent by a system of roads built with the most approved materials and by modern methods of construction. And we appreciate what the Department of Agriculture, through the Roads Bureau, is doing to help us, and we would strengthen its hands in every proper way; therefore I shall support the amendment increasing the appropriation for this work from sixty to one hundred thousand dollars.

The small county of Wise, in which I live, has come to the front with a bond issue of $720,000, and the adjoining county of Lee has bonded itself for over $300,000, for road construction. Most of these bonds have recently been sold, and surveyors are now at work locating grades and proper thoroughfares through these counties. What we need, and need badly, is the best advice Government experts can give us regarding road material, road construction, and even a good system of auditing accounts, so that mistakes will not be made and the people's money will be used to best advantage. Active cooperation on the part of the Government, as in the past, will be very helpful and greatly appreciated by our people.

Mr. Chairman, while on this subject I want to publicly express my gratitude to the capable and efficient Director of the Office of Public Roads, Mr. Logan Waller Page, for his uniformly courteous and intelligent treatment of me and of the people of my district, with whom he has come in contact in the work of sample road making. He and his well-trained corps of assistants have furnished us with every proper and possible facility, for which we are grateful.

Mr. MADDEN. Before the Chairman rules I would like to say that the proposition of Mr. Page, the Chief of the Good Roads Bureau of the Agricultural Department, is a most preposterous one.

The CHAIRMAN. The Chair is ready to rule.

Mr. MADDEN. I reserve the point of order.

Mr. TILSON. Regular order!

The CHAIRMAN. The regular order is demanded.

Mr. MADDEN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. COCKS of New York. Mr. Chairman, I move to insert after line 12 the following amendment. I understand the other proposition has gone out. This is to enable the Government of the United States to become a member of the International Road Congress. I send it to the Clerk's desk to be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Insert on bottom of page 74 a new paragraph, as follows:
> "To enable the United States to become a member of the International Road Congress and to pay the necessary expenses of representation to the same, $5,000."

The CHAIRMAN. The Chair calls the attention of the gentleman from New York [Mr. COCKS] to the fact that we have not yet reached the bottom of the page.

Mr. COCKS of New York. I ask, then, that I may be permitted to insert it in its place, on line 12, after the language that has been stricken out.

The CHAIRMAN. The Clerk will again read the amendment.

The Clerk again reported the amendment, as follows:

Insert after line 12, page 74, a new paragraph, as follows:

"To enable the United States to become a member of the International Road Congress and to pay the necessary expenses of representation to the same, $5,000."

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I make a point of order against the amendment.

Mr. COCKS of New York. Will the gentleman reserve his point of order for a moment?

Mr. MADDEN. I make the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of order against the amendment. The Chair sustains the point of order, and the Clerk will read:

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $11,700.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I was about to say, when the gentleman from New York called for the regular order a few moments ago——

Mr. COCKS of New York. The gentleman from Illinois is mistaken; I did not call for the regular order——

Mr. MADDEN (continuing). That the proposition of the head of the good roads bureau was the most preposterous proposition I had ever heard of. He proposed, through the appropriation contained in the paragraph stricken out on the point of order, to furnish the material to build part of the roads through the District of Columbia and the State of Maryland in order that he might be able to keep a record of the cost of road building, and this was done, as he said, so that he might be able to show engineers coming from various parts of the country the character of roads that could be built by Government officials. I was in Pittsburg about two weeks ago. The county commissioners of Allegheny County requested me to take a ride in the country. There they drove me over 450 miles of roads built by the taxpayers of Allegheny County. These roads were built of various kinds of materials, some of brick, some of macadam, some of concrete; some of macadam, concrete, and asphalt mixed. There was displayed the opportunity of investigating the kinds of road that could be built of these various sorts of material. There the people of Allegheny County gave evidence of their high order of experience in road building. There they displayed the fact that roads can be built by local communities, over which the people of those communities can drive at any season of the year. There they gave evidence that they had intelligence enough and system enough to ascertain the cost of road building. They were able to display the records to show what it cost to build the different kinds of roads.

This same thing exists in various communities throughout the country. Indiana has a system of roads unequaled by any other State in America. The State from which I come, in many of its counties, has roads equal to any to be found anywhere, and they know what these roads cost. They know how durable they are. They know the first cost and the ultimate cost. They have the record of the ease with which a load can be hauled over a road under certain conditions. They can tell whether a load can be hauled with greater ease over an asphalt road than it can over a macadam road. They can tell whether a top dressing of granite is better than a top dressing of gravel. They can tell whether a brick road is better than a macadam road, and they can tell exactly what it costs to build these roads. The information sought to be acquired by Mr. Page, the head of this bureau, is information that is not necessary at all. Every community has the ability to get the information that it requires in the construction of roads which it may order built. The establishment of the authority sought to be conveyed in the paragraph stricken out is a most dangerous precedent. I hope the Federal Government will never be allowed to enter upon any such enterprise.

Mr. COCKS of New York. I hope it will.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois [Mr. MADDEN] seems, in his remarks, to attack the whole system and functions of this roads bureau.

Mr. MADDEN. The gentleman is mistaken.

Mr. BORLAND. I am glad to know that I am mistaken, and yet I gathered that from the tenor of the gentleman's remarks.

Mr. SCOTT. Will the gentleman yield to me to make a request that debate on this paragraph and all amendments thereto be closed at the conclusion of the five minutes for which the gentleman from Missouri has been recognized?

Mr. BORLAND. I yield to the gentleman for that purpose.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on the pending paragraph and all amendments thereto conclude in five minutes. Is there objection?

Mr. SMALL. I ask the chairman of the committee to extend that to 10 minutes. I should like to be heard.

Mr. SCOTT. Let us take it on the next paragraph.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. I am glad to know that I am mistaken about that, but I want to answer more particularly the statement the gentleman makes in regard to the good roads in Allegheny County, and the fact that they furnish the only national information that we desire on the subject of road building.

Mr. MADDEN. I did not say that.

Mr. BORLAND. I am not at all convinced of that proposition.

Mr. MADDEN. I did not say that was the only information we desired. I said they had information, and every other community has information.

Mr. BORLAND. The gentleman has made his speech.

Mr. MADDEN. I am talking to the gentleman now. The gentleman is attributing to me something that I did not say.

Mr. BORLAND. I withdraw the statement, then. I wish to say, Mr. Chairman, that in the county composing my district, which contains a city of 250,000 people, and where we are permitted to use the dram-shop fund to build roads, we have 264 miles of county roads that are the equal of any in the United States.

I want to say that there is not a dollar needed in my district or my county from any other source for the construction of roads, and yet I realize that there are scarcely 20 counties in the United States that are in the position of Jackson County, Mo., and Allegheny County, Pa. Where good roads are needed the condition of the land and the population is such that the facilities for building roads under those circumstances are not available. It is the function of the National Government to reach down to every farm, to every hamlet, to every foot of soil in this country that can produce an ounce of foodstuff for the advantage of the great centers of population, like Chicago, Pittsburg, and Kansas City. Every good road is of advantage to Kansas City and other commercial centers, and should be paid for by the taxable wealth of Kansas City, Pittsburg, and other great cities as well as the county through which the good roads run. This dissemination of the national information in regard to good roads is for the benefit of the entire country; for those who are gathered in the centers of population as well as those who toil and farm on these hilly farms.

I want to say that where these hilly farms are to be tilled and where the country is to be opened up we can not build the roads of asphalt, as the gentleman from Illinois so eloquently described. They must build of some cheaper kind of material that is available to that section of the country with such facilities and materials as are to be found.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MICHAEL E. DRISCOLL. I want to ask the gentleman if the National Government has the power under the Constitution to build ordinary country roads out in the towns, has it not power to build asphalt pavements in the city?

Mr. BORLAND. The gentleman knows that the power of the Federal Government to build roads is confined to the provision in reference to the post office and post roads. Whether it would extend to cities I very much doubt.

Mr. MICHAEL E. DRISCOLL. They have letter carriers in the city.

Mr. BORLAND. No such question has been raised. There is no question in my mind of the ultimate power of the Federal Government, but we are not discussing here the question of the Federal Government's initiative of road building. We are discussing the benefit to the Nation that can be derived from a good-roads bureau, that can study practically the question of making good roads, not in the territory of high-priced real estate, suburban estates adjacent to enormous centers of population, but in the remote agricultural rural districts from which the food supply comes.

Mr. MADDEN. The item on which I spoke was in relation to the desirability of the bureau to build the roads.

Mr. BORLAND. They are going to build a test road to show the cost and usefulness of various types of road building, a matter entirely within the province of the Federal Government.

The CHAIRMAN. The time has expired, the pro forma amendments are withdrawn, and the Clerk will read.

Mr. COCKS of New York. Mr. Chairman, I ask unanimous consent to print in the RECORD a report of the highway commission of the State of New York.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

Forty million dollars, in addition to the $50,000,000 already authorized, will be needed to complete the State and county systems of improved highways, according to the report of the State highway commission presented to the legislature to-day.

The original fund of $50,000,000 has been reduced to $28,000,000, according to the report, and it is estimated that both the State and county systems of new roads will be about 50 per cent completed when the authorized issue of bonds is exhausted.

The commission suggests an amendment to the constitution relative to the annual apportionment of good-roads work, to permit road building to progress in those counties which have already received their equitable apportionment of the proceeds of the sale of bonds, but which are desirous of a further extension of improved highways. There are a number of counties which have availed themselves but slightly of State aid in improving their roads.

As not nearly all the bonds authorized under the $50,000,000 act have been issued, the passage of an amendment, the commission says, would not in any way increase the cost to the taxpayers of the State.

The enormous traffic of automobiles along State and county highways has necessitated the adoption of a new system of road construction which provides for macadamized highways with a top or binding course of bituminous material. This, it has been found, not only withstands to a most satisfactory degree the motor-vehicle traffic to which it is subjected, but also eliminates the dust nuisance. Under the system of rigid inspection and patrol now in force, the commission says, roads may be maintained at a reasonable annual expenditure.

LAST YEAR'S CONTRACTS.

Contracts awarded in 1910 aggregated 513 miles of State and county highways, at a total contract price of $6,052,199, and additional expenses incurred in the building of the roads amounted to about $380,000. Of this amount about $1,600,000 was contributed by the State, and the remainder consists of moneys raised by highway tax.

"If all the work thus placed under contract were completed at this time," says the commission, "the amount of macadamized roads constructed by State aid would comprise approximately 2,850 miles, of which 1,787 were built during the 10 years preceding January 1, 1909, and the balance during 1909 and 1910.

"While the mileage of highways already macadamized is, of course, small as compared with the enormous total of 80,000 miles in the State, a sufficient amount of improvement has already been completed to form continuous improved roads between many of the principal cities of the State, while by the close of 1911 it is probable that there will be completed a stone highway connecting the two largest cities of the State and extending for 487 miles through the central portion."

These cities are New York and Buffalo, and the road will cost $1,000,000. This will be the longest continuous State road in any one country in the world.

"Judging from the reports from other States," the report continues, "it would seem that New York now stands at the head in highway improvement work.

"Two-thirds of the total expenditure by the contractor in road construction, where the road is built of local stone, consists of labor charge. Within a period of five years the cost of labor has increased 25 per cent and at the same time labor efficiency has decreased."

Additional reasons for the increased cost of good roads in the State are given by the commission as due to the fact that in response to the universal demands of boards of supervisors roads have been built 16 feet wide instead of 12, and steep grades have been eliminated to permit the hauling of heavy loads the entire length of the road.

"Present traffic conditions, compelling the use of a bituminous binder, also arbitrarily add about $2,000 per mile to the cost of each road," says the commission, "but this is fully warranted by the decrease in the annual cost of maintenance, and is not a luxury, but a necessity.

"The encouraging feature of road improvement, however, lies in the fact that, notwithstanding these items of increase, the total cost of the work under the commission has been much less than the increases above outlined would indicate, being in the aggregate within the cost of roads of a similar width previously constructed."

The commission declares that the system of letting contracts during the winter season is proving successful not only in aiding in reducing the cost of the work, but also as a means of increasing the annual mileage of completed roads. By April 1, the commission states, it is probable that about 759 miles of new work will be placed under contract.

The report continues:

"The appropriation for maintenance and repair in 1909 was $1,500,000, of which about $900,000 was expended in resurfacing and the balance distributed over the remaining 1,600 miles which were not resurfaced. The appropriation in 1910 was $1,800,000, of which about $725,000 was expended in resurfacing. The remainder was used for ordinary repairs, patrol system, and oiling of about 2,200 miles of road. This included the oiling of over 1,000 miles at an approximate average cost of $350 per mile.

"The resurfacing work thus done has placed the roads in such condition that in 1911 very much less need be expended for this item, and the appropriation for which the legislature will be asked, notwithstanding the increased mileage of nearly 500 miles of road to be maintained, will be approximately $500,000 less than the appropriation required in 1910."

COST OF MAINTENANCE.

"It is impossible to predict for any length of time in the future as to the amount to be required for resurfacing, but it is safe to conclude that not less than $1,500,000 must annually be appropriated to take care of and protect the millions which the State is putting into road construction."

The commission calls attention to the fact that under the law relative to the abolition of toll bridges in the State a debt is contracted for which no moneys have been appropriated, and this is directly contrary to the provisions of section 35 of the State finance law.

The commission recommends that the law be amended so that a fund might be provided from which a certified abolition of a toll bridge might be paid prior to the time when the commission is directed to certify that the bridge should be abolished.

"A saving of well toward $1,000,000 was effected by constructing culverts and bridges of reenforced concrete along highways," the report says. "A summary of the work on town highways under the supervision of this department during the past year shows about 400 miles were surfaced with gravel, about 450 miles were surfaced with stone, about 3,400 miles were shored and crowned, and there were about 9,600 culverts and about 790 bridges constructed."

Several plans looking to the extension of certain highways into the heart of the Adirondacks and to the summer resorts at the Thousand Islands are discussed in the report, and the commission sees no objection to their completion.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $11,700.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Kansas asks that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, no matter what may have been the intention of the gentleman from New York [Mr. MICHAEL E. DRISCOLL] or of the gentleman from Illinois [Mr. MADDEN], the cause of public roads, as illustrated in the work of the Office of Public Roads, has been prejudiced. There is nothing in this bill as reported by the committee, not even in the paragraph that was stricken out on the point of order made by the gentleman from Illinois, which contemplates this bureau entering upon the work of the construction of public roads. If that question shall arise, it will be in the future. It has not arisen upon any paragraph contained in this bill.

The whole purpose of the Office of Public Roads is experimental and educational, for the purpose of furnishing information to the States and localities throughout the country who are engaged in improving their public highways.

The lecture given by the gentleman from New York to gentlemen from the South, who, he states, have views upon State rights which are pliable and susceptible to be changed when appropriations are involved, it seems to me, is a characterization which is not altogether just. It is true that gentlemen may differ about the interpretation of the Constitution as to the power of Congress in legislation which may come before it, and I doubt not that the gentleman has his views and that he has not always been consistent, and that if the charge of inconsistency lies at the door of other Members it may also lie, on some occasions, at the door of the gentleman from New York. At any rate, the position of the gentleman from New York as the defender of State rights is novel and unique. It is to be hoped his conversion will be permanent.

But I wish to commend here particularly the views expressed by the gentleman from Missouri [Mr. BORLAND] and to protest against the work of this bureau being curtailed. It represents possibly the most important line of work being conducted by the Department of Agriculture. As the gentleman from Missouri well said, while the county of Allegheny, in the State of Pennsylvania, and while the gentleman's own county, in the State of Missouri, and the county of the gentleman from the State of New York may be already provided with macadam and other expensive roads, yet in the great agricultural States—certainly of the South, if not of the West—if they are to have better highways some method must be inaugurated by which substantial roads may be constructed of suitable material, and, if possible, of the material which is readily available in the localities in which the roads are located, and the purpose of this investigation, and, I take it, the main purpose of the Office of Public Roads, is to institute investigations and arrive at conclusions, which may be furnished to these rural sections of the country which are engaged in the work of improving their highways. We have the word of the Director of Public Roads—as appears in the hearings, which was read by the chairman of the committee—who stated that he had frequent inquiries upon this subject, upon the question of the best and the cheapest material for the construction of public roads and the best and the cheapest material for binding, and that he was unable to answer these inquiries, and for this reason that he wished authority to conduct this investigation. I think that the point of order, while it did lie, as held by the chairman, was ill-advised, and that the gentlemen who seek either directly or indirectly to curtail the work of this bureau should, on the contrary, encourage it. [Applause.]

Mr. MONDELL. Mr. Chairman, I sympathize to a certain degree with the views expressed by the gentleman from Missouri [Mr. BORLAND] and the gentleman from North Carolina [Mr. SMALL], but I feel that it is imperative that some one rise here to protest against the centralizing tendencies which are being exhibited on the other side of the House. I would not think

of suggesting that any man's love for the flag is tempered or affected or colored by his love for an appropriation for his district. Far be it from me to make any such suggestion as that. However, I think it is important that in carrying on this very useful work that we, at least on this side of the Chamber, we who are, it appears now, the only champions and defenders of local control and State rights, should protest against the disposition evidenced by certain gentlemen on the other side of the House to consider favorably propositions which invade the jurisdiction of the States and take from the people their local control over their local affairs, provided the proposal in sugar-coated with an appropriation.

Mr. SMALL. Will the gentleman yield?

Mr. MONDELL. I regret that I can not; that I have only five minutes. I am very much in favor of the educational work, of the experimental work, carried on by the department under this bureau. It has been very useful, and it will continue to be useful, and we should be very careful that we do not get beyond the line of experiment and education and embark upon the wide and uncharted sea of governmental undertakings in the building of roads within the Commonwealths of the Union.

Mr. BARTLETT of Georgia. May I interrupt the gentleman, Mr. Chairman?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. So far as the people I represent are concerned, they have such pride in their own Commonwealth that they prefer to build their own roads and to retain them absolutely under their control rather than to have them built by the Federal Government, even though it means larger and juicier appropriations to be used in our communities.

Mr. MICHAEL E. DRISCOLL. Let me suggest to the gentleman that they want to get the money into their own hands and spend it through their own State channels, some of them—do not even want the Government to build the roads.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. MONDELL. Yes.

Mr. BARTLETT of Georgia. I want the gentleman to point out in this bill where there is any evidence——

Mr. MONDELL. Not a thing in the bill that is objectionable, but a number of things that gentlemen on that side desire to place in the bill that would have been very objectionable.

Mr. BARTLETT of Georgia. Let the gentleman name one.

Mr. MONDELL. Well, the provision for the building of roads in the States by the Federal Government is one.

Mr. BARTLETT of Georgia. Who offered that amendment?

Mr. MONDELL. I do not know.

Mr. BARTLETT of Georgia. Nobody on this side. The gentleman is conjuring up a man of straw.

Mr. LEVER. Nor on the other side.

Mr. BARTLETT of Georgia. I know of no one in the House who has done that.

Mr. MONDELL. Mr. Chairman, I was informed such an amendment had been offered, and I was not surprised, for gentlemen on that side of the Chamber have often proposed large Federal appropriations for the building of roads. I was simply replying to the gentleman from Missouri and the gentleman from North Carolina, who seem much inclined to flirt with if not actually court Federal appropriations for building roads, but I am glad to know that my good friend the gentleman from Georgia is still a stanch State righter and believer in local self-government and local control as he always has been. I know he agrees with me that we should keep the work of this department within educational lines and within experimental lines, and that we should not, under any circumstances, ask for or tolerate the building of highways through our Commonwealths by the Federal Government——

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. MONDELL (continuing). Resulting inevitably in the Federal control over those highways that must come with the Federal building of them.

Mr. BORLAND. Was not the gentleman's Commonwealth built up as a result of the building of the Pacific Railroad——

The CHAIRMAN. The time of the gentleman has expired; all debate has expired. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not know whether my friend, the gentleman from Wyoming, was speaking in a Pickwickian sense or not, when he referred to me as being a "State righter." However, I do not take umbrage if he meant it in earnest and not in jest, but I believe that the most earnest advocate—and I claim to belong to that number—of the rights of the States can consistently favor the appropriation for these investigations in reference to the building of roads without having any fears that the rights of the States are being invaded. I have taken the position before my own people, sometimes to my political hurt, that I would not vote for any bill that proposed to empower and authorize the Federal Government to go into a State and take absolute control and charge of the building of its roads, and I never will; my own constituents understand my position and views on this subject.

Mr. LAMB. You are right there, and I will stand by that.

Mr. MONDELL. Will the gentleman yield?

Mr. BARTLETT of Georgia. Yes.

Mr. MONDELL. I want to say to the gentleman that my reference to the gentleman as a "State righter," if those are the words I used, was entirely in a complimentary way——

Mr. BARTLETT of Georgia. I thank you.

Mr. MONDELL. And I want to say to the gentleman that I have always understood the gentleman's views to be those he is now expressing, and for which I honor him.

Mr. BARTLETT of Georgia. Mr. Chairman, I have had those views all my life. I have undertaken to express them in my utterances on this floor and to carry them out in my vote on all occasions. I am not, like my friend from Wyoming, a recent convert to such views and therefore manifest the zeal of a new convert on the subject. The gentleman was not heard of as an advocate of State rights until the recent occupant of the White House, Mr. Roosevelt, announced as a doctrine that all the public domain in the West should be reserved for the people and that the water power on the streams on the public domain should be controlled by the General Government, and that such control should not be left to the States.

Mr. MONDELL. Will the gentleman yield?

Mr. BARTLETT of Georgia. Yes.

Mr. MONDELL. I rather regret the gentleman from Georgia felt justified in referring to me as a recent convert in my views, because I have always had the views I now have.

Mr. BARTLETT of Georgia. I withdraw the words "recent convert" and say to the gentleman, "his recent advocacy of State rights." [Laughter and applause.] I will grant him what he asserts; I will take his word that he has always been an earnest advocate of the powers of the States and State rights doctrines; that he has manifested in the last Congress, in the preceding one, and in this Congress great interest in the rights of the States; but the gentleman was careful to not give public utterance in this House to his views upon that subject.

Now, the gentleman from New York and the gentleman from Ohio made some reference to the action of Members from the South in voting for certain measures which carried appropriations. One referred to the matter of our joining with Representatives from New England in passing what is called the bill to purchase the White Mountains and the mountains of the Appalachian Range. That bill was not passed to purchase the Appalachians and the White Mountain Range, but after it was introduced and while it was pending I introduced a resolution that submitted the question to the Committee on the Judiciary of this House to report whether the House had a right to enact such legislation. Although I was pressed by my own constituents and by the strongest political friends in my State to advocate that measure, I refused.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. SCOTT. Mr. Chairman, reserving the right to object, I would like to ask unanimous consent that debate be closed on this paragraph and all amendments thereto in five minutes, to allow the gentleman from Georgia to finish his remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on the paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes more.

Mr. BARTLETT of Georgia. Mr. Chairman, that bill never passed the House or the Senate. The friends of the project then undertook to authorize the purchase of certain lands situated in the mountains of New England and in the Appalachian country, for the purpose of preserving navigation by reason of the fact that the streams that rise in the mountains and flowed down to the navigable streams carried silt and other impediments that obstructed navigation in the navigable streams. I never even voted for that bill.

I want to say that this act creating the Department of Agriculture authorizes in its broadest terms investigations that relate to agriculture, and I will read the wording of the first section of the bill, as follows:

The general design and duties of which shall be to acquire and diffuse amongst the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure and propagate, etc.

Now, when I vote to carry out what has been enacted by Congress—and this was long years ago—for the purpose of acquiring information, I do not violate my views upon the rights of the States. In my judgment, we would not violate the views of the strictest constructionist as of the rights of the States. On the yellow-fever quarantine bill that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] referred to, and which as reported to the House I believed violative of the rights of the States, I made a minority report from the Committee on Interstate and Foreign Commerce. I resisted and defeated the effort to invade the rights of the States by that bill.

The gentlemen upon that side need not be so careful as to what those of us on this side will do in the next House. We will first do what we have been commissioned by the people to do—we will repeal the iniquitous, unconstitutional tariff which you have put upon the statute books, and by which you rob the people every day by the taxes that you exact from them. And we will go further when occasion arises, and will protect and preserve this Government in a constitutional form in spite of the efforts made by your "quondam" leader to establish "new nationalism." If he had succeeded in the elections last fall, half of you who now turn from him would be now following him, and you would be the opportunists that you always have been, and we would now hear little as to State rights. But because he has been defeated you find occasion to cry that you are opposed to "new nationalism" and are in favor of State rights. The real Democratic party and the true Democrats of the South in the future, as in the past, will be found advocating and upholding constitutional government and standing for the preserving of rights of the States from invasion by the Federal Government, whether accompanied by appropriations or not. [Applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

Mr. STEENERSON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] is recognized for five minutes.

Mr. STEENERSON. Mr. Chairman, the appropriations in this bill, amounting to $15,699,141, are intended to encourage agriculture. I understand that a bill will be reported as soon as we finish consideration of this bill to carry into effect the recent reciprocity agreement with Canada, providing practically for free trade in agricultural products. Canada is the only competitor in the supply of agricultural products that the people of the United States have, and it is the belief of the farmers of my district and the best-informed men in the State that the effect of that measure, if it is to become a law, will reduce the value of products of the State of Minnesota in one year more than the total of appropriations in this bill. It is estimated that it will reduce the value of our grain alone $20,000,000 per year.

Now, we have heard a great deal of late about encouraging agriculture, about the evil of concentrating the population in the cities, and that we should try and induce the people to go upon the farms. How inconsistent it will be for us, making these large appropriations for the Department of Agriculture upon the idea that it will stimulate and encourage the farmer, to at the same time in the same session enact a law that will do infinitely more damage in one State in one year in the depreciation in the value of its products than the total appropriation in the bill.

It is claimed in the President's message that this is justified on the theory that it will cheapen the cost of living. That I believe to be a delusion, because the most important articles of food are still controlled by the manufacturers. For instance, the flour that the farmer uses he can not make on his farm but has to buy it at the mill, and there still remains a duty on flour of 50 cents a barrel, equivalent to 12 cents a bushel on the wheat that he has to give in exchange for his flour. In other words, he will be paying a protective duty of 12 cents a bushel on his own wheat.

In the same way meats, fresh meat and canned meat, and all varieties of meats are not furnished direct from the farm, but from the butcher's shop, generally through an agency controlled by the Beef Trust.

Mr. FOCHT. May I ask the gentleman a question?

Mr. STEENERSON. Certainly.

Mr. FOCHT. Does the gentleman from Minnesota believe and assert that there is maintained an artificial price on food products, due to a food trust or to a beef trust or a milling trust? Does the gentleman think that has anything to do with maintaining what is assumed or accepted to be artificial prices at the present time?

Mr. STEENERSON. I certainly believe there is a very large margin of difference between what the farmer gets and what the consumer is obliged to pay.

I yielded to the gentleman from Pennsylvania out of my time, and was answering his question when my time expired.

The CHAIRMAN. What is the desire of the gentleman from Minnesota?

Mr. STEENERSON. I desire extension of time.

Mr. MANN. The request of the gentleman is that his time be extended five minutes.

Mr. BOEHNE. Mr. Chairman, if the gentleman from Minnesota will confine himself to the subject under discussion I shall not object to his continuing; otherwise I shall. I understand the gentleman is discussing reciprocity.

Mr. STEENERSON. I am discussing the paragraph right here before us, pertaining to the investigation of food prices.

The CHAIRMAN. If there is no objection, the gentleman from Minnesota will be allowed to proceed.

There was no objection.

Mr. STEENERSON. Mr. Chairman, the proposition here is as follows:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

Last year the Secretary of Agriculture did investigate, and I find that he made a report, one of the conclusions of which is:

From the details that have been presented with regard to the increase of the prices of farm products between farmer and consumer, the conclusion is inevitable that the consumer has no well-grounded complaint against the farmer for the prices that he pays.

That is, the farmer does not get any more than he deserves, but the margin between what the ultimate consumer pays and what the farmer gets is stated here as being as high as 50 per cent.

In the hearings before the Committee on Ways and Means that have recently been held it is shown that even on the matter of milk there is a difference often of 200 per cent between what the farmer gets and what the consumer pays, so that the conclusion is inevitable that the combinations of middle men that the gentleman from Pennsylvania referred to do exist and do influence the prices of commodities in this country. That condition is not remedied, but is aggravated, by the proposed legislation to which I referred a moment ago. The result is that we are here appropriating more than $15,000,000 for the encouragement of agriculture and at the same session it is proposed that we shall pass a measure, not to cheapen the cost of living, but to give the manufacturer of foodstuffs cheaper raw material and thereby increase his profits, already exorbitant.

Cattle are to be free, but meats of all kinds are to continue dutiable, and the same will be the rule in other lines. The American farmer, with his higher-priced land and dearer supplies, will be at a considerable disadvantage in his own market.

It costs the American people upward of $8 per capita to maintain our Army and Navy and the other branches of the Federal Government, and yet the people across the line are to have the full benefit thereof by admission free to our markets. Is it fair?

If it is our desire to legislate in the interest of cheaper food, instead of taking away the home market of the farmer, which we are about to do, we should devise some way whereby the distribution of these commodities could be carried out without this abnormal profit to the middleman, and that is what this provision in the appropriation bill that we are now considering relates to. I certainly believe that if you carry out the proposition now pending in this House in regard to introducing free commodities from Canada you are going to strike a blow to agriculture that will be felt for many years. The result will be that the farmers of the country are not going to support any protective tariff. They will be joining hands with the Democrats for free trade upon every manufactured article; because, inasmuch as we are to lose the privilege of our home market, we are at a disadvantage with our competitors across the line, for they enjoy very much lower duties upon the things that

they buy and which go into the production of agricultural commodities than we do.

This proposed arrangement is not reciprocity at all as understood by protectionists like Blaine and McKinley, because that did not relate to competitive articles. McKinley was last elected President, in 1900, upon the following tariff platform:

PROTECTION POLICY REAFFIRMED.

We renew our faith in the policy of protection to American labor. In that policy our industries have been established, diversified, and maintained. By protecting the home market, competition has been stimulated and production cheapened. Opportunity to the inventive genius of our people has been secured and wages in every department of labor maintained at high rates—higher now than ever before—and always distinguishing our working people in their better conditions of life from those of any competing country. Enjoying the blessings of the American common school, secure in the right of self-government, and protected in the occupancy of their own markets, their constantly increasing knowledge and skill have enabled them to finally enter the markets of the world.

RECIPROCITY FAVORED.

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

This is what McKinley believed in and what he stood for, and is perfectly consistent with protection, and no garbled extracts from his speeches can sustain the claim that he ever changed his mind or his position on this subject.

The papers to-day report the President as saying, in a speech at Springfield, Ill., that—

There was a time when leading Republicans thought that there was no danger of having a tariff higher than necessary to protect any industry. It was thought that if the country was made dependent on manufactures behind the tariff wall the competition between the manufacturers would stimulate the reduction in the cost of production, and thus reduce the price.

But the temptation to combine, by which the price could be controlled and thus the excessive tariff taken advantage of, led to a modification of the protection theory and to a declaration that the protection of any industry ought not to exceed in the tariff imposed more than the difference between the cost of production abroad, the cost of production here, and enough to give a fair profit to the domestic producer or manufacturer.

It is then asserted that the conditions of production and of manufacture in the United States and Canada are substantially the same, and that therefore the limitation on protective duties above indicated justify the removal of the duties contemplated in the agreement. But here is where the argument fails to sustain the conclusion.

The conclusion would be that we should have free trade with Canada both in agricultural products and manufactured goods. If the conditions of production are the same, under this theory there should be no duty, and yet every article of manufacture, from farm implements and machinery down to dressed meat and flour, remains on the dutiable list at rates from 20 to 45 per cent.

Is it not strange that the products of the farm, in which there can be and is no combination or monopoly, is the first to be put on the free list, while the manufactured goods, even down to "secondary food products, partly manufactured," in which there not only can be, but usually is, a combination and monopoly, are to be continued on the dutiable list at high rates?

It appears from this argument that originally, when the protective tariff was adopted, according to economic law, the above measure of protection did not apply, because even where duties were higher than the difference in the cost of production here and abroad domestic production would be so stimulated that home competition would eventually reduce prices to a proper level, but that this law has been modified by the growing facilities for and tendency to monopolistic combinations.

The reasonable conclusion from this is that in no case where there is a probability or even a possibility of combination should the duty exceed this difference. This would require the removal of the tariff on all manufactured goods between here and Canada, but would not justify the removal of any of the duties on farm products at all, because in these there is no possibility of a monopolistic combination among the producers. If the duties are higher than the difference above referred to, no harm will result, for it will only stimulate domestic production and consequent competition until prices reach the proper and reasonable level.

It seems perfectly plain, therefore, that the President in his speech argued himself entirely out of court, and instead of his reasons justifying the free listing of farm products and the retention of duties on manufactured goods, as between here and Canada, they require exactly the reverse; that is, the free listing of manufactures and a duty on farm products.

The President's speech to the corn growers' convention at Columbus, Ohio, yesterday seems to have been convincing, but in the opposite direction from that intended. The farmers immediately resolved that they were opposed to the proposed Canadian agreement.

But it is not true that the cost of production or the conditions of production of farm products here and in Canada are the same. Land is higher in price here, and by reason of higher duties on all manufactured goods here (average 45 per cent as against 25 per cent in Canada), the supplies that the farmer has to buy are dearer. Add to this the amount each citizen pays to support our Government and you have enough to justify most of the duties on farm products now imposed.

There can really be no dispute about the effect of this arrangement upon our prices of farm products in this country. Some claim that "on the whole" they will not be materially lowered, and that there will be a "leveling," and so forth.

The people on the boundary line know just what the difference in price has been in the past, and they are pretty sure they know what it will be if this agreement goes into effect. I will insert in the RECORD a letter and statement of prices of wheat at Minneapolis, Winnipeg, and Duluth since January 1, 1909. It is explained that wheat in Winnipeg carries with it the milling in transit privilege as far as Fort William, so that to compare Minneapolis prices with Winnipeg you need not add any freight to the Minneapolis price, which puts the wheat relatively in the same position as though it were in Duluth or Minneapolis. This would be for export purposes.

The average difference in price during the last year, according to these quotations, is a fraction over 10½ cents per bushel. Even if the "leveling" that is spoken of by the advocates of reciprocity should take place it would still lower the price between 5 and 6 cents a bushel on wheat.

I know that at Emerson and St. Vincent, on the international boundary, there was during last October a difference of more than 30 cents on flax in favor of the United States, so that farmers in Manitoba hauled their flax long distances to St. Vincent and paid the duty of 25 cents, and still made 6 cents a bushel over what they would have got in the Canadian market.

Great stress is laid upon the advantage to the United States in placing cottonseed oil on the free list of Canada. What is the use to which this cottonseed oil, if imported into Canada, will be put? It is the main ingredient in oleomargarine and other butter substitutes. It will enable the Canadians to make a cheap substitute for the millions of pounds of butter that are now consumed by the laborers employed in the lumber industries and the construction of new railroads, so that the dairy butter so displaced may be exported to the United States to compete with products of our dairies.

I will also print in the RECORD extracts from the hearings before the Ways and Means Committee containing the statements of Representative HANNA, of North Dakota, and Aaron Jones, of Indiana, as follows:

STATEMENT OF HON. L. B. HANNA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA.

Mr. HANNA. Mr. Chairman, I would like to say just a word or two, if I might.

The CHAIRMAN. If it is simply to fill in the time, we do not care to hear you. If you have any argument to present, we will hear you.

Mr. HANNA. I do not know that I have any special argument to make.

The CHAIRMAN. I was going to have read this letter, which was presented by your friend, and which he wants read, and if you do not want to say anything in particular we will have the letter read.

Mr. HANNA. I simply wanted, in a general way, to protest against the enactment of this reciprocity treaty.

The CHAIRMAN. Then proceed, if you think it is more important than to have this communication read.

Mr. HANNA. I desire to protest, for the reason that there is not a solitary thing that the State I have the honor to represent produces which, under this proposed treaty, is not put on the free list, wheat, barley, oats, flax, horses, and everything they produce; while on the other hand as soon as a product is manufactured there is a duty put upon it. Now, it hardly seems right to me and to the farmers of the Northwest, through that country up there, that everything they produce should be put upon the free list, that they should be obliged to sell everything that they put upon the market in that way, while on the other hand they must buy the manufactured article with a duty upon it. There is nothing that is going to come down from the Canadian northwest, from that side of the line, that is going to help the farmers of this country, either in the production of butter or eggs or in the raising of wheat or flax or whatever it may be; and I do believe that the enactment of this proposed reciprocity agreement between this country and Canada will be a bad thing for this country.

For years I have always stood for a protective policy in this country, and it would seem to me as though this was the beginning of the end. If one class of people in this country are going to have their products put upon the free list, it can only result, to my mind, in one thing, that it will go all along down the line. Our legislature in the last few days has passed very strong resolutions against the enactment of this proposed reciprocity treaty. I have right here a copy of the daily paper that is published in my home town, Fargo, N. Dak., which shows the price of wheat in Winnebago, on the other side of the line from us, and the price on this side, and the day this paper was gotten out wheat was worth 12 cents more a bushel on this side of the line than it was on the other side of the line, flax was worth 25 cents a bushel more on this side of the line than on the other side, and barley and oats were worth more in the same proportion. I want to emphatically protest, so far as it lies in my power, against this proposed treaty. I believe that it is a bad thing for our country. The backbone of the Republican Party for all time has been the farmers out upon the farms, and if what protection the farmers have for the products that they raise is going to be taken away from them, it naturally must swing to the

other side, and take off the tariff upon manufactured products. I can hardly understand why the tariff on barley, for instance, should be taken off.

STATEMENT OF AARON JONES, OF SOUTH BEND, IND., REPRESENTING THE NATIONAL GRANGE.

Mr. JONES. Mr. Chairman, I represent the National Grange, and will present this argument on its behalf. We feel that we would be very seriously damaged and wronged by the enactment of this bill.

Mr. MCCALL. Proceed.

Mr. JONES. I do not care to take much of your time, but just a little, so as to get what we want before you. Our organization is composed of the National Grange, with subordinate branches in 30 States. We wish to enter our emphatic protest against the proposed reciprocity agreement with Canada.

I have been a working farmer all my life; have been actively identified with the Grange, or Patrons of Husbandry, for more than 20 years, and was for 8 years master of the National Grange. I have gone among the farmers in every State of the Union, and have met thousands of them at various State and National Grange meetings. I am thoroughly familiar with their views on this and other public questions, and I am here to declare that the farmers of the country are unalterably opposed to the reciprocity bill which you are now considering, and that they believe it would inflict a serious and permanent injury to their industry.

The principle on which the protective policy has been defended during the past 20 years is that all classes and interests of the country should receive equal protection against the competition of foreign products. It was to carry out this principle that the duties on farm products were imposed by the McKinley law and reimposed by the Dingley and Payne tariff acts. Had it not been for the tariff on farm products the protective system would long ago have been abolished.

In view of these facts, which can not be denied, the manifest result of this bill, if it becomes law, will be to abolish all the protection now given the farmers and leave them open to the free competition of products which under existing conditions can be more cheaply grown in Canada than in this country. The advocates of reciprocity do not deny that Canadian farm products will to a large extent displace the produce of our farms; on the contrary, they try to justify the measure by claiming that it will reduce the cost of those products to the consumer. As against this claim, I wish to submit certain facts set forth in the Annual Report of the Secretary of Agriculture for 1910, pages 19–26. As the result of a careful investigation of the increase of prices of farm products in their transfer to the consumer, Secretary Wilson shows that the difference between the price paid the farmer and the cost to the consumer is in many cases from 40 to 50 per cent. For instance, it was found that the poultry grower received only 55.1 per cent of the price paid by the consumer; that the dairyman receives a scant 50 per cent of the price paid for milk; the apple grower, 55.6 per cent; that beef cost the consumer 38 per cent more than the price paid the great slaughtering houses; and other farm produce from 41 to 50 per cent over the original cost. The conclusion of this section of Secretary Wilson's report is:

"From the details that have been presented with regard to the increase of the prices of farm products between farmer and consumer, the conclusion is inevitable that the consumer has no well-grounded complaint against the farmer for the prices that he pays.

"After consideration of the elements of the matter, it is plain that the farmer is not getting an exorbitant price for his products and that the cost of distribution from the time of delivery at destination by the railroad to delivery to the consumer is the feature of the problem of high prices which must present itself to the consumer for treatment."

Mr. BOUTELL. Right there, Mr. Witness, I would like to ask you a question.

Mr. MCCALL. Will you not let him finish before you ask questions?

Mr. BOUTELL. I think my question would come in a little more logically in this connection, if there is no objection.

Mr. MCCALL. Very well.

Mr. BOUTELL. Right on that matter of the cost of distribution, we had a witness here yesterday, representing the farmers of northern New York, and he gave these figures: Price of milk to the farmer, 3 cents, in his county.

Mr. JONES. Yes.

Mr. BOUTELL. Price paid by the consumer in New York, 9 cents, or an advance of 200 per cent; a much greater advance than any of those figures pointed out by the Secretary of Agriculture.

Mr. JONES. Yes; much larger.

Mr. BOUTELL. Now, can you tell what those figures are for milk to the farmer in Indiana, and the amount paid by the consumer, say, in Indianapolis and Chicago?

Mr. JONES. Well, in Chicago it is a little more than 50 per cent on the milk on the milk trains that run from Indiana to Chicago. Now, I understand that this is a generalization of the entire problem. It differs in different sections of the country, as in your New York instance; as in New England.

Mr. BOUTELL. Well, in that New York instance, is that difference of 200 per cent caused by the small price that the farmer gets, or by the relatively larger price paid by the consumer?

Mr. JONES. It arises from two causes; first, the price to the farmer is too low; that is, less than the cost of production.

Mr. BOUTELL. What does the Indiana farmer get for milk?

Mr. JONES. He gets about the same price, about 3 cents.

Mr. BOUTELL. What does the consumer pay now in Chicago?

Mr. JONES. The consumer pays 8 cents in Chicago.

Mr. BOUTELL. It is very nearly, then, the same thing?

Mr. JONES. Yes; very nearly. The milk producers in our State, in the smaller towns, get about 3 cents for their milk, and it retails for 6 and 7 cents, usually 6 cents; an increase of from 50 to 100 per cent. Then I maintain that there are other problems; the problem of transportation, commissions, and exchanges, all enter into this problem of the high cost of farm living, and when it is charged to the farmer it is erroneous and wrong, and places the farmer at a serious disadvantage before the public; and it raises the question before the consumers in the small towns, the men who are working in the factories, and they charge this home to the farmer when it should belong to the other fellows, and it is a serious wrong.

Mr. DWIGHT. Is it not true that the Borden company, with over $30,000,000 of capital, has to have its percentage?

Mr. JONES. What is that?

Mr. DWIGHT. Is it not true that the Borden company has to make a percentage off of it?

Mr. JONES. That is all right.

Mr. DWIGHT. The farmer has no objection to that?

Mr. JONES. We are willing to receive anything that makes a fair, reasonable profit for us.

Mr. DWIGHT. You are not objecting to that, then?

Mr. JONES. Certainly not. No; it is not the tariff on farm products that is responsible for the high cost of food, but the excessive freight charges of the railways, and the exorbitant profits of the commission houses, wholesale dealers, and retailers, through whose hands farm products must pass to reach the consumer.

I have submitted these facts for the purpose of showing the serious injury to the farming interests that would follow the enactment of this bill. What compensation does this measure offer the farmers for the loss of the very moderate protection now given them? Does it materially reduce the burden of high protective duties which the farmer is compelled to pay on all the manufactured goods he uses? Not at all. The pretended reduction of duties on Canadian manufactured goods is a fraud and a sham. No duty is removed or reduced on Canadian manufactures that will permit of their general importation for use by our farmers.

An attempt has been made to fool the farmer by removing the duty from steel wire and wire fencing. But Canada makes practically no wire and only sold to this country last year about 150,000 pounds, while we exported to Canada more than 9,000,000 pounds. The removal of this duty will not reduce the cost of fence wire in the slightest degree, and the same is true of the other manufactured articles in the reciprocity schedule. Canada is not a manufacturing country in the same sense that the United States, Great Britain, and Germany are, and the few manufactures affected by this bill will not be made cheaper to our people.

And I want to say right here that I have been a lifelong Republican and have supported, from Lincoln down, the policies of that party, believing in protection, and I am wholly unable to comprehend the amazing action of those higher in authority who have been responsible for this reciprocal agreement. Is it possible that they believe that 6,000,000 farmers will tamely submit to free trade in farm products and high tariff for manufactures?

If so, I wish to state here and now that we have come to the parting of the ways. The farmers believe in real reciprocity; that is, for an equal reduction in the tariff on manufactures, and at the same time that the duties on farm products are reduced. They favor an honest revision of the tariff, but they do not believe in revising the tariff on farm products out of existence, while leaving the exorbitant taxes on manufactures untouched.

Years ago, when this matter was up, and the high commission met in Quebec, Gov. Bachelder and myself were upon the legislative committee of the National Grange, and we went before that commission and presented the argument of the farmers on this side at that time in Quebec. You know that that reciprocity did not prevail, and I am just as sure to-day, if the American people had time to consider, digest, and properly understand this treatment, nobody on earth, or no set of men, could ever pass this act as it is presented to-day. If this bill is intended as an honest measure to reduce the cost of living in the interest of the consumer, why does it impose a tax of 50 cents per barrel on flour, while putting wheat on the free list? Why are cattle, sheep, and swine on the free list, while meats, fresh and cured, are taxed 1½ cents per pound? Are not the farmers as much entitled to protection as the millers or the great meat packers of Chicago?

Mr. RANDELL of Texas. Is not that in favor of the meat packers, to have cattle on the free list, and meats not on the free list?

Mr. JONES. It has been in their favor.

Mr. RANDELL of Texas. Is not that in their favor?

Mr. JONES. Certainly; and that is why it is put in here.

Mr. RANDELL of Texas. I understood you to say that the legislation was not in their favor.

Mr. JONES. Certainly; why should a beef on the hoof come in free, and if it is slaughtered in Canada come in at an expense of $10 or $12? You and I know that the cost of slaughtering is less than 10 per cent of the duties imposed, and it is discriminating against people in this country; and if those who are responsible for the enactment of this measure suppose that the farmers have not discovered all this, they will be finding themselves woefully mistaken. This is not a party measure. The consumers do not eat wheat, or cattle, or sheep; they consume flour and meat. But this bill puts the farmer's products on the free list, and taxes the articles in the form in which they reach the consumer. Do you suppose for one single instant, gentlemen, that the farmers of this country, who have furnished the money, and are to-day furnishing the money for the best market of our manufacturing interests in this country, do not understand this argument? Do you believe that they will tamely submit? No; never.

Mr. UNDERWOOD. Will you let me ask you a question there?

Mr. JONES. Yes.

Mr. UNDERWOOD. If they are not going to submit, are they going to help the Democratic Party pull down the tariff?

Mr. JONES. They would help the devil, before they would allow themselves to be abused by their friends.

Mr. UNDERWOOD. They propose to reduce the duties on manufactured products, then?

Mr. JONES. Certainly, they will do it; and just as sure as this bill becomes law, you cut from under your tariff protection all its support.

Mr. UNDERWOOD. That is good.

Mr. JONES. And the men who make the law—the men who vote upon this law—will be held responsible for it, more than parties.

Now, gentlemen, I trust that there will be no misunderstanding as to the position of the farmers in this matter. They believe that they are entitled to exactly the same measure of protection as the manufacturers. We can not get it on what we export, but we can keep the other fellows out. They are not now receiving equal protection, and the pending measure proposes to make the discrimination against them still more unjust by establishing, to all intents and purposes, free trade in farm products, while making no reduction of duties on manufactures that will decrease the cost to the farmer.

Mr. RANDELL of Texas. Your idea is to keep the farmer's products out, so that they will not compete with you?

Mr. JONES. How is that?

Mr. RANDELL of Texas. It is your idea to keep the farm products from Canada from coming in here so that they will not compete with you?

Mr. JONES. No, sir; let them pay for our market. They live in a country where they have cheaper lands, cheaper taxes, and less cost for labor. We are supporting an entirely different condition of things, and let them pay for our market. That is what they ought to do; the same as every foreigner; if he wants to come in, let him throw out the Stars and Stripes, and let them float over that country, and then he can come in, and we are perfectly willing to let him.

Against this proposition we earnestly protest, and we insist that there shall be no free trade for the farmers and high tariff for the manufacturers, but that if farm products go on the free list, manufactured articles must also be made free, and they will, inside of a very short time.

I also insert a letter and statement by Washburn-Crosby Co., of Minneapolis, relating to price of wheat in Canada and the United States during the last year, as follows:

WASHBURN-CROSBY CO.,
Minneapolis, Minn., February 3, 1911.

Hon. FREDERICK C. STEVENS,
Washington, D. C.

MY DEAR MR. STEVENS: Again referring to your letter of the 28th to Mr. Bell and to our letter of February 2, we now attach the Winnipeg and Minneapolis closing prices from January, 1909, down to date.

Please understand that the Winnipeg price is really the price f. o. b. Fort William, for the Winnipeg price carries with it the milling in transit privilege as far as Fort William, so that to compare Minneapolis with Winnipeg you do not need to add any freight to the Winnipeg price for the f. o. b. Minneapolis price, and puts wheat in relatively the same position as though it were at Duluth or Minneapolis. This, you see, enables you to take the difference as given here as representing the Canadian wheat and the United States wheat at relatively the same port. This would show you that our United States farmers would be put to considerable disadvantage if the duty were removed.

Very truly, yours, CHARLES C. BOVEY.

Date.[1]	Winnipeg closing price 1°.	Minneapolis closing price 1°.	Over or under.
1909.			
July 10	131⅞	130⅜	1½
July 17	131⅜	131⅛	¼
July 24	125	126½	1½
July 31	119	132	13
Aug. 9	112	128	16
Aug. 14	110	143	33
Aug. 21	111	132½	21½
Aug. 28	97	99⅝	2⅝
Sept. 4	97	99½	2½
Sept. 11	98⅛	99½	1⅜
Sept. 18	98	98⅛	⅛
Sept. 25	94⅜	100⅜	5⅞
Oct. 2	95⅜	100⅜	5⅛
Oct. 9	97½	101½	4
Oct. 16	98½	105½	7
Oct. 23	96⅛	104⅞	8⅞
Oct. 30	97⅜	105½	7⅛
Nov. 6	97	102⅜	5⅜
Nov. 13	97⅛	106⅛	8⅞
Nov. 20	98⅛	105⅜	7⅛
Nov. 27	99¼	105⅜	6
Dec. 4	95	106⅛	11⅛
Dec. 11	90⅜	112⅜	16
Dec. 18	102⅜	114⅛	12⅛
Dec. 25	[2]		
1910.			
Jan. 1	[2]		
Jan. 8	105	115⅛	10⅛
Jan. 15	103½	113⅜	9⅞
Jan. 22	103⅜	114⅜	10⅞
Jan. 29	103⅜	113⅜	10
Feb. 5	101½	110¾	9¼
Feb. 12	102	[2]	
Feb. 19	102⅞	115	12⅛
Feb. 26	103	114⅛	11⅛
Mar. 5	102⅜	112⅛	10⅛
Mar. 12	104½	114½	10
Mar. 19	105½	113¾	8⅛
Mar. 26	105½	115⅝	10⅛
Apr. 2	105⅜	114⅜	9⅛
Apr. 9	104⅛	113⅜	8⅛
Apr. 16	101⅛	108⅜	6⅞
Apr. 23	101⅛	111	9⅞
Apr. 30	98⅜	109⅛	10⅞
May 7	[2]	113⅜	
May 14	98½	112⅛	13⅝
May 21	94½	109⅛	15⅛
May 28	88⅝	104⅛	15½
June 4	88⅛	105⅛	17⅛
June 11	89½	105	15½
June 18	91⅛	106⅛	15⅛
June 25	95⅛	112	16⅞
July 2	[2]	[2]	
July 9	108	120½	12½
July 16	116½	130	13½
July 23	116⅛	126	9⅞
July 30	108⅛	120⅛	12⅛
Aug. 6	108⅛	120⅛	12⅛
Aug. 13	111⅛	114⅛	1⅛
Aug. 20	106⅛	110⅛	3⅞
Aug. 27	108⅛	112⅛	4⅛
Sept. 3	105⅜	112⅜	7⅛
Sept. 10	102	111⅛	9⅛
Sept. 14	100	111⅛	11⅛
Sept. 24	101	112⅛	11⅛
Oct. 1	98⅜	109⅜	11⅛
Oct. 9	99	111⅛	12⅛
Oct. 15	97	107⅛	10⅛
Oct. 22	94⅜	104⅜	9⅞
Oct. 29	91⅜	102⅜	11
Nov. 5	90⅛	101⅜	11⅜
Nov. 12	91⅛	103⅛	12
Nov. 19	94⅜	104⅛	10⅛
Nov. 26	92⅛	102⅛	9⅞
Dec. 3	91	104⅛	13⅛

[1] The day cited in each case is Saturday. [2] Holiday.

Date.	Winnipeg closing price 1°.	Minneapolis closing price 1°.	Over or under.
1910.			
Dec. 10	89⅛	101⅜	12⅛
Dec. 17	90⅛	101⅜	11⅛
Dec. 24	[1]	103⅛	
Dec. 31	91⅛	103⅜	12⅛
1911.			
Jan. 7	93⅛	108⅛	14⅞
Jan. 14	95⅛	108⅛	12⅞
Jan. 21	94⅛	104⅜	10⅛
Jan. 28	94⅛	103⅜	9⅛

[1] Holiday.

Average, a fraction over 10½ cents, Minneapolis and Winnipeg price.

Also the following protest against the proposed amendment of reciprocity between the United States and Canada:

CARTHAGE BOARD OF TRADE,
Carthage, N. Y., February 2, 1911.

To the Congress of the United States of America:

The Carthage Board of Trade, of the village of Carthage, N. Y., hereby protests against the approval by the Congress of the proposed agreement of reciprocity between the United States and Canada as presented for consideration by the President January 26, 1911, and presents its reasons for opposing the adoption of said agreement.

presents its reasons for opposing the adoption of said agreement.

The people of northern New York, located as they are along the borders of Canada, feel more immediately the effect of any commercial agreements affecting trade between Canada and the United States than more remotely situated parts of the country. We view with alarm the effect of the proposed agreement upon the industrial life and prosperity of ourselves and of the whole country. The principal industry of northern New York, and for that matter, of the country, is agriculture, while the principal manufacturing industry of northern New York is the paper industry. As this agreement proposes free trade in the products of our two most important industries, it is apparent that the blow of the agreement falls immediately and directly upon the people of northern New York.

The farmers of the United States have had the benefit of a protective tariff for many years, and they have been free from Canadian competition, and yet in the East for the last 20 years farmers have not been prosperous, but farm values for many years steadily decreased because of the opening up and the competition of the great West. As the fertile fields of the West offered such attractive inducements, requiring little or no fertilization, our farmers migrated to the West, and it was impossible for the eastern farmer to compete and prosper. As the western lands have been taken up and future openings to a large degree must depend upon the lands opened up by drainage and irrigation, the tendency for the last few years has been for farm values in the East to increase, while the increased demand for food products has so improved prices that at last farmers in the East may be said to be entering upon an era of prosperity. The telephone, good roads, the automobile, and the rural free delivery of mails have all tended to make farm life more agreeable, so that with increased prices there is a marked disposition to check the movement to the city and for a return to the farm. The reciprocity agreement, if effective, will open up the vast territories of the Canadian northwest, already proving attractive to the American farmer, so that the American farmer in the East and likewise in the West will, upon the adoption of this agreement, pass through a period of depression such as existed in the East while the farms of the West were being taken up, while great value will be added to the Canadian lands at our expense.

The people have been crying out against high cost of living caused by combinations and monopolies to raise prices which they have been led to believe are made possible by too high tariffs under certain schedules. They have been taught that the tariff has been used as a cloak for monopoly. There has been no cry or demand for free trade in agricultural products, nor is there any just feeling that the farmer himself is receiving to-day too large a price for his product. The proposed agreement in nowise affects any trust or combination for the purpose of raising prices.

If the American people would give more attention through their National and State Governments, and through private effort, to the agencies of distribution, the problems of high cost of living would largely be solved. The Beef Trust to a small extent, local conditions to a greater extent, have been responsible for the high prices of meat to the consumer rather than the price which the farmer is paid. When beef sells at from $9 to $10 a hundred at wholesale, and is distributed at from 25 to 30 cents a pound at retail, as it was, it is clear that something is wrong with the agency of distribution. The same thing is true in reference to the Milk Trust and milk distribution. The farmer on the average obtains less than 3 cents a quart for his milk, whether it is made into cheese and butter or delivered to the milk agencies, while the consumer pays from 7 to 10 cents a quart, according to location. The effect of manipulation by cold-storage houses has been to change a splendid purpose to a means of keeping up prices to the consumer.

Inefficiency in distribution, combinations in restraint of free distribution, exorbitant express charges and freight rates have more to do with the high price of living than do the original prices paid to the farmer. Without approving the methods of the Standard Oil Co. or the American Sugar Refining Co., they have evidently solved the problem of distribution to such an extent that they are at least efficient in that department of their respective industries and well illustrate what we mean by inefficiency in methods of distribution.

In order to meet the demand for a greater production of food products, caused by our rapid increase in population, agricultural schools have been established, and farmers' sons are attending them in order that they may learn the science of fertilization and production. Already the result is being seen in the improved condition of dairies, the increased output of milk per cow, and in a few years greater productiveness of the soil will be the inevitable result.

It is axiomatic to say that the backbone of American life is agriculture, and that upon the prosperity of the farmer depends the prosperity of the country. The injustice of free trade for everything they produce and of tariff upon most everything they consume is apparent. No considerations of patriotism are involved in a proposition to open up the greatest market in the world—the American market—to the free trade of Canada, giving the trade of 90,000,000 people living under a high standard to 8,000,000 people living under a lower standard. To do so, in so far as Canada is able to affect the markets of the United States, would be a direct injury to the people of the United States. If Canada were proposing to unite with and become a part of the United States, sharing in the expenses of our Government and taking on our standards of life, then questions of patriotism might arise and an appeal to patriotism might have some force; but political expediency and the apparent unpopularity of certain schedules of the tariff bill recently passed in some sections of the country furnish no reason why the American farmer should be made the football of political exigency, and the American policy of protection be thrown down as to the American farmer, even though those making the loudest protest are by this proposed agreement being "hoist by their own petard."

The paper industry of the United States is its fifth largest manufacturing industry, and the most important center of that industry is in northern New York. Regardless of the ambiguity of the proposed agreement as to whether it goes into effect as to paper immediately upon adoption or not until provincial restrictions upon the export of pulp wood or wood pulp made from wood taken from Crown lands, the paper industry is severely affected by the threat of present or ultimate free trade in paper with Canada. The cry of the publishers, which has prompted the recent attacks upon the paper industry, has not been based upon facts or upon a due consideration of the true state of the industry. The course of the industry has been so irregular, the prices of paper have been so disturbed, and the initial cost in capital to start a paper mill is so great, that the paper industry as a whole can not be said to have been a prosperous one, and the return upon the investment has been very low, and in many, if not in most instances, practically no return at all. The price of pulp wood in Canada is approximately $4 a cord less than in the United States, due to freight charges. In other words, we have to pay $4 a cord more for pulp wood in northern New York than the Canadian mills have to pay. It takes a cord and a half of pulp wood, weighing 6,000 pounds, to make a ton of paper.

There is, therefore, an initial increase in expense of $6 a ton which must be overcome by increased efficiency, improved methods of production, or the American mills would not be able to-day to compete with the Canadian mills, even with the present duty, while the Canadian mills are able to deliver their paper to the American market for about the same freight-rate charge northern New York mills are compelled to pay. The newspapers of the country are taking a short and narrow view of the situation, and should realize that the paper mills of the United States, instead of being their enemies, are their friends. In recent years it is reported Canadian mills have sold paper to Canadian publishers at a higher price than American publishers similarly situated were paying to American mills, and at the same time have shipped their surplus paper to Chicago, paying the duty, at such a price that Canadian publishers have been able to purchase the same paper from Chicago and reship it to their own plants at a less price than they get it directly from the Canadian mills. The destruction of the paper-making industry of the United States and the driving of it over into Canada would place the American newspaper in time at the mercy of the Canadian manufacturer, provided the proposition is correct, as paper manufacturers believe, that American mills, without the benefit of protection, can not successfully for a long period of time compete with mills which might be erected in Canada.

So far as we are concerned in northern New York, if free trade is to be adopted between Canada and the United States, admitting to our borders, as to agriculture and as to paper, the supply of the country which can best successfully compete against us, it would be far better for us if free trade were adopted as the policy of the whole country, because under the proposed arrangement we will be compelled to stand the competition of Canada as to our main products and pay the higher prices, which we have willingly paid for the benefit of American industry, on products which we do not produce. Because a suit of clothes costs too much is no reason why workers in the sweat shops should be paid less wages, and with a like reasoning, because the methods of distribution of food products in the United States are inefficient is no reason why the farmer, who is only making a fair return, should bear blame of high prices and the whole burden of reduced prices, nor is it any reason why the labor of the United States should be reduced to a lower standard, which would be the undoubted result of a blow at the American farmer, who is at once our greatest producer and consumer.

We therefore urge upon Congress the importance of a full and thorough consideration of this proposed agreement for free trade between the United States and Canada, so suddenly sprung upon the American people, after secret negotiation, to the end that the full consequences of its damaging influence upon the welfare of the farmers of the United States and a great manufacturing industry may be thoroughly felt and understood, and we urge the defeat of the bill to adopt the proposed agreement.

HON. J. G. JONES,
C. W. PRATT,
H. J. CADWELL,
Committee.

I also insert telegrams from National Grange and mass meeting of farmers of St. Vincent, Kittson County, Minn.; also a letter from Henry Feig:

NEW YORK, *February 4, 1911.*

Hon. HALVOR STEENERSON,
The Cairo, Washington, D. C.:

The National Grange earnestly protests against Canadian reciprocity bill, which puts farm products on free lists, while making practically no reduction in high tariff on manufactured articles. Bill subjects our farmers to unfair competition of cheap Canadian farm lands, which will materially injure farming industry, will increase farm values in Canada and reduce value of farms in this country. Farmers unanimously opposed to bill.

T. K. BATHELDER,
AARON JONES,
T. C. ATKESON,
Legislative Committee, National Grange, Concord, N. H.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.:

At a mass meeting of the farmers of St. Vincent Township, Kittson County, Minn., the following resolution was passed without any dissenting voice:

"*Resolved*, That we are unanimously opposed to the ratification of the pending Canadian reciprocity treaty; that we consider it detrimental to our interests; that it will depreciate the value of our land and lower the price of our produce; and instruct our Representative in Congress to work and vote against its passage; that we believe in lower tariff, but object to class legislation."

FARMERS OF ST. VINCENT TOWNSHIP,
By W. J. FORD, *Chairman.*
R. E. BENNETT, *Secretary.*

ATWATER, MINN., *February 5, 1911.*

Hon. HALVOR STEENERSON, M. C.,
Washington, D. C.

DEAR MR. STEENERSON: If the Committee on Ways and Means will rush through the treaty legislation, as the chairman seems determined to do without giving the farmers a fair hearing, it will make Democrats of more than half of our hitherto good and loyal Republican farmers. If the treaty is ratified without amendment it will mean a loss of perhaps $100,000,000 per year to the farmers of the United States. The Northwest will be hit the hardest, as we will feel the influx of cheap Canadian grain more than those farther south, although it will affect them all. You can figure on a loss of at least 5 cents per bushel on wheat, 14 or 15 cents on barley, and 12 to 15 cents on flax; and in Minnesota and the two Dakotas we raise about 80 per cent of the flax of the United States.

This treaty, Mr. STEENERSON, ought to be killed; if not, it will kill the Republican Party. Possibly not forever, but for a good long time, and it ought to, for it is the biggest political and economical blunder ever made by the party.

Kill it if you can, or insist that it be amended by restoring the duties on farm products. I wish you would show this to Mr. PAYNE, so that he would know just how one of the oldest Republican farmers in Minnesota views the late makeshift of our President. Even Frank Day is out in an open letter praising the treaty and congratulating the President. It seems to me we ought "beware of Greeks who bear gifts."

Yours, truly,
HENRY FEIG.

Mr. Day is the chairman of the Minnesota Democratic State Central Committee.

I also insert letter from Cargill Commission Co.:

CARGILL COMMISSION CO.,
GRAIN COMMISSION MERCHANTS,
Duluth, Minn., February 9, 1911.

Hon. HALVOR STEENERSON,
Washington, D. C.

DEAR SIR: The malting barley of the United States is raised almost exclusively in Wisconsin, Minnesota, North Dakota, South Dakota, and Iowa. These States have been encouraged to go into the raising of barley because the duty of 25 or 30 cents per bushel allowed them a fair price. When the duty was 10 cents per bushel Ontario raised practically all of the barley used by Eastern maltsters. Owing to the very light crop raised this year, barley, up to the announcement of the proposed reciprocity treaty with Canada, advanced steadily, selling at $1 per bushel in Milwaukee, Chicago, and Buffalo and 95 cents in Minneapolis.

To-day there is practically no barley market and barley is almost unsalable at a decline of anywhere from 12 to 20 cents per bushel. We quote the following letters received to-day from commission firms in Chicago and Milwaukee:

Berger-Crittenden Co., Milwaukee, say—

"The market was as dull as ever, with only a few cars of Wisconsin sold. Outside of this a few cars of Minnesota were sold, whereas all the other cars carried over for the last three or four days were again carried over to-day; maltsters and brewers still holding back. We naturally will have to wait developments."

Mohr-Holstein Commission Co., Milwaukee, say—

"Our market is perfectly lifeless—nothing doing. Not any of our maltsters would make a bid on anything to-day. It certainly does not look at all encouraging to us. The trade here feels bearish on account of the pending reciprocity treaty with Canada."

From the Brewers' Daily Bulletin of January 31—

"It is very evident that the brewers are in a waiting mood and that purchases of malt are confined to what is absolutely necessary to carry on business. The uncertainty which exists in the minds of the trade in regard to the Canadian reciprocity treaty and the possibility of its ratification has created a bearish sentiment, and the trade in general is disposed to await further developments before supporting the market with buying orders."

I feel that a grave injustice is being done the farmers and grain trade. Barley, from the States named, is rarely sold for feeding purposes, but is used almost exclusively for malting. If the duty is removed it will undoubtedly shut out these Northwestern States from the Eastern Market, and will probably reduce the price an average of fully 20 cents per bushel. Now, all of this will simply go into the hands of the brewers, and as between the brewer and the farmer it seems to me it would be an economic blunder and a political crime to favor the brewer. Barley in no sense is a food product, and there can be no excuse for putting it on the free list if the only objects in this reciprocity treaty are to cheapen the cost of living and broaden our trade with Canada.

I trust, therefore, that you can at least prevail upon Congress to omit barley from the free list. It will cause untold injury to our farmers and, as already stated, will benefit only the brewers. It would not even give cheaper beer.

Barley is selling to-day at 49 cents in Winnipeg; top grades in Minneapolis and Duluth, 84 cents; Chicago and Milwaukee, 86 cents.

Yours, very truly,
A. M. PRIOR.

I also insert letter from Samuel C. Hayes, of Nielsville, Polk County, Minn., a prominent farmer.

OXFORD, PA., *February 8, 1911.*

Hon. HALVOR STEENERSON,
Washington, D. C.

DEAR SIR: I want you to know how I feel as a farmer on a proposition now before Congress.

Canadian reciprocity, admitting their wheat free of duty as it is now framed up, is an unfair deal to us farmers. We demand protection for all or protection for none.

This deal would maintain Liverpool prices for our wheat for years to come. Under the protection we now have, home prices are frequently ours, and with the population growing rapidly they would soon be the rule. For the last two or three years, by reason of these conditions—a home market—in regard to prices on farm products on all meats, butter and eggs, and grain, we farmers have been getting on "Easy street" in sight. Pass the reciprocity deal and we will be put back to another 30 years of paralysis and stagnation.

We demand free trade for all classes or tariff for all classes. We want our rights and a square deal and will have them.

The purpose of this letter is to let you know how the farmers feel on this unfair proposition. It would be death to prosperity on the farm and cheap food for a little while for the already overprosperous town and city. Every butter and egg farmer and every grain farmer after tasting of this sort of medicine—if this proposition is made a go—will be red hot for the scalps of the authors of the deal. They will hear something drop later if this deal is not put through.

I am not in politics, and no use answering this letter, but lay awake nights killing this hoggish proposition.

Yours, truly, SAMUEL C. HAYES.

Also letter to the Kittson County Enterprise from Samuel H. Lapp, one of the most prominent farmers in that section:

ST. VINCENT, MINN., *January 31, 1911.*

EDITOR ENTERPRISE:

Dean Bolley, of the North Dakota Agricultural College, says the farmers should fight this treaty with Canada. Says he: "In my opinion if the reciprocity treaty between United States and Canada is carried out we will see the hardest times in this part of the United States we have ever seen." And we have had some pretty hard jolts in the past 30 years.

They tell us farmers that Liverpool controls the price of wheat. Maybe it does; but if it does, the daily newspaper market reports have been lying this winter. In their comments on the market they have stated at different times that the market here was 3 cents out of line with Liverpool; that is, we were 3 cents too high for Liverpool to buy our wheat. This doesn't look like Liverpool controlled our wheat market at all times, does it?

In talking this reciprocity treaty over with a neighboring farmer, whose farm joins the Canadian border and who has ample opportunity to observe the prices of wheat on both sides of the line, I asked him what difference, in his opinion, this treaty would make in the price of our wheat. He said he was satisfied it would make a difference of 10 cents a bushel.

The wheat deal is bad, mighty bad for us, but the barley is worse. I know something about the barley myself. Before coming to this country from Canada I lived in one of the greatest primary barley markets in the world, that was Toronto, Canada, and all the barley bought there was shipped in vessels across the Lakes to Buffalo, Chicago, Cleveland, and other American ports, and I presume the same conditions existed at all the other frontier Canadian markets. At that time there was a 20 per cent ad valorem duty on barley in this country, and the Canadian farmers were getting rich growing barley and selling it to the United States. When we started to grow barley here we couldn't sell it—they didn't want it. After a time we got 20 cents per bushel, and thought we were doing splendidly when we got 25 cents per bushel.

But, presto, something has happened. Barley went up to 40 and 45 cents per bushel, and a great demand for it at that. We farmers began to spruce up, the sun seemed to shine brighter, and we began to pay off our debts and mortgages. What was the cause? The Government had put a duty of 30 cents per bushel on barley, and the barley men had to buy their barley at home instead of going to Canada for it. The Canadian farmers had hard times for a long while, land went down about one-half in value, farms that were bought for $100 per acre were sold at $45 per acre after the Americans put on their 30 cents duty on barley.

I grow about 1,000 bushels of wheat and the same of barley. Each year I will lose 10 cents a bushel on wheat and 20 cents on barley—that will be $300. I will be short next fall. To make that up they tell me I will get fish free of duty. I used to get my fish out of the Red River, but the Canadians, our dear friends, who President Taft says we should cultivate friendly relations with, have built a dam across the river below Winnipeg and will not let any fish come up here. Nothing very friendly about that, is there? So to get fish I had to buy. I bought a 10-pound pail of mackerel; cost me $1.50; duty on fish, 3 cents per pound. Under the proposed treaty I will save on fish 30 cents; loss on grain $300. They also tell us we can sell horses to the Canadians. I don't know how it is in other parts of the States. In this part we want to buy horses, instead of selling them. They further tell us it won't make any difference in the price of wheat. If it won't make any difference, why do they take the duty off? If it won't make any difference, why do men with the great brain capacity of Mr. Taft and other great men waste their time in doing things that won't make any difference?

James J. Hill sees rosy times ahead for this country if the treaty is ratified. The trouble with James J. Hill is that when he looks through his spectacles he only sees James J. Hill and the Great Northern and the Northern Pacific Railroads and the long haul of Canada wheat to Duluth and Minneapolis. Anyway, he is not always a true prophet. Years ago he prophesied that long before this time our wheat would be going west to Japan and China to feed the countless hordes in the Orient instead of going east to England. It did not go, however. He must have given up that idea, for he had two of the greatest ships in the world built to carry the wheat and flour, and one of them was wrecked on the coast of Japan, and he never replaced it. I believe in reciprocity; but, like charity, it ought to begin at home. Take some duty off wheat, then knock a chunk off steel; take the duty off butter, then a good big slice off wool. I see before me a paragraph in a reliable newspaper which says the duty on sugar cost the American people $300,000,000 in 1910. Why doesn't President Taft take a swat at that, and then hit barley with his left? That would look like true reciprocity to me. I hear that Congressman STEENERSON and Senator NELSON are against this treaty. I hope so. I have always voted against these two men, but if they help to knock out this treaty I do not know but that I shall vote for them hereafter. Anyway, I promise not to "cuss" them behind their backs as much in the future as I have done in the past.

If any of your dear readers could explain this treaty and make me see it in a different light, I wish they would do it, for the Lord knows I am feeling sick. I am a Democrat, and always believed in Democracy's time-honored teachings, looking to an intelligent computation of our tariff system as to acquire sufficient revenue to run our Government and at the same time reasonably protect American labor and institutions; but I must confess this Taft reciprocity treaty is too free for me.

Respectfully, yours, SAMUEL H. LAPP.

Among the papers which see in free farm products a check to our agricultural development are the Denver Republican (Rep.) and the Chicago Farmers' and Drovers' Journal, the latter "America's greatest farm daily." Says the Farmers' and Drovers' Journal:

From the producers' standpoint this arrangement as put up to Congress means too much of a boost for the manufacturing interests of New England on the one hand and too great a sacrifice to the farmer of the Middle West on the other. It will mean a great increase of tonnage for certain of the railroads which traverse our northern border and have spurs leading up into the great agricultural regions of the Canadian Northwest. Also it will mean a great tonnage increase for certain of the Eastern lines which tap Toronto, Montreal, Ottawa, and others of the larger cities of Eastern Canada, but just where the farmers of the Mississippi Valley and the rangemen of the West are to benefit has not been made clear. * * *

Class legislation, you say? Well, something strongly akin to it, anyway.

This reciprocity measure, so called, has been indorsed at a recent caucus of Democratic Representatives in Congress, and in the Ways and Means Committee only six out of 12 Republicans voted to report it favorably. The vote is reported to have stood 12 to seven—six Republicans and six Democrats for and six Republicans and one Democrat against—so that it comes here without a majority of the Republican members of the committee favoring it.

It is not a Republican measure, nor is it consistent with Democratic doctrines on the subject of the tariff.

This legislation was framed by commissioners who had no direct authority from the people. It is the work of the executive department, and the people have never been consulted. To rush this through without giving the people a chance to judge of its merits is not just, nor is it consistent with free representative government. [Applause.]

The Clerk read as follows:

Enforcement of the insecticide act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, rent, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $87,000.

Mr. MANN. I move to strike out the last word.

Mr. EDWARDS of Georgia. I offer the following amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, on page 76, after line 10——

Mr. MANN. I have moved to strike out the last word. The gentleman's amendment is not in order.

The CHAIRMAN. The Chair was misinformed.

Mr. MANN. I understand.

Mr. EDWARDS of Georgia. I withdraw my amendment for a moment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word of the paragraph. The gentleman from Georgia withholds his amendment.

Mr. MANN. I should like to ask the gentleman in charge of the bill with reference to this insecticide appropriation. I take it that that work will be done with the same force, and ought to be done with the same force, that carries out the pure-food law. Now, if you make the appropriation separate, will not that hamper the accounting officers and the department, and ought not this item to be included with the language covering the pure-food law?

Mr. SCOTT. Of course, in inserting this paragraph as we have at this place, the committee followed the estimates and the recommendation of the department.

Mr. MANN. I understand that.

Mr. SCOTT. It is the information of the committee that the work will be carried out as the gentleman from Illinois suggests—very largely by the same force that is looking after the pure-food law.

Mr. MANN. I had charge of the Lowden bill in the House, covering the insecticide law, and it was the clear understanding that the enforcement of that law would be carried out by the same officials, scattered throughout the country, as were already employed for the enforcement of the pure-food law. It would seem to me that it would be advisable to insert this paragraph in the proper form on page 52, in connection with the paragraph enforcing the pure food and drug act, so that it would not be necessary for these officials of the department in New York or Chicago or elsewhere throughout the country to keep separate ac-

counts, which would be required as the appropriation now stands.

Mr. SCOTT. It seems to me that is a very sensible suggestion. I will ask the gentleman from Illinois if he has prepared an amendment to cover that?

Mr. MANN. I have not; but I think it is very easy to do so, by simply inserting after the word "purposes," in line 9, on page 52, the words—

And the act entitled "An act to prevent the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides"—

And then adding to the total, so that the paragraph would cover the enforcement of the food and drugs act and the insecticide act as well, and increase the appropriation.

Mr. SCOTT. If the gentleman will offer an amendment to carry out his suggestion, I shall be very glad to accept it.

Mr. MANN. I ask unanimous consent that we may return to page 52, to the paragraph entitled—

Enforcement of the food and drugs act—

To carry into effect what has been suggested.

The CHAIRMAN (Mr. BOUTELL). Is there objection? [After a pause.] The Chair hears no objection.

Mr. MANN. I move to insert after the word "purposes," line 9, page 52, the words "and the act;" then the language on page 75, in line 25, and on page 76, lines 1, 2, and 3; and then insert, after the word "act," in line 3, page 52, the words "and the insecticide act;" and increase the amount in lines 15 and 16, page 52, by the addition of $87,000.

Mr. SCOTT. Making $697,110.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 3, after the word "act," insert the words "and the insecticide act."

Line 9, after the word "purposes," insert the words:

"An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes."

Also, in lines 15 and 16, page 52, make the amount $697,110.

Mr. MARTIN of South Dakota. Mr. Chairman, I suggest that in amending this it will be well to insert the date of the approval of the act, April 26, 1910.

Mr. SCOTT. Mr. Chairman, I would like to suggest that the insecticide act itself contains a provision declaring that the act shall be known and referred to as "The insecticide act of 1910."

Mr. MANN. That is correct. I think that language ought to be used instead of the language that I moved to insert. I remember that that provision was put in so as to cover this very question, so I move to insert after the word "purposes," line 9, page 52, the words "and the insecticide act of 1910."

Mr. SCOTT. And let the totals in the paragraph be changed to correspond.

Mr. MANN. Yes; the words "the insecticide act" is sufficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Now, Mr. Chairman, I move to strike out the paragraph beginning on line 22, page 75, and continuing to line 10, page 76.

The motion was agreed to.

Mr. EDWARDS of Georgia. Mr. Chairman, I now offer my amendment, and I wish it to go in on line 21, page 75, to take the place of the section that has been stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows.

Add as a new paragraph on page 75 the following:

"For studying and testing commercial fertilizers, samples to be secured in open market, and where such samples are found to be adulterated, misbranded, or of an inferior grade to that for which it is recommended, the results of the tests shall be published, together with the names of the manufacturers and of the persons by whom the fertilizers were so offered, $26,650."

Mr. SCOTT. Mr. Chairman, as to that I reserve a point of order.

Mr. EDWARDS of Georgia. Mr. Chairman, I think that a section of this kind ought to go into this bill. I concede that if a point of order is made the amendment is subject to it. We have on page 20 of this bill a section providing:

For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, $26,650.

This provision is in a measure to protect the farmers against the sale of unfit and inferior seed. I can conceive of no greater blessing that would result to the farmers of this country than to safeguard them somewhat in the purchase of fertilizers. This amendment of mine would protect them against inferior fertilizers.

Mr. MOSS. Is the gentleman aware of the fact that Indiana has published to the world the very information that the gentleman from Georgia is asking for?

Mr. EDWARDS of Georgia. I am not aware of that fact.

Mr. MOSS. It is a fact, and if you will send to the experiment station in Indiana they will give you the information as to every brand of fertilizer in the United States.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to say that that is only a greater argument in favor of the adoption of this amendment. The great State of Indiana has seen the necessity of it; and while Indiana may be doing this for her farmers, still my amendment is for the benefit of all the farmers of the country. We have a law in Georgia for the inspection of fertilizers which is well enforced, but I believe that if this amendment were put into this bill, and if the fertilizer manufacturers and sellers knew that whenever they were offering to the farmers of the country worthless fertilizers, or inferior fertilizers, not of the grade recommended, that the fact would be published to the world, as this amendment provides, they would see to it that the purchasers got exactly what they bought.

Mr. MOSS. Mr. Chairman, I would still like to say to the gentleman that Indiana publishes those results to the world.

Mr. BENNET of New York. And I would like to say to the gentleman that the State of New York also publishes that information.

Mr. EDWARDS of Georgia. And I think the State of Georgia also publishes that information. I can see no objection to cooperation between the State and national authorities. With all due deference to the gentleman from Indiana and the gentleman from New York, we ought to have it included in the agricultural bill, in order that the knowledge so gained through such investigations may be given out by the Agricultural Department to all the farmers of the country. I believe cooperation between the State and Federal authorities in this matter would be of great help to the American farmers and effect a great saving.

Mr. SCOTT. Mr. Chairman, I am obliged to renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And hereafter there is appropriated and made available as the Secretary of Agriculture may direct, out of the moneys received from the sale of any products or the use of any land or resources of the national forests, and which have been deposited in the Treasury as miscellaneous receipts under the provisions of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907 (34 Stat. L., p. 1270, and 35 Stat. L., p. 260), so much as may be necessary in cases of extraordinary emergency to pay all expenses for fighting forest fires and for emergency fire patrol in excess of the amount specifically appropriated to the Forest Service for fighting fires: *Provided*, That such payments shall not exceed 75 per cent of the amount of said moneys received and deposited in the Treasury as miscellaneous receipts during the preceding fiscal year.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I think this paragraph would not accomplish the purpose of getting any money out of the Treasury. I suppose it was prepared in the Department of Agriculture. I may be mistaken, but I think not. "Miscellaneous receipts" are received in the Treasury and so accounted for as "Miscellaneous receipts," but as soon as received they are turned into the general fund and then there is so much less as "Miscellaneous receipts" from which any money could be paid, and here you provide for an appropriation out of money deposited in the Treasury as "Miscellaneous receipts." There is no such fund in the Treasury, and I think it would not accomplish the purpose.

However, as I understand the paragraph, it is for the purpose of covering an emergency such as arose this year, where it was necessary to expend a large, a very large, sum of money in fighting forest fires which had begun and in patrolling forests so as to prevent forest fires which might occur owing to the dryness. This makes a permanent indefinite appropriation. Would it not be wiser to make a direct appropriation for the next fiscal year, which should only be used in the case of extraordinary emergencies, and do that from year to year instead of doing it in this way, where you have no control over it and where as a matter of fact they probably would not get the money?

Mr. SCOTT. Mr. Chairman, as the gentleman surmises, the provision he has been discussing was prepared in the department and submitted as a part of the estimates. The committee ap-

proved it, I confess, without critically examining the language, because we were of opinion that some provision should be made in a case of such extraordinary emergency as arose last summer, and we assumed that the solicitor of the department had put it in proper form. There was expended last year something over $1,000,000 in fighting the fires, which devastated the national forests and caused a total loss of something like $100,000,000. The committee believes that a fund should be available for such an emergency, and we believed it was better to set it out in the appropriation than to leave it altogether to the discretion of the Secretary. If the gentleman is of the opinion that the same purpose could be reached by better or different language, by making a direct and specific appropriation, I will be willing to consider his amendment.

Mr. MANN. I have prepared a form of amendment which I would like to submit to the gentleman.

Mr. HAWLEY. Mr. Chairman, I desire to reserve the point of order against the paragraph.

Mr. MANN. I am going to make a point of order against it after a while, so it does not make any difference.

For fighting and preventing forest fires in case of any extraordinary emergency—

That is the same limitation that is in the bill, and would authorize the Secretary of the Department of Agriculture to certify that a case of extraordinary emergency had arisen and to expend money in fighting forest fires or in patrolling the forests to prevent forest fires.

Mr. MANN. The amount that ought to be expended I prefer to leave to the judgment of the gentleman in charge of the bill. I take it it will be a large amount in any event.

Mr. SCOTT. I would suggest that the amount should not be less than $1,000,000. Under the provision carried in the bill there might be available something like $2,000,000 from the anticipated receipts from the Forest Service during one fiscal year.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, since the paragraph has gone out on a point of order, I will avail myself of the suggestion of the gentleman from Illinois and offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 10, page 76, the following:
"For fighting and preventing forest fires in case of extraordinary emergencies, $1,000,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

And hereafter on or before the 1st day of October in each year the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury whether in his judgment each State and Territory has complied with the provisions of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909," approved May 23, 1908 (35 Stat. L., p. 260), providing that 25 per cent of all moneys received from each national forest during any fiscal year be expended for the benefit of the public schools and public roads of the county or counties in which the national forest is situated and is entitled to receive its share of such money. If in the judgment of the Secretary of Agriculture the provisions of the said act have not been complied with by any State or Territory he shall so report to the President and the amount involved shall be kept separate in the Treasury in order that the State or Territory, if it so desire, may appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct that the amount be paid to the State or Territory it shall be covered into the Treasury.

Mr. HAWLEY. Mr. Chairman, when this matter was before the committee I gave notice that I should make the point of order on this paragraph. I now make the point of order.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HAWLEY. And, Mr. Chairman, I ask unanimous consent to insert in the RECORD, as part of my remarks, a resolution from the State of Oregon.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The resolution is as follows:

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that—

Whereas the withdrawal of over 16,000,000 acres of land in the State of Oregon for forest conservation constitutes a serious obstacle to the settlement and development of this State and deprives the State and several counties thereof of vast tracts of taxable land; and

Whereas these resources are being conserved for the benefit of the people of the whole of the United States, it is therefore inequitable to place the burden of providing these resources so largely upon the people of this State: Therefore be it

Resolved, That we petition the honorable Congress of the United States to so amend the law under which the national forests are maintained as to give to this State at least 50 per cent of all moneys derived from the lease, use, or sale of any of the resources contained within these national forests.

Adopted by the senate January 27, 1911.
BEN SELLING, *President of the Senate.*

Adopted by the house January 31, 1911.
JOHN P. RUSK, *Speaker of the House.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 with the original thereof, which was adopted by the senate January 27, 1911, and adopted by the house January 31, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 2d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The Clerk read as follows:

And hereafter the benefits of the act of May 30, 1908 (35 Stat. L., p. 556), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to accrue to and include any person employed by the United States as an officer or employee in the Forest Service engaged at the time of the injury in fire fighting or other extra-hazardous work in connection with the administration of the national forests, and each and every provision of said act shall apply to said employees of the United States as if they were specifically mentioned in that act; and hereafter the Secretary of Agriculture may, in his discretion, furnish, without charge, to officers and employees of the Forest Service engaged in fire fighting or other hazardous work in connection with the administration of the national forests, and who, without negligence, are injured in doing said work, such medical and surgical attendance and supplies as he may deem necessary and proper: *Provided*, That in the case of temporary employees the rates of compensation for death or injury shall not exceed that which would be paid to a ranger of the forest upon which such death or injury was sustained.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to suggest to the gentleman the provision of this paragraph is much broader than the provision in the liability law. In my judgment, it is not desirable to undertake to make distinctions in one service from those in another service. We passed a bill the other day in the House to amend the liability law so as to take in the Bureau of Mines. That bill is now in the Senate, and if the gentlemen interested in this proposition desire to have the Forest Service included they had better go to the Senate and have that provision inserted in the bill which is now pending in the Senate, where they can all be together and treated on the same terms, and for that reason I now make the point of order upon this paragraph.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution (H. Con. Res. 59):

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army, the enrolling clerk of the House be, and he is hereby, authorized and directed to strike out, in line 10 of the engrossed bill, the words "March 24, 1902," and insert in lieu thereof the words "May 16, 1899," the latter being the date of the sinking of the transport Meade mentioned in the bill in question.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 32473. An act for the relief of the sufferers from famine in China.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEPEW, Mr. PILES, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30727. An act providing for the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.;

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and for acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming;

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 17007. An act for the relief of Millard W. Alt;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 1883. An act for the relief of John G. Stauffer & Son; and

H. J. Res. 213. Joint resolution authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.

RECIPROCITY WITH CANADA.

Mr. McCALL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise.

Mr. McCALL. Mr. Speaker, I rise to present a privileged report from the Committee on Ways and Means, and I ask unanimous consent, for the convenience of Members, that this report may be printed in the RECORD.

Mr. SCOTT. Mr. Speaker, reserving the right to object, the gentleman does not anticipate any debate at this time?

Mr. McCALL. Not at all; I am just presenting a report and asking unanimous consent that the report may be printed in the RECORD, and I also ask unanimous consent that the minority may have leave to file their views.

SEVERAL MEMBERS. How long?

The SPEAKER pro tempore. The gentleman from Massachusetts presents a report (No. 2150) and asks unanimous consent that the report be printed in the RECORD. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The SPEAKER pro tempore. The bill and report will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GAINES. Mr. Speaker, I ask unanimous consent that the minority may have until Wednesday to file their views.

Mr. McCALL. Mr. Speaker, that will involve a delay of the matter until Wednesday, and I do not think the House should be called upon now to pass upon that point. I have been indulgent with gentlemen who are opposed to the bill, and I put in no limitation whatever.

The SPEAKER pro tempore. What is the request of the gentleman from Massachusetts?

Mr. McCALL. When I first put the request it was that the report be printed in the RECORD for the convenience of Members.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the report be printed in the RECORD for the convenience of Members. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL, from the Committee on Ways and Means, submitted the following report to accompany H. R. 32216:

The Committee on Ways and Means, to whom was referred the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, having had the same under consideration, report it back to the House with amendments (H. Rept. No. 2150) and recommend that the said bill, with the following amendments, do pass, viz:

On page 19 strike out all of lines 15 to 25, inclusive, and on page 20 strike out all of lines 1 to 9, inclusive, and on page 24 strike out all of lines 4 to 11, inclusive, and insert as a new section at the end of the bill the following:

SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.

The bill takes a long step toward establishing for the Continent of North America a policy of unrestricted trade and commerce, recognizing natural conditions that have been too long ignored. It is based upon just principles and designed fairly to secure the mutual advantage of the two Nations. The President wisely said in his message that in an arrangement like the pending one "an exact balance of financial gain is neither imperative nor attainable." The duties proposed to be remitted by the United States yield about twice as great a revenue as those remitted by Canada. But Canada's concessions bear a much larger proportion to her total income than do our concessions to our total income. And it must also be borne in mind that we are likely to gain as greatly by what we give as by what we get.

When population is taken into account, there is no country in the world that approaches Canada in amount of purchases from the United States. When cotton, in which we have a practical monopoly and which foreign nations must buy from us, is excepted, the United Kingdom is the only country which purchases a larger aggregate of our products. Our splendid trade with the German Empire takes only $258,000,000 of our exports each year, as compared with $242,000,000 which we sell to Canada. When cotton is deducted from the two accounts, Germany, with eight times as many people as Canada, buys from us only $120,000,000, as against Canada's $231,000,000, or only a trifle more than half the aggregate taken by the latter country. France annually buys from us $116,000,000 in total value, or $54,000,000 with cotton excluded. Even the United Kingdom imports from this country but $307,000,000 in value, exclusive of cotton, or barely one-third more than is taken by her colony. Canada buys from us 50 per cent more than she takes from all the other nations of the world combined. Each year her seven or eight millions of people buy of our products as much in value as Great Britain exports to the 300,000,000 people in her Indian empire. He must be blind indeed who can not see the significance of her remarkable preeminence in the commerce of the United States. In methods of production, scale of living, and racial characteristics no other nation so strongly resembles this country. The forces of nature draw the two countries commercially together with a potency which can not be nullified by mutual tariffs and by the other devices by which statesmen keep nations asunder.

It will help us to understand the policy of the bill to look at the map and to consider a few primary facts. The habitable part of Canada forms an extended rim across the summit of our country and is shut in by our northern boundary on the one side and by the extreme cold upon the other. This rim is narrow in the eastern and central portions and broadens out toward the mountains and the Pacific under the influence of the Chinook winds. The two countries have a common frontier of 3,700 miles, not including the Alaskan boundary which would add 1,600 miles more. No two other countries in the world lie alongside each other for nearly so great a distance. It is not a natural frontier made up of mountains and other barriers difficult to cross but for the greater distance it is purely artificial in character, and for the rest it is composed of great navigable lakes and rivers. Nature never more greatly tempted two nations to trade with each other.

The attempt to set aside the plain decrees of nature by artificial tariff barriers has injured both countries, but on account of her configuration Canada has suffered far more than this country. It was a problem of the utmost difficulty confronting Canadian statesmen to establish a great and coherent industrial and commercial structure over vast stretches of longitude and little latitude, with deep valleys and almost impassable mountain ranges running north and south. A semblance of unity in such a fabric could only be secured at great cost. Commerce would naturally follow the circles of longitude and break across the boundary in a hundred torrents. But the currents of Canadian trade flow feebly and become cold, forced as they are through an artificial channel for thousands of miles in a single direction and lacking in the warmth that would come from lateral lines discharging themselves into the main artery. To this artificial condition is due the slow development of Canada; for that a country with her vast wealth of forests and mines and with hundreds of thousands of miles of rich and unsettled lands should only have increased from 3,500,000 of people to 8,000,000 in a half century is a striking circumstance, and one, it may be added, for which we must accept a large measure of responsibility. When we yielded to the influence of the lumber interests and denounced the Elgin treaty, we suffered in consequence the tragic waste of our forests, and we forced upon Canada a condition under which she has had but a slow and cramped growth. Remove this condition and she will soon gain the strength and stature of a great nation.

And the benefit to us would be enormous. If we could sweep away all tariffs between the two countries, it would have the effect upon our trade of another Louisiana Purchase. If her commerce is so important to us when she has only 8,000,000 of people, what would be the magnitude of our trade when she should have 25,000,000? In trade it is with nations as it is with men. You increase the purchasing power of a customer and you thereby increase your own prosperity.

Objections have been made to the bill in the name of the agricultural interests. Whether these objections have emanated from the farmers themselves, or only from the official machinery of their various organizations, the interests of an occupation which lies at the foundation of the prosperity of the Nation and, indeed, is necessary to its existence, demand the most serious consideration. Of the agricultural products covered by the bill, wheat is the most important that Canada produces. In 1909 that country raised 166,744,000 bushels of wheat, of which about 57,000,000 bushels were exported either as wheat or in the form of flour. We now impose a duty of 25 cents a bushel upon wheat. Under the proposed bill that duty is entirely removed against Canadian wheat. Both countries have long been exporters of wheat, although the surplus of Canada is steadily increasing and our surplus as steadily diminishing. And yet we raise a very considerable surplus. In the year 1909 our exports of wheat, and of flour in terms of wheat, amounted to more than 114,000,000 bushels. In the same year the exports of wheat from the United States to Canada were greater than from Canada to the United States. There is little risk in the assertion that our tariff has never affected the home price of our wheat, however beneficent it may appear upon the statute books to our farmers. The prices of wheat in the United States, Canada, Russia, and other wheat-exporting countries are substantially adjusted with reference to the Liverpool price. That condition is likely to continue into the near future, but the growth of our population is such that our consumption is pressing upon production and the day is not far distant when we shall become importers of wheat. When that time shall come and, instead of having a surplus, we shall not produce enough for our needs, and we shall become a buyer rather than a seller in the open market, obviously that circumstance will raise rather than lower the world's price. That price will be fixed by the world's supply compared with the demand. The necessity of importing wheat will then, for the first time in our history, make any tariff we may impose upon its importation a factor in fixing our domestic price. When that condition shall exist will it be desirable to employ a tariff rate to make still higher to our consumers the price of wheat in the world's market? Such a course would certainly not be necessary to the prosperity of our wheat growers who are prospering with their price fixed by the general supply and demand of the open market, and who indeed have never known any other condition.

It would be inhuman to the great mass of the people to enter upon the policy of increasing by law, at the moment that there should be a domestic scarcity, the price of the bread they ate in order to increase the profits of an already profitable industry. When that time shall come, it will be a blessing to all our people and in a larger measure to those who are poor that they can turn to the near-by wheat fields of Canada. The most odious of all taxes ever devised by government is a tax upon bread. That food has a place near the elemental substances like air and water which are necessary to the preservation of our lives. Such a tax is not felt by the rich and well to do, but it bears with especial weight upon the poor. For the Government to intervene artificially to increase the price of bread would be to add to the load borne by those already overburdened, who can only with difficulty procure the means of subsistence, and it would tend to increase suffering and shorten life. The American farmer will not desire to augment his prosperity in any such a way. Certainly he is not likely to borrow trouble over a condition that may not appear for a decade.

But it should not be inferred from the foregoing that we shall not derive any immediate advantage from a removal of the duty on wheat. Our tariff dike has the effect of preventing millions of bushels of Canadian wheat from coming across the border, as it were, by the force of gravity, and of turning this traffic through artificial channels to the Atlantic seaboard. If this tariff dike were broken down it is inevitable that very much of it would come into our country. And would it decrease the price of our wheat? By no means, for that would be fixed by the world's price. For every bushel that would come in at Manitoba, so long as we raise a surplus, another bushel would go out at New York. The center of the wheat-growing area of North America on the north and south line is in the vicinity of Minneapolis. It is also the central point for the making of flour. The natural destination of great quantities of wheat of the Canadian Northwest is Minneapolis. The difference in the quality of the Canadian and American wheat is such that by blending the two grains a better flour is produced than could be made from either alone. And if we did not restrict its importation, a tremendous impetus would be given to the flour-making industry and to the trades dependent upon it. The clearing of the transactions would create a business of an important financial character, much of the purchase price would be likely to find its way into the general channels of trade, and our American railways would have a profitable business which would aid in their maintenance and result in the remunerative employment of labor.

It may be said that the prosperity of Canadian railways would correspondingly decline. They would undoubtedly lose in the transportation of wheat, but they would gain in other directions. The effect of the proposed arrangement upon the growth of Canada would be magical, new interests would spring up, and her railroads would be called upon to serve a much larger population.

What has been said about wheat is in effect true of barley, some of the producers of which in our country have expressed alarm at the terms of the bill. In 1909 Canada produced 55,398,000 bushels of barley and exported 2,959,335 bushels, of which only 266,096 came to the United States. She is thus seen to be a great consumer of that grain, and upon the basis of her present large production her surplus is negligible. In the same year our production of barley was 170,284,000 bushels, and our exported surplus was 6,580,000, of which 115,000 went to Canada. It may be that she will rapidly increase her production of barley under the stimulus of our free market, but in order to do that her farmers will have to withdraw in a corresponding degree from the production of other articles which will also be admitted free. Obviously, they can not simultaneously increase their production of wheat, barley, potatoes, and other agricultural articles included in the bill, except as the number of her farmers increase. If by the mutual withdrawal of duties more of her barley should come into New York from Ontario, more of ours would be likely to cross the line at Wisconsin and States farther to the westward, and the useless hauling of Ontario barley to western Canada and of our western barley to New York would be done away with, as would also the heavy freight charge which is now a tax upon the general agricultural interests of both countries.

Doubtless immigration to Canada will increase with a good deal of rapidity. On the other hand, there is seen the same tendency in Canada as elsewhere toward the congestion of population in the cities. The estimates upon the census about to be taken show that the population of Winnipeg has increased threefold, and Montreal has nearly doubled in 10 years, and that her other large towns are growing rapidly. The most striking tendency shown by our census of 1910 is the remarkable increase in the population of our great cities compared with the slow growth and, in some cases, the decline in our most fertile agricultural regions. The number of people who consume the fruits of the soil, compared with those who pro-

duce them, is rapidly growing greater. If the rich agricultural lands of Canada are quickly settled and brought under the plow, the growing disparity between those who consume and those who produce will be for the time checked.

The article of corn, of which we produce such vast quantities, is not concerned in the arrangement, except that our already large exports of corn to Canada would very likely increase. The short summer of Canada is not favorable to the culture of this grain. The mutual commerce of the two countries in all the products of agriculture do not disclose at any point any serious threat to the interests of the farmer, and he will get an undoubted advantage in the free admission of important articles which he consumes and in a wider market for some of his products.

The bill proposes to put fish of various kinds on the free list in return for similar action on the part of Canada. The witnesses, who made a definite remonstrance before the committee, all came from Gloucester, Mass., the home port of our greatest fishing fleets and the center of the salt-fish industry. It is not at all clear that the free-fish provisions of the bill would not put the deep-sea industry upon a better basis, instead of causing the ruin that was predicted. There is no doubt that its prosperity has been for years declining under the present system. During the periods when fish have been admitted free of duty Gloucester enjoyed prosperity. For the years between 1875 and 1885 the population of the city increased as much as in the last 25 years, although during the first period fish were free and during the second were subject to duty. At the end of the free period production had reached proportions from which, after the restoration of duties, it steadily declined.

Under the provisions of the bill it is likely that the curing and salting department of the industry will gain. It may be that they would not arrest the decline in deep-sea fishing, and that the fleets would continue to dwindle as they are unmistakably dwindling under the present system. There is no market for fresh fish in Canada at all comparable to that of our New England cities, and very likely the fishermen of Canada would seek the benefits of this bill. But the fish-curing industry would follow that of fresh fish. When the produce of the fleets is brought to market, in the sorting of the catch and in the temporary fluctuations in the price of a very perishable article many of the fish would have to be used in the curing industry or thrown away. To the extent, therefore, to which the Canadian fleets resort to our markets they would naturally transfer to us the fish-curing industry, and we should gain more than we should lose.

The aggregate tonnage of the Gloucester fishing vessels is now 21,000, and they are manned by 4,500 men. The "lay" or share of the men yields them hardly as much as the commonest labor is paid ashore and the calling is full of danger. The vessels are small, averaging but 75 tons; they fish in dangerous waters, shut in by fogs; they have none of the modern safety equipments, such as are found upon merchant steamships; they are no longer nurseries for our ships of war, upon which conditions have so radically changed; and they are a survival of an order which has almost disappeared. If it should not be a consequence of this bill to stop the decline which clearly appears in the fishing part of the industry as at present conducted, and if some of the sailors should be turned from a perilous and wretchedly paid calling into safer and more prosperous pursuits, the result would not be wholly evil. And it must not be forgotten that the probable result would be to give the American people a more abundant supply of fish.

The bill provides for free lumber, which will tend to conserve our forests and reduce the price of an article of prime necessity. Briefly stated, the economic advantages to us of the reciprocal duties and free lists proposed by the bill are likely to be: First, that they will act as regulators of the prices of very many necessary articles generally consumed by our people, and in times of scarcity in particular articles will tend to keep prices down; and, second, by augmenting the prosperity of the country, which, according to her population, is by far the best foreign customer we have, they will increase her purchasing power and thus increase our own trade. The bill is a measure in the interests of the great mass of the people of the country, and the committee recommend its passage.

Mr. McCALL. Now, Mr. Speaker, I ask unanimous consent that the minority may have leave to file its views.

Mr. GAINES. Mr. Speaker, I have already asked unanimous consent that the minority might have until Wednesday next, and if the gentleman will withhold his objection I will state very frankly that it is for the purpose of having two days other than Sunday, if they be needed, to make the report. The minority does not desire to present their views simply for the purpose of putting something on paper, but in order that those views might be here when the bill is considered.

Mr. McCALL. Mr. Speaker, I will say that would involve agreeing now to put the consideration of the case off until Wednesday, and I give notice now that I propose on Monday, after the reading of the Journal, to take up this bill and act upon it.

Mr. MADDEN. Is not Monday District day?

Mr. McCALL. The House can determine whether it will take up the bill or not.

Mr. MADDEN. The gentleman from Massachusetts when he first rose to his feet, coupled with the other request a request for unanimous consent that the minority have leave to file their report.

Mr. OLCOTT. I shall object to that if there is any attempt on the part of the committee to take this up in preference to the usual District business.

Mr. McCALL. This does not involve it in any way. I simply ask that the minority have leave to file their views, and there is no limitation at all.

Mr. GAINES. The gentleman certainly does not object to permitting the minority to make its own request for unanimous consent?

Mr. McCALL. I do not object, but I shall object to having them given until Wednesday if that is taken to mean that the House shall not consider it until Wednesday.

Mr. MANN. The gentleman has made his statement and will make his motion Monday.

Mr. McCALL. I will make my motion on Monday.

Mr. GAINES. I renew my request for unanimous consent that the minority may have until Wednesday to file their views.

Mr. MANN. Nobody cares if they have a week from Monday.

Mr. FORDNEY. Then, what are you objecting to?

Mr. McCALL. I have given notice that I shall call it up Monday, if I can.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia, that the minority may have until Wednesday to file their views? [After a pause.] The Chair hears none.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SCOTT. Mr. Chairman, it is a matter of indifference to the committee, of course, under what law provision is made for the employees of the Forest Service who may be injured or killed while in that service. It did seem to the committee, however, as if this service does make a very strong appeal for such protection.

Mr. MANN. I quite agree with the gentleman.

Mr. SCOTT. More than 60 men lost their lives in fighting forest fires last year, and a great many were severely injured. One, whom I happen to remember, lost both of his eyes. It is highly desirable, certainly, that some provision should be made for their compensation. I would like to ask the gentleman from Illinois [Mr. MANN] if he is able to give any assurance that the bill to which he refers will be considered in the Senate at this session.

Mr. MANN. I can say—of course I could give no assurance—I have no doubt the bill will pass the Senate and become a law. I do not think anybody has objection to it.

Mr. SCOTT. It is the opinion of the gentleman that an amendment which would cover the object desired by this paragraph could be made without parliamentary objection?

Mr. MANN. So far as the question of compensation is concerned, apart from the question of medical and surgical attendance, it could be met by an amendment of possibly less than two lines in length.

Mr. SCOTT. Of course, the gentleman is just as much interested as I am, or any other member of the committee is, in this legislation, and I leave it to him.

My own judgment would be that now that we have the opportunity to make sure that it will be enacted into law, we had better let it go through on this bill.

Mr. MANN. I know; but here is the point about it: In the first place, it is desirable to have it all in one law; this undertakes to put it into two laws. In the second place, it is desirable to have this service on the same basis, whatever arrangement is provided for by Congress. In other words, there ought not to be a discrimination between the Mining Service, the Irrigation Service, and the Forest Service, as to the people who are to receive the benefits of the act. I do not think the act is broad enough. I would make it a great deal broader, and I hope it will be made broader in the near future. But I do not think it is desirable to do that by undertaking to put it under different

classes of employees. That act has been construed by the department already; it is in operation, and this proposition would certainly change the language as to the employees.

Mr. SCOTT. Does the gentleman realize that the employees whom we are seeking to take care of are very largely temporary employees, who are on the rolls for a few days only at times, on an emergency employment, and that it might be difficult to apply to them the terms of the act he is discussing?

Mr. MANN. That is all that the amendment undertakes to do. The language of the gentleman's amendment is that the other act shall be extended to and include any person employed by the United States.

Mr. SCOTT. But it would carry a proviso that in the case of temporary employees the rates of compensation in the event of death or injury should not exceed those to be paid to the ranger in the place where such death or injury is incurred, whereas the language of the bill H. R. 31534, to which the gentleman has referred, provides that the compensation shall be that which the employee would have been paid if he had been continued in the service.

Mr. MANN. May I ask the gentleman from Kansas what is the difference?

Mr. SCOTT. There is this difference, if the gentleman will allow me: Under the stress of great emergencies and in view of the sparsity of population, it has happened, and it did happen last summer, that men were employed to fight fire to whom a very high salary was paid compared with the rate of pay generally allowed. They were paid as high as 50 cents an hour, for example, under such conditions. Now, the gentleman would hardly concede, I think, that in the event of injury they should be compensated at the rate of 50 cents an hour.

Mr. MANN. No; I would not oppose that. On the contrary, if a man goes to fighting fire and is burned up, I would not object to giving his widow and children compensation at the rate of 50 cents an hour for a year. It would not be very much, by the way.

Mr. SCOTT. The Committee on Agriculture was of the opinion that if the compensation were fixed at a rate such as would be equivalent to that of a permanent employee doing the same work, the demands of justice would be met.

Mr. MANN. The gentleman, if he desires, can put this class of employees into the bill. The bill provides for a number of employees and describes what is a hazardous employment. But we should not depart from the time-honored precedents and policy of the Government. I make the point of order on the paragraph.

Mr. MARTIN of South Dakota. I want to make a suggestion to the gentleman from Illinois [Mr. MANN] and ask him if he would not be willing to allow the paragraph to remain in the bill, with the understanding that the chairman of the committee will seek to have the language redrawn and have the paragraph amended at the other end of the Capitol.

Mr. MANN. I will say to the gentleman from South Dakota that "the other end of the Capitol" has already passed on this identical question that we passed upon a few days ago.

Mr. MARTIN of South Dakota. Covering this question?

Mr. MANN. Covering the question, but not naming these fire fighters.

The CHAIRMAN. The gentleman from Illinois has made a point of order. The Chair sustains the point of order.

The Clerk read as follows:

And hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses and freight and drayage charges for the transfer of their household goods, and of personal property which is used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Mr. MACON. Mr. Chairman, I make a point of order against that paragraph. It is new legislation on an appropriation bill.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the provisions of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," requiring the Secretary of Agriculture to submit to Congress classified and detailed reports of receipts and classified and detailed estimates and reports of expenditures by the Forest Service, and classified and detailed estimates and reports of every subject of expenditure by the Agricultural Department; statements showing all appointments, promotions, or other changes made in the salaries paid from lump funds; and statements showing the number of persons employed in meat-inspection work, the salary or per diem paid each, together with the contingent expenses of such inspectors and where they have been and are employed; and the provision in the appropriation act for the Department of Agriculture, approved May 23, 1908, providing for the report to Congress of any sum used from the lump-fund appropriation for the Bureau of Chemistry, in compensating or paying expenses of any officer or other person employed by any State, county, or municipal government, are hereby repealed.

Mr. FITZGERALD. I reserve a point of order against the paragraph, Mr. Chairman.

The repeal of these provisions will completely change the practice heretofore followed by the House in making appropriations, and it is of so much importance that I believe this item should be thoroughly discussed, rather than be stricken from the bill on a point of order without discussion.

It has been found that the best results are obtained when appropriations are segregated and made for specific purposes. If the bill itself limits the use to which an appropriation can be put very little trouble arises from the use of the appropriation for some other purpose, or for some purpose not contemplated by Congress when the appropriation is made.

During recent years, however, a number of new services have been initiated, and in some instances it has not been possible to obtain specific estimates for the service authorized, and the appropriations have been made in lump sums. In other instances, because of the number and character of the employees to be paid and the various services to be compensated for, it has been believed to be undesirable to increase the bulk of the appropriation bills by carrying out in detail a statement of the purposes for which the appropriation is made. Whenever the appropriations have been made in lump sums, however, it has been found of great value and of much advantage to the House to compel the department having the lump-sum appropriation at its disposal to report in detail the manner in which the money has been expended. That has two advantages: In the first place, it places at the disposal of Congress information in detail and of an accurate character as to the manner in which the appropriation has been used; and, in the second place, the fact that the department is compelled to prepare and to submit such a report to Congress makes the department particularly careful not to use the money for some unauthorized purpose. Now, if in this appropriation bill, in which there are a great many lump-sum appropriations covering a great number of services, the law, requiring a detailed report of the expenditure to be submitted to Congress, is to be repealed, it will place this department in a position occupied by no other department of the Government.

It has been said that this information is of no practical value, that it is never called for, that it is not used; but it would be of immense value if certain committees of this House were to discharge the duties which devolve upon them under the rules. For each department of the Government there is a committee on expenditures, and if these committees would take these reports and analyze them and examine them and compare them with the lump appropriations, and would be here for the purpose of giving the House the benefit of the information required, when the appropriation bills come before the House it would result in much better legislation.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. MANN. Does the gentleman think that the other departments of the Government make similar reports?

Mr. FITZGERALD. Most of the other departments are required to submit reports of this character when their appropriations are made in lump sums. Nearly every department or bureau of the Government which obtains money in lump sums under the sundry civil appropriation act is required to submit detailed reports.

Mr. MANN. What becomes of those reports?

Mr. FITZGERALD. They are examined constantly in the Committee on Appropriations when the bills are being made up.

Mr. MANN. I take it that they would not be referred to the Committee on Appropriations if they came in.

Mr. FITZGERALD. No; but they are available.

Mr. MANN. And there have not any of them been printed, and I take it that they are not made in the same way as the Department of Agriculture is required to make them.

Mr. FITZGERALD. No other department of the Government obtains so many lump-sum appropriations for services of the character that the Department of Agriculture does. It has a very large number of forest reserves scattered throughout the country. It gets $80,000, $90,000, or $100,000 for the maintenance of single forest reserves, and no restriction whatever is placed on the head of the department as to how the money shall be expended, and no information is available to the House or Congress as to the manner of its expenditure unless the detailed reports are made.

Mr. TAWNEY. If the gentleman will permit me, I will say that in almost all the permanent appropriations the departments, except the Agricultural Department, are required to submit detailed expenditures of the permanent appropriation in book form.

Mr. MANN. That is the trouble; no such detailed reports of expenditures are made in the Revenue-Cutter Service or the Lighthouse Service, or any other service that is appropriated for in the sundry civil bill, such as is required of the Agricultural Department.

The Agricultural Department makes a report on large paper, as thick as the book I hold in my hand, and the Committee on Expenditures in the Agricultural Department has reported to the House that they have had 21 sessions from February 22 to June 3, 1910, and have reported a resolution recommending that this report of the Department of Agriculture be not printed because it is worthless. It cost thousands of dollars to get it up, and the question is whether it is worth while to have such a detailed report come in such a voluminous and bulky shape that no one can examine it with intelligence.

Mr. FITZGERALD. There may be some merit in the suggestion of the gentleman that the report now required is too voluminous, but that does not justify the repeal of the statute without any suggestion as to some other report which will give the necessary information.

Mr. MANN. I suppose it would have the same result as the law requiring a report of the lump-sum appropriations in the sundry civil. There is no specific requirement as to those.

Mr. FITZGERALD. The gentleman is mistaken. Where a lump-sum appropriation is made for an established service a provision is put in requiring detailed reports of the expenditure to be submitted to Congress.

Mr. MANN. I have been looking for some of those detailed reports.

Mr. SCOTT. Will the gentleman from New York yield to me?

Mr. FITZGERALD. Certainly.

Mr. SCOTT. The Department of Agriculture issues annually a statement of expenditures, reporting in great detail the expenditure of every dollar of appropriation. In includes even the names of all the persons to whom money is paid for any purpose, and it is so classified as to make it clear for what purpose the money was paid. It is not proposed in the paragraph now under discussion to repeal the law providing for the publication of this report. We desire to have this report continued from year to year as it has been published for many years in the past. We do believe, however, that there should not be continued the great duplication of reports now provided by law.

Mr. FITZGERALD. There would be no necessity for it if that report has all the information; but why is it not sent to Congress?

Mr. SCOTT. It is sent to Congress. I hold a copy in my hand which comes from the document room and is available to every Member of the House. It is entitled "Statement of Expenditures in the Department of Agriculture for the Fiscal Year ending June 30, 1908."

Now, the Committee on Expenditures in the Department of Agriculture is one of the expenditures committees that has done its duty very carefully and laboriously. The gentleman from New York no doubt remembers the long and exhaustive inquiry that was conducted by the committee under the chairmanship of Mr. Littlefield, of Maine, and as a result of that inquiry the annual statement of expenditures was rearranged and classified in such a way as to present the financial transactions of the department in a more methodical shape than it had been before.

The committee in the present House, under the chairmanship of the gentleman from Pennsylvania [Mr. GRAHAM], further conducted an extended inquiry, and it is the judgment of that committee that the reports referred to in the pending bill should be eliminated.

The first of the reports that we ask to eliminate is what is known as the three-year report, a copy of which I hold in my hand. This is arranged in three parallel columns. The figures in the left-hand column contain the items of appropriation for the preceding fiscal year, the figures in the middle column the items of appropriation for the current fiscal year, and the figures in the right-hand column the items of appropriation asked for in the estimates for the ensuing year. There is no single item included in this book, information as to which may not be obtained in documents which are available to Members of the House.

The items of expenditure in the last year's appropriation bill are to be had through copies of that bill. The detail of items in the law for the current year, of course, is available, and the estimates come to every Member of Congress who desires to obtain them at the beginning of each session, so that there is absolutely not one item of information in this so-called three-year report which is not easily available for the use of any Member who desires to obtain it. Yet it costs the time of a large force of clerks three or four weeks to prepare the copy, and it costs the printing fund a large amount of money to print it. The total cost of this report, it is estimated, is not less than $6,320.49 annually.

[The time of Mr. SCOTT having expired, by unanimous consent, on the request of Mr. TAWNEY, his time was extended five minutes.]

Mr. TAWNEY. In the report which the Agricultural Department is required to make to Congress of its expenditures, would a person find a statement showing the appointments, promotions, or other changes that were made in the salaries paid from the lump fund?

Mr. SCOTT. That information could not be obtained in any report that would be published, if the provisions of the paragraph now under consideration were enacted into law; but I beg to call the gentleman's attention to the fact that this report, a copy of which I hold in my hand, was called for and required at a time when the lump funds of the Department of Agriculture were far larger than they are now. Gentlemen will remember that under the provisions of the paragraph contained in the current law we have this year transferred to the statutory rolls all clerks, assistant clerks, and employees below that grade.

Mr. TAWNEY. And also increased the permanent appropriation $150,000.

Mr. SCOTT. I do not know what the gentleman means by increasing the permanent appropriation.

Mr. TAWNEY. The permanent appropriation is increased by $150,000 by reason of transfers of the clerks.

Mr. SCOTT. The gentleman refers to the increase in the permanent appropriation for the Meat Inspection Service, and of course that is true. I carefully explained to the committee when the matter was before the House why that appropriation was increased.

Mr. TAWNEY. I merely call attention to it for the purpose of showing the weakness of the gentleman's argument when he is referring to the fact that he has taken specific employees upon the lump-sum permanent appropriations, and thereby lessened the necessity for this detailed information.

Mr. SCOTT. My position is that the necessity for the detailed information is lessened, not by the fact that we may or may not have increased certain appropriations, but by the fact that we have practically taken all of the employees except those of the scientific grade away from the lump funds and put them onto the statutory rolls, where Members of the House can always see what their salaries are.

Mr. FITZGERALD. My recollection is that the amount of compensation paid out of the lump-fund appropriations here was over $700,000——

Mr. TAWNEY. I will ask the gentleman from New York to withhold for a moment while I ask the gentleman from Kansas one further question. At the bottom of page 79 I find the following:

> And the provision in the appropriation act for the Department of Agriculture, approved May 23, 1908, providing for the report to Congress of any sum used from the lump-fund appropriation for the Bureau of Chemistry, in compensating or paying expenses of any officer or other person employed by any State, county, or municipal government, are hereby repealed.

Now, in what other report which the Secretary of Agriculture is required to make by law can Congress ascertain how much has been paid out of the lump fund for the Chemistry Bureau to State, municipal, or other employees who are not connected with the Government service?

Mr. SCOTT. That information can be obtained from the statement of expenditures of the Department of Agriculture, where it is set out in detail.

Mr. TAWNEY. But there is no law requiring that to be done. The gentleman from Kansas well remembers that that provision was put on the agricultural appropriation bill very shortly after this lump sum was created for the Chemistry Bureau for the purpose of keeping Congress informed as to the extent to which the department was employing officers who are employed by States and municipalities and who are paid out of this lump fund for that purpose or performing service for the Federal Government at the same time.

Mr. SCOTT. And the importance of that report may be judged from the fact that in the report for 1909, which I hold in my hand, there appear the names of 23 persons, and the total amount appropriated for their salaries and expenses was but a little over $5,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that the gentleman's time may be extended for three minutes.

Mr. TAWNEY. The gentleman has not answered my question.

Mr. SCOTT. I did answer the gentleman's question by saying that the law——

The CHAIRMAN. The time which expired was the time of the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. SCOTT. The answer to the question of the gentleman from Minnesota is this, that the information about which he inquires does appear in the annual statement of expenditures, which of course is required by law.

Mr. TAWNEY. But this specific information is not required to be embodied in any report by any other law than this.

Mr. SCOTT. There is required to be embodied in the annual report a detailed statement of every dollar expended, and of course the money expended for the purposes referred to by the gentleman from Minnesota must be therein included.

Mr. FITZGERALD. I imagine that the trouble is that the department has proceeded upon a very erroneous theory. The law requires that certain detailed reports be made to Congress. It appears from the statement of the gentleman from Kansas that the department is incorporating all of the information required to be submitted to Congress in one document. Then it is assumed that because Congress at different times enacted a provision requiring a detailed statement of expenditures under some new appropriation that it would require a separate report, or, rather, require a report to be submitted in a separate document, rather than to have it included in the document containing these other reports. Now, there is nothing that requires the department to submit a detailed report of the same expenditures in a separate document. These provisions were enacted at different times and upon different appropriations. I doubt whether anybody could construe this provision as requiring the department to submit separately a report which was submitted in connection with some other report regarding some other expenditure——

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Now, to illustrate that, one requirement which the gentleman proposes to repeal in the following section is the one requiring a detailed report of the traveling expenses of persons sent out from Washington. That applies to the Department of Justice, and the Attorney General includes the information in his annual report for this year.

No one assumes for an instant that because it is included in his annual report he is also required to submit it in a separate document to Congress. That seems to be the only trouble here, that the department assumes that it is required to make three separate reports——

Mr. MANN. It has under existing law, and the gentleman wants to preserve the law in that shape.

Mr. FITZGERALD. I do not; I wish to preserve the law which requires the submission of the reports; and there is no other law to which anyone has made reference which requires this report instead of the ones proposed to be repealed.

Mr. MANN. The Department of Agriculture always had to make a report.

Mr. FITZGERALD. Where is the provision which would require these reports?

Mr. MANN. Following the Littlefield investigation, this provision was put in for the purpose of having a detailed report. The first report that came in was a very bulky document. I saw it in the Speaker's room, and was asked by the Speaker at that time whether, in my judgment, it ought to be printed. I told him it ought not to be printed, but it ought to be submitted to Mr. Littlefield, chairman of the committee, who had asked it, for the purpose of seeing whether it ought to be printed or not. When he saw it he thought it ought not to be printed and ought not to have been called for in that shape, and that it was ridiculous to keep the law in that shape.

Mr. FITZGERALD. If the gentleman had seen this report sent in in the original form he would say that it should not be printed, either.

Mr. MANN. I should say it should be printed. The gentleman is mistaken.

Mr. FITZGERALD. It was not then printed, and it would have appeared as the other documents did.

Mr. MANN. If the gentleman had examined this other report, or any other gentleman on the Committee on Appropriations, there would be no controversy about it.

Mr. SCOTT. Will the gentleman from New York allow me to make a very brief statement?

Mr. FITZGERALD. I will yield the floor and let the gentleman take it.

Mr. SCOTT. I would like the attention of the committee while I make a brief statement as to the character of the reports which we are seeking here to eliminate. I particularly desire the attention of the gentleman from New York [Mr. FITZGERALD]. There are seven of these reports. The first is the three-year report, of which I have already spoken, the one which contains in parallel columns the details of the items of expenditure in the preceding fiscal year, in the current year, and the estimates for the next fiscal year. Certainly the gentleman would not contend that the Secretary of Agriculture should include this publication, which was specifically called for by act of Congress, in the statement of annual expenditures in the department, because it is a different thing from the annual expenditures of the department, and there is not a figure or fact in it which can not be ascertained by reference to other documents, the publication of which nobody pretends to interfere with.

The second report which we ask to eliminate is that calling for a statement of appointments, promotions, and changes in salaries paid from lump sums in the Department of Agriculture. There is a report which is not required, as I understand it, from any other department in the Government, and it is filled with a list of the names of the employees in the department, and a little brief paragraph of information in relation to their transfer from one place to another, or their promotion and salary, or their appointment, or some trivial fact which is of no importance to Congress whatever. Let me read one of these paragraphs, to illustrate:

> Max Wolfe, clerk, at $1,000 per annum, promoted to $1,200 per annum, etc.

And it contains information as to the period during which the employee was in the service, the place at which he was engaged, the place from which he was taken, and the place he now occupies; and the book is filled with very interesting news composed of items of that sort. Certainly it can not assist any committee in this House in the transaction of its business.

Mr. FITZGERALD. Let me suggest to the gentleman, though, that there have been other promotions in that department—of persons employed under those lump-sum appropriations—that would be much more interesting to the House and the country if the gentleman would read them, than the one which he has just read of the gentleman who had been promoted.

Mr. SCOTT. I read at random, and I beg to suggest to the gentleman from New York that the Secretary of Agriculture reports in the estimates every year to the Committee on Agriculture the salaries which he pays out of his lump-sum funds. The cost of this publication is $9,290 a year.

The next report which we propose to eliminate is a statement as to the employment of persons in the meat-inspection service for each fiscal year, and there is a long line of the names of the men who are hired to carry out the meat-inspection laws. I can not conceive of what interest it is to any Member of this House.

Mr. FITZGERALD. It is contained in the statement of expenditures which the gentleman thinks is so valuable, and one of the reasons given for the abandonment of the report is that it is already published. If it is published in this document, why have it published a second time? That is not necessary. The information the gentleman believes to be most valuable, because it is contained in the very publication he has mentioned, and is submitted to Congress for its information.

Mr. SCOTT. I believe, of course, there should be printed every year a detailed report of the expenditures of the department, but this report contains information which is not required in the detailed expenditures report—information, for instance, as to the period in which the employee was in the service, the place at which he was engaged, the place from which he was taken, and the place he now occupies. All of this was required by the provision calling for the publication of this report, which distinguishes it from the report to which the gentleman has referred and makes it necessary to make a separate document of it.

Mr. BURLESON. What is the cost of that report?

Mr. SCOTT. The cost of the publication of this report is $1,300 a year.

The fifth document which we ask to eliminate is that reporting the operations of the Bureau of Animal Industry for each year. That is but little more than a reprint of the annual report of the Chief of the Bureau of Animal Industry. It adds to that report a statement of the disbursements from the appropriations, giving the names of the parties to whom such disbursements were made and the purposes for which they were made. It reports in detail the inspection of imported animals. It contains reports of investigations and experiments in the dairy industry, and it has reports covering the laboratory and library force in Washington, and so on, a lot of information which, I

venture to assume, no Member of this House has ever made any practical use of.

Mr. YOUNG of New York. What does the publication of that report cost?

Mr. SCOTT. The publication of that report costs $1,350.

The sixth report which we ask to have eliminated is what we call the "travel" report. It gives the expenditures for travel to points outside of the District of Columbia performed by employees of the Department of Agriculture. Now, I want to call particular attention to this report, because I think there are some gentlemen here who, while they may see no use for the publication of the other reports, may still think there is use in having the publication of this one continued. This report calls for a statement of expenditures for travel only from Washington to points outside of the District of Columbia. Now, there is a very large proportion of the employees in the Department of Agriculture that never come to Washington and yet who travel over the country on official business and send in their bills for travel pay.

Mr. TAWNEY. Will the gentleman permit me to interrupt him there?

Mr. SCOTT. Yes; certainly.

Mr. TAWNEY. That statement is in reference to the travel of employees in the field service as contradistinguished from the employees in the department proper?

Mr. SCOTT. Yes.

Mr. TAWNEY. That is recognized in the provision requiring the publication of this report. Those people in the field service are required to travel all the time. But the officers and employees in the executive department of the Government here in Washington are not employed for the purpose of going out through the country and delivering addresses in the Congressional districts of Members of Congress.

Mr. SCOTT. I merely called attention to the fact that——

Mr. TAWNEY. I may say to the gentleman from Kansas that that has been done, and that was the practice before this report was required.

Mr. SCOTT. And it is just as much practiced now as it was before.

Mr. TAWNEY. Pardon me, but I beg to differ with the gentleman. If he will compare the report for the fiscal year 1909 with the report for the fiscal year 1910 he will find that when the attention of the department was called to this subject, and after the department was criticized for sending officers and employees of the department into congressional districts on the invitation of Members of Congress to address their constituents, no officer or employee of the department engaged in that practice during the fiscal year 1910 and that only a few officers of the department traveled outside of the District of Columbia for the purpose of delivering addresses, and they were limited to addresses delivered before agricultural societies.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas, in charge of the bill, asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I want to suggest to the gentleman in charge of the bill that we do not want to confuse the different propositions. The proposition which he is discussing is not in the paragraph now under consideration.

Mr. SCOTT. It will be presented later.

Mr. MANN. A point of order was made on the one paragraph, and I understood that a motion was going to be made to strike out. The gentleman ought to make his statement to the House on that in order that the House may get the full benefit of it.

Mr. SCOTT. I was under the impression that a point of order had been made on all the paragraphs in relation to these various reports, and that there was a general objection against all of them.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to know what is the meaning intended to be given to two words which appear in this paragraph, in line 16. I will begin and read back from line 12—

requiring the Secretary of Agriculture to submit to Congress classified and detailed reports of receipts and classified and detailed estimates and reports of expenditures by the Forest Service, and classified and detailed estimates and reports of every subject of expenditure by the Agricultural Department.

In line 14 the words are:

Detailed estimates and reports of expenditures.

In lines 15 and 16:

Detailed estimates and reports of every subject of expenditure.

Why are the words "subjects of" put in there? I notice that the book which the gentleman read from was called a detailed statement of expenditures. Is there any reason why those words "subject of" are put in there?

Mr. SCOTT. I think it was intended to call for what the book actually publishes.

Mr. MANN. It refers to two different provisions in the agricultural bill of that year, offered at different times, I think.

Mr. SCOTT. The report covered by the language which the gentleman has quoted is what we call the three years' report, and in addition to the report of the receipts and expenditures in connection with the Forest Service it contains, as I have already said, a detailed statement of the expenditures for the preceding fiscal year, for the current fiscal year, and estimates for the succeeding year.

Mr. COOPER of Wisconsin. It contains a detailed statement of the expenditures, but are not the words "subject of" superfluous?

Mr. MANN. It was construed by the department to mean an actual detailed report, not a lump-sum report. That is the trouble with it.

Mr. SCOTT. For example, under the provision of this language there appears in the report a long statement upon the Dickinson (N. Dak.) dry-land project, describing the location of the project and the work that is going on there and the results that have been obtained, occupying a space of 4 or 5 inches on the page, which I open at random.

Mr. MADDEN. Does not the gentleman think that that is a good thing to do?

Mr. SCOTT. That is information which always appears in the hearings before the Committee on Agriculture, and which I venture to say no Member of this House knew was in this report until I called attention to it just now.

Mr. MADDEN. Does not the gentleman think a comparative statement of expenditures of one year with another is a good thing to have?

Mr. SCOTT. I do; but the information is available from other sources.

Mr. MADDEN. Does not the gentleman think it ought to be in one volume, so that all the information can be obtained by a study of that volume?

Mr. MANN. It is now.

Mr. MADDEN. Does not the gentleman think that the subject ought to be dealt with, and that the detailed cost of the subjects should be given in the report?

Mr. SCOTT. I have had a good deal of experience in the preparation of the appropriation bill for the Department of Agriculture, and it seems to me that if this report would be useful to anyone, it would be to members of the Committee on Agriculture; but I wish to say to the gentleman and to this House that I have not been able to make any use whatever of this report, and I do not believe any other member of the committee has, because the information comes to us in a much more satisfactory and available form from other sources.

Mr. Chairman, I ask that the point of order may be disposed of as to the first paragraph, which relates to this three-year report.

The CHAIRMAN. The Chair understood the gentleman from New York to withhold his point of order. Does the gentleman now make it?

Mr. FITZGERALD. I am not interested in the publication of the three-year report.

Mr. SCOTT. That is the one referred to in this paragraph.

Mr. FITZGERALD. As far as I am concerned, I am willing to withhold the point of order as to that part of the paragraph, if it can be done.

Mr. MANN. That paragraph is not objectionable. Some of the others are, but that is not.

Mr. FITZGERALD. There is no other requirement that I can find in the statutes affecting the Department of Agriculture that compels a detailed estimate of the meat-inspection fund and a report. I believe that should be retained in the law. The department can publish that all in one document if it desires. As to the law requiring a report every three years, I care nothing about that.

Mr. MANN. What the gentleman says about the Bureau of Animal Industry is not in this paragraph.

Mr. FITZGERALD. I did not say the Bureau of Animal Industry.

Mr. SCOTT. If the gentleman from New York will read section 1282 of the thirty-fourth volume of the Statutes at Large he will find the provision.

Mr. FITZGERALD. Will the gentleman from Kansas read it?

Mr. SCOTT. It was a provision in an appropriation bill, and I have not it at hand.

Mr. MANN. I took the trouble to read it a few years ago, and although I can not tell the gentleman what it is I can state what my impression of it was. I could not do it in the House, because I would not be allowed to use the appropriate language.

Mr. SCOTT. I have gone over the matter very carefully, and I give the gentleman from New York my assurance that the language in the bill, from line 12 to line 16, inclusive, refers only to what we call the three-year reports.

Mr. FITZGERALD. I have no reason to doubt the gentleman's statement, and I accept it.

Mr. SCOTT. Then the point of order applies next to the following language: "Statement showing all appointments, promotions, or other changes made in the salaries paid from lump funds." That is the report which I said cost over $9,000. It is a volume of 478 pages, and is filled with a lot of trivial information.

Mr. BOOHER. Mr. Chairman, if the gentleman will yield——

Mr. SCOTT. Certainly.

Mr. BOOHER. At the last session of this Congress we passed a resolution refusing to print last year's report; that is, the report for 1910.

Mr. FITZGERALD. Oh, it was probably passed when nobody knew anything about it.

Mr. BOOHER. It was passed in the House.

Mr. MANN. I think the resolution did not pass.

Mr. BOOHER. Yes; it passed at the last session; it is numbered 735 and was introduced by the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. SCOTT. Mr. Chairman, I understand the gentleman from New York withdraws his point of order on the second proposition.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. COOPER of Wisconsin. I would like to ask the gentleman if this will do away with the publication of reports so that there will be no way of knowing how these lump-sum appropriations are expended.

Mr. SCOTT. Not all. The estimates that come up set out the names of everybody employed under the lump-sum appropriation and the amount of salary paid.

Mr. COOPER of Wisconsin. I simply want to say that I think the mere fact that they are published—although no Member of the House may read it—the mere fact that it is made public is a strong insurance against the improper expenditure of the money.

Mr. SCOTT. Yes; and, furthermore, every item of the expenditure is included in another publication which we do not intend to interfere with.

We now pass to the third provision, beginning in line 18, "Statement showing the number of persons employed in meat-inspection work, the salary or per diem paid each, together with the contingent expenses of such inspectors and where they have been and are employed."

Mr. FITZGERALD. That information should be published. That prevents undue favoritism and gross abuse and injustice in the department in the way of promotion.

Mr. COOPER of Wisconsin. It is the only thing that will prevent it.

The CHAIRMAN. The Chair will admonish the committee that the proceedings are so informal that the Clerk has difficulty in keeping track of the situation.

Mr. FITZGERALD. Mr. Chairman, the point of order has been withdrawn on all of the language down to and including the word "fund," in line 18. Now, the language just read by the gentleman from Kansas [Mr. SCOTT] will prevent abuse in matters of promotion out of these lump appropriations. That information should be available for the use of Members.

Mr. MANN. Is not that information also published under section 11 of the act of 1884?

Mr. FITZGERALD. I think not.

Mr. MANN. Requiring the Bureau of Animal Industry to furnish a detailed report?

Mr. FITZGERALD. No; because it does not require this particular information to be submitted.

Mr. MANN. It requires a detailed report from the Bureau of Animal Industry, and they have charge of this work.

Mr. FITZGERALD. Yes; but it does not contain the specific information called for because I have examined those reports.

Mr. MANN. I have not examined the reports, but I have examined the laws, and they absolutely duplicate each other.

Mr. FITZGERALD. I have examined the report and it does not contain that information, and that is the only information that makes the report of value. The mere fact that John Jones is receiving $1,200 does not make any difference, but if he is receiving $1,200 a year and in six months in promoted to $1,800 a year, while some other man who has been there for six years does not receive any promotion, it is information of great value. I make the point of order against the balance of the section.

Mr. SCOTT. Mr. Chairman, I concede the point of order as to the language covered from the semicolon in line 18 to the semicolon in line 22.

Mr. MANN. Mr. Chairman, before we proceed I would like to find out what the point of order has been made on. I understood the gentleman to withdraw his point of order on all of the language of the paragraph down to and including the word "funds" in line 18, and that does not leave the paragraph so that it makes sense. I suppose it may be desirable to have it so that we may know what it means.

Mr. SCOTT. I understand the gentleman has not insisted on his point of order on all the remainder of the paragraph.

Mr. MANN. Let us find out how it begins first.

Mr. SCOTT. I understood him to insist on his point of order for the present only as to the language I have just indicated, covering this report of promotions, and so forth, under the meat-inspection law. I would be very glad if the gentleman from New York would proceed in that manner to dispose of the question in a regular way.

Mr. FITZGERALD. I desire to have retained the law requiring the information about the meat-inspection law and the payments to employees of State, municipal, and county governments.

Mr. SCOTT. Then let the gentleman make his point of order to the language from the word "funds," in line 18, to and including the word "employed," in line 22, and that will take care of the promotion report.

Mr. TAWNEY. You want to include down to the word "government," in line 3, leaving the words "are hereby repealed," on page 80—beginning after the word "funds," in line 18, down to and including the word "government," in line 3 on page 80, so that it would leave "are hereby repealed."

Mr. FITZGERALD. Yes.

Mr. TAWNEY. The gentleman is perfectly willing to repeal that part of the paragraph, but he wants to retain the balance of the paragraph down to the end of the paragraph on page 80.

Mr. SCOTT. I accept that suggestion and concede the point of order as to that language.

The CHAIRMAN. Then the Chair understands that the gentleman from New York makes the point of order on the language beginning with the word "and," in line 18, page 79, down to and including the word "government," in line 3 on page 80. Is that a correct statement of the language included in the point of order?

Mr. FITZGERALD. That is correct.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That section 11 of the act approved May 29, 1884, entitled "An act for the establishment of a Bureau of Animal Industry," etc., is hereby repealed.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order against this paragraph, and I desire to read what the gentleman proposes to repeal. Section 11 of the act approved May 29, 1884, is as follows:

That the Commissioner of Agriculture shall report annually to Congress at the commencement of each section a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals.

Does the gentleman say that the information required by this provision is of such a character that it should not be published? Is it not some of the most valuable information published by the Department of Agriculture?

Mr. SCOTT. May I inquire from what law the gentleman is reading?

Mr. FITZGERALD. From section 11 of an act approved May 29, 1884, entitled "An act to establish a Bureau of Animal Industry."

Mr. SCOTT. The information which is really useful in this report is given in the annual report of the Chief of Animal Industry.

Mr. FITZGERALD. It is because the law requires it to be transmitted to Congress and published, but if the requirement that it shall be published be repealed it may not be published.

Mr. TAWNEY. It may or may not.

Mr. FITZGERALD. So the gentleman is proposing to repeal a law requiring the publication of some of the most valuable information to the farmer acquired by the Department of Agriculture. I know he did not intend to do that.

Mr. SCOTT. I certainly did not intend to prevent the publication of the annual report of the chief of the bureau, and I was not aware that the language used would permit any such construction. I desired to eliminate a report which seemed to me to be a mere duplication of information found in a number of other reports, and I will not argue the question further.

Mr. FITZGERALD. The gentleman does not wish this provision in, I am sure, and I will insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the provisions of section 4 of the act approved May 22, 1908, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government," etc., are hereby repealed in so far as such provisions relate to the Department of Agriculture.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on this item for the present. What we ought to do is to strike the paragraph from the bill by a vote of the committee, so that when the bill goes to the Senate the Senate will have some evidence of the attitude of the House on the proposition for a repeal of this law, a provision of law which, to my mind and in the judgment of the heads of the department is of very great value and assistance to them in the administration of their departments. It is only a year ago last spring that the Secretary of Agriculture himself said to me that this provision of law which requires him to report to Congress every year the names of the persons in his department traveling outside of the District of Columbia, the object of the travel, and the cost of that travel was one of the most important aids to him in the administration of his department, and he illustrated that by saying:

It was only a few days ago that some of my boys came to me and wanted to take a trip to Europe for certain investigative purposes, and I said to them, "Why, boys, you know we must now report to Congress the cost of all travel of that kind, and it would not look very well on a report of that kind, which we must submit to Congress under existing law, to state the cost of a trip of that kind."

Now, when the report for 1909 came in here, which was the first report made under this provision of law, it was found that there were a great many employees in the Agricultural Department detailed for the purpose of delivering addresses on various subjects, on the request of Members of Congress, and who were accompanied by Members of Congress personally through their districts, the Member presiding at the meeting and the officer of the Agricultural Department delivering an address, always expressing some fine complimentary speech regarding the Member, and thereby insuring his return to Congress. [Laughter.] That fact was exposed on the floor of the House a year ago, and I find in going through the report of expenditures of the Agricultural Department on account of travel for the fiscal year 1910 there is not a single, solitary lecture of that kind reported. According to this report, there was not a single, solitary officer of the department who delivered any address upon the invitation of Members of Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. MANN. Does the gentleman propose to move to strike this language from the bill?

Mr. TAWNEY. I move to strike the paragraph from the bill.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. TAWNEY. I withdraw the point of order and move to strike the paragraph from the bill, so that we may have some expression in regard to it.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 80, strike out lines 14 to 18, inclusive.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That hereafter the Department of Agriculture shall not be required to prepare and to transmit the annual report of publications received and distributed by said department.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Why should they not give us an annual report of the publications?

Mr. SCOTT. It merely seemed to the committee that it was a useless report, because it contained nothing except a list of bulletins, which is to be had by application to the department at any time. The department publishes, as the gentleman knows, a list of its bulletins.

Mr. MANN. Is there any other way of ascertaining the number of these publications that are issued?

Mr. COOPER of Wisconsin. By figuring them up yourself.

Mr. MANN. How can you figure them up yourself? I mean, the number of copies that are issued of any publication.

Mr. SCOTT. I do not know whether this information is available in any other publication or not. It is a small matter of $283, and I am not disposed to insist upon it.

Mr. MANN. I think it is desirable to have it. I make a point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. MARTIN of South Dakota. Mr. Chairman, in the reading of the bill the paragraph pertaining to dry farming, on page 21, was passed without prejudice. I desire that the committee return to page 21, so that I can offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, lines 17 and 18, strike out "forty-six" and insert "fifty-six."

Mr. MARTIN of South Dakota. Mr. Chairman, the amendment which I propose would add $10,000 to the appropriation for carrying on dry farming experiment stations in the Great Plains region of the West. The committee had put into this bill——

Mr. MANN. Will you agree not to make a speech if we vote for it?

Mr. MARTIN of South Dakota. I will agree not to make a speech if you will vote for it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the last three lines of the bill be stricken out.

The CHAIRMAN. Is there objection?

Mr. MANN. I would suggest to the gentleman that if he is going to strike out the last three lines he ought to strike out, on page 75, lines 14, 15, and 16, because it says:

Total, Department of Agriculture, for routine and ordinary work—

so much money. If one is to stay in, the other ought to stay in, and I think there is no harm in keeping them in.

Mr. SCOTT. Mr. Chairman, I guess they would better both remain in, and I withdraw my request.

Mr. Chairman, I move that the committee do now rise.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from South Carolina [Mr. LEVER] rise?

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on several subjects.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair would ask the attention of the gentleman from South Dakota [Mr. MARTIN]. Did he ask unanimous consent to extend his remarks in the RECORD?

Mr. MARTIN of South Dakota. I did.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Mr. Chairman, the bill as reported from the Committee on Agriculture carried $46,730 for dry-farming experiments. This is sufficient to carry on the work already inaugurated, but makes no provision for the establishment of new experiment stations. The amendment which I proposed and which the committee has now adopted will make it possible to establish one or, possibly, two new Government stations. At present there are three regular Government experiment stations carrying on this work—two in Texas and one in Colorado. In addition to these, the department is maintaining one or more assistants at State experiment substations, where the department is cooperating with the State authorities.

Dry farming is only another name for thorough, scientific farming in the Great Plains region. For the last few years the increase in our agricultural products has not kept pace with the demands from our increasing population. Some wise men are prophesying that in 10 years we will be producing no more agricultural products than we consume at home, leaving us nothing in food products for exportation. We have but three sources from which we may hope to change this possible tendency; first, more intensive cultivation in the humid regions;

secondly, irrigation of arid lands; and, thirdly, successful scientific farming in the semiarid territory.

The semiarid region as generally classified embraces more than 200,000,000 of acres of good soil, but has the difficult problems of conservation of moisture, improved methods of cultivation, and selection and adaptation of seeds and plants to solve. The experiments now being made are extremely helpful, but the Department of Agriculture ought to receive each year an increase in appropriations for this purpose that will permit of enlargement of the fields of experimental operations. There is such a variety of climate and soil over this vast area that results in one locality are not conclusive as to other localities. These experimental stations, therefore, should be as numerous and as well distributed as practicable. Thousands of new settlers are coming into this semiarid region each year. They are scarcely in position to carry on experimental work independently. They must select the most promising crop and devote their attention to that. All experiments carried on by the Government are being placed in the form of bulletins each year, which are eagerly sought by the settlers. There is no single field of agricultural exploration that promises to bring so large returns to our permanent agricultural production as these efforts in the region of the great plains.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 31596, the agricultural appropriation bill, and had directed him to report the same back to the House, with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote asked on any amendment?

Mr. SCOTT. There is none.

The SPEAKER. Then the vote will be taken on the amendments en gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BOUNDARY LINE BETWEEN TEXAS AND NEW MEXICO.

Mr. BOUTELL. Mr. Speaker, I rise to present a report from the Committee on Rules. The Committee on Rules directs me to report back House resolution 923, with the recommendation that it be agreed to, with an amendment.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] reports from the Committee on Rules, by the direction of that committee, the following resolution (H. Res. 965), with an amendment, which the Clerk will read.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration in the House, as in Committee of the Whole, of Senate joint resolution 124, reaffirming the boundary line between Texas and the Territory of New Mexico: *Provided*, That there shall be one hour of general debate before the reading of the bill for amendment.

The Clerk also read the following amendment:

That at the conclusion of the reading of the resolution under the five-minute rule, the previous question shall be considered and ordered to the resolution and all amendments to its final passage.

Mr. MANN. Will the gentleman yield?

Mr. BOUTELL. Certainly.

Mr. MANN. If I heard the resolution aright, it requires one hour's general debate.

Mr. BOUTELL. Since that resolution was reported the objections which it was supposed would be urged on the floor of the House on behalf of New Mexico have been withdrawn. The gentleman from New Mexico [Mr. ANDREWS], who is present in the House, assures me that the objections heretofore urged by him and by others in behalf of the people of New Mexico have been withdrawn.

Mr. STEPHENS of Texas. I will state, Mr. Speaker, that the first bill——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. BOUTELL. I yield; certainly.

Mr. STEPHENS of Texas. The first bill, that was objected to on the floor of the House and that failed of consideration, defined the boundaries between New Mexico, Oklahoma, and Texas. Oklahoma was left out. On the objection of the gentleman from Oklahoma [Mr. CARTER] that part of the bill has been eliminated, so that now there is no question in the way except as between Texas and New Mexico, and that has been adjusted. The governor of New Mexico is now in the city, and he is satisfied with the provisions of the resolution. The President has sent a special message to Congress on the subject.

Mr. BURLESON. Let it go, then.

Mr. BOUTELL. The object of the rule is plain, Mr. Speaker. It brings immediately before the House for consideration, in accordance with the rules applicable to bills on the Union Calendar, Senate joint resolution 124. This joint resolution has for its object the settlement of the disputed boundary line between the State of Texas and the Territory of New Mexico.

The parliamentary status of the Senate joint resolution 124 is briefly this: It has passed the Senate without opposition. It has been unanimously reported by the Judiciary Committee of the House. Its passage is recommended by the President of the United States. On the recognition of the Speaker, the gentleman from Texas [Mr. STEPHENS] asked unanimous consent to consider the bill two weeks ago. Objection was made. Under these circumstances and considering the fact that the measure involves the rights of a sovereign State and a Territory soon to come into the Union as a State, as well as the title to large tracts of land, it seemed to be a matter peculiarly falling within the province of the Committee on Rules. I therefore introduced this resolution, which now comes before the House, with a unanimous report of the Committee on Rules.

Mr. MANN. Mr. Speaker, will the gentleman agree to an amendment?—to insert the words "not to exceed" after the word "be," on the fifth line, so that the proviso would read:

Provided, That there shall be not to exceed one hour of general debate before the reading of the bill for amendment.

As it is provided under the terms of the bill, the House can not commence to consider the bill until after one hour's debate. I do not think the language is necessary.

The SPEAKER. Is there objection?

Mr. BOUTELL. That is the language of a proviso; but in order to avoid doubt on the subject, I will ask unanimous consent that the proviso shall be so amended as to read, "That there shall be not to exceed one hour of general debate before the reading of the bill for amendment." There will now probably be no general debate.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOUTELL. On that I move the previous question.

The SPEAKER. The question is on ordering the previous question on the resolution and the amendments thereto.

The previous question was ordered.

The resolution as amended was agreed to.

The SPEAKER. The Clerk will report the joint resolution referred to in the above order.

The Clerk read Senate joint resolution 124, reaffirming the boundary lines between Texas and the Territory of New Mexico, as follows:

Whereas the constitutional convention recently held in the Territory of New Mexico submitted for acceptance or rejection the draft of a proposed constitution for the State of New Mexico, to be voted upon by the voters of said proposed new State on the 21st day of January, 1911, which proposed constitution contains a clause attempting to annul and set aside the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, said lines between the Territory of New Mexico and the State of Texas having been run by John H. Clark, the boundary commissioner acting for the United States in 1859 and 1860, the said lines being now known and recognized as the Clark lines; and

Whereas the United States and the State of Texas have patented land based upon the Clark lines as the boundary between Texas and the Territory of New Mexico: Therefore be it

Resolved, etc., That any provision of said proposed constitution that in any way tends to annul or change the boundary lines between the State of Texas and the Territory or State of New Mexico shall be of no force or effect, but shall be construed so as not in any way to change, affect, or alter the said boundary lines known as the Clark lines and heretofore run and marked by him as a commissioner on the part of the United States and concurred in by the State of Texas, and the former ratification of said Clark lines by the United States by the act approved March 3, 1891, and the State of Texas by the joint resolution passed March 25, 1891, shall be held and deemed a conclusive location and settlement of said boundary lines.

SEC. 2. That the President of the United States is hereby authorized, in conjunction with the State of Texas, to reestablish and re-mark the boundary lines heretofore established and marked by John H. Clark between New Mexico and the State of Texas, and for such purpose he is hereby authorized and empowered to appoint a commissioner, who, in conjunction with such commissioner as may be appointed by and on behalf of the State of Texas for the same purpose, shall re-mark the boundary between the Territory of New Mexico and the State of Texas, as follows: Beginning at the point where the one hundred and third degree of longitude west from Greenwich intersects the parallel of 36° and 30′ north latitude, as determined and fixed by John H. Clark,

the commissioner on the part of the United States in the years 1859 and 1860; thence south with the line run by said Clark for the said one hundred and third degree of longitude to the thirty-second parallel of north latitude to the point marked by said Clark as the southeast corner of New Mexico; and thence west with the thirty-second degree of north latitude as determined by said Clark to the Rio Grande.

SEC. 3. That the part of the line run and marked by monuments along the thirty-second parallel of north latitude and that part of the line marked by monuments along the one hundred and third degree of longitude west from Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of the act of Congress approved June 5, 1858, and known as the Clark lines, which said lines as run by said Clark have been confirmed, as aforesaid, by the act of Congress approved March 3, 1891, and the joint resolution of the Legislature of Texas passed March 25, 1891, shall remain the true boundary lines of Texas and New Mexico: *Provided*, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and line where they can be found and identified by the original monuments now on the ground, or where monuments are now missing or the lines can not be found, but their original position can be shown by competent parol evidence or by the topographic maps or field notes made by said Clark, the monuments so found or their position so identified shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him, and where no survey was actually originally made on said lines it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark map, field notes, and survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners they shall thereafter form the true boundary lines.

SEC. 4. That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the purposes of this act: *Provided*, That the person or persons appointed and employed on the part of the State of Texas shall be paid by the said State.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call the attention of the Members of this House to the fourth section of the act of May 9, 1850, known as the Clay Compromise Act. This act reads as follows:

SEC. 4. The establishment of the present boundary line between Texas and New Mexico and the payment to Texas for surrendering New Mexico the sum of $10,000,000 from the National Treasury.

Mr. Speaker, at this time there was no Territory named Arizona, and all the territory between Texas and California was known as New Mexico, hence this law recognized that Texas owned—as she had always claimed—the Territory of New Mexico, which now includes Arizona.

New Mexico contains 122,460 square miles and Arizona contains 113,020 square miles; thus it is shown by the language of this act of Congress that the United States bought from Texas for $10,000,000 the 235,480 square miles of territory, or 150,707,200 acres of land, the same now comprising the territory of the two new States soon to be admitted into the Union.

Mr. Speaker, it must appear to a casual observer that Texas made a very bad bargain in selling nearly one-half of her territory for less than 7 cents per acre—the present boundaries contain 265,780 square miles—and it must be remembered that Texas ceded at the same time to the United States a part of the present territory now comprising the States of Colorado, Wyoming, Kansas, and Oklahoma. All of this territory would reduce the price paid Texas to less than 5 cents per acre.

Mr. Speaker, the gentleman from New York [Mr. PAYNE] during the last session of this Congress said this land was worth $20 per acre, and by means of his great power as leader of the majority party of this House prevented the passage of this bill at that time. In his speech on that occasion against my bill establishing the one hundred and third meridian, he said:

That line there, I think, is about 600 miles—the whole line along the Texas border on the west, between that and New Mexico.

He was interrupted by Mr. STEPHENS of Texas, who said:

To be exact, it is 310 miles.

The misstatement of the figure is obvious.

Mr. PAYNE then said:

Oh, if the gentleman had less zeal, and had pursued this matter a little more in the line of openness from the beginning of the time he referred this joint resolution until now, he would appear better in correcting a few mistakes of that kind.

After Mr. PAYNE made this discourteous and unwarranted statement about me, he refused to answer any question I desired to ask him, and as he had the closing speech, I have had no opportunity to reply to him.

Mr. Speaker, there is quite a difference between 600 miles and 310 miles in this that the Clark line, which is established by my bill, is about 2½ miles, on an average, west of the one hundred and third meridian, thus giving Texas about 775 sections, or 496,000 acres, of land more than she was entitled to if Clark had made a correct survey. Mr. PAYNE, in the speech I have quoted, says this land is worth $20 per acre, or, in round numbers, $9,920,000. Now, I will submit that if the gentleman from New York is correct with his figures and statements and that strip of land is worth $20 per acre, then the 150,000,000 acres sold by Texas to the United States would be worth, at the same price per acre, the enormous sum of $3,000,000,000. But these amusing statements of the gentleman from New York [Mr. PAYNE] abound throughout his speech. For instance:

In the same speech the gentleman from Wyoming [Mr. MONDELL] asks this question:

The purpose, then, I understand, is to follow the Kidder survey where the Kidder survey gives more land to Texas and to follow the Clark survey where the Clark survey gives more land to Texas.

Mr. PAYNE. Certainly, that is it. And what else do you expect from a gentleman whose State received $12,000,000 for this land and comes in now, 60 years afterwards, and tries to get it back by reason of an incomplete, unfinished survey, palpably incorrect, and demonstrated to be wrong? Every word of information that I have given you has come from the documents of the United States.

He makes the bald statement that Texas received $12,000,000 for this little strip of land, and that she is now (by my bill of course) trying to get it back, because of the Clark survey. The facts are that Texas sold about 150,000,000 acres of land—an empire—for $10,000,000, not $12,000,000, and the line in dispute is only 310 miles long, not 600 miles, so that the gentleman from New York [Mr. PAYNE] is only 290 miles and $2,000,000 away from the truth; and yet he asserts that he gets his information from "documents of the United States."

Will a just public opinion charge these misstatements to the gentleman's ignorance of the facts or to his prejudice against Texas? He is not ignorant of the facts, because he knows that this bill does not (as he asserts) try to get it—meaning the land Texas sold to the United States—back; and he knows that it only relates to an infinitesimal part thereof—to wit, 496,000 acres—an amount less than one three-hundredth part of the whole amount of land sold the United States by Texas. Then, if this misstatement is not made ignorantly, it must be through prejudice against the State of Texas. This prejudice is manifest by his language quoted above, namely:

And what else do you expect from a gentleman whose State received $12,000,000 for this land and comes in now, 60 years afterwards, and tries to get it back, by reason of an incomplete survey, and so forth?

He here clearly charges dishonesty to my State in keeping the money and trying to get back the land. I have already shown that Texas did not receive more than 5 cents per acre for this land and that there are no more than 490,000 acres involved by this disputed boundary. Hence, if the United States should lose this small amount of this vast purchase of land, it would amount to only $24,800.

What a great difference between this small amount and the $12,000,000 that the gentleman from New York insinuates the State of Texas is by this bill trying to filch or purloin from the United States. If further proof were wanting of the prejudice harbored in the breast of my New York friend against Texas, I might point to the fact that several years ago I secured a favorable report on a bill introduced in the House by myself providing for the donation of Fort Elliott, an abandoned military reservation and fort situated in the Panhandle of Texas, to the State of Texas for a State normal school and my friend used his great influence against the bill and defeated it, notwithstanding there were numerous precedents for like donations, though they were usually donated to Republican States.

He has since that time sat in his seat and permitted several similar bills to pass, and I have called his attention to his inconsistency with much pleasure. When the bill (presented first by me) placing Texas under the reclamation act was under discussion in the House, it was bitterly opposed by the same gentleman, but it passed the House and Senate and became a law despite the opposition of the same majority leader. When the House was considering the passage of a bill to refund to Texas a considerable sum of money lost to the State of Texas, when the Supreme Court of the United States decided that Greer County belonged to Oklahoma, this old persistent enemy of Texas came again to the front in opposition to this just measure. When in 1903 the bill passed this House authorizing the definite location of the one hundredth meridian between Texas and Oklahoma, which became necessary only after the Supreme Court gave Greer County to the United States, this tried, true, and proven enemy of Texas raised his voice again in opposition to this survey and adjustment.

This location was made by Mr. Arthur D. Kidder, a Government surveyor of first-class ability, and he was authorized, under the said act of 1903, to locate that meridian, and he did in that year locate it. This line so located by Mr. Kidder was known as the Darling line, and it never had been approved, while the Clark line, on the one hundred and third meridian, had been definitely anpproved and affirmed by the United States and Texas.

My friend from Wyoming [Mr. MONDELL] shows that he was not familiar with this Kidder survey, by asking the gentleman from New York [Mr. PAYNE] this question:

Then the purpose, I understand, is to follow the Kidder survey where the Kidder survey gives no land to Texas and to follow the Clark survey where the Clark survey gives more land to Texas.

Mr. PAYNE answered:

Certainly; that is it.

If the one hundredth meridian, or Darling line, had been approved by the United States and Texas, as the one hundred and third, or Clark line, had been approved, then there would have been some justification for the false position taken by these gentlemen, as indicated by this question and answer.

Mr. Speaker, for a full and better understanding of the questions at issue relative to these lines, I will here insert in the RECORD, as a part of my remarks, the diagram made by Mr. Kidder, the same being part of House Document No. 259, Fifty-ninth Congress, first session.

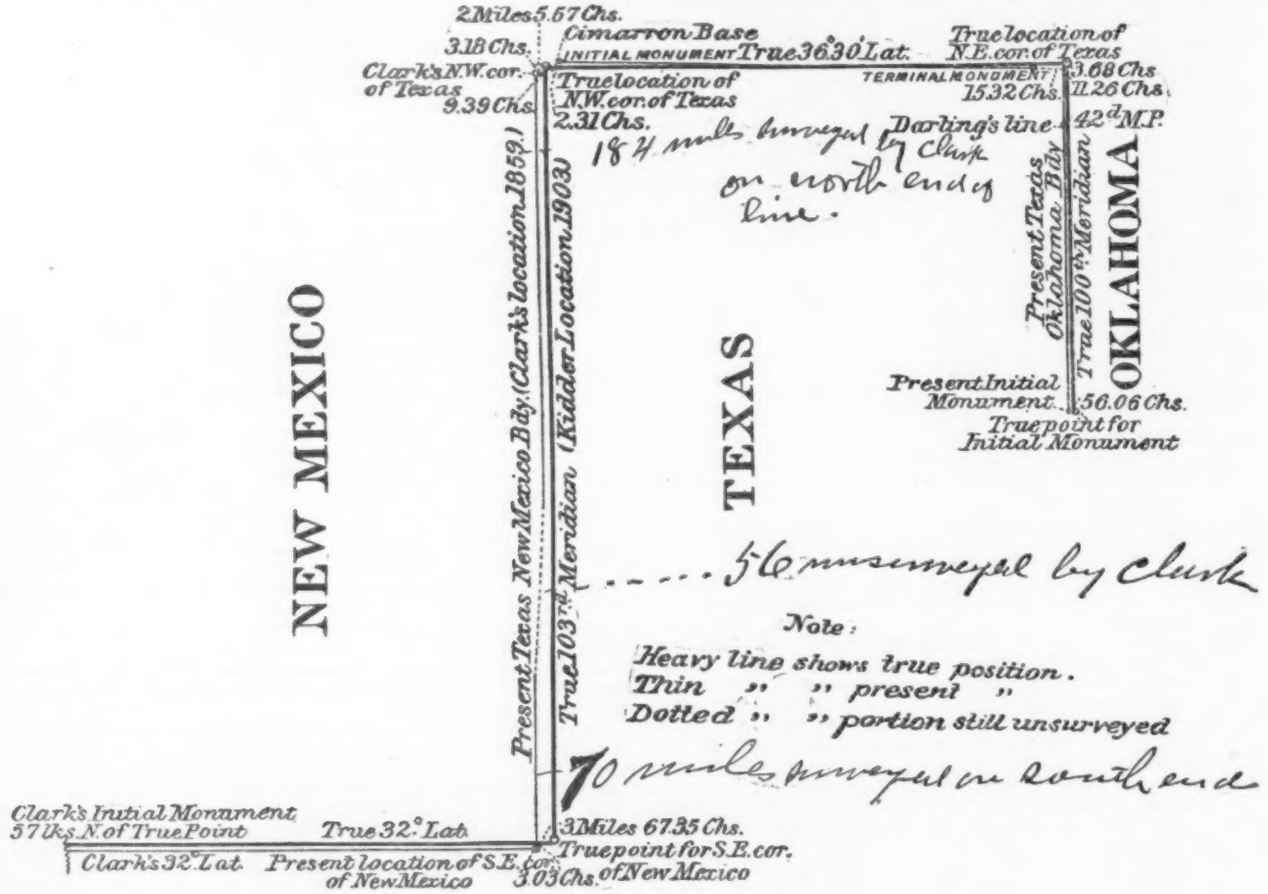


DIAGRAM
Showing

The True Locations of the 100th Meridian between Texas and Oklahoma, the Parallel of 36°30' N. Lat. between Texas and Oklahoma, the 103rd Meridian between Texas and New Mexico, and the Parallel of 32° Lat. between Texas and New Mexico, as determined by Arthur D. Kidder, Examiner of Surveys, under instructions from the Commiss'r of the General Land Office, dated March 12th 1903. Field work commenced March 26th 1903 and completed December 20th 1903.

Mr. Speaker, this boundary question should provoke no further criticism or opposition, and I hope that this resolution will pass this House unanimously. The people of Texas and New Mexico alike now desire its passage. Texico is a town on the line in dispute and on the New Mexico side. It has a newspaper called the Texico Trumpet, and in a recent editorial this paper expresses the consensus of opinion of the people of New Mexico in this wise:

BOUNDARY TO BE FINALLY CONFIRMED—THE NEW MEXICO CONSTITUTION OPENS QUESTION AND CONGRESS MUST TAKE DEFINITE ACTION—SURVEY ORDERED—REPORTS FAVOR PRESENT LINE.

WASHINGTON, *December 9.*

In the act admitting New Mexico to statehood the true boundary line between that Territory and the State of Texas will be fixed by law. This line has been in dispute, and a conference on the subject was held at the White House to-day.

Senators BAILEY and CULBERSON and Representative STEPHENS, of Texas; Delegate ANDREWS, of New Mexico; and John V. Farwell, of Chicago, were with the President for half an hour. Mr. Farwell represents the Farwell estate which built the capitol of Texas many years ago, and received in return a grant of an immense tract of land in the Texas Panhandle. The disputed boundary line touches a large part of this estate.

The President expressed his desire to have the Clark survey recognized in a manner that will not leave the matter open to dispute. A bill embodying the idea which President Taft has on this subject, and which he will recommend in his message, was to-day drawn by Representative STEPHENS, of Texas.

While Texico and vicinity is in New Mexico, yet we have been for the Stephens measure in preference to our own Delegate on account of purely local conditions. To have the State line moved would seriously hurt our future growth, the town being built solely on the foundation that it was a State-line town. We feel indebted to Mr. STEPHENS for his zealous work in maintaining the present line. Local conditions on either side of the line have been maintained and established and under the jurisdiction of the courts on the supposition that that peaceful possession gave title, and to have it moved would cause much loss in values and an indefinite amount of litigation. Hence we commend the work of Mr. STEPHENS for eventually winning out in the interests of the people along the present State line, and especially those who have invested in Texas property in the disputed strip.

Now that the State line is settled beyond a doubt, it will mean much to both the towns and the country immediately surrounding. Many investments and many citizens have been kept away by the uncertainty, and while we who are acquainted with the history of the State-line question had no doubt of its ultimate solution, the uninformed were not

satisfied with the incomplete boundary. The Stephens resolution covers the ground that we have always maintained, and it is indorsed by the authorities and congressional committees, and so passed by the Senate.

Mr. Speaker, I have a personal pride in securing the passage of this resolution. My connection with this question began while I was a member of the senate of Texas, representing nearly the same counties as I represent now in this House. On March 25, 1891, I secured the passage of a joint resolution through that legislature establishing and accepting on the part of the State of Texas the Clark line, as it was run and marked by him in 1859 and 1860; Congress had on March 3 of the same year confirmed and adopted the same line, but in this language:

That the boundary line between said public-land strip and Texas and between Texas and New Mexico established under the act of June 5, 1858, is hereby confirmed. (26 Stat. L., p. 71.)

Now, my friend from New York [Mr. PAYNE], in his diatribe against Texas on the occasion I have already mentioned, misconstrues this act of Congress, and says that it intends to affirm the purchase act of September 9, 1850, which calls for the one hundred and third degree as the Texas-New Mexico boundary, Mr. PAYNE thus wholly ignoring the fact that the plain language of the act of Congress above quoted states specifically that "the boundary established under the act of June 5, 1858, is confirmed." Mr. PAYNE knew that Mr. Clark did, under that act of 1858, establish the identical line that I now seek by this resolution to re-mark and reestablish.

Mr. Speaker, the actual boundary line in question, as laid out upon the ground and as distinguished from what might be called the astronomical or geographical line, becomes important at this time only because of the probability of New Mexico being admitted into the Union as a State at an early date. An enabling act was passed by the first session of this Congress, enabling New Mexico to call a constitutional convention for the purpose of submitting the same to the people for adoption, and which would become the constitution of the State if admitted to the Union. Mr. Speaker, that convention has been held and a form of constitution adopted. As in all such cases, the convention described the boundaries of the proposed new State and has adopted as its eastern boundary the boundary established by law as the western boundary of Texas, to wit, the one hundred and third meridian of longitude west of Greenwich. And it becomes important to consider whether or not in the acceptance of this constitution by the General Government, either by the President or by Congress, or both, some reference should not be made to the actual boundary line as laid out upon the ground and heretofore accepted by both the Federal Government and the State of Texas, and upon which both jurisdictions have closed their surveys. The above diagram shows in detail these lines, and the dotted lines show how they close the survey by running a straight connecting line where the old line was not run. The actual boundary line as laid out upon the ground and as heretofore accepted by both parties—by the Federal Government by act of Congress and by the State of Texas by the act of its legislature—would be deemed at law to be the one hundred and third meridian, whether the same was precisely accurate or not, astronomically or geographically speaking. Mr. Speaker, both jurisdictions have patented lands to sundry grantees up to the boundary as actually laid out and established by the Clark survey.

This survey can not, after the lapse of more than a half century, be set aside in utter disregard of the vested rights accruing to the owners of the land along that boundary.

Mr. Speaker, this resolution concerns itself mainly with the boundary line between Texas and New Mexico, from latitude 36° 30′ north to 32° north, and so far as the same affects what is known as the west boundary line of the Panhandle of Texas.

Mr. Speaker, Texas declared its independence of Mexico in 1835. It was admitted into the Union as a State December 29, 1845. Reference to old maps will show that it then included what are now parts of New Mexico, Oklahoma, Kansas, Colorado, and Wyoming, as I have above stated. I refer, for proof of this statement, to House Document No. 635, Fifty-seventh Congress, first session.

By treaty between the United States and Spain in 1819, the dividing line between the United States and Spain, so far as it affects the question, was agreed to be on the line of longitude 100° west from London, and Texas came into the Union claiming its easterly boundary to be that fixed by treaty between the United States and Spain.

In 1850 Texas sold to the United States, for the consideration of $10,000,000, all of its territory north of latitude 36° 30′ north and west of the one hundred and third meridian of longitude as far south as latitude 32°, as I have shown heretofore and as is shown by House Document No. 635, Fifty-seventh Congress, first session.

The purchase was made by act of Congress approved September 9, 1850. (Stat. L., vol. 9, p. 446.)

Mr. Speaker, the statute in question adopts the longitude of Greenwich as the starting point, probably regarding that the same as London. By this statute, therefore, the boundaries of the Panhandle of Texas seem to have been fixed as follows:

On the east the one hundredth meridian of longitude west from Greenwich.

On the north parallel of latitude 36° 30′ north.

On the west the one hundred and third meridian of longitude west from Greenwich. (Stat. L., vol. 9, p. 446.)

Mr. Speaker, this brings us to an important date affecting the boundary line between the Panhandle of Texas and the Territory of New Mexico, June 5, 1858, on which date was approved an act of Congress entitled "An act to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of the United States and the State of Texas." (Stat. L., vol. 11, p. 310.)

Mr. Speaker, under the authority of this statute John H. Clark was appointed United States commissioner and surveyor, and he, with commissioners appointed by the State of Texas, established the northwest boundary of Texas in 1859–60. For proof of these statements I refer to House Document No. 635, Fifty-seventh Congress, first session, and House Document No. 259, Fifty-ninth Congress, first session.

This survey is mapped and set out with great particularity in Document No. 635 above referred to.

The Clark survey proceeded about as follows:

In 1859 he ran north on the one hundred and third meridian of longitude from the thirty-second degree of latitude to the thirty-third degree of latitude, erecting three monuments on his way, the last one being at latitude 32° 33′.

He then began at the northwest corner of the Panhandle, at 36° 30′ north latitude, and projected the one hundred and third meridian south to the thirty-fourth degree of latitude, and on his way established 22 monuments, the one farthest south being at latitude 34° 14′, thus leaving an hiatus unprojected between the two lines sometimes stated as 56 and sometimes as 69 miles. It seems also that the Government surveys of the State of Texas have been closed on the Clark line of survey as being the boundary line between New Mexico and Texas, and both the Government of the United States and the State of Texas have patented and conveyed lands, relying on the boundary line as laid out by Clark.

It seems also that so far as effects the boundary in question, the Clark monuments have been identified and are still identifiable; for proof of these facts I refer to House Document No. 259, Fifty-ninth Congress, first session.

Mr. Speaker, the Clark lines from the northwest corner of Texas south on the one hundred and third meridian was retraced just prior to 1885 under Hon. W. C. Walsh, commissioner general, land office, Austin, Tex. For this evidence see, supra, Document No. 259.

Now, Mr. Speaker, notwithstanding all this, some doubt has arisen as to whether or not the Clark survey of the one hundred and third meridian is exactly accurate. It has been claimed, was claimed in fact some years ago, that Clark established the one hundred and third meridian a little to the west of the true astronomical meridian, leaving a strip of land something over two miles wide east and west, and of a considerable length north and south, which might be claimed some time, either by the United States Government or the State of Texas, though both jurisdictions seem to have closed their surveys on the Clark line, and Texas, without objection, had exercised political jurisdiction to the east of it always.

Mr. Speaker, this statement of our case brings us to another important date, March 3, 1891.

On that day the sundry civil act was approved and became a law, and enacted, among other things that—

the boundary line between said public-land strip and Texas and between Texas and New Mexico established under the act of June 5, 1858, is hereby confirmed—

thus establishing the Clark survey as the true boundary line between New Mexico and Texas and thus establishing the one hundred and third meridian for boundary purposes as laid out by Clark whether precisely upon the true astronomical meridian or not.

This action of Congress was accepted by the States of Texas by joint resolution of its legislature properly approved.

This line seems again to have been retraced and sufficiently identified in 1903 (supra, Doc. No. 259, letter of Secretary of the Interior to the Speaker), and to have been recognized by Secretary Cortelyou as late as 1907. I refer for proof of this statement to House Document No. 54, Sixtieth Congress, first

session. These facts have been recognized to some extent at least by the Supreme Court in the case of United States *v.* Texas, One hundred and sixty-second United States Reports, page 1.

Mr. Speaker, I desire to submit that from all of these facts it appears—

First. That the boundary line between New Mexico and the Panhandle of Texas was fixed by law at 103 west longitude.

Second. That the meridian of 103 west longitude was established by the Clark survey by authority of law in 1859 under act of June 5, 1858.

Third. That the Clark survey was confirmed by act of Congress approved March 3, 1891.

Fourth. That the same was confirmed by law by the State of Texas soon after the confirmation of Congress.

Fifth. That both the United States and Texas have closed their public surveys on the Clark line, and that it has been recognized in some degree by the Supreme Court.

Sixth. That substantially all of the Clark monuments, or a sufficient number of them, have been identified and can now be identified to identify the Clark line accurately.

Seventh. That so far there is an hiatus in the Clark line it should be closed by drawing a straight line between the southern point ending his line drawn from the north and northern point of his line drawn from the south.

It is not likely that the boundary line as laid out by Clark would ever be drawn in question between the United States and Texas, or between their present respective grantees of land. Both would be estopped to do so.

Mr. Speaker, New Mexico has recently adopted a constitution, under the enabling act passed by the last session of this Congress, to go into effect if it shall be admitted as a State. In this constitution its defines its eastern boundary as the one hundred and third meridian west longitude, without any reference to the boundary established by act of Congress in 1891 and accepted by Texas by joint resolution about the same time.

Mr. Speaker, this boundary line, as laid out upon the ground by the Clark survey, seems to have been established in law as well as anything can be established, both by the action of the Federal Government and the action of the State of Texas. But claims are being made apparently that the adoption of the one hundred and third meridian, as set forth in the constitution of New Mexico, will carry some land over into what is to be the new State of New Mexico.

Mr. Speaker, this alarming condition of affairs on this boundary was called to the attention of the President of the United States, and when he found by inquiry that the bill I had been pressing for several years would finally and justly settle this whole question, and when he found that my bill had been recommended by a previous Secretary of the Treasury, by the Secretary of the Interior, and had been twice favorably reported from the Committee on Indian Affairs and twice from the Judiciary Committee of the House, and further, if something was not done at once in the matter that interminable litigation between the two States and its citizens would result; that the good faith of the United States was pledged to stand by the Clark line, run, established, and confirmed by Congress, he very promptly sent the following to Congress on the subject, viz:

[House Document No. 1076, Sixty-first Congress, third session.]

BOUNDARY LINE BETWEEN NEW MEXICO AND TEXAS.

Message from the President of the United States, transmitting a communication relating to the boundary line between New Mexico and Texas.

To the Senate and House of Representatives:

The constitutional convention recently held in the Territory of New Mexico has submitted for acceptance or rejection the draft of a constitution to be voted upon by the voters of the proposed new State, which contains a clause purporting to fix the boundary line between New Mexico and Texas which may reasonably be construed to be different from the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, and under which claims might be set up and litigation instigated of an unnecessary and improper character. A joint resolution has been introduced in the House of Representatives for the purpose of authorizing the President of the United States and the State of Texas to mark the boundary lines between the State of Texas and the Territory or proposed State of New Mexico, or to reestablish and re-mark the boundary line heretofore established and marked; and to enact that any provision of the proposed constitution of New Mexico that in any way tends to annul or change the boundary lines between Texas and New Mexico shall be of no force or effect. I recommend the adoption of such joint resolution.

The act of June 5, 1858 (vol. 11, U. S. Stats., 310), "authorizing the President of the United States in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of the United States and the State of Texas," under which a survey was made in 1859–60 by one John H. Clark, and in the act of Congress approved March 3, 1891 (vol. 26, U. S. Stats., 971), "the boundary line between said public land strip and Texas, and between Texas and New Mexico, established under the act of June 5, 1858, is hereby confirmed," and a joint resolution was passed by the Legislature of Texas and became a law March 25, 1891, "confirming the location of the boundary line established by the United States commissioner between No Man's Land and Texas, and Texas and New Mexico under the act of Congress of June 5, 1858. (Laws of Texas, 1891, p. 193, Resolutions.)"

The Committee on Indian Affairs, in its report of May 2, 1910 (No. 1250, 61st Cong., 2d sess.), recommended a joint resolution in the fourth section of which appears the following:

"*Provided*, That the part of a line run and marked by monument along the thirty-second parallel of north latitude, and that part of the line run and marked along the 103° of longitude west of Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, and known as the Clark lines, and that part of the line along the parallel of 36° 30′ of north latitude, forming the north boundary line of the Panhandle of Texas, and which said parts of said lines have been confirmed by acts of Congress of March 3, 1891, shall remain the true boundary lines of Texas and Oklahoma and the Territory of New Mexico: *Provided further*, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and lines where they can be found and identified."

The lines referred to in the paragraph above are the same as contained in the proposed joint resolution above referred to.

Under the act of Congress approved June 20, 1910, "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union," etc. (vol. 36, U. S. Stats., 557), section 4 provides that when a constitution has been duly ratified by the people of New Mexico, a certified copy of the same shall be submitted to the President of the United States, and in section 5 it provides that after certain elections shall have been held and the result certified to the President of the United States, the President shall immediately issue his proclamation, upon which the proposed State of New Mexico shall be deemed admitted by Congress into the Union, by virtue of said act of June 20, 1910. The required acts have not taken place, and therefore, to all intents and purposes, the proposed State of New Mexico is still a Territory and under the control of Congress.

As the boundary line between Texas and New Mexico is established under the act of June 5, 1858, and confirmed by Congress under the act of March 3, 1891, and ratified by the State of Texas March 25, 1891, and as the Territory of New Mexico has not up to the present time fulfilled all the requirements under the act of June 20, 1910, for admission to the Union, there is no reason why the joint resolution should not be adopted as above provided, and I recommend the adoption of such resolution for the purpose of conferring indisputable authority upon the President in conjunction with the State of Texas to reestablish and re-mark a boundary already established and confirmed by Congress and the State of Texas.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

Mr. Speaker, resolution 1250, referred to by the President, was the resolution defeated at the last session of Congress by the gentleman from New York [Mr. PAYNE], as I have already explained. The objects of the Delegate from New Mexico [Mr. ANDREWS] and of the gentleman from Oklahoma [Mr. CARTER] also added many votes at that time against my motion to suspend the rules and pass the resolution. This motion required a two-thirds vote of the Members present, and, while I had a large majority, I did not get the necessary two-thirds. That resolution required the relocation of the lines between Texas and Oklahoma and New Mexico. This resolution is the same as that, except it eliminates Oklahoma and applies only to New Mexico. I was forced to make this concession, because of the opposition coming from Oklahoma.

Mr. Speaker, if this resolution becomes a law, the President and the governor of Texas at once can appoint each a commissioner to settle this whole matter, as the Texas Legislature has already passed a similar law.

Mr. Speaker, the resolution now under consideration and drawn by me, as stated in the editorial already quoted from the Texico paper, and recommended by the President in his message above quoted, is as follows:

Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

Whereas the constitutional convention recently held in the Territory of New Mexico submitted for acceptance or rejection the draft of a proposed constitution for the State of New Mexico, to be voted upon by the voters of said proposed new State on the 21st day of January, 1911, which proposed constitution contains a clause attempting to annul and set aside the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, said lines between the Territory of New Mexico and the State of Texas having been run by John H. Clark, the boundary commissioner acting for the United States, in 1859 and 1860, the said lines being now known and recognized as the Clark lines; and

Whereas the United States and the State of Texas have patented land based upon the Clark lines as the boundary between Texas and the Territory of New Mexico: Therefore be it

Resolved, etc., That any provision of said proposed constitution that in any way tends to annul or change the boundary lines between the State of Texas and the Territory or State of New Mexico shall be of no force or effect, but shall be construed so as not in any way to change, affect, or alter the said boundary lines known as the Clark lines and heretofore run and marked by him as a commissioner on the part of the United States and concurred in by the State of Texas, and the former ratification of said Clark lines by the United States by the act approved March 3, 1891, and the State of Texas by the joint resolution passed March 25, 1891, shall be held and deemed a conclusive location and settlement of said boundary lines.

SEC. 2. That the President of the United States is hereby authorized, in conjunction with the State of Texas, to reestablish and re-mark the boundary lines heretofore established and marked by John H. Clark between New Mexico and the State of Texas, and for such purpose he is hereby authorized and empowered to appoint a commissioner, who, in conjunction with such commissioner as may be appointed by and on

behalf of the State of Texas for the same purpose, shall re-mark the boundary between the Territory of New Mexico and the State of Texas as follows: Beginning at the point where the one hundred and third degree of longitude west from Greenwich intersects the parallel of 36° and 30′ north latitude, as determined and fixed by John H. Clark, the commissioner on the part of the United States in the years 1859 and 1860; thence south with the line run by said Clark for the said one hundred and third degree of longitude to the thirty-second parallel of north latitude to the point marked by said Clark as the southeast corner of New Mexico; and thence west with the thirty-second degree of north latitude as determined by said Clark to the Rio Grande.

SEC. 3. That the part of the line run and marked by monuments along the thirty-second parallel of north latitude and that part of the line marked by monuments along the one hundred and third degree of longitude west from Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of the act of Congress approved June 5, 1858, and known as the Clark lines, which said lines as run by said Clark have been confirmed, as aforesaid, by the act of Congress approved March 3, 1891, and the joint resolution of the Legislature of Texas passed March 25, 1891, shall remain the true boundary lines of Texas and New Mexico: *Provided*, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and line where they can be found and identified by the original monuments now on the ground, or where monuments are now missing or the lines can not be found, but their original position can be shown by competent parol evidence or by the topographic maps or field notes made by said Clark, the monuments so found or their position so identified shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him, and where no survey was actually originally made on said lines it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark map, field notes, and survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners they shall thereafter form the true boundary lines.

SEC. 4. That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the purposes of this act: *Provided*, That the person or persons appointed and employed on the part of the State of Texas shall be paid by the said State.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

RELIEF OF FAMINE SUFFERERS IN CHINA.

The SPEAKER laid before the House the bill (H. R. 32473) for the relief of the sufferers from the famine in China, with Senate amendments thereto.

The Senate amendments were read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

PANAMA CANAL—ADDRESS BY COL. GOETHALS.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] asks unanimous consent for the present consideration of the following resolution (H. Res. 964), which the Clerk will report.

The Clerk read as follows:

Resolved, That the House of Representatives will assemble in the Hall of the House on Monday evening, February 13, 1911, at 8 o'clock, and that in the presence of the House an address upon the construction of the Panama Canal be pronounced by Col. Geo. W. Goethals, United States Army, chairman of the Isthmian Canal Commission and chief engineer of the canal.

Resolved, That the Superintendent of the Capitol and the Doorkeeper of the House be charged with the execution of the proper arrangements for the occasion.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. WANGER. Certainly.

Mr. MANN. The form of the resolution is that the House of Representatives shall meet.

Mr. WANGER. "Will assemble." It follows the language of the resolution adopted by the House upon the occasion of the memorial exercises for President McKinley.

Mr. MANN. That was a joint meeting of the House and Senate. The question I had in mind was whether it was desirable to provide that the House on Monday at a certain time should take a recess until evening for that purpose. I suppose it is not necessary. Other people will want to come on the floor at that time.

Mr. HUMPHREY of Washington. How will that be arranged?

Mr. MANN. I suppose Members will bring their families and friends. It is understood, of course, that this lecture is to be an illustrated stereopticon lecture in reference to the construction of the canal.

Mr. WANGER. Col. Goethals delivered the lecture referred to in the resolution in this city before a scientific body, the National Geographic Society, last evening. This morning he appeared before the Committee on Interstate and Foreign Commerce and gave a very interesting talk, and stated that he would be entirely willing to repeat the address for the accommodation of the Members of the Senate and House, if they so desired.

The committee appointed a subcommittee to make arrangements, and the idea was to have the address delivered in the Office Building of the House, but upon conference with the Superintendent of the Capitol he thought it would be somewhat difficult to arrange the conference room or any large committee room properly for the purpose; and that this Hall was the ideal place for the address to be made and stereopticon views exhibited; and considering that this is the greatest national engineering undertaking by the Government of our country, and that Col. Goethals is the great engineer in charge of the enterprise, it seemed proper to provide as the resolution specifies.

Another word: Next Monday evening was fixed upon because it seemed to be the only time when it was practicable to have the address.

Mr. SHEPPARD. Is the lecture to be for the Members of the House only?

Mr. WANGER. No; for Senators and for Members and their invited guests. The arrangements are under the direction of the Superintendent of the Capitol and Doorkeeper. The idea we had in mind was to have Members of the Senate and the House and their wives or families occupy the floor and other guests in the gallery.

Mr. SHEPPARD. That fact ought to be given publicity.

Mr. WANGER. There will be cards printed for admission to the gallery and distributed to Members. Senators and Members and members of their families will be admitted to the floor without tickets upon identification.

Mr. ADAMSON. Will there be cards printed for the private gallery?

Mr. WANGER. The idea is that the tickets will apply to the galleries, but that has not been finally determined.

Mr. ADAMSON. If cards are printed, I suppose they will be furnished to Members.

Mr. WANGER. The committee and Doorkeeper and Superintendent of the Capitol will confer, and the tickets will be furnished.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Pennsylvania whether it is expected that at this meeting Members may bring their wives or other members of their family, and possibly other guests?

Mr. WANGER. It is.

Mr. MANN. Of course, under the rules of the House that would be impossible when the House itself is in session. Might it not be arranged so that the resolution would read:

Resolved, That the Members of the House of Representatives and their invited guests may assemble in the Hall of the House.

Mr. WANGER. I have no objection to that, and I ask that that modification be made.

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That the Members of the House of Representatives and their invited guests may assemble in the Hall of the House, etc.

Mr. MANN. Mr. Speaker, would it not be proper for us informally to ask the Senate to attend this meeting?

Mr. HAY. I would like to ask the gentleman from Illinois if the Hall of the House has heretofore been used for any such purpose.

Mr. MANN. The Hall of the House was used when Mr. Parnell was here for the purpose of delivering an address. That was a good many years ago.

Mr. HAY. I would like to ask the gentleman from Illinois what he thinks about the policy or the setting of a precedent of this sort.

Mr. MANN. We considered that very carefully. I felt very much indisposed at first blush to permit the Hall of the House to be used for any purpose of this sort. But here is the Panama Canal being constructed by us; Col. Goethals is in charge of the construction; he is in this country from abroad by direction of the Government for the purpose of giving information to Members of Congress, and it hardly seems to the committee that it is setting any precedent which would be injurious to direct him, practically, to give the information directly to Members of the House in the Hall of the House instead of to the committee.

Mr. HAY. May not a man who is serving as ambassador to France, or some other country, at some future time think it is a precedent——

Mr. MANN. Oh, there might be an occasion where Congress would want to do it, but gentlemen understand that this came

up by unanimous consent, and anyone could object to it, and the committee does not think there is any danger of creating a precedent that would embarrass us in the future.

Mr. TAWNEY. Would it not be well to restrict the use of the floor of the House to Members and Senators and open the gallery to the public?

Mr. MANN. I think that the danger is that we would not have enough people here to fill the place.

Mr. HAY. Oh, there is no danger of that.

Mr. TAWNEY. I remember in the Fifty-third Congress, when the Wilson bill was under discussion in the House, the public was admitted to the floor of the House in that Congress to listen to the speech of William Jennings Bryan on the Wilson tariff law.

Mr. MANN. And it was worth it.

Mr. TAWNEY. And I know that Members were crowded out of their seats, and I think it would be better if the floor of the House were reserved for Members and Senators.

Mr. MANN. I suggest to the gentleman that this is to be a stereopticon lecture, where the seats in the gallery on the south side are utterly unavailable, the seats in the gallery on the east and west sides are not very available, and that it is very easy to take these chairs out of the House if necessary and put other chairs in here, as we do when the Senate comes to the Hall of the House, and that would provide seating capacity for a large number of people in the Hall of the House.

Mr. HAYES. I suggest to the gentleman that the resolution be modified so as to save the Hall of the House to Members and Senators and the immediate members of their families.

Mr. WANGER. I think I can assure the gentleman from California that that will be done.

Mr. MANN. There ought to be added there the words "Senators."

The SPEAKER. Without objection, the word "Senators" will be added.

There was no objection.

The SPEAKER. Then the Chair understands what the gentleman offers would involve the striking out of the invited guests and inserting the words to indicate their immediate families?

Mr. ADAMSON. Mr. Speaker, it seems to me that the Members of the House could be trusted to bring proper persons here.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry. Is there not a rule that makes it out of order for the Speaker to entertain a motion or proposition to have this Hall used for any other purpose——

The SPEAKER. The probability is that the Speaker would not have entertained this resolution, but unanimous consent was given to consider a resolution for a session of the House. Then it has gone beyond the Speaker and the majority of the House can do anything they wish with it. The Clerk will report the resolution (H. Res. 964) as amended:

The Clerk read as follows:

Resolved, That Members of the House of Representatives and their invited guests, and Senators, may assemble in the Hall of the House on Monday evening, February 13, 1911, at 8 o'clock, and that in said Hall of the House an address upon the construction of the Panama Canal be pronounced by Col. George W. Goethals, United States Army, chairman of the Isthmian Canal Commission and chief engineer of the commission.

Resolved, That the Superintendent of the Capitol and the Doorkeeper of the House be charged with the execution of the proper arrangements for the occasion.

Mr. BENNET of New York. Mr. Speaker, I move to amend by striking out the word "pronounced" and inserting the word "delivered."

Mr. HAYES. Mr. Speaker, I would like to have the gentleman from Illinois agree to the suggestion that the Hall of the House be reserved for Members and Senators and the members of their immediate families.

Mr. MANN. I think that would not look very well in print, I would say to the gentleman. As far as I am concerned, I think Members of the House can be trusted not to bring a horde of invited guests.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Pennsylvania [Mr. WANGER] consents to the modification that I suggest, striking out the word "pronounced" and inserting the word "delivered."

The SPEAKER. The gentleman asks unanimous consent to strike out the word "pronounced" and insert the word "delivered" in the resolution as read. Is there objection?

There was no objection.

The SPEAKER. The question is now on agreeing to the resolution.

The resolution was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, reference of House Document No. 1370, being a letter from the Secretary of War, transmitting estimates for pay of Military Academy, was transferred from the Committee on Appropriations to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HAMILTON, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. RUCKER of Missouri to withdraw from the files of the House, without leaving copies, the papers in the case of Louis Jenkins, Fifty-seventh Congress, no adverse report having been made thereon.

HOUR OF MEETING.

Mr. MANN. Mr. Speaker, I ask unanimous consent that after Monday next the hour of meeting of the House during the remainder of the session be at 11 o'clock a. m., instead of 12 o'clock noon.

The SPEAKER. The gentleman from Illinois asks unanimous consent that after Monday next the hour of meeting of the House during the remainder of the session shall be at 11 o'clock a. m., instead of 12 o'clock meridian. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain the necessity for his proposition.

Mr. MANN. Well, Mr. Speaker, we have 16 days more of this session. One of those days is calendar Wednesday. That leaves 15 days. Six of those days are suspension days, during which there is little possibility of passing many appropriation bills. That leaves, I believe, nine days. We have the naval appropriation bill, the diplomatic appropriation bill, the fortifications appropriation bill, the Military Academy appropriation bill, the sundry civil bill——

Mr. TAWNEY. And the general deficiency bill.

Mr. MANN (continuing). And the general deficiency bill at this session is likely to pass under suspension during the last six days. We have the Canadian reciprocity agreement proposition. I see no possible way of getting through the rest of the session without now commencing an hour earlier in the morning, unless we propose to pass appropriation bills under suspension of the rules during the last six days of the session, which I think nobody desires to be done.

Mr. UNDERWOOD. I will ask the gentleman from Illinois if he does not think that we would be more likely to have a quorum to do business by running into night sessions than to start an hour earlier now.

Mr. MANN. Well, I think after a few days we will have to do both.

Mr. UNDERWOOD. If the gentleman thinks the contingency is as great as that, I withdraw my objection.

Mr. OLCOTT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois whether he would not make that request to begin on Monday.

Mr. MANN. Members of the House would not be informed about the matter, and it would not accomplish any purpose to meet at an earlier hour on Monday. That is the only reason for it.

Mr. OLCOTT. I think it would be in the newspapers tomorrow morning, and I think most Members would be informed. They read the papers more on Sunday than any other days.

Mr. MANN. I do not; other Representatives may.

Mr. KENDALL. Let us try it.

Mr. OLCOTT. I shall not object——

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the right to object, is this for the whole entire session?

Mr. MANN. For the balance of the session; there are only 16 days more of the session.

Mr. SIMS. Is what the gentleman would like to accomplish in order to make room for certain other things?

Mr. MANN. The gentleman need not be alarmed about certain other matters. If there is anything done, I think it will only be done during the last six days.

Mr. OLCOTT. Mr. Speaker, one more suggestion. I presume that there is some way for the Members to be notified, as they are by the whips on both sides of the House.

Mr. MANN. I will say to the gentleman I consulted with some Members before doing this, because there are a great many Members who have already left town, who go out of town over Sunday, not expecting to be back except in time to come to the

House at noon on Monday, possibly not then; but they could not be reached, and we thought on that account it would not be fair to begin on Monday.

Mr. TAWNEY. Mr. Speaker, I will say, further, the gentleman from Massachusetts [Mr. McCALL] this afternoon gave notice he would take up for consideration the report of the Committee on Ways and Means on the reciprocity agreement. The contest, of course, will be between the Committee on Ways and Means and the Committee on the District of Columbia, and it may be that the result would be more favorable to the gentleman from New York and his committee if he waited until 12 o'clock than if we meet at 11 o'clock.

Mr. OLCOTT. I thank the gentleman for his suggestion, but in view of the way the Committee on the District of Columbia has been treated heretofore, I think I should not hesitate to take advantage of anybody who undertook to supersede the rights of that committee. However, Mr. Speaker, I make no objection.

The SPEAKER. The Chair hears no objection.

EXTENSION OF REMARKS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that all Members be granted leave to extend remarks in the RECORD for five legislative days upon the agricultural appropriation bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent that all Members be permitted to print remarks on the agricultural appropriation bill for the next five legislative days. Is there objection? [After a pause.] The Chair hears none.

SPEAKER PRO TEMPORE, SUNDAY SESSION.

The SPEAKER. The Chair designates Hon. WILLIAM S. GREENE, of Massachusetts, for Speaker pro tempore for Sunday, February 12.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes) the House adjourned until to-morrow, Sunday, February 12, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the Baltimore & Washington Transit Co. of Maryland for the year ended December 31, 1910 (S. Doc. No. 812); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimates of appropriations for collecting the revenue from customs for the year ending June 30, 1912 (H. Doc. No. 1377); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Commissioners of the District of Columbia, submitting an estimate of appropriation for service of the District of Columbia (H. Doc. No. 1378); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for expenses of the United States courts (H. Doc. No. 1379); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Superintendent of the Capitol and Grounds, transmitting a report on cost of refrigerating plant, including an ice-making machine (H. Doc. No. 1380); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Smithsonian Institution, informing the House of the resignation of Hon. John B. Henderson, a regent (H. Doc. No. 1381); to the Committee on the Library and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 32217) to amend section 2 of an act entitled "An act to provide for the reorganization of the Consular Service of the United States," approved April 5, 1906, reported the same without amendment, accompanied by a report (No. 2144), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest, reported the same with amendment, accompanied by a report (No. 2145), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9426) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, reported the same, together with the views of the minority, with amendment, accompanied by a report (No. 2146), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the Senate (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, reported the same with amendment, accompanied by a report (No. 2148), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Oklahoma, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23806) authorizing the Secretary of the Interior to convey a certain tract of land to the city of Alva, Okla., reported the same with amendment, accompanied by a report (No. 2151), which said bill and report were referred to the Private Calendar.

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 9443) providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States, reported the same with amendment, accompanied by a report (No. 2149), which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington, reported the same without amendment, accompanied by a report (No. 2152), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 29314) granting an increase of pension to John D. Harrell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 32721) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM: A bill (H. R. 32722) to provide for the care of insane, indigent, and dependent persons in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. CREAGER: A bill (H. R. 32723) making appropriation to pay certain Indian claims investigated, found due, and reported to the Department of the Interior; to the Committee on Indian Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 32724) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOCHT: A bill (H. R. 32725) to provide for the removal of the body of the late Maj. Gen. Winfield Scott Hancock from Norristown, Pa., to the national cemetery, Arlington, Va., and for other purposes; to the Committee on Appropriations.

By Mr. PARKER: A bill (H. R. 32726) to provide for the administering of certain oaths by public officers; to the Committee on the Judiciary.

By Mr. SULLOWAY: Resolution (H. Res. 961) authorizing payment of $1,000 to Herman Gauss for services as assistant

clerk to Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. ROBINSON: Resolution (H. Res. 962) calling on the Secretary of Commerce and Labor for a copy of contract between the British Government and American Express Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Resolution (H. Res. 963) authorizing the investigation of the application of pure-food decisions Nos. 110 and 121; to the Committee on Rules.

By Mr. HAMER: Memorial of the Legislature of Idaho, in relation to sections 16 and 36 situated in national forest reserves; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32727) granting an increase of pension to Markus Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32728) granting an increase of pension to Charles F. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32729) granting an increase of pension to Samuel Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32730) granting an increase of pension to Mary Hurst; to the Committee on Invalid Pensions.

Mr. BARNARD: A bill (H. R. 32731) for the relief of Washington George; to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 32732) granting a pension to Katherine Wise; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32733) granting an increase of pension to Preston M. Emery; to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 32734) granting an increase of pension to Milo A. Tucker; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32735) granting an increase of pension to Bertha A. Mulhall; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 32736) for the relief of the estate of Johnson Miller, deceased; to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 32737) granting a pension to William L. Hicklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32738) granting a pension to Edward W. Hanahan; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 32739) granting an increase of pension to Frederick R. Dearborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32740) granting an increase of pension to John F. Dailey; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 32741) granting a pension to Margaretta B. Hodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32742) granting a pension to Rebecca Pedrick; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 32743) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

By Mr. GRANT: A bill (H. R. 32744) granting a pension to A. J. Morrow; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 32745) granting a pension to Sarah M. Scott; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 32746) granting an increase of pension to Samuel Rothwell; to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 32747) granting an increase of pension to William E. Peters; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 32748) granting a pension to Jenkins Morgan; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32749) granting an increase of pension to Marcus De Lafayette Feuver; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 32750) for the relief of the estate of J. L. Doss, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Communication in the nature of a memorial from Thomas Aurand, of Watseka, Ill., praying for the enactment of legislation to credit homestead entrymen with the periods of residence on former homestead locations which have been canceled on account of illness or injury and the consequent inability of the entrymen to conform to the provisions of the homestead law and acquire patent; to the Committee on the Public Lands.

By Mr. AIKEN: Petition of Saluda Council, Junior Order United American Mechanics, of Pelzer, S. C., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON: Memorial of General Assembly of Ohio, for resolution relative to election of United States Senator by popular vote; to the Committee on the Judiciary.

Also, petition of the American Embassy Association, for H. R. 30888, for embassy buildings abroad; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of Carpenters' Union No. 525, of Coshocton, Ohio, in favor of construction of the battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Branch No. 101, of Newark, and Branch No. 24, of Coshocton, both in the State of Ohio, of the Glass Bottle Blowers' Association, favoring H. R. 29866 and opposing H. R. 27275; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Franklin County Bar Association, against pending bill for holding the circuit and district courts of the southern district of Ohio at Portsmouth; to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petition of United American Mechanics, of Barnesville, Ga., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Plankinton, Aurora County, S. Dak., for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Metal Industry, of New York, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. CARY: Resolution adopted by the Wisconsin Commandery of the Military Order of the Loyal Legion of the United States, protesting against the proposed abolition of pension agencies; to the Committee on Invalid Pensions.

Also, resolutions adopted by Local No. 35, Coopers' International Union, Milwaukee, Wis., protesting against the construction of the battleship *New York* by private contractors; to the Committee on Naval Affairs.

Also, letter from the International Association of Machinists, protesting against the construction of the battleship *New York* by private contractors; to the Committee on Naval Affairs.

By Mr. CASSIDY: Memorial of the House of Representatives of Ohio, for passage of joint resolution relating to election of Senators by popular vote; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Frederick A. Brown; to the Committee on Invalid Pensions.

By Mr. COCKS of New York: Petition of citizens of New York State, favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Ohio: Petition of Local No. 104, of Dayton, Ohio, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of the Middletown (Ohio) Trades and Labor Council, favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

By Mr. DALZELL: Petition of Waynesboro Council; Pride of the Valley Council; Annette Council; Rock Council, of Glen Rock; Crystal Council; Penn Council; Painterville Council, of New Stanton; Newton Council; Spring City Council; Mountain Rose Council; Yohoghany Council, No. 255, all of Junior Order United American Mechanics; Brotherhood of Carpenters, of Harrisburg; Hair Spinners' Union, of Philadelphia; United Brotherhood of Carpenters, of Forest City; and Brotherhood of Painters, of Sharon, all in the State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Paper to accompany bill for relief of Peter Golden; to the Committee on Invalid Pensions.

Also, petition of Frank Unrath and other citizens of Iowa, favoring the building of a battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DENBY: Petition of O. H. Mullen and others, requesting the construction of the battleship *New York* in a Government yard; to the Committee on Naval Affairs.

Also, petition of P. H. McMillan and Truman H. Newberry for Senate bill 5677, efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DODDS: Petition of citizens of Montcalm County, Mich., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Sumner Grange, and Rollin A. Wood and nine others, of Gratiot County, Mich., favoring extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of the Assembly of the State of New York, demanding the continued construction of the battleship *New York* in the Brooklyn Navy Yard, as per the law of 1910; to the Committee on Naval Affairs.

By Mr. MICHAEL E. DRISCOLL: Petition of Onondaga Council, No. 10, Junior Order United American Mechanics, of Syracuse, N. Y., for the illiteracy clause in bill to restrict immigration; to the Committee on Immigration and Naturalization.

Also, petition of citzens of Hamilton, Madison County, N. Y., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DUREY: Petition of Merchants' Association of New York; Chamber of Commerce and Manufacturers' Club, of Buffalo; Board of Managers of the New York Produce Exchange, all in the State of New York, for Canadian reciprocity; to the Committee on Ways and Means.

Also, memorial of the Legislature of New York and Board of Aldermen of New York City, against building of battleships in private yards; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of citizens of Wisconsin, for extension of the parcels-post system and for choice of Senators by the people, and other legislation; to the Committee on the Post Office and Post Roads.

By Mr. FLOYD of Arkansas: Petition of W. T. Gann, against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of Washington Camp No. 415, Patriotic Order Sons of America, of Mount Pleasant Mills, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of citizens of Coal City, Ill., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of American Protective Tariff League, against revision of the tariff schedule by schedule and a tariff commission; to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Frederick J. Willack and other citizens, against advance in postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON: Petition of Ministerial Association of Dowagiac, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Elevator Constructors' Local No. 8, of San Francisco, Cal., urging that the battleship *New York* be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HIGGINS: Petition of Edward S. Swift, of New Haven, Conn., against an investigation by Congress of the wireless telegraph business; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stonington (Conn.) Grange, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Cannon Grange, No. 152, of Cannon; Fairfield County Grange, of Westport; and Watertown Grange, all in the State of Connecticut, against the Senate plan for parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Irish-American citizens of Bridgeport, Conn., against the Anglo-American agreement; to the Committee on Foreign Affairs.

Also, petition of Frank Griffen and others, of Bridgeport, Conn., for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HOLLINGSWORTH: Petition of Hartze Paper Manufacturing Co., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of Albert G. Jenkins; to the Committee on Pensions.

Also, paper to accompany bill for relief of John T. Waters; to the Committee on War Claims.

By Mr. HOWELL of Utah: Petition of B. Y. Benson and others, of Trenton, Utah, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: House joint memorial No. 4, of Idaho, for liberal appropriation to advance knowledge in irrigation; to the Committee on Appropriations.

Also, House joint memorial No. 10, of the State of Washington, favoring Senate bill 9476, relative to pensions; to the Committee on Invalid Pensions.

Also, petition of citizens of Washington, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of residents of Ferndale, State of Washington, against Senate bill 404, Sabbath observance in the District of Columbia; to the Committee on the District of Columbia.

Also, House joint resolution No. 2, Against United States control of fisheries within jurisdiction of the State of Washington; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFEAN: Petition of Washington Camp No. 315, Patriotic Order Sons of America, of Saginaw, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Adams County Agricultural Association, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petition of Washington Camp No. 201, Patriotic Order Sons of America, of Shamokin (Pa.) R. D. No. 1, urging upon Congress the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp No. 38, Patriotic Order Sons of America, of Aristes, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of 51 residents of Bridgehampton and Custer Townships, Sanilac County, Mich., against the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of business men of Weeping Water, Elmwood, Louisville, Unadilla, Syracuse, Palmyra, and Bennet, Nebr., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nebraska, for the Cummins bill S. 3776; to the Committee on Interstate Commerce.

Also, petition of citizens of Nebraska, for the eight-hour law and construction of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. MILLINGTON: Protests of delegates to the New York State Grange from Herkimer County, N. Y., against ratification of the proposed reciprocity treaty with Canada; to the Committee on Ways and Means.

By Mr. NICHOLLS: Petition of Washington Camp No. 430, Patriotic Order Sons of America, of Scranton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of Business Men's Association of Boston, Charlestown Improvement Association, and International Association of Machinists, for construction of revenue cutters in the Charlestown Navy Yard; to the Committee on Naval Affairs.

Also, petition of several wholesale merchants of Boston, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Boston Fruit Produce Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. A. MITCHELL PALMER: Petition of citizens of Pottsville, Pa., for battleship construction in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Lodge 119, Pittsburg; Local Councils Nos. 100, 700, 514, and 558, Junior Order United American Mechanics; and Washington Camp No. 473, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bangor Local Center, Luther Leagues of the United States, for protection of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. PEARRE: Petition of Francis S. Key Council, Govans, Md., Riverside (Md.) Council, and Arundel Council, Odenton, Md., Junior Order United American Mechanics; Riverside Council, Daughters of America, Baltimore, Md.; and Washington Camp No. 17, Patriotic Order Sons of America, Frederick, Md., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Petition of Mrs. J. N. Hudgins, for granting of certain property to city of Hot Springs for a public park; to the Committee on the Public Lands.

By Mr. SMITH of Iowa: Petition of citizens of Adair, Cass, Guthrie, Harrison, Audubon, Montgomery, Mills, Pottawattamie, and Shelby Counties, in Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SPERRY: Resolutions of the Butterworth Progressive Republican Club, of New Haven, Conn., favoring the reciprocity treaty with Canada; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of citizens of Paonia, against House joint resolution 17, Sunday rest bill; to the Committee on the District of Columbia.

Also, joint resolution of Legislature of the State of Colorado, favoring the passage of resolution proposing amendment to the Constitution of the United States for the election of United States Senators by direct vote of the people; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Connecticut State Grange, Cannon, Fairfield County, Pomona, and Watertown Granges, for a satisfactory parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Washington Camps Nos. 61, 2, and 141, Patriotic Order Sons of America, of Flemington, N. J., Washington, D. C., and Hopewell, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Hamilton Grange, No. 79, of Hamilton Square, N. J., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. YOUNG of New York: Petition of F. C. Figer and other citizens of Brooklyn, N. Y., against withdrawal of construction of the battleship *New York* at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, concurrent resolution of New York State senate and assembly, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 12, 1911.*

The House met at 12 o'clock noon and was called to order by Mr. GREENE, Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for all the disclosures Thou hast made of Thyself, especially for the Gospel, the glad tidings of great joy, which fell from the lips of the Master, inspiring the hearts of men with faith in the eternal goodness of God and the unbroken continuity of life. "*Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions; if it were not so, I would have told you. I go to prepare a place for you.*" Blessed words, which lifts the veil, points the way, removes the sting of death, comforts the sad and bereaved heart.

We are here to-day in memory of two distinguished men, strong in mentality, lofty of purpose, clean in character, called by their fellow citizens to service in their respective States and in the National Congress, who in every station of life acquitted themselves with credit and honor. They have passed on into one of the Father's many mansions. May the record of their lives be an inspiration to us and to those who come after us, and grant that their loved ones may go forward with perfect faith in—

That God, which ever lives and loves,
One God, one law, one element,
And one far-off, divine event,
To which the whole creation moves.

Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. MITCHELL, by unanimous consent,

Ordered, That Sunday, the 12th of February, at 12 o'clock, be set apart for addresses on the life, character, and public services of the Hon. CHARLES QUINCY TIRRELL, late a Representative from the State of Massachusetts.

On motion of Mr. TAYLOR of Colorado, by unanimous consent,

Ordered, That on Sunday, February 12, 1911, the delivery of eulogies on the life, character, and public services of the Hon. CHARLES JAMES HUGHES, Jr., late a Senator of the United States from Colorado, shall be in order.

EULOGIES ON THE LATE REPRESENTATIVE CHARLES QUINCY TIRRELL.

Mr. MITCHELL. Mr. Speaker, I offer the following resolutions (H. Res. 966), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CHARLES QUINCY TIRRELL, late a Member of this House from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. MITCHELL. Mr. Speaker, it is my melancholy privilege to supplement the resolutions just offered with a brief summary of the life, the character, and the public services of my predecessor.

CHARLES QUINCY TIRRELL was born in Sharon, Mass., December 10, 1844, of a distinguished family of New England, so rich in names that illumine the pages of the Nation's history. While a mere lad, with his parents, he moved from his natal town to Westfield. In 1862 he entered Dartmouth College, and graduated from that institution in 1866. He started his career in the world's activities, as did many of our American statesmen, by teaching school. He was principal of Peacham Academy, at Peacham, Vt., for one year, and the following two years the principal of the high school at St. Johnsbury, Vt. But his ambition ran in a different line and he began the study of law, which was to be his life work, in the office of Richard H. Dana, jr., and in August, 1870, he was admitted to the Suffolk bar in Boston. He opened an office in that city at once, and here successfully followed his profession to the time of his death. At the bar he won a place and a name for himself as an active, an upright, and a high-minded practitioner. He tried many important cases, and he acted as trustee of a large number of estates, including some of considerable magnitude and diverse character. His entire career at the bar was marked by a degree of fidelity, of strict integrity, rigid honesty, and thoroughness that made him honored and respected by his brother members, and sought after and trusted by those who had confided their affairs to him. This upright man never betrayed any trust or did aught but bring honor, luster, and distinction to the bar of which he was an honored member.

In 1873 he married Mary E. Hollis, of Natick, and at once removed to that town. Here it was that he lived the balance of his life. He became identified with every interest of the town that tended to the advancement and the betterment of the institutions, the industries, and the individuals that go to make this splendid, typical, progressive New England town. He had come to the town with some experience in public affairs. From his earliest manhood he had shown a lively interest in such matters, and in 1869, while a resident of the town of Weymouth, he had been elected a member of the school board and had served up to the time of his removal to Natick. Espousing the cause of the Republican Party with which he had identified himself on attaining his majority, and in which party he came in the fulness of time to occupy a prominent part, in 1871 he was elected to the general court. So active was the interest which he manifested in public questions that in 1880 he was elected to the Massachusetts senate, and served two terms in that body. He played a prominent part in the upper chamber, his training, his experience, and his great zeal and industry making him a valuable member of the important committees to which he had been assigned. In 1888 he was a presidential elector. His interest in town affairs never flagged, and for many years he was the honored moderator of the Natick town meetings, being frequently unanimously chosen.

One phase of his interest in public questions was his lifelong devotion to the cause of temperance. He always believed that this moral question was so closely related to the public welfare that this energetic man took more than a passive interest in this question, and actively identified himself with the Grand Temple of Honor and Temperance and with the Massachusetts Total Abstinence Society. He held office in both of these organizations. His heart was in the work, and the friends of the temperance movement mourn his loss and find it hard to fill his place.

He was also actively interested in the Independent Order of Odd Fellows, and step by step advanced to the highest position in the State organization, and later was its representative to the Sovereign Grand Lodge.

It was a remarkable trait in the character of Mr. TIRRELL that he was never content to stay in the ranks. His untiring energy, his close application to the work at hand, his sincerity, and his real worth all combined to make and to mark him for leadership in many branches of human effort.

The attention of the citizens of the splendid fourth district in Massachsetts was more and more being attracted to CHARLES QUINCY TIRRELL, educator, lawyer, business man, and public servant, and in 1900 he was signally honored by being chosen to membership in the Fifty-seventh Congress. From that time to the Sabbath morning, July 31, 1910, when the messenger of death summoned him to his reward, he gave the best that was in him to his district, to his State, to his Nation, and to mankind.

It is not my province to dwell at any length upon the services of my predecessor in this body. His colleagues and associates of years are here assembled to attest by presence and by voice

the nature and the value of those services. He had entered upon his membership in this body with wide experience and training in business and in politics and with an aptitude and a love of State and Nation that well qualified him to take his place here.

He represented a constituency unsurpassed in our fair land. Many elements entered into its composition. Its toiling thousands in factory and in mill, its skilled artisans, its sturdy farmers exacting from hard rugged soil with burdensome labor nature's diversified products, its busy merchants, its educators, and captains of industry, all the ramified branches and varied activities that go to make an agricultural and manufacturing district were represented by him.

Aye, more! He represented the high ideals, the best traditions, the patriotic spirit of a people that from the very beginning of the establishment of this Republic had made their impress and given an impetus, aye, led the way to the building of the Nation. This son of old Middlesex, rich in its history, proud of its heritage, came as its accredited Representative to the Nation's capital.

No district in the grand old Commonwealth has within its confines more to inspire, to ennoble, and to uplift the citizen, the legislator, the Representative to lofty, to unselfish, and to patriotic service. The past appealed and the present and future beckoned him on to high endeavor. With such ideals and a fitting conception of the dignity, the duty, and the responsibility of the high office, he took his place here. No obstacle was placed in his way by the people of his district during his many years of service.

As the campaign was opening for the recent elections Mr. TIRRELL, somewhat impaired in health by strict attention to duties and by the infirmities incident to age, voluntarily relinquished his candidacy for nomination and informed his congressional committee that he would not again be a candidate for office. His life work had been finished. On the day following the announcement that he had retired forever from political life he quietly, in the presence of his family, passed out of this world. What a happy ending to the life of one who had never known an idle or a wasted day!

> And death is beautiful as feet of friend
> Coming with welcome at our journey's end.

CHARLES QUINCY TIRRELL, loving husband, dutiful father, good citizen, honest and faithful public servant, Christian gentleman, had passed beyond to—

> That undiscovered country, from whose bourn no traveler returns.

At a time when the fierce light of publicity beat down upon every public man, CHARLES QUINCY TIRRELL exposed to the world a spotless character, a clean heart, a perfect record, and an unblemished reputation.

Small wonder it was that the people of his district—the laboring man, the old soldier, the farmer, the devoted wife, the only son—all joined in mourning his departure and in paying tribute to the memory of this good man.

The greatest and best and most enduring monument to CHARLES QUINCY TIRRELL is erected upon the foundation laid by himself, of industry, of truth, of integrity and Christianity. His life of great usefulness has ended, and he has passed beyond to a better home and resting place; but as long as the great Republic endures, in the annals of this House will be recorded the life, the work, the achievements, and the usefulness of this true, loyal, and patriotic American, here to be an incentive and an inspiration to noble endeavor and lofty effort to all his countrymen whom he loved so well and served so faithfully and loyally.

Mr. GILLETT. Mr. Speaker, I knew Mr. TIRRELL many years before he came to Congress, but our acquaintance had been very slight and had given me no insight at all into his real qualities and abilities. He was so modest and unassuming in manner and appearance that it required time to appreciate him, and I am confident that those who never had occasion to go below the surface underestimated him. When, however, you were brought into intimate contact with him and saw his mental machinery in action you discovered that it was an engine of unusual power and precision. His mind was clear, straightforward, and penetrating; he was businesslike and methodical. He gave to his work unflagging industry, and his opinions always deserved, and, in this House, always received, respect. I am sure the members of his committee will testify that he was a most valuable colleague, for it was in such careful, painstaking legal work that his qualities would be most useful and effective. But he was a clear and forcible speaker, his manner was vigorous and engaging, and in the running debate of the House he was well qualified to hold his own against all comers. He was a most kindly, warm-hearted, obliging friend, always glad to do a service, and with a cordial and amiable manner that endeared him to all who knew him well. The suggestion of my colleague, that he graduated from Dartmouth, suggested to my mind the query, How many of the Massachusetts delegation were college graduates? And I think there are 10 of the 14 in this Congress—three from Harvard, two from Amherst, two from Dartmouth, one from Boston College, one from West Point, and one from Annapolis—which would seem to indicate that in Massachusetts at least the value of higher education is appreciated and does not carry with it any tinge of unpopularity.

Mr. TIRRELL is the seventh Member of Congress from Massachusetts in whose memorial services in this Chamber I have participated since I came here, and it brings home again today the sad uncertainty of friendships and associations, and "what shadows we are and what shadows we pursue."

Mr. PARKER. Mr. Speaker, my knowledge of CHARLES QUINCY TIRRELL was close, because he was the ranking member of the committee of which I have the honor to be chairman. To his subcommittee was referred the whole category of bills relating to the jurisdiction, practice, and procedure of United States courts. In presiding over that subcommittee, composed of one-third of the main committee, he was untiring, earnest, and devoted. The House will remember the care that he gave to the amendments to the bankruptcy act, perhaps the last matter that he brought prominently before the House, and in which, because of my absence, he took charge of all proceedings on a calendar Wednesday during the entire day. His mind, as has been stated, was systematic, careful, and accurate. His thoughts and opinions were his own. He would support them by reasons, but he gave way to no one else when he had once made up his mind. Quiet, seemingly timid as he was, he carried with him that greatest of all possessions, a mind of his own.

It was sad that just as he came to possession of real control—in the committee and in the House—his health had so broken that it could be seen at all times that he did not feel confident about himself. He had had some sort of an attack a year before of which he told no one. The fear of another hung over him, so that he had made up his mind to retire from public life and go back to and live quietly with those he loved in his own home. He had written a letter stating this as his determination, and I think it was only the next day that the stroke fell upon him; a stroke that was a surprise to all his friends and a surprise to his people.

I need only add that when I heard the news and went to his funeral I found every office and every shop closed. The people of the whole town turned out, some in procession and some at the house, to do honor to the citizen and friend that they had lost.

In the newspaper of that town on the next Friday (the Natick Bulletin, Aug. 5, 1910) appeared a short article with reference to him that I think may well go into the RECORD:

> In the death of Congressman TIRRELL the Nation loses an honest and painstaking public servant, the State an able defender of its rights, and the town of Natick a friend who ever had its best interests at heart and who, next to Henry Wilson, was its most distinguished citizen.
>
> We doubt if the real greatness of CHARLES Q. TIRRELL was generally known, even to his own townsmen. His was not the greatness which looks for public applause, but of the kind which comes from honest service well performed. He loved public life not because of the personal prestige which came, but because he could render a service to his fellow men, and he devoted his whole energies in their behalf. He was a man of the people, and the humblest received from him the same consideration as the wealthiest, and he was a willing helper, in every just cause.
>
> His was a simple life and cared but little for display, and the simple but impressive obsequies were in accordance with what was believed to be his wishes.
>
> In the common acceptance of the term he may not have been a great man, but in faithfulness of public service, loyalty to his State, and his interest and devotion to his town and his friends, no man stands higher in the estimation of the people; and the best eulogy that can be pronounced upon him is that his was the greatness which comes from duty well performed and the goodness which comes from a life devoted to the best interests of humanity.

Mr. WEEKS. Mr. Speaker, in recent years Massachusetts has been represented in the House of Representatives by 11 Republicans and three Democrats. Of the 11 Republicans who were serving at the beginning of the Fifty-ninth Congress eight are still here and have been elected to the next Congress, an indication, I think, of the consistency of the average Massachusetts constituency, and possibly of the confidence which their constituents have in these Representatives as individuals. The vacancies caused in the three cases in which changes have taken place have been due not to the retirement or defeat, but to the death of the sitting Member. Hon. Rockwood Hoar, of the third district, died on the 1st day of November, 1906; Hon. William C. Lovering, of the fourteenth district, died on the 4th day of February, 1910; and Hon. CHARLES Q. TIRRELL, whose memory

we now officially mourn, and who was serving his fifth term in Congress, died suddenly on the 31st day of July, 1910.

Service in Congress is of two kinds. First, there is the service which represents the direct interests of one's constituents, which includes the multitudinous duties relating to the different occupations of the residents of a congressional district. It involves a large correspondence, frequently as many as 50 letters a day, many of which are of such character that they necessitate visiting a department, or making elaborate inquiry, before a reply can be made; the attention to the wishes of one's constituents in the many varieties of legislation which are pending; the special care of those who are interested in pension legislation; questions relating to post offices and the postal service; and an endless number of similar matters or matters of smaller moment, all of which need much attention, and in some districts require substantially all of the Member's time.

Secondly, there are the matters of large public importance, like general appropriation bills, legislation relating to the subjects which are treated in national platforms, consideration of the recommendations of the administration, not only the executive, but the different departments; legislation relating to our military establishment, and many other similar questions which affect the whole country rather than one's congressional district. Occasionally these questions bring one into conflict between what seems to be a general requirement and a local necessity, but, in any case, it becomes necessary for a Member of Congress to not only be a special representative of the 200,000 or more people who are responsible for sending him to Washington, but also, if he is going to reach a position of influence, he must, to a greater or less extent, specialize, which means that he devotes much of his time to the work connected with the important committees of which he may be a member, so that he becomes familiar with, and even a specialist in, that particular work.

Mr. TIRRELL filled both of these requirements. Very few men in Congress with whose work I have been familiar have given more detailed attention to the needs of their districts than he did. One Member can never know just what another is busying himself about, but I had sufficient knowledge of his work to feel convinced that the slightest request of those whom he represented was given his personal attention, so that, as a direct personal representative, he should have been most satisfactory to the people of his district. In addition to that, however, he found time to devote to matters of importance not relating to his district. He served for many years on the Committee on Claims, a committee to which is sent a large number of bills, all of which require minute investigation before one can be confident that he is in a position to properly protect the Government and at the same time to do justice to the applicant. It is, in a sense, a thankless service; for, while it does not ordinarily bring a Member into prominence, it requires as much detailed work as a membership in almost any committee in the House—work which must be performed by men who are conscientious, clear-headed, and who have a judicial temperament.

I feel sure that Mr. TIRRELL filled these requirements in his service on this committee. He was also associated, for many years, with a more important committee—in fact, one of the most important in the House—the Judiciary. To this committee, also, there is sent a large volume of legislation, much of which affects the most important interests, to which must be brought not only tireless industry but a legal knowledge of the first order. It is the kind of service for which a lawyer having a large general practice would be qualified. Mr. TIRRELL'S whole practice had been, not of a specialized order, but in connection with business matters of a varied character, so that he was naturally familiar with very many of the questions which came before the Judiciary Committee, and this familiarity made him at once a useful member. It is with these things that those of us now serving in Congress are most familiar, and to which we can testify from our own knowledge, but for many years before he came to Washington he had seen varied service, political and otherwise. He had served in our State legislature, both as a representative and senator, and, as a lawyer, had been connected with many important matters, representing large interests as an adviser and in the courts. All of this training which he had before he came to Congress was of value to him here, and was undoubtedly the reason why he served so long and so largely to the satisfaction of the people of Massachusetts, and especially of his own district. Members of the House will readily recall that he was a most approachable man, ready to accommodate himself to conditions as they arose, firm in his political faith, an ardent advocate of the protection policy, prepared at a moment's notice to defend this faith, and especially the value of this policy to the various interests in his district; and such was his devotion to duty that he worked diligently in his congressional service long after it was apparent to those in close touch with him that he should have given up his active duties and taken a long rest. Always a comparatively frail man, in the last months of his service here it was noticeable that his physical energies were overtaxed; but this did not deter him during the session of Congress, when he was able to be present, from performing his usual duties. The last time I saw him was at a meeting of one of the political clubs in Massachusetts, during the month of July, and I felt then that, unless he was willing to give up his active work and attempt to rebuild his health, he would not be long able to continue his service. Notwithstanding this feeling, however, I was greatly shocked to receive, while making a trip through the West, a telegram stating that he had passed away. I received this news with the feeling that his party had lost a trusted adviser, that those immediately associated with him had lost a good friend, and his constituents a Representative whom, in most respects, it would be difficult to replace.

Mr. WASHBURN. Mr. Speaker, I regret that my engagements have been such that I have been unable to make any preparation for the services of this day. What I say will be suggested by the inspiration of the moment and a simple reflection of my estimate of the character of our departed friend.

But, Mr. Speaker, the mere fact that a few of his more intimate associates are gathered to-day in this historic Chamber is in itself a somewhat impressive tribute to his memory—in this Chamber which for upward of 50 years has been the center of the political activities of this country during a most wonderful epoch in its history, and during which time a far greater number of its membership have passed "to that mysterious realm" than are now living.

My intimate acquaintance with Mr. TIRRELL began with my service in this House. I have noted with interest that he was a graduate of Dartmouth College, and the mere mention of that name recalls to us the greatest and most distinguished of her sons who served in both branches of the Congress where he won imperishable fame, and who made the name of his college immortal by his championship of her cause in the Supreme Court of the United States. And I am reminded now that no more discriminating estimate of his character and ability has ever been made than that by our distinguished colleague, Mr. MCCALL.

It has been said by some one, Mr. Speaker, that "genius consists in an infinite capacity for taking pains." If that be true, I think we may justly say that our departed friend had some of the attributes of true genius, because I should say that the quality that most impressed those of us who knew him was the careful, diligent, and painstaking consideration which he gave to every question, large or small, upon which it was his duty to pass. Courteous, obliging, of a friendly disposition, he had endeared himself, and justly, to his associates, and yet his desire to harmonize his views with those of his party never prevented him from standing firmly for what he believed to be right, and on more than one occasion led him to disagree radically with friends whose opinions he highly valued.

I suppose, Mr. Speaker, that in estimating a man's character we may justly ascribe the greatest praise to that character which is so well rounded as to adequately and completely respond to the varied duties which every man in this world is obliged to face, and my acquaintance with our friend leads me without hesitation to say that he was always loyal to his country, to his church, and to his family, and that he never failed in performing to the fullness of his ability the exacting requirements imposed in all of these relations.

Mr. TIRRELL represented, Mr. Speaker, a Massachusetts district rich in historic associations. It was there that Eliot labored among the Indians, and it was in that immediate vicinity that much of the earliest history of New England was made. Our friend never failed to appreciate and to be proud of that fact, and he was equally alive to his responsibilities as a representative of the later development of our industrial activities which have entirely transformed the character and the occupations of our New England people.

Mr. Speaker, I regard it as a privilege to be permitted to say these few words as a modest tribute to our departed friend, whose memory I am sure we shall always carry with us as one of the most grateful we have had in connection with our service in this House.

Mr. LAWRENCE. Mr. Speaker, for the second time during the Sixty-first Congress the Members of the Massachusetts delegation have been saddened by the loss of a beloved and respected associate. It seems but a few days ago that we were gathered together in this Hall to pay tribute to the life and

character of William C. Lovering, and now, death having again invaded our ranks, we have met to give expression to our sincere sorrow at the passing from us of another friend and colleague—CHARLES Q. TIRRELL. Both were true and tried sons of Massachusetts. Both had successfully stood that most trying of all tests, the test of service. Many years of earnest and patriotic effort had won wide recognition and generous appreciation. Throughout our Commonwealth there is regret, deep and genuine, at the loss of these two faithful public servants.

During the sad exercises held in honor of Mr. Lovering, one of the most thoughtful addresses was made by the man who was so soon to follow him. Let me quote a few sentences. Mr. TIRRELL, in speaking of Mr. Lovering, said:

> He was not easily discouraged. He did not drop a matter because the majority were against him. He returned again and again to the charge. If his original proposition was voted down, again it would appear, perhaps in a changed or modified form, and be pushed forward with enthusiasm. If defeated, it did not discourage him, but stimulated him to renewed effort under different conditions. He had been taught the valuable lesson of patience and of untiring work.

Well may these words be spoken of him who uttered them. CHARLES Q. TIRRELL had indeed been taught the valuable lesson of patience and untiring work. He was simply indefatigable in attention to his legislative duties and to the needs of his congressional district. He never spared himself, not even when his health became impaired and unremitting labor brought pain and exhaustion. He, too, was not easily discouraged, and he rarely met with defeat. Mr. TIRRELL was a man who not only worked, but who accomplished results. And his whole record in Congress will be remembered because of things done.

I suppose his best work was done in the Committee on the Judiciary. There his fine legal mind and his long and varied experience counted for much. One thing can not be said too often, that in grappling with difficult and perplexing problems within the jurisdiction of that committee he never thought for an instant of political consequences. He did what seemed to him to be right, and was apparently indifferent to the results upon his political fortunes. His courage was recognized by his associates upon the committee and in the House, and he was always held in high honor therefor.

I shall not attempt to-day to speak in detail of the life and public services of our friend. That has been done effectively by his successor and by other Members of the House especially qualified to bear testimony to the usefulness of that life and to the high quality of that service by many years of intimate companionship and by ties of a common service. There is really little occasion for me to say anything. And yet, I would not let this occasion pass without speaking of my admiration for his many fine qualities of mind and heart, of my affection for him, and of my sorrow that he should have been taken from us. Some one has said that "the making of friends who are real friends is the best token of a man's success in life." Then, indeed, was CHARLES TIRRELL'S life successful in large measure. Friends he had, here and at home, who rejoiced in his achievements and who welcomed every opportunity to show that they were real friends.

> Who knows the joys of friendship?
> The trust, security, and mutual tenderness,
> The double joys, where each is glad for both?
> Friendship our only wealth, our last retreat and strength,
> Secure against ill fortune and the world.

Our friend has gone, but we can even now rejoice in the memories he has left. A life characterized by devotion to duty can not fail to be an inspiration during the coming years.

Mr. McCALL. Mr. Speaker, I should speak to-day with very great reluctance if I did not feel that the imperfection and inadequacy of any tribute that I may pay to my colleague were not so well supplemented by the eloquent words which have been spoken by the gentlemen who have preceded me. What I shall say will be only the unstudied word that one friend speaks of another. I knew Mr. TIRRELL many years before he came to Congress. I knew very well his habits of patient industry, of careful preparation in any matter of which he had charge, and I knew his high talent as a lawyer. My colleague, Mr. WASHBURN, has spoken of a very good definition of genius, that it is the quality of taking infinite pains. Mr. TIRRELL certainly had that quality in a very high degree. He was one of the trustees of an important savings bank in Massachusetts, a position that could have no pecuniary attraction for anyone, but which required especially a talent for business and a devotion to the interests intrusted to him, a painstaking care for many details, and a willingness to look after the small savings of working people. He was willing to do such things as that, requiring his own gratuitous devotion to the good of others. He had the spirit of service. When he came to the House of Representatives, he served with great ability and labor upon one of the most undesirable committees of this House, as committees go—the Committee on Claims. I was impressed with the careful way in which he would study the merits, the dry details of the claims that were referred to him, and how judicial and thoughtful his decision would finally be. I know especially of one claim which had been pending for many years, a very just claim, which he unraveled, the merits of which he disclosed, and which was finally passed by both Houses of Congress. His notable service here was rendered upon the Committee on the Judiciary, where he exerted an important and beneficent influence upon the character of our laws.

He was always a man of delicate health, and especially so while he was a Member of this House. It is remarkable that under such circumstances he should have been able to accomplish so much. Some of his speeches made here were models of argument upon the questions he discussed.

He was a man who stood well with both sides of the House. While he was a strong Republican, he had none of the qualities of a narrow partisan. I remember in one of his campaigns, on account of some division among his antagonists, no nomination was made and he received the vote of the great mass of the voters of his district without distinction of party. He was a man for whom a political antagonist under such circumstances might easily vote.

He had a charming personality, and the personal quality that I think of more than any other was his gaiety of spirit. He was always good natured, he always appeared to be unruffled, even when the jest concerned himself. He took a great interest in sports. I believe the day before he died he attended with his son upon an athletic contest. He kept up his interest in all the walks and departments of life.

His passing was a great loss to the delegation. His industry, his patience, his ability, his fine companionship we all appreciated, and it was with very deep sorrow that we all learned that he was no more and that we should not again see him in this Hall and in the charming circle of his home.

Mr. HAWLEY. Mr. Speaker, on the tide of passing years we meet countless multitudes of people as ships that pass in the night. We see a dim form and outline. We know nothing of their content or of their characteristics as they drift from our vision, probably never to be thought of again. But among the multitudes that come and go there occasionally crosses our course some one who attracts us, and finding characteristic qualities that are admirable we draw closer to them as bound on a similar voyage and acquaint ourselves with the qualities that have attracted us to them.

I knew Hon. CHARLES Q. TIRRELL as a member of the Committee on Claims, a most exacting committee, whose duties are difficult satisfactorily to perform. To that body of men are referred the bills introduced by the Members in this House or by the other branch of this legislative body seeking to have justice done to individuals, communities, or to organizations. Ex parte evidence is largely the kind of evidence submitted. It is the custom of the committee to seek such information and evidence as may be available anywhere or in the departments of the Government, but largely the evidence is ex parte. To weigh the evidence submitted and inquire thoroughly into the propositions made, to do justice to all claimants who present their claims to the consideration of a great Government, is not an easy task.

Mr. TIRRELL, the ranking member of the committee, chairman of one of its subcommittees, was painstaking and indefatigable in labor. Faithful in the committee room, thoroughly acquainted with every bill referred to his subcommittee, diligent and careful in the examination of all the papers submitted, he endeavored to do that which was right between the Government and its citizens.

Service on that committee is difficult in another way. People, claimants, confident of the justice of their claims, present themselves before it and appeal to the sympathies and to the tender-heartedness of the members. No one could ever have said that Mr. TIRRELL was without sympathy; and at heart he was one of the kindest of men; but it became necessary several times for him to take a position contrary to some claimant's contention, a very painful thing for him to do; but with gentleness equal to that of a woman and with a justice as great as that of Solomon's he explained to them the reason for his action. It takes a man of considerable strength of character and manly fiber to do the right thing at all times and in the right way. In the four years' service of Mr. TIRRELL on that committee I can not recall an untactful word, an unkind sen-

tence, or any statement that left a sting. In thinking of him, I think of the advice that Polonius gave to Laertes:

Give thy thoughts no tongue,
Nor any unproportioned thought his act.
Be thou familiar, but by no means vulgar.
The friends thou hast, and their adoption tried,
Grapple them to thy soul with hoops of steel;
But do not dull thy palm with entertainment
Of each new-hatched, unfledged comrade. Beware
Of entrance to a quarrel; but, being in,
Bear't that th' opposed may beware of thee.
Give every man thine ear, but few thy voice;
Take each man's censure, but reserve thy judgment.
* * * * *
This above all,—To thine own self be true;
And it must follow, as the night the day,
Thou canst not then be false to any man.

In the death of this distinguished Member from Massachusetts the public has lost a faithful and effective soldier of the common good. If all of his acts were taken and written down, I think those who loved him most and knew him best would have little cause to grieve—so clean his life, so clear his purpose, so just his motives and his action.

On this day, hallowed by the birth of the greatest American ever born under the flag, it may not be inappropriate to step aside for a minute and speak a word concerning American character. Worthy human character is everywhere the greatest purely human thing in the world. And when—

The cloud-capp'd towers, the gorgeous palaces,
The solemn temples, the great globe itself,
Yea, all which it inherit, shall dissolve;
And, like this insubstantial pageant faded,
Leave not a rack behind—

worthy men and women shall shine in fadeless immortality.

In his Ethics of the Dust, Mr. Ruskin uses this illustration: Go near a manufacturing town; take from the hillside or from the pathway a handful of the common earth. It will be composed of sand, of clay, or soot, and of water, a mass that mars and disfigures everything it touches. Separate these four elements. Taking the clay first, give it a little training, a little development, a little opportunity, and it becomes the common brick from which we build houses. With a yet higher development, a little greater opportunity, it becomes the porcelain, and with still further development it passes into the finer chinas, and on through subsequent stages of development, if it has its opportunity and will submit to the tests, until it finally becomes a sapphire, blue as heaven's arch and symbol of truth and faith. The sand will make such glass as this [indicating the skylight], or common glass, or glass worth more than its own weight in gold; but in its highest form and with its greatest opportunity for development it becomes the opal, lit with iridescent fires. The black soot, marring and soiling everything it touches, if given its full opportunity of development, becomes the white diamond, fit to adorn the brow of beauty or the hand of power. And so this marring and distasteful mass, taken from the hillside, if allowed to develop, becomes a diamond, an opal, a saphire, set about a star of snow.

America is the conflux of all the races. Each race has brought its several aptitudes to this country, and out of the opportunities here afforded there have been developed from time to time men and women of such character, attainments, and services as to become the admiration of the world. Down in the cabin on the hillside of the Alleghenies and up in a place in Massachusetts, on their several days of birth, were born little handfuls of human clay. No one stood by those cradles to presage the development that would come. Out of adversity, out of seeming impossibilities, out of very opposition itself, Lincoln rose by the refinements that he submitted to and from the development that he sought, as did the elements of this handful of earth of which I have spoken, to be The Great American, "The foremost men in all the tide of time;" and the man in whose solemn memory we hold this service today, by similar means, by purity of devotion and purity of heart and integrity of purpose, rose in your heart and in mine and in the hearts of his constituents to a high and holy place, because he worthily did his work and faithfully availed himself of his opportunities.

But he has concluded his work. We have missed him seriously in the Committee on Claims. We have lacked many times the soundness of his judgment and the sobriety of his reasoning. With his departure the Government and the people have suffered a distinct loss. But that which is our loss is the gain of some other world.

Man, as it was said once before in the halls of Congress, is the center of a circle whose fatal circumference he can not pass. Within its confines he is omnipotent, but outside of it he perishes, and if any human life, even the longest and most fortunate, is not supplemented hereafter by a fuller life, then we are of all creatures the most miserable, and those who fear to die should dread to live, for life would be a tragedy more dark and inexplicable than death.

What a piece of work is man!
How noble in reason!
How infinite in faculty!
In form and moving, how express and admirable!
In action, how like an angel!
In apprehension, how like a god!
The beauty of the world.

Such men as he whose solemn memory we commemorate today lead us in the words of the great singer to this:

There is a God who lives and loves,
One God, one law, one element;
And one far-off divine event,
To which the whole creation moves.

Mr. O'CONNELL. Mr. Speaker, once again the Sixty-first Congress is called upon to pay honor to the memory of a Representative in this House from the Commonwealth of Massachusetts. The loss of two Congressmen within a year brings us rather abruptly to the fullest realization of the uncertainty of this life. The death of Mr. Lovering, who represented the fourteenth district, left a big gap in the Massachusetts delegation, for as the Nestor of this group of men, with his years of practical wisdom and wide experience, he greatly strengthened and dignified the position of the Old Bay State in this council chamber of the Nation. Mr. Lovering's death was comparatively sudden, although his advanced years might have justified a fear that his remaining years might be few. But the unlooked-for summons of Mr. TIRRELL was a real shock, taking him from us, as it did, in the fullness of his matured wisdom and years, when we all felt that there were yet before him many years of honor and important advanced work. His loss to Massachusetts was acknowledged on all sides by the sincere evidences of sorrow everywhere displayed in his district when it became known that he had passed away. We mourn him as a colleague, but I also mourn him as a friend.

He was a man who had won my respect and confidence, merited, I believe, in the fullest degree. Mr. TIRRELL was my senior by many years, and when I came to the bar in Boston to practice law he was then one of the best known trial lawyers, and engaged in a very large practice. Among his best clients was a large corporation, much of the business of which was with small contractors and builders. Some of these were careless and improvident, and among them one who became a client of mine. A dispute arose between my client and that of Mr. TIRRELL. The directors of the corporation were men of very little sentiment and were accustomed to exacting their pound of flesh regardless of consequences. It seemed to me that my client was right, although from the standpoint of the corporation he had no rights at all. Long litigation would be necessary before my client could prevail, entailing large expenditures for experts and the cost of the protracted hearings. This naturally left him at a tremendous disadvantage, for his wealth consisted practically of a very large family, all of tender years. Good ethics and morals, aside from the equity of the question involved, convinced me that the corporation would do a grievous wrong in resisting my client's claim. I called upon Mr. TIRRELL and discussed the question with frankness. My appeal to him for simple justice impressed him, and in a few days he wrote me stating that his clients had accepted my view, and a speedy settlement followed.

This in itself was commendable, but, of course, not altogether extraordinary; but when I ascertained some months later that Mr. TIRRELL had been unanimously overruled by the directors of his client, who insisted on taking advantage of the policy of might over right to defeat the ends of justice, despite Mr. TIRRELL's advice, only to be told by him that he would no longer represent them if they pursued such tactics, then, indeed, did my admiration for the man assert itself, and for eleven years since that time I have continued to honor and respect him as a lawyer, gentleman, and high public official. Further, I believe it was such sterling characteristics that endeared him to the many friends in all ranks of life who knew him and who became his loyal, steadfast supporters in public life. Like his colleague, Mr. Lovering, he had differed with the leaders of the Republican Party in Massachusetts on matters of policy and party action. This aroused angry feelings on the part of powerful interests in his district, who would have retired Mr. TIRRELL to private life to replace him with some one who would bow the supple knee to them and their wishes. But the people of his district knew him best, and continued him here in Congress for six terms. His splendid courage and indefatigable efforts in behalf of his district combined to make this possible; but inasmuch as his successor to fill the unexpired term is a Democrat and his successor elected as a Republican by less than 100 votes, we are forced to the conclusion that our late colleague was a man

who had peculiarly won his way into the heart of his constituents in a remarkable degree.

Massachusetts has always applauded courage and personal independence, and we may easily believe it was Mr. TIRRELL's enemies in high political circles caused by his courageous independence that made him so popular with the voters of the fourth district. A rather strange coincidence is noticeable in connection with the political situation in the districts represented by our late colleagues—Mr. LOVERING and Mr. TIRRELL. Both were men of mature years; both came to Congress after brief service in the Massachusetts senate. Both were schooled in the world of business—Mr. LOVERING as a cotton manufacturer; Mr. TIRRELL in connection with wood-pulp and banking interests which engaged his attention besides the law. Both differed with their party leaders and were constantly harassed for this reason, but in each case their districts stood solidly behind them. Both represented supposedly Republican strongholds, yet each was succeeded by a Democrat—Mr. FOSS, a Democrat, succeeding Mr. LOVERING, while Mr. MITCHELL, a Democrat, succeeds Mr. TIRRELL. And to make the coincidence stronger, we find a Republican successor to Mr. FOSS by only 41 votes, while the Republican successor to Mr. MITCHELL wins by less than 100 votes. This striking difference in the vote for our late colleagues and their successors illustrates more strongly than words can tell the splendid opinion entertained of both Mr. LOVERING and Mr. TIRRELL by those who knew them best. No Democrat had ever succeeded in defeating either, and a majority of thousands successively reelected each of them.

Mr. TIRRELL had won his spurs as a lawyer before the most exacting bar in the country, viz, the Boston bar. He understood men in a remarkable degree. Not in any sense magnetic—denied those physical attributes which often attract a following to a man in public life—rather small in stature, he nevertheless enjoyed the warm affection of a multitude of friends, chiefly, I believe, because of his deep understanding of his fellow-men's ideas, hopes, and thoughts. No man can attain high office in our large fraternal organizations unless he clearly comprehends and practices the cardinal virtues on which these great orders are built and organized. His high rank in the Independent Order of Odd Fellows as past grand master of the grand lodge at once carries conviction that he was a man among men, honored and respected in a large field where fickle public opinion and unreasoning public passion plays no part. His ripe experience in law and business, amplified and completed by his activity in the fraternal society life of this country, stamped Mr. TIRRELL as one decidedly fit and equipped to enter duties as a Member of Congress from the Commonwealth of Massachusetts. It is needless to refer to the industry, care, thought, and indefatigable work which he brought to his official position in this great body. His district was regarded and cared for with a zeal and thoroughness that won respect and gratitude from men of both political parties in all the cities and towns of the district. Massachusetts and the ideals of her people had in CHARLES QUINCY TIRRELL a Representative worthy of her best traditions and highest aspirations. She always demands honest, progressive legislation. He labored honestly and well in private and public life. His years were filled with industry and intelligent effort. He enjoyed his work and labored well to bring forth the best that was possible. How apt it is at this time in connection with his sincere purposes and life attainments to recall the beautiful thought of Kipling, an author of whom he was very fond:

When earth's last picture is painted, and the tubes are twisted and dried,
When the oldest colors are faded, and the youngest critic has died,
We shall rest, and faith we shall need it, lie down for an æon or two,
Till the Master of all good workmen shall put us to work anew.

And those who are good shall be happy, they shall sit in a golden chair,
They shall splash at a ten-league canvas, with brushes of comet's hair;
They shall find real saints to draw from, Magdalene, Peter, and Paul,
They shall work for an age at a sitting and never be tired at all.

And only the Master shall praise us, and only the Master shall blame;
And no one shall work for money, and no one shall work for fame;
But each for the joy of working—and each in his separate sphere
Shall draw the Thing as he sees it for the God of Thing as they are.

Mr. TILSON. Mr. Speaker, my remarks on the life and character of the late CHARLES Q. TIRRELL will be very brief, as my acquaintance with him was not of long duration. Although short, that acquaintance so left its impress upon me that I am unwilling to let this occasion pass without a word of testimony to his sterling character.

I first met Mr. TIRRELL in one of the courts of my home city of New Haven, where he appeared as counsel in a case where I assisted in representing the opposite side. It was one of those chance meetings where neither of us thought of ever seeing the other again, so that it was something of a surprise when we next met each other on the floor of this Chamber at the opening of the Sixty-first Congress. The fact that we represented adjoining States gave us a neighborly feeling, which was added to by the fact that our names were called next to each other in the alphabetical roll of the House. These apparently unimportant things first brought us together, and the result was the beginning of a friendship which lasted till his death.

At the end of the extra session of this Congress we were both assigned to the Committee on Claims. If there is any committee in this House that thoroughly tests and tries the honesty, industry, and patience of a Member of Congress it is surely the Committee on Claims. To the conscientious member of that committee it means much hard, grinding work, as well as continual annoyance, while trying to find the facts and equities in the endless number of claims presented for consideration. The usual reward of such work on that committee is the scoffs of the House for most of the claims found to be just and the ill-will of the individual Members introducing the bills for those not favorably reported. Through such a test for many months I saw Mr. TIRRELL go, but he turned not to the right hand or to the left. If he believed a claim was without equity or justice, no maudlin sentiment, no plea of poverty, however much he might sympathize, no courtesy for a fellow Member, though he was of a kindly nature and disposed to be obliging, could sway him one hair's breadth from what he believed to be right and just both to the claimant and to the Treasury of the United States. On the other hand, after sifting the facts and arriving at the conclusion that a claim was honest and just, though Members might scoff, though he knew he was to receive condemnation instead of credit for his action, he went on in the even tenor of his way, insisting that the United States ought to pay its just debts the same as any other debtor.

Such was his work on that committee, and it was but an example of the honest, conscientious, thorough work that he did as a public servant. As one who to a limited extent worked with him, I am glad to bring this small tribute to his memory on this occasion.

As to his earlier life and home life I know but little and will attempt to say nothing. However, on those points I have a letter from a mutual friend and brother lawyer, Prof. George E. Beers, of my home city, who knew Mr. TIRRELL from boyhood; and as it bears a very sincere and gracious tribute of one friend to another, I wish to insert it here and have it printed as a part of my remarks:

NEW HAVEN, CONN., *February 10, 1911.*

Hon. JOHN Q. TILSON,
House of Representatives, Washington, D. C.

MY DEAR MR. TILSON: I have learned with much interest that you are to say a few words at the memorial service to be held in honor of your distinguished colleague, the late Hon. CHARLES Q. TIRRELL, of Massachusetts.

I am quite sure that I had the pleasure and honor of introducing you to each other in this city a good many years ago, when Mr. TIRRELL and I were engaged in the trial of a case upon which you were one of the counsel upon the other side. This was long before you became a Member of the House, and I think some time before Mr. TIRRELL became a Member, but after he had been a member of the General Court and of the State Senate of Massachusetts.

My acquaintance with Mr. TIRRELL began during my boyhood in Natick, Mr. TIRRELL's home town, where our family and his were neighbors, living upon the same street. He had then recently entered public life and was an active and influential practitioner at the Boston bar. He was one of the leading citizens of the section in which he lived, interested in all worthy public enterprises, and one who enjoyed the respect and confidence of the whole community. Such was my impression of him when I was a boy. Later I was associated with him in occasional professional matters, and on closer view I found him the same as in former years, except that, of course, he had grown and developed, by contact with a larger world, in which he was playing so active and distinguished a part.

Mr. TIRRELL was a delightful man in his family and social relations, and was particularly interested in the then struggling church—St. Paul's—of which he was a member, contributing liberally of his own means and working earnestly not only in the manner usual to laymen, but in the way of acting as lay reader in the church as his services were required.

I feel that Massachusetts and the country at large have lost a most valuable public servant and the community of which he was a part one of its best and most valued members.

Yours, very sincerely, GEORGE E. BEERS.

Mr. SHEFFIELD. Mr. Speaker, as one of those who knew Mr. TIRRELL only during the Sixty-first Congress, I wish to add a few words in appreciation of his ability and service to his district and the Nation, and of the loss sustained by his friends in his death.

There are many of his associates who can better tell of his 10 years of faithful work in this Hall and in the committees of the House. When I first met him he had acquired a recognized position upon some of the leading committees and a wide acquaintance in both branches of Congress. From his long service he was the ranking member of both the Judiciary Committee and the Committee on Claims, on both of which commit-

tees he was an indefatigable worker and an influential member. He was chairman of subcommittee No. 1 of the Judiciary Committee, and thus I came to know Mr. TIRRELL well and to appreciate his uniform courtesy toward all. He did much to influence the legislation that came from his two committees and passed the House.

He was especially kind to younger Members who had not had his experience, and he was always interested in assisting them in the performance of their duties and to a wider acquaintance with the problems of legislation.

Hon. CHARLES QUINCY TIRRELL, born in Sharon, Mass., December 10, 1844, was graduated from Dartmouth College in the class of 1866. That college has always had a record for the number and character of its graduates who have entered public life. Hardly any educational institution and certainly no small college has sent so many men to public service and to both branches of Congress.

Mr. TIRRELL was admitted to the bar in Massachusetts in 1870, after studying in the office of Richard H. Dana, and established himself in the practice of law at the Suffolk County bar. There his fellow citizens early appreciated those enduring qualities of heart and mind which made him so beloved a public servant; a ready smile for all that knew him; an earnest effort to assist all that had any claim upon his time and devoted and disinterested service for his constituency. He served in both branches of the Massachusetts Legislature, and on March 4, 1901, became a Member of this House.

Here he devoted himself with diligence to the needs of his district. He fought for and obtained the extension of the free rural mail delivery in his district. He was not looking always to exploit himself, but only for what was best for his State and the whole country. He was a strong temperance man, advocating what he believed was for the best interest of the country in the abolition of the canteen and other legislation to promote the welfare of the people. From his knowledge of the law, his fair-mindedness, his earnest advocacy of measures which he believed for the general welfare, he became well liked by his associates and of much influence in national legislation. As a member of leading committees, requiring much work in studying the questions involved and promoting the consideration of such measures as were entitled to be acted upon by the House, he was at his best. He did not hesitate upon the floor of the House to emphasize his views and with courtesy and ability to present his arguments in defense of his position.

In many ways Mr. TIRRELL was an ideal legislator, diligent in investigation, cautious in coming to a conclusion, ardent and forceful in expressing his conclusions. He was ever vigilant in protecting the interests of his district and each citizen of it. He was broad and tolerant in his views of national matters and patriotic in his advocacy of policies affecting the whole country.

But it was chiefly as a friend and in the closer relations of his family that his loss will be lastingly felt. No man could meet him day by day and not enjoy his bright and keen comment on everything that was taking place, and not appreciate his many acts of courtesy and kindness.

He was most happy in his family life. Few men took such pleasure as he did in being with his family, riding about and enjoying the country and meeting with them, their friends. He will be missed in the family circle as few are missed.

The test of manhood is the faithful performance of duty in every relation of life, not in striving after notoriety, but in the quiet and conscientious doing of every act. Such a one was our deceased friend. He was an intelligent and devoted legislator, and his death was a distinct loss to this country.

He was an honest and faithful friend, and as such we mourn his death to-day.

To see the vacant chair and think
How good, how kind, and he is gone—
That friend of mine who lives in God.

Mr. HOWLAND. Mr. Speaker, I come to-day with no formal words of eulogy, but simply as a friend to pay my tribute to the colleague who has gone. I had no acquaintance with Mr. TIRRELL during the early years of his career, and it was not until the Sixtieth Congress that I had the privilege of placing him on my list of friends.

On occasions of this character there is nothing that we can do, there is little that we can say to lessen the sorrow or soften the blow. Words—weak halting words—yet they come from the hearts of friends.

It is entirely fitting that his colleagues from Massachusetts, that his colleagues from New England should here to-day speak the earnest, sincere words of eulogy and give us the biography of his earlier days. His services in this House, however, were of such a character that the Nation claims him as one of her illustrious sons, and the eloquent words just spoken by the distinguished gentleman from Oregon [Mr. HAWLEY] demonstrate the fact that his personality, his conspicuous public service will be gratefully remembered from the Atlantic to the Pacific, and I, from the Middle West, from Ohio, join with my colleagues from Massachusetts—Ohio joins with Massachusetts in mourning of our mutual loss.

Mr. MORGAN of Oklahoma. Mr. Speaker, I regret that I have not had the time to make adequate preparation to speak on this occasion. I am not, however, willing that this hour should pass without saying a few words to indicate my high appreciation of the noble character of CHARLES QUINCY TIRRELL, whose memory by these memorial services we honor to-day. My personal acquaintance with the deceased did not extend over a long period of time. I did not know him prior to the convening of the Sixty-first Congress. I was never intimate with him as others no doubt were. I did, however, know him well enough to become sincerely attached to him, to form a high opinion of his character, to appreciate his many manly virtues, and to admire him as a man possessing many of the most sterling qualities of mind and heart. He possessed those attributes, characteristics, and qualifications which made him an ideal Representative in Congress.

I mean to pay him the very highest compliment in saying that he was an honest man. Not honest merely in his business transactions, but honest in his convictions, honest in his work, honest in discharging his public duties as a Representative of the people. The constituency he represented in this House was fortunate in having a Representative who performed his duties so honestly and conscientiously.

Every Member here, I trust, fully appreciates the very high honor that membership in this House confers. Many of us, no doubt, feel our inability to meet, as we would like, all the requirements of the position we occupy. Do the best we may, we can not fully meet all the demands of the high position we hold. But we may all well follow the splendid example set by our deceased associate, in honestly and faithfully discharging our duties and in giving our constituents and our country the very best that is within us.

CHARLES QUINCY TIRRELL as a Representative in Congress displayed great industry. In the Congress of the United States, as elsewhere, industry is the golden key that unlocks the door to success. Our deceased associate was diligent in his work, careful and painstaking in his attention to business, persistent in his efforts, and persevering, conscientious, and brave in the discharge of every duty devolving upon him.

Our deceased associate was not a man who was disposed to display ostentatiously his own ability or to unduly magnify his own acquirements or to place an exaggerated importance upon his own views and opinions. He was modest, unassuming, unobtrusive, and reserved in his disposition. He had a high regard for the views and opinions of others. In presenting fearlessly what he thought was right he always had due regard for the rights of others. He always presented his own views in such a manner as not to offend others.

CHARLES QUINCY TIRRELL was a man with high ideals of manhood and citizenship. He was attached to the free institutions of our country. He was patriotic in his impulses, and gave to his constituents at home and to the country at large the highest service of which he was capable. He did his full duty as a private citizen and as a public official, and left behind him an example we may all well follow, a life we may all imitate, a character we may all admire, and a record of public service that will long perpetuate his fair name, his noble character, and his splendid achievements.

Mr. MITCHELL took the chair as Speaker pro tempore.

Mr. GREENE. Mr. Speaker, I recall to my recollection the pleasant association that it was my privilege to enjoy with the late Hon. CHARLES Q. TIRRELL during his membership in the House of Representatives. I had known him for several years previously, but our friendship was very largely increased and strongly cemented because of our intimacy during the last 10 years, and I pay this tribute to his memory as my late colleague, which a long-established custom demands, with a feeling of sadness because of his departure, but also with a feeling of high appreciation of his public services and record. Mr. TIRRELL was a student and lover of literature. He attended Dartmouth College and graduated with honors. His roommate was the Hon. Henry C. Ide, of Vermont, formerly commissioner at Samoa and Governor General of the Philippine Islands, and who afterwards was appointed envoy extraordinary and minister plenipotentiary to the Kingdom of Spain. They continued to be intimate friends and frequently spent considerable time together in Washington.

Immediately after his graduation from college Mr. TIRRELL taught school in Peacham, Vt., and afterwards was principal of the high school in St. Johnsbury, Vt. He studied law in the office of the late Richard H. Dana, Esq., a very prominent attorney, at Boston, Mass. At that time young men adopted this method of preparing for the practice of law more frequently than by attending a university or law school. He was admitted to the bar in 1870, and was elected a member of the Massachusetts Legislature from the town of Weymouth. Three years later he was married, and removed to the town of Natick, Mass. He was also twice elected to the senate from the district of which the town of Natick was a part. He was a presidential elector in 1888 upon the Republican ticket and cast his vote for the election of Benjamin Harrison for President. He was a good debater and was an active campaigner, expounding the principles of the Republican Party and defending its policies.

Mr. TIRRELL was a member of the Masonic fraternity, and was a very prominent member of the Independent Order of Odd Fellows, in which order he had enjoyed the honor of being the grand master for the State of Massachusetts. He was an ardent advocate of temperance, and held the office of grand worthy templar of the Temple of Honor of the State of Massachusetts.

In 1900 he was elected to represent the fourth congressional district of Massachusetts, and has been reelected every two years thereafter. The district contains three cities and 41 towns, and has many diversified interests.

The Rural Free Delivery Service particularly engaged Mr. TIRRELL's attention, and he was especially active in securing the advantages of this service in all parts of the district. The watch industry of Waltham, one of the most important in the State, was of especial interest to him. He familiarized himself with all the details of the business, and he eloquently replied to some of the attacks made upon the industry by those who opposed the policy of protection of American industries and American labor.

Mr. TIRRELL was a prominent member of the Committee on the Judiciary, one of the most important in the House of Representatives. His long experience at the bar and great ability as a pleader was the reason of his being called upon to investigate many complicated legal propositions which were constantly arising.

He was also on the Committee on Claims. This committee has many complex problems to consider, and Mr. TIRRELL's service was greatly appreciated. He had also rendered some service on the Committees on Education and Irrigation of Arid Lands.

Mr. TIRRELL actively opposed the appropriations for the maintenance of the canteen in the national soldiers' homes, and, finally, after a few years struggle, he was rewarded by the support of a large number of his colleagues, and the appropriation was stricken from the sundry civil bill. Also he strongly opposed the reenactment of the legislation restoring the canteen whenever it was presented during his membership in the House.

In addition to his activities in public life, Mr. TIRRELL was engaged in the organization of several savings banks and business corporations, and was eminently successful in his connection with many business enterprises.

Mr. TIRRELL and I were warm personal friends. During the second session of the Sixty-first Congress he did not enjoy good health, but notwithstanding his disabilities he rendered faithful attention to his duties. His friends hoped that rest and relaxation from his official work would result in the restoration of his accustomed vigor, but it seems to have been ordained otherwise. During the last few weeks of his life his spirits were buoyant and he was active up to the day of his death. His last act was to dictate a letter to his campaign manager announcing his determination not to be a candidate for renomination to Congress. This was only the night before he passed away.

My deceased colleague left behind him a record in public and private life which must afford great satisfaction to his family and friends.

Mr. MONDELL. Mr. Speaker, I had not contemplated participating except as an interested listener in the exercises in honor of the memory of our late colleague, Mr. TIRRELL, but as I have listened to the remarks of the gentlemen who have preceded me, I have noted that no one has spoken for or on behalf of the Intermountain West, a region which is under great and lasting obligation to Mr. TIRRELL. Therefore I feel it a duty, as well as a high privilege, to speak very briefly in the name of the West.

It is unfortunate for us in many ways that our duties here are so engrossing in their character and command so large a proportion of our time that it is impossible for us to become intimately acquainted with all of our colleagues. It is only the fortune of social intercourse, mutual interest, or committee assignment that brings us into that close contact by which we acquire a familiar acquaintance and true knowledge of the character of our colleagues. It was my good fortune to serve a number of years with Mr. TIRRELL on the Committee on Irrigation of Arid Lands. We had under consideration measures of vast and far-reaching importance, the character of which was entirely novel to the industries, the aims, and aspirations of his constituents. We proposed the use of certain Federal income for the reclamation of lands in the far West, and therefore even the theater of proposed operation was 2,000 to 3,000 miles from the boundary of Mr. TIRRELL's district, and the character of the legislation proposing, as it did, a departure from past practice and vast expenditures, was calculated to arouse the hostility, at least not to arouse the enthusiasm, of a man from a far-distant section of the country, one who was naturally conservative in his views. In the consideration of this measure, however, in the hearings held before the committee, Mr. TIRRELL was patient, attentive, and sympathetic, with the result that he became, first, a believer in the plan proposed, and then an enthusiastic advocate of it, and by reason of his locality and of the confidence which the Members from his part of the Union had in his judgment he was exceedingly useful and helpful in securing the passage of the national irrigation law. So, Mr. Speaker, I bring to these services the tribute of the West to the memory of a man of broad views, of broad sympathy, a man who in all his service here had but one thought, and that the best interest of all the people under the flag.

Mr. HIGGINS. I can only speak of our late colleague from an association with him as a Member of this House. I first met him upon the convening of the Fifty-ninth Congress, and that acquaintance, then formed, continued up to the time of the termination of his service in this body by death. It was my privilege to come into intimate association with him through our both being members of the Judiciary Committee. He showed in his service on that committee, as in the House, the courage, persistence, and fidelity which must have characterized his life before his service here. He was never afraid to meet any question which arose in the deliberation of that great law committee of this House, and however troublesome it might appear he did not dodge the issue nor waver in his conception of what he believed was wise and constitutional legislation. He considered the great questions pending before that committee as a trained lawyer and mindful of his oath as a Representative; he decided them as a judge, prompted only by motives of right and justice.

It is a melancholy fact that we too rarely realize the physical disabilities that our colleagues are laboring under. Many times Mr. TIRRELL attended committee meetings and to his other duties when many less courageous would have given thought only to the conserving of their strength.

He valued highly his membership in the House of Representatives for what it enabled him to do for others, and he had a high conception of his public duties which he ever faithfully discharged.

In my attendance upon his funeral services the evident esteem and affection in which he was held by his own people of the typical Massachusetts town of Natick was apparent on all sides. Business was suspended. The church was thronged, and the town that he loved to labor for and the district that he had so well served in this place for nearly 10 years gave marked appreciation of his public labors and worth.

He was ever kindly and considerate. He realized to the fullest extent his obligations to the House of Representatives as its servant upon its different committees. In some measure I came to know of his home life in Washington. This was characterized by those qualities which those of us who knew him best were confident that he brought to the home circle. He was a devoted husband and father. Massachusetts and the Nation have lost an honest, able, and conscientious public servant, whose influence will continue to be felt, as it always was exerted on the side of truth and right.

Mr. ROBERTS. Mr. Speaker, I knew CHARLES Q. TIRRELL for many years, and for the 10 years of his membership in this House was intimately acquainted with him.

Other gentlemen have reviewed his life in great detail and have paid his memory the well-deserved tributes that his life won; and I shall only endeavor, in a very general way, to add

my tribute to the man as I was privileged to know him, and to his character, which was known to all.

With a fine educational qualification Mr. TIRRELL came to this House after an apprenticeship in the Massachusetts State Legislature; and a long term of service at the bar of that State, in the course of which he filled many positions of trust, and filled them all well. His record of achievement prior to becoming a Member of this House was notable, and his reputation as a man of capability, fairness, and unswerving honesty was well deserved.

On assuming his duties as a Member of the National Legislature the traits that had made him successful in his private life began at once to have their effect on his career here. If there was one thing more than another which marked him for success, and assured his firm hold upon the affections of his constituents and fellow Members of this House I am confident it was his infinite capacity for taking pains, to which was coupled that unmovable honesty of purpose and fearlessness of the opinions of others, so long as he felt himself in the right, which marked his course in his profession.

In his service on the Committee on the Judiciary and on Claims these characteristics had wide scope and his work on both these committees was a real pleasure to him. The knowledge that to Mr. TIRRELL was intrusted any particular measure was an assurance to those interested that an unusual degree of painstaking care would be given to that measure in committee.

Sometimes at variance with popular feeling and party alignment, pressure never affected him, unless it could be shown that his stand was in error, and then, as all broad-minded men are wont to do, he saw his mistake and was equally firm in his defense of the new and correct position.

Such traits as these could not but endear any man to those intimately associated with him, and when these unusually well-developed attributes are needed to a personality as sweet as was that of Mr. TIRRELL's the combination makes in a man such a one as we seek often to have for a friend and seldom find.

His sudden death at the very height of his ability and in the midst of his career makes a gap in the Massachusetts delegation that those of us who are left behind find it hard to overcome; and what is sadder far to the individual comes a break in the circle of friends whom we hold dear that nothing can mend.

His life was an open book. His virtues writ large, and his failings so small as not to be visible. His statesmanship was of the highest and noblest type, and his life must serve as an inspiration to those of us to whom the carrying on of his work is left; while to those who will come in the future, and looking over the former membership of this House shall seek one from whose work they may draw that idea of faithful service which will serve as a standard to them, CHARLES Q. TIRRELL will be an ideal.

LEAVE TO PRINT.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that Members be given five days within which to extend their remarks in the RECORD on the life, character, and public services of Mr. TIRRELL.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

EULOGIES ON THE LATE SENATOR CHARLES J. HUGHES, JR.

Mr. RUCKER of Colorado took the chair as Speaker pro tempore.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer the following resolutions (H. Res. 967), which I send to the Clerk's desk to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CHARLES JAMES HUGHES, Jr., late a Senator of the United States from the State of Colorado.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on the adoption of the resolutions.

The resolutions were agreed to.

Mr. TAYLOR of Colorado. Mr. Speaker, it is with a profound sense of sorrow that I arise to pay a brief and parting tribute to the memory of the distinguished junior Senator from the State of Colorado, whom I have known and admired from my boyhood days.

It is a melancholy task to lay a wreath of affection upon the grave of a departed friend. But it is fitting that we who knew him and watched with pride his brilliant career should here commemorate the many admirable qualities of that remarkably strong and attractive personality.

The Hon. CHARLES JAMES HUGHES, Jr., was born in Kingston, Caldwell County, Mo., February 16, 1853. He was the son of Charles James and Cerena C. (Pollard) Hughes. He was a descendant of an old Virginia family that moved to Kentucky in early days, and afterwards moved to the State of Missouri. He was raised in a legal and political atmosphere. His father was one of the most prominent attorneys in Missouri, and at one time there were four noted members of the Hughes family in active public life in the State, and afterwards Gen. Bela M. Hughes became one of the most distinguished citizens and lawyers of Colorado.

As a boy Senator HUGHES attended the common schools of Ray County, Mo., and was graduated from Richmond (Mo.) College in 1871. He studied law at the University of Missouri and was afterwards honored by the degree of doctor of laws from both the University of Missouri and the University of Denver. He was a teacher in the public schools and also a college professor for five years.

On September 1, 1874, he was married to Miss Lucy S. Menefee. He began the practice of law in August, 1877, and located in Denver, Colo., in 1879, and resided there until the time of his death. Both as a student and as a lawyer, he was always an indefatigable worker. He supplemented his education with studies in higher mathematics, languages, political economy, and the sciences most intimately connected with his legal practice, including engineering, chemistry, geology, mineralogy, irrigation, and hydraulic engineering, and at the time of his death he possessed one of the finest libraries in the West. He built up the most extensive and lucrative law practice that has ever been enjoyed by any one attorney in the Rocky Mountain region.

His remarkable success in the practice of the law was the reward of profound learning and exceptional natural ability, coupled with his invariable carefulness and thorough preparation of all his cases. While he was a most profound lawyer and formidable adversary in any branch of the law, from the beginning he gave special attention to mining and irrigation litigation, and he has been one of the leading attorneys in practically every important mining case throughout the Rocky Mountain States for the past quarter of a century.

He lectured on the subject of "Mining law" before the Harvard Law School, and was for many years professor of mining law in the law department of the University of Denver. He constantly appeared before the United States courts of the eighth circuit and before the Supreme Court of the United States. There was never a day, during a period of over 20 years prior to his entering upon his duties as Senator from our State, that there were not many millions of dollars worth of property intrusted to and dependent upon his skill and energy for protection; and during all of that time, and notwithstanding the intense bitterness which much of that litigation engendered, there has never been the slightest question as to his superb ability or absolute fidelity to the interests of his clients.

He was a Democrat of the old school, true to the teachings of the fathers, and he always liberally contributed money and of his most valuable time in furtherance of his party's success. He never held any public office prior to his election to the United States Senate, with the exception of being a most valuable member of the State board of capitol managers which built Colorado's magnificent statehouse. He was many times tendered various honors by the State. Twice the nomination for governor of the State was tendered him, but each time he declined. He was elected as Democratic presidential elector in 1900. He was also a delegate to the Democratic national conventions of 1904 and 1908. At the time of his death he was a member of the American Bar Association, American Institute of Mining Engineers, Colorado Historical Society, Denver Club, Denver Athletic Club, Denver University, El Paso Club, Strollers Club of New York, and a member and ex-president of the Denver Country Club, and was president of the Colorado Southern Society.

In the practice of the law he had amassed a large fortune, and every dollar of it was clean and honorably earned money. At the time of his nomination he voluntarily promised to, and unqualifiedly kept the faith with his constituents, and relinquished all of his vast law practice on his election, so that nothing might hamper him in his senatorial duties.

His election to the office of United States Senator was practically by popular vote. In the primaries and county conventions throughout the State in the summer of 1908 the delegates to the State convention that met in September were largely in-

structed for him; and the State convention unanimously indorsed him for the United States Senate, and all State senators and representatives who ran during that campaign were thereby publicly instructed, if elected, to cast their votes for him in the legislature. On January 20, 1909, he received the unanimous vote of all the Democratic senators and representatives, being 73 out of the total membership of 100 in our legislature.

After his nomination to the United States Senate, I had the pleasure and profit of being billed to speak along with him during a large portion of the campaign of 1908. I was intimately associated with him, and I know that no one ever more profoundly appreciated the honor that the people were conferring upon him, or had a more sincere and honorable determination to become a worthy successor of Colorado's illustrious senior Senator, the Hon. Henry M. Teller.

During that strenuous campaign, and in closing up his tremendous amount of business prior to entering the Senate, he had become overworked, and was sorely in need of rest when he entered the Senate in March, 1909. But instead of taking the rest and recreation which he should have done, he plunged into an intricate and most exhaustive study of the tariff. I mean no reflection upon anyone else when I say that from my personal observation I do not believe there was another Member of either the Senate or of this House who put in the same number of hours that he did, day and night, for five months in a most profound and detailed study of all the thousands of items of the various tariff schedules and of the principles and history of tariff legislation. The natural result was that, in the judgment of many, no other Member in either the Senate or House possessed more, if as much, concrete information upon the subject as he did at the time of the passage of the Payne tariff bill. Out of my kindly feeling and hope for his future career I mildly remonstrated with him for working so hard; but he could not slacken the pace; he was simply following his invariable custom of exhaustively mastering every subject with which he was connected. He was at the same time constantly studying the rules and practice of the Senate and its procedure and history. He had never had any experience in parliamentary or legislative proceedings; and he said to me one day in the Senate, when I was consulting with him, as I frequently did, that the senatorial rules and customs were harder for him to thoroughly learn than even the tariff itself.

During the long session of Congress, from December, 1909, to the latter part of June, 1910, he was a member of the Public Lands Committee of the Senate; and being a member of the same committee in the House, I again had the good fortune of being intimately associated with him and of seeing him almost daily during those seven months; and I think I probably know better than anyone else the immense service which he rendered to the West in general, and to Colorado in particular, during that session of Congress. While his great speech against the public-land withdrawal bill was not sufficient to prevent its passage, yet he was entitled to much of the credit for compelling the insertion of five amendments that are and will be of very great and lasting importance to our country, after a few of us had valiantly fought for and failed to secure them in the House. The amendment protecting the rights of the miners and homesteaders on the public domain, and of the oil, gas, and other bona fide locators who had not yet secured title; and the provision preventing the President from taking from Congress the right to enlarge the forest reserves in six of our Western States, as well as the provision making the withdrawals temporary instead of permanent, were all largely due to his instinctive loyalty to the West and his forcible and diligent efforts. His speech and labors in connection with that measure were to my mind the most effective and lasting service that he rendered to the public during his brief senatorial career.

Few, if any, men have ever been better equipped, both by nature and by preparation, or ever entered upon the duties of a United States Senator with a greater appreciation of its honor or with a more lofty ambition to make a record of which his State and the Nation would be proud; and certainly no State ever sent her favorite son to the Capitol of our country with more hope or implicit confidence in his future achievements. But his intense application and almost unremittant toil and the tremendous responsibilities resting upon him had begun to make inroads upon his strength and constitution, so that he was doomed to the most pathetic disappointment and our State to experience the greatest loss that has ever befallen her in the death of any one person during the entire history of our Commonwealth. But notwithstanding he was sorely handicapped and afflicted by failing health and strength all the time, he made a record during his brief career of only two sessions in the Senate, of which the State, his friends and colleagues, and the country at large are proud.

While I feel that the Senate never knew him at his best or in the prime of his vigor, yet the few speeches that he made and the active part he took upon the committee of which he was a member and his participation in debates upon the floor of the Senate were universally recognized as foreshadowing a most brilliant career in that august body. He was one of the shrewdest, quickest, most courageous, and formidable debaters I have ever known. He was a fluent and rapid speaker, with a wonderful vocabulary. His ability as a public speaker; his profound learning in the law; his knowledge of history and great fund of information on public questions, well fitted him to be one of the leaders of his party and one of the Nation's great statesmen. His untimely death was, indeed, an ineffable loss, not only to his constituents, but to the country as a whole. The State of Colorado has lost a faithful and most distinguished son, and all of us who knew him a charming and loyal friend. The loss to the country, to the Senate, and to our State comes at a time when we can ill afford to be deprived of his superb abilities. His mind and memory were a marvelous storehouse of knowledge that would have been of untold benefit to this country had he been spared to use them. His loss to the West can not be adequately put in words and his full appreciation must be left to the contemplation of those who knew and admired him, as we of his State did.

He was in the truest sense a high ideal of a model and exemplary citizen. He was public-spirited, philanthropic, and always liberally responded to worthy charitable appeals. One of his most admirable characteristics was the simple and straightforward method with which he went at everything, whether law, business, or politics; he knew but one way, and that was direct. Oftentimes results might have been accomplished by devious, yet honorable, means, but he never adopted them, preferring always the direct road, even where the obstacles seemed almost insurmountable. After all, that was undoubtedly one of the sources of his great strength, for he never had to look back or think twice as to what had occurred in the past. He knew that each present act was in full sympathy and harmony with all that had gone before, because they were all dictated by the same manly principle.

I count it one of the rare good fortunes of my life to have known Senator HUGHES. His marvelously successful career has been a beacon light to me for nearly 30 years. His life is an inspiration to young American manhood. It enlarges the ideals of life to have known such a man. We do well to honor the memory of men who have manfully fought the battles of life and made a splendid success.

He was a fearless and ready fighter; he struck hard and did not flinch from the return. But he always fought in the open with honest, manly weapons. While he had a keen sarcasm, a caustic wit, and his tongue could utter bitter words, which fell like a whip and left a scar, yet he only employed his marvelous powers of invective when he was certain the subject amply warranted it. He was, indeed, one of the great lawyers of this country. I believe he was the most profoundly learned in mining law and the greatest trial mining lawyer this Nation or the world has ever produced. He met Napoleon's test—he did things—great things, that were worth while. I doubt if this generation in Colorado will ever look upon his like again.

Colorado was supremely proud to feel that when the roll of States was called in the United States Senate CHARLES J. HUGHES, Jr., would be one of those who would answer for the Centennial State.

There was no pretense or affectation in his nature; he disliked notoriety and despised cant, sham, and hypocrisy. He never looked for applause or tried to get into the spot light. He did many acts of public service that never appeared in the press. He believed in and his life exemplified the sentiment:

> This above all: to thine own self be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

No words at my command will as vividly or impressively portray the characteristics of Senator HUGHES and his loss to the Republic as a brief extract from his own language, in the Senate on May 21, 1910, in his eloquent eulogy upon the late Congressman David A. De Armond, of Missouri. Referring to Judge De Armond, the Senator said:

> He came necessarily an unheralded man into public life here; but it was not long before the body in which he served, before the people of the country, came to know that a new force had entered into the political life of America, and that another great mind was dealing with the subjects of public discussion, with the perplexing problems which must be dealt with in legislation. His intellect was sunlight—clear and penetrating. His power of expression was capable of presenting with directness and precision the thoughts which were so clear to his own mind. This made him a powerful advocate, a dangerous antagonist in debate, a tower of strength to the principles which he advocated and to the party to which he belonged. He had not more than begun in their fruitfulness to enjoy the results of his con-

tinued and arduous labors when his tragic taking off startled the American public. It was a sad and unexpected and wasteful termination of a great and useful life. This untimely ending, this quenching of the fires of his intellectual energy could only bring sorrow alike to friends and opponents, for whether we agreed with him or differed from him, all recognized that he brought to the discussion of every great subject something new, something of force, something of clear analysis, which tended to a better comprehension of the real matters of dispute or inquiry. Our public life, with its strength and wealth of endowment, could ill afford this loss. A great State needed him longer, as did the Republic, and the great party, to whose principles he was devoted and which he ever loyally urged and valiantly defended. Knowing his qualities, recognizing his ability, belonging to the party whose tenets he maintained, I have sorrowed with those who mourn his loss and grieved that the great State of Missouri should have been deprived thus sadly of the services of one of her most distinguished sons.

How strikingly fitting and appropriate is that language to himself; how forcibly and eloquently it is expressed; and how little did he dream that in a few short months we would be here assembled in these commemorative ceremonies, and be thus sadly but affectionately applying those great attributes of a statesman to himself.

I have often listened with rapt admiration to his charming flow of language, his forceful eloquence and unanswerable logic; and as I contemplate his admirably trained memory and wonderfully polished mind I am reminded of a comparison that I once heard by the Rev. Myron W. Reed, one of the most noted ministers and charming characters the West has ever known. He has long since gone to his reward, but his memory and myriads of kind words and deeds are affectionately cherished by the many thousands of our people who loved him. It is nearly a quarter of a century ago, but I remember his words as though they were of yesterday. In preaching my father's funeral oration he compared the well-developed man to the building of King Solomon's temple. He said:

> Each piece was made perfect, and when all was ready the temple rose without noise, or ax, or chisel, or saw, or hammer. The temple grew like a plant, came together without friction. And so the highest type of man comes together like the temple. He is a miracle to us when we behold him, but when we study him he is a result. He is the product of all his thoughts and deeds since he was born. Besides that, his environments have largely contributed to him.

The superbly developed mind of Senator HUGHES was the result of great natural abilities, coupled with a clean life, worthy ambitions, and intense industry.

He delivered but few speeches during his brief career in the Senate. The first one, upon the Court of Commerce, brought him at once into prominence throughout the entire Nation. But his greatest and last speech, with the exception of a very brief address upon the postal savings-bank law, was the one delivered on June 14 last, just before the close of Congress, against the bill authorizing the President to withdraw the public lands from entry. I sat beside him in the Senate when he delivered that splendid address. I wish that the entire Nation could have heard it. He was physically frail and he spoke with the greatest exertion. But his mind was as bright and his love of the West was so great that he was thoroughly aroused and indignant at what he believed was an outrage being perpetrated upon the rights of the West and the welfare of our people. The greatest triumphs of his life had been achieved in mining litigation. He was a friend of the prospectors and the miners and pioneers of our State, and when he felt that their rights were being ruthlessly trampled upon he would have belied his very nature had he remained silent, and in this, almost his last public utterance in this life, and only about a week before he was to leave the Senate Chamber forever, his eloquent and masterly voice was raised in behalf of the miners and the settlers upon the public domain. In closing his address, he said:

> The great men in this body who had been born upon the frontiers of the older States, men who had been the associates of those great men—of Lincoln, when he won his reputation as a rail splitter, an accomplishment which would lead to his being denounced if he lived to-day as a vandal, a destroyer of glorious forests—dealt with that subject, and they said a better fate is reserved for this West than the one to which you would condemn it. It is the theory and spirit of our law and our institutions that homes shall be founded, that the people shall own the land, and that the Government as speedily as it may shall discharge the trust which it holds, and out of multiplied growth and the development of the lands, in individual holdings, get a return which for no high price they might exact from its citizens would compensate.
>
> I do not care what the pretext may be; I can not believe that the true, genuine American is going to forget or is going to condemn the spirit which when manifested in former times he has hailed as a splendid exhibition of true Americanism, simply because it is a little farther west just now, and its assertion may interfere with the fad or the fancy of some gentleman with more leisure than acquaintance with the wants and needs of the people.
>
> Mr. President, it has been my belief often, when I have reflected deeply upon the grave problems with which we deal, that no man is fully qualified to know the measures, or the extent, and the penetration of these laws who has not at some time felt the touch of poverty and the hunger for a home, that home which some have not enjoyed, and that he must place himself as well as he may by sympathy—and thousands do it—in the position of his less-favored fellow citizens, less favored by the chance of fortune and of birth, but none the less favored by the opportunities which this Government of equal rights asserts. Now, give to the West these rights, and a thousand times over they will repay the burden of the obligation, or the debt of gratitude, if that is what you choose to call it, which you have placed upon them, or a thousand times over they will regard in grateful performance every promise they have made and may make, and you shall be proudly boastful of your participation in the enactment of laws which have not hindered but have helped them in their helpful growth and in the universally distributed rewards of their development.

Mr. Speaker, our lives are guideposts to others in the journey along the pathway of life, and Senator HUGHES's whole life exemplified what may be accomplished by unswerving honesty and a heroic determination to make a success of whatever we undertake. Words are all too poor to express our grief at his untimely taking off. A great life has been prematurely snuffed out.

As a husband and father Senator HUGHES approached the domain of a perfect man. No friend, however intimate in professional or political life, could ever fully appreciate the charming domestic side of his nature unless he also saw him within his home and library. To his family and intimate friends his great attainments in public affairs and remarkable success in his profession were even overshadowed, or for the time being forgotten, in the broad catholic knowledge which he received from his library and which he constantly gave to his home and family. He was blessed with a noble wife, whom he adored; with three splendid sons and a charming daughter, in whom the ambitions of his life were worthily centered. To those, bone of his bone and flesh of his flesh, our heartfelt sympathy is extended. Though grieving over his loss we take comfort from the contemplation of his illustrious career, and chastened by the affliction now upon us may we strive to emulate his example and realize that the greatest tribute we can pay to his memory is to so live that our lives may in part resemble his; and when the grim reaper, who knoweth neither rank nor distinction, but comes to all the sons of man, shall beckon to us we may leave the world a little better for our having lived. For many years to come his devoted family and friends in Colorado will long

> For the touch of a vanished hand,
> And the sound of a voice that is still.

He died on the 11th day of January, 1911, at his home in the city of Denver, after a long and sad illness, and his mortal remains rest in a vault in the beautiful Fairmount Cemetery, in the Queen City of the mountain and plains, which he honored and loved so well. His death came as a personal bereavement to every citizen of our State, and at the time of his funeral the entire population throughout the length and breadth of that vast Commonwealth suspended business and stood with bowed and reverend heads and silently evinced their sadness over the loss of this splendid son. In the vigor of his manhood, in the noonday of his life, in the fullness of his intellectual powers, when best prepared by learning and experience to worthily serve his State and his country in that high office to which he had been so recently elevated, death has removed him from the field of this world's labor.

> Upon the trestle board of hope he had long before traced the design of his own life's edifice—a structure which should be useful and true and fair and lofty. Patiently and faithfully had he builded until its fair proportions foreshadowed its future grandeur. And when it had reached that stage of completion from whence he could clearly discern the culmination of all his endeavors, the fruition of his life's ambition and his heart's fairest hopes, the stroke of death fell upon him and all his noble resolutions and lofty purposes were as a dream that is past.

To me the two most solemn and impressive poems I have ever known are Gray's Elegy and the Psalm of Life:

> The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour;
> The paths of glory lead but to the grave.

The character of such a man as Senator HUGHES is entitled to much more than a passing word. He was not only a credit to his constituents, he was an honor to the Nation, to his native and his adopted State, and the two universities that had honored him; and we do but honor ourselves by discharging the duty of paying an humble tribute to his memory, and it is fitting that our testimonials of esteem and affection should be spread upon the records of this distinguished body—

> That, perhaps, another
> Sailing o'er life's solemn main,
> A forlorn and shipwrecked brother,
> Seeing, may take heart again.

Mr. Speaker, I have presented but a very brief and imperfect outline of Senator HUGHES's life, characteristics, and wonderfully successful career. He was in reality a splendidly developed and really remarkable man. His thoughts were what have been called living rays of intelligent light. His mind was like a rare gem—many-sided and all of them bright. His death was inexpressibly pathetic. He has left his family and legions of friends, and his State, a great loss and an unspeakable sorrow,

but he has also left them the glorious legacy of a great record and a stainless name. He kept the faith; he fought a good fight; he nobly performed his duty to the last; he died in the service of his country. He had no fear of anything in this world or the next, and when the court of last resort issued its final summons to him he manfully bade farewell to his family and all earthly things and quietly journeyed to that undiscovered country from whose bourne no traveler returns.

With a cheery smile and a wave of the hand,
He has wandered into an unknown land.

Our State and the entire West is better for his having lived. He loved Colorado, and he was ever to her an affectionate and dutiful son. I know of no rule for measuring human greatness. The standard changes with each age and generation. But it can be confidently said that when the future historian of our State shall write the faithful record of the men who made Colorado truly great the name of CHARLES JAMES HUGHES, Jr., profound scholar, lawyer, orator, and statesman, will shine with a brilliant luster among the State's greatest men.

LINCOLN'S BIRTHDAY.

Mr. Speaker, I was indeed gratified when you granted my motion designating these ceremonies upon the birthday of Abraham Lincoln. It is a legal holiday in our State, and the hearts and thoughts of 800,000 people in our mountain home are to-day reverently turned toward this House.

The eloquent reference to President Lincoln in the closing remarks of what was doomed to be the Senator's farewell speech in the United States Senate seems prophetically coincident, and brings forcibly to my mind the President's immortal address on the battlefield of Gettysburg; and I can not more fittingly close my humble tribute than in paraphrasing the words of the martyred President by saying: The world will little know nor long remember what we say here. But the State of Colorado will long remember what CHARLES J. HUGHES, Jr., did. It is for us, the living, to be here dedicated to the great task of taking up and carrying on the unfinished work which he and others have left, and, inspired by their illustrious example, prove ourselves worthy of the trust which this Nation has imposed in us.

And following Lincoln's letter of sympathy to the bereaved mother of five sons who had died gloriously on the field of battle, I will conclude by saying to the Senator's family: I feel how weak and fruitless must be any words of mine which should attempt to beguile you from your grief for a loss so overwhelming, but I can not refrain from tendering to you the consolation which may be found in the thanks of the State and the Nation, which he served so nobly. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of professional and public duty.

Mr. MONDELL. Mr. Speaker, again we are reminded that the ways of Providence are beyond human understanding, and that the divinity which shapes our lives and orders our ends moves in mysterious ways, whose aims and purposes may not be fathomed by our philosophy.

He whose virtues and public services we are met to commemorate, though he left behind him the record of a long, useful, and illustrious career, yet from the standpoint of human expectations had but entered upon the threshold of what promised to be his crowning opportunity of public service, and in his death, to the sorrow that attends the passing of the loved and honored, is added the deep and lasting regret which we must all feel in the loss of one unusually gifted and thoroughly prepared for, and wholly consecrated to, the public service.

CHARLES J. HUGHES was a forceful and virile representative of the best of American types. He inherited, through pioneer ancestry, the best traditions of the chivalry of the Old Dominion, of the high courage of pioneer Kentucky, to which his own experience added stalwart, wholesome views of life acquired in the grand old Commonwealth of Missouri, supplemented, enriched, and enlarged by the broadened horizon—physical, political, and social—of the splendid mountain Commonwealth which became his home. With such a heritage of ancestry, of experience, of opportunity, blessed with an energetic spirit and a powerful intellect, it was but natural that he in whose honor we are gathered to-day should become a leader among men, a master of his profession, a genius in getting at the very root and heart of every problem which confronted him, of every theme and subject that challenged his attention or presented itself for solution; of those things to which he gave his mind and heart—and they were many—he became the master, pursuing them unwearied and unsatisfied until he could rest in the consciousness of a thorough and complete understanding.

All times, every locality, have their special and peculiar dominating problems, and to the mighty problems peculiar to the intermountain West the future Senator steadfastly and persistently, declining to be turned aside by flattering offers of political preferment, addressed himself with all of his tireless energy and his powerful mentality, with the result that he became recognized as the leading authority of the region in which he lived in the important and intricate questions of mining and irrigation law. Then, and then only, did he consent to give his proven and matured talents to the public service.

In the death of CHARLES J. HUGHES the whole country has suffered a great and permanent loss, but the loss is and will be the more keenly felt in the intermountain West, for there his talents were best known, and because he was by location, inclination, and equipment peculiarly the champion of that portion of the country. Honored and beloved by its people, familiar and in sympathy with its problems, and equipped with every needful gift and talent, native and acquired, rendered him an intrepid and forceful champion and spokesman of the region from which he hailed.

And so I am constrained to repeat the thought uttered in the opening of my remarks, that the ways of Providence are beyond human understanding, else why should one so gifted, so equipped, so devoted, be halted on the very threshold of opportunity for wide and useful service; called from the helpful activities of an honorable ambition, but lately realized, to the shades and repose of death? We can not fathom or understand the decrees of Providence which call from service the bravest and the brightest and the best, but we can, from the lessons of their lives, renew our devotion to the cause of right which they served, to the end that we, too, may be prepared whenever the summons comes, and in the hope that we may deserve the honor and praise we gladly render to the memory of CHARLES J. HUGHES.

Mr. MARTIN of Colorado took the chair as Speaker pro tempore.

Mr. RUCKER of Colorado. Mr. Speaker, it was my good fortune to have known the deceased Senator longer than did any Member of this or of the distinguished body to which he belonged. At the round of the reaper which cut him down we were entering upon the second lap of a decade that would have rounded out a half century of acquaintanceship. He was studying law just across the Missouri River, at Richmond, when I was beginning its practice at Lexington, in the State for which the river was named; but a few years thence, as by fate and as the broad channel of the greatest of rivers separated our homes in the beginning, and though we came together in the close relationship of attorneys at the same bar, we were, however, separated on every occasion by being opposing counsel in nearly all the great mining controversies of our State. These conflicts were mighty, as well as many; they and their echoes ran over a period of 30 years. Yes; I knew him well. I estimated him as highly for his transcendant ability as I feared his power and admired his personality.

That great river, the Missouri, is known as the slimiest, muddiest, and most unattractive of all our great streams. The controversies which put us on opposite sides of the table in court, as often the case, often resulted in much competition, exhibition of impatience, ugly moods, riled feelings, and intemperate words, but, unlike the waters of the "Great Muddy" that never become clear, no sooner than the threshold of the scene of such conflict was passed than between us it was again "Charley" with me and "Ad" with him, just as it had ever been. We would, arm in arm, possibly proceed to some near-by restaurant or to our offices or homes and, instead of a discussion of the case on trial, recurrence would be had to some incident common to both our memories in the early days, which would bring laughter to our lips and joy to both our hearts.

Mr. Speaker, others will, in this as did others in the Chamber at the other end of this Capitol yesterday, dwell upon his colossal intellect, his indomitable courage, his power as an orator, his matchless and marvelous ability as a lawyer and statesman, but I prefer to talk about and remember him as I believe he would have me. He would not have me indulge in fulsome praise, but rather to tell of him as a comrade, confidant, and friend. He was utterly and equally indifferent to praise and adverse criticism, unless the latter approached, in his judgment, the question of honor, of and concerning which he was jealous to a fault.

This trait in his character and his high ideals of patriotism can not be better illustrated than by referring to an incident

occurring in the Senate Chamber just after his entrance there, which will fairly illustrate his power of oratory as well.

Under a misapprehension of the purport of some remarks made by a brother Senator, he said:

I wish to admonish him here and now that, much as he looms up on the horizon of debate in the Senate, he is no inch taller than I when it comes to the avowal of principles and the right to speak and be heard unchallenged, uncriticized, and undominated by any influence save my own judgment and my own political conscience.

These utterances, delivered in a voice modulated to the exactness of filling that Chamber, with nothing over, was an electric shock as unexpected by his colleagues as to him were the congratulations which they showered upon him.

It may be asked why, endowed as he was, he had never held a political position before his election to the Senate. I am peculiarly qualified to answer such a suggestion. There was never a State election in the last 25 years that he could not have been the standard bearer of his party. Likewise, it is true, he could have come to the Senate 12 years ago, or again six years ago, had he so desired, and his acceptance of the senatorship two years ago was brought about only by the pressure of his friends. His reticence, modesty, diffidence, or whatever you may call it, marked his own estimate of his strength and is in contrast with his peerless power when aroused to action. He was at once as docile as a child, courageous as a lion, and as merciful as human nature admitted.

Of all my acquaintances, I never knew one who was not more sensitive to a joke at his own expense—to illustrate: He made an argument in one of the historic cases arising in Colorado and spoke for 15 days. At the end of the fifteenth day his client presented him with a superb gem for a stick pin costing $15,000. He seldom wore it; but whenever I caught him in company with others, pointing to the stick pin he was wearing, I would say, "By the way, Charley, is that the $15,000 pin given you by Mr. Moffit on the fifteenth day of that speech of yours to get you to stop talking?" With a hearty laugh he would proceed to turn the tables on me, to my vanquishment and discomfort.

The evenings we spent together at our hotel, where we occupied adjoining rooms last session, will always be recalled in memory for the enjoyment and profit brought me. We can do nothing further for him; but may his bereaved family and legion of friends feel and know that—

Death is dawn,
The waking from a weary night
Of fevers unto truth and light.

Mr. TAYLOR of Colorado resumed the chair.

Mr. MARTIN of Colorado. Mr. Speaker, had CHARLES J. HUGHES, Jr., late a Senator from the State of Colorado, lived the allotted span, he would have written upon the scrolls of Congress a record eulogistic and enduring far beyond my gift of words. I do not know what we would have said of him as finis to the record which he was scarcely permitted to open ere it was closed, but the ever-recurring thought that strikes in me the strongest and deepest chord of feeling is that the passing of this man, at the time and in the circumstances, was a tragedy. His was not the sunset at the evening; it was an eclipse at the zenith. His was not the gleaning of the reaper when the o'erripe grain bends to kiss the sickle; it was the blasting of a field in bloom and rich with the promise of a bursting harvest. He had but stepped upon the stage, and the first lines from his eloquent lips were still music in the ears of an enraptured audience, when the lights darkened, the curtain fell, and only the sweep of a wing was heard upon the air.

Limited, indeed, is the number from out the millions who may attain that exalted station, and some there be who come through great riches, and some there be who come through eminence in unkindred fields, and some there be tossed up here and there in the ever-clashing tides of political life, where heavier men sink; but he came to his own place, with every qualification upon his credentials to mark him a statesman, a Senator of Senators.

My contribution to these memorial services shall be an appreciation, rather than a biography; an index of the distinguishing attributes of the man rather than a catalogue of things common—and in equal degree—to all men; as that: On this day he was born; on that, married; on another, died. Thus we may come at some just estimate of him, some accounting for his sudden transition from the obscurity of private life to leadership in the United States Senate. By many ways he might have come at the opportunity, but in only one way, that of utter fitness, could he have measured up to its full possibilities.

To say that Mr. HUGHES was the premier of the Rocky Mountain bar is to say that he was a great lawyer, and it was said of him by a distinguished adversary before the Supreme Court of the United States that he was the greatest mining lawyer in the world. And he was equally strong in every branch of his case. He had as clients the mining princes, the empire builders, the conquerors of the West. In many of their vast enterprises he was the legal pathfinder, whose explorations are an imperishable part of the jurisprudence of the West. But, best of all, and as throwing a flood light upon his human side, he was the son of an able lawyer and his partner and companion; he was the father of able lawyers and their partner and companion. Men from the humbler walks, and many such he numbered among his warmest friends, have expressed surprise that a lawyer whose clientage was a roll call of the big men of the West, and who was himself a man of large affairs, found his chief pleasure in just sitting down and talking to them; in letting the outer office wait upon an hour of story telling and reminiscence and of intimate companionship. Let them read the explanation in the above brief mention of his family ties.

CHARLES J. HUGHES, Jr., was endowed with a mind that entered him in the race of life abreast of the fleetest, and which, given character, assured endurance to every goal. His was a brain of exceptional power and capacity, and his mental processes were lucid, logical, and exact, cutting true as a diamond, leaving neither chip nor flaw. With him thinking was so nearly an exact science that he stripped the issue consecutively and in all its aspects from premise to conclusion. To borrow a mechanical phrase, his mind was singularly true, but with a breadth of vision which enabled him to see the situation as a whole and in all its parts and relations, as a general might see, from an eminence, the true proportions of the battle and all his forces in action. I believe it can be truthfully said of Mr. HUGHES that no opponent ever hoped to win from him by defect in his plans or failure in their execution.

The logic of his thought was complemented by a felicity of expression which gave the impression of utmost ease. Slurring or inexact terms were never the vehicle of his thought, and the facility with which he unfailingly fitted the word to the idea marked him as a master of diction. The very simplicity of his style robbed it of the appearance of laborious effort, and made the observer feel that he, too, bore within him the powers of great accomplishment, similarly as one is impressed by the movements of perfect physical performance.

This master mind had as handmaiden a marvelous memory. Often, for a moment, have I divided attention to his narrative with speculation that a brain so charged with events should be such a storehouse of incidents. Once during a stormy factional State convention, and after the leaders in the struggle had spoken, he was called from his private affairs to appear and speak to the issue. Such a call under such conditions seemed impossible of creditable response, but the man appeared and reviewed, in order, the history of the warring factions, which in many essentials had been forgotten, at least for the moment, by the very men who had part in them. Never himself a candidate for office until he was elected to the Senate a brief two years agone, he could have written from memory the political history of Colorado. And its legal history. And its general history. And a wealth of anecdote of the men who made all these histories.

And this leads naturally to the most unusual side of this many-sided man. It leads to the reason why a man who had never held office, had never been officially concerned in public affairs, either State or national, could step into the Senate of the United States and at the first essay take rank with the leaders in that great forum. Mr. HUGHES had a grasp of political issues and a forte for public affairs rarely found in a lawyer of such ability, so closely devoted to his profession. Often great lawyers, after rising to professional eminence, enter the Senate only to find themselves junior in legislative capacity and influence to lesser men.

But Mr. HUGHES possessed a variety of interest, fed by his omnivorous mind with a range of information, which kept him fully abreast of every public question. He knew labor and capital; he knew law and politics; he knew men and things as do few lawyers cloistered with their books and briefs. For 30 years he made them all a part of his daily routine, and amid them all he worked as a giant building a world about himself, yet always with vision fixed firmly but modestly upon the high goal of his life's ambition and the crowning scene-to-be of his life's activities.

This is the reason that Mr. HUGHES, at his first session in the Senate, could deliver a speech showing conclusively that no income-tax statute can be devised by Congress which will meet the objections of the Supreme Court of the United States in its last decision upon that great question, and that only by a re-

versal of that decision or by constitutional amendment can that great issue ever be affirmatively settled.

This is the reason he could deliver a speech on conservation, which is a textbook on the rights of the State to the care and administration of its natural resources.

This is the reason he could discuss with seasoned Senate students the problems of interstate commerce, an issue second neither to trusts nor tariff.

This is the reason he could break a lance with the most skilled swordsman in debate and be hailed at his first adventure in the lists as another Richmond in the forensic field.

Having said this much of him one might conclude that this makes the full measure of a most able man, but his chief characteristic would be left unsaid. If genius be a capacity for hard work, then, indeed, was Mr. HUGHES a genius. His adversary was beaten at the outset, for soon the night and rest came and in the morning his works were taken. Others, tiring, might lay aside their tools and rest or play, but he, with ceaseless energy, toiled on and on and on. And this was his great fault. He wrought mightily, working his life fiber into the weave, and fell exhausted upon the loom while yet the pattern in the weaver's mind was but hinting its true proportions.

And this is the pathos of his untimely passing. He entered his first big case at the foot of the list of counsel and emerged at the head. He would have been no more content with a minor rôle in the United States Senate. He had the ambition and the ability to win its loftiest honors. He came to the Senate with an equipment that made him at once the peer of its ablest men, and his recognition was instant. He came from a great new section of the Republic, presenting great new problems for solution, bringing with him full knowledge of all the conditions involved, to make him an invaluable factor in their working out—in itself a vast field for statesmanship; yet had already given earnest that he was a thinker in national terms, with ready grasp of the older problems of the older sections. His loss, therefore, is not sectional but national.

A great lawyer, an eloquent orator, a skilled debater, a clear thinker, an avid student, a tireless worker, a man whose experience ran as a river through the birth and growth of a new civilization; such was Colorado's gifted son; such the endowment he brought to the seats of the fathers; such the grievous measure of our loss.

Death takes us by surprise,
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. CLARK of Missouri. Mr. Speaker, Missouri was settled principally by Virginians, Kentuckians, North Carolinians, and Tennesseeans, together with a sprinkling of the elite from every State in the Union and from every civilized country in the world. The Missourians, in turn, have been the chief factor in the settlement and building up of the States and Territories to the westward, even to the golden shores of the Pacific.

The great influence of Missouri in the affairs of the newer States of the far West is evidenced by the fact that during the last two years the governor of Colorado, Hon. John F. Shafroth; one of her two United States Senators, Hon. CHARLES JAMES HUGHES, and two of her three Representatives in Congress, Hon. JOHN A. MARTIN and Hon. A. W. RUCKER, have been Missourians. In addition to them, Judge S. Harris White, of the Colorado supreme court, and Hon. Robert E. Lewis, of the United States district court of Colorado, are also Missourians.

If Virginia is justly entitled to be called "The Mother of Presidents," Missouri is as justly entitled to the sobriquet of "The Mother of States and Statesmen."

Within the last few weeks two Missourians have died while holding seats in the Senate of the United States, though neither of them represented Missouri in that august body—STEPHEN BENTON ELKINS, of West Virginia, and CHARLES JAMES HUGHES, of Colorado. Consequently Missouri mourns with the Centennial State in the loss of her distinguished son. The Hugheses were among the pioneers in both Missouri and Colorado, and stood high in both those magnificent Commonwealths. They were and are capable, honest, industrious, thrifty, and patriotic men and women, discharging with ability, courage, and fidelity the onerous and important duties of American citizenship in every station in which they have found themselves in peace or in war.

When elected to the Senate Mr. HUGHES enjoyed a very high standing at the bar of Colorado, which from the beginning has been celebrated for the capacity, brilliancy, learning, and eloquence of its members. His practice was exceedingly lucrative. Colorado presents as rich and varied a field for the lawyer as does any other State in the Union. While ranking high as a general practitioner, Senator HUGHES became a specialist in mining and irrigation litigation. In these he laid the foundation of both fame and fortune.

He was a Democrat and a vigorous partisan always. During his whole life he took an interest in politics as every citizen owes it to his country to do. He was a candidate for presidential elector in 1888, 1900, and 1904, being elected in 1900 and defeated in 1888 and 1904. He was a delegate to the Democratic national conventions of 1904 and 1908. In 1904 and 1906 he was tendered the Democratic nomination for governor, which he declined. He was unanimously nominated by the Democrats of Colorado in convention assembled in 1908 as the successor to the venerable Henry M. Teller in the Senate of the United States, to which body he was duly elected by the legislature in January, 1909, receiving every Democratic vote, and was sworn in as a Member of the House of the conscript fathers March 4, 1909. A consideration of the nominations which he accepted and those which he declined leads one not very familiar with his mental processes to conclude that he really had little desire for public office, and was a candidate sometimes from a sense of duty or party fealty when he knew the chances were against his election.

When elected to the Senate he relinquished a law practice worth many times the salary of a Senator, which more than anything else perhaps demonstrates his patriotic purpose. It is a commendable act, somewhat too rare in this country, when a man successful at the bar or in some other wholesome field of human endeavor, having amassed a competency, is willing to give over money-making in order to serve his country, which is worthy of the best service of all her sons, from the poorest to the richest, from the lowest to the highest.

Senator HUGHES paid little attention to the rule, now honored more in the breach than in the observance, that new Senators, like children, should be seen and not heard. He chose the better part, the more sensible part, and dipped into the debates whenever he thought proper; and it is simple truth to say that he held his own with the best of his fellows. No one seemed to deem his early participation in debate as improper, for he brought with him to the Capitol the reputation of being one of the ripest lawyers and most successful advocates in the trans-Mississippi region. So from the very first he held a commanding position in the Senate and had the ear of the country.

Upon his entrance into the Senate he was 56 years of age, right in the prime of his powers and apparently destined for a long and splendid career. The high hopes of himself and his friends were blasted by his early and untimely death, which is a real loss to his State and to the country. The unusual success which he achieved in his two years of service in the Senate will forever remain as proof of what he might have accomplished had his senatorial career been prolonged through many years.

Mr. ALEXANDER of Missouri. Mr. Speaker, as is well known the late Senator CHARLES J. HUGHES, Jr., junior Senator from the State of Colorado, was born in Missouri. The county in which he was born and the county in which he was raised are both in my congressional district, and for many years as judge of the seventh judicial circuit of Missouri I held court in Kingston, the county seat of Caldwell County, where he was born, and in Richmond, the county seat of Ray County, where he grew to manhood and lived until he went to the city of Denver, in Colorado, where he resided up to the time of his death. My acquaintance with Senator HUGHES was not very intimate. I never met him more than once or twice prior to his removal to Denver, and it was on those occasions in Richmond, Mo. The fact that he was raised in the fine old town of Richmond, and that my wife was born there, and he and my wife were of kin, and that their parents and kindred were among the old residents in Richmond and Ray Counties, drew me to him and caused me to watch his career with more than ordinary interest. I feel that I would fail in a duty to the splendid constituency I have the honor to represent in this distinguished body if I did not say a word by way of tribute to the memory of one of their most distinguished sons.

CHARLES J. HUGHES, Jr., was born in Kingston, Mo., on the 16th day of February, 1853. He was the son of the late Judge Charles J. Hughes, who was for many years judge of the probate and county courts of Ray County. His mother, Mrs. Serena Hughes, is still living, and her home is in Richmond, Mo. Senator HUGHES's father, with his family, removed from Kingston to Richmond in 1863. He graduated from Richmond

College in 1872, and from the law department of the Missouri State University in 1873, and was enrolled as an attorney and counselor at law in the circuit court of Ray County September 6, 1873, Hon. Philander Lucas being judge of the court; James L. Farris, prosecuting attorney; John C. Brown, sheriff; and John H. Harmony, clerk. James W. Ganner, now a prominent lawyer in Kansas City, and James Lane Allen, the author, were college friends of Senator HUGHES.

The Richmond bar at that time was composed of many lawyers of great learning and ability in their profession. Gen. A. W. Donophan, Missouri's hero of the Mexican War, and a distinguished soldier, lawyer, and statesman; Judge George W. Dunn, for a great many years circuit judge and greatly beloved by the people; C. T. Garner, sr., for a generation one of the leaders, if not the leader, of the Richmond bar; James L. Farris, sr., a member of the constitutional convention of 1875, and a member of the General Assembly of Missouri for several terms, and regarded as one of the ablest lawyers and most brilliant advocates at the bar in Missouri; John W. Shotwell, David P. Witmer, William A. Donaldson, Joseph E. Black, sr., and James W. Black, sr., both of whom were men of great legal learning; Nathaniel Bannister, Elijah G. Esteb, Andrew J. Riffe, Charles J. Hughes, sr., father of Senator HUGHES, and James W. Ganner, now and for many years past one of the prominent lawyers of Kansas City, Mo., were all members of the Richmond bar, and most of them in the actual practice of their profession, and the outlook for a young and aspiring lawyer in a community where the older members of the profession were so firmly entrenched in the confidence and esteem of the people was not at all inviting.

Senator HUGHES married Miss Lucy L. Menefee, one of Richmond's fairest daughters, September 1, 1874, and his wife and four children survive him.

Through Thomas N. Lovelock and James L. Farris, jr., both now and for many years leading members of the Richmond bar, as well as the Conservator and Missourian, published in that city, I have gathered a few of the facts relating to the life of Senator HUGHES while he was a resident of Richmond.

Mr. Farris says of him:

My first recollection of Senator HUGHES dates from about 1875. He was then professor of mathematics and science in the public schools of Richmond, where he had been a teacher for some time and where he continued to teach until 1878. The last two years he taught here I recited some lessons to him. He was earnest and zealous in his work; he had charge of our debating society and was tireless in our behalf.

In June, 1878, part of Ray County was swept by a terrible cyclone. It plowed its way through the town of Richmond, destroying much property, several people were killed and many injured. Mr. Farris says:

On that day Mr. HUGHES, his wife, and their children were on their way to Camden, 6 miles distant from Richmond, and were overtaken by the cyclone, the most terrible that ever passed over the county.

He suffered a broken leg. I arrived on the scene a few minutes after the storm passed and was struck by his manly bearing and stoic attitude. He and his company were spattered with mud, his leg broken, and the bone exposed. The vehicle torn to pieces and scattered about, one of the mules killed, the other badly crippled. Almost miraculously his family had escaped injury. He was suffering intensely. A party rode up hurriedly and handed him a bottle of whisky with request for him to drink to deaden the pain, but he quietly remarked, "Throw it away."

While he was on crutches he made the race for prosecuting attorney for Ray County against James W. Garner and was beaten by a few votes.

Soon afterwards Senator HUGHES moved to Denver and formed a partnership with Gen. Bela Hughes. In Richmond his life was pure and marked by indefatigable energy.

He loved books and was a great student. As a teacher, Mr. Farris says of him:

At school he was as exacting of his relative's children and the children of the directors as of the humblest. He knew nor showed any favoritism.

His exactions, however, were neither captious nor foolish, but inspired by an exalted purpose to get the best out of his pupils that was in them. His reputation as a school-teacher in our community was that of an "Abelard," whose name, I believe, stands for all scholastic graces.

Senator HUGHES did not practice law in Richmond long, and his practice was limited, but through the period intervening between his admission to the bar in 1873 and his removal to Denver in 1879 he was laying the foundation broad and deep for that splendid success at the bar which then began and steadily increased throughout his career at the Denver bar.

His career since going to Colorado will be eloquently portrayed by his distinguished colleagues from that State in this body and in the Senate, while his brief but brilliant career in the Senate of the United States will, no doubt, receive that mead of high praise which it merits from his colleagues in that body.

It is with the deepest satisfaction and pride that Senator HUGHES's relatives and friends in Missouri noted such encomiums on the life and character of Senator HUGHES as were pronounced by distinguished citizens of Denver and published in the Denver press on the morning following his death.

Gov. Shafroth, a former Missourian, paid him the following eloquent tribute:

He was one of the strongest men mentally we have ever had in Colorado. He was especially well equipped for legislative work in the United States Senate because of the long training he had had in the study of laws and their interpretation.

Senator HUGHES was, in my judgment, the strongest lawyer in the State of Colorado. I had watched him try cases and had found in him a persistence in forcing his points and in clearly arguing the same that indicated great depth of learning and a knowledge of elementary principles so valuable to a lawyer in the trial of cases.

None ever has even suggested that Senator HUGHES was not the soul of honor in the trial of cases and in all his relations in life. Had he lived he would have been one of the strongest and ablest Senators in the United States Senate.

Former Gov. Alva Adams said of him:

It is a calamity to the State of Colorado. Senator HUGHES was one of the greatest lawyers the State has ever produced and he was a statesman of the highest rank.

His death is an occasion for public mourning. Senator HUGHES was a highly educated, polished statesman, who was a credit to the great Commonwealth which he represented in the United States Senate.

Senator W. H. Adams, president pro tempore of the State senate, said:

The death of Senator HUGHES is a serious loss to Democracy in this State and a great blow to every citizen of Colorado. He was one of the ablest of a long line of distinguished men who have represented Colorado in the upper hall of Congress. Senator HUGHES was a man of brains. He was capable wherever placed. As a lawyer he had no superior in Colorado and as a statesman he showed his ability during his brief career in Washington. He was a tireless worker and a man deeply interested in the welfare of this State. His death marks the passing of a truly great man.

George McLachlan, speaker of the house of representatives, said:

Senator HUGHES was a man of whom this State justly was proud. Colorado has sent many able men to the United States Senate, but none abler than he. He was a lawyer of the greatest ability. Colorado will mourn him, and his name will be written on the pages of the history of the State's development.

Cassius E. Clay, chairman of the Republican county central committee, said:

I knew Senator HUGHES very well; his death is an immense loss. His remarkable ability and personality was destined to make him one of the most prominent political figures in the Democratic Party. He was a hard worker, aggressive, and wrapped up in his profession. He never aspired to any political office until the senatorship arose. He already had a name for himself by his able work in the senate.

Chief Justice John Campbell, of the supreme court of Colorado, was informed of the death of Senator HUGHES a few minutes before he left the statehouse for his home. He was a close personal friend of the Senator, and the news of his death was a distinct shock. He said:

I knew, as did everyone else, that the Senator was very low, but I did not dream that his condition was so critical. I can not adequately express the grief that I feel. The loss of Senator HUGHES to Colorado, as well as the Nation, will be keenly felt. Senator HUGHES was one of the ablest lawyers that I ever have known. He was a man who, had he lived, would have been a leader in the Senate. His death will be felt nation-wide.

Dr. F. L. Bartlett, president of the chamber of commerce, said:

We have called a meeting of the board of directors for 4 o'clock to-morrow afternoon to take formal action on the death of Senator HUGHES. We all feel badly over his death. He was a good man and one of ability. He always had the best interests of Colorado at heart. It will be difficult to find anyone who was as loyal to the best interests of the State.

Thomas Keeley, vice president of the First National Bank, said:

We are all deeply grieved to hear of Senator HUGHES's death. We had hoped that rest and absence from cares might restore him to health and strength. Mr. HUGHES was one of the finest men I ever knew. He was a man of great will and brain power and one who always gave his individual attention to anything intrusted to his legal advice. He always had a pleasant word for everyone and it was a pleasure to visit his office. Intellectually, I think he was one of the biggest men we ever had in this community. He could see through a case clearer and quicker than most business men and always exercised good judgment. We have always been very close to him, and mourn his loss more than any other institution or individuals in the city, excepting his own family. I consider his death a great blow to the growth and future development of the city. It will be a long time before we can get another to take his place.

United States District Attorney Thomas Ward, jr., said:

I had known Senator HUGHES since 1883. His family and mine were Missourians and acquainted long before coming to Colorado. I regarded him as the best lawyer in the State. He was a great lawyer in every respect, the ideal citizen, just and lovable, and his loss to Colorado is incalculable.

I firmly believe that he was destined to shine as one of the Nation's foremost statesmen, and had he lived there is no limit to his achievements along the lines of constitutional statesmanship. His loss is more than local—it is national.

Mayor Speer, of Denver, said of him:

The death of Senator HUGHES is a serious loss not only to Colorado but to the Nation. He was possessed of a remarkable mind and of the loftiest integrity. He had just entered upon a career in the United States Senate, during which, even the brief time he had served, he

had won the admiration and respect of the Nation and had aroused the greatest pride of his constituency. The Nation has lost a Senator in Congress and our State a citizen whose place can not be filled.

Many more testimonials from men in all the walks of life, from the President of the United States to the humblest citizen, might be added to these showing the high esteem in which Senator HUGHES was held by his fellow countrymen. Other men gifted and capable, and who have had the better opportunity to form a just estimate of his talents and ability, will no doubt do full justice to his memory.

It is a matter of profound regret that he should be cut down at the time when just entering on a career of the largest usefulness to his State and to the Nation. But his untimely death is only another of the inscrutable tragedies of this life.

Though dead, yet we believe he has entered upon a higher life that those noble qualities of mind and heart wrought out by long years of labor and pain and struggle here have fitted him for the companionship of that illustrious company whose pure lives and great achievements have adorned the pages of history.

Said Victor Hugo, in answer to the question, "Shall we live again?"

I feel in myself the future life. I am a forest once cut down; the new shoots are stronger and livelier than ever. I am rising, I know, toward the sky. The sunshine is on my head. The earth gives me its generous sap, but heaven lights me with unknown worlds.

You say the soul is nothing but the resultant of bodily powers. Why, then, is my soul more luminous when my bodily powers begin to fail?

Winter is on my head but eternal spring is in my heart. I breathe at this hour the fragrance of the lilacs, the violets, and roses as at 20 years. The nearer I approach the end the plainer I hear around me the immortal symphonies of the worlds which invite me. It is marvelous yet simple. It is a fairy tale and it is history.

For half a century I have been writing my thoughts in prose and in verse; history, philosophy, drama, romance, tradition, satire, ode, and song; I have tried all. But I feel that I have not said the thousandth part of what is in me. When I go down to the grave I can say, like many others, "I have finished my day's work." But I can not say I have finished my life. My day's work will begin again the next morning. The tomb is not a blind alley, it is a thoroughfare. It closes on the twilight, it opens on the dawn.

May we not cherish the hope that CHARLES J. HUGHES, Jr., having fully met and discharged the duties and obligations of this life, whether as son, husband, parent, friend, citizen, patriot, or statesman, only finished his day's work here on Wednesday, January 11, 1911, and that his day's work began again the next morning in another world, freed from the limitations and disappointments and sorrows of this life.

Mr. SMITH of Iowa. Mr. Speaker, it is not for me to go into the history of Senator HUGHES and his public service; neither shall I enter into any detailed analysis of his talents or characteristics. These subjects are properly left to the Representatives of those States, one of which was honored by giving him birth and the other of which was honored by granting him his commission to the Senate. I shall content myself with a few words in reference to him as a lawyer as I saw him and as my personal friend.

I first met him about 10 years ago, when we were arrayed in a professional capacity on opposite sides in the court room. We sat on opposite sides of the trial table in the aggregate for about six months during a period of about nine years. I saw him in action and learned how great a lawyer he was. Always courteous, but incisive, almost matchless in clearness of perception and powers of analysis, with tremendous industry and wonderful memory, I have never met another so formidable adversary. His mind seemed to photograph every word of the evidence in a long trial, and woe betide that witness who in the course of years varied his testimony by a hair's breadth! He was a masterly cross-examiner, and as all such must be a great judge of human nature.

The great West is proud of many of its lawyers, and deems them fit to contend with the best lawyers of the older and more cultured East; and this man had no superior in his profession, and few, if any, equals in all the lands beyond the Mississippi.

Reference has been made this afternoon to the fact that by his profession he had acquired wealth, and it seems to me proper to suggest at this time that the fact that a candidate for public office is possessed of wealth is no objection to his selection provided he would be selected if he were not wealthy.

The only criticism that is just is when, as in many instances, a man of wealth is chosen to a great public office who would not be considered for that office if it were not for his wealth.

Senator HUGHES was too industrious. I sometimes think that the human family is made up almost wholly of those who work too much and of those who refuse to work enough. Almost none are wise enough to work as they should. Senator HUGHES undoubtedly worked too much and thereby brought on his untimely death.

He was affable, genial, generous, dignified, and self-contained. He was a good and loyal friend. During all the past 10 years he was my friend, and it was with deep regret I heard of his serious illness, and with sincere sorrow that I learned of his untimely death.

LEAVE TO PRINT.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent that all Members may be given five legislative days in which to print remarks in the RECORD on the life, character, and services of Senator HUGHES.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. In accordance with the resolutions adopted, and as a further mark of respect to the deceased Senator and Representative, the House stands adjourned until to-morrow.

Accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Monday, February 13, at 12 o'clock noon.

SENATE.

MONDAY, *February 13, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

REFRIGERATING PLANT IN CAPITOL BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, certain information relative to the plan and specifications and estimate of cost for a refrigerating plant in the Capitol Building and in the Senate and House Office Buildings, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 124) reaffirming the boundary line between Texas and the Territory of New Mexico.

The message also announced that the House had passed a bill (H. R. 31596) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1912, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7252) granting an annuity to John R. Kissinger.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. CHARLES JAMES HUGHES, Jr., late a Senator from the State of Colorado.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. CHARLES QUINCY TIRRELL, late a Representative from the State of Massachusetts.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2469. An act for the relief of Alfred Childers;

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest;

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city;

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.;

S. 10595. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 19505. An act for the relief of Eugene Martin;

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation, in Wyoming;

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 30727. An act providing for the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne; and

H. J. Res. 213. Joint resolution authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Legislature of the State of Arkansas, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner, the General Assembly of Arkansas, now in session at the capital of the State of Arkansas, respectfully represents to the Congress of the United States that the annual reunion of Confederate Veterans is authoritatively ordered to be held at the city of Little Rock, Ark., May 16, 17, and 18, 1911; and

Whereas the people of Arkansas are desirous that this reunion shall be a memorable occasion for the said veterans; that they shall be suitably encamped, amply provided for otherwise, and be made very comfortable during their stay in the city of Little Rock, Ark.: Now, therefore,

The General Assembly of Arkansas, representing all the people of the State, regardless of political affiliations, creed, or previous condition, hereby, in behalf of the people and for them, petition the Congress to authorize the War Department to loan to the State of Arkansas for the purposes of the said reunion the following tents or such other tentage as shall be of equal capacity, to wit, 1,000 conical wall tents; 1,000 conical wall-tent poles; 1,000 conical wall-tent tripods; 48,000 small tent pins; 4,000 large tent pins; 20 storage tents, large size; 20 storage-tent poles and ridges; 40 storage-tent poles, upright.

The said equipage to be delivered by the War Department to Maj. E. B. Jett, quartermaster National Guard of Arkansas, Little Rock, Ark., or to such State officer as the Secretary of War may designate to receive and account for same, it being understood that the State of Arkansas shall be responsible therefor, to the end that the same shall be properly reshipped immediately following the close of the reunion as aforesaid to the Army depot from whence such equipage was received.

And your petitioner, the State of Arkansas, is in duty bound.

Approved February 7, 1911.

G. W. DONAGHEY,
Governor of Arkansas.
R. F. MILWEE,
Speaker of the House of Representatives.
HARDIN K. TONEY,
President of the Senate.
EARLE W. HODGES,
Secretary of State.

—

STATE OF ARKANSAS,
DEPARTMENT OF STATE.

Earle W. Hodges, secretary of state, to all to whom these presents shall come, greeting:

I, Earle W. Hodges, secretary of state of the State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of house memorial No. 1, approved February 7, 1911, the original of which was filed for record in this office on the 7th day of February, 1911.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at office in the city of Little Rock this 11th day of February, 1911.

[SEAL.] EARLE W. HODGES, *Secretary of State.*

The PRESIDENT pro tempore presented a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Joint resolution asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
F. M. WYLIE,
Chief Clerk of the Senate.

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UNITED STATES OF AMERICA, THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 65-A has been compared by me with the original printed joint resolution on file in this department and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 11th day of February, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

The PRESIDENT pro tempore presented a memorial of the Board of Trade of Chateaugay, N. Y., remonstrating against the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Wichman, Lutgen & Co., of San Francisco, Cal., and the memorial of I. D. Fuller, of Vona, Colo., remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of Local Union No. 239, Journeymen Barbers' International Union, of Washington, D. C., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of sundry citizens of the city of Washington, D. C., praying for a continuance of the present public-school system in the District, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Columbia Heights Citizens' Association of the District of Columbia, remonstrating against the adoption of the proposed change in the name of Fourteenth Street NW. to that of Maine Avenue, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Junior Order United American Mechanics of Loudon, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of Horace P. Montgomery, of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of the Lincoln memorial road from the city of Washington to Gettysburg, Pa., which was referred to the Committee on Appropriations.

He also presented a petition of the executive board of New Hampshire's Daughters' Association, praying for the enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. PILES presented a petition of the Trades and Labor Council of Hoquiam, Wash., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Council No. 12, Junior Order United American Mechanics, of Tacoma, Wash., praying

for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DIXON. I present a joint resolution of the Legislature of the State of Montana, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 1.

Joint resolution relative to election of United States Senators by popular vote.

Whereas a large number of State legislatures have, at various times, adopted memorials and resolutions in favor of electing United States Senators by the direct vote of the people of the respective States; and

Whereas a large number of State legislatures have created senatorial direct-election commissions: Therefore be it

Resolved by the General Assembly of the State of Montana, That the Legislature of the State of Montana, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for the submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by convention therein, as one or the other mode of ratification may be proposed by the Congress.

SEC. 2. That at the said convention the State of Montana will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended so that the Senators from each State shall be chosen by the electors thereof, as the governor is now chosen.

SEC. 3. A legislative commission is hereby created, to be composed of the governor and four members to be appointed by him, not more than two of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Montana. It shall be the duty of the said legislative commission to urge action, by the legislatures of the several States and by the Congress of the United States, to the end that a convention may be called, as provided in section 1 hereof. That the members of said commission shall receive no compensation.

SEC. 4. That the governor of the State of Montana is hereby directed to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, to the honorable Representatives and Senators in Congress from Montana, who are hereby requested and urged to aid, by their influence and vote, to the end that the United States Senators shall be elected by popular vote.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved February 2, 1911.

EDWIN L. NORRIS, *Governor.*

Filed February 2, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint resolution No. 1, relative to election of United States Senators by popular vote, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 2d day of February, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 2d day of February, A. D. 1911.

[SEAL.]

A. N. YODER, *Secretary of State.*

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the joint resolution was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Joint resolution asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a petition of Alonzo Palmer Post, No. 174, Department of Wisconsin, Grand Army of the Republic, of Superior, Wis., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Council of La Crosse, Wis., and a petition of Local Union No. 344, Brotherhood of Carpenters and Joiners of America, of Waukesha, Wis., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Shiocton, Wis., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Agricultural and Breeders' Association of Kiel, Wis., remonstrating against any reduction being made in the present rate of duty on barley, which was referred to the Committee on Finance.

He also presented a memorial of the State Commandery of Wisconsin, Military Order of the Loyal Legion of the United States, remonstrating against the enactment of legislation proposing to abolish United States pension agencies outside of Washington, D. C., which was referred to the Committee on Pensions.

Mr. PAGE presented a petition of Local Union No. 994, American Federation of Labor, of Bennington, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 323, Patrons of Husbandry, of Hardwick, Vt., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. CULLOM. I present a joint resolution of the Legislature of the State of Illinois, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the joint resolution was read and referred to the Committee on Pensions, as follows:

House joint resolution 7.

Whereas there is pending in the Senate of the United States a bill, having passed the lower House of Congress, known as the Fuller-Sulloway pension bill, which provides fixed and certain amounts of pension to be paid to the survivors of the Mexican and Civil Wars with slight increases above the amounts that are now allowed to be paid upon age limit: Now, therefore, be it

Resolved by the house of representatives of the State of Illinois (the senate concurring), That it is the sense of these bodies that said pension bill should pass the Senate of the United States without amendment and that the people of the State of Illinois heartily indorse the action of Congress in providing more liberal pensions for the veteran survivors of the Mexican and Civil Wars and to provide for their payment based upon the age of the veteran.

Adopted by the house January 24, 1911.

CHARLES ADKINS,
Speaker of the House of Representatives.
B. H. MCCANN,
Clerk of the House of Representatives.

Concurred in by the senate January 31, 1911.

JOHN G. OGLESBY,
President of the Senate.
J. H. PADDOCK,
Secretary of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the joint memorial was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 6.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled, would respectfully pray for the speedy passage of such legislation as will permit of the determination by the courts of the rights and claims of the locators of coal and other lands in Alaska, to the end that either those claims, if fraudulent, be canceled and the land restored to the public domain to be entered and developed by other people under the laws of Congress, or that patents issue thereto, in case no fraud appears, so that the locators may themselves open the mines.

Further, your memorialists pray for the immediate passage by Congress of some act permitting the leasing of coal land in Alaska under such terms as will invite the investment of the large capital necessary to open those mines and to construct transportation lines to them, and which at the same time will protect the country against any possible monopolization and the people of Alaska against any extortion in the charge made for coal.

Further, your memorialists pray that on the passage of such an act, and as part thereof, provision be made for the immediate opening to entry under its terms of all of the coal and other lands in Alaska now withheld from the possibility of utilization by executive order.

Passed the house January 16, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 25, 1911.

T. H. PAULHAMUS,
President of the Senate.

Mr. PENROSE presented petitions of Ceres Grange, No. 1253, of Ceres; Juniata Grange, No. 889, of Altoona; Pomona Grange, No. 41, of Honesdale; of Summit Grange, No. 1079, of Erie; of Leapydale Grange, No. 1268, of Custer City; of O. K. Grange, No. 1303, of Summit Station; and of Willard Grange, No. 1440, of New Castle, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. YOUNG. I present a memorial from the clerk of the Springdale Quarterly Meeting of Friends' Church, of Iowa, which I ask may be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

SPRINGDALE, IOWA, *February 4, 1911.*

Hon. LAFAYETTE YOUNG,
United States Senator from Iowa.

DEAR SIR: At a business meeting of Springdale (Iowa) Quarterly Meeting of Friends' Church, held at West Branch, Iowa, February 4, 1911, representing over 400 members, mostly residents of Cedar and Muscatine Counties, Iowa, I was requested by a unanimous vote of this meeting to write to you and on behalf of the church protest against the proposed expenditure of public funds for the fortification of the Panama Canal, and request that you vote and use your influence against such use of the public funds and respectfully urge upon you the advantages of procuring by international agreements the neutralization of the whole Canal Zone.

Very truly, yours, WILLIAM MATHER,
Clerk of Springdale Quarterly Meeting of Friends' Church.

Mr. YOUNG presented petitions of Bakers and Confectioners' Union, No. 226, of Keokuk; of Sheet Metal Workers' International Alliance, No. 263, of Cedar Rapids; and of the Twentieth Century Club, of Livermore, all in the State of Iowa, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Memorial Post, No. 216, Grand Army of the Republic, Department of Iowa, of Cresco, Iowa, and of John A. Buck Post, No. 140, Department of Iowa, Grand Army of the Republic, of Lisbon, Iowa, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of Local Council No. 767, United Brotherhood of Carpenters and Joiners, of Ottumwa; of Tri City District Council, Carpenters and Joiners of America, of South Omaha and Council Bluffs; and of the Central Labor Union, of Waterloo, all in the State of Iowa, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Local Division, Brotherhood of Locomotive Engineers, of Burlington, Iowa, praying for the enactment of legislation to authorize the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Burlington, Iowa, praying for the enactment of legislation providing for the proper observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. LODGE presented a petition of the Fruit and Produce Exchange of Boston, Mass., praying for the ratification of the proposed reciprocal agreement between the United States and Canada in respect to the elimination and reduction of import duties, which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of Local Union No. 13114, Street Sweepers' Union, of Pawtucket, R. I., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. PERKINS presented a memorial of the California State Grange, Patrons of Husbandry, remonstrating against the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of Local Grange, Patrons of Husbandry, of Trumbull, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Butterworth Progressive Republic Club, of New Haven, Conn., and a petition of the Lumber Dealers' Association of Connecticut, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the executive body of the New Hampshire Daughters, of Boston, Mass., praying for the enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented petitions of Harmony Grange, of Stepney Depot; of Unity Grange, of Deep River; of Local Grange of Trumbull; of Local Grange of Cannon; of the Fairfield County Pomona Grange; of Local Grange of Watertown, and of Local Grange of Plainfield, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. WARREN. I present a telegram, in the nature of a memorial, from the Wyoming Wool Growers' Association, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada. I ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WOLTON, WYO., *February 11, 1911.*

Hon. F. E. WARREN, *Washington, D. C.:*

On behalf of the wool growers of Wyoming I vigorously protest against the proposed reciprocity treaty with Canada, and demand that live stock be given the same protection as is accorded dressed meats. High-priced feed and labor, low prices for our product, and unfavorable weather conditions have placed the sheep industry on verge of annihilation. We earnestly appeal to Members of National Congress to do all within their power to frustrate adverse legislation and support measures that will permit our industry to exist if not prosper.

J. A. DELFELDER,
President Wyoming Wool Growers' Association.

Mr. WARREN presented telegrams in the nature of memorials of W. S. Edmiston, publisher of the Farmer and Ranchman, of Cheyenne, Wyo.; of the Farm Journal, of Philadelphia, Pa.; and of the Priscilla Publishing Co., of Boston, Mass., remonstrating against any increase being made in the postal rates on magazines and periodicals, which were ordered to lie on the table.

Mr. WATSON presented memorials of the Hutchinson, Stephenson Hat Co.; the Payne Shoe Co.; Lewis Hubbard & Co.; the Hubbard, Bedell Grocery Co.; Abney, Barnes Co.; the Schwabe Clothing Co.; the F. H. Hammond Notion Co.; the Charleston Hardware Co.; the Thomas Shoe Co.; the H. O. Baker Furniture Co.; and Lowenstein & Sons, of Charleston; of J. Chris Thomas, president, and J. W. Higgenbotton, secretary, of the Business Men's Association, of Charleston, all in the State of West Virginia, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of Philip G. Bier Post, No. 17, Department of West Virginia, Grand Army of the Republic, of New Martinsville, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Camp No. 11, Patriotic Sons of America, of Summit Point, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DEPEW presented petitions of General P. H. Sheridan Post, No. 630; W. S. Hancock Post, No. 259; Candor Post, No. 383; Post No. 166, of Weedsport; Sumner Post, No. 24; R. M. Starring Post, No. 523; John R. Stewart Post, No. 174; Ketcham Post, No. 495, Department of New York, Grand Army of the Republic, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of Washington Camp No. 5, Patriotic Sons of America, of New York City; Local Union No. 179, of Rochester; Local Union No. 203, of Poughkeepsie; Local Union No. 1456, of Sidney; and Local Union No. 258, of Brooklyn, United Brotherhood of Carpenters and Joiners of America; of the Central Labor Council of Salamanca; of Local No. 76, Bartenders' National League, of Syracuse; of Local Union No. 274, Brewery Engineers and Firemen, of Troy and Albany; and of Pride of Cayuga Council, No. 23, Junior Order United American Mechanics, of Auburn, all in the State of New York, praying for enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Board of Trade of Chateaugay, and memorials of sundry citizens of Willink, Verona, Canton, Merrifield, Canandaigua, New York City, Montour Falls, and Lafargeville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the American Protective Tariff League, remonstrating against the creation of a permanent tariff board, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council of Ogdensburg, N. Y., and a petition of the State Association, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Schenectady, N. Y., praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, N. Y., and a petition of Local Division No. 367, Brotherhood of Locomotive Engineers, of Syracuse, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK. I present a resolution adopted by the Senate of the Legislature of the State of Ohio, which I ask may be read and lie on the table.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

Senate resolution 22.

[Seventy-ninth general assembly, regular session—Mr. Dore.]

Whereas there is pending in the United States Senate a resolution providing for submitting to the States for ratification of an amendment to the Constitution of the United States providing for the election of United States Senators by popular vote; and

Whereas a vote will be taken upon the said resolution by the Senate of the United States within the very near future: Therefore be it

Resolved by the senate of the State of Ohio, That we favor the adoption of the aforesaid resolution, and that we request the Hon. CHARLES DICK and the Hon. THEODORE E. BURTON, United States Senators from Ohio, to vote for the adoption of said resolution.

Mr. DICK. I present a resolution adopted by the House of Representatives of the Legislature of the State of Ohio, which I ask may be read and lie on the table.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

House resolution 30.

[Seventy-ninth general assembly, 1911—Mr. Russell.]

House resolution recommending the passage of a joint resolution now pending in the Congress of the United States relating to the election of Senators by popular vote.

Whereas at the present time there is pending in the Senate of the United States a joint resolution proposing an amendment to the Constitution providing for the popular election of Senators to the Congress of the United States; and

Whereas said resolution is likely to be reached for action thereon by the Senate of the United States during the present week; and

Whereas the house of representatives of the General Assembly of the State of Ohio, reflecting the will, wishes, and sentiment of the people of this State, favor the election of Members of the United States Senate by a direct vote of the electors of the several States of the Union: Therefore be it

Resolved by the house of representatives of the Seventy-ninth General Assembly of the State of Ohio, That we respectfully urge the adoption of said pending joint resolution by our National Congress, and especially request our Senators, the Hon. CHARLES DICK and the Hon. THEODORE E. BURTON, to vote for such said resolution; and be it further

Resolved, That a copy of this resolution be by the clerk of this house immediately forwarded to each Senator and Congressman from Ohio.

S. J. VINING,
Speaker House of Representatives.

Attest:

CHARLES W. KEMPEL,
Clerk House of Representatives.

Mr. STONE presented telegrams, in the nature of memorials, from Henry R. Strong, publisher of the National Druggist, of St. Louis; Philip H. Hale, of St. Louis; Frank Orff, publisher of the American Woman's Review and the Sterling Magazine; William Hirth, publisher of the Missouri Farmer and Breeder, of Columbia, all in the State of Missouri; and from the Farm Journal, of Philadelphia, Pa., remonstrating against any increase being made in the postal rates on magazines and periodicals, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 17493) for the relief of the Baltimore & Ohio Railroad Co. reported it without amendment.

Mr. SCOTT, from the Committee on Pensions, to which was referred the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, reported it with an amendment and submitted a report (No. 1145) thereon.

Mr. PAYNTER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 8771) to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal property losses sustained by them on the foundering of that tender October 6, 1905 (Rept. No. 1147); and

A bill (H. R. 11421) for the relief of R. J. Warren (Rept. No. 1146).

He also, from the same committee, to which was referred the bill (H. R. 5453) for the relief of the legal representative of M. N. Swofford, deceased, reported it without amendment.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (H. R. 25503) to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States, reported it with an amendment and submitted a report (No. 1148) thereon.

He also, from the same committee, to which was referred the bill (S. 9693) to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside, reported it with amendments and submitted a report (No. 1149) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURNHAM:

A bill (S. 10777) providing for an election for the removal of the county seat of the county of Cochise, Territory of Arizona, and for other purposes; to the Committee on Territories.

By Mr. PENROSE:

A bill (S. 10778) to grant an honorable discharge to Samuel Bequeath; to the Committee on Military Affairs.

A bill (S. 10779) granting an increase of pension to George L. H. Grammer;

A bill (S. 10780) granting an increase of pension to Carrie Diefenbach;

A bill (S. 10781) granting a pension to Elizabeth Clampitt; and

A bill (S. 10782) granting an increase of pension to Andrew Reese (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10783) granting an increase of pension to Margaret Petrie (with accompanying papers); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10784) granting an increase of pension to Charles H. Bissell (with accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 10785) to legalize a bridge across the Pend Oreille River in Stevens County, Wash. (with accompanying papers); to the Committee on Commerce.

A joint resolution (S. J. Res. 142) to create a joint committee to continue the consideration of the revision and codification of the laws of the United States; to the Committee to Audit and Control the Contingent Expenses of the Senate.

By Mr. BURTON:

A joint resolution (S. J. Res. 143) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $10,000 to enable the Secretary of Agriculture to establish at Denver, Colo., a botanical laboratory, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $125,000 for the construction of the immigrant station at Boston, Mass., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

JOHN S. MONTGOMERY.

On motion of Mr. CHAMBERLAIN, it was

Ordered, That the papers filed as evidence with Senate bill 1229 be withdrawn from the files, there having been no adverse report made thereon.

CANADIAN RECIPROCITY.

Mr. DU PONT. I present a letter from the Secretary of Agriculture, to the legislative committee of the National Grange, of Concord, N. H., relative to the proposed Canadian reciprocal agreement. I ask that the letter be printed in the RECORD and

also as a public document. I move that the request for the printing as a document be referred to the Committee on Printing for its consideration.

There being no objection, the letter was referred to the Committee on Printing for action, and ordered to be printed in the RECORD, as follows:

OPEN LETTER.

WASHINGTON, D. C., *February 9, 1911.*

To the Legislative Committee National Grange, Concord, N. H.

GENTLEMEN: In reply to your telegram of February 4, in reference to the proposed Canadian reciprocity treaty, I have to say:

The United States home market, the greatest in the world, has been built up by encouraging home manufactures. The farmers of the country were primarily instrumental, over half a century ago, in the initiation of this policy. They had to ship all their surplus to foreign countries to find a market. Prices were very low at home. It required the organization of a new party and of the industrial forces of the country to diversify and protect new industries.

The theory upon which the building up of home manufactures was predicated was, that this protection should equal the difference in cost of production at home and abroad. That has been the policy of the Republican Party for half a century; it is the policy of the Republican Party now. The cost of production in the United States and Canada is more nearly identical than it is between the United States and any other country. The same difficulties exist north of the border with regard to farm labor that exist in the United States; that is, labor is very scarce on both sides of the line, and prices are high in consequence. The same methods have been in vogue among Canadian farmers that have been practiced by American farmers; that is, they have farmed extensively, have cut down their woods to make new farms, and have not observed the practices that should obtain in maintaining the fertility of their soils. Consequently there are abandoned farms in Canada, just as there are abandoned farms in the United States. The new virgin soils in both cases have attracted on both sides of the boundary line, and farmers acted on the theory that our soils were inexhaustible.

Our town population has grown much faster than our country population. Prices for the necessities of life have been high and wages, stipends, and salaries have not kept pace with the increase in the price of food. There was a demand for lower tariffs during the last election by the population of the towns. That interest carried the election by default; the farmer either sympathized with the town dweller or he stayed at home on election day and husked corn. A new Congress was elected along lower-tariff lines, if it had any instructions from the people. The Republican Party is a protectionist party; the Democratic Party wants revenue tariffs. The pending reciprocity treaty will go some distance toward meeting the demands of the people at the last election without interfering with the policy of protection as applied to the whole world. There is quite an element in the Democratic Party that believes in protection, and there always has been, and that may be the reason why that party favors this reciprocity treaty. That element in the Democratic Party may be willing to go as far as this reciprocity treaty goes in letting the natural products of Canada into the United States, and that may be as far as a great many people, in Congress and out of it, think it necessary to go in modification of our statutes regarding importations from foreign countries. Many people in the United States think it wise to adopt this reciprocity treaty with Canada, while they would feel justified in resisting all effort to open up our markets to the whole world.

This treaty is not one-sided, giving our markets for meats and grains to the Canadians with nothing in return. We get into the Canadian woods, 90,000,000 or more of us, for timber products, things very much needed, as our home supplies are so much reduced that prices have gone up markedly in the last few years, and our development in the future will draw heavily on what remains. Much building has halted on this account. The southern States have a new market for their cottonseed oils, which will be valuable to them. Canada opens her doors to our fruits, which will give to our orchardists a growing market for their products. Fish comes into the United States free, which will mean quite as much to our people as the opening of our markets to Canadian poultry products. We are to have free trade in seeds, which is well, because many seeds are more valuable coming from northern latitudes. We do not grow enough of flax to make our oils and will derive benefit from the free introduction of flaxseed. Free barbed fencing wire will be a boon to our farmers.

It is said that a tariff bill or reciprocity treaty or any movement toward modification of our trade relations with foreign countries should consider the manufacturers at the same time it considers agricultural products, and that justice requires the lowering of the duties on manufactured products simultaneously with the lowering of the duties on products of the farm, but whether we shall make any of them free, and the extent to which the duty on manufactured products could be reduced with safety, depends entirely upon whether the reduction of the duty on manufactured goods would let in foreign goods to such an extent as to interfere with the employment and wages of our working people. When the workingman loses his job in the factory, the farmer loses his customer. The Payne tariff act reduces duties on a great many articles, and we have been having heavy importations since the passage of that act. That may do no harm, and a reduction of the amount of protection given to some other manufacturers may do no harm; indeed, may be justified; but whenever these reductions go so far as to permit very heavy importations of goods in those classes, the factory stops and the farmer loses his market.

This was exemplified under the Wilson-Gorman Act during Mr. Cleveland's last administration and the activity that came after the enactment of the Dingley law. Reciprocity with Canada must be considered from a viewpoint somewhat different from that of a tariff act affecting our commerce with the entire world; localities in both Canada and the United States will be opposed from real or imaginary reasons. But the development of either country as a whole calls for first consideration from its statesmen.

It is impossible to revise the tariff without affecting some interest. The fair view and the broad view requires that the future of all industries shall be considered, that the development of the United States must be primarily considered, and that its future must be taken into account. Our relations with the people of Canada are different from our relations with any other. For many years we welcomed them to our country; in late years they have been welcoming our people to their new lands.

In the first place, they are a kindred people; they are developing a new country quite as fast as any people have ever developed a new country, and their territory runs from sea to sea along our northern border. We had reciprocity with Canada not many years ago. That was abrogated more through temporary sentimental consideration than from any other cause. Since that time the Canadians have been rapidly building up their country along all lines. There is just as much opposition in localities there now to letting in American manufactured goods at lower rates as there is in localities on the American side to letting in Canadian farm products at lower rates or without duty. If this reciprocity treaty becomes the law of both countries, our relations with Canada will become more intimate, and our trade with her will extend and increase. The trains that bring farm products to the United States will take farm, orchard, and manufactured products back. We will become more and more one people, developing along similar lines and supplementing each other in many respects. The raw material that comes from the Canadian farm will be manufactured in the United States, and what is not needed will be sent to foreign countries. If this is desirable on the part of Canada, it certainly should be desirable on the part of the people of the United States.

The United States produces surplus wheat above domestic requirements. This surplus production is sold in foreign countries. The price of our exported surplus is governed by the world's requirements, being regulated by the law of supply and demand, and the price of wheat in the United States, while we are exporting, is governed by the price at which the surplus is sold, as a general proposition. Occasionally wheat corners may interfere with the law of supply and demand and temporarily affect the price.

Distance from markets has much to do with the prices of grain. So this proposition is modified by proximity to markets and cost of transportation. While Canada is exporting wheat or other grains and the United States is also exporting wheat, there is no particular reason why Canadian wheat should come here, unless it be that a mixture of Canadian and American wheats may be desirable on the part of our milling exporters, and our millers may find it profitable to handle the Canadian surplus. But the price to the Canadian for this surplus wheat will be substantially the same whether sold in Europe or the United States. However, if the handling of Canadian wheat by United States railroads, merchants, and mills has a tendency to reduce the price, it will be reduced to Canadians; and if it should reduce the price of bread to the American consumer, wise statesmanship may find it necessary to do that to avoid greater evils.

When the homestead law was enacted railroads were built across the Alleghenies into the Mississippi Valley, and the eastern farmer had heavy disabilities laid upon him. The glaciated soils of the West, complete in mineral plant food, produced readily, and it was difficult for the eastern farmer to compete. The western farmer got the advantage then; he got the land for nothing, or for a nominal price, from the Government. The eastern farmer in those days felt a competition that was very severe, and this probably resulted in the backward state of agriculture east of the Alleghenies. But the American legislators of those days took the broad view and the far view; they considered the future of the United States.

When we consider questions of production from the soil we find marked distinctions between the United States and Canada. The corn crop is the great crop of the United States. Our corn belt extends up to the Canadian line. The Northwestern Prairie States some years ago were as exclusively grain-growing States as the Canadian northwest is now. They raised wheat and oats until the land refused to give profitable crops any longer. Diversified industry, the rotation of crops, and the maintenance of the fertility of the soil presented themselves to the farmers of the Northwestern States at that time as pressing imperative necessities. They turned to the production of meats and dairy products, and they are the great meat-producing and dairy States at the present time, with but few States to compare with them along these lines. The corn crop enabled them to bring this about.

The Canadian people are growing wheat, oats, and barley. Their longest cultivated lands are beginning to refuse profitable crops in many localities. They can not turn to the production of beef and pork as is done in the United States. They can, and do, make grass beef, but grass beef is not the highest selling meat. Our meat supply has been running below the average, and the prices have gone much above the average, threatening some of the manufacturing industries that make our markets. The policy of the United States is that all public lands shall be devoted to the homesteader. The homesteader is pushing West, and is taking the place of the ranchman. A few homesteaders on an area heretofore devoted to cattle raising compel the ranchman to wind up his business. This is being done steadily and regularly. It is the national policy, and it is a wise policy; but it has resulted in fewer cattle for the market as grass cattle, and fewer stock cattle for feeders in the corn belt. The Canadian can furnish us with feeders; a large per cent of the number that come to the United States are of that class. The Canadian could finish his cattle at home, if he could grow sufficient corn, but the climate forbids. The United States, in 1910, produced over 3,000,000,000 bushels of corn, while all of Canada, in the same year, produced only 18,726,000 bushels. Those parts of Canada which are producing wheat for export at the present time grow practically no corn at all; in some seasons it is a struggle to grow wheat, owing to frosts. The Canadian can keep his cattle to a more advanced age and make them fat on grass. He does this with some of them, and makes good grass beef, but the bulk of them come as stock cattle to be fed in the corn belt of the United States, or, in some cases, to be fed as grass cattle in the eastern United States.

The homesteader will eventually raise more horses, cattle, sheep, and hogs than did the ranchman; the United States is studying the semi-arid conditions, and eventually these lands will be made more productive; but that time has not come, and meats are scarce and dear. The heavy corn crop of last year has modified the prices of meats, although they are still high. The older States of the West have steadily grown less grain and more grass, corn, and oats to feed to domestic animals, permitting the newer pioneer farming localities to raise the surplus grains. Some of those newer Northwestern States grow more wheat than is exported from Canada at the present time. But growing wheat in competition with pioneers in other countries is not as profitable as growing crops to feed to meat-producing animals. The increase of population in the United States has encouraged this tendency.

We can handle the Canadian export grain crop with facility. If it is brought inside our borders and milled, as it would be, our dairymen could use with great profit the by-products of the mills. This is the feature—bran and shorts—that makes dairy products and robs the soil. If we can not increase our yield to meet the demands of increasing population, free wheat from the nearest fields would be desirable. The influences at work are enabling the American acre to yield more, but it is a question whether this increase will meet the requirements of our rapidly growing population. Wheat growing for sale from the farm, as

the pioneer practices it, can only be temporary. The land refuses to yield profitable crops after a few years, when recuperative farming must be resorted to to build up the soil where the soil robber has reduced it by grain growing. This is the reason the older prairie States turn to grass, corn, and domestic animals as soon as they can bring about the change. The United States could, with great profit and benefit to the land, take all the grains Canada has to sell and devote its lands to less exhausting crops, as is evidenced by the older prairie States farmers, who grow no grain to sell, buy their flour, and thereby keep up the fertility of the soil. In the Western States, where the farmer has turned from grain raising for sale to the production of crops to be fed to domestic animals on the farm, the new departure has been so profitable that lands in those States have risen in value to $100 and $200 per acre, and rents from $4 to $6 per acre.

The domestic exports of wheat, and flour reduced to bushels of wheat, from Canada to all countries were, in 1907, 51,977,968 bushels; in 1908 they were 56,958,620 bushels; and in 1909 they were 63,449,476 bushels.

The domestic exports of barley, and malt reduced to bushels of barley, from Canada to all countries were, in 1907, 1,997,619 bushels; in 1908 they were 2,965,841 bushels; and in 1909 they were 2,056,816 bushels.

The Canadian can, perhaps, grow barley longer than he can grow wheat, as barley is not as exacting a crop upon the soil.

The domestic exports of barley from the United States were, in 1908, 6,671,013 bushels; in 1909 they were 4,589,397 bushels; and in 1910 they were 8,262,961 bushels. The export of barley for 1910 does not include malt. These figures show that the United States produces more barley than it needs, and any Canadian barley that might go through the United States for export or be manufactured in the United States into pearl barley, malt, or beer would not affect the price seriously. But barley is a soil robber next to wheat in its exactions upon the soil. Good farmers who keep up soil fertility do not grow either wheat or barley oftener than once in four years. The pioneer in new lands grows these grains while he can get paying crops; then he turns to newer lands. But new lands are about all taken up in both Canada and the United States. What remains in the United States is in the semiarid regions; what remains in Canada is far in the north.

These considerations lead me to the conclusion that the adoption of the pending reciprocity treaty would, from the national standpoint, be an act of wisdom.

Very truly, yours,

JAMES WILSON,
Secretary of Agriculture.

JOHN R. KISSINGER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7252) granting an annuity to John R. Kissinger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the amount proposed insert: "$100."

That the Senate recede from its disagreement to the amendment of the House numbered 2 and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Conferees on the part of the Senate.

GEO. W. PRINCE,
H. O. YOUNG,
JAMES HAY,
Conferees on the part of the House.

The report was agreed to.

SUFFERERS FROM FAMINE IN CHINA.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 32473) for the relief of sufferers from famine in China.

Mr. WARREN. I move that the Senate insist on its amendments, disagreed to by the House of Representatives, and agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 31596. An act making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1912, was read twice by its title and referred to the Committee on Agriculture and Forestry.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of House bill 31856, the District of Columbia appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GALLINGER. I ask that the formal reading of the bill be dispensed with; that it be read for amendment, and that the committee amendments shall first receive consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the headline "General expenses," on page 2, line 4, before the word "thousand," to strike out "five" and insert "six;" in line 5, before the word "two," to insert "one thousand;" in line 6, before the word "thousand," to strike out "five" and insert "six;" and in line 23, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty," so as to make the clause read:

Executive office: Two commissioners, at $6,000 each; engineer commissioner, $1,280 (to make salary $6,000); additional compensation for 2 assistants to the engineer commissioner, detailed from the Engineer Corps of the United States Army, under act of Congress approved June 11, 1878, 2, at $250 each; secretary, $2,400; 2 assistant secretaries to commissioners, 1 at $1,400, and 1 at $1,200; clerk, $1,600; clerk, $1,500; clerk, $1,300; 2 clerks, at $1,200 each; clerk, who shall be a stenographer and typewriter, $1,000; clerk, $840; clerk, $720; clerk, $600; messenger, $600; messenger, $480; stenographer and typewriter, $840; 2 drivers, at $600 each.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty," so as to make the clause read:

For services, supplies, and printing, in the preparation of an index of the laws of Congress relating to the District of Columbia, and of the laws of former municipal governments in the District which are still in force, also consolidating indexes of orders and of opinions of the corporation counsel, and other records, $1,750.

The amendment was agreed to.

The next amendment was, on page 3, line 16, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" in line 17, after the word "dollars," to insert "clerk, $1,300;" in line 18, before the word "clerks," to strike out "seven" and insert "six;" in line 20, before the word "clerks," to strike out "three" and insert "six;" in line 22, before the word "inspector," to strike out "three clerks, at $600 each;" and in line 24, before the word "dollars," to strike out "nine hundred" and insert "one thousand," so as to make the clause read:

Purchasing division: Purchasing officer, who shall, under the direction of the commissioners, supervise the purchase and distribution of all supplies, stores, and construction materials for the use of the government of the District of Columbia, and who shall give bond in such sum as the commissioners may determine, $2,750; deputy purchasing officer, $1,600; clerk, $1,500; clerk, $1,300; 6 clerks, at $1,200 each; 3 clerks, at $900 each; 6 clerks, at $720 each; inspector of fuel, $1,500; assistant inspector of fuel, $1,100; storekeeper, $1,000; messenger, $600; driver, $480; inspector, $900; inspector, $780; 2 laborers, at $600 each; inspector of property, $936; 2 property-yard keepers, at $1,000 each; inspector of materials, $1,200.

The amendment was agreed to.

The next amendment was, on page 4, after line 21, to insert:

To reimburse two elevator inspectors for the provision and maintenance by themselves of two motorcycles for use in their official inspection of elevators in the District of Columbia, $15 per month each, $360.

The amendment was agreed to.

The next amendment was, in the item of the total appropriation for the maintenance of the executive office, on page 5, line 25, before the word "dollars," to strike out "four hundred and six" and insert "and eighty-six," so as to read:

In all, $117,086.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," and in line 18, before the word "hundred," to strike out "seven" and insert "nine," so as to make the clause read:

Care of District building: Clerk and stenographer, $2,000; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; electrician, $1,200; 2 dynamo tenders, at $875 each; 3 firemen, at $720 each; 3 coal passers, at $600 each; electrician's helper, $840; 8 elevator conductors, at $600 each; 2 laborers, at $660 each; 2 laborers, at $500 each; 2 chief cleaners who shall also have charge of the lavatories, at $500 each; 40 cleaners, at $240 each; chief watchman, $1,000; assistant chief watchman, $660; 8 watchmen, at $600 each; pneumatic-tube operator, $600; in all, $38,930: *Provided*, That the employees herein authorized for the care of the District building shall be appointed by the assistants to the engineer commissioner, with the approval of the commissioners.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the assessor's office, on page 7, line 19, after the word "dollars," to strike out "clerk, $720," and insert "two clerks, at $720 each," and in line 24, before the word "dollars," to strike out "forty-seven thousand five hundred and seventy" and in-

sert "forty-eight thousand two hundred and ninety," so as to read:

Messenger and driver, for board of assistant assessors, $600; two clerks, at $720 each; temporary clerk hire, $500; record clerk, $1,500; in all, $48,290.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the word "labor," to strike out "in," and in the same line, before the word "the," to insert ", including," so as to make the clause read:

For extra labor, including the preparation of tax-sale certificates, and data, which the law requires this office to furnish the recorder of deeds and the assessor with authority to employ typewriters and clerks, $800.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the auditor's office, on page 9, line 12, after the word "said," to strike out "deputy auditor" and insert "chief clerk," so as to read:

Auditor's office: Auditor, $4,000; chief clerk, who shall hereafter, in the necessary absence or inability from any cause of the auditor, perform his duties without additional compensation, and who shall during the presence of the auditor perform such duties as shall be prescribed by the auditor; and the auditor may require the said chief clerk to give bond for the faithful performance of such duties.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the auditor's office, on page 10, line 6 after the word "dollars," to insert "two clerks, at $1,000 each;" in line 7, after the word "dollars," to strike out "clerk, $1,000;" and in line 9, before the word "thousand," to strike out "forty" and insert "forty-one," so as to read:

Clerk, $1,200; 2 clerks, at $1,000 each; clerk, $900; messenger, $480; in all, $41,956.

The amendment was agreed to.

The next amendment was, on page 10, line 16, after the word "dollars," to insert "stenographer, $840," and in line 19, before the word "dollars," to strike out "fifteen thousand three hundred and twenty" and insert "sixteen thousand one hundred and sixty," so as to make the clause read:

Office of corporation counsel: Corporation counsel, $4,500; first assistant, $2,500; second assistant, $1,800; third assistant, $1,600; fourth assistant, $1,500; fifth assistant, $1,500; stenographer, $1,200; stenographer, $840; clerk, $720; in all, $16,160.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "dollars," to insert "clerk, $1,200;" in line 5, after the word "dollars," to strike out "clerk, $1,000;" and in line 7, after the word "thousand," to insert "two hundred," so as to make the clause read:

Office of superintendent of weights, measures, and markets: Superintendent of weights, measures, and markets, $2,500; assistant, $1,200; clerk, $1,200; assistant, $900; laborer, $480; in all, $6,280.

The amendment was agreed to.

The next amendment was, in the item for maintenance of the Engineer Commissioner's office, on page 12, line 13, before the word "dollars," to insert "three hundred;" and in line 17, before the word "dollars," to insert "three hundred," so as to read:

Engineer Commissioner's office: Engineer of highways, $3,300; engineer of bridges, $2,250; superintendent of streets, $2,000; superintendent of county roads, $2,000; superintendent of sewers, $3,300.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the Engineer Commissioner's office, on page 14, line 7, before the word "dollars," to insert "two hundred and fifty;" in line 13, before the word "dollars," to strike out "three hundred and fifty" and insert "four hundred;" and on page 15, line 12, before the word "dollars," to strike out "seventy-nine thousand five hundred and ten" and insert "eighty thousand four hundred and ten," so as to read:

Chief clerk, $2,250; clerk, $1,800; two clerks, at $1,500 each; permit clerk, $1,500; assistant permit clerk, $1,000; index clerk and typewriter, $900; two clerks, at $1,400 each; clerk, $1,400; clerk, $1,200; four clerks, at $1,200 each; two clerks, at $1,000 each; clerk, $900; clerk, $840; two clerks, at $750 each; clerk, $600; messenger, $600; six messengers, at $540 each; two skilled laborers, at $600 each; skilled laborer, $625; janitor, $720; principal steam engineer, $1,800; three steam engineers, at $1,200 each; three assistant steam engineers, at $1,050 each; six oilers, at $600 each; six firemen, at $875 each; inspector, $1,400; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; two watchmen, at $630 each; two drivers, at $630 each; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; two assistant inspectors of gas and meters, at $900 each; messenger, $600; in all, $180,410.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Davis	Jones	Scott
Bourne	Depew	Kean	Shively
Brandegee	Dick	La Follette	Simmons
Briggs	Dillingham	Lodge	Smoot
Bristow	Dixon	McCumber	Stephenson
Brown	du Pont	Martin	Stone
Burkett	Fletcher	Money	Sutherland
Burnham	Flint	Oliver	Swanson
Burrows	Frye	Overman	Taliaferro
Burton	Gallinger	Page	Tillman
Carter	Gamble	Penrose	Warner
Chamberlain	Gronna	Percy	Warren
Clark, Wyo.	Guggenheim	Perkins	Watson
Crawford	Heyburn	Piles	Wetmore
Curtis	Johnston	Rayner	Young

The PRESIDENT pro tempore. Sixty Senators have responded to their names. There is a quorum present. The Secretary will proceed with the reading of the bill.

The Secretary continued the reading of the bill.

The next amendment was, in the item for the maintenance of the municipal architect's office, on page 16, line 9, after the word "dollars," to insert "for the purchase and maintenance of one gasoline motor truck, to be immediately available, $2,500;" and in line 13, before the word "hundred," to strike out "twenty-four thousand eight" and insert "twenty-seven thousand three," so as to read:

Copyist (now on the roll at $3 per diem), $840; driver, $540; for the purchase and maintenance of one gasoline motor truck, to be immediately available, $2,500; in all, $27,350.

The amendment was agreed to.

The next amendment was, on page 16, line 15, after the word "dollars," to insert "two clerks, at $1,300 each;" in line 16, before the word "clerks," to strike out "seven" and insert "five;" and in line 19, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand one," so as to make the clause read:

Special assessment office: Special assessment clerk, $2,000; two clerks, at $1,300 each; five clerks, at $1,200 each; two clerks, at $900 each; clerk, $750; in all, $13,150.

The amendment was agreed to.

The next amendment was, on page 17, line 25, before the word "hundred," to strike out "five" and insert "seven;" on page 18, line 1, before the word "hundred," to strike out "five" and insert "seven;" and in line 4, before the word "hundred," to strike out "four" and insert "eight," so as to make the clause read:

Department of insurance: Superintendent of insurance, $3,500; examiner, $1,700; statistician, $1,700; clerk, $1,000; stenographer, $720; temporary clerk hire, $1,200; in all, $9,820.

Mr. GALLINGER. There is an oversight in line 1 on page 18. After the words "one thousand" I move to insert "two hundred," so as to read:

Clerk, $1,200.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In line 4, I move to change the total so as to read "$10,020."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 18, line 14, before the word "dollars," to strike out "eight hundred and twenty-five" and insert "nine hundred," and in line 21, before the word "dollars," to strike out "six hundred and fifty" and insert "seven hundred and twenty-five," so as to make the clause read:

Surveyor's office: Surveyor, $3,000; assistant surveyor, $1,800; clerk, $1,225; three assistant engineers, at $1,500 each; computer, $1,200; record clerk, $1,050; inspector, $1,200; draftsman, $1,225; clerk, $975; draftsman, $900; assistant computer, $900; two rodmen, at $825 each; three chainmen, at $700 each; two chainmen, at $650 each; clerk, $675; computer and transitman, $1,200; rodman, $825; in all, $25,725.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the Free Public Library, on page 19, line 7, before the word "hundred," to strike out "five" and insert "six," and in line 12, before the word "assistants," to strike out "four" and insert "five," so as to read:

Free Public Library: Librarian, $3,500; assistant librarian, $1,600; chief circulating department, $1,200; children's librarian, $1,000; librarian's secretary, $900; reference librarian, $1,000; assistant in charge of work for the blind, $1,200; assistant, $1,000; 5 assistants, at $720 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 19, line 17, after the word "dollars," to strike out "cataloguer, $540," and insert "three cataloguers, at $540 each," and on page 20, line 9, before the word "hundred," to strike out "thirty-nine thousand six" and insert "forty-one thousand five," so as to read:

Cataloguer, $600; 3 cataloguers, at $540 each; stenographer and typewriter, $720; 2 assistants, at $480 each; 6 attendants, at $540

each; 5 attendants, at $480 each; collator, $480; 2 messengers, at $480 each; 10 pages, at $360 each; 2 janitors, at $480 each, 1 of whom shall act as night watchman; engineer, $1,080; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $300 each; 6 charwomen, at $180 each; in all, $41,580.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 21, line 20, before the word "thousand," to strike out "thirty-four" and insert "thirty-seven," so as to read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference and periodicals, stationery; detection of frauds on the revenue; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed $800; and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, excise board, personal-tax board, harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, $37,500; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 23, line 2, before the word "thousand," to strike out "nine" and insert "ten," so as to make the clause read:

For postage for strictly official mail matter, $10,000.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "for," to strike out "livery of horse or horse hire for coroner's office" and insert "purchase and maintenance, hire or livery, of means of transportation for the coroner's office and the morgue;" and in line 20, after the word "dollars," to insert: "*Provided*, That the corner shall not summon or hold any jury of inquest over the body of any deceased person where it is known that the deceased came to his death by suicide, accident, mischance, or natural causes: *Provided*, That in cases where it is not known that the deceased came to his death by suicide the coroner may, in his discretion, summon such jury," so as to make the clause read:

For purchase and maintenance, hire or livery, of means of transportation for the coroner's office and the morgue, jurors' fees, witness fees, removal of deceased persons, making autopsies, ice, disinfectants, telephone service, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony and photographing unidentified bodies, $4,000: *Provided*, That the coroner shall not summon or hold any jury of inquest over the body of any deceased person where it is known that the deceased came to his death by suicide, accident, mischance, or natural causes: *Provided*, That in cases where it is not known that the deceased came to his death by suicide the corner may, in his discretion, summon such jury.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "Library," to insert "$500, and the unexpended balances of," so as to make the clause read:

For the erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library, $500, and the unexpended balances of the appropriations made for this purpose by the acts of June 27, 1906, March 2, 1907, May 26, 1908, March 3, 1909, and May 18, 1910, respectively, are continued available for the service of the fiscal year 1912.

The amendment was agreed to.

The next amendment was, on page 25, line 19, after the word "fiscal," to strike out "years 1911 and 1912" and insert in lieu thereof the words "year 1911," so as to make the clause read:

The recorder of deeds of the District of Columbia is authorized to retain, and not pay into the Treasury of the United States to the credit of the District of Columbia, out of the surplus fees and emoluments of his office during the fiscal year 1911, a sum not exceeding $3,883.50, and to expend the same in the purchase and exchange of 25 Elliott-Fisher book typewriters and desks for the same.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to insert:

The appropriation of $10,000 appropriated for the fiscal year 1910 for repair of buildings owned and used by the District of Columbia when injured by fire is hereby reappropriated and continued available for the fiscal year 1912.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to insert:

Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the District of Columbia when the aggregate amount involved does not exceed the sum of $25.

The amendment was agreed to.

The next amendment was, on page 27, after line 19, to insert:

For the purchase of apparatus for office of the inspector of asphalts and cements, $500.

The amendment was agreed to.

The next amendment was, on page 27, after line 21, to insert:

For alterations in the repair shop, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 27, line 26, before the word "thousand," to strike out "one hundred and eighty" and insert "three hundred and forty," so as to make the clause read:

Assessment and permit work: For assessment and permit work, $340,000.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

For paving roadways under the permit system, $10,000.

The amendment was agreed to.

The next amendment was, on page 28, line 12, before the word "thousand," to strike out "sixty-one" and insert "seventy-nine," so as to make the clause read:

Work on streets and avenues: For work on streets and avenues named in Appendix L, Book of Estimates, 1912, $79,500, to be expended in the discretion of the commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

The amendment was agreed to.

The next amendment was, on page 28, line 18, before the word "thousand," to strike out "nine" and insert "nineteen," so as to make the clause read:

Northwest section schedule: $19,000.

The amendment was agreed to.

The next amendment was, on page 29, line 2, before the word "thousand," to strike out "twenty-two" and insert "thirty," so as to make the clause read:

Northeast section schedule: $30,800.

The amendment was agreed to.

The next amendment was, at the top of page 30, to insert:

For removing granite block and repaving with asphalt Seventh Street NW., from K Street to P Street, $27,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

For grading and improving Seventeenth Street NW., from B Street to E Street, $14,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to strike out:

For paving and improving Belmont Street and Fifteenth Street NW., $8,000.

And insert:

For purchase or condemnation of necessary land, paving, and construction of walls, steps, and terraces for connecting Belmont and Fifteenth Streets NW., in accordance with plans approved by the Commissioners of the District of Columbia, $8,000.

The amendment was agreed to.

The next amendment was, on page 30, line 25, after the word "streets," to insert "to be disbursed and accounted for as 'Construction of county roads and suburban streets,' and for that purpose it shall constitute one fund," so as to read:

Construction of county roads: For construction of county roads and suburban streets, to be disbursed and accounted for as "Construction of county roads and suburban streets," and for that purpose it shall constitute one fund, as follows:

The amendment was agreed to.

The next amendment was, on page 31, after line 20, to strike out:

Northwest. Fessenden Street, Belt Road to Wisconsin Avenue, grade and improve, $5,400.

And insert:

Northwest. Fessenden Street, Belt Road to River Road, grade and improve, $7,500.

The amendment was agreed to.

The next amendment was, on page 32, after line 18, to insert:

Northwest. Rock Creek Church Road, Georgia Avenue to Fifth Street, grade and improve, $8,800.

Northeast. Seventeenth Street, from Newton Street to Hamlin Street, to complete grading and improving, $2,500.

Northeast. Irving Street, Thirteenth Street to Seventeenth Street, grade, $8,400.

Northwest. Massachusetts Avenue extended, Wisconsin Avenue to Idaho Avenue, grade and improve, $9,400.

Northwest. Kennedy Street, Fourteenth Street to Sixteenth Street, grade and improve, $5,600.

Northwest. Holmead Place, Otis Street to Spring Road, grade and improve, $5,200.

Northwest. T Street, Second Street to Rhode Island Avenue, pave, $4,100.

Southeast. Fourteenth Street, from Good Hope Road to V Street, grade and improve (bituminous macadam), $7,000.

Southeast. Bruce Place, gravel, $700.

Northwest. Massachusetts Avenue, from Wisconsin Avenue to Western Avenue, and for beginning work beyond Nebraska Avenue, grade and improve, $20,000.

Northwest. Adams Mill Road, grade, $10,000.

The amendment was agreed to.

The next amendment was, on page 33, line 24, before the word "hundred," to strike out "seventy-seven thousand eight" and insert "one hundred and sixty-one thousand six," so as to read:

In all, $161,650.

The amendment was agreed to.

The next amendment was, on page 34, after line 16, to insert:

The Anacostia & Potomac River Railroad Co. is hereby authorized and required to remove its tracks from Maryland Avenue SW., between Third and Four-and-a-half Streets, and from Third Street between Maryland Avenue and B Street SW., and to relocate the same in B Street SW. between Maryland Avenue and Third Street, and to repave the street space from which said tracks are removed, all in accordance with plans to be approved by the Commissioners of the District of Columbia, and to their satisfaction.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to insert:

For replacing sidewalk on the east side of the White Lot (being the west side of Fifteenth Street NW., from Pennsylvania Avenue to D Street), $2,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 9, to insert:

For new sidewalks and curbs around Patent Office, $1,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 11, to insert:

For replacing sidewalks and curbs around old Post Office Building, Seventh and Eighth, E and F Streets NW., $2,500.

The amendment was agreed to.

The next amendment was, on page 35, line 16, after the word "including," to insert "so much as may be necessary shall be available for," and in line 22, before the word "thousand," to strike out "thirty" and insert "forty," so as to make the clause read:

Repairs county roads: For current work of repairs of county roads and suburban streets, including so much as may be necessary shall be available for the maintenance of one motor vehicle for the use of the superintendent of county roads and one motor truck for the use of the field party engaged in the survey work pertaining to the construction and repair of county roads, $140,000, of which sum $20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 35, line 25, before the word "thousand," to strike out "fifteen" and insert "sixteen," so as to make the clause read:

Bridges: For construction and repairs of bridges, $16,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 23, to insert:

Toward constructing a bridge across Rock Creek on the line of Q Street, including the approaches thereto; and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said bridge and its approaches at a total cost not to exceed $275,000, to be paid for from time to time as appropriations therefor may be made by law, $75,000.

And the Commissioners of the District of Columbia are further authorized and directed, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening and extension of Q Street from its terminus east of Twenty-eighth Street to Twenty-seventh Street, with a width of 60 feet, and from Twenty-seventh Street to Twenty-third Street with a width of 90 feet, upon such lines as the said commissioners may deem best for the public interest: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said widening and extension, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits.

And there is hereby appropriated an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages. The assessments for benefits when collected to be covered into the Treasury in equal parts to the credit of the revenues of the District of Columbia and of the United States.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 39, line 23, after the word "supplies," to insert "and for the maintenance of motor vehicles;" and in line 24, before the word "dollars," to strike out "forty-three thousand" and insert "forty-four thousand five hundred," so as to make the clause read:

For operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and the employment of mechanics, laborers, and watchman, the purchase of coal, oils, waste, and other supplies, and for the maintenance of motor vehicles, $44,500.

The amendment was agreed to.

The next amendment was, on page 40, line 2, before the word "thousand," to strike out "sixty" and insert "sixty-seven," so as to make the clause read:

For main and pipe sewers and receiving basins, $67,000.

The amendment was agreed to.

The next amendment was, on page 40, line 4, before the word "thousand," to strike out "ten" and insert "sixty-one," so as to make the clause read:

For suburban sewers, $161,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," in the item for sprinkling, sweeping, and cleaning streets, on page 41, line 16, after the word "specifications," to insert:

Provided further, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, to rent stables, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose; and of this appropriation the sum of $40,000 dollars is hereby made immediately available.

Mr. SHIVELY. Mr. President, I submit that the amendment on page 41, beginning in line 17 and ending on line 3, on page 42, is general legislation, and I make the point of order against it.

Mr. GALLINGER. I did not hear the Senator.

Mr. SHIVELY. I make the point that the amendment beginning on page 41, beginning with line 17 and ending on line 3, on page 42, is general legislation.

Mr. GALLINGER. It undoubtedly is, Mr. President, but I am sorry the Senator has made the point of order because it does not increase the appropriation, but merely permits the District Commissioners to make available their plant in certain contingencies. Still, if the Senator insists upon the point of order, it can not be resisted.

Mr. SHIVELY. I insist on the point of order, Mr. President.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, line 4, before the word "thousand," to strike out "fifty" and insert "seventy," so as to read:

STREETS.

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including rent of storage rooms; maintenance and repairs of stable; purchase and maintenance of horses; purchase, maintenance, and repair of wagons and harness, allowance to inspectors for maintenance of horses and vehicles used in the performance of official duties, not to exceed $30 per month for each inspector, and necessary incidental expenses, and work done under contract, as well as hand work done under the immediate direction of the commissioners without contract: *Provided,* That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications, $270,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 42, line 7, after the word "sidewalks," to strike out "in front of public spaces," so as to make the clause read:

For cleaning snow and ice from streets, sidewalks, cross walks, and gutters, in the discretion of the commissioners, including services, $10,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 18, to insert:

For the purchase or condemnation of a site or sites, and for the erection of a building or buildings thereon for a stable and storerooms for the street-cleaning department of the District of Columbia and for the rebuilding of the present condemned stable of said department, to be immediately available, $128,600.

The amendment was agreed to.

The next amendment was, on page 43, line 10, before the word "dollars," to strike out "fifty" and insert "eighty;" and in line 14, before the word "dollars," to strike out "fifty" and insert "eighty," so as to make the clause read:

Bathing beach: For superintendent, $600; watchman, $480; temporary services, supplies, and maintenance, $2,000; for repairs and improvements to bathhouses, bathing pools, and grounds, $1,200; in all, $4,280, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 43, line 20, after the word "expenses," to insert "to be immediately available," so as to make the clause read:

Playgrounds: For maintenance, repairs, including labor, equipment, supplies, and necessary incidental and contingent expenses, to be immediately available, $3,000.

The amendment was agreed to.

The next amendment was, on page 44, line 12, after the word "dollars," to strike out "which sum shall be paid wholly out

of the revenues of the District of Columbia," so as to make the clause read:

For salaries: Clerk, $840; supervisor, 10 months, at $150 per month; directors, assistant directors, and watchmen, to be employed not exceeding seven months, as follows: Nine directors, at $75 per month each; 2 assistant directors, at $60 per month each; 1 assistant director, at $50 per month; 1 watchman, at $25 per month. To be employed not exceeding three months, as follows: One director, at $75 per month; 6 assistant directors, at $60 per month each; 3 assistant directors, at $50 per month each; 5 assistants, at $45 per month each; 8 assistants, at $40 per month each; 2 watchmen, at $45 per month each; and 7 watchmen, at $45 per month each for 12 months; in all, $15,870.

The amendment was agreed to.

The next amendment was, on page 44, after line 14, to insert:

Interior Park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior playground, including the construction of a substantial structure to afford bathing and other facilities: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter I of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceeding as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $125,000.

The amendment was agreed to.

The next amendment was, under the head of "Electrical Department," in the item for the maintenance of the electrical department, on page 46, line 1, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," and in the same line, before the word "electrical," to strike out "three" and insert "four," so as to read:

Electrical engineer, $2,500; assistant electrical engineer, who shall hereafter perform the duties of the electrical engineer in the absence or disability of the latter and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the department, $2,000; 4 electrical inspectors, $1,200 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 47, line 1, before the word "hundred," to strike out "forty-six thousand two" and insert "forty-seven thousand six," so as to read:

In all, $47,695.

The amendment was agreed to.

The next amendment was, on page 47, line 10, before the word "thousand," to strike out "thirteen" and insert "fourteen," so as to make the clause read:

For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, livery, horses and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of storeroom, and other necessary items, $14,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to strike out:

The Commissioners of the District of Columbia are empowered to effect a settlement for arc lighting under the existing contract with the Potomac Electric Power Co. from the date of said contract to the date of approval of this act and report the same to Congress.

And insert:

The Commissioners of the District of Columbia may in their discretion accept service heretofore rendered under any contract for arc lighting as being equivalent to that required by such contract or by the acts of Congress under which such contract was made.

The amendment was agreed to.

The next amendment was, on page 50, after line 2, to insert:

For the preservation and repair of Cabin John Bridge, including the installation of a metal lining to prevent leakage in the portion of the Washington Aqueduct passing through the bridge, of which $20,000 shall be immediately available, $35,000.

The amendment was agreed to.

The Secretary read to the end of line 15 on page 50.

Mr. GALLINGER. On behalf of the committee I offer the amendment I send to the desk.

The SECRETARY. On page 50, after line 15, insert:

The Commissioners of the District of Columbia be, and they are hereby, authorized to make a new highway plan for that portion of the District of Columbia in the vicinity of and along the said Piney Branch Parkway, between Shepherd Street on the north, Fourteenth Street on the east, to and including Fourteenth Street Road and Spring Road on the south, and Rock Creek Park on the west. Also for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898; and upon the completion and recording of said new highway plan, which shall take the place of, and stand for, any previous plan for said portion of the District of Columbia.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Public schools," on page 52, line 4, after the word "including," to insert "all teachers of manual training, drawing, physical culture, music, domestic science, domestic art and kindergarten practice teachers in the normal, high, and manual training schools, and assistants to the directors of primary work, and;" in line 10, before the word "in," to strike out "sixteen" and insert "eighty-six;" and in line 11, after the word "each," to insert: "*Provided*, That all teachers of manual training, drawing, physical culture, music, domestic science, domestic art and kindergarten practice teachers in the normal, high, and manual training schools, now in the service of the public schools and hereafter to be appointed, shall receive their longevity increase according to their previous number of years of experience in teaching in accredited normal, high, and manual training schools: *And provided further*, That hereafter no teacher of these subjects shall be appointed without requirements like those or equivalent to those for teachers of academic and scientific subjects in the high schools," so as to make the clause read:

Teachers in Group A of class 6, including all teachers of manual training, drawing, physical culture, music, domestic science, domestic art and kindergarten practice teachers in the normal, high, and manual training schools, and assistants to the directors of primary work, and two principals of grade manual training schools, 286 in all, at a minimum salary of $1,000 each: *Provided*, That all teachers of manual training, drawing, physical culture, music, domestic science, domestic art and kindergarten practice teachers in the normal, high, and manual training schools, now in the service of the public schools and hereafter to be appointed, shall receive their longevity increase according to their previous number of years of experience in teaching in accredited normal, high, and manual training schools: *And provided further*, That hereafter no teacher of these subjects shall be appointed without requirements like those or equivalent to those for teachers of academic and scientific subjects in the high schools.

The amendment was agreed to.

The next amendment was, on page 52, line 24, before the word "in," to strike out "sixty-one" and insert "fifteen," so as to make the clause read:

Teachers in class 5, 115 in all, at a minimum salary of $950 each.

The amendment was agreed to.

The next amendment was, on page 53, line 2, before the word "in," to strike out "thirty-eight" and insert "eighteen," so as to make the clause read:

Teachers in class 4, 418 in all, at a minimum salary of $800 each.

The amendment was agreed to.

The next amendment was, on page 53, line 5, before the word "in," to strike out "eighty-eight" and insert "eighty-four," so as to make the clause read:

Teachers in class 3, 484 in all, at a minimum salary of $650 each.

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "hundred," to strike out "forty-seven thousand two" and insert "fifty-four thousand nine," so as to make the clause read:

In all for teachers, $1,354,950.

The amendment was agreed to.

The next amendment was, on page 54, line 2, after the word "dollars," to insert: "*Provided*, That librarians are hereby made eligible to classes 4 and 5, and may be hereafter promoted in the discretion of the board of education to said classes," so as to make the clause read:

In all for librarians and clerks, $14,100: *Provided*, That librarians are hereby made eligible to classes 4 and 5, and may be hereafter promoted in the discretion of the board of education to said classes.

The amendment was agreed to.

The next amendment was, on page 55, line 10, after the word "librarian," to insert: "*Provided further*, That hereafter the board of education may employ substitute teachers, clerks, librarians, engineers, assistant engineers, janitors, assistant janitors, caretakers, and laborers at such rates of pay for such periods and from such eligible lists as the board may prescribe; *And provided further*, That in case of death in the immediate family, court summons, or quarantine, for absence not exceeding three days, there shall be no loss of pay, and in such cases substitutes shall be paid from the appropriation for 'longevity pay.' In all other cases the substitutes shall be paid by the absent employee as the board of education shall determine."

The amendment was agreed to.

The next amendment was, on page 56, line 23, before the word "dollars," to strike out "one thousand" and insert "nine hundred," so as to make the clause read:

Western High School, janitor, $900; laborer, $420; two laborers, at $360 each; in all, $2,040.

The amendment was agreed to.

The next amendment was, on page 59, line 25, before the word "hundred," to strike out "nine" and insert "eight," so as to read:

In all, $113,840.

The amendment was agreed to.

The next amendment was, on page 61, line 15, before the word "thousand," to strike out "twenty-two" and insert "twenty-five," so as to make the clause read:

For the purchase and repair of tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, $25,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of furniture, including clocks, pianos, and window shades for new school buildings, etc., on page 62, line 9, before the word "dollars," to strike out "fourteen thousand five hundred and fifty" and insert "fifteen thousand," so as to read:

In all, $15,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

For the purchase of a motor delivery wagon at a cost not exceeding $1,500, the maintenance of the same, including the hire of a driver, not exceeding $600 per annum, $2,600.

The amendment was agreed to.

The next amendment was, on page 66, after line 3, to insert:

For purchase of ground adjacent to Fillmore School, approximately 25,000 square feet, $10,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 10, to insert:

Toward the construction of a normal-school building for colored pupils, and the total cost of said building under a contract which is hereby authorized therefor shall not exceed $200,000, $75,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 14, to strike out:

For the addition of four classrooms to the Deanwood School, $24,000.

And insert:

For the erection of a four-room building at or in the vicinity of Burrville, $40,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

For purchase of site, approximately 15,000 square feet, and the erection thereon of a six-room manual-training building in the twelfth division, $54,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

For the purchase of a site for a new M Street High School, approximately 60,000 square feet, to be located north of M Street north and west of North Capitol Street, $60,000.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," in the item of appropriation for the salaries of the major and superintendent of police, etc., on page 69, line 11, before the word "inspectors," to strike out "three" and insert "four;" in line 19, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 23, before the word "lieutenants," to strike out "twelve" and insert "thirteen;" and in line 25, before the word "sergeants," to strike out "forty-five" and insert "forty-nine," so as to read:

Major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 4 inspectors, at $1,800 each; 11 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk and stenographer, $1,500; clerk, who shall be assistant property clerk, $1,200; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $720 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 13 lieutenants, 1 of whom shall be harbor master, at $1,320 each; 49 sergeants.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Metropolitan police, on page 70, line 5, before the word "privates," to strike out "fifty-nine" and insert "seventy;" in line 16, before the word "captains," to strike out "fifty-five" and insert "fifty-six;" in line 18, before the word "dollars," to strike out "forty" and insert "sixty;" in line 24, before the word "dollars," to strike out "thirty-four thousand nine hundred and fifty-nine" and insert "fifty-four thousand eight hundred and nineteen;" and in line 25, after the word "cents," to insert: "*Provided*, That on the passage of this act, and hereafter, the Commissioners of the District of Columbia are authorized and directed to deposit in the Treasury to the credit of the police and firemen's relief funds of the District from the receipts from licenses other than liquor licenses, in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said funds," so as to read:

Sixty-three privates of class 2, at $1,080 each; 70 privates of class 1, at $900 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1912, $2,709.50; 6 telephone operators, at $720 each; 14 janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 56 captains, lieutenants, sergeants, and privates, mounted, at $260 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 26 drivers, at $720 each; 3 police matrons, at $600 each; in all, $954,819.50: *Provided*, That on the passage of this act, and hereafter, the Commissioners of the District of Columbia are authorized and directed to deposit in the Treasury to the credit of the police and firemen's relief funds of the District from the receipts from licenses other than liquor licenses, in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said funds.

The amendment was agreed to.

The next amendment was, on page 71, after line 20, to strike out:

For repairs to stations, $5,500.

And insert:

For repairs and improvements to police stations and grounds, to be immediately available, $5,500.

The amendment was agreed to.

The next amendment was, on page 72, line 8, after the word "wagons," to insert "motor patrol."

The amendment was agreed to.

The next amendment was, under the head of "Fire department," on page 74, line 4, before the word "battalion," to strike out "three" and insert "four;" in line 12, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 15, before the word "dollars," to strike out "one hundred and fifty" and insert "two hundred;" and in line 19, before the word "dollars," to strike out "one hundred and fifty" and insert "two hundred," so as to read:

Chief engineer, $3,500; deputy chief engineer, $2,500; 4 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 37 captains, at $1,400 each; 38 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 23 engineers, at $1,200 each; 23 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the fire department, on page 75, line 2, after the word "each," to insert "hostler, $600;" in line 6, before the word "dollars," to strike out "thirty-five thousand five hundred and seventy" and insert "thirty-nine thousand four hundred and twenty;" and in the same line, after the word "dollars," to insert: *Provided*, That no member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission; and leaves of absence exceeding 20 days in any one year shall be without pay, and require the consent of the commissioners; and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year, without disallowance of pay," so as to read:

Forty privates of class 1, at $960 each; hostler, $600; laborer, $480; in all, $539,420: *Provided*, That no member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission; and leaves of absence exceeding 20 days in any one year shall be without pay, and require the consent of the commissioners; and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year, without disallowance of pay.

The amendment was agreed to.

The next amendment was, on page 75, line 22, before the word "thousand," to strike out "fifteen" and insert "sixteen," so as to make the clause read:

For purchase of horses, $16,000.

The amendment was agreed to.

The next amendment was, on page 75, line 23, before the word "thousand," to strike out "thirty" and insert "thirty-two," so as to make the clause read:

For forage, $32,000.

The amendment was agreed to.

The next amendment was, on page 76, line 5, before the word "thousand," to strike out "twenty-seven" and insert "thirty," so as to read:

In all, $130,800.

The amendment was agreed to.

The next amendment was, on page 76, after line 10, to insert:

For repair and storage building, including cost of excavating, covering, and lining a cistern and connecting said building with fire-alarm quarters, $20,000.

The amendment was agreed to.

The next amendment was, on page 76, after line 19, to insert:

The Commissioners of the District of Columbia are directed to make an investigation as to the necessity or advisability of installing a high-pressure fire service system in the business section of the city of Washington, and to report the results, with estimates, to Congress at its next session.

The amendment was agreed to.

The next amendment was, on page 76, line 25, before the word "thousand," to strike out "thirty-one" and insert "fifty-one," so as to read:

In all, $51,665.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the health department, on page 78, line 4, before the word "hundred," to strike out "two" and insert "five;" in line 6, before the word "hundred," to strike out "six" and insert "nine;" and in the same line, after the word "dollars," to insert "*Provided*, That any inspector of dairies and dairy farms may act as inspector of live stock when so authorized by the health officer," so as to read:

Driver, $600; pound master, $1,500; laborers, at not exceeding $50 per month each, $3,000; in all, $63,920: *Provided*, That any inspector of dairies and dairy farms may act as inspector of live stock when so authorized by the health officer.

The amendment was agreed to.

The next amendment was, on page 78, line 23, after the word "District," to insert "and for the prevention of other communicable diseases," so as to read:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said District, and for the prevention of other communicable diseases, including salaries or compensation for personal services not exceeding $10,000 when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, purchase and maintenance of necessary horses, wagons, and harness, rent of stables, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, $24,500.

The amendment was agreed to.

The next amendment was, on page 81, after line 12, to insert:

For purchase of a site for pound and stable, to be immediately available, $10,000: *Provided, however*, That the Commissioners of the District of Columbia are authorized, in their discretion, to build the pound and stable upon any site now owned by the District which, in their judgment, is deemed suitable for the purpose, and the appropriation herein provided is hereby made available toward the construction of the pound and stable upon the site so selected.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 82, line 18, before the word "dollars," to insert "six hundred;" in line 23, after the word "dollars," to strike out "bailiff, $700" and insert "two bailiffs, at $700 each;" and on page 83, line 2, before the word "hundred," to strike out "eleven thousand one" and insert "twelve thousand four," so as to make the clause read:

Juvenile court: For judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,200; chief probation officer, $1,500; probation officer, $1,200; probation officer, $1,000; two bailiffs, at $700 each; janitor, $540; in all, $12,440.

The amendment was agreed to.

The next amendment was, on page 83, line 19, before the word "dollars," to strike out "deputy clerk, to be known as financial clerk, one thousand five hundred" and insert "deputy financial clerk, one thousand six hundred;" in line 23, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred;" and on page 84, line 4, before the word "dollars," to strike out "three hundred and twenty" and insert "four hundred and eighty," so as to make the clause read:

Police court: For 2 judges, at $3,600 each; clerk, $2,000; 2 deputy clerks, at $1,500 each; 2 deputy clerks, at $1,200 each; deputy financial clerk, $1,600; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $600; engineer, $900; assistant engineer, $720; fireman, $480; 2 assistant janitors, at $300 each; matron, $600; 3 charmen, at $360 each; in all, $28,480.

The amendment was agreed to.

The next amendment was, on page 84, line 21, before the word "thousand," to strike out "one" and insert "two," so as to make the clause read:

For repairs to the police-court building, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 84, line 23, before the word "thousand," to strike out "seventeen" and insert "eighteen," so as to read:

In all, $18,550.

The amendment was agreed to.

The next amendment was, on page 85, line 3, before the word "assistant," to strike out "two" and insert "three;" in line 4, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" and in line 6, before the word "dollars," to strike out "sixteen thousand four hundred and eighty" and insert "seventeen thousand six hundred," so as to make the clause read:

Municipal court: For 5 judges, at $2,500 each; clerk, $1,500; 3 assistant clerks, at $1,000 each; janitor, $600; in all, $17,600;

The amendment was agreed to.

The next amendment was, on page 85, line 14, before the word "dollars," to strike out "eighteen thousand seven hundred and thirty" and insert "nineteen thousand eight hundred and fifty," so as to read:

In all, for the municipal court, $19,850.

The amendment was agreed to.

The next amendment was, on page 85, line 21, after the word "law," to insert "including the employment of an alienist at not exceeding one thousand dollars per annum," so as to make the clause read:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,000 per annum, $2,800.

The amendment was agreed to.

The next amendment was, under the head of "Emergency fund," on page 86, line 13, after the word "rejected," to insert "and new bids received or the purchases made in open market, as may be most economical and advantageous to the District of Columbia," so as to make the clause read:

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases of emergency not otherwise sufficiently provided for, $8,000: *Provided*, That in the purchase of all articles provided for in this act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected and new bids received or the purchases made in open market, as may be most economical and advantageous to the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 86, line 20, before the word "thousand," to strike out "forty-eight" and insert "fifty," so as to make the clause read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney General, $50,000.

The amendment was agreed to.

The next amendment was, on page 87, line 3, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred," and in line 5, after the word "thousand," to insert "six hundred," so as to make the clause read:

Courthouse, District of Columbia: For the following force necessary for the care and protection of the courthouse in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; 3 watchmen, at $720 each; 3 firemen, at $720 each; 5 laborers, at $600 each; 3 messengers, at $720 each; in all, $10,680, to be expended under the direction of the Attorney General.

The amendment was agreed to.

The next amendment was, on page 87, line 10, before the word "watchmen," to strike out "Two" and insert "Mechanician, $1,200; two;" in line 11, after the word "each," to insert "watchmen, $600;" in line 13, before the word "laborers," to strike out "two" and insert "three," and in line 18, before the word "dollars," to strike out "three thousand one hundred and twenty" and insert "five thousand four hundred," so as to make the clause read:

Court of appeals building, District of Columbia: For the following force, necessary for the care and protection of the court of appeals building: Mechanician, $1,200; 2 watchmen, at $720 each; watchman, $600; 1 elevator operator, at $720; 3 laborers, at $480 each: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all, $5,400.

The amendment was agreed to.

The next amendement was, on page 87, after line 18, to insert:

For maps, brooms, buckets, disinfectants, removal of refuse, electric current, electrical supplies, books, telephone service in the clerk's office, and all other necessary and incidental expenses not otherwise provided for, for the court of appeals building, District of Columbia, $1,500.

The amendment was agreed to.

The next amendment was, at the top of page 88, to insert:

Support of prisoners: For expenses for maintenance of jail prisoners of the District of Columbia at the Washington Asylum and Jail, including pay of guards and all other necessary personal services, and for support of prisoners therein, $40,840.

The amendment was agreed to.

The next amendment was, on page 89, line 2, before the word "thousand," to strike out "twenty-five" and insert "twenty-six," so as to make the clause read:

Miscellaneous expenses: For payment of such miscellaneous expenses as may be authorized by the Attorney General for the supreme court

of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses as may be authorized by the Attorney General for the court of appeals, District of Columbia, $26,000.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 89, line 5, before the word "dollars," to insert "five hundred," and in line 15, before the word "and," to strike out "seventeen thousand five hundred" and insert "eighteen thousand," so as to make the clause read:

Board of Charities: Secretary, $3,500; clerk, $1,200; stenographer, $1,200; messenger, $600; inspector, $1,200; 3 inspectors, at $1,000 each; 2 inspectors, at $900 each; 2 inspectors, at $840 each; driver, $780; 3 drivers, at $720 each; hostler, $540; traveling expenses, $400; in all, $18,060.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 89, line 17, after the word "Asylum," to insert "and Jail," and on page 90, line 7, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred," so as to read:

Washington Asylum and Jail: Superintendent, $1,800; visiting physician, $1,080; resident physician, $480; clerk, $840; engineer, $900; 3 assistant engineers, at $480 each; 2 assistant engineers at hospital for seven and one-half months, at $50 per month each; night watchman, $480; blacksmith and woodworker, $500; driver for dead wagon, $365; hostler and driver, $240; driver for supply and laundry wagon, $240; hospital cook, $600; assistant cook, $300; 2 assistant cooks, at $180 each; trained nurse, who shall act as superintendent of nursing, $900.

The amendment was agreed to.

The next amendment was, in the item of the appropriation for the maintenance of the Washington Asylum, on page 91, line 4, before the word "dollars," to strike out "twenty-six thousand eight hundred and ninety-five" and insert "twenty-seven thousand and seventy-five," so as to read:

In all, $27,075.

The amendment was agreed to.

The next amendment was, on page 92, line 24, before the word "thousand," to strike out "twenty-five" and insert "twenty-six," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, $26,000.

The amendment was agreed to.

The next amendment was, on page 93, line 14, before the word "thousand," to strike out "seventy" and insert "seventy-one," so as to read:

In all, for Home for Aged and Infirm, $71,322.

The amendment was agreed to.

The next amendment was, on page 94, line 16, before the word "thousand," to strike out "forty" and insert "sixty," and in line 17, before the word "dollars," to strike out "five hundred" and insert "two thousand," so as to make the clause read:

For plans and specifications for additional building and heating plant, to cost not to exceed $60,000, $2,000.

The amendment was agreed to.

The next amendment was, on page 94, line 19, before the word "hundred," to strike out "twenty-three thousand two" and insert "twenty-four thousand seven," so as to read:

In all, for Reform School for Girls, $24,745.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 95, line 5, before the word "thousand," to strike out "thirty-two" and insert "thirty-five," so as to make the clause read:

For the care and treatment of indigent patients, under a contract to be made with the Freedmen's Hospital and Asylum by the Board of Charities, $35,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 96, line 3, before the word "thousand," to strike out "ten" and insert "eleven," so as to make the clause read:

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the Board of Charities, $11,000.

The amendment was agreed to.

The next amendment was, on page 96, line 12, before the word "thousand," to strike out "three" and insert "four," so as to make the clause read:

For care and treatment of indigent patients under a contract to be made with the George Washington University Hospital by the Board of Charities, $4,000.

The amendment was agreed to.

The next amendment was, on page 96, line 20, after the word "dollars," to insert "assistant cook, $360;" in line 23, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" on page 97, line 4, before the word "dollars," to insert "and sixty;" and in line 10, before the word "hundred," to strike out "sixteen thousand six" and insert "seventeen thousand two," so as to make the clause read:

Tuberculosis Hospital: Superintendent, $1,800; resident physician, $480; pharmacist and clerk, $720; superintendent of nurses, $720; matron, $600; pathologist, $300; 7 graduate nurses, at $600 each; chief cook, $600; assistant cook, $360; 2 assistant cooks, at $180 each; engineer, $900; assistant engineer, $600; assistant engineer, $480; 2 firemen, at $300 each; elevator conductor, $300; laundryman, $480; 3 laundresses, at $180 each; farmer, $360; laborer, $360; night watchman, $360; 3 orderlies, at $360 each; 2 ward maids, at $180 each; 4 servants, at $180 each; in all, $17,280, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 97, line 18, after the word "grounds," to insert "and equipment," and in line 19, before the word "dollars," to insert "five hundred," so as to make the clause read:

For repairs and improvements to buildings and grounds and equipment, $1,500.

The amendment was agreed to.

The next amendment was, on page 97, line 21, before the word "hundred," to strike out "forty-seven thousand six" and insert "forty-eight thousand seven," so as to read:

In all, for Tuberculosis Hospital, $48,780.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 98, line 2, after the word "dollars," to strike out "one placing officer, $1,000," and insert "two placing officers, at $1,000 each," and in line 11, before the word "dollars," to strike out "nine thousand eight hundred and eighty" and insert "ten thousand nine hundred and forty," so as to make the clause read:

For agent, $1,800; executive clerk, $1,200; 2 placing officers, at $1,000 each; 2 placing officers, at $900 each; investigating clerk, $960; record clerk, $720; 2 visiting inspectors, at $720 each; clerk, $660; messenger, $360; in all, $10,940.

The amendment was agreed to.

The next amendment was, on page 98, line 25, before the word "dollars," to strike out "seventy-five thousand four hundred and eighty" and insert "seventy-six thousand five hundred and forty," so as to make the clause read:

In all, for board of children's guardians, $76,540.

The amendment was agreed to.

The next amendment was, on page 99, line 17, before the word "dollars," to insert "and sixty;" in line 21, after the word "dollars," to insert "nurse, $360;" and in line 24, before the word "dollars," to strike out "and sixty" and insert "five hundred and forty," so as to make the clause read:

Industrial Home School for Colored Children: Superintendent, $1,200; matron of school, $480; 2 caretakers, at $360 each; 2 assistant caretakers, at $360 each; 2 teachers, at $480 each; sewing teacher, $360; manual training teacher, $480; farmer, $480; watchman, $300; nurse, $360; cook, $240; laundress, $240; in all, $6,540.

The amendment was agreed to.

The next amendment was, in the item for Industrial Home School for Colored Children, on page 100, line 3, before the word "dollars," to strike out "six thousand" and insert "seven thousand five hundred," so as to make the clause read:

For maintenance, including purchase and care of horses, wagons, and harness, $7,500.

The amendment was agreed to.

The next amendment was, in the same item, on page 100, line 5, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

For furniture and manual-training equipment, $450.

The amendment was agreed to.

The next amendment was, on page 100, line 10, before the word "dollars," to strike out "thirteen thousand three hundred and ten" and insert "fifteen thousand four hundred and ninety," so as to read:

In all, for Industrial Home School for Colored Children, $15,490: *Provided*, That all moneys received at said school as income from sale of products and from payment of board of instruction, or otherwise, shall be paid over to the Commissioners of the District of Columbia to be expended by them in the support of the school during the fiscal year 1912.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 102, after line 5, to insert:

The Commissioners of the District of Columbia are authorized to accept, as a donation from the Night Lodging House Association of the District of Columbia, the south half of lot 19, in square 293, in the city of Washington, and the improvements thereon, now known as the Night Lodging House, the same to become the property of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 102, after line 21, to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual

residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $5,000, to be expended under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The reading was continued to line 14, page 104.

Mr. GALLINGER. In line 11, page 104, after the word "act," I move to insert the words "or of any appropriation heretofore made," so as to make the proviso read:

Provided, That no part of any appropriation contained in this act or of any appropriation heretofore made shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia or Maryland, within a radius of 10 miles of Mount Vernon, except the one now located at Occoquan, Va.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 104, line 18, after the word "of," to strike out "Maryland or;" on page 105, line 3, before the word "thousand," to strike out "two hundred and eighty-eight" and insert "one hundred and ninety-three;" in line 4, before the word "thousand," to strike out "ninety-one" and insert "eighty;" and in line 8, after the word "available," to insert: "*Provided*, That the supreme court of the District of Columbia, the Attorney General, and the warden of the District of Columbia Jail, when so requested by the Commissioners of the District of Columbia, shall deliver into the custody of the superintendent or the authorized deputy or deputies of said superintendent of said workhouse, male and female prisoners sentenced to confinement in said jail for offenses against the common law or against statutes or ordinances relating to the District of Columbia, and, in the discretion of the supreme court of the District of Columbia and the Attorney General, male and female prisoners serving sentence in said jail for offenses against the United States, for the purposes named in the law authorizing the acquisition of the site for said workhouse and such other work or services as may be necessary, in the discretion of the Commissioners of said District, in connection with the construction, maintenance, and operation of said workhouse, or the prosecution of any other public work at said institution or in the District of Columbia: *Provided further*, That, on the direction of said commissioners, male and female prisoners confined in any existing workhouse of the District of Columbia shall be delivered into the custody of said superintendent or the authorized deputy or deputies of said superintendent aforesaid, to perform similar work or services to those hereinbefore required of male and female prisoners serving sentences in the District of Columbia Jail: *Provided further*, That the Commissioners of the District of Columbia are hereby vested with jurisdiction over such male and female prisoners from the time they are so delivered into the custody of said superintendent or the duly authorized deputy or deputies of said superintendent, including the time when such prisoners are in transit between the District of Columbia and the site acquired for such workhouse, and during the period such prisoners are on such site or in the District of Columbia until they are released or discharged under due process of law: *Provided further*, That all the authority, duties, discretion, and powers now vested in the Attorney General of the United States, by law, in relation to the support of prisoners sentenced to confinement in the jail of the District, including the custody of the jail building, grounds, and appurtenances, and authority over the warden and employees thereof, and in relation to and accounting for all appropriations in connection with such prisoners, jail, warden, and employees, are hereby transferred to and vested in the Commissioners of the District of Columbia, to take effect and be in force on and after the 1st day of July, 1911, and the Commissioners of the District of Columbia are hereby authorized and directed to receive and keep in the jail of the District of Columbia all other prisoners committed thereto for offenses against the United States: *Provided further*, That the jail of the District of Columbia and the Washington Asylum of said District, on and after the 1st day of July, 1911, shall be combined as one institution, known as the Washington Asylum and Jail; and the Commissioners of said District are hereby authorized to appoint a superintendent of said institution, at a compensation of $1,800 per annum, and the positions of warden of the jail and superintendent of the institution now known as Washington Asylum are abolished on and after said date; and all the duties, discretion, and powers now vested in and exercised by the warden of the jail of said District and the superintendent of the present Washington Asylum are hereby transferred to and vested in the superintendent herein provided for, who shall give bond to the District of Columbia for the faithful performance of the duties of his office, as are now or may hereafter be prescribed, in the penal sum of $5,000, with surety or sureties to be approved by said commissioners: *Provided further*, That whenever and wherever authority of law exists to sentence, commit, order committed, or confine any person to or in said jail or asylum, said authority shall, on, from, and after July 1, 1911, be exercised by sentence, commitment, order of commitment, or confinement to or in said Washington Asylum and Jail: *Provided further*, That all of the powers, duties, and authority now vested in the supreme court of the District of Columbia in relation to the appointment and removal of the warden of the jail of the District of Columbia, and in relation to the making of rules for the government and discipline of the prisoners confined in the jail, are hereby transferred to and vested in the Commissioners of the District of Columbia, who shall also have the authority heretofore vested in the warden to appoint subordinate officers, guards, and employees, without the approval of the chief justice of the supreme court of the District of Columbia: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized, under such regulations as they may prescribe, to sell to the various departments and institutions of the government of the District of Columbia the products of said workhouse, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia," so as to make the clause read:

Workhouse: For the following purposes in connection with removal of jail and workhouse prisoners from the District of Columbia to the site acquired for a workhouse in the State of Virginia, in accordance with the provisions of existing law, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements, live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, $193,000, of which sum $80,000 shall be immediately available: *Provided*, That the supreme court of the District of Columbia, the Attorney General, and the warden of the District of Columbia Jail, etc.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 109, line 13, before the word "thousand," to strike out "forty-seven" and insert "forty-nine," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills, and parades, rent, fuel, light, heat, care, and repair of armories, practice ships, boats, machinery, and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, $49,000.

The amendment was agreed to.

The next amendment was, on page 109, line 20, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to make the clause read:

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, $2,500.

The amendment was agreed to.

The next amendment was, on page 110, line 1, before the word "target," to strike out "rifle;" and in line 2, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to make the clause read:

For expenses of target practice and matches, $1,500.

The amendment was agreed to.

The next amendment was, on page 110, line 6, after the word "That," to insert "hereafter;" in line 13, after the word "destroyed," to insert: "*Provided further*, That there may be paid to all commissioned officers (without discrimination, and in lieu of the limited pay authorized by this section) an allowance to be used by them in the purchase and maintenance of clothing and equipment;" in line 18, before the word "all," to insert "hereafter;" and in line 21, after the words "national guard," to insert "and all moneys which, by reason of the absence of officers or enlisted men from duly ordered assemblies or other duty, are not expended for pay of troops," so as to read:

For pay of troops, other than Government employees, to be disbursed under the authority and direction of the commanding general, $24,000: *Provided*, That hereafter all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia on account of Government property lost or destroyed by such individual shall be repaid into the United States Treasury to the credit of the officer of the Militia of the District of Columbia who is accountable to the United States Government for such property lost or destroyed: *Provided further*, That there may be paid to all commissioned officers (without discrimination, and in lieu of the limited pay authorized by this section) an allowance to be used by them in the purchase and maintenance of clothing and equipment: *Provided further*, That hereafter all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia for or on account of any violation of the regulations governing said national guard, and all moneys which, by reason of the absence of officers or enlisted men from duly ordered assemblies or other duty, are not expended for pay of troops, shall be held by the commanding general of the Militia of the District of Columbia, who is authorized to expend such moneys for

necessary clerical and general expenses of the service, heretofore or hereafter incurred, including law books and books of reference, or for the pay of troops, other than Government employees; and for all moneys so expended the commanding general shall make an accounting in like manner as for the appropriation disbursed for pay of troops.

The amendment was agreed to.

The next amendment was, in the item of the appropriation for the pay of troops of the Militia of the District of Columbia, on page 111, line 8, after the word "That," to insert "hereafter;" and in line 14, after the word "That," to insert "hereafter," so as to make the provisos read:

Provided further, That hereafter any of the moneys appropriated for the District of Columbia Militia may be used to supplement specific appropriations or allotments which may be found insufficient for the purposes for which made, and authority is hereby given to supplement the regular ration by purchase of such additional articles of subsistence as may be deemed necessary: *Provided further*, That hereafter the commanding general of the District of Columbia Militia is hereby authorized to make such deductions from any pay of any officer or enlisted man derived from appropriations or allotments made under the provisions of section 1661, United States Revised Statutes, or other Federal enactments as may be necessary to reimburse the United States or the District of Columbia for public property lost, destroyed, or damaged by such individual.

The amendment was agreed to.

The next amendment was, under the head of "Extension of water mains," on page 112, after line 6, to insert:

ANACOSTIA RIVER FLATS.

Toward the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended under the supervision of the Chief of Engineers, United States Army, upon plans to be prepared under the direction of and to be approved by a board of engineers to consist of the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the engineer officer in charge of the improvement of the Potomac River; said sum to be available for the preparation of plans, the prosecution of the work, the employment of personal service, and for such other purposes as may, in the judgment of said board, be necessary to carry out the purposes of this appropriation, $100,000.

The amendment was agreed to.

The next amendment was, on page 114, after line 12, to insert:

KLINGLE FORD VALLEY.

The Commissioners of the District of Columbia be, and they are hereby, directed to prepare a new highway plan for that portion of the District of Columbia lying between Macomb Street on the north, the Zoological Park on the east, Cathedral Avenue on the south, and Thirty-first Street and Woodley Road on the west, under the provisions of an act of Congress approved March 2, 1893, providing for a permanent system of highways in the District of Columbia, as amended by the act of June 28, 1898: *Provided, however*, That highways under the said new plan may be established at a minimum width of 40 feet.

The amendment was agreed to.

The next amendment was, on page 115, to insert the following:

The Commissioners of the District of Columbia are hereby authorized and directed to acquire the necessary land requisite for the preservation of Klingle Ford Valley, including certain land on the west side of Connecticut Avenue, opposite the entrance to the Zoological Park, and certain land lying between the western boundary of said Zoological Park and Connecticut and Cathedral Avenues, containing in all 30.1 acres, more or less, and located as shown on plans on file in the office of the Engineer Commissioner of the District of Columbia with a view to affording an entrance to Rock Creek Park and to the enlargement of the Zoological Park; and for that purpose the sum of $300,000 is hereby authorized, one-half out of the Treasury and one-half out of the revenues of the District of Columbia: *And provided further*, That one half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said commissioners shall be unable to purchase said land at a price they deem reasonable, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of Volume XXX of the Statutes at Large; and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act.

The amendment was agreed to.

The next amendment was, on page 119, after the word "work," to insert "and for the purchase and maintenance of one motor runabout," so as to make the clause read:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, and purchasing, installing, and maintaining water meters on services to such private residences and to such business places as may not be required to install meters under existing regulations as may be directed by the Commissioners of the District of Columbia, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, and for the purchase and maintenance of one motor runabout, so much as may be available in the water fund during the fiscal year 1912, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

The amendment was agreed to.

The next amendment was, in section 2, page 120, in the item of appropriation for the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, etc., in the water department, on page 120, line 5, before the word "thousand," to strike out "sixty-five" and insert "seventy," so as to make the proviso read:

Provided, That the expenditures hereunder shall not exceed $70,000 during the fiscal year 1912.

The amendment was agreed to.

The next amendment was, in section 7, page 124, line 5, after the word "wires," to strike out "$14.50" and insert "$15," so as to make the clause read:

For 40-candlepower, 50-watt, incandescent electric lamps on overhead wires, $15 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 124, line 11, after the word "wires," to strike out "$17.50" and insert "$19," so as to make the clause read:

For 60-candlepower, 75-watt, incandescent electric lamps on overhead wires, $19 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 125, line 7, after the word "lamps," to strike out "$72.50" and insert "$85," so as to make the clause read:

For 6.6-ampere, 528-watt, direct-current, series-inclosed arc lamps, $85 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 125, line 11, after the word "lamps," to strike out "$72.50" and insert "$85," so as to make the clause read:

For 5-ampere, 550-watt, direct-current, multiple-inclosed arc lamps, $85 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 125, line 20, after the word "wires," to strike out "$72.50" and insert "$75," so as to make the clause read:

For 4-ampere, 320-watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, on underground wires, $75 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 126, line 17, after the word "and," where it occurs the first time, to strike out "fourteen" and insert "fifteen," and in line 19, before the word "lamps," to strike out "four hundred" and insert "three hundred and twenty," so as to make the proviso read:

Provided, That except as otherwise directed by the Commissioners of the District of Columbia, all series-inclosed and multiple-inclosed arc lamps now in service shall be replaced by the lighting company, without expense to the District of Columbia, with 4-ampere, 320-watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, by April 1, 1915, and such replacement shall be effected to the number of not less than 320 lamps per annum until completed.

The amendment was agreed to.

The next amendment was, on page 127, line 10, before the word "dollars," to strike out "sixty" and insert "fifty," and in line 17, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The cost of each lamp-post (exclusive of erection), including the lantern, globe, and street designations, furnished by any lighting company under the above rates shall not exceed $15 for each gas or electric incandescent lamp nor $50 for each electric arc lamp, except as hereinafter provided, and each post and its equipment shall be of a design and quality acceptable to the Commissioners of the District of Columbia. For each such lamp-post furnished by a lighting company by direction of the District Commissioners which shall cost in excess of $15 for gas or electric incandescent lamps, or which shall cost in excess of $50 for electric arc lamps, the company furnishing the same shall receive, in addition to the above rates, 11 per cent per annum on such additional or excess cost.

The amendment was agreed to.

The next amendment was, on page 128, line 3, before the word "cents," to strike out "six dollars and sixty" and insert "four dollars and forty," so as to make the clause read:

The Commissioners of the District of Columbia are authorized, in their discretion, to purchase or construct from street-lighting appropriations made in this act, posts, lanterns, street designations, and all necessary fixtures or appurtenances for any of the systems of lighting above named: *Provided*, That whenever the said commissioners shall furnish the said equipment $1.65 per lamp per annum for gas or electric incandescent lamps and $4.40 per lamp per annum for electric arc lamps shall be deducted from the rates above fixed.

The amendment was agreed to.

The next amendment was, on page 128, line 15, after the word "supply," to insert "and a fair sum for the cost of maintenance," so as to make the clause read:

The Commissioners of the District of Columbia are further authorized, in their discretion, to adopt other forms of electric street lighting than those named, in which event payments under appropriations made in this act shall be made for the lighting service rendered at not to exceed 3 cents per kilowatt hour for current consumed, and, in addition thereto, 11 per cent per annum of the cost to the lighting company of furnishing and installing lamps, posts, street designations, fixtures, and the cable from lamps to the nearest point of current supply, and a fair sum for the cost of maintenance.

The amendment was agreed to.

The next amendment was, in section 8, page 129, line 20, before the word "fire," to insert "existing," so as to make the clause read:

Hereafter no public electric lamp shall be maintained by means of overhead wires within either the city limits of Washington or the existing fire limits of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 8, page 129, line 24, before the word "required," to strike out "candlepower or wattage" and insert "illumination," and on page 130, after the word "required," to strike out "candlepower or wattage" and insert "illumination," so as to make the clause read:

Hereafter proportionate deductions shall be made from the amounts due lighting companies for failure to furnish the illumination required by law for public lighting in the District of Columbia, and each company shall furnish, at its own expense, when and as required by the Commissioners of the District of Columbia, all proper and necessary facilities, testing places, and apparatus at its plant, and such help at points on its mains or circuits as to enable the said commissioners to determine whether the required illumination is being furnished. For each and every lamp which shall be extinguished or not lighted during any portion of the schedule time of lighting, a pro rata deduction, based upon the period of nonillumination and the price per lamp, shall be made from said amounts.

The amendment was agreed to.

The next amendment was, on page 130, after line 14, to insert:

Hereafter any gaslight company or any electric-light company doing business in the District of Columbia which shall fail or refuse to furnish, erect, maintain, move, or discontinue any street lamp in compliance with the foregoing provisions as the Commissioners of the District of Columbia may direct, shall be subject to a penalty of $25 for each and every day's failure or refusal so to do, to be recovered at law in the name of the District of Columbia in any court of competent jurisdiction.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. On page 4, line 8, I move to strike out the words "two thousand seven hundred and fifty" and to insert "three thousand," so as to read:

Building inspection division: Inspector of buildings, $3,000.

The amendment was agreed to.

Mr. GALLINGER. On page 5, line 24, I move to change the total from $117,086 to $117,336.

The amendment was agreed to.

Mr. GALLINGER. On page 5, after line 25, I move the following amendment in behalf of the committee:

Hereafter the Commissioners of the District of Columbia may, in their discretion, grant 30 days' annual leave with pay in any one year to annual salaried officers and employees of said District.

The amendment was agreed to.

Mr. GALLINGER. I ask unanimous consent that the clerks may adjust the totals where necessary. There may be some discrepancies.

The PRESIDENT pro tempore. The Chair hears no objection, and leave is granted. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TARIFF BOARD.

Mr. LODGE. I move to take up the bill (H. R. 32010) to create a tariff board.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. LODGE. I ask that the bill be read and then that the committee amendments be considered.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary proceeded to read the bill and was interrupted by—

Mr. STONE. Mr. President, was the bill taken up by unanimous consent?

Mr. LODGE. It was taken up on motion.

Mr. STONE. On motion?

Mr. LODGE. I made the motion. It was taken up on motion. I will say to the Senator that I only desire to have the bill read and to dispose of the committee amendments. I do not expect to dispose of the bill to-day. I should like to have the formal reading of the bill take place.

Mr. MONEY. Mr. President, I have no desire to obstruct the passage of the bill, but I have an amendment which has been printed which I desire to offer to it, and the Senator from Texas [Mr. BAILEY] I know has one to offer.

Mr. LODGE. Certainly. I do not propose to press the bill to-day.

Mr. MONEY. With that understanding, very well.

Mr. LODGE. I ask merely to have the bill read, and I should like to have the committee amendments which were unanimously reported agreed to. Then I will have the bill go back to the calendar, and I shall move to take it up at a future time.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. The amendments reported by the Committee on Finance will be stated.

The first amendment reported by the Committee on Finance was, in section 1, page 1, line 5, after the word "President," to insert "by and with the advice and consent of the Senate," so as to read:

That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 17, after the word "imported," to insert "the cost of transportation from the place or places of production to the principal areas of consumption," so as to make the section read:

SEC. 3. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 7, after the word "advisable," to strike out "for its confidential use, and in case the evidence or information is so obtained," and to insert the word "but;" in line 10, after the word "information," to strike out "*Provided*, That," and to insert "and;" and in line 13, after the word "public," to insert "by said board," so as to make the section read:

SEC. 6. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

The amendment was agreed to.

The next amendment was, in section 7, line 17, after the word "investigations," to insert "as hereinbefore provided, including all testimony," so as to make the section read:

SEC. 7. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

Mr. HEYBURN. Mr. President, I ask that that amendment go over, as it relates back to the first portion of section 6, and I would not want to be confronted with the proposition that it had been agreed to.

Mr. LODGE. Very well. I ask that the bill may now go back to the calendar, it having been read and certain amendments having been agreed to. I give notice that I shall ask the Senate to take it up at the earliest possible moment.

DELAWARE RIVER BRIDGE.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 10326) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which were,

on page 3, to strike out lines 11 to 14, inclusive, and on page 30, line 19, to strike out "1910" and insert "1911."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 10327) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which were, on page 1, to strike out lines 10 and 11; on page 2, to strike out lines 1 to 3, inclusive; on page 3, to strike out lines 21 to 24, inclusive; on page 4, to strike out lines 1 and 2; on page 5, to strike out lines 11 to 16, inclusive; and on page 5, line 17, to strike out "1910" and insert "1911."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which were, on page 1, to strike out lines 6 to 9, inclusive; on page 2, to strike out lines 7 to 9, inclusive; and on page 2, to strike out lines 15 to 18, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 10454) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which were, on page 17, line 11, to strike out "twenty-four" and insert "thirty."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. CURTIS. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. CURTIS. Mr. President, I had not intended to take up any of the time of the Senate in a discussion of this question, but after reading the speech of my colleague [Mr. BRISTOW] I have concluded to ask for a few minutes of the time of the Senate. I read the following from the speech of the junior Senator from Kansas [Mr. BRISTOW]:

> While the phraseology of the resolution has been somewhat changed from the form in which I originally introduced it, I do not consider the changes as at all material. (CONGRESSIONAL RECORD, Feb. 9, 1911, p. 2180.)

This was the remark of the Senator upon a most important change; in fact, a change which provides for a further amending of the Constitution. I regret very much to see the Senator treat a constitutional amendment so lightly.

The Constitution is sacred to the people; millions of men have fought for it, thousands have died for it; its sections have been cemented by the best blood of the land and the tears of the noblest women who ever lived. It has been amended, and changed conditions will make other amendments necessary, but changes in it should be made in the regular way—by instructions from the people, and only after careful consideration. The proposed change by the original joint resolution, to provide for the election of Senators by direct vote of the people, has been before the public for many years and is generally understood. The action taken upon the question by a large number of States is evidence that such change is desired. Personally, I have favored the passage of such legislation for many years, and I am now in favor of the proposition. While a Member of the House I was a member of the committee which reported such a resolution. I supported it with gratification in the committee and assisted in securing favorable indorsement of it by the House. For some reason, at this time, a majority of the committee have reported the resolution to the Senate with an amendment which may well be termed a "rider" or "joker," and which should, in my judgment, be defeated, for it has not been considered by the people, and if agreed to, it might be used by the States that so desire as recognizing their right to disfranchise the colored voters. I can not support such a proposition. The change makes paragraph 1, section 4, Article I, read as follows:

> The time, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

This amendment, if agreed to, would change paragraph 1, section 4, Article I of the Constitution, which reads as follows, to wit:

> The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

If the Constitution should be so amended and the words "but the Congress may at any time by law make or alter such regulations" were stricken out, then Congress would be unable to enact any law or regulation for the protection of senatorial elections against fraud, violence, or corruption. Yet this power would continue in the House in regard to its Members. I have heard of no good reason for the change.

The proposition has not been considered by the people; it has not been brought to their attention by the press or in any other way. I do not believe the people would sanction it if the matter was submitted to them. The Senate and House should both retain their rights to alter the regulations in regard to the election of their own Members and should always have the power to protect elections from violence and corruption.

I read the following from Ex parte Seebold, One hundredth United States, 372:

> The exercise of such power can properly cause no collision of regulations or jurisdiction, because the authority of Congress over the subject is paramount, and any regulations it may make necessarily supersedes inconsistent regulations of the State.

This is involved in the power to "make or alter," and yet the junior Senator from Kansas says to take that power away from Congress is "not material."

Justice Miller well said in the case of Ex parte Yarbrough, One hundred and tenth United States, 657:

> That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.
>
> If this Government is anything more than a mere aggregation of delegated agents of other States and Governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.
>
> If it has not this power, it is left helpless before the two great natural and historical enemies of all republics—open violence and insidious corruption.

That sounds like the provision was very material.

That opinion was written not for the purpose of influencing votes, but was a plain statement of powers the Government enjoyed, and which it should enjoy, and was written by an able and just judge.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. I do.

Mr. BORAH. I want to ask the Senator from Kansas if he understood Justice Miller to hold that without section 4 that could not have been done which they did do, and which law he was then upholding in his decision.

Mr. CURTIS. I understand Justice Miller was passing directly upon section 4.

Mr. BORAH. Mr. President——

Mr. CURTIS. I decline to yield to the Senator for a speech. If he wants to answer what I have to say, he has a perfect right to do so in his own time.

The PRESIDING OFFICER. The Senator from Kansas declines to yield further.

Mr. BORAH. Will the Senator yield for a single suggestion?

Mr. CURTIS. I prefer that the Senator make his suggestion in his own time.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. CURTIS. Again, if I read the RECORD correctly, the Senator from Mississippi [Mr. PERCY] considered the change very material, for he said:

> In my judgment the extension of the power of the Federal Government as required by the Sutherland amendment is a price greater than the South is willing to pay for the election of Senators by the direct vote of the people. I have no hesitancy in saying that it is a price greater than it should pay.

The Senator from Mississippi must have thought the change very material, or he would not have spoken so strongly. Yet the Senator from Kansas says "he does not consider the changes at all material."

In this connection I wish to call the attention of the Senate to what was said upon this subject by a man loved by all the people, our fearless ex-President, Theodore Roosevelt, who at Grand Rapids, Mich., in a speech before the Lincoln Club, at the nineteenth annual Lincoln day banquet, said:

I ask that we trust the people to elect Senators just exactly as we trust them to elect Presidents and Congressmen.
That is trace work. Now for britchin' work.
Don't couple that proposition which is to go forward with another proposition which is to go backward, and that is just what has been done with the amendment in its present form in the Senate. The proposal is to take away from the National Government some of its power in dealing with the election of United States Senators. That is all wrong. That is a step backward and not a step forward.

The change proposed by the majority of the committee would tend to weaken the effective operation of the fourteenth and fifteenth amendments and might enable a State so disposed by indirection to disfranchise the colored voters, which should not be permitted, and would take from the Congress the power which Justice Miller said it should always have. The colored people are entitled to protection in their rights, and Congress should not directly or indirectly say it was willing to let the States take away the right which came to them as a result of the Civil War. After that war was over, and it was the greatest war the world has ever known, in order to meet new conditions the Constitution was amended, and the fifteenth amendment declares that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

This amendment was made to protect the former slaves who had been freed, and yet we find State after State, by "grandfather" and other clauses, depriving them of their rights. Of course, there is no word in the acts referring to "race, color, or previous condition of servitude," yet every one knows that when a State undertakes to keep a citizen thereof from voting unless his grandfather was a voter, the object is to deprive the colored man from his right of franchise.

If the joint resolution as amended is passed, and the Constitution is amended as provided therein, then the Congress gives up all its rights to make or alter the regulations of a State for the election of United States Senators, and if electors are disfranchised, if outrages are perpetrated, if fraud is committed, or if corrupt practices are resorted to, the Congress remains helpless. Surely the junior Senator from Kansas [Mr. BRISTOW] did not imagine that the joint resolution he introduced would be so changed.

I shall vote for the amendment offered by the Senator from Utah [Mr. SUTHERLAND], which, if agreed to, will strike out the objectionable features added to the original joint resolution and will permit a vote to be taken upon the joint resolution in the form in which it has been considered by the people. The Sutherland amendment takes nothing from the State, but it continues the power of Congress to make or alter the regulations.

I strongly favor the joint resolution to provide for the election of Senators by a direct vote of the people, but I do not think it should be burdened with the objectionable and unfair provisions placed in it by a majority of the committee, and as one of the Senators from the State of Kansas, the child of freedom, the home of old John Brown, the advance agent of liberty, who gave his life to hasten the conflict which resulted in freeing the slaves, I can not support the "rider" or "joker" placed in the joint resolution by a majority of the committee.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, 39, 40, 53, 54, 58, 59, 60, 61, 62, 65, 66, 67, 90, 91, 116, 120, 126, 142, 143, 144, 150, 151, 155, 156, 157, 158, 163, 168, 175, 183, 185, 189, 204, 208, 217, and 222.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38, 43, 46, 48, 49, 50, 51, 52, 56, 57, 63, 64, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 83, 84, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 110, 111, 112, 113, 114, 115, 117, 118, 119, 121, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 145, 146, 147, 148, 149, 152, 153, 154, 160, 161, 162, 164, 165, 166, 167, 169, 170, 171, 172, 173, 174, 176, 178, 179, 180, 181, 182, 184, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 206, 207, 209, 213, 214, 215, 216, 219, 220, 221, 223, 224, 226, 227, 228, 229, and 230; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "available," strike out the word "five" and insert in lieu thereof the word "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$174,620"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "2 clerks, at $2,000 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$332,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$147,970"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$278,410"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "boxes," strike out the words "five thousand" and insert in lieu thereof the words "two thousand five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,311,010"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,190"; and the Seante agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$73,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,510"; and the Senate agree to the same.

On amendments numbered 30, 31, 32, 33, 41, 42, 44, 45, 85, 86, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 200, 201, 202, 203, 205, and 218 the committee of conference have been unable to agree.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

F. H. GILLETT,
J. V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon its amendments, request a further conference with the House on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. BURKETT, and Mr. FOSTER conferees on the part of the Senate.

ST. CROIX RIVER BRIDGE.

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order.

Mr. SMOOT. I ask unanimous consent that we begin with calendar No. 1049, where we left off yesterday.

The PRESIDING OFFICER. The Senator from Utah asks that the Senate take up the calendar under Rule VIII, beginning with calendar No. 1049. Is there objection? The Chair hears none.

The bill (H. R. 31860) permitting the building of a wagon and trolley car bridge across the St. Croix River, between the States of Wisconsin and Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOBILE RIVER BRIDGE.

The bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW RIVER DAM, VIRGINIA.

The bill (H. R. 31922) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. As the Senator from Texas has given notice that he desires to address the Senate to-day on the election case, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER. The Chair lays before the Senate the report of the Committee on Privileges and Elections, which will be stated.

The SECRETARY. Senate Report No. 942. Report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the Legislature of that State.

Mr. BAILEY addressed the Senate. After having spoken, with interruptions, for 2 hours and 45 minutes,

Mr. CARTER. I renew my request for unanimous consent that the Senator from Texas be permitted to continue his remarks immediately at the close of morning business to-morrow.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the Senator from Texas be permitted to resume his remarks immediately after the routine morning business to-morrow. Is there objection?

Mr. BURTON. I do not rise to object to the request. I gave notice on the 8th that I would address the Senate immediately after the close of the morning business to-morrow, and the pending request, if granted, would displace me at that time. I should like to ask the Senator from Connecticut, however, if he would consent to change the date on which a vote is to be taken on the forest-reserve bill?

Mr. BEVERIDGE. Let it be the next day.

Mr. BURTON. The date is fixed.

Mr. BRANDEGEE. I do not understand that that can be done.

Mr. BEVERIDGE. Yes; it can.

Mr. BURTON. By unanimous consent, it seems to me, it can be done.

Mr. BRANDEGEE. No; it can not. We can not change a unanimous-consent agreement.

Mr. GALLINGER. You can not change a unanimous-consent agreement.

Mr. LODGE. You can not change a unanimous-consent agreement.

Mr. BURTON. The Senator from Nebraska [Mr. BROWN] has given notice for Wednesday.

Mr. CARTER. Is there any objection? I inquire if any objection has been made to the request for unanimous consent.

Mr. BURTON. I do not feel that in any event I shall make objection to the request of the Senator from Montana.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. BACON. We can not hear what the request is.

Mr. CARTER. The request is that immediately following the close of morning business to-morrow the Senator from Texas be permitted to conclude his remarks.

Mr. BACON. Of course, I have no objection whatever to that request. I simply want to know whether that will conflict with any previous unanimous consent. It is most important.

Mr. GALLINGER. It does not.

The PRESIDING OFFICER. The Chair does not understand that it does. Is there objection to the request of the Senator from Montana? The Chair hears no objection.

[For Mr. BAILEY's entire speech see Senate proceedings of Tuesday, February 14.]

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 14, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 13, 1911.*

The House met at 12 o'clock noon.

The Rev. Dr. John Wesley Hill, pastor of Metropolitan Temple, New York City, delivered the following prayer:

O Thou who dwellest in the light, under whom all things come in their ripeness and fullness, Thou unto whom all things come in ever-increasing perfection, we rejoice that Thou art waiting to receive our worship. We bless Thee that upon us Thy knowledge has dawned; that about us Thy providence is engaged in our behalf; and that before us are the rewards of Thy righteousness, which exalteth men and nations. Commend Thy blessing upon us at this hour; bless this body assembled; grant that its deliberations may be inspired with patriotism and seasoned with wisdom and crowned with Thy favor. Bless, we pray Thee, the President of the United States; bless his constitutional advisers; bless all judges and lawmakers; bless all those upon whom devolve official responsibility; bless our land and Nation. Save us from vice and violence, from restlessness and revolution, and from evil. Open the way before us and lead us out into that large field of opportunity and influence and power which Thou hast set before us in the hour of Thy providence. Send out Thy light and Thy truth everywhere. Hasten the day when peace shall be enthroned among the nations of the earth and when Thy kingdom shall be established from the river unto the sea. And unto Thee will we ascribe the praise and the glory forever, through Christ, our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

JOHN R. KISSINGER.

Mr. PRINCE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. PRINCE. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. I move that the House agree to the conference report on the bill (S. 7252) for the relief of John R. Kissinger, and ask that the conference report be read.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] calls up a conference report, which the Clerk will read.

The conference report was read.

[For conference report and statement, see House proceedings in the RECORD of February 11, 1911.]

Mr. PRINCE. Mr. Speaker, I move that the conference report be agreed to.

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. McCALL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts [Mr. MCCALL] rise?

Mr. McCALL. I rise to move that the House resolve itself into the Committee of the Whole House to consider the bill H. R. 32216, which is the bill relating to reciprocity with Canada.

Mr. OLCOTT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York [Mr. OLCOTT] rise?

Mr. OLCOTT. I make the point of order that this is a day set apart for District of Columbia business.

Mr. BURLESON. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. DWIGHT. Mr. Speaker, I move the call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Allen	Gardner, Mich.	Loudenslager	Roberts
Andrus	Gill, Md.	McCredie	Roddenbery
Barchfeld	Gill, Mo.	McGuire, Okla.	Sabath
Barclay	Gordon	McHenry	Simmons
Bates	Hamilton	McKinlay, Cal.	Smith, Cal.
Bennett, Ky.	Hardwick	McKinley, Ill.	Smith, Mich.
Capron	Haugen	McMorran	Sperry
Cocks, N. Y.	Hobson	Millington	Spight
Cole	Howard	Moore, Tex.	Stevens, Minn.
Cooper, Wis.	Hubbard, W. Va.	Morehead	Sturgiss
Coudrey	Huff	Mudd	Taylor, Colo.
Cravens	Hughes, W. Va.	Murdock	Thomas, Ohio
Creager	Joyce	Parker	Townsend
Dickema	Kahn	Patterson	Vreeland
Driscoll, M. E.	Kinkead, N. J.	Payne	Wallace
Edwards, Ga.	Lamb	Ransdell, La.	Wheeler
Fairchild	Lenroot	Reeder	Wilson, Pa.
Foelker	Lindsay	Rhinock	Wood, N. J.
Fowler	Loud	Riordan	

The SPEAKER. Three hundred and four Members, a quorum, have answered to their names.

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from New York moves that further proceedings under the call be dispensed with. Without objection, it is so ordered. The Doorkeeper will open the doors.

Mr. OLCOTT rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. OLCOTT. I rise, Mr. Speaker, to a point of order.

The SPEAKER. The gentleman from New York rises to make a parliamentary inquiry. He will state it.

Mr. OLCOTT. Mr. Speaker, I wish to ask whether it will be in order for me to move that the House resolve itself into the Committee of the Whole House for the consideration of business relating to the District of Columbia, this being the day set apart by the rules for the consideration of such matters.

The SPEAKER. This is the day under the rules for the consideration of District business, but the gentleman from Massachusetts [Mr. MCCALL] makes a motion that the House do resolve itself into Committee of the Whole House on the state of the Union for the consideration of a revenue bill. This is a matter of privilege, and the motion of the gentleman from New York [Mr. OLCOTT] for the preservation of the day set apart for the transaction of District business is also a matter of privilege. A majority can determine which business the House will proceed to by voting down the motion of the gentleman from Massachusetts, if a majority sees proper so to do, in which event the Chair would recognize the gentleman from New York.

Mr. GAINES. Mr. Speaker, I make a further point of order.

The SPEAKER. The gentleman from West Virginia will state it.

Mr. GAINES. At the time that the Speaker recognized the gentleman from Massachusetts [Mr. MCCALL] the gentleman from New York [Mr. OLCOTT] was on his feet also demanding recognition. I make the point of order that upon the day specially set aside for a particular kind of business the Chair should first recognize to make a privileged motion that gentleman who has charge of the District business.

The SPEAKER. And yet, according to the parliamentary theory, at least, a general appropriation bill or a revenue bill, one proposing to raise money in theory and the other to spend money in theory, takes precedence, under the uniform practice of the House, of District day. Under the uniform practice a revenue bill has taken precedence in priority of recognition, and the Chair follows at least the theory, if not the substance, of the parliamentary rule.

Mr. MANN. Mr. Speaker, pending the motion, might I ask if it would be possible to arrive at an agreement as to the time for debate or as to the control of debate if we should go into Committee of the Whole House on the state of the Union?

The SPEAKER. That is not the question. The question is upon the motion of the gentleman from Massachusetts, which is in order.

Mr. MANN. Pending that, it is always proper to ask for unanimous consent.

The SPEAKER. Undoubtely. The Chair will state that the motion of the gentleman from Massachusetts [Mr. MCCALL] is that the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32216) to promote reciprocal trade relations with Canada, and so forth.

Mr. GAINES. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. Pending that, Mr. Speaker, I want to suggest——

The SPEAKER. One moment. The gentleman from Massachusetts [Mr. MCCALL] having made the motion, and the motion being pending, either the gentleman from Massachusetts or the gentleman from Illinois [Mr. MANN], in the ordinary practice, pending that motion, could make such arrangements as might be agreed upon.

Mr. GAINES. Mr. Speaker, a parliamentary inquiry.

Mr. MCCALL. Mr. Speaker, a parliamentary inquiry. The gentleman from Pennsylvania [Mr. DALZELL] suggests to me that after the vote is taken, if it be to go into the Committee of the Whole House on the state of the Union, before it is announced, we then make an attempt to get an agreement. Would it now be proper to ask unanimous consent to do that at that time?

Mr. MANN. Mr. Speaker, I would like to make this suggestion: Why can it not be arranged that the time for debate should be controlled one-half by the gentleman from Massachusetts [Mr. MCCALL] and one-half by the gentleman from Pennsylvania [Mr. DALZELL]?

Mr. DALZELL. Mr. Speaker, it seems to me that we ought to postpone the making of our agreement about time until the House has determined what it is going to do.

Mr. MANN. It is only as to the control of the time in general debate.

The SPEAKER. The clerk at the desk calls the attention of the Chair to the fact that the gentleman from New York [Mr. OLCOTT] made a point of order, which the Chair overlooked, treating it as a parliamentary inquiry. Does the gentleman from New York [Mr. OLCOTT] withdraw his point of order?

Mr. OLCOTT. I do not. I make the point of order.

The SPEAKER. The gentleman will state his point of order again.

Mr. OLCOTT. The point of order is that this day being set apart for the work of the District of Columbia Committee, that is a matter of higher privilege than the matter brought before the House by the motion of the gentleman from Massachusetts [Mr. MCCALL].

The SPEAKER. The Chair overrules the point of order.

Mr. GAINES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES. Is it in order to move to go into the Committee of the Whole House on the state of the Union for the consideration of another privileged bill?

The SPEAKER. The Chair's recollection of the practice of the House is that this motion is not amendable, because the question can be decided with no greater delay, and probably less delay, by the House voting directly upon the motion.

Mr. MANN. If the Chair will permit, the rule which the gentleman from West Virginia [Mr. GAINES] probably has in mind is where a motion is made to go into Committee of the Whole after the House has been under call of the committees for one hour, when that motion is amendable by substituting one other bill; but that does not apply to this case.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Under the rule this is District day. Now, if we set that aside, will it not be necessary to suspend the rule, and will not that require a two-thirds vote?

The SPEAKER. In the opinion of the Chair, answering the parliamentary inquiry, a motion to suspend the rules is not in order.

Mr. CLARK of Florida. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Is not the motion of the gentleman from Massachusetts, in effect, a motion to suspend the rules, the rule requiring that District business should be considered to-day?

The SPEAKER. It is not, because while both motions are in order and privileged, the motion of the gentleman from Massachusetts [Mr. MCCALL] takes priority of recognition.

Mr. MANN. Mr. Speaker, I renew my request for unanimous consent that, if the House resolve itself into the Committee of the Whole on this bill, the time for general debate be controlled one-half by the gentleman from Massachusetts [Mr.

McCALL] and one-half by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. GAINES. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time to be consumed in general debate be controlled one-half by the gentleman from Massachusetts [Mr. McCALL] and one-half by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. GAINES. Reserving the right to object, Mr. Speaker, I suggest that if the House proposes to go ahead with District day it would be much better not to make the arrangement now; whereas if the House determines to go ahead to-day with this bill, then I suggest that the gentleman modify his request and ask unanimous consent, if the House determines to go ahead with the reciprocity bill to-day, that after the vote has been taken, the question then be settled as to the control of time.

Mr. MANN. I do no think that is within the power of the House——

Mr. OLCOTT. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects. The question is on the motion of the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 120, answered "present" 3, not voting 64, as follows:

YEAS—197.

Adair	Dies	Jamieson	Rainey
Adamson	Dixon, Ind.	Johnson, Ky.	Randell, Tex.
Alexander, N. Y.	Douglas	Johnson, S. C.	Rauch
Ames	Draper	Jones	Reeder
Anderson	Driscoll, D. A.	Keliher	Reid
Ansberry	Durey	Kitchin	Richardson
Anthony	Edwards, Ga.	Knowland	Roberts
Ashbrook	Ferris	Korbly	Robinson
Barchfeld	Finley	Kronmiller	Roddenbery
Barnhart	Fish	Küstermann	Rucker, Colo.
Bartholdt	Fitzgerald	Lamb	Rucker, Mo.
Bartlett, Ga.	Flood, Va.	Latta	Saunders
Bartlett, Nev.	Floyd, Ark.	Law	Shackleford
Beall, Tex.	Fornes	Lawrence	Sharp
Bell, Ga.	Foss	Lee	Sheffield
Boehne	Foster, Ill.	Lever	Sheppard
Booher	Gallagher	Lively	Sherley
Boutell	Garner, Pa.	Livingston	Sherwood
Bowers	Garrett	Lloyd	Sims
Brantley	Gillespie	Longworth	Sisson
Burgess	Gillett	McCall	Slayden
Burke, Pa.	Glass	McCreary	Small
Burleson	Goldfogle	McDermott	Smith, Iowa
Burnett	Graff	McKinney	Smith, Tex.
Butler	Graham, Ill.	Macon	Sparkman
Byrd	Greene	Madden	Spight
Byrns	Gregg	Madison	Stafford
Calder	Hamer	Maguire, Nebr.	Stanley
Candler	Hamill	Mann	Stephens, Tex.
Cantrill	Hamlin	Martin, Colo.	Stevens, Minn.
Carter	Hardy	Maynard	Sulzer
Cassidy	Harrison	Mays	Tawney
Clark, Mo.	Havens	Miller, Kans.	Taylor, Colo.
Clayton	Hay	Mitchell	Thomas, Ky.
Cline	Heald	Moon, Pa.	Thomas, N. C.
Collier	Heflin	Moon, Tenn.	Tilson
Conry	Helm	Morrison	Tou Velle
Cooper, Pa.	Henry, Conn.	Morse	Turnbull
Cooper, Wis.	Henry, Tex.	Moss	Underwood
Cox, Ind.	Higgins	Needham	Washburn
Cox, Ohio	Hill	Nicholls	Watkins
Craig	Hinshaw	Nye	Weeks
Cravens	Hitchcock	O'Connell	Weisse
Crumpacker	Houston	Oldfield	Wickliffe
Cullop	Howland	Olmsted	Willett
Denby	Hughes, Ga.	Palmer, A. M.	Wilson, Ill.
Dent	Hughes, N. J.	Palmer, H. W.	Young, Mich.
Denver	Hull, Tenn.	Parsons	
Dickinson	Humphreys, Miss.	Peters	
Dickson, Miss.	James	Poindexter	

NAYS—120.

Aiken	Dodds	Guernsey	Lundin
Alexander, Mo.	Dupre	Hammond	McGuire, Okla.
Austin	Dwight	Hanna	McLachlan, Cal.
Barnard	Ellerbe	Haugen	McLaughlin, Mich.
Bennet, N. Y.	Ellis	Hawley	Malby
Bingham	Elvins	Hayes	Martin, S. Dak.
Borland	Englebright	Hollingsworth	Massey
Bradley	Esch	Howell, Utah	Miller, Minn.
Broussard	Estopinal	Hubbard, Iowa	Mondell
Burke, S. Dak.	Fassett	Hull, Iowa	Moore, Pa.
Burleigh	Focht	Humphrey, Wash.	Morgan, Mo.
Calderhead	Fordney	Johnson, Ohio	Morgan, Okla.
Campbell	Foster, Vt.	Keifer	Moxley
Carlin	Fuller	Kendall	Murphy
Cary	Gaines	Kennedy, Iowa	Nelson
Chapman	Gardner, Mass.	Kennedy, Ohio	Norris
Clark, Fla.	Gardner, N. J.	Kinkaid, Nebr.	Olcott
Cole	Garner, Tex.	Knapp	Page
Cowles	Godwin	Kopp	Pearre
Crow	Goebel	Lafean	Pickett
Currier	Good	Langham	Plumley
Dalzell	Goulden	Langley	Pou
Davidson	Graham, Pa.	Legare	Pratt
Davis	Grant	Lindbergh	Pray
Dawson	Griest	Lowden	Prince
Pujo	Slemp	Sulloway	Wanger
Rodenberg	Snapp	Swasey	Webb
Rothermel	Southwick	Thistlewood	Wiley
Scott	Steenerson	Thomas, Ohio	Woods, Iowa
Simmons	Sterling	Volstead	Young, N. Y.

ANSWERED "PRESENT"—3.

Howell, N. J.	Kinkead, N. J.	Padgett

NOT VOTING—64.

Allen	Gardner, Mich.	Loudenslager	Riordan
Andrus	Gill, Md.	McCredie	Sabath
Barclay	Gill, Mo.	McHenry	Smith, Cal.
Bates	Gordon	McKinlay, Cal.	Smith, Mich.
Bennett, Ky.	Hamilton	McKinley, Ill.	Sperry
Capron	Hardwick	McMorran	Sturgiss
Cocks, N. Y.	Hobson	Millington	Talbott
Coudrey	Howard	Moore, Tex.	Taylor, Ala.
Covington	Hubbard, W. Va.	Morehead	Taylor, Ohio
Creager	Huff	Mudd	Townsend
Diekema	Hughes, W. Va.	Murdock	Vreeland
Driscoll, M. E.	Joyce	Parker	Wallace
Edwards, Ky.	Kahn	Patterson	Wheeler
Fairchild	Lenroot	Payne	Wilson, Pa.
Foelker	Lindsay	Ransdell, La.	Wood, N. J.
Fowler	Loud	Rhinock	Woodyard

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. SPERRY with Mr. WALLACE.

Mr. MURDOCK with Mr. RHINOCK.

Mr. FOELKER with Mr. McHENRY.

Mr. WOODYARD with Mr. HARDWICK.

Mr. GARDNER of Michigan with Mr. MOORE of Texas.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. BATES with Mr. GILL of Maryland.

Mr. HUGHES of West Virgina with Mr. TALBOTT.

Mr. KAHN with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. COVINGTON.

Mr. McKINLEY of Illinois with Mr. GORDON.

Mr. PAYNE with Mr. LINDSAY.

Mr. SMITH of California with Mr. HOWARD.

Mr. SMITH of Michigan with Mr. KINKEAD of New Jersey.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. JOYCE with Mr. RANSDELL of Louisiana, from February 10 to February 18, inclusive.

Mr. HUBBARD of West Virginia with Mr. SABATH, from February 10 to February 20, inclusive.

Mr. LOUD with Mr. WILSON of Pennsylvania, commencing February 13, noon, to February 15, noon.

Mr. TOWNSEND with Mr. GILL of Missouri, commencing February 10, noon, to February 16, noon.

On Canadian reciprocity:

Mr. McKINLAY of California (in favor) with Mr. LENROOT (against).

Mr. MICHAEL E. DRISCOLL (in favor) with Mr. ALLEN (against).

Mr. HOWELL of New Jersey (in favor) with Mr. McMORRAN (against).

Mr. DIEKEMA with Mr. PADGETT, commencing to-day until further notice, on all questions except Canadian reciprocity.

The result of the vote was then announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32216, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. McCALL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. McCALL. Mr. Chairman, I ask the Chair to first recognize the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman and gentlemen of the House of Representatives, a protective-tariff policy presupposes reciprocity and trade agreements. A free-trade policy has nothing to give in return for concessions, and hence nothing to gain from them.

Since the Republican Party was organized and while it has been in power there never has been a time but that reciprocal agreements with other countries have been in operation, and President Taft stands to-day in full harmony with Lincoln, Grant, McKinley, Roosevelt, and all of his illustrious predecessors with regard to that principle.

Under reciprocity trade between Hawaii and this country flourished to the great advantage of both, until by the logic of events the islands became a part of this Nation.

Under reciprocity our trade with Cuba has more than doubled, as follows:

Imports from Cuba to the United States for the year ending June 30, 1903	$62,942,790
Exports from the United States to Cuba, same year	21,761,638
Total trade for the year 1903, before the treaty	84,704,428
Imports from Cuba to the United States for the year ending June 30, 1910	122,528,037
Exports from the United States to Cuba, same year	52,858,758
Total trade for the year 1910, since the treaty	175,386,795

Under free trade with Porto Rico, which met with a storm of denunciation when first proposed, but which William McKinley declared to be our "plain duty," our trade with that island has increased nearly fifteenfold, as shown by the following statement:

Exports from the United States to Porto Rico during the year ending June 30, 1898	$1,505,946
Imports from Porto Rico to the United States, same year	2,414,356
Total trade for the year ending June 30, 1898	3,920,302
Shipments of merchandise from the United States to Porto Rico during the year ending June 30, 1910	27,097,654
Shipments of merchandise from Porto Rico to the United States, same year	32,095,897
Total trade for the year ending June 30, 1910	59,193,551

Under reciprocal relations with the Philippine Islands, a territory containing a larger population than the Dominion of Canada, our mutual trade has grown in less than a single year 70 per cent, as shown by the following statement:

Exports from the United States to the Philippine Islands during the year ending June 30, 1909	$11,189,441
Imports from the Philippine Islands to the United States, same year	9,433,986
Total trade for the year 1909, before free trade	20,623,427
Exports from the United States to the Philippine Islands during the year ending June 30, 1910	16,832,645
Imports from the Philippine Islands to the United States, same year	17,317,897
Total trade for the year 1910, after free trade	34,150,542

In every one of these cases the proposition to enter upon such trade relations was met with prophecies of dire disaster to some existing industry in our own country.

In every case the prophecy has failed of fulfillment, and the new policy has resulted in mutual advantage to both parties. It is true that in the cases which I have named some of the products have been tropical and noncompeting, and that the things which they have taken from us have been the products of the Temperate Zone, and the like, not produced or manufactured by them; but it is also true that in every case direct competition in like products has gone on through all these years and that our tremendous growth and consuming power has absorbed them all, and that, too, at a constantly increasing price.

In each case the cry was raised that they were an alien people, that our markets would be flooded with the products of cheap labor with which we could not contend, that their standard of living was lower than ours, that their soil was more fertile and their cost of living trivial as compared with our own, and yet in every case we have conquered competition and the like industries have grown and flourished here.

A new proposition confronts us now—a reciprocal trade agreement in some of the natural products of two contiguous countries with a like character of population, with a climate and soil very similar to that of each other, and with forms of government differing in few essential features, affecting the productive and consuming power of either people. Indeed, both parties to this proposed agreement are under the protective-tariff system, and from my point of view both are likely to continue that policy in the future, the United States striving to apply the policy on the fixed principle of the difference in the cost of production at home and abroad as the true measure of its protection, and Canada supplementing its protective rate with direct aid from the Government in many of its industries. What is this agreement and what are the conditions under which it is to be put in operation?

In the first place it is not a revision of the Payne tariff law in any sense whatever, so far as it affects our relations with any country but the Dominion of Canada, and only to a very limited extent in our trade with Canada itself. Our total exports to Canada last year amounted to $223,501,809, and of this only $47,827,959 would have been affected under the terms of this agreement. On those articles Canada would have remitted to us by the reduction of their customs duties $2,560,579.04. Our purchases from Canada last year aggregated $104,199,675, of which $47,333,158 would have been affected, with the result that we would have remitted to them by the reduction of our customs duties $4,849,933, more than one-third of which was on the single item of lumber in its various forms. So that of the total trade between the two countries, amounting to $327,701,484, only 29 per cent would have been affected if this agreement had been in force. Nor does the agreement debar us from changing our present tariff law in any way we see fit in our dealings with any other country, or even in our dealings with Canada, except as to 41 paragraphs on the free list, which we agree not to make dutiable, and the 59 paragraphs in the dutiable list, the rates of which shall not be exceeded. There is nothing in the agreement which prevents either country from changing its tariff relations in any other respect at will, and there is no definite fixed limit of time when this agreement shall be terminated. It is a straightforward business arrangement for the reciprocal exchange of such articles as the representatives of both Governments believed, after most careful consideration, could be made with safety to each other and for the mutual advantage of both, and that would result in largely increased business transactions in other articles not directly affected or named in the agreement.

So far as Canadian preferential rates with Great Britain or Canada's trade agreements with France or any other country are concerned, this agreement has no more relation to them than it has to our exclusive tariff rates with the Philippine Islands, and both countries are free to do as they please with regard to those matters——

Mr. MOORE of Pennsylvania. Would it disturb the gentleman if I asked a question at this point?

Mr. HILL. Not in the slightest degree, I hope.

Mr. MOORE of Pennsylvania. Does the gentleman in the course of his address propose to explain the effect of the agreement between the United States and Canada upon those nations of the Old World that might ask for similar agreements on similar terms——

Mr. HILL. It has no effect whatever, so far as that is concerned, on any other trade agreement with any other country on the face of the earth.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. GARDNER of Massachusetts. Will the gentleman publish in the RECORD, in connection with his address, the exchange of notes between the Government of the United States and the Government of France and the exchange of notes between the Government of the United States and the Government of Germany when the minimum tariff——

Mr. HILL. The gentleman had better publish that in his own speech. I understand he is to make some remarks. I will state to the gentleman I have a number of articles which I propose to publish as an appendix to my remarks and I would not like to make it too long.

Mr. GARDNER of Massachusetts. I would like if the gentleman would——

Mr. HILL. I would very much prefer the gentleman would publish them as an appendix to his own remarks, if he has no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I know the gentleman will pardon me, for I am asking this in perfect good faith——

Mr. HILL. Certainly.

Mr. MOORE of Pennsylvania. This question has arisen among my constituents: I desire to know whether the making of this agreement would not lead other nations in the Old World that are not contiguous to the United States to step forward and ask for the same conditions as are contained in the treaty which we are now proposing to make with Canada.

Mr. HILL. We have no control over Canada; Canada has no control over us. We both publish to the world what is proposed to be done here. That is all there is to it, except the honor of two great nations.

Mr. MOORE of Pennsylvania. That is hardly an answer to the question, I submit to the gentleman. I want to know if Russia, or Germany, or Austria, or France desires under the most-favored-nation clause to enter into a treaty, whether this agreement with Canada will not be such a precedent as will bind us to make a similar agreement with other nations.

Mr. HILL. The question of the gentleman has been answered for the last 30 years as to the effect of the most-favored-nation clause in treaties or agreements of this kind—that it has no relation to it.

Mr. MOORE of Pennsylvania. Then it must arise, so far as any other nation desiring to have trade relations with us is concerned.

Mr. SCOTT. I have a question along exactly that line, if the gentleman will yield.

Mr. HILL. Certainly.

Mr. SCOTT. I have seen it stated in the public print that England would be permitted to introduce manufactured goods at the same rate that is given the manufacturers of Canada. I wonder if that is true.

Mr. HILL. You will have to consult the State Department. I will say, as I have said repeatedly, that the only features of this agreement are named in the contract. They have no control over our actions outside of them; we have none over theirs.

Mr. SCOTT. Will the gentleman state his own opinion as to whether under this arrangement the manufactured products of England could come into the United States at the same rate of duty as those from Canada?

Mr. HILL. Not any more than we can import into the Philippine Islands manufactured products of England as the products of the United States. These are the products of Canada that we are dealing with, and not of Great Britain.

Mr. SCOTT. Does the bill itself make any provision to guard against the introduction of goods from England by way of Canada?

Mr. HILL. If the gentleman will read the bill and the correspondence in connection with it he will find full information on that subject.

Mr. PICKETT. Will the gentleman yield?

Mr. HILL. I am willing to yield for a total of about seven minutes. The rest of the time I want to myself during this hour. I will yield if I can.

Mr. PICKETT. Is it not true that under the consideration which Great Britain and other nations give to the favored-nations clause that every European country——

Mr. HILL. I very much desire the gentleman would discuss that proposition in his own time. Really, I have not the time to do so.

Mr. PICKETT. I just asked the question——

Mr. HILL. The gentleman will pardon me if I insist on going on.

Mr. McCALL. Will the gentleman permit me just for a moment to give a statement that is based on a careful survey of the authorities?

Mr. GAINES. If the gentleman from Massachusetts [Mr. McCALL] will permit me——

Mr. HILL. I yield to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. That whatever tariff concessions in favor of imports into the United States from Canada that Congress shall adopt in return for tariff concessions by Canada in favor of American products will constitute on the part of the United States an exclusive and strictly preferential trade arrangement which will involve no violation of the tariff treatment of the most favored nations offered to the world in the statute minimum tariff of the United States. That is the position of the committee, and I believe that we can sustain it beyond any question.

Mr. HILL. I shall have to ask you in all fairness to me to conduct these discussions with each other after I get through, because my time is limited.

Mr. GAINES. If the gentleman will permit me a minute, I wanted to suggest this: These questions are exceedingly practical, and it seems to me that everybody in the committee would be desirous of extending the time of the gentleman from Connecticut to answer just such questions. I know that we on the other side of the question certainly, if the gentleman will yield to questions of that sort, which seem to be very appropriate, will endeavor to get him more time.

Mr. HILL. I will be very glad to yield after I have finished what I propose to say in regular order, and if the time is then extended I will endeavor to answer any questions which I am capable of answering.

Now, who are the parties to this contract? First, the United States, with a continental population, by the present census, of 91,972,266 persons; and, second, the Dominion of Canada, with an estimated population in 1908 of 7,184,000.

During the preceding 10 years the United States showed an increase of population of 21 per cent. During the seven years preceding 1908 the Dominion of Canada showed an increase of population of 33.7 per cent. By the census of 1901 there were 127,899 of our people residents of Canada, and at the same time there were 1,179,807 Canadian people residing in the United States. Since 1900 497,892 persons have emigrated from the United States to Canada, 103,984 having gone there last year; and there are probably to-day more than 600,000 of our people living in the Dominion and more than a million and a half of Canadians in the United States.

I will print in the RECORD a statement showing by the census of Canada for 1901 and the census of the United States for 1900—for the facts are not yet developed by the later census of either country as of to-day—the respective number of each considerable class of population in the two countries at that time, and it will be perfectly manifest that, taken as a whole, the racial conditions of the two countries are as nearly alike as they would be if no boundary line separated them and we were in fact one country.

United States, 1900.

[Population, 76,303,387.]

Native	65,843,302
British	2,783,082
Austria-Hungary	275,907
Holland	104,197
Chinese	81,534
Danes	153,805
French	104,197
Germans	2,663,438
Italians	484,027
Japanese	
Norwegians	336,388
Russians	423,726
Canadians	1,179,807

Canada, 1901.

[Population, 5,371,315.]

Native	4,671,815
British	390,019
Austria-Hungary	28,407
Belgium-Holland	2,665
Chinese	17,043
Danes	2,075
French	7,944
Germans	27,300
Italians	6,854
Japanese	4,674
Norwegians	10,256
Russians	31,231
United States Americans	127,899

Both populations are truly cosmopolitan and bound together by family ties, business associations, mutual interests, and living to a large extent with a like environment; both separated from the rest of the world by broad oceans on either side, but touching each other along thousands of miles of an imaginary boundary line, with frequent and cheap means of transportation of persons and property from the great centers of each country to those of the other; with no passport system or military espionage system enforced by either nation, as is done by the nations of Europe, and each and all as free to come and go as the citizens of New York and New England. Why should we not supply each other's wants and meet each other's necessities without any of the restrictions which govern and control our relations with the people on the other side of the ocean, where like conditions do not prevail?

Mr. PICKETT. Will the gentleman yield for a question right there?

Mr. HILL. I will.

Mr. PICKETT. If that argument is good, then——

Mr. HILL. That is not a question. I yielded for a question, not for a speech.

Mr. PICKETT. If the gentleman's argument is good about free interchange of trade with Canada, why, then, should it be limited to one class of producers and one class of products alone?

Mr. HILL. I am putting this whole matter on the basis of the difference in the cost of production at home and abroad, and I will show before I get through that there is no difference in this case.

Mr. GARNER of Texas. Then the gentleman is in favor of free trade between Canada and the United States?

Mr. HILL. I am in favor of unrestricted trade with any country where there is no difference in the cost of production there and here. [Applause.] I am absolutely in favor of protecting American industries to the precise extent of any difference that may exist, whether it raises or lowers tariffs.

Mr. PICKETT. Then I assume——

Mr. HILL. I must decline——

Mr. PICKETT. Then I assume you are in favor of extending our free list to all manufactured products of Canada, especially to the textile industries.

Mr. HILL. I must decline to yield.

The CHAIRMAN. The gentleman from Connecticut declines to yield further.

Mr. HILL. It is not what nations produce that makes them sharp competitors with each other in the markets of the world, but it is the surplus which they have for export after their own necessities are met, and it is by such a showing, with reference to some of the articles included in this agreement, that I propose to demonstrate that no harm whatever can come to

either of these two neighbors by the ratification of the proposed agreement.

The largest crop in the United States is corn, of which we produced last year 3,125,713,000 bushels and exported 44,072,200 bushels. Canada produced 18,726,000 bushels and exported 5,881 bushels. She is not a corn country and never can be, by reason of her climate; but all over this broad land of ours the yellow tassels greet the rising sun, and the harvest pours a golden stream into the granaries of every State. For years we have supplied her wants at the rate of 10,000,000 to 15,000,000 bushels annually. The farm price of this product in Canada during the past year averaged 54 cents a bushel, and by the official reports of this Government ours averaged 48.8 cents per bushel, or 5 cents less than theirs. In all sincerity I ask you men from the corn States of this Union, Will not the free exchange of this product be mutually beneficial to both parties?

In 1909 Canada exported to all the world meats, both fresh and canned, including poultry and game, to the value of $9,984,425, of which there came to the United States the trivial amount of $272,413, while of the same articles we sold to her to the amount of $1,958,900. If she had sent to us her entire surplus, it would have cost this Nation 9 cents per capita. As it was, we paid Canada last year about one-third of 1 cent apiece for her exportations to us of meat products. That certainly ought not to scare us. Should not every man from a corn-growing State rejoice at the privilege of a wider and freer traffic with her in all these products?

If the gentleman from Massachusetts [Mr. GARDNER] is here, I will take up the fisheries question now.

Mr. GARDNER of Massachusetts. Will the gentleman wait a moment until I can get my material?

Mr. HILL. The entire product of Canadian fisheries in 1908 was only $25,451,094. I think that will be a surprise to some of you. We raised oysters, clams, crabs, and lobsters enough in this country to almost equal in value the entire product of all the fisheries of Canada.

Our product is about $54,000,000, according to the statement furnished me by the Census Department three or four days ago and taken from the new census. Canada exported $22,444,767 worth, sending to the United States $8,162,728 worth. We sent to her during the same year $3,342,870 worth from our fisheries.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. HILL. Yes.

Mr. GARDNER of Massachusetts. Is it not a fact that those shipments were mostly oysters?

Mr. HILL. I do not know what they were. I think very likely, but oysters are just as important to Connecticut as the codfish is to Massachusetts. [Laughter.] If the entire product of both countries had been dumped upon our market this great Nation would have consumed it all at a per capita cost of 83 cents to each one of our people. I submit to you that every consideration of health and economy would amply justify an increase of the supply of this food product manyfold, and if it could be done it would be a blessing to all of us.

As the best evidence that, taking the product as a whole, we are not only able to compete but to drive Canada out of some of her own markets in spite of the existing duties—I notice my friend from Massachusetts rises to his feet and I am glad to have him—and that the throwing open of this industry to free and open competition is in strict accord with the principle of the difference in cost of production laid down in the Republican platform, I make the following citation of the proceedings of the Canadian Parliament, taken from the Toronto Globe, of February 6, 1911, with reference to the action of the Canadian Parliament concerning steam trawling of the North Atlantic fisheries.

The newspaper report says:

> As an evidence of the good effect of the department's policy in encouraging and assisting the Maritime Province fishermen he noted that in 1908 the imports of fish into Canada had totaled 9,168,000 pounds, while last year this amount had been reduced to 761,000 pounds.
>
> This had been due to the action of the department in paying one-third of the express charges on shipments of fish to Canadian inland points, and now practically the whole of the Montreal, Toronto, and other Canadian city supplies of fish were obtained from the Maritime Provinces instead of the New England States. After some further debate by the Maritime Province members the resolution was carried.

When it comes to the point that Canada can only prevent the absorption of her own markets by New England fishermen by paying the express charges on shipments of fish from the seacoast to the interior, it is hardly worth while to figure the difference in the cost of production in this industry, and I commend a careful consideration of this proposition to the gentleman from Massachusetts [Mr. GARDNER], who seems, by the proclamations published in the lobby, to be so deliciously anxious about my consistency at the present time. [Laughter.]

Mr. GARDNER of Massachusetts. Will the gentleman yield to me?

Mr. HILL. If it is a question I will answer it, but if it is a reply to what I have said I prefer that he do it in his own time.

Mr. GARDNER of Massachusetts. It is simply a question as to whether you have read in your own report the figures of exports of New England fisheries to Canada.

Mr. HILL. Every figure which I have taken, I think, is taken from official documents of the Government of the Dominion of Canada and the official documents of the United States—not from pamphlets.

Mr. GARDNER of Massachusetts. May I read that?

Mr. HILL. Mr. Chairman, I would prefer that the gentleman wait, if he is going to reply to my remarks. I thought he wished to ask a question.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. STANLEY. I see that the gentleman from Connecticut has made a profound study of all the industries, both on the Canadian and the American side, and I wish to ask him if he discovered where either country has received any benefit from the high duty which has existed heretofore.

Mr. HILL. Mr. Chairman, I will consider that before I get through. I do not care to cite the value of the forest products of Canada. In all the civilized world there are not forest products enough to meet the absolute necessities of civilized people, and within my own knowledge and experience lumber has steadily increased in cost and price until the problem now is to know what substitutes can be employed for it.

I believe that if there is one question upon which the American people are determined, it is that this steadily increasing cost shall not be enhanced by legislative enactment of any kind, and I go still further than that, and claim that the removal of the duty on lumber of every kind and character between this country and Canada—I do not know as I would say that in regard to Mexico, I do not think I would—but between this country and Canada would not be a violation of the principle of protection, but would be strictly in accordance with it, and that the opposition from the Northern States, at least, to such removal, both in the making of the Payne tariff bill and of this reciprocity provision now, is based largely on the desire of American owners of stumpage in Canada to secure the removal of Canadian restrictions upon the exportation of logs, and to prevent the necessary fulfillment of well-understood contracts which were made at the time that the greater portion of that stumpage was purchased.

Mr. SULZER. Will the gentleman yield for a suggestion?

Mr. HILL. Yes.

Mr. SULZER. Assuming what the gentleman says to be true, at all events it would be an excellent thing for the people of the United States, would it not?

Mr. HILL. I do not care to go into the ethics of that proposition at this time.

Mr. HINSHAW. Will the gentleman yield for a moment?

Mr. HILL. Yes.

Mr. HINSHAW. I notice in the lumber schedule here that logs are not on the free list. Can the gentleman tell why that is?

Mr. HILL. Logs are on the free list in the tariff now. It was not necessary to put them in here.

Mr. HINSHAW. This will make it so that all lumber, except planed and tongued and grooved lumber——

Mr. HILL. Whatever is not changed in that reciprocity schedule——

Mr. NORRIS. Will the gentleman yield?

Mr. HILL. Yes.

Mr. NORRIS. Is it not true that the only change this bill makes, so far as planed lumber is concerned, is to admit lumber that is sawed only—planed?

Mr. HILL. In the rough. I am coming to that.

Mr. SWASEY. Do I understand the gentleman to say that logs are free from Canada?

Mr. HILL. So far as the tariff is concerned; yes. Of course there is a restriction in Canada against their exportation save in manufactured form. They can not be exported in the log. The Provinces own the logs and have the right to do as they choose with them. There is no discrimination. Every Canadian is treated like every American with reference to it, and every Frenchman and Englishman is treated the same way. There is no discrimination made by Canada. They own the property and put it up for sale under those terms, and they have the right to make them, as you would have the right in selling your house.

In corroboration of this statement I cite briefly from the remarks of Mr. Edward Hinds, of Chicago, Ill., president of the

National Lumber Manufacturers' Association, as found on pages 90 and 91 of the hearings before the Ways and Means Committee on February 4, 1911.

I asked Mr. Hines some questions and he said that he was answering them that day as Edward Hines. He appeared again as president of the National Lumber Manufacturers' Association. I then said, "Do you appear here to make any different statement than that which you made as an individual?" He said he did not, so I will not quote him but once:

Mr. HILL. Now, let us go back to the reciprocity treaty. I understand, Mr. Hines, that you are in favor of this legislation, provided the word "logs" is inserted in the proviso, so that all restrictions on the free exportation of logs are taken away, just the same as they are taken away on pulp wood?

Mr. HINES. I would answer that this way, Mr. Hill: If in your judgment you feel that after the lumber industry has suffered a cut of 37½ per cent, you want to make it absolutely free——

Mr. HILL. I do not want you to put it that way to me, because I would not quite agree with you on it that way. I think there has been an actual reduction in the wholesale prices of lumber—a good deal more than the difference in the tariff, and not affected by the tariff.

Mr. HINES. Then, I will answer you personally. What our association would say I do not know, as we have not had a meeting.

Four days afterwards he spoke as president of the association and confirmed the statement.

Being an American and a Republican and advocating here the protection of American industries, I can not see any reason why, with the logs on the other side of this imaginary line, with merely a stream separating us from them, the logs should not be taken and brought over on this side of the line and manufactured by American labor fed by American farm products, and everything that goes into the manufacture of lumber, like steel and saws and chains, comes from this side, so that we may get the benefit of that, when we can manufacture the lumber on this side as well as it can be done on the Canadian side.

How, if you can get labor cheaper in Canada?

Mr. HILL. What is the language you would suggest to put in this paragraph?

Mr. HINES. As to just the legal verbiage, I do not know that I am capable of suggesting that, but I would say substantially the same clause that applies to pulp wood, namely, when Canada and the Provinces abrogate their duty——

Mr. HILL. It would only need the insertion of the items. That is all provided for, so far as pulp wood is concerned.

Mr. HINES. I will have this inserted in red ink after this hearing is over and put it in proper shape if you would like to have me.

Mr. HILL. With that done, you would not appear here in opposition to the reciprocity treaty?

Mr. HINES. I could not say that, being president of this association.

Mr. HILL. I mean, speaking for yourself, personally.

Mr. HINES. But I would say this, that that would go a long way toward satisfying our members. With this clause changed we should not be in nearly as strong a position to combat your argument about free lumber as we are to-day.

Mr. HILL. Now, you would favor this reciprocity treaty, or you would not object to it, if the restrictions which the Canadian Government puts on Americans and Canadians, and everybody alike, that logs cut from public lands in Canada shall be manufactured in Canada, was removed? If that was removed and the timber and logs were treated precisely the same as the pulp wood which comes from the same lands——

Mr. HINES. Absolutely; yes.

Mr. HILL (continuing). I will admit that—then there would be no objection to this? Now, I agree with you, and I think they ought to come in the same as the pulp wood or the pulp wood ought to be restricted the same as the timber is restricted; but I wanted to get the precise position you occupy on this proposition.

The CHAIRMAN. You have it.

Mr. HILL. Now I understand it. I am much obliged to you.

That there may be no mistake as to the terms of these contracts, I will submit as an appendix to my remarks a copy of the terms and specification under which forest products are sold in Canada; a copy of terms under which an actual sale was made, dated June 22, 1909, in the Province of Ontario; and also, to meet the charge that it is impossible for Americans to compete with oriental labor in the lumber industry in British Columbia, I will submit a copy of the timber licenses issued, showing that so far as logging operations are concerned the employment of Chinese or Japanese is not permitted, and it is so stated in the contract.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. HUMPHREY of Washington. Was it ever contended otherwise on the floor of this House?

Mr. HILL. No; but it has been understood otherwise. I know the gentleman has not contended otherwise.

I call the attention of the gentlemen and the gentleman from Washington to the testimony of Mr. Skinner, one of the largest American manufacturers on Puget Sound in the State of Washington, in which he says he does employ oriental labor and pays them American wages, but the character of such labor is not satisfactory, and it is not as economical as American labor. If necessary, I can cite numerous other instances of like character within our borders.

Mr. HUMPHREY of Washington. You can not point out to them where we have employed oriental labor in shingle mills. We are talking about lumber mills now.

Mr. HILL. I find that so far as this bogey of oriental labor in Canada is concerned—and if I am wrong, I hope some member of the Committee on Immigration will correct me—that Canada has to-day a head tax of $500 on every Chinese and Japanese coming into the Dominion, and that no Hindu can come into Canada under any conditions unless he comes with an unbroken voyage, and there are no ships running with an unbroken voyage.

Let us be fair with our neighbors. We have got to live alongside of them for a good while, I hope.

I also submit an extract from the proceedings of the Mountain Lumber Manufacturers' Association of British Columbia, representing 60 per cent of the lumber industry of that Province, at their annual meeting at Nelson, British Columbia, on the 29th of January, 1909, at which they claimed they were subjected to unfair competition on rough lumber coming into Canada, and called upon the Canadian Parliament to promptly investigate the situation for the purpose of verifying their claims. They wanted "a tariff board," substantially, to come and examine them and see whether their statements were correct, and to place a duty upon lumber from the United States at the rate of $2 a thousand on rough fir, cedar, spruce, larch, and pine lumber, and 30 cents a thousand on shingles, at the earliest possible date. In view of these facts, it hardly seems to me that it is necessary to consider the lumber question any further.

Mr. GOOD. Will the gentleman yield for a question?

Mr. HILL. Certainly. How much time have I taken, Mr. Chairman?

The CHAIRMAN. The gentleman has occupied 50 minutes.

Mr. HILL. Then I can not yield. I must finish. I will ask unanimous consent that I may take about 5 or 10 minutes more than I intended, for the time that I have given up. I would like to finish my remarks.

Mr. PICKETT. I ask that the gentleman's time be extended 20 minutes, conditioned upon answering questions that may be asked him.

Mr. HILL. I will not impose upon your time, gentlemen.

Mr. McCALL. The gentleman from Connecticut [Mr. HILL] has been interrupted, and if it would be limited to a very few minutes——

Mr. HILL. Mr. Chairman, I have already occupied more time than I intended to occupy. I asked the Chair for 1 hour, believing it would take me exactly 48 minutes. I have now taken 55 minutes, and I must decline to yield further.

Let us take the subject of butter and eggs.

The earnest effort made by some of our people to show that the butter and egg industry of the United States will be injured by competition with Canada seems to me to be at least unfortunate. To one gentleman who appeared in behalf of these industries before the Ways and Means Committee I put these questions:

First, "Have you any idea how much butter Canada produces?" Answer: "I have not." Second, "Have you any idea how much butter Canada exports?" Answer: "I have not." Third, "Have you any idea how much butter Canada imports?" Answer: "I have not." [Laughter.]

In view of those facts, the only conclusion I can come to concerning both of these industries is that the opposition to this reciprocity agreement, so far as those things are concerned, is based largely on apprehension and not on facts. The production of butter in Canada amounts to about $44,000,000 worth. I have not got the pounds. You can figure it out for yourself. Ten years ago in the United States we produced 1,491,952,602 pounds of butter, all of which we consumed, except about 3,000,000 pounds. That was 10 years ago. Canada exported butter last year to the amount of 4,600,000 pounds to all the world, and if it had all come to the United States it would have furnished to our people about two-thirds of 1 ounce per capita.

Mr. SIMS. Per annum?

Mr. HILL. Yes; not enough for use on the breakfast tables of this great country of ours for a single day. Ten years ago the United States produced 1,293,662,433 dozen eggs, and the coming census will undoubtedly show that product greatly increased. Last year we exported a little over 5,000,000 dozen and imported 288,000 dozen. Canada sent us 39,360 dozen and sent to all the world only 160,650 dozen. If she had sent the entire amount of her exports to the city of New York alone, it would have furnished to each of the inhabitants of that city one egg once in two and one-half years. [Laughter.]

Mr. SIMS. We could not get any eggnog there. [Laughter.]

Mr. HILL. Ten years ago the States of Ohio and Iowa each produced about the same amount of eggs that the entire Dominion of Canada produced.

Mr. GOOD. Will the gentleman from Connecticut yield to me for a question?

Mr. HILL. Excuse me; I can not. If I should yield to the gentleman from Iowa I would have also to yield to others, and I have not the time to spare.

Mr. GOOD. I would like to ask the gentleman how much this provision would cheapen the price of eggs in the United States.

Mr. HILL. Now, Mr. Chairman, what injury can possibly arise from such a competition, and why follow comparisons further? If I had time I would like to make a few remarks on the barley question——

Mr. HINSHAW. How about wheat?

Mr. HILL. But, Mr. Chairman, I must pass on. The fact is that this great country of ours in its enormous expansion of industries has reached a point where consumption is rapidly passing production, and the continuation of high prices for food products is inevitable. I do not look for any reduction of these prices even if this reciprocity proposition is enacted into law. It will possibly stay the advance temporarily, but the causes of the increase are world-wide, and considerable time will be necessary to effect a readjustment. Of one thing only am I reasonably certain with reference to this matter, and that is that it is not the result of any tariff law, and that the effect of any tariff law enacted in accordance with the principles of either party in this country is absolutely insignificant, on the prices of food products, compared with the tremendous changes which are occurring from year to year in reference to them in accordance with the law of supply and demand.

The fact of the case is that in the last 10 years we have had come into this country nearly 9,000,000 people in addition to its normal, natural increase. Where have they gone? A report of the Bureau of Immigration says that in the last six years 5,900,000 have come in, and that eight-tenths of the whole number have gone into New England, New York, New Jersey, Pennsylvania, Ohio, and Illinois.

Mr. BENNET of New York. Does the Bureau of Immigration also state the fact that 40 per cent of those 9,000,000 people have gone back to the countries from which they came?

Mr. HILL. I do not know.

Mr. BENNET of New York. That is the fact.

Mr. HILL. During the last two years alone 50,000 have come into my own State of Connecticut and made their permanent residence there, and the census shows it. They have gone into the manufacturing and mining States. They have become food consumers instead of food producers, as they were at home. Most of them were food producers at home and they are food consumers here. They have reduced the supply in the countries from which they came; and if you doubt it, write to any missionary society in the United States and ask for their reports from the foreign missionaries, as I did in the last campaign. I have those reports and I would be glad to read them to you if I had time, as to the conditions in every other country in the world, caused by the withdrawal of their agricultural laborers over there and the sending of them here, where they do not go into agriculture, but into the manufacturing and mining States.

You gentleman on the other side of the House said it was a Republican tariff that produced the result. It was not. It was a world-wide movement, and you will find it out when you come to make your tariff. Do not make any mistake about that. I say frankly that I think no tariff, either such as you make or such as we make, changes this great question.

In addition to that, judging from the last census which we have just taken, it is as clear as sunlight that the cities have been building up at the expense of the farming regions. What is the result? Food producers here have been changed to food consumers, the demand increasing all the time and the supply falling off. Where now are the lands that for 40 years have been free to any settler who saw fit to go West and locate on them at $1.25 an acre? They are gone. There are no good lands open for settlement in the United States except those taken from Indian reservations and bought from the Indians at a large price, or else the so-called arid lands. We have spent $60,000,000 to irrigate those and loaned $20,000,000 more last year for the purpose, and yet only 1,000,000 acres were ready last year for occupation, and that at an average cost of $60 an acre. We can not hope to get food products off of land at $60 an acre as cheaply as we could when the sod crop would pay for the land, as I saw it do in South Dakota. But that is not all, for the supply of cattle has fallen off. The great grazing pastures of the West are beginning to disappear. Now, the Government charges rent, and it costs more for grain-fed cattle from the farm than it does for the product of free grazing. As a result the supply of meat for the United States in 1909 was 30 per cent less than it averaged during the preceding five years.

Now, these are general observations applying to the whole country, which every man on this floor knows to be absolutely true.

Let me give you a striking fact about the section of country in which I live as proof that like conditions are existing there.

The census reports for New England for the period of 20 years, from 1880 to 1900, show the most remarkable industrial revolution that in my judgment was ever made in the history of the world since Adam and Eve were driven from the Garden of Eden. In that period of time—20 years—15,344 farms in New England went out of existence.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask that the gentleman be allowed five minutes more, in order to answer some questions.

Mr. BENNET of New York. I ask unanimous consent that the gentleman from Connecticut may have time to conclude his remarks.

Mr. STAFFORD. I ask that his time be extended 10 minutes.

Mr. McCALL. Mr. Chairman, reserving the right to object, it will not do to increase time indefinitely; we shall have to be limited. I will say to my friend that the gentleman from Connecticut has very carefully prepared a speech, and it will not take more than five minutes to finish it.

Mr. HILL. It will take about 10 minutes.

Mr. MARTIN of South Dakota. I should like some time, to get an expression of expert opinion from the gentleman from Connecticut.

Mr. HILL. I will answer any question after I get through, and I do not think it will take me 10 minutes.

Mr. LONGWORTH. Mr. Chairman, I ask that the time of the gentleman from Connecticut be extended 15 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Connecticut may be extended for 15 minutes. Is there objection?

Mr. MARTIN of South Dakota. Reserving the right to object, I would like to ask the gentleman——

Mr. HILL. I will be through in less than 15 minutes, and then I will be ready to answer the gentleman's question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Fifteen thousand three hundred and forty-four farms cut into building lots, sold for residences to wealthy people from New York and Boston, made into private parks, or allowed to grow up to timber. That meant just so much less food production in New England. In that same 20 years there was an increase of population of a million and a half, and yet there were 17,000 less farmers at the end of that period than there were in the beginning. Five million acres of land that were cultivated in 1880 went out of tillage and cultivation. It was a tremendous change, and yet that was only half of it. That would only have reduced the supply. How about the increased demand? During that same time 25,360 new factories were built in New England. We put a billion of dollars into manufacturing. We took the boys and girls off the farms and brought them to the manufacturing towns and cities, and those boys and girls, who, prior to that time were hoeing corn and milking cows, changed their occupations and became consumers instead of food producers, as before. At the end of that period New England was paying $420,000,000 in wages, against $200,000,000 20 years before.

I have received the statistics of four New England States under the new census, and the process is still going on. In those four States in the last 10 years the farm acreage has decreased by 589,000 acres. The improved acreage has decreased by 734,000 acres and 1,602 farms have disappeared from the census list.

Now, you can explain these marvelous changes in any way you see fit, but one thing is clear to everybody, and that is that the food producers in this country are constantly decreasing and the number of food consumers far more rapidly increasing, and the result can not be other than that agricultural production will advance in like proportion, and in my judgment all of the agricultural wealth of Canada can not stay this change.

It is not peculiar to New England alone. The manufacturing center of the United States is steadily moving westward and is located in Indiana to-day, and the same problem which confronts us now in New England will soon confront every State east of the Mississippi and north of the Ohio River.

What is true of the United States will in time be true of eastern Canada, because instead of being one solid country, practically inhabited, as ours is, from ocean to ocean, she is, in fact, two countries—Canada East and her great Northwest—

separated by a wide area north of Lake Superior more desolate than any land which I have ever seen unless it is the denuded mountains of Palestine. For that reason general comparisons between conditions in Canada and the United States are of little value, and much greater accuracy would be secured by making comparisons between the Eastern Provinces and the Atlantic States and the Canadian Northwest and our own country to the south of it. To aid our western friends in such comparison, I submit from the official statistics of Canada the value of lands in Canada in the respective Provinces and farm wages throughout the whole Dominion.

The average value of occupied farm lands in the Dominion of Canada in 1909, according to the Canadian Yearbook, was $38.60 per acre, and if I am not mistaken that is much higher than the occupied farm lands of the whole United States. By Provinces it was as follows:

Prince Edward Island	$32.07
Quebec	43.37
Saskatchewan	21.54
Nova Scotia	30.50
Ontario	50.22
Alberta	20.46
New Brunswick	23.77
Manitoba	28.94
British Columbia	73.44

The price paid for farm labor according to the same authority averaged throughout the Dominion of Canada $33.68 per month, including board. By Provinces it was as follows:

Prince Edward Island	$25.27
Quebec	33.33
Saskatchewan	38.30
Nova Scotia	31.20
Ontario	31.52
Alberta	40.08
New Brunswick	32.59
Manitoba	35.95
British Columbia	45.50

To you men from the Southern States this reciprocity agreement offers an open and ever-expanding market for your fruits, your early vegetables, your cottonseed oil, and other products of a totally different climate from that of Canada. A like advantage will come to the people of the Pacific slope with their citrous and other fruits. So far as New England is concerned, and the products of her factories, I do not find any concessions in these reciprocity provisions worthy of mention, and yet so far as I am informed our people stand for it, believing that the general prosperity which will come to Canada, and which also will inure to this whole country because of it are such as to justify that support, and that we and we only shall be to blame if we do not get our share of it. Indeed, I do not see how it is possible for Canada to make concessions in manufacturing industries, for compared with our wonderful development in that direction hers is insignificant.

The State of Ohio alone in 1905, with a much smaller population than the Dominion of Canada, had invested in manufacturing a capital of $856,988,830, against an investment in all Canada in 1906 of $846,585,023. In those industries Ohio employed 364,298 wage earners; paid them $182,429,425, and turned out a product of $960,811,857, as compared with the whole Dominion of Canada of 356,034 wage earners, and an amount paid for labor of $134,375,925, and a total value of products of $718,352,603. So that this single State far outstrips the whole Dominion of Canada in manufacturing industries. What concessions can she make? In this review I have left untouched the great industry of wheat production and the pulp and paper problem, preferring to leave those questions to be discussed by others.

I stand for this treaty as a whole, without any qualification and without any amendment, for, if I am rightly informed, it must be so considered by the Congress and it must stand or fall as a single proposition, except with reference to the paper and pulp schedule, upon which no final conclusions were reached by the negotiators. If I could have my way, there are some things in it which I would change——

Mr. FASSETT. Will the gentleman yield for one question there?

Mr. HILL. I will when I get through. I have no criticism to make upon any Member of the House who feels that the particular industries prosecuted by the people whom he represents upon this floor have not been cared for as he thinks they should have been.

That feeling is not confined to the United States, for I find by the perusal of the Canadian papers that the ratification of these proposals is looked upon by some citizens of Canada as absolutely destructive not only to their agriculture, their fisheries, and their manufactures, but also to the investments made by domestic and foreign capital in their railway systems and public improvements generally. So that we do not have in this country a monopoly of the timid ones, who look upon any change in the commercial relations of the two countries as a change for the worse, no matter how small or comparatively unimportant it may be.

As a good illustration of the faculty for "seeing ghosts" in Canada as well as on this side of the line, I submit as a part of my remarks the first page of the Montreal Daily Star, under date of February 4, printed with scare headlines, under the title of "An appeal to Sir Wilfred Laurier, the one man who can save Canada."

Mr. Chairman, if instead of this very limited reciprocity now proposed between these two countries the question was presented to this House to-day of complete political union of both peoples in one magnificent government, holding full control over all the North American Continent between the Rio Grande and the Arctic Sea, no man here would say it nay. [Applause.] All of the local jealousies, neighborhood rivalries, and petty measurements of personal gain or loss, which are inseparable from a closer contemplation of the smaller problem, would absolutely disappear in the light of the glory of that greater achievement.

As long as I live I shall never forget the magnificent speech made by the gentleman from Illinois [Mr. CANNON] at a Second Army Corps dinner in this city some years ago, when he portrayed to his audience the future of this Republic, embracing not only the North American continent, but the whole Western Hemisphere as well in his prophetic vision. [Applause.]

Neither my judgment nor my desire leads me to concur in such a view of the destiny of this Nation, but I do believe it is my duty to so act and vote as to tend to harmony and friendly relations with all of our neighboring countries, promoting the welfare and prosperity of each other, looking forward to more and more intimate commercial and political relations as governments where such conditions already exist among the individual citizens of each country, and, above all and beyond all, making it forever impossible that war should ever again come to this continent between peoples of the same race, with the same hopes and aspirations, and with a common trust in the divine leadership of the Father of us all. [Loud applause.]

Now I will answer the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASSETT. I would ask that the gentleman's time be extended long enough to answer one question.

Mr. GARDNER of Massachusetts. Mr. Chairman, I would like to amend that by suggesting two questions.

Mr. MARTIN of South Dakota. Mr. Chairman, I suggest that the gentleman be allowed five minutes for the purpose of answering questions and giving some information.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the time of the gentleman from Connecticut be extended five minutes in order to allow him to answer questions. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. I will answer any question I can.

Mr. FASSETT. Mr. Chairman, I would like to ask the gentleman with reference to the distinction the gentleman drew as between all the other articles in these schedules and the wood-pulp schedule. Is there anything essential whatever which would prevent us amending the bill in all other respects and not affect the wood pulp, or vice versa?

Mr. HILL. A vital one.

Mr. FASSETT. What is that?

Mr. HILL. There was no agreement reached by the negotiators on the wood-pulp question. The foreign negotiators represented the Dominion of Canada—the Government. They did not represent the Provinces. They stated distinctly, and it was so stated in the correspondence, that they had no power to bind the respective Provinces, and therefore could not conclude a negotiation on that point.

Mr. FASSETT. Was not that true of all?

Mr. HILL. Not at all. The Dominion Government makes the tariff, but it does not own the timberlands.

Mr. GARDNER of Massachusetts. Will the gentleman permit me to ask him a question?

Mr. HILL. Certainly.

Mr. GARDNER of Massachusetts. Is not it true that after Canada concluded her reciprocity treaty with France that treaty was amended by the French Senate on April 1, 1909?

Mr. HILL. I do not know enough about it to answer the question.

Mr. GARDNER of Massachusetts. You will find the matter set forth in the tariff series No. 6, commercial convention between France and Canada, page 5, Department of Commerce and Labor, Bureau of Manufactures——

Mr. HILL. I ask that the gentleman put the citation in his own remarks.

Mr. MARTIN of South Dakota. I desire to ask for information as regard to wood pulp——

Mr. HILL. I said in my remarks I declined to consider wood pulp, because I understand the Hon. JAMES R. MANN, the master of the subject in the United States [applause], will discuss that proposition, and I yield to his superior knowledge of that schedule.

Mr. MARTIN of South Dakota. We all undoubtedly respect the large knowledge of the gentleman from Illinois upon the wood-pulp question, but here is a bill upon which the gentleman has taken an hour and fifteen minutes in support of and upon which he has made the first speech in its behalf, and I apprehend that he can explain just how it has been made and answer certain questions as to its effect.

Mr. HILL. I said in my remarks there were two subjects which I desired to leave to experts—one, wheat, which I would be glad to discuss, and the other the question of wood pulp, which my friend, Mr. MANN, will discuss.

Mr. MARTIN of South Dakota. Does the gentleman know what would be the effect of this amendment if we passed it?

Mr. HILL. I prefer to leave that subject and not to anticipate the remarks of the gentleman from Illinois [Mr. MANN].

Mr. MARTIN of South Dakota. Does not the gentleman think we ought to know before we pass this bill?

Mr. HILL. I think you will know before the gentleman from Illinois [Mr. MANN] gets through with it.

Mr. POINDEXTER. Will the gentleman yield?

Mr. HILL. I will.

Mr. POINDEXTER. This agreement provides for a number of concessions by the United States on manufactured lumber. What corresponding concessions are provided for in the Canadian tariff on manufactured lumber exported from the United States?

Mr. HILL. They make no corresponding concessions. You can not separate one concession from the other and say this offsets that, and that molasses will equal the sugar, and peanuts will equal the hickory nuts. But it is one complete proposition against the other. I will suggest, however, that Canada conceded to Pennsylvania and West Virginia $489,000 of duty on her coal last year, and Pennsylvania in the last tariff bill, practically by the unanimous action of her coal operators, asked for reciprocal free trade in coal.

Mr. POINDEXTER. I did not ask the gentleman about coal.

Mr. HILL. Coal would very easily offset wood.

Mr. POINDEXTER. I asked you about the tariff on lumber, purely for information. What concession, if any, is provided for?

Mr. HILL. There is no separation of one concession or another, or offset from one to the other.

Mr. POINDEXTER. Is there any reduction in the Canadian tariff on manufactured lumber?

Mr. HILL. It goes in free, of course, on the same terms as ours comes in here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I am very glad of it, Mr. Chairman. [Laughter.]

APPENDIX.

ONTARIO.

SALE OF DAMAGED PINE TIMBER.

By authority of order-in-council, dated the 22d day of January, 1909, tenders will be received at the department of lands, forests, and mines up to and including Monday, the 22d day of February, 1909, for the right to cut the damaged red and white pine timber on the two blocks hereunder mentioned.

TERMS AND CONDITIONS.

1. Separate tenders to be made for each block.

2. Tenderers to state the price they are prepared to pay per thousand feet board measure for the red and white pine, in addition to Crown dues at the rate of $2 per thousand feet board measure for all timber cut into saw logs, and per thousand feet cubic for square or waney timber, in addition to Crown dues at the rate of $50 per thousand feet cubic. Red and white pine only to be sold.

3. The timber to be sold subject to the manufacturing condition, that is to say, that it is to be manufactured in the Dominion of Canada.

4. Purchaser to have until the 1st of June next to remove the timber.

5. Parties making tender to deposit a marked check for $6,000 with their tender, such check to be forfeited to the Province in the event of the parties not fulfilling their contract.

6. The cutting of the timber shall be done in an economical manner and under the direction of an officer of the department of lands, forests, and mines. Any timber which, in the opinion of such officer, should be cut, delivered, and paid for, if left in the bush uncut or unhauled shall be charged for at the tendered price and dues, which amount shall be deducted from the deposit.

7. The saw logs and timber cut by the purchaser shall be measured by a culler or cullers appointed by the minister of lands, forests, and mines, and the measurements made by such culler or cullers shall be final, and be the basis on which accounts for saw logs and timber, etc., shall be prepared by the department and paid by the purchaser.

8. In the event of any dispute arising as to measurement, the minister of lands, forests, and mines may, in his discretion, permit the purchaser to pay on the output of the logs when sawn into lumber, excluding from such output only the class of timber known as dead culls, the price and dues to be paid on "mill culls and better."

9. The purchaser shall pay half the wages and expenses of the cullers who measure the timber in the forest, the department paying the other half. In the event of a remeasurement at the mill being allowed, the whole expense shall be borne by the purchaser, if the original measurement is sustained.

10. The sale to be subject to the Crown timber regulations, excepting in so far as the said regulations may be inconsistent with any conditions herein specified, and to such acts or orders in council as now exist or may hereafter be passed affecting timber or territory under timber license from the Crown.

The department does not bind itself to accept the highest or any tender.

Tenders to be marked "Tenders for damaged timber" and to be addressed by registered letter to the honorable the minister of lands, forests, and mines, Toronto.

Maps showing the locality in which the timber is situated may be obtained on application to the undersigned.

F. COCHRANE,
Minister of Lands, Forests, and Mines.

DEPARTMENT OF LANDS, FORESTS, AND MINES,
Toronto, January 22, 1909.

DESCRIPTION OF TIMBER AREAS—DISTRICT OF SUDBURY.

Block W. 5, area one-third of a square mile, situate on North Mozhabong Lake, flowing into Biscotasing Lake, about 25 miles south of Biscotasing Station, on the Canadian Pacific Railway.

Block W. D. 6, containing 2⅓ square miles, situate on North Mozhabong Lake, flowing into Biscotasing Lake, about 25 miles south of Biscotasing Station, on the Canadian Pacific Railway.

BRITISH COLUMBIA.

LAND ACT AND AMENDMENTS—TIMBER LICENSE.

In consideration of ____ dollars now paid and of other moneys to be paid under the said acts and subject to the provisions thereof, I, W. S. Gore, deputy commissioner of lands and works, license _____ to cut, fell, and carry away timber upon all that particular tract of land described as follows:

The duration of this license is for -- year from the ____, 190--.

The license does not authorize the entry upon an Indian reserve or settlement, and is issued and accepted subject to such prior rights of other persons as may exist by law, and on the understanding that the Government shall not be held responsible for or in connection with any conflict which may arise with other claimants of the same ground, and that under no circumstances will license fees be refunded.

N. B.—This license is issued and accepted on the understanding that no Chinese or Japanese shall be employed in connection therewith.

Deputy Commissioner of Lands and Works.

LANDS AND WORKS DEPARTMENT,
Victoria, B. C., ------, 19---.

ACTION OF CANADIAN LUMBERMEN IN REGARD TO TARIFF RELATIONS BETWEEN UNITED STATES AND CANADA.

The Mountain Lumber Manufacturers' Association of British Columbia, the mills of which represent 60 per cent of the British Columbia capacity, held its annual meeting at Nelson, British Columbia, on January 29, 1909. The following paragraphs and resolutions taken from the proceedings will be of interest. It will be noticed that the secretary of this association complains of underselling in Canadian territory from American lumber manufacturers, and also that the association adopted a very emphatic resolution favoring the placing of a Canadian duty on American rough lumber in order to restrict competition by the American mills.

FROM THE SECRETARY'S REPORT.

Early last spring it was found that two or three large Montana mills were soliciting orders in southern Alberta at prices far lower than their regular lists, and as this appeared to be a case where the Dominion Government could enforce the "dumping clause" of our tariff, I took active measures to prevent any shipments crossing the line. After my visit to Kalispell the American travelers were withdrawn, but in this connection it must be recognized that the "dumping clause" in the case of lumber is really no protection for the reason that usually the only time that American manufacturers want our market is when their own market is demoralized; and in consequence their prices, while not representing "fair market value" by any means, are those offered when the lumber is sold for "home consumption." As similar action is being taken on the coast, I would recommend that this meeting again petition the Dominion Government, praying for a duty on rough lumber, and with the promised assistance of the Canadian Manufacturers' Association, our claims will surely be given consideration at Ottawa.

FROM THE OFFICIAL REPORT OF THE PROCEEDINGS.

It was moved by Mr. Lindmark and seconded by Mr. Magee that the president name a committee of three to draft a resolution embodying the views of the members of this association regarding the necessity for a duty on rough lumber entering Canada, and that copies of same be sent to Sir Wilfrid Laurier, Hon. Mr. Fielding, Hon. Mr. Oliver, and the British Columbia members of the House of Commons. Carried.

Copy of resolution adopted by Mountain Lumber Manufacturers' Association, at annual meeting, Nelson, British Columbia, January 29, 1909.

Whereas the lumber interests of British Columbia and western Canada are still suffering from the unfair competition of rough lumber coming into Canada free of duty;

Whereas railway companies are still placing orders for lumber on the American side, such railway companies having been heavily subsidized by the Canadian people, of which subsidies British Columbia has to pay her proportion;

Whereas large quantities of lumber are waiting sale and mills are idle, which lumber was produced with protected machinery and protected supplies;

Whereas the manufacturers of western Canada have to-day in stock as much lumber as they have ever marketed in the best year heretofore experienced, and have increased their manufacturing capacity to such an extent that they are now able to supply a market at least three

times greater in any one year that sold in the best year so far experienced, viz, 1906;

Whereas the Hon. Mr. Fielding assured the lumber manufacturers of this district some years ago that the dumping clause would give us ample protection from American lumber, which is not the case for the reason that during the past 18 months the American market has been so demoralized that their mills have been selling lumber for less than two-thirds of its cost, and consequently exporters to Canada are willing to make affidavits that the price at which they are dumping lumber into this country is the "fair market value if sold for home consumption;"

Whereas the mills of this district were unable to operate one-fourth of their 10-hour capacity during 1908, throwing out of work thousands of men and causing millions of dollars of invested capital to remain unproductive;

Whereas owing to our excessive capacity to produce lumber it is important to preserve to Canadian mills our entire market;

Whereas the product of the mountain mills is from 75 to 85 per cent common lumber, the unfairness should be manifest of allowing American mills to dump into Canada their surplus low-grade material, which represents by far the largest portion of our output;

Whereas the most vital industry in the welfare of this Province is the only great industry on the American continent which is not afforded reasonable protection, and as there seems to be no just grounds to continue to sacrifice our interests; It is therefore

Resolved, That the Dominion Government be urged to give this matter prompt investigation for the purpose of verifying the claims advanced in this petition, and to place a duty of $2 per thousand on rough fir, cedar, spruce, larch, and pine lumber, and of 30 cents per thousand on shingles, at the earliest possible date.

OTTO LACHMUND, *President*.
W. A. ANSTIE, *Secretary*.

AN APPEAL TO SIR WILFRID LAURIER, THE ONE MAN WHO CAN SAVE CANADA.

There is only one man in Canada who can avert the menace that lurks in reciprocity.

That man is Sir Wilfrid Laurier.

He is the master of the situation. If he appeals to the loyalty of his followers, there is too much reason to fear that they will vote the agreement through. Like Sir John A. Macdonald, he has a genius for inspiring the confidence and attracting the love of men.

But it is equally true that if Sir Wilfrid declares that, on sober second thought, he dare not recommend this astounding commercial revolution to a people bound to preserve their independence, the agreement will not be ratified.

Moreover, such a declaration from Sir Wilfrid would be far more welcome to the bulk of his followers, both in and out of Parliament, than a bugle call to stand up and vote—and possibly die politically—for a bargain which may save the skin of the Taft Republicans, but will inevitably terminate the career of Canada as an independent nation.

If Sir Wilfrid were not of the stature of a statesman, we would not waste words on such an appeal. But there is no flattery in saying that the Premier is one of three or four great Canadians. He is a constructive statesman, with the long vision, the deep insight, and the steadfast courage that marks the rare race of nation builders.

DID SIR WILFRID KNOW?

He is a big enough man to change his mind, though we are not of the opinion that it is necessary for him to do so in this case. We do not believe that his mind has ever been made up to accept so sweeping a reciprocity scheme as that included in the Taft "life-saving" device.

This may sound like a surprising statement, in view of the fact that Sir Wilfrid's ministers accepted the Taft proposals and that they would not have dared to do so without consulting him on every item.

But it is no more than the truth that none of us realized the inward meaning of the shrewdly framed offer of the long-headed American Government when we first saw it. It was as cunning a trap as was ever laid. The master bargainers at Washington have not lost their skill.

It was particularly well baited for men who have an honest, lifelong belief that some sort of reciprocity between these two neighboring nations ought to be mutually profitable. For generations this school of thought has accepted as a basic tenet that it would be a good thing for Canada to secure access to the American market for its food products, provided it did not pay too high a price for the privilege.

So, naturally, two good reciprocitarians like Messrs. Fielding and Paterson went to Washington with their minds concentrated on the price. That was all they were thinking about. They must not pay too much. Everything they got would be clear gain. Uncle Sam would be sure not to give too much. But he would be equally sure to ask too much. They must watch the Canadian end of the treaty; the American end would take care of itself.

HOW THE TRAP WAS LAID.

Messrs. Taft and Knox undoubtedly calculated on this Canadian attitude of mind. They laid their plans accordingly. They knew that we were watching the hand that took, and were not watching the hand that apparently gave. So they disarmed suspicion by not betraying any great greed in "taking," and then deftly secured the assent of our representatives to a "gift" of such far-reaching effect that it engulfs our commercial independence and endangers our national existence.

They presented us with a Trojan horse.

There are moments in the life of every nation when it is more dangerous to receive than to give.

We know now—what few of us realized at first—that such a "gift" can only be accepted by the barter of our commercial and, ultimately, our political freedom. If we turn the swollen stream of our food exports away from the west-east lines that carry it to the British market and send it along north-south lines to the American market—or, rather, the American "middleman"—we will utterly shatter the costly steel framework of this nation and debase the Dominion to a string of subject Provinces serving the convenience of the nearest American centers.

THE COST TO CANADA.

The "bridge" over the wilderness north of Lake Superior will be broken. Confederation will be cut at a half dozen vital points. The Provinces by the sea will be isolated, their industrial future negatived; the arteries that lead to Old Canada will collapse through starvation, and the Americans will think of them chiefly as a collection of fishing villages.

Quebec will become the "back yard" and lumber camp of New England. Our farm produce will give the New England factories cheap food for their work people, without ultimately raising the price for our farmers, and our forests and mines will feed them with raw materials until they are literally eaten out by the enormous appetite of American industrialism. We will be lucky, indeed, if the national hemorrhage stops there. The exodus of our sons and daughters to New England factory towns, which has been so severe a drain in the past, may well bleed us to death when Montreal has been strangled in its own dead railway lines, when the killing of the new Transcontinental has killed the legitimate hopes of Quebec city, and when our other promising industrial towns have found their home market flowing merrily over the border.

Ontario has been built on the growth of the West. Toronto might as well be a western city. What will happen when the West ceases to look to Ontario and turns its eyes to Chicago, St. Paul, Minneapolis, and the cities of the Western States? Nothing but a high national spirit and a tariff which makes the American frontier a reality can keep trade flowing across the empty country from Manitoba to Ontario and from Ontario to Manitoba.

THE WEST AND THE TARIFF.

Oh, but the tariff on manufactured goods remains, it may be said. For the present it does. But there is no surer law of trade than that products must be paid for in products. No people will long buy from a market to which they sell nothing. They never have done so in the history of commerce. Let the western man find his market to the south of the border, and he will want to buy from his best customers. If the tariff stands in his way, then so much the worse for the tariff. He will climb it while he must, but the East will not long be able to say "must" to the West.

As for the West, the farmer may get more for his grain at first, but at what a price? The great railways which have opened up his land will die in the middle and degenerate into merely local lines. The Canadian Pacific, the Grand Trunk Pacific, the Canadian Northern, will become "feeders" to the Hill system. They will no longer span a continent; they will shrink to the category of branch roads. The projected Hudson Bay Railway will be condemned before it is born. What is the use of a road to Hudson Bay for men with their eyes on New York?

The Georgian Bay Canal will never be dug. Why widen the Welland when the Erie starts from Buffalo? Why bother about the Long Sault dam when nothing but pleasure craft will use the St. Lawrence route? The Canadian ports will be sidetracked and Canadian shipping will put itself under the Stars and Stripes.

British Columbia is already expressing its opinion. It sees ruin in the pact. Its great fruit orchards will be blighted, and its magnificent forests are in peril. It, too, will be isolated from the rest of Canada, and the bargain by which the fathers of confederation brought it into the Dominion will have been wasted effort.

THE COUNTRY WAKES UP.

Now, all this was not realized when the Taft proposals first saw the light. Messrs. Fielding and Paterson—with their eyes on the "price"—may easily have missed the meaning hidden in the "gift." And if they could have missed it, how much more easily might Sir Wilfrid Laurier, busy at Ottawa, not have thought to weigh carefully that part of the bargain which was presumed by all concerned to be clear gain?

But from the day the agreement was laid on the table of the House of Commons the astonished country has studied nothing else. Its surprise has turned to amazement, and its amazement to panic. Experts on all the matters affected have offered their considered opinions. Men with their ears to the ground in all the provinces have reported what they hear. There is now a wealth of information touching the whole subject, available to everyone, which was not in existence when the prime minister gave a tacit assent to what he doubtless regarded as a mere business bargain.

Thus we do not hesitate to say that he might to-day decline to be responsible for this perilous pact without necessarily changing any opinion touching it he ever really held. He would be no more than forming a first opinion with all the facts fully before him. As we have said, even if a change is necessary, we believe that he is big enough to make it, but he is also big enough to have taken his time about coming to a final conclusion regarding so momentous a matter.

WHAT SIR WILFRID COULD DO.

Should his reasoned opinion be against ratification, the effect on the country and the Empire would be electric. His opponents would be deprived of an issue; and thousands of voters who have been thrown into alarm by the announcement of the agreement would rally to his support as a statesman whose "safety and sanity" could be relied on. He would in one move replace the political conditions that existed prior to the fatal "journey to Washington," and restore confidence in the steadfast fidelity of Canada to her own destiny among our own people and in the money markets of the world.

Financiers of every European capital are watching our behavior in the face of this sudden crisis. Are we going to keep faith with the men who invested their money in Canadian enterprises on the understanding that the development of Canada along national lines was a permanent feature of our policy; or are we about to destroy the value of millions of these investments by a wanton act of betrayal and close every money market in the world against us for years to come? We have been borrowing money for decades on the pledge that we would keep Canada commercially and politically independent, and to repudiate that pledge is equivalent to repudiating our debts.

Opinion in Great Britain, which was nervous to begin with, has fallen into dismay. They know perfectly well in the mother country that this fusing of our market with the American means the end of any policy of British reciprocity. The Empire can not—if it be carried—be united commercially. Our commercial affiliations will be with the United States; and where the treasure is there will the heart be also. If the ties of commerce are no longer to bind the British peoples together, how long will the exceedingly slender political ligaments last? On this point they have no delusions in the United Kingdom.

LOOKING TO SIR WILFRID.

Thus every British subject looks to Sir Wilfrid to save the Empire. Every money market in Europe, every Canadian enterprise that needs capital, every public body which must borrow, all look to Sir Wilfrid to save the credit of Canada. Every railway man looks to him to save the souls of our railways and so preserve the value of the money invested and keep the jobs of our railway men at their present number and wage. Every manufacturer—though comparatively untouched by this first blow—looks to Sir Wilfrid to save the home market; every merchant, every professional man, every workman dependent on the welfare of our industries, looks to him with the same hope. Can we not say that every farmer, when the farce shall have been played out, will realize that in imperiling his home market this agreement threatened him with a disaster in comparison with which a few cents on grain was not to be considered?

When it comes to our political future, the appalling magnitude of the issues makes it difficult to speak calmly. Here we enter a phase of

the matter where the business interests of the moment become mere dust on the glass through which we gaze into the long future. We are talking now as Canadians, and thinking only of Canada. Let us put aside for the moment any gratitude we may owe the Mother Country, and take the most selfish view of the subject possible. Surely we know that on the day British connection fails us, Canadian independence is lost. Withdraw from our heads the shield of a powerful British Empire, and how long will our loving friends to the south leave us with both our self-government and our self-respect?

WHAT ANNEXATION MEANS.

Now, what does annexation imply? First, it implies absolute free trade between Canada and the United States. Down come our tall chimneys! Useless are our railways for the east-and-west haul! Abandoned are our ports! Empty are our canals!

Next, it implies the opening of our natural resources to the American exploiter. Our forests will soon fall before the American lumberman and paper maker as have their own. Our mines will be bled into the pockets of New York stock gamblers. We will be stripped as bare as their own forest lands.

Next, it implies pouring our commercial and financial capitals into the big American cities. Montreal, Toronto, Winnipeg, St. John, Halifax, Vancouver will become suburbs of New York, Chicago, Boston, and San Francisco. Our urban growth will be stopped, and any development we get will be as the farm and mining camp and timber limit of the proud United States.

Next, it will destroy all our national institutions. Parliament will be replaced by Congress; responsible government by a four-year oligarchy; an unstained judiciary by the product of a political machine. For our fellow citizens of the French language and the Roman Catholic religion, it means the closing of their religious schools and the turning of their language out of the courts and legislatures. Their guarantees rest on British pledges, and would disappear with the flag of Great Britain.

But why pile up the agony? This country has no shadow of a notion of submitting to annexation. It can only be tricked into it. But we should not forget that nations have lost their independence before to-day by entering upon courses whose first steps were innocence itself. Soldiers hidden in Trojan horses have captured more citadels than have been stormed by frontal attack.

SIR WILFRID'S OPPORTUNITY.

To-day Sir Wilfrid has the ball at his feet. He is the one man to save the situation. The Canadian people never watched him so eagerly, so anxiously, as they are doing at this moment. Thousands of his best friends hope that he will see the true bearing of the tremendous issue which lies in his hands; and that they can add another jewel to his crown as a patriot-statesman who loves his country so well that he would not think twice of risking her life to put profits in the pockets of a few clamorous people.

This is not a business matter he is considering, but the political fate of Canada. In the seat of Sir John A. Macdonald, with the eyes of the empire-builders of history on him, with all the future waiting to award its judgment, he is deciding for or against the annexation of Canada to the American Union.

MILWAUKEE, WIS., *February 10, 1911.*

Hon. SERENO E. PAYNE, M. C.,
Washington, D. C.:

The Milwaukee Chamber of Commerce board of directors' telegram, requesting you to vote against the proposed Canadian reciprocity treaty, sent without the knowledge of the entire milling industry of this city, as well as numerous other interested parties, all of whom are members of the Chamber of Commerce, and who are strongly in favor of proposed treaty. The petition, requesting the board of directors to send this telegram to you was signed by only 35 members out of a total of 605 members of the Chamber of Commerce, and represents the position of but a small percentage of its membership. A large majority being in favor of its passage, we strongly ask your support to the passage of this proposed treaty.

MILWAUKEE MILLERS' ASSOCIATION.

Mr. GAINES. Mr. Chairman, the consideration of this bill has proceeded with admirable energy and with indecent haste.

I have given the bill a great deal of consideration, and I am as unable to answer questions that this committee might put to me as to the effect, the provisions, or even the intentions of the proposition as was the gentleman from Connecticut [Mr. HILL], who has just taken his seat. The speech of the gentleman from Connecticut, Mr. Chairman, sustained his reputation in this House by reason of its excellent phraseology and the vigor of its delivery, but I submit that every member of this committee is now disappointed that the first proponent of the bill on the floor has given the committee no idea at all of its provisions.

I used perhaps rather extreme language when I said that the consideration of the bill had proceeded with indecent haste, but let me elaborate. It was no fault of this House or anyone in it, and I take it it was not the fault of anybody else that this proposition came to the House so late as it did. We were not permitted to hear what the Tariff Board had to tell us on the important subjects embraced in this bill. It is a matter of general information that that board, so profoundly urged by many persons, so generously equipped by Congress, has had under consideration particularly the question of wood pulp; but we were not permitted to call those gentlemen before us or any of their experts for information upon that subject——

Mr. PARSONS. Will the gentleman yield for a question?

Mr. GAINES (continuing). And that, too, upon the very heels of the action of this House in insisting that special boards should always advise us upon anything that relates to making tariffs. The gentleman from New York [Mr. PARSONS], I think, rather hastily infers that I am not going to cover all the ground he has in mind, but I yield to the gentleman.

Mr. PARSONS. You seem to be making the point that we are not getting anything from the Tariff Board. I want to ask the gentleman whether he voted for the bill providing for a tariff board.

Mr. GAINES. That is not important. I did not, because I knew that whenever legislation was demanded nobody would wait for a tariff board or for any other outside body to inform this House [applause], and because I knew the very proponents of the measure would be the ones unwilling to get any information from the board itself. I trust that will give the gentleman the information he wants.

Mr. PARSONS. I submit that we have just as much information about this bill as we had about the Payne bill.

Mr. GAINES. The gentleman knows that that observation is neither relevant nor true, because we had much more information about the Payne law than we have about this one. We were not permitted to hear from the Tariff Board.

I earnestly requested that men from the State Department should be asked to come before us, in order that we might find out how this bill would affect our relations with other countries, how it would affect us under the most-favored-nation clause, and how it would affect the maximum and minimum provisions of our own tariff. I was anxious that we should find out whether, inasmuch as all the countries of the world have tariffs now in more than one column—having a minimum and a maximum tariff, but not using exactly our names, and some of them having at least three tariffs—a minimum, a maximum, and an intermediate tariff—as, for example, Canada, where there are three—I earnestly desired to get information as to how this sort of favoritism on our part toward Canada would affect our products when they go into other countries.

Will the higher tariffs of the other countries be put upon us because we have admitted the products of some other country at a lower rate than theirs? Certainly. It does seem to me, Mr. Chairman, that while there may be gentlemen who have ready understanding of all such propositions, it was not unreasonable to ask that experts from the State Department should come before us on these questions. No member of the committee was willing to answer them. No gentleman who addresses himself to this committee in this debate, I will venture to say, will answer them, except to attempt to brush them away and say that they are of no importance whatever. And yet there is not a member of this committee who would not like to know definitely and specifically whether we will not be in a hopelessly inconsistent position, and therefore at a disadvantage with other nations, when we endeavor to enforce our minimum and maximum provisions, while discriminating ourselves as between the products of different nations. I will venture to say there is not a member of this committee who would not now very much like to know, if we make the discriminations proposed in this bill, whether we will not draw down on ourselves the highest tariff of France, of Germany, and the other countries which have, as we now have, a minimum and a maximum tariff for the purpose of compelling equal treatment amongst the nations of the world. It does seem to me so inconsistent that it ought to be answered by the proponents of this measure, if anyone of them can answer it. It does seem to me that it is an absurdity for the American Nation, just after we have passed a minimum and maximum tariff for the purpose of compelling the nations of the earth to treat us equally, that we should ourselves proceed to enact a discrimination in favor of Great Britain and her dependencies—Canada, I should rather say, and Great Britain and her dependencies—as against all the rest of the world.

Mr. FASSETT. Would it interrupt the gentleman if I were to ask him a question?

Mr. GAINES. No; certainly not. I will yield with pleasure.

Mr. FASSETT. Can the gentleman inform us whether any information came to the committee as to whether any foreign nation has been consulted or sounded out on that very line by the State Department before the treaty was made?

Mr. GAINES. The question of the gentleman from New York is exceedingly pertinent. I was endeavoring to inform the committee of that very fact. Not only did nobody come before us from the State Department with such information, not only was no information sent to us by the State Department, but when we earnestly asked for it, it was denied us. No opportunity was presented to get information from the State Department, or from the Tariff Board, or from anybody who would attempt to explain this. And hence, as the gentleman from New York will understand, I say that the consideration of the bill has proceeded with indecent haste.

Mr. FASSETT. Just one moment. I should like to follow that question up by another. Was there any expert evidence before the committee bearing on that line at all?

Mr. GAINES. None whatever, Mr. Chairman.

Mr. BENNET of New York. I just want to suggest to my colleague that the State Department has gone on record in line with the implication in his interrogatory, in connection with the head tax, when the then Secretary of State advised the Committee on Immigration and Naturalization that it would be unwise to attempt to exempt residents of Canada from the head tax in the immigration bill, because of the most-favored-nation clause of the treaties; and because of that the Committee on Immigration and Naturalization first, and this Congress afterwards, made that particular exemption apply to any alien who happened to reside in Canada for one year.

Mr. GAINES. I wish the gentleman had taken that up with the gentleman from Connecticut [Mr. HILL], though I believe he rather declined to yield when questions of that sort were asked him, but said that the most-favored-nation clause had nothing in the world to do with it.

Mr. POINDEXTER. Will the gentleman yield?

Mr. GAINES. Yes; I yield now rather than later.

Mr. POINDEXTER. If I understand the gentleman's position, it is that on account of the maximum and minimum provisions of our general tariff law and the treaties under them the United States would be unable to make any reciprocity agreement with any nation. Is that the gentleman's position?

Mr. GAINES. My position is this: It seems to me, in view of the fact that we have ourselves adopted a minimum and maximum tariff for the purpose of preventing other nations from discriminating, and the further fact that other nations have minimum and maximum tariffs, so that they may apply a penalty to our products going into their markets if we do anything to justify them in doing it, it is desirable that we know two things: First, what the proponents of this measure think it means and would accomplish; and, second, whether our State Department has sounded the other nations of the world, to use the phrase of the gentleman from New York [Mr. FASSETT], in order to know whether this action on our part, which, as I shall presently show you, gives us very few advantages or none at all, is going to draw down on us justified retaliation by other nations that will cost us scores of times more than we gain under this badly drafted convention. [Applause.]

Mr. POINDEXTER. Would not the same objection apply to the making of any reciprocity agreement with any country?

Mr. GAINES. The gentleman asks me a question so broad that it can not by any possibility be answered in full; but I think I may answer to this extent, that while I am not myself a believer in reciprocity in competitive products, yet, no matter whether the reciprocity is of a kind that I like or not, it seems to me in every instance before we enter into such trade agreements, before Congress proceeds to enact legislation of that character, we should have the most exhaustive study and information and the fullest light, including the correspondence that has taken place, in order to know what the effect may be with other nations and how our relations with them will be affected by any such proposition.

Mr. LINDBERGH. Will the gentleman yield for a question?

Mr. GAINES. I will.

Mr. LINDBERGH. There are 131 items in this proposed agreement, on which items there is a tariff——

Mr. GAINES. I am glad to hear it. I have been so busy endeavoring to understand the proposition that I have not had time myself to count them.

Mr. LINDBERGH. I want to ask whether there is any moral or legal obligation on our part not to put these articles on the free list hereafter without the consent of Canada.

Mr. GAINES. There is certainly no legal obligation, and I take it there is no moral obligation, for this reason: When we did have a reciprocity agreement with Canada, Canada eventually modified the conditions affected by that agreement. Her tariff laws, her laws as to the rate of tariff depending on the port of entry, were modified, making the valuation higher for importation if it was made through this country by way, for instance, of New York and across country, making her valuations higher and therefore her rates considerably higher than if the importation was made by the way of the St. Lawrence River. So that I can say that such modifications have heretofore been made by the other contracting party when we have had similar reciprocity agreements.

I want to say to this side of the House that in my opinion the time for the protectionists of America to make a stand has come. I do not propose, myself, to yield further, no matter whether the proposal comes from a Democratic caucus or from any source whatever. It seems to me that I might as well call attention of gentlemen on the other side to the fact that this proposition is no more consistent with their profession of belief in a revenue tariff than it is with our profession of devotion to the policy of protection. Every Member on that side of the House is well aware that we must raise from $300,000,000 to $400,000,000 either by direct taxation or by taxes upon imports, and if it is the policy of the Democratic party, pretending that it does not want to favor the manufacturing interests of the country, to enact a precedent which justifies putting everything else on the free list, and it is your purpose to raise the revenue on a few manufactured articles and give them exclusive protection, the people of this country will understand that your professions have not been in good faith or else that you have been very poorly advised as to the application of your own principles.

Now, Mr. Chairman, I have no set speech with reference to this bill. I prefer, rather, to present a few arguments with reference to the bill for the purpose of seeing whether I might get the committee to wake up and think of this proposition.

I think I have as much modesty as any Member of this House, but I believe that if both sides of this body were free, if the Democrats had not proceeded to tie themselves up, against their judgment, by a caucus, and if there were not moral pressure on this side of the House, I could convince every member of this committee that there is not one ounce of reciprocity in this whole proposition.

In the first place, I shall never be in favor of any tariff system, whether it comes about by tariff enactment or reciprocity agreement, whether it be proposed by Republicans or Democrats, I never will favor any measure which gives the benefit to all the manufactured articles of the country and puts all the free trade on the farm products of the country. [Applause.] As I see it, the policy of protection is a consistent system which can be applied to all industries of this country with a certain definition. I believe that protection requires us to reserve the American market for the American producer of those articles which we are naturally adapted to produce in sufficient quantities to supply ourselves. And I repeat that I shall never join anybody, whether upon this side of the House or that, especially if it be a Democratic caucus, who proposes protection to manufactured articles, protection to the Beef Trust, for instance, and free trade on the farmers' productions. [Applause.]

Let us see what we have. Cattle, sheep, everything the farmers raises is to come in free. He gets no protection whatever, and yet the very first bracket in this bill provides a tariff on fresh meat, beef, veal, mutton, lamb, and all other fresh and refrigerated meats, except game, of 1½ cents per pound.

That is a reduction of one-sixth of the present rate; not as much reduction made on the products of the packers as the compensatory duty, because of protection to the farm animals; and I want to give gentlemen on that side and on this notice that before this bill comes to a vote I propose to offer an amendment to put the packers' products on the free list, and see the caucus-tied Democrats of this House vote against such a proposition. [Applause on the Republican side.] I can not take time now to read these articles at length, beginning with hams, meats of all kinds, canned meats, extract of meat, lard and compounds thereof, tallow, egg yolk and albumen, but all those things are protected by this proposed convention, and everything the farmer raises is put on the free list. How do you expect to go to the farmers of this country and ask them to justify such a proposition? Why, it will be, as stated by a witness before our Ways and Means Committee the other day, the former head of the Grange, I believe he was. He was asked by a Republican Member, or perhaps a Democratic Member, whether the farmers would go to the Democracy under these circumstances, and with language more or less well chosen he said the farmers of the country would support the devil before they would permit themselves to be abused by their friends, the Republicans. I suppose by the same token he also meant they would support the Democracy. [Laughter.] He did not go that far. I jumped to that much of the conclusion myself.

I said a moment ago that Canada has what is called a three-column tariff—a general tariff, an intermediate tariff, and the British preferential tariff.

I want to tell you something now that I believe is known to very few Members of this House. It took me some time to find it out. I wanted the proponents of this bill brought before us; but I have never been permitted to know who drafted the bill. I wanted the people in the State Department to come before us in order that I might find out some of these things that I am going to give you now. There is a very short time to go into the tariff law of Canada, item by item, and dig out these facts, but that is what we have to do, and my apprehen-

sion is that we dug out comparatively few of these facts. When it came, then, to the question of the Canadian tariff law, and when I insisted that we should have brought before us somebody who knew the law, who could cite us to the statutes, I was told to take the constitutional law of the Dominion of Canada, the statutes of the Dominion and all the Provinces, and work it out for myself. I have worked some of it out, and I beg the close attention of this committee while I proceed to give you some of the results of that investigation. As I said, Canada has a three-column tariff—a general tariff, an intermediate tariff, and a British preferential tariff. I have been able to find only two articles in the whole tariff upon which our rate of duty into Canada, after the adoption of this treaty, will be as low as the British preferential tariff—two articles, where Great Britain can not compete. On those we will have a tariff as low as the British preferential tariff, but upon all the other articles that I have been able to discover—and I think I have gone through the whole list—under this treaty we will not get a rate as low as the present British preferential tariff.

In the first place, attention ought to be called to the pending bill in the Canadian Parliament. It specifically provides that if any of the rates in this treaty for the entry of American goods into Canada shall be lower than the British preferential tariff, then the British preferential tariff shall be that rate, but in no event shall the preferential tariff be raised by reason of this agreement. At the risk of being tedious, let me go into some of the items. Let gentlemen take a copy of the bill to see how carefully they have guarded Great Britain's right to import. I want to make this general statement—it makes no difference how small the item is; it makes no difference how little chance Great Britain and her colonies might have to take advantage of the lower rate, yet upon the barest chance that Great Britain might want an advantage, or that some of the colonies might, that advantage is preserved to her under this agreement.

Mr. MOORE of Pennsylvania. With the gentleman's permission, would not that mean that citrus fruits from the British West Indies might, to the prejudice of Florida, enter the United States by way of Canada?

Mr. GAINES. I am not so certain about that, but in view of the tax the citrus-fruit growers wanted to secure and the tax which they got in the Payne tariff bill, and that citrus-fruit growers are very little alarmed when anybody else is concerned, I take it, if citrus fruits had been in much danger, they would have been represented before the committee. Let us start out with egg albumen and blood albumen.

You would think that any proposition as unimportant as that they would not disclose a disposition to strive for an advantage. Certainly it would seem that wherever people are careful about a matter so insignificant it is a disclosure of a determination not to give an equal opportunity in their market to the people of our country. The British preferential tariff is 5 per cent; the treaty tariff against the American product is 7½ per cent. Take fish, except shellfish, by whatever name known—pardon me, for I am not endeavoring to make a speech, but to argue this question as if I were before a jury. I want to be understood as not desiring to be regarded as having spoken well, but rather as having made my point. I repeat that if that side of the House were not tied by the caucus binding it against its conscience and its judgment; if I had a free jury, I could beat this proposition, no matter how much people might like the general idea of reciprocity with Canada.

Mr. BURLESON. The gentleman is mistaken about that.

Mr. GAINES. I venture to give you more credit for liberality and judgment than you modestly accord to yourselves, and I repeat, I believe I could. [Applause.] "Fish by whatever name known, packed in oil, in tin boxes or cans, including the weight of the package"—and the language here is always that of the Canadian tariff. No American drafted this proposition. Here is the Canadian tariff act of 1907, and the language of this treaty arrangement is Canadian language. No American drafted it, and I do not believe there is an American who ever knew what the language means.

Mr. MARTIN of South Dakota. Upon that point I would like to ask whether the gentleman, as a member of the Ways and Means Committee, or in any other way, has been able to learn what American experts, if any, helped the Government of the United States to shape this so-called compact.

Mr. GAINES. The answer to that is, I have not learned, and I have been diligent about it, and I have insisted and insisted and insisted that the information be given me until I have been held to be endeavoring to kill time on this matter. It was generally known I was against this bill, and therefore they seemed to assume, when I wanted this information, I was in some way endeavoring to delay the bill. The reason for that I do not know. I was simply earnestly and diligently seeking that information.

Mr. MARTIN of South Dakota. Is the gentleman, after his diligence, informed as to who in fact prepared this bill upon which we are called to vote here?

Mr. GAINES. We have asked, time and time again, and we were not able to find out.

Mr. PARSONS. Asked whom?

Mr. GAINES. I know now as much as I know about the man in the iron mask, who prepared this bill.

Mr. YOUNG of Michigan. Will the gentleman permit a question?

Mr. GAINES. Certainly.

Mr. YOUNG of Michigan. I will ask the gentleman if any of the negotiators of this treaty upon the American side appeared before the Committee on Ways and Means, and, if they did, did they furnish that committee with the information upon which they themselves acted.

Mr. GAINES. If they had been absconders from justice, they would not have been any farther away from our committee. [Applause.] They were not there that anyone could find out what were their names, what consideration of the question they had given, whom they had met, when and where, what conversations were had, and upon what information they acted, or anything else. Think of all the questions that you can in this line and then answer them in the negative, and you have the fact. [Applause.]

Mr. POINDEXTER. Will the gentleman yield for a question? Was the American Tariff Board consulted?

Mr. GAINES. For the sake of the American Tariff Board I hope it was not; but I know nothing about it.

Mr. HARDY. Will the gentleman permit a question?

Mr. GAINES. How much time have I occupied, Mr. Chairman? I must not abuse the time of the committee.

The CHAIRMAN (Mr. BOUTELL). The temporary occupant of the chair will state that the timekeeper is not here. [Laughter.]

Mr. GAINES. In the absence of the timekeeper, the gentleman from Texas [Mr. HARDY] may ask his question. [Laughter.]

Mr. HARDY. Has the gentleman ever asked his colleague from Massachusetts [Mr. MCCALL] for information of any character with regard to this bill and been refused such information?

Mr. GAINES. I can not answer that. Some questions are embarrassing. I hardly know whether to tell the truth or to be polite. [Laughter.] We have endeavored to get the information, as I tell the gentleman, and it has been denied us, and if it will come out here, if any gentleman who is to follow me will give the information which I have stated I could not get and which every one of you knows he does not now have, then I shall say that the refusal or the failure to give me the information was of very little importance.

The fault, if there be any, may be cured hereafter, and I submit that it is a very reasonable argument to say that, after this notification, if the fault be not cured, and you are still left in ignorance, it is considerable proof, conclusive in fact, that I am not mistaken about what I am telling you either about lack of information or lack of ability to get it.

As I was saying before I was interrupted, the evidence is that no American drew this bill. The Canadian language of their tariff schedules is followed, and not the language of the American schedules. It says as to fish:

When weighing over 20 ounces and not over 36 ounces each, 5 cents per package.

The British preferential is 3½ cents per package.

When weighing over 12 ounces and not over 20 ounces each, 4 cents per package.

The British preferential tariff is 2½ cents, a little bit more than 50 per cent. Is it not obvious to every gentleman here that this is a mere sound and pretense of reciprocity? Can we compete in this country, with Great Britain having cheaper labor and cheaper supplies quite frequently, when Great Britain has an advantage of from 25 to 100 per cent under the tariff regulations?

Take the next item:

When weighing 36 ounces each or more, or when packed in oil, in bottles, jars, or kegs, 30 per cent ad valorem.

The British preferential tariff is 20 per cent, a 50 per cent advantage to Great Britain. Is that reciprocity?

Before I go on with some of the details, let me read something that I think ought to be interesting to my Democratic friends. Thomas Jefferson said:

Should any nation, contrary to our wishes, suppose it may better find its advantages by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation by counter prohibitions, duties, and regulations also.

Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce relaxation of them.

Does any Democrat here believe that the man who wrote that would clamor for reciprocity, and then, in order to get it, support a proposition which gives Great Britain and all her dependencies 50 per cent advantage in return for the substantial concessions made by us? Of all the negotiations I have ever known this seems to be the poorest job.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. GAINES. I yield to the gentleman with great pleasure.

Mr. CLARK of Missouri. If the thing is as bad as you make it out to be, how does it happen that there is serious opposition to it in the British Parliament and in the Canadian Parliament, if that is what you call their legislative assembly?

Mr. GAINES. I can not answer that; but let me suggest this to the gentleman from Missouri [Mr. CLARK], a gentleman of unusual ability in handling these matters—and if I am mistaken about facts correct me—I can not tell what notion of alarm, what misunderstanding, may be in the Canadian Parliament; I can not interpret their view, but if my facts are true I want to ask the gentleman from Missouri in all frankness and candor this question: If I am right in saying that the concessions we get do not put us down to the British preferential tariff, do you not think I am right in saying the treaty ought to be defeated?

Mr. CLARK of Missouri. No; I do not think your facts are correct or your conclusions either. [Laughter.]

Mr. DALZELL. Will my colleague allow me to ask him a question?

Mr. GAINES. Certainly.

Mr. DALZELL. Is it not a fact that on the first vote taken in the Canadian Parliament on the subject of this measure the advocates of the treaty had a majority of somewhere between 25 and 30 votes?

Mr. GAINES. I so understand, and I think that should make it clear to the gentleman from Missouri [Mr. CLARK] and persuade him that it is a bad thing. I never knew him to be warped in his judgment by that sort of mental process before. [Laughter.]

Mr. SHERLEY. Perhaps an explanation can best be had not by such reasoning back and forth, but by calling attention to the fact that the opposition in each of these countries comes from the special interests that would be hurt by the agreement.

Mr. GAINES. The answer is that that is not so. The gentleman from Kentucky had better come in with some information to impart here, rather than to make that sort of a charge against the people who are in opposition to this measure.

Mr. SHERLEY. I did not mean to convey the idea that the opposition I referred to was represented by the gentleman.

Mr. GAINES. I understand that the gentleman from Kentucky does not mean any reflection on me. You can not stop that sort of an argument by a slur or a sneer.

Mr. SHERLEY. It is not a sneer. It is a fact.

Mr. GAINES. It is not a fact, if the gentleman will allow me. The proposition I contend for is that this trade agreement violates the principle of protection.

Mr. SHERLEY. Will the gentleman yield?

Mr. GAINES. I would like in my own time to be allowed to conclude my replies.

Mr. SHERLEY. I am sure the gentleman does not want to be unfair.

Mr. GAINES. I think I have been very indulgent in the matter of yielding. My contention is that this treaty is not consistent with the doctrine of protection. It is not consistent with any idea of a revenue tariff. It is a poorly drafted proposition. Does the gentleman propose to say that if I am correct in saying that every concession granted here still gives Great Britain an advantage of 25 to 50 per cent would he still say it is good business and a trade that ought to be made? He is bound, I presume, by a caucus.

Mr. LONGWORTH. Will my colleague yield for a very brief question?

Mr. GAINES. Yes.

Mr. SHERLEY. Did the gentleman from West Virginia ask me a question with a view to obtaining an answer?

Mr. GAINES. Yes.

Mr. SHERLEY. I do not think the fact that England would still have a greater preferential rate than America would necessarily determine the wisdom of our making this treaty.

Mr. GAINES. That is an answer. I understand that.

Mr. HARDY. Will the gentleman allow me to ask him a question?

Mr. GAINES. I have just yielded to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. The gentleman states that his principal ground of opposition to this bill is that it violates the doctrine of protection. Now, without going into detail as to whether the cost of production is greater or less in Canada than it is here, assuming that the gentleman from Connecticut is right in saying that the cost of production of all these articles was as great in Canada as it is here, I want to ask the gentleman from West Virginia this question: Suppose, for the sake of the argument, that in the 131 articles which I think are mentioned in this bill the gentleman knew that one of the duties placed by the bill was less than the cost of production, would he believe it a violation of the protective theory or the protective principle that one reduction below the line of protection as defined in our platform would be a violation of the doctrine of protection?

Mr. GAINES. I do not know that I caught the gentleman's question. If he means to ask me whether I would stop the enactment of an entire law or arrangement simply because of one detail, my answer would be no, unless the detail were vital. That is as far as I can answer the question from my understanding of it. Now let me go on. It is not a question of one item. I said every item except, I think, two. Great Britain permits us to have an even opportunity on corn meal and condensed milk. [Laughter.] I take it those are not important British articles. Take tomatoes and other vegetables, including corn in cans, and so forth—the British preferential tariff is 1 cent per pound, and the rate proposed in this treaty is 1¼ cents per pound.

Mr. HILL. Will the gentleman kindly advise me what the percentage of reduction in the British preferential is?

Mr. GAINES. I can not give the percentage of reduction of the British preferential. There are many articles. I am giving you the actual reduction on articles. Why confuse the question with the percentage?

Mr. HILL. If you will turn to page 52, you will see that the very first reduction made by Canada is 58 per cent on fresh meat. The British preferential is from 25 to 33; and if the gentleman will follow that column right straight along down there will not be the slightest doubt in his mind about the percentage of reduction on every article referred to in the treaty, because it is shown right there, and anybody can compare 75 and 25 without any trouble.

Mr. GAINES. The gentleman certainly does not propose to tell me that on the items in this treaty we would get into Canada as cheaply as Great Britain would.

Mr. HILL. I certainly propose to say that we get in cheaper than Great Britain can on many of these, and on some not so cheaply, and the question is answered by that column of figures.

Mr. GAINES. It is not answered. The gentleman himself knows that the proposition presented to the Canadian Parliament provided that in no event should we have a lower rate than the British preferential tariff, and that if the rate in the treaty carried an item below the British preferential tariff then the British preferential tariff should take the treaty rate; but in no event should the British preferential rate be raised. The gentleman, it seems to me, is not as frank as he ought to be.

Mr. HILL. Mr. Chairman, I refer the gentleman to the percentages right in the treaty.

Mr. GAINES. I do not care what the gentleman has there in the way of percentages. I have always noticed, Mr. Chairman, that while they say figures will not lie, yet the most conscientious gentleman on earth ought scarcely to trust himself in the domain of comparative percentages for fear he might unwittingly mislead somebody.

Mr. HILL. The gentleman need not refer to me, because this is a printed document.

Mr. GAINES. But here is the Canadian law itself. You talk about general percentages in order to answer me, when I show you that as to every specific article, by the language of an official copy of the Canadian tariff, the British preferential rate is away below the treaty rate.

Mr. GARDNER of Massachusetts. The gentleman has just called attention to the fact that the British preferential on canned vegetables is 1 cent per pound, and in this proposed treaty it is made 1¼ cents a pound. Is the gentleman also aware of the fact that the French reciprocity treaty with Canada carries the same British preferential rate of 1 cent a pound on canned vegetables?

Mr. GAINES. I did not know that; and that is one of the things, it seems to me, we ought to have had called to our attention by the State Department. One question on which we ought to be informed is, Do we get any advantage? I have finally dug it out from the Canadian tariff and shown you that we do not get it as far as Great Britain is concerned, and here comes along the gentleman from Massachusetts [Mr. GARDNER], who

has information that ought to have been given us by the special repository of such international information here in Washington, the State Department, which concluded this treaty, in order that we might not now be told for the first time that these treaty rates do not put us on an equal basis even with France.

How many other countries are there that would still have the advantage? [Applause.]

Mr. KENDALL. Will the gentleman yield?

Mr. GAINES. I will yield to the gentleman.

Mr. KENDALL. I want to ask the gentleman in connection with the inquiry submitted by the gentleman from Ohio [Mr LONGWORTH] if there was any testimony furnished to the committee with respect to the relative cost of production in this country and Canada on any article included in this convention.

Mr. GAINES. It seems to me that we had some testimony in regard to lumber, print paper, cheese, and fish, and I think no other.

"Macaroni and vermicelli, 1 cent a pound." That is $1 for 100 pounds if we import it into Canada, and the British preferential is 75 cents a hundred pounds. Are we Republicans going to admit that we have so much advantage as a manufacturing nation over other countries that we can import into countries in open market when those other countries have an advantage in tariff rates? What becomes, in all consistency and good reason, of the argument that we have been making for protection in this country?

Biscuit, wafers, and cakes, when sweetened with sugar, 25 per cent ad valorem.

Let me call attention to the importance of this and the following item. Great Britain is the greatest manufacturing nation on earth in the line of confectionery—things that are sweet. Now, they have the benefit of free sugar over there. Our rate is 25 per cent ad valorem, and the British preferential rate is 17½ per cent ad valorem; again, 50 per cent advantage to Great Britain. The language is copied exactly from the Canadian tariff laws, so that there can be no question about the construction, and when it comes to construction their precedents will be the ones to be selected when it becomes necessary to determine what the treaty means.

Biscuit, wafers, cakes, and other baked articles, when combined with chocolate, nuts, fruit, or confectionery—

There is the same difference in favor of Great Britain; not the same difference precisely, for the rate is 32½ per cent ad valorem under the treaty, and 22½ per cent is the British preferential tariff. When I said the same difference I meant the same relative difference of 50 per cent advantage to Great Britain.

Mr. HILL. Will the gentleman yield?

Mr. GAINES. Certainly.

Mr. HILL. What is the reduction on biscuits? It is 22½ per cent, and that is 2½ per cent higher than it was under the Dingley law.

Mr. FORDNEY. If that is so, where does the reciprocity come in?

Mr. GAINES. I confess, Mr. Chairman, I do not understand the effect of the remark. I am talking of what the rate would be from this country into Canada under the treaty, and Great Britain would have an advantage of 50 per cent.

Mr. HILL. Under the Dingley law the rate was 20 per cent, and it was raised to 50 per cent by the Payne bill, and now put back under the reciprocity to 22½ per cent. Can not we stand it?

Mr. GAINES. Either the gentleman from Connecticut is vastly confused or else I am. I am not talking about our tariff as against Canada; I am talking about Canada's tariff as against us. What has the Dingley law or the Payne law to do with the exportations from here into Canada? I am following up with a statement to prove from the record that the concessions that are given to Canada and that Canada gives us are nowhere equal; that, as a matter of fact, Canada gives us nothing, and that everything seems to be given to Canada, while we are left with a higher rate of duty when exports go into Canada than Great Britain would have—

Pickles, cherry juice, mineral waters, and imitation of natural mineral waters in bottles or jugs, 17½ per cent ad valorem.

I confess I was unable to find that language in the rapid examination I was compelled to make of this Canadian tariff, but I did, however, find that when not bottled the water was introduced from this and all other countries under a general tariff free of duty. It seems to me we do not get anything there.

"Farm wagons, and finished parts thereof," 22½ per cent ad valorem under the treaty and 17½ per cent to Great Britain. "Plows, tooth and disk harrows," and so forth, 15 per cent under the treaty, 12½ per cent under the British preferential tariff. "Portable engines with boilers, in combination, horsepower and traction engines for farm purposes, hay loaders, potato diggers," and so forth, and things of that sort, from the United States into Canada, under the treaty provision, 20 per cent ad valorem, and the British preferential tariff is 15 per cent. We would not have an even chance on these articles with the other nations of the world anywhere, with the sole exception, that I have been able to discover, as I have already said, of corn meal and condensed milk. We are, I presume, the only country that produces much corn meal, and therefore Great Britain did not fear our competition. As to the condensed milk trade, I do not happen to be advised.

"Cutlery, pocketknives, penknives, scissors, shears," and so forth, articles that use a great deal of labor, articles in which Great Britain is supposed to have a peculiar advantage in the markets of the world, 27½ per cent ad valorem. Do we get in there under even terms? Not at all. The British preferential tariff is 20 per cent, and the treaty tariff, as I say, 27½ per cent. They have over 33⅓ per cent advantage under this.

Mr. Chairman, I have taken a great deal of the time of the committee and I shall hurry along to one other thing and then I shall leave this debate. It was with a great deal of regret that I saw the gentleman from Connecticut [Mr. HILL] take his seat without attempting to explain to the House what was meant by the lumber and wood-pulp and print-paper provisions. It does seem to me that in an opening speech we should have had this information. It is an exceedingly difficult thing to understand. I do not complain of any gentleman making his own speech in his own way, but in the opening of a debate like this some gentleman ought to give us some kind of explanation of what is meant by the language of the proposed measure. In the progress of the hearings I asked the gentleman from Massachusetts [Mr. MCCALL] what the language in the bill meant, and he said that I had a good mind and might study it out for myself. I repeat that, notwithstanding my disposition always to accept such complimentary allusions, I yet had such profound confidence in the judgment of the gentleman from Massachusetts, and also was so very fond of him personally, that for a minute or two at least I was inclined to let him do my thinking for me; whereupon he said that "the putative author of a bill was not entitled to full credit for all of its provisions." [Laughter.]

Now, then, the introducer of the bill was unwilling—no, not unwilling, but unable, for we must be perfectly frank about it—to tell us what the original language meant. It may be that this language can be thoroughly cleared up. I do not claim certainly that I understand its provisions as contained in the report of the majority. If I understand its provisions—not to read them at length, for there are so many parenthetical clauses they are confusing—it means this, that if we will admit the print paper of Canada into this country free, Canada will not then admit our print paper into Canada free until not only Canada herself, the Dominion, but every one of the Canadian Provinces, has taken off her restrictions on the export of wood and wood pulp to this country. In other words, if I may state it again, we do not get anything from them until they remove their restrictions against us. There is no reciprocity of any kind in this bill.

Mr. MARTIN of South Dakota. Will the gentleman permit a question?

Mr. GAINES. Yes.

Mr. MARTIN of South Dakota. Is it not also true that under the bill as introduced the obligation was upon the Canadian Government to remove all restrictions against the importation from this country into Canada of our print-paper products, whereas that has been stricken out by amendment, and the Canadian tariff law remains as it is?

Mr. GAINES. My answer to that is that I think the gentleman is right, but I am so absolutely unable to understand the original provisions for myself or to get the distinguished gentleman from Massachusetts, the introducer of the bill, to inform me, that I can not make a comparison between this language and other language whose purport is still more confusing and perplexing to me.

Mr. LONGWORTH. Will the gentleman permit an interruption? The statement of the gentleman was not correct, in that it is at all within the power of the Dominion of Canada to remove these restrictions. It is not within the power of the Dominion itself, but only within the power of the various Provinces.

Mr. MARTIN of South Dakota. Is it within the power of the Dominion of Canada to remove all restrictions against the importation from this country to their country——

Mr. LONGWORTH. But it is not in the power of the Government to remove certain restrictions, but in the power of the Provinces.

Mr. MARTIN of South Dakota. But it was made the duty of the Dominion of Canada, as conditioned by our removal of restrictions regarding exports from there to this country, that they would remove all the tariff against our print paper, and by the amendment of the committee we strike out that and leave it without any duty upon Canada whatever regarding that.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. McCALL. Mr. Chairman, I ask that the gentleman's time be extended so that he may have as much time as our colleague from Connecticut had.

Mr. GAINES. Mr. Chairman, I think I can conclude in 10 minutes. I do not wish it to depend upon the time the gentleman from Connecticut used.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. In order to understand this treaty at all with reference to wood pulp and print paper, perhaps it is necessary to bear certain propositions in mind. In the first place, the Canadian Government has no power to control the Provinces in many respects. In how many respects they can not control them as to international relations, I do not know. By such Canadian law as I was able myself to find, I learn that they can not control a provincial government when it undertakes to impose export duties on products going out of that Province. I found that the Provinces of the Dominion may impose export duty on articles leaving the Provinces and going into other countries, and even going into other Provinces of Canada than the one imposing restrictions. Then to-day I found out, from the statement of the gentleman from Connecticut, this information, that they may impose a restriction upon immigration from abroad, a head tax. At any rate, they can impose restrictions upon the export of their lumber products, and do. It was said through every day of the hearings up to the last that Canadian Provinces could not impose a restriction upon the wood products cut from any lands other than Crown lands, and yet we found from the law we have, a copy of the law which we have inserted in the hearings, that one Province does impose restrictions on lands other than Crown lands—that is to say, on privately owned lands.

The law reads as follows:

There shall be due and payable to His Majesty, his heirs and successors, a tax upon all timber cut within the Province of British Columbia, save and except that upon which a royalty is reserved by this section or that upon which any royalty or tax is payable to the Government of the Dominion of Canada, which tax shall be in accordance with the following schedules.

And this law, a copy of which was inserted in the hearings, which I hold here for the examination of any gentleman who wishes to see it, goes on and specifies that such tax shall be rebated, provided the lumber and timber cut is manufactured in the Province of British Columbia. Now, we went clear through these hearings until the last day under the impression that the provincial governments of Canada might put a limitation upon the export to America of logs cut from Crown lands, but they were absolutely powerless to put any of these burdensome and irritating export restrictions upon private lands; and yet, at the last moment, we found that they not only can but do impose restrictions upon the export of logs from privately owned lands.

Mr. BURKE of Pennsylvania. Do I understand the gentleman to say that all the Provinces of Canada do not impose this export tax?

Mr. GAINES. Some of them do not and some of them do.

Mr. BURKE of Pennsylvania. Then I understand that some do and some do not.

Mr. GAINES. But any of them can impose these restrictions at any time they please, and let me call the attention of the gentleman to this, because it may obviate his question: That under this treaty, as I understand its provisions, wherever there was any timber upon which an export charge was not made, then the product of that timber could come in free. But we could not get anything in there free, any of our wood products or our print paper, as long as any part of Canada maintains any export restrictions against us. So that if Ontario and Quebec want to do so they may remove their restrictions, but they accomplish the embargo on similar products into Canada if they get any part of Saskatchewan, or whatever you call it, to put on the restrictions. That is the way the thing works.

I repeat that there is not an ounce of reciprocity at any stage of this bill. The bill is so bad it does not count for even good free trade, and I hardly know how I could characterize it worse than that, a reflection that occurs to me because I see the gentleman from North Carolina [Mr. KITCHIN] sitting right in front of me. [Laughter.]

Mr. SWASEY. I would like to ask the gentleman if, by the amendment you put onto that bill, the pulp and paper industry gets any advantage that they do not now enjoy without reciprocity.

Mr. GAINES. I do not think they do at all. I am bound to take refuge behind the same fortress that shielded the embarrassment of the gentleman from Connecticut, and say that while the distinguished gentleman from Illinois [Mr. MANN], now Chairman of the Whole House on the state of the Union, understands, probably, its provisions, no member of the Ways and Means Committee can possibly answer that question. [Laughter.]

Mr. SWASEY. Let me inquire further: Under that amendment all the free pulp wood that the American manufacturer can avail himself of is that which is cut on private lands, as you understand it?

Mr. GAINES. I think that is so.

Mr. SWASEY. And upon that the Government reserves in that treaty the right to manufacture and enter free of duty ing into the United States; but in no place in that reciprocity agreement is the duty upon print paper going into Canada remitted. Fifteen per cent still remains if we ship print paper to Canada.

Mr. MARTIN of South Dakota. As it was drawn in the bill, if the gentleman will permit, the remission of the duty on print paper going from this country into Canada was required of the other. It was left out. It leaves no obligation upon the Canadian Government in this matter.

Mr. GAINES. None whatever; and the Canadian Government, with commendable frankness, has called our attention in the correspondence itself to the fact that they have no jurisdiction of any kind to control the Provinces in this respect, and they have even gone so far as to call attention to the fact that they do not think there will be any reciprocal operation immediately or in any short time.

Mr. SWASEY. Then, stating it briefly, the situation is this: For all print paper manufactured on private lands, or any other place where the prohibition is removed, they have to come into the American market free of duty, but if we go back into Canada, under no condition can we go except on the payment of 15 per cent duty.

Mr. GAINES. That is what the language means, unquestionably.

Now, some gentlemen have argued, as I understand them, on this very complicated proposition, that the amount of privately owned lands is small, and that therefore the Provinces would desire to get their products into this country, and therefore they would remove the restriction. But I find, upon a further examination, that that is not correct. There have been in Canada great grants of railroad lands for the purpose of railroad construction. Those grants of land are in fee, but are not located. Now, the owner of Crown-land leases may, under a practice they have there, have these railroad grants located on his lease. The railroads, therefore, would locate their grants where desired, upon the leased timber land in many places, and in that way they would get considerable exportation from these Provinces into this country without inducing any part of Canada to remove any of its restrictions at all.

Mr. Chairman, I have already occupied the time of the committee longer than I expected to do. As I said, I come before you without any set speech, but I wanted to argue this question if I could. Study it and examine it—you can not do it in an hour, or a day, or two or three days, I am afraid—and you can not take the hopeful and optimistic and eloquent language and statements and assertions of gentlemen like the gentleman from Connecticut [Mr. HILL]. But if you will really go to work on this proposition until you understand it, you will find what I said to you two or three times to be true, and I have purposely repeated it, that it might sink home and be remembered, that there is not an ounce of reciprocity in any point in this proposed arrangement. Gentlemen on this side, I want to say to you that I remain a protectionist, unchanged and undismayed, and I would like to see the old doctrine have more life and vigor amongst all the Representatives of the Republican people of America. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Senate resolution 347.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. CHARLES J. HUGHES, Jr., late a Senator from the State of Colorado.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of Mr. ELKINS and Mr. HUGHES, the Senate do now adjourn.

Senate resolution 346.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. STEPHEN B. ELKINS, late a Senator from the State of West Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of Mr. ELKINS and Mr. HUGHES, the Senate do now adjourn.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10208. An act authorizing the resurvey of certain land in the State of Wyoming;

S. 9271. An act for the relief of William H. Walsh;

S. 8608. An act to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector;

S. 4678. An act to adjust the claim of certain settlers of Sherman County, Oreg.;

S. 6645. An act for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C.;

S. 5036. An act for the erection of a public building at Lancaster, Ky.;

S. 9124. An act to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va.;

S. 9123. An act to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va.;

S. 10189. An act to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes;

S. 8008. An act authorizing the Secretary of the Interior to permit the Denison Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, and for other purposes;

S. 6878. An act to authorize the acquisition of lands by the Reclamation Service by exchange, and for other purposes;

S. 9239. An act to change the name of Fort Place from Seventeenth to Eighteenth Streets NE. to Irving Street.

S. 8645. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia;

S. 288. An act for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes;

S. 6582. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907;

S. 9954. An act for the relief of Lincoln C. Andrews;

S. 10012. An act for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Marrowstone Point and Slip Point, Puget Sound, Wash.;

S. 10010. An act for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal.;

S. 10017. An act for a flashing light, a fog signal, and a keeper's dwelling at the Santa Barbara Light Station, Cal.;

S. 10008. An act for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal.;

S. 9241. An act to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;

S. 10172. An act for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy;

S. 10757. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 10022. An act for establishing aids to navigation on the Yukon River, Alaska;

S. 10023. An act for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal.;

S. 10025. An act for a fog signal and keeper's quarters at the Trinidad Head Light Station, Cal.;

S. 10410. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

S. 10275. An act relative to joint operations of the Army, Navy, and Marine Corps;

S. 5420. An act to provide for a public building at Live Oak, Fla.;

S. 9970. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 10141. An act to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy;

S. 10256. An act establishing a light and fog-signal station on Michigan Island, Lake Superior;

S. 10257. An act establishing a light and fog-signal station at Portage River Pierhead, Mich.;

S. 6550. An act for the relief of Rittenhouse Moore;

S. 865. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased;

S. 7648. An act for the relief of Charles J. Smith;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 10210. An act to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg.;

S. 10177. An act to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. 10536. An act directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.;

S. 9556. An act to provide for the extension of the post-office and courthouse building at Dallas, Tex.;

S. 9011. An act to provide for the granting by the Secretary of the Interior of permits to explore and prospect for oil and gas on unappropriated and withdrawn lands;

S. 1882. An act for the relief of the estate of Antonia Sousa, deceased;

S. 7031. An act to codify, revise, and amend the laws relating to the judiciary;

S. J. Res. 82. Joint resolution directing that a portion of square No. 857, in the city of Washington, D. C., be reserved for use as an avenue and improved; and

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased; and

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. McCALL. Now I yield to my colleague from New York [Mr. HARRISON].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HARRISON. Mr. Chairman, I first yield a part of my time to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, I am in favor of the pending bill of the gentleman from Massachusetts [Mr. McCALL], which carries into effect the reciprocal tariff arrangement between the United States and Canada, known as the Canadian reciprocity agreement, which agreement was negotiated by representatives of the Governments of the two countries, the United States and Canada, and submited to Congress by the President in his message of January 26, 1911.

The negotiations which led to an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation were commenced by the President of the United States several months ago through his communication addressed to the British ambassador. It was agreed, as stated in the correspondence between the Canadian ministers and the Secretary of State, that an agreement between the two

countries should be made, which agreement should not take the formal shape of a treaty, but—

that the Governments of the two countries will use their utmost efforts to bring about such agreement by concurrent legislation at Washington and Ottawa.

The McCall bill to carry into effect this agreement between the two countries was reported by the Committee on Ways and Means of the House of Representatives, every Democrat upon the committee voting therefor, as I am informed, except the gentleman from Louisiana [Mr. BROUSSARD]. My reasons for giving my support to this reciprocal trade agreement may be summarized as follows:

First. I believe that reciprocity is correct in principle, tending to the expansion of our trade and commerce, tending to good will in commerce, and avoiding commercial warfare.

Second. Provided we are unable to arrive at these results by our tariff laws, I have repeatedly advocated in Congress in a number of speeches reciprocity treaties or trade agreements.

Third. At this particular time it is wise political policy for the Democratic Party to give its support to this bill, which is a reduction of some of the prohibitive schedules in the Payne tariff law, will tend to expand the trade of the United States in the Dominion of Canada, and is in part a recognition of the principles the Democratic Party has contended for in Congress and in its platforms.

To reject this bill, which is regarded by a majority of Democrats as a step in the right direction, simply because it emanates from a Republican President, is by no means a sound argument and would destroy a decided political advantage to the Democratic Party. The effect of this measure can not result otherwise than to divide the Republican Party, whose latest tariff enactment, the Payne-Aldrich tariff law, was repudiated by the people at the polls in November last, and will be revised by a Democratic House of Representatives. Suppose the President were to send a message to Congress proposing a reduction of the taxes upon the people in the woolen schedule of the Payne-Aldrich tariff law, should we reject the proposition and vote against it if it was in line with Democratic principles simply because it emanated from a Republican source?

Fourth. That Democratic support of this bill is regarded as wise political policy by the Democratic Party leaders in Congress and by the Democratic Representatives in Congress is manifested by the unanimous action of the caucus of the Democratic Members of the House of Representatives, which adopted the following resolution:

Whereas the Canadian reciprocity agreement negotiated by the Reciprocity Commission of the Dominion of Canada and the President of the United States, while not formulated in accordance with Democratic platform demands, is a reduction of some of the prohibitive schedules in the Payne tariff law and will tend to expand the trade of the United States in the Dominion of Canada, and is in part a recognition of the principles the Democratic Party has contended for in the Congress and in its platforms: Therefore be it

Resolved, That this caucus indorse the Canadian reciprocity agreement and bind ourselves to vote for a bill carrying it into effect.

Fifth. The agreement must from the necessity of the case contain concessions on the part of each of the contracting parties, and therefore, to become effective, is from the nature of the case neither divisible nor amendable and must be accepted or rejected as a whole. If there be any doubt upon this question, certainly it is true that the agreement would have to be again considered by the representatives of the two countries and again submitted to the Congress of the United States and the Parliament of Canada if amended in any material respect. It is undoubtedly true that many of us would be glad to see certain amendments made in this reciprocal trade agreement, but the effect of such amendments would undoubtedly be to delay, postpone, and finally defeat the bill. That the agreement must be accepted or rejected as a whole was made clear by the statement of the chairman of the Committee on Ways and Means, the gentleman from New York [Mr. PAYNE], in the hearings before the Committee on Ways and Means, if he be correctly quoted. The following report of his attitude appears in the Associated Press dispatches:

WASHINGTON, *February 5.*

That any amendment to the Taft reciprocity agreement, if adopted in the House, will be equal to a rejection of the proposed treaty, was the declaration made by Representative PAYNE (Republican), of New York, chairman of the House Committee on Ways and Means, during a hearing on the McCall reciprocity bill Saturday.

Mr. PAYNE'S assertion was made when Mr. FORDNEY (Republican), of Michigan, offered an amendment to the wood-pulp schedule, while Edward Hines, president of the National Association of Lumber Manufacturers, was being examined. Mr. PAYNE declined to allow the amendment to be read and declared:

"This bill will have to be adopted as a whole or rejected. Any amendment to it will be equal to a rejection."

"Where did you get that information?" demanded Mr. FORDNEY, and a rather spirited discussion ensued, in the course of which Mr. POU (Democrat), of North Carolina, declared:

"Well, it is a poor way to start this tariff reform to ask us to accept this whole proposition without any opportunity of amendment."

Sixth. If either the United States or the Dominion of Canada be at a disadvantage by reason of this reciprocal trade agreement, it is subject to future change and revision, the whole matter not being in the shape of a treaty, but in the shape of legislation which may be amended or repealed or changed by a Democratic or Republican Congress.

In the letters exchanged between the Canadian ministers and the Secretary of State it is stated:

It is distinctly understood that we do not attempt to bind for the future the action of the United States Congress or the Parliament of Canada, but that each of these authorities shall be absolutely free to make any change of tariff policy or of any other matter covered by the present arrangement that may be deemed expedient. We look for the continuance of the arrangement not because either party is bound to it, but because of our conviction that the more liberal trade policy thus to be established will be viewed by the people of the United States and Canada as one which will strengthen the friendly relations now happily prevailing and promote the commercial interests of both countries.

The reciprocity treaty with Canada of 1854, negotiated under the administration of Franklin Pierce, a Democratic President, bound the two countries for 10 years. But this reciprocal trade agreement embodied in this bill is subject to change by a future Congress if found to be unjust or disadvantageous to either country or any interest of either country or its people.

Seventh. The benefits of this reciprocal trade agreement to the people of my own district and State, apart from any question of principle or wise policy, are clear to my own mind and can not be disregarded. The people of my district and State who are interested in trucking, including the large number interested in the cultivation of strawberries for northern markets and those engaged in the manufacture of cottonseed oil in my State and in the South, an industry which has grown to the proportion of fifty to sixty millions of dollars annually in value, and others, will be greatly benefited by this reciprocal trade agreement by reason of enlarged markets in Canada.

Eighth. While in a Republican revision of a Republican tariff bill, the Payne-Aldrich bill, I was unwilling to vote to place lumber upon the free list, I took that position, with more than 40 other southern Democrats, for the reasons stated in my former speeches, and because it seemed to me to be an unjust discrimination against one particular class of our people. I did my best to prevent such discrimination; but a vote against this bill would be contrary to my advocacy of reciprocity in the past as a correct principle, against my party, and to the exclusion of the interests of other constituents, which would be neither right nor just.

THE PENDING BILL.

Mr. Chairman, the pending bill, as stated in the report of the Committee on Ways and Means, I believe, "is based upon just principles and designed fairly to secure the mutual advantage of the two nations." In an arrangement like the pending one, as the President, who submitted this agreement to us, says:

The exact balance of financial gain is neither imperative nor attainable.

The duties proposed to be remitted by the United States yield a larger revenue than those remitted by Canada, but Canada's concessions bear a much larger proportion to her total income than do our concessions to our total income. Canada is our second largest customer, as well as bound to us by ties of blood and kinship.

The committee in its report says:

When population is taken into account, there is no country in the world that approaches Canada in amount of purchases from the United States. When cotton, in which we have a practical monopoly and which foreign nations must buy from us, is excepted, the United Kingdom is the only country which purchases a larger aggregate of our products. Our splendid trade with the German Empire takes only $258,000,000 of our exports each year, as compared with $242,000,000 which we sell to Canada. When cotton is deducted from the two accounts, Germany, with eight times as many people as Canada, buys from us only $120,000,000, as against Canada's $231,000,000, or only a trifle more than half the aggregate taken by the latter country. France annually buys from us $116,000,000 in total value, or $54,000,000 with cotton excluded. Even the United Kingdom imports from this country but $307,000,000 in value exclusive of cotton, or barely one-third more than is taken by her colony. Canada buys from us 50 per cent more than she takes from all the other nations of the world combined. Each year her seven or eight millions of people buy of our products as much in value as Great Britain exports to the 300,000,000 people in her Indian Empire. He must be blind indeed who can not see the significance of her remarkable preeminence in the commerce of the United States. In methods of production, scale of living, and racial characteristics no other nation so strongly resembles this country.

Objection is made to the bill because it is alleged that the agricultural interests and farmers of the country will not be benefited and will be injured by a reduction of the tariff upon their products. It is a well-known fact that the tariff upon farm products has long been regarded as a mere sham and pretext to induce the farmers to vote the Republican ticket and stand for the protective policy of the Republican Party, while

enormous profits are reaped by the highly protected manufacturers of the country upon everything the farmer buys. So far as the farmers of my own section are concerned, the eastern North Carolina strawberry truckers have been urging me for years to endeavor to have removed the duty of 2 cents per pound upon berries imposed by the Canadian Government, thereby giving them the free entry to the Canadian market. They now ship to New York and Boston and other points, and could easily ship into Canada.

Those of the farmers who are interested in the prosperity of the cottonseed-oil mills would like to see removed the duty of 17½ per cent upon southern cottonseed oil.

Taking the country as a whole, it is contended that the prices of wheat would be affected by this agreement. There is little risk in the assertion that our tariff has never affected the home price of our wheat, however beneficent it may appear upon the statute books to our farmers. The prices of wheat in the United States, Canada, Russia, and other wheat-exporting countries are substantially adjusted with reference to the Liverpool price. The exports of wheat from the United States to Canada are greater than from Canada to the United States.

It is a well-known fact that a tax on raw cotton would mean nothing, would produce no revenue, and be only a subterfuge; that a tax on wheat, barley, and corn is no protection to the American farmer, and is merely placed there as a subterfuge to mislead him and to lead him into a trap to vote for high protection on manufactured articles. That is the position the Democratic Party has always taken. To say that to put an import tax on raw cotton would raise the price of cotton, when the world's market and competition in the world's market fixes the price of cotton, is absurd. To say we should put a tax of 25 cents, as the Payne-Aldrich bill does, on wheat, where a surplus of that product is raised in this country and a large surplus is sold in the markets of the world, for the purpose either of protecting the American farmers or to raise revenue, is a ridiculous statement, for it would do neither. On the other hand, the growth of our population is such—

that our consumption is pressing upon our production, and the day is not far distant when we shall become importers of wheat.

When that time shall come, and instead of having a surplus we shall not produce enough for our needs and we shall become a buyer rather than a seller in the open market, obviously that circumstance will raise rather than lower the world's price. As the committee well says in its report:

That price will be fixed by the world's supply compared with the demand. The necessity of importing wheat will then, for the first time in our history, make any tariff we may impose upon its importation a factor in fixing our domestic price. When that condition shall exist, will it be desirable to employ a tariff rate to make still higher to our consumers the price of wheat in the world's market? Such a course would certainly not be necessary to the prosperity of our wheat growers, who are prospering with their price fixed by the general supply and demand of the open market, and who, indeed, have never known any other condition.

It would be inhuman to the great mass of the people to enter upon the policy of increasing by law at the moment that there should be a domestic scarcity the price of the bread they eat, in order to increase the profits of an already profitable industry. When that time shall come, it will be a blessing to all our people and in a larger measure to those who are poor that they can turn to the near-by wheat fields of Canada. The most odious of all taxes ever devised by government is a tax upon bread. That food has a place near the elemental substances, like air and water, which are necessary to the preservation of our lives. Such a tax is not felt by the rich and well to do, but it bears with especial weight upon the poor. For the Government to intervene artificially to increase the price of bread would be to add to the load borne by those already overburdened, who can only with difficulty procure the means of subsistence, and it would tend to increase suffering and shorten life. The American farmer will not desire to augment his prosperity in any such a way. Certainly he is not likely to borrow trouble over a condition that may not appear for a decade.

The pending bill, Mr. Chairman, is a measure in the interests of the great mass of the people of the country and broad and statesmanlike in its purpose and effect.

As has been well said by my colleague from Pennsylvania, Hon. A. MITCHELL PALMER, it is doubtful if this bill is a Republican measure.

It is rather a belated acknowledgment of the disappointment of the country in the Payne bill. We are considering a bill to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, but it might well be entitled "A bill to reduce many of the duties levied under the act of August 6, 1909."

That law the people condemned at the polls last November. Doubtless the President perceives, judging the future by the past and judging from the storm of popular wrath which met the Payne bill at the polls and elected a Democratic House, that some action must be taken to meet the demands of the people.

Mr. Chairman, neither I individually nor any Democrat nor the Democratic Party as a whole is responsible for the passage of the Payne-Aldrich law, nor are we responsible for the action of the President in negotiating this trade agreement nor for any of the defects of this trade agreement. Whatever is good in it we accept for what it is worth, expecting to modify and supplement it by future Democratic legislation.

Before I leave this subject of the pending bill, without going into the details of the measure, which have been fully presented by my Democratic colleagues and are well known through the press, being contained in a summary issued by the Department of State and in many trade journals, I desire to call attention to the benefits which will be derived by the newspapers of the country and indirectly by the people of the country under the paper clause of the reciprocity agreement.

The amendment to the McCall bill to carry into effect the paper clause of the reciprocity agreement perfects the bill in accordance with said agreement. It is not an amendment to the bill which would in any way prevent its passage by the Canadian Parliament. The effect of the amendment in the reciprocity agreement with reference to paper and pulp wood is stated by Mr. MANN, of Illinois, very clearly.

Mr. MANN says:

The duty now collected on paper coming from private land is $3.75 a ton. Under this agreement we propose to give it up. The duty collected from print paper coming from Crown lands is $5.75. That we propose to retain as a differential against paper made from Crown-land pulp wood in order to bring a natural inducement to remove the restrictions so that they may get the right to export paper free, they giving us the right to import pulp wood without restrictions.

The effect of the paper clause of the reciprocity agreement in benefiting the people of the country is stated by Mr. NORRIS in his statement before the Ways and Means Commitee, which I here insert:

THE PAPER CLAUSE OF THE RECIPROCITY AGREEMENT—STATEMENT OF MR. JOHN NORRIS, CHAIRMAN OF COMMITTEE ON PAPER OF THE AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION, TO THE COMMITTEE ON WAYS AND MEANS, FEBRUARY 9, 1911.

Mr. Chairman, I regard the Canadian reciprocity arrangement now before you as the greatest economic advance that has been made by the United States in the present generation. It broadens our markets. It promotes interchanges that will immediately and directly benefit 90 per cent of the population. I appear as the representative of newspapers which pay more than $55,000,000 per annum for news print paper. They are deeply concerned in the paper and pulp clause of the treaty, and they ask you to approve that clause exactly as it appears in the agreement.

The tangle of the American Government with Canadian Provinces and the tariff burdens imposed upon print paper have added more than $6,000,000 per annum to the price which newspapers would pay for raw material under normal conditions. The complication with Canada and the excessive duty have enabled American papermakers to combine for advances in print-paper prices. They have an organization that is more oppressive and more elusive than the General Paper Co. which the Government suppressed in 1906. The paper makers are systematically starving the market. The entire stock of paper on hand at the beginning of this year was less than an eight-day supply for the newspapers of the country. In December, 1910, they exported more print paper than Canada shipped to us.

* * * * * * *

Since the passage of the Payne-Aldrich law, though the duty on print paper had been reduced $2.25 per ton—that is, from $6 to $3.75 per ton—the paper combination has advanced prices $2.50 per ton and threatens further advances. Publishers whose contracts are expiring find that they can not get any terms except from the mill which had supplied them. A uniform price of $45 per ton has been established by the papermakers. It makes no difference what the freight rate is within a given zone.

* * * * * * *

At the instigation of the print papermakers, the American Congress attempted to impose coercive measures upon the Province of Quebec. The disastrous results of that policy are now seen in the withdrawal by Quebec of 95 per cent of all the available pulp-wood supply of that Province. It has been trying to starve the American mills and to force their transfer to Quebec. The paper clause of the pending reciprocity agreement overcomes all the difficulties of that situation.

The snarl with the Provinces of Canada has been completely avoided by an entirely new turn to the stipulations, which now follow the wood—not the Province. If wood is free from restriction, such as wood from private lands, the products of that wood will come into the United States free of duty.

The distinction between wood free from restriction of exportation and wood that is not free will show itself in various ways. Print paper made from wood cut on lands subject to restriction will be liable to a duty of $5.75 per ton of paper. That duty will be prohibitory in competition with paper made from wood cut on private lands. A barrier of $5.75 per ton on print paper will confront such products until the Quebec government removes the prohibition. The revenues which the Province now obtains on wood cut from its Crown lands and shipped in manufactured form to the United States will be diverted from the Quebec treasury to the owners of private lands. The pressure from holders of Crown lands upon the provincial authorities for an opportunity to reach the greatest market in the world—that of the United States—will be irresistible and a diplomatic victory in the removal of restrictions will have been achieved without harshness, or coercion, or ill feeling of any sort. Each side will obtain an advantage, and that is the element of a good trade.

The effect of the pending bill upon the people of my own district and State, or rather some of the benefits to North Carolina products by the proposed Canadian reciprocity, are stated in the inclosed communication secured by me from the

Bureau of Trade Relations, which I also insert as a part of my remarks:

FEBRUARY 3, 1911.

The Hon. CHARLES R. THOMAS,
House of Representatives.

SIR: Referring to your recent visit to the Bureau of Trade Relations in regard to the effects of the proposed Canadian reciprocity arrangement on the products of North Carolina, I beg to inclose herewith, at the request of Mr. Pepper, with whom you discussed the matter, two copies of his memorandum on this subject.

Very truly, yours,
JOHN BALL OSBORNE,
Chief, Bureau of Trade Relations.

NORTH CAROLINA PRODUCTS BENEFITED BY THE PROPOSED CANADIAN RECIPROCITY.

Cottonseed oil will enter Canada from the United States free of duty under the pending reciprocity legislation. It is at present taxed by Canada at the rate of 17½ per cent ad valorem. The value of Canada's concession of free cottonseed oil may be measured by the fact that in the calendar year 1910 we exported to Canada $1,111,443 of cottonseed oil, on which she collected approximately $195,000 in duties. The concession is of interest to North Carolina since the manufacture of cottonseed oil, etc., ranks among her leading half-dozen industries, according to the United States census of manufactures of 1905, which states North Carolina's output of the oil at 6,269,062 gallons, valued at $1,600,950.

Fresh vegetables and fruits are made free by Canada under the agreement when imported from the United States. Her rate upon potatoes has been 20 cents per bushel, and upon most other vegetables 30 per cent ad valorem. Upon fresh fruits her general rate has been 2 cents per pound, apples being taxed 40 cents per barrel. During the year ended March 31, 1910, the United States shipped to Canada fresh fruits and vegetables aggregating $2,137,000 in value, which were taxed more than $500,000 by Canada. The removal of all restrictive duties by Canada on this class of importations offers a large opportunity for North Carolina's early potatoes and garden or orchard produce. North Carolina produced $1,498,000 of potatoes during the calendar year 1909.

Oysters in any state will be admitted by Canada free of duty when from this country. Heretofore canned oysters have been taxed 3 cents per package when in pint tins and 5 cents per package when in quart tins, and these rates have been well-nigh prohibitive. North Carolina put up $177,000 of canned oysters in 1905.

Farm wagons from the United States will be admitted into Canada at a reduction of 10 per cent from her former rate, which was one-fourth of the value of the wagon. During Canadian fiscal year 1910 Canada purchased $218,000 worth of farm wagons from the United States. North Carolina might compete for a portion of this business, inasmuch as her manufactures of wagons and carriages in 1905 were valued at $2,304,000.

RECIPROCITY A CORRECT PRINCIPLE IF WE CAN NOT OBTAIN GENERAL TARIFF REVISION.

I have heretofore repeatedly advocated reciprocity as a correct principle if we could not obtain tariff revision, making four or five speeches upon the subject. Upon the Cuban reciprocity bill, which was adopted by the Democratic Party in caucus just as the Canadian reciprocity bill, I advocated closer and freer trade relations with Canada for the benefit of North Carolina truckers, especially the strawberry growers. Also, in speaking upon the expansion of southern trade as to our cottonseed-oil products, an industry which has grown to the amount of between $50,000,000 and $60,000,000, I spoke for reciprocity with France and Germany.

In my speech on the bill to carry into effect a convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902, delivered in the first session of the Fifty-eighth Congress, on November 17, 1903, I said:

Mr. Chairman, I had not intended to debate the pending bill, but I feel constrained to do so to-day in the limited time allotted to me because I believe that this bill is a step in the direction of tariff reform and the breaking down of the high rates of the Dingley tariff law of July 24, 1897, and because I hope it may prove also a step in the direction of freer trade relations with other countries, including the Dominion of Canada, thereby benefiting the people and constituency whom I have the honor to represent.

The Democratic members of the Committee on Ways and Means, in their report filed on yesterday, declared:

"We regret that the party in power has not seen its way to confer still further benefits upon citizens of both nations by providing for even freer and yet more untrammeled and unrestricted commerce between them. As long as the present party is in power we can perhaps hope for tariff reductions and revision only from reciprocity treaties. It is a piecemeal process, but it is better than no process at all. We hail it as a harbinger of future reciprocity treaties with other countries, especially those upon the American Continent, and notably our neighbor to the north, the Dominion of Canada."

At the opening of this session of Congress I introduced the bill which I hold in my hand, and which provides for the negotiation of a reciprocity treaty with the Dominion of Canada, especially with the view to the abolition or modification of the seventy-fifth item of the customs tariff of Canada of 1897, which imposes a prohibitory tax of 2 cents per pound, the weight of the package to be included, as duty upon American strawberries and other berries imported into Canada.

Upon the one item of strawberries alone, to which I have referred, the abolition of the Canadian customs tariff would mean a saving of thousands of dollars to my constituency and the opening up of new markets in Canada to North Carolina, the South, and the whole country. Whatever differences of opinion exist in both parties as to tariff rates and schedules, there is no question but that the high rates of the Dingley tariff law need wise revision, and that commercial agreements with Cuba, Canada, and other countries are in line with Democratic ideas and steps in the direction of tariff reform and wider and freer trade relations with the world.

Reciprocity—wise and not sham reciprocity, and which means freer trade relations and just and equitable tariff revision—is good Democratic doctrine; and while we are moving in this direction let us open up the markets north of us in Canada as well as the Cuban market south of us, for the benefit not only of my own people, but of the whole country. [Applause.]

On February 4, 1905, in the third session of the Fifty-eighth Congress, in speaking upon the diplomatic and consular bill, I advocated the ratification of the reciprocity treaties—known as the Kasson treaties, negotiated by Mr. Kasson with France and other countries under and by virtue of the authority of the Dingley tariff law, approved July 24, 1897. I particularly urged the ratification of the reciprocity treaty with France for the benefit of the South and the southern farmer and our cottonseed-oil industry. In that speech I said:

Sooner or later we must have stagnation in our home markets and commercial war or reciprocity and industrial expansion. The South's progress is in part the progress of the whole country. Grant us by means of legislation or reciprocal agreements with other countries new and larger markets for our trade and it will be one of the greatest strokes of administrative policy.

I again insisted that we should have tariff revision and the lowering of the tariff walls for the benefit of the consumers of the country and the expansion of our trade; but if this could not be obtained that we should give some measure of relief to the people by means of reciprocity treaties which would open up new markets for the products of our farms and factories and enable the farmers and manufacturers of the United States to dispose of their surplus products.

I insisted that unless such course was pursued by the Republican administration and if the exactions of the high rates and schedules of the Dingley tariff law were continued the effect must be that retaliatory measures would be resorted to by the other nations of the world, and that we would lose new and valuable markets for American agricultural products and manufactures. Among other things, in that speech I said:

I appeal to the majority of this Chamber if we are not to have freer trade relations by means of a revision of the high rates of the Dingley tariff law, at least for favorable action upon the treaty of reciprocity with France negotiated by Mr. Kasson. It will be a great stroke of governmental policy which would redound to the interest of the whole country and to the credit of the administration. Its benefits would be especially felt in the enlarged markets opened to the southern cottonseed oil mills and the higher prices paid for the products of the southern farms.

Again, on January 13, 1906, at the first session of the Fifty-ninth Congress, in speaking upon the Philippine tariff bill, I again advocated reciprocity with foreign countries if tariff revision could not be obtained. In this speech I referred to the necessity for wider markets for the cotton goods manufactured in North Carolina and the South. I referred to the retaliatory tariffs of Germany and other European countries and its effect upon the cottonseed-oil industry of the South. I referred to my former speech upon the treaty with France and the necessity of reciprocity with Germany to avoid retaliation. In that speech I said:

Mr. Chairman, I hold in my hand a recent letter which was addressed to the Newbern Cotton Oil Mills, Newbern, N. C. That is my home town, and it is one of the best towns in the United States. [Applause.] In that letter the disastrous effect of the new German tariff upon the great commodity of cottonseed oil is shown. Do you know what that industry means to the South? Why, from the few hundred thousand dollars investment, this great industry—the cottonseed-oil industry—has been built up, until a few years ago, in 1902, the total value of the product was over $42,000,000. Cottonseed-oil mills are scattered all over the South. They are located in close proximity to the ginneries, and the industry is constantly becoming of more and vital importance to the cotton-growing districts of the South. They afford new avenues of employment to the people and an opportunity for the investment of capital. What was formerly waste material is becoming a mine of wealth to the southern people. We find markets in France, Germany, and Austria-Hungary.

PLEA FOR THE SOUTHERN FARMER.

And now one, at least, of the industries in this great section of our country, which has so manfully wrought its salvation and prosperity, is threatened by your high protective tariff with almost total annihilation. For years we have been struggling to build up a great cottonseed oil industry, and from an investment of a few hundred thousand dollars this industry has invested in it many millions. The failure of the Republican Party to give us some relief by adopting, at least, reciprocity treaties with France and Germany and Austria, is destroying this great industry.

If you want to help us build up the South, and if you are not a sectional party, give us such legislation by treaty or act of Congress. Some revision of the tariff, either by act of Congress or reciprocity, will help counteract the drift toward monopoly and toward socialism. It will prevent a glut in the home market and build up commerce on land and sea and increase our revenues. Continue your policy of exclusion and favoritism and class legislation and it will inevitably bring upon you disaster and defeat. [Applause.]

Again, on February 5, 1908, at the first session of the Sixtieth Congress, in general debate, in speaking upon the subject of tariff revision, I again advocated reciprocity, if tariff revision could not be secured. In that speech I said:

But they say, Mr. Chairman, tariff revision is dangerous; that the Wilson bill produced a panic. Yes; the Wilson bill arises like Banquo's

ghost. You Republicans know that it would have produced ample revenue had it not been for the income-tax decision and that the panic which followed it was a banker's panic and produced by the money situation. You also know that the greatest panics of the country, in fact all except the panic of 1893, have been under Republican tariff laws and high protection, with a Republican President, and that cotton in the South touched its lowest prices under the McKinley law and a Republican administration, lower than under the Cleveland administration, and you know that this low price was 17 months after President McKinley's inauguration. You argue fallaciously. You deal in tirades against the Wilson bill, but you will do nothing for revision. The manufacturers' associations are appealing to you to-day in the capital city.

They have appealed to you in the past for better trade relations with foreign countries, to open up new foreign markets and enable them to extend their trade and to dispose of their surplus. McKinley pleaded with you in his last speech at Buffalo, just before he was stricken down by the assassin's hand, for reciprocity. Throw down the barriers of trade by a just tariff revision and reciprocal trade agreements with other countries. Open the ports of the United States to the trade of the world and cease your system of favoritism to special interests, and a wealth undreamed of will be the heritage of our children. Retaliation and commercial wars will cease, and the American merchantman's flag will again be seen upon every sea and in every port, and the United States, the most prosperous and intelligent Nation in the civilized world, will prosper as never before, and you will avoid commercial war, the growth of socialism, and strengthen your own party. Will you do it? I plead not as a partisan, but as a patriot, for your moderation and wisdom in this matter. If you fail to measure up to the occasion and your opportunity and responsibility, the American people will weigh your party once more in the balances and declare you wanting in statesmanship. [Applause on the Democratic side.]

Again, on March 31, 1909, at the first session of the Sixty-first Congress, in my speech upon the Payne tariff bill, I advocated revision of the tariff and opposed the maximum and minimum provisions of the bill, insisting upon the principle of reciprocity instead of retaliation. In this speech I said:

I am unreservedly and strongly opposed and always have been to the maximum and minimum tariff features of this bill. I have time and time again upon the floor of this House appealed for reciprocity with foreign countries to give our farmers and manufacturers new and wider markets for the products of the farm and the mill. Reciprocity with foreign countries by mutual agreement and concessions was approved by Thomas Jefferson; it was also voiced by William McKinley in his last great speech at Buffalo before he was stricken down by an assassin's bullet. Reciprocity means mutual concession and agreement. A maximum and minimum tariff means retaliation and commercial war. Upon this subject in his Buffalo speech Mr. McKinley said:

"The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times. Measures of retaliation are not."

Your boasted constructive statesmanship must frame a more satisfactory bill than the Payne bill, or the avenging wrath of the people of the United States, both manufacturers and consumers, will be manifest, and the votes when counted at the fall election of 1910 will show that they have chosen a Democratic House of Representatives. [Applause.]

And now, after many years and much agitation, we find the Republican President advocating reciprocal trade agreements, forced to this position by the failure of the maximum and minimum provisions of the Payne tariff law and by the demand of the consumers of the country for lower prices and a lowering of the tariff walls, and by the repudiation of the Republican tariff law and the Republican Party at the polls last November. The truth is the Republican Party's position upon the subject of the tariff and of reciprocity as well has been one of deceit and hypocrisy. It advocated, first, a sham reciprocity in non-competing products. Second, it tried to fool the people with a sham revision of the tariff, revising it upward instead of downward by the Payne-Aldrich tariff law. Third, failing in these respects, the President and his party are forced to declare for further tariff revision, for a tariff commission, and, lastly, to allay the popular discontent, proposes the agreement with Canada which is the subject of the present bill. In negotiating and presenting this agreement to Congress the President is doubtless sincere, but the whole history of his party shows that its record upon the subject, both of the tariff and reciprocity, has been one of sham and pretense. The Republican Party in its platforms of 1892, 1896, 1900, and 1904 has indulged in glittering generalities upon the subject of reciprocity agreements.

The Democratic Party in its platforms of 1892 and 1904 has stood in plain terms for liberal trade arrangements to carry out the people's desire for enlarged foreign markets and freer trade. The latest Democratic platforms upon this subject are as follows:

RECIPROCITY.

Democratic platform, 1892.

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while enacting a customhouse barrier of prohibitive tariff taxes against the richest countries of the world that stand ready to take our entire surplus products and to exchange therefor commodities which are necessaries and comforts of life among our own people.

Democratic platform, 1904.

We favor liberal trade arrangements with Canada and with peoples of other countries, where they can be entered into with benefit to American agriculture, manufactures, mining, or commerce.

THE HISTORY OF RECIPROCITY.

The commercial policy of the United States from the very infancy of the Government has been to encourage reciprocity and freedom of commerce with all nations willing to adopt a similar principle.

Mr. Jefferson declared 100 years ago that the choice was between reciprocity or rataliation. In the early history of the country, during the first administration of Washington, in 1793, Mr. Jefferson submitted a report presenting the conditions of our commerce of that day. Small as it was, the restrictions upon our trade and upon our vessels engaged in it were various and vexatious. In his report Mr. Jefferson recites these restrictions and asks the question, In what way can they best be removed, modified, or counteracted? He answers the question as follows:

As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions existed; or, second, by legislation counteracting their efforts.

There can be no doubt but that of these two friendly arrangements are preferable with all who will come into them, and we should carry, said Jefferson, into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit. France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries. (Annals of 3d Cong., 1st sess.)

Early in the history of the country, also, the idea came into existence of reciprocity with Canada. From 1846 the idea was actively discussed and finally culminated in the Canadian reciprocity treaty of 1854. This agreement lasted for a period of 12 years, when it was finally overwhelmed by the rising tide of protectionism and the commercial jealousies and the political hostilities of the times. This is the statement made in the latest and best authority upon the subject of reciprocity by two distinguished professors of political economy, Laughlin and Willis, in their book upon "Reciprocity."

Much has been said in this debate to the discredit of our former treaty with Canada which is not justified by the facts. Before the abrogation of the treaty two special agents of the Government reported the operations of the treaty. They differed in their opinions, but in this difference of opinion it is well to examine the contemporaneous documents giving us the facts independent of partisan feeling. In the debates upon the subject some opposed and some advocated the treaty, but Mr. Taylor in his report made in 1860 sums up the general effect of the treaty up to the time of the Civil War as follows:

The practical results of this stipulation are unchanged since President Pierce congratulated the country in 1856. Successive Secretaries of the Treasury have been content to tabulate the progress of exports and imports under the reciprocity treaty, the balance of trade being always in favor of the United States.

In the latest and best authority upon reciprocity, Laughlin and Willis say that—

On the whole it must be conceded by every student of commercial intercourse that the Canadian treaty was well designed to promote the interests of our citizens and to put trade between the two countries upon an equitable basis. There is certainly nothing in the course of our aggregate trade statistics which would go to show that Canada was reaping an unusual advantage. The truth about the Canadian treaty may be summed up very briefly. Its abrogation was due primarily to political influences which had nothing whatever to do with commercial considerations; and secondarily to the dissatisfaction felt by certain special interests which found themselves oppressed by Canadian competition, forcing them to reduce prices to the consumer, where otherwise they would have found it easy to maintain them. Whatever truth there may be in the arguments concerning the progressive increase in Canadian duties and the attempt to prevent American vessels from doing their share of the carrying trade, there was certainly not enough of force in these considerations to lead to the abrogation of the treaty had special political influences been absent and had a few considerable interests not fancied themselves jeopardized by the continuance of reciprocity.

Since the abrogation of the treaty with Canada of 1854 efforts have been made to promote better commercial relations with Canada by means of the so-called Joint High Commission, which is still nominally in existence. This was a body appointed by the Governments of Canada and the United States to settle all points in dispute between the two countries, but up to date nothing has been accomplished in the way of better trade relations until the proposed bill. In regard to the workings and effect of this treaty I gather from the authority I have cited, Laughlin and Willis on "Reciprocity," and from other sources, that the agricultural interests were the very interests which profited immensely by the former treaty with Canada, and they were the principal opponents of the movement that finally succeeded in effecting its abrogation.

A continuous improvement in business conditions was reported on both sides of the border line until the Civil War interfered with commerce and an appeal to the anti-British sentiment of our people made by designing interests finally succeeded in securing the abrogation of the treaty. It was charged, with apparent truth, that the great transportation interests of this country helped to bring about the abrogation of the treaty in order to enjoy a monopoly of the freight from the West to the Atlantic seaboard. The abrogation of the treaty of 1854 has been regarded as injurious by practically all the students of our relations with Canada.

The next step in the history of reciprocity was under the McKinley Tariff Act of 1890. Under the McKinley Tariff Act of 1890 a series of treaties were framed with a view to securing larger markets and reciprocal trade with Brazil and other countries, the President being authorized—

to suspend by proclamation the provisions of the McKinley Tariff Act relating to the free introduction of sugar, molasses, coffee, tea, and hides, whenever he should be satisfied that the countries exporting such articles imposed upon the United States reciprocally unequal and unreasonable duties.

These treaties with South American countries, however, were regarded by the Democratic Party as sham reciprocity, pretending to establish closer trade relations and reciprocity in agricultural products chiefly, while the exorbitant and prohibitive tariff taxes upon manufactured articles were continued. The Democratic Party has been charged with an abandonment of its time-honored policy of reciprocity under the provisions of the Wilson bill. The provisions of the McKinley tariff law with reference to reciprocity were abrogated, but the Democratic theory was that the McKinley tariff law recognized the principle of retaliation, which was bad policy, and thereby countenanced the policy of other countries retaliating against our tariff duties.

The declaration in the Democratic platform of 1892 was directed against the pretense under which South American reciprocity had been worked up and against the failure to carry it further and against what had actually been done under the act. Then, too, the idea of retaliation in cases where reciprocity was not granted could not be regarded as consonant with Democratic principles in any view of the case. Such were the reasons given for the opposition to the reciprocity of the McKinley law by Democrats.

Mr. Wilson, chairman of the Committee on Ways and Means, in his report upon the Wilson tariff bill, said:

It is the purpose of the present bill to repeal section 3 of the McKinley Tariff Act of 1890, commonly, but most erroneously, called its reciprocity provision. This section has brought no appreciable advantage to American exporters. It is not in intention or effect a provision for reciprocity, but for retaliation.

In the Senate, debating the repeal of the reciprocity provision of the McKinley law, Senator Vest stated the Democratic position on the subject in very clear language:

The Democratic Party, as I understand its position, has never been opposed to these reciprocal commercial arrangements. They were commenced or advocated originally by Mr. Jefferson, the founder of our party. But we are opposed irrevocably to that portion of section 3 of the McKinley Act which gives to the President of the United States the power of retaliation against foreign countries.

The Democratic position with reference to the reciprocity provision of the McKinley law of 1890 is further shown by the following extract from the Democratic Campaign Text Book of 1892, which shows that Democrats, in the platform of 1892 and in the report of the committee and the debate upon the Wilson tariff law of 1894, opposed sham reciprocity with South America, but favored reciprocity with Canada. I quote from the campaign book as follows:

Why are the Republicans so anxious to develop trade with South America and so hostile to trade with Canada?

The reason that the Republicans give is that some eggs and a little hay and a few horses come over the line into the United States, and so they tell the farmers of this country that they must be protected against Canadian competition. Look first at our Canadian trade as a whole. From 1873 down to the present time Canada has bought of us more every year than we have bought of Canada by several million dollars. Since 1882 the smallest balance in our favor was more than eleven and a half million dollars, and in four of those years it has exceeded $19,000,000. In 1890, the year Mr. McKinley raised the fines imposed on people for the crime of dealing with Canada, our northern neighbor bought of us more than $61,000,000 worth, and we bought of her less than $40,000,000 worth. The balance of trade in our favor that year was $22,274,090, and in 1891 the balance in our favor was $19,905,523. The exports from this country to Canada in 1891 were worth more than all our exports to Mexico, Cuba, Brazil, Venezuela, Argentina, Chile, Colombia, Uruguay, Peru, and Ecuador put together.

Following the McKinley Act and the repeal of its provisions by the Wilson law came the Dingley tariff law, which provided, under sections 3 and 4, for the negotiation of reciprocity treaties. Section 3, however, like the reciprocity provision of the McKinley law, involved the same principle of retaliation, imposing duties upon certain articles, such as brandies, champagne, wines, paintings, coffee, tea, and so forth, and providing for suspension of such duties in the event reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States. Section 4 gave large authority to the President to negotiate trade agreements, both as to our agricultural products and manufactures. Under section 4 President McKinley appointed Mr. Kasson a special commissioner, and he negotiated treaties with the British and Danish colonies, Nicaragua and Ecuador and France. The French treaty applied to manufactures as well as agricultural products.

The United States was given the benefit of the French minimum tariff, and its ratification would have been of great benefit to the South and the whole country, but all these treaties were pigeonholed in the Senate on account of the opposition of New England interests.

RECIPROCITY A WISE POLICY.

Objection has been made to the reciprocity trade agreement with Canada upon the ground that either some special interest will be affected or because of some possible inequality in the trade, but, as stated by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] in this debate—

in making a reciprocal trade agreement it takes two to make a bargain, and the agreement must, from the necessity of the case, contain concessions on the part of each of the parties.

No trade agreement can be made without some concessions apart from the principle involved. If we lose some trade, we gain other trade, and it is impossible to obtain all we would like.

Canada is our second best customer. Why not make her our first best? It has been said the farmers of the country would be affected injuriously. I can not see how this can apply to southern farmers; it seems to me southern farmers would be benefited. The Secretary of Agriculture has pointed out, with great force, new markets for our cottonseed oil, for our fruit, and other advantages under the treaty.

With our enormous exportations of farm products, the price thereof being fixed in the markets of the world, a tariff upon farm products is a mere delusion. Everybody knows that the tariff upon raw cotton would be of no advantage to the American farmer, because we are exporters and the price is fixed in the Liverpool market. As with cotton, so it is with corn, wheat, and other farm products. We export to all the world, including Canada, and being exporters, no tariff between this country and Canada affects the prices of farm products, while certainly for the products I have mentioned of the southern farmer we obtain the Canadian market free. The duty of 2 cents per pound upon berries is removed by the treaty. The duty upon vegetables is abolished, and also the duty of 17½ per cent imposed by the Canadian tariff upon southern cottonseed oil.

I have obtained from the Department of Commerce and Labor the following figures showing the large amount of exports from this country to Canada and to all the world, which I insert as a part of my remarks:

Exports of principal agricultural and farm products from the United States during the year ended June 30, 1910, and amounts of such exports going to Canada.

Class.	Total exports from the United States.	Total exports to Canada.
Animals:		
Cattle	$12,200,154	$323,274
Horses	4,081,157	3,216,318
All other animals	1,100,424	547,970
Breadstuffs:		
Barley	3,052,527	83,575
Corn	25,427,993	4,048,006
Oats	794,367	5,603
Wheat	47,806,508	2,317,191
Wheat flour	47,621,467	295,866
All other breadstuffs	7,488,378	601,466
Cotton, unmanufactured	450,447,243	8,936,006

In the debate much has been said about the failure of the Democrats to vote for the motion of Representative DALZELL (Republican), of Pennsylvania, to recommit the bill so as to provide for free meats and other articles. Everyone knows, as was repeatedly stated in the debate, that the trade agreement with Canada must stand or fall as a whole. Any amendment would necessarily defeat the bill. In making a bargain containing mutual concessions we can only obtain the greatest good to the greatest number, the greatest benefit with the least injury.

The purpose of the Dalzell amendment is clearly shown by the statement made in the Washington Star, a Republican paper. It was a mere subterfuge intended to defeat the whole measure, which sham the Democratic Party opposed. The statement,

which I think gives a correct view of the purpose of the Dalzell amendment, is as follows:

Had not the Democrats voted solidly against the apparently innocent motion of Representative DALZELL last night to recommit the reciprocity treaty bill with the free trade amendment, the death knell of the treaty would have been sounded then and there. This interesting fact developed to-day when it was learned that negotiations between this Government and Canada had been undertaken with a view to admitting and exporting fresh meats free and that Canada had refused. Therefore, had the bill been recommitted and amended in the seemingly innocent particular suggested by the crafty DALZELL, it would have been the end of the McCall bill.

The Democrats in their caucus on reciprocity considered the fresh-meats amendment, which Representative SERENO PAYNE and others had in interviews declared to be a harmless and necessary amendment. PAYNE and DALZELL had cited the fact that without free meats the trade agreement was open to the criticism that its meat specifications helped the packers and the cattle barons, but did nothing for the consumer. When this point was reached in the caucus, and it was suggested that the Democrats might properly support such a motion to recommit, Representative OSCAR UNDERWOOD stated that the President had informed him that this matter had been taken up with Canada already and that Canada had refused.

It can readily be seen what would have happened to the treaty had the Democrats swallowed the Dalzell bait and the treaty been amended in this form.

CONCLUSION.

Whatever may be the ultimate effect of the trade agreement should it finally be passed by this Congress, let it be understood further that it is not final. It is not in the nature of a treaty such as our former treaty with Canada of 1854. It is mere legislation subject to amendment or repeal at any future time, and subject also to the concurrent action of the Canadian Parliament. Indorsed by the Democratic Party in caucus, a step in the right direction of lowering the tariff walls, although recognized as containing imperfections, it would have been an unwise policy, in the opinion of all the leaders of the Democratic Party, to reject it and not to accept it for what it is worth, because it is in line with tariff reform, decreasing to some extent at least the burdens upon the consumers of the country imposed by the Payne-Aldrich tariff law, which the people repudiated by an overwhelming majority in the fall elections of 1910.

Mr. HARRISON. Mr. Chairman, the Canadian reciprocity agreement is the greatest economic advance of our age. A century of freedom from war with Canada has almost obliterated the frontier line between us—a few years of commercial peace and good will will do the rest. Nature decreed that the currents of trade should flow back and forth from north to south, but with inconceivable stupidity man has tried to force those currents east and west along 3,000 miles of frontier. Rivers and mountains marked the trade routes from north to south, while politicians proclaimed that the laws of nature must be undone. We are now about to brush aside their foolish decrees.

Nothing has contributed more to the prosperity of the United States than freedom of trade between the States. Our neighbors from the north differ from us only in that they inhabit a less favored soil. They live the same lives we do, have the same ideals and ambitions, and were it not for the present tariff would be our closest friends. With the removal of this unnatural restraint commerce will leap forward with good will and enthusiasm both in Canada and the United States.

In tariff discussions experts are in the habit of depending too much on figures for their arguments, leaving out of account the human equation. This trade agreement will do more for the people of both countries than it is possible to calculate by arithmetic. The effect upon our mutual relations will be immense. We Americans are apt to assume that all nations take us at our own valuation of ourselves. That has not always been the case with Canada. Often she has looked upon us with anything but overwhelming affection.

The part in this aggravation caused by our clumsy and indefensible trade reprisals is enormous. If we remove these just grounds of complaint, the effect upon our relations with one another will be magical. Trade does not follow immutably the laws of economics. For instance, England will not buy of her near neighbor, Germany, when she can buy elsewhere, or, again, the Central Americans prefer the long trade route to Germany rather than the shorter one to us. Just so, Canadian commerce has not flourished as it should with its nearest neighbor on account of their suspicion of the Yankee. Upon the adoption of this proposed agreement we may expect an immediate increase in good will and in industrial activity on both sides of the line.

Members in this House may be heard to maintain that Canada receives more benefit from this agreement than does the United States. But gentlemen in Canada maintain with equal positiveness that the Yankee is getting the better of the trade. There are men in this country who even seem to resent the fact that Canada is to receive any benefit whatever from the arrangement. But what if it does increase the prosperity of Canada? Is she not already our second customer? Let us enable her to buy more and make her our first.

An explanation of the strenuous opposition to this bill of the gentleman from Michigan [Mr. FORDNEY] and of the gentleman from West Virginia [Mr. GAINES] is to be found in the complete interdependence of prohibitive tariff rates. These same gentlemen, for the same reason, will be found opposing with equal vigor a Democratic proposal to revise the tariff schedule by schedule instead of as an entirety. They recognize the fact that all defenders of prohibitive tariffs must hang together, or they will hang separately. The least breach in the wall will let in some light upon the subject, and is a menace to their long reign of economic conspiracy in the dark. Their course, however, does not commend itself to the country. Reform in our prohibitive tariff system is bound to come; at last the people are educated and will no longer tolerate the archaic stupidity of high tariffs? Why, then, do these "standpatters" refuse to yield an inch? Because they fear that the people will promptly take an ell? [Laughter.] They would be better advised if they could see, as we see, that the people are determined to have relief, and a wiser course on their part would be to yield a little in time rather than later on to lose all by opposition now.

The most respectable argument of the high protectionists has always been as to infant industries. There was a time in our history when that argument was entitled to consideration—not so to-day. The least respectable of their arguments, and that most mischievous in its results, has been in favor of protection of food products.

Representing, as I do, a city district in the most thickly populated area of the United States, my constituents, of course, are a unit for the passage of this bill. To them it brings a hope of a reduction of the high cost of living, so far as food is concerned. No great and immediate fall in the price of food is, however, to be expected in New York. The present importations from Canada of dairy products, eggs, and poultry are not large enough to effect any revolution in the prices of food here when admitted free. But gradually I expect to see the supply of those commodities, as well as of fish, greatly increased in the New York market; and with a large increase in the supply will come an inevitable drop in the market prices. Moreover, free trade in farm produce will prevent an attempt to corner the market on food. It will no longer be possible for a case-hardened speculator like Mr. Patten, of Chicago, to raise the price of bread to the poor. The Canadian supply would swamp his wheat corner in a moment.

Mr. BENNET of New York. Will my colleague from New York kindly yield for a question?

Mr. HARRISON. Certainly.

Mr. BENNET of New York. For the reason my colleague has just given, would my colleague vote for an amendment to put beef, mutton, lamb, pork, and all other refrigerated meats on the free list?

Mr. HARRISON. In answer to that question I will ask my colleague another question: If he were in the next Congress, and we were to put all those articles on a bill, as we expect to do, would he vote for it? [Laughter.]

Mr. BENNET of New York. I will answer the question of the gentleman by saying that I will vote for them in this Congress, because we are now both present. [Laughter.]

Mr. HARRISON. The gentleman may well feel free to say that, because if we did that the bill would be killed. Now, Mr. Chairman, I can not yield for a speech.

The CHAIRMAN. The gentleman from New York [Mr. HARRISON] has the floor.

Mr. HARRISON. Then, too, in times of agricultural depression here, a good crop in Canada may save the day. For example, in the event of a partial or total failure of the potato crop in Aroostook County, Me., or in Long Island, Canada might rush to the assistance of the people of our cities.

But the benefits to be expected by the consumers of our cities are too obvious to need any further discussion. It should be a matter of universal rejoicing that, at last, our stupid and indefensible economic system is to be reformed. [Applause on the Democratic side.]

The only concern in the minds of some gentlemen is the effect of this agreement upon the farmer and the fisherman. We hear complaints from representatives of granges that this law will ruin them; that they can not possibly compete with the much-dreaded Canadian. I am convinced that the great bulk of American farmers are afraid of no man—not even the Canadian. I am convinced that one Canadian farmer can not terrorize 12 American farmers when the facts are known. But it is not to be wondered at that some farmers are expressing alarm. It would be strange if they did not experience some apprehension

at the present moment. It would be, indeed, extraordinary if they did not feel indignant with the Republican Party, for which they have been voting all these years, now that the Republican Party has, to their way of thinking, stricken from around them the protective wall behind which they were comfortably ensconced. No wonder they now threaten to help the Democrats to pull down all other unholy and unnecessary duties on manufactured products; and I sincerely trust that they will. That is one of the most transcendent benefits to be expected from this legislation. But they will not turn tariff reformers for the reason they now assign; not for the purpose of "getting even" with Republican politicians; not because they are deprived of any protection, but because, in my judgment, they will soon discover that the whole agricultural schedule of the tariff, from A to Z, is a fake and always has been. They will not find themselves defenseless before the dreaded Canadian, but will discover to their amazement that Republican protection never protected them at all. And then, glory be, they will join with us in taking away prohibitive duties from all the other articles they use in everyday life. [Applause on the Democratic side.]

No wonder, indeed, that some farmers believe their existence depends upon the tariff, for a generation or more, in season and out of season, on the stump and off, on the rail fence and in the farmhouse, Republican agents of manufacturing interests have lectured them on the supposed advantages of their "protection," until at last some of them believe that the Canadian farmer is as much to be dreaded as the Huns and Vandals who swept down on imperial Rome and destroyed all civilization. But when our farmers find that their apprehensions were as empty air; when they find that they never received any protection whatever from the tariff, and that the United States, already the greatest granary the world has ever seen since the days of ancient Egypt, will be henceforth exporting to the formidable Canadian, then at last they will turn upon the false prophets of protection and help us to demolish their citadel—the high taxes on clothing and on manufactures.

Mr. GOULDEN. Mr. Chairman, will my colleague from New York yield?

Mr. HARRISON. Certainly.

Mr. GOULDEN. In connection with the feeling on the part of the Grangers and Patrons of Husbandry, it was my privilege on Saturday evening last to attend a large meeting of the Patrons of Husbandry, who at that time were contemplating taking action contrary to that which is intended to be taken by the House committee having the matter in charge. When they fully understood the matter they decided that the farmer would be benefited by this proposed agreement, and not injured.

Mr. HARRISON. I thank my colleague for the suggestion, and I have no doubt the Grangers everywhere in the United States a year hence will be grateful for our having placed this law on the statute book.

To such an extent have the farmers been humbugged by delusive protection that they have been blind to the real meaning of our enormous exportations of wheat, corn, cattle, and cotton. In an era of unexampled prosperity they have believed that the tariff did it all. They have not realized that their high prices for farm products have been due partly to their own skill, energy, and intelligence, partly to our soil and climate, and partly to the drift of our population from the farms to the cities—factors which will remain unchanged even with free trade with Canada.

At present Canada exports about one-fiftieth the amount of grains exported by us. In many other important items her exports are negligible in comparison with our own. Especially are her exports to the United States negligible in comparison in each item with our total consumption. But, of course, our imports from Canada will undoubtedly increase when the duty is taken off. But not, in my opinion, to the detriment of the American farmer. He can take care of himself in competition with his neighbor to the northward, and especially when our advantages of location nearer to the great consuming markets are considered.

I have not entered upon a statement of the positive advantages offered to American farmers by this agreement. The Secretary of Agriculture has already done so with great force. He has pointed out the new markets for our cottonseed oil, for our fruit; the advantages of importation of seeds and of free barbed wire; the boon of reduced taxation on agricultural instruments. Our farmers know that Secretary Wilson is on guard night and day to protect their interests. They can believe him when he tells them that this trade agreement will, taken as a whole, be of direct and great benefit to the American farmer.

Mr. MADISON. Will the gentleman yield for a question?

Mr. HARRISON. Certainly; yes.

Mr. MADISON. I would like to inquire if the gentleman can not inform us to what extent barbed wire is manufactured in Canada, and the possible importation of it into this country. I ask the question in good faith for the purpose of securing information.

Mr. HARRISON. I am sorry that I can not give the gentleman the exact figures, but all the products of that character sold in Canada under their patents must be manufactured there under their patent laws, and such matters as harvesting and reaping machinery, cream separators, and the like are all manufactured there. On all agricultural implements duties are reduced by this bill.

But I am asked, Do I believe in lowering the prices paid to the American farmer for his produce? Certainly not. The American farmer, with few exceptions, is not to-day receiving more than his due—in many cases less. And, taking into consideration the extortionate prices he pays to the tariff-protected industries for his clothing, his farm implements, his household furniture, and building materials, I think the farmer is and always has been the worst sufferer from the whole tariff system—a yoke he voluntarily helped to put upon his own neck.

Mr. LINDBERGH. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. HARRISON. I will yield just for a question.

Mr. LINDBERGH. Does the gentleman believe in putting a tariff of 50 cents a barrel on flour and taking the duty entirely off wheat?

Mr. HARRISON. I believe in taking the duty off flour also, but I will say as a Democrat that I am going to try to get all the relief I can from the Republican administration through this Canadian agreement, and then when we get into power we will offer you some of these bills to take the taxes off food and clothing. [Applause on the Democratic side.]

How, then, are we to reduce the price of food to the poor people of our cities without at the same time reducing the farmers' profits? I can best answer that by an illustration which appeared in the testimony recently taken before our committee. A representative of the farming interests of Jefferson County, N. Y., stated that the farmers of that section received to-day about 3 cents a quart for their milk, while the same milk usually sells in New York City for 9 cents a quart. The same story was told by the Representative of the Indiana farmer as to Indiana milk which sells in Chicago. The farmer is not making a fraction of a cent profit at 3 cents a quart, but the people of the East Side of New York can scarcely afford to buy his milk. No wonder the cost of living is high! The prices are held up by combinations of middle men who extort the last penny of the poor. To such a situation as that the Canadian markets will administer relief. If we can greatly increase our supply of food products we can fight at least on even terms with the middle man. Right here in the city of Washington such prices are exacted from the consumer by the butchers and grocers as would strike the farmers dumb with amazement. There is said to be a trust here among the provision men more tyrannical than the Pharaoh who cornered the corn market of old. Every city in our country has the like.

Before the Committee on Ways and Means the strongest opposition to this treaty came from the fishermen from Gloucester. That famous old port sent some of the bravest and the best of its sea captains down here to tell us that free fish from Canada would ruin their industry. To be sure, they were unable to state to the committee the price of fish in the Boston market and the price of fish in the provincial market from which they feared ruinous competition, but they were certain upon general protection principles that they would be ruined. Many of these captains are Canadians now; most of the crews are Canadians now; much of the business is also carried on by hiring Canadians on the banks to catch the fish for the American vessels—payment being made for the amount of fish caught instead of by the day's work.

Even if, to the few Americans engaged in this arduous occupation, competition should prove too much, we may surely be permitted to offset the inestimable boon of cheaper fish in all the markets of our North Atlantic coast. As for Gloucester, under a protective tariff on fish the industry is now on its last legs; on the other hand, during the last reciprocity treaty with Canada, under free fish, the Gloucester fishing fleet was three times the size it is to-day in a protected market. We may look forward with confidence to a renewal of the economic prosperity of Gloucester under free fish again. She is destined to become the greatest center of fish packing and distributing on our coast under this new era of unrestricted commerce. Should this

prophecy not be fulfilled, it will be because Boston has displaced Gloucester for causes entirely disconnected with Canada and Canadian tariffs.

At all events, the Gloucester fisherman is offered some inducements by this agreement in return for the free-fish privileges. The license tax exacted by the Canadian Government is reduced to merely nominal proportions, and, in apparent good faith, it is made to appear that the licenses will be continued indefinitely in the future.

The recent election, bringing about the first overthrow the Republicans have sustained in many years, was freighted with one great demand—the demand by the people of our congested cities to take the taxes off from food and clothing. In response to that mandate we are now taking the first step. From the east side of New York City a million voices are raised in appeal to you that you should make this bill a law. From every city of the East they cry out to you for relief. No tax is so dangerous as a tax upon the table of the poor. No tax is so indefensible as a levy upon the hunger of mankind. If it lies within our power, as I believe it now does, to bring relief to future generations who may feel the pinch of hunger and of want, every Member in either party, from every section of our country, should unite to make this a law. [Applause on the Democratic side.]

Now, Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. MARTIN of South Dakota. Before the gentleman takes his seat, will he permit me to ask him a question?

Mr. HARRISON. Yes.

Mr. MARTIN of South Dakota. He being a member of the Committee on Ways and Means, I desire to ask him this question on this subject. The bill is drawn in two parts, one referring to the items to be put upon the free list and the other to the items on which like rates are to be attached by the two Governments. I would like to ask the gentleman from New York and receive an answer from him as to whether it would not be entirely possible, if we were to pass this trade agreement, for the Canadian Parliament to accept this first provision as to the modification of rates in the first paragraph and refuse to accept the others, or vice versa?

Mr. HARRISON. No. I think the gentleman from South Dakota is entirely mistaken.

Mr. MARTIN of South Dakota. I think the reading of it will sustain the propriety of my suggestion.

Mr. A. MITCHELL PALMER. Mr. Chairman, in the consideration of a reciprocal trade agreement between the United States and any foreign country the discussion is very apt to lose sight of two important factors. First, that it takes two to make a bargain, and the agreement must, from the necessities of the case, contain concessions on the part of each of the contracting parties; and, second, that the bargain when made applies with equal force and effect and extends to every part of the countries affected.

It goes without saying that if the commissioners on the part of the Government of the United States had been able to draw the pending agreement without reference to the wishes, desires, or demands of the Canadian commissioners a different instrument would have resulted. And, similarly, the Canadian Government was unable to get everything it desired because of the conflicting demands presented by the representatives of the United States.

Again, while many features of the agreement reached by the parties will work injury, at least temporary, and possible injustice to some particular sections of each country, if the common good of the entire people of either country is subserved by the agreement as a whole, it is the part of statesmanship for the Government of the country so affected to disregard the local or sectional disadvantages and injuries and consider only the total net result of the contract.

It can serve no useful purpose, therefore, to dig into the details of the agreement and expose to view only those instances where our own Government was compelled to make concessions to the other party to the contract, or where, in the negotiation of the treaty, the particular interest of one section is submerged beneath the common benefit. A better judgment will be reached if we take a broad view of the contract and deal in general terms rather than with particular items, or consider only those articles produced or manufactured in the respective countries in which the trade between the United States and Canada is large and extensive, and treat as comparatively negligible quantities those articles in which the trade is small or uncertain.

Let us for a moment, then, take such a general view of the agreement. Nearly 600 articles are covered by the contract, and in a broad and general way the terms of the agreement made are comprised within this summary:

1. Reciprocal free lists on leading primary food products, such as wheat and other grains, dairy products, fresh fruits and vegetables, fish of all kinds, eggs and poultry, cattle, sheep, and other live animals.

2. Mutually reduced rates on secondary food products, such as fresh meats, canned meats, bacon and hams, lard and lard compounds, canned vegetables, flour, cereal preparations, and other foodstuffs partially manufactured.

3. Certain commodities now free in one country are to be made free by the other, such as cotton-seed oil by Canada and rough lumber by the United States. Print paper is to become free on the removal of all restrictions on the exportation of pulp wood.

4. Certain commodities now having different rates of duty are reduced by the country maintaining the larger rate to the lower rate. Thus plows, harvesters, thrashing machines, and drills are reduced by Canada to the United States rate, while Canada reduces the duty on coal to the United States rate of 45 cents a ton and the United States reduces the duty on iron ore to 10 cents per ton and lowers the rate on dressed lumber.

It should be noted that the United States already possesses a larger field in the markets of Canada than any other country, the Canadian imports from the United States for the fiscal year 1910 amounting to $223,501,809, out of a total of Canadian imports from all countries of $375,833,016, the nearest competitor of the United States being Great Britain, with a total of imports of $95,350,300.

On the other hand, the United States is not the principal market for Canadian exports, Great Britain exceeding the United States in the value of such imports from Canada by some $35,000,000. In the year mentioned Canada exported to the United States goods to the value of $104,199,675, and to Great Britain $139,482,945, these two countries receiving by far the larger amount of the Canadian exports, which totaled to all countries $279,247,551.

The proposed tariff agreement, referring, as it does, to something less than 600 articles, including all items mentioned or referred to, affected by the agreement, does not, of course, affect all of the trade between the two countries. The total value of articles imported into Canada from the United States affected by the proposed agreement is $47,827,959, only 20 per cent of the present total imports into Canada, while the total value of articles imported into the United States from Canada which will be affected by the proposed agreement is $47,333,158, or 48 per cent of the total value of Canadian imports into the United States. As the effect of all the changes in the tariff laws of the two countries which will be made when this agreement is put into force is in the nature of a reduction of duty and a lowering of the tariff wall, it must be apparent at once that, so far as that reduction will result in a decrease of prices to the ultimate consumer, the United States has the advantage in the arrangement, for the proportion of its imports affected by the agreement is approximately two and one-half times as great as the proportion of Canadian imports affected by it. The converse of the proposition must also be true, that, so far as the reduction of duties will decrease the profits of the American producer, the United States will be more seriously affected relatively than Canada.

It seems plain, therefore, that the agreement is of greater benefit to the great American consuming public than to the particular interests engaged in the production of the articles affected by the agreement. Every person in the country is a consumer and directly or indirectly affected by the proposed change. While it is also true that practically every person may be said to be in the producing class, it does not follow that every such person is affected either directly or indirectly by a change in the revenue laws covering so small a number of items.

Now, let us see what class of producers are most affected by the agreement, and in the discussion of this question we are bound to meet, even if we can not answer successfully, every objection urged against the bill. No consumer, unless he be also in the class of producer affected by the measure, is complaining against it, and, it seems to me, that even the producing classes, when the agreement is analyzed, will be shown to have no such serious cause of complaint, when considered as a whole, as a few of the affected interests by recent agitation have endeavored to make the country believe.

The articles included, under the agreement, imported into the United States from Canada—taking the year ended June 30, 1910, as a basis—to the value of more than $200,000, which now come under the free list, are:

Horses and mules, sheep, oats, dried pease, hay, fresh vegetables, berries, dairy products, flaxseed, grass seed, fish of all kinds, sawed lumber, gypsum, mica, asbestos, coke, pulp wood, and paper, the largest items, by far, being fish of all kinds and lumber, against the reduction of which, it seems to me, that the howls of the stricken lumber trust or the plaintive cries of the worshipers of Massachusetts' sacred cod should not prevail when contrasted with the welcoming shout of the home builder and home maker, to whom the comforts of life will be brought within nearer reach by this proposed legislation. [Applause.]

Articles included under the agreement imported into the United States from Canada on which there is a mutual reduction to a reciprocal rate, which exceed in value $200,000 annually, are wheat flour and bran. The articles included under the agreement imported into the United States from Canada, in which this country makes a special reduced tariff rate, exceeding in annual value the sum of $200,000, are aluminum, crude and manufactured, laths, shingles, sawed lumber, and coal, slack and culm.

Articles included under the agreement imported into Canada from the United States of the annual value of more than $200,000, which now go on the free list, are as follows:

Horses, maize (not for distillation), fresh vegetables, berries, dried fruits, cottonseed oil, clover and timothy seed, garden seeds, shelled oysters, sawed lumber, cream separators, galvanized iron or steel wire, typesetting machines, barbed fencing wire, coke, wire rods, and print paper.

Articles included under the agreement, imported into Canada from the United States in 1910, exceeding in value $200,000, in which there is a mutually reduced reciprocal rate, are as follows:

Bacon and hams, pork, lard, prepared cereal foods, bran, farm wagons and farm implements, portable engines, clocks, watches, etc., automobiles and their parts, fancy leather goods.

The only article imported into Canada from the United States on which Canada reduces her tariff to the American rate, exceeding in value $200,000, is coal.

Of all these, by far the largest item is coal, while other large items are maize, fresh vegetables, sawed lumber, manufactures of steel and iron and coke, dressed meats, lard, portable engines, and automobiles.

It will thus be seen that many manufactured articles, the product of the United States, will find a wider market with its consequent stimulant to business activity here; and while it may be possible that the Canadian market for farm products will be enlarged, increasing the competition of the American farmer in his home market, it is not so generally true of the articles which he produces as to be a serious injury to the farmer as a class. And whatever injury it may accomplish must sink into the realm of the negligible when contrasted with the benefit which will result to the great body of consumers.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. A. MITCHELL PALMER. Yes; I will yield.

Mr. MOORE of Pennsylvania. Does the gentleman assume that any injury would be done to the farmer by the ratification of this treaty?

Mr. A. MITCHELL PALMER. It is possible that particular farmers, engaged in particular lines, or raising particular products in some sections, might be seriously affected by it.

Mr. MOORE of Pennsylvania. If that is a fact, are we not giving something away that we might just as well hold for the benefit of the farmers of this country?

Mr. A. MITCHELL PALMER. You can not draw an agreement of this kind between the United States and any foreign country, making concessions on either side, which will be advantageous to every living soul in both countries. It is the common good that we must consider in every pact of this kind. [Applause.]

Mr. MOORE of Pennsylvania. Will my colleague yield for one more question?

Mr. A. MITCHELL PALMER. Yes.

Mr. MOORE of Pennsylvania. If it is the common good we seek to conserve by an agreement of this kind, and there is an injury to any section of the country or to any class of its citizens, would not that be a common injury?

Mr. A. MITCHELL PALMER. It certainly would not, according to my understanding of the word "common." We must consider all four corners of this country in writing a tariff agreement between this country and any other, and it might be very likely that it would be impossible to secure such concessions as would result in advantages to all our people everywhere.

Mr. MOORE of Pennsylvania. But if we reduce the purchasing power of the farmer, do we not also reduce the purchasing power of the man in the city?

Mr. A. MITCHELL PALMER. Oh, well, that is going into another excursion.

Mr. MOORE of Pennsylvania. I am speaking now of the common effect to which the gentleman is applying his remarks.

Mr. A. MITCHELL PALMER. I think I have answered the gentleman's inquiry. In many cases the agreement will be found to be a real benefit to the farmer. Take, as an instance, the item of fresh vegetables, and there are many others in the same situation. Canada in 1910 received of such vegetables from the United States $865,563 worth, while the United States received from Canada of the same general class of articles $682,455. In other words, despite the fact that the Canadian rate on these vegetables is higher than the American rate, nearly $200,000 more in value of such articles found their way from the United States into Canada than in the other direction. It must be perfectly plain that with the adjustment of these rates to a reciprocal basis, the Canadian field will be opened up more widely to the American producer, and if the Canadian can not, under the present tariffs, which are favorable to him, ship as many goods to the United States as we export to Canada, he certainly can not seriously compete in our market with the producer of these goods when the difference in rate is removed.

The same thing is true as to berries and dried fruits of all kinds, cottonseed oil, clover and timothy seed, all kinds of garden seeds, and shelled oysters. As to some of these articles, there is little or no production in Canada, and as to some others it is possible that the condition which I describe is caused by the difference in the seasons, the products of Canada coming to maturity later than those of the United States. Still, as these are conditions which will not be changed by the proposed agreement, it may safely be laid down as a general proposition that in all cases where there is mutual trade in the same general class of articles, and the rate heretofore has been more favorable to the Canadian exporter than to the United States exporter, but the balance of trade has been in favor of the United States, the reduction of the rates to a reciprocal rate will result in largely increasing that balance in favor of this country. While it is true that the market in this country is much larger than in Canada, the amount of Canadian exports will be fixed not alone by the consumption here, but by the production at home, and the relative production and consumption of the two countries can not and will not be changed by the present agreement. Consequently, we are bound to judge the future by the results of the past interchange of commodities between the two countries.

There are two methods of approaching the consideration of the proposed tariff agreement with Canada, and, according as we choose our path to that consideration, our conclusion will be for or against it. If we travel along the broad road, which is bounded by the common welfare of all the people of the United States, considering always the greatest good to the greatest number, we can not help but reach the conclusion that this bill should be enacted into law.

Mr. MARTIN of South Dakota. Would not the common good, for the whole country, suggest that if we are to have closer trade relations with Canada they ought to go all down the line, and not be confined to farm products, but be extended also to the products of manufacturers?

Mr. A. MITCHELL PALMER. The gentleman is one of those who fails to consider the agreement in the light of the fact that there are two parties to the contract, and that the interests of all the people of both countries must be considered in drawing it. If we had the drafting of it ourselves alone, we would not put anything into it that would hurt anybody in the United States.

Mr. MARTIN of South Dakota. I suppose Canada would not object to free meat products from the packing houses and free flour from the mills.

Mr. A. MITCHELL PALMER. I can not speak for Canada.

Mr. MARTIN of South Dakota. Would not those items be of considerable importance to the people of this country?

Mr. A. MITCHELL PALMER. I myself would not object, but would welcome such an interchange. If, on the other hand, we seek the narrow path which winds in and out amongst the selfish interests of the constituents of each particular Member, each of us can find somewhere in the bill some provision which can persuade our minds that some interest in our our own district may be injuriously affected, and if that be the controlling factor in our consideration of the bill we will be led to oppose it. Right here, by the way, is the difference between the operation of the Democratic theory of a tariff for revenue only and the Republican doctrine of a tariff for protection. The one considers first the needs of the Government and then the welfare of all the people; the other considers the needs of the protected industries of the country and then the prosperity of particular

sections and classes of the people. In this fundamental distinction is found the reason for the practical unanimity of the Democratic Party in this House in favor of the bill and the wide divisions of the Republican majority, some of whom, where the interests of their own districts are little affected, give it a half-hearted support, while others, with eyes that see not beyond the voters at home, refuse to lend it their aid.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. A. MITCHELL PALMER. I will.

Mr. MOORE of Pennsylvania. The gentleman has distinguished between the Republican policy of protection and the policy in which he believes—a tariff for revenue only. The gentleman has made an eloquent address which pertains to the treaty or agreement which proposes to reduce the revenues of the United States in its commercial dealings with Canada. I would like to ask the gentleman how he harmonizes his proposed tariff for revenue with the proposition to establish free trade with a neighboring country, by which we will receive no tariff.

Mr. A. MITCHELL PALMER. The Democratic doctrine of a tariff for revenue does not necessarily, as we on this side understand it, mean that there must be a tariff levied on every article that will raise revenue, or raise the most revenue; but we make the necessities of life, under the authority of precedents of Democrats for 75 years, an exception to the proposition that imports must raise revenue. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Do I understand it to be the policy of the gentleman and his party to levy duty upon a certain class of articles sufficient to conduct this Government?

Mr. A. MITCHELL PALMER. We propose to levy such customs duties as will raise as much at least—and, I may say, unquestionably more—than the Republican Party, through its present tariff law, has been able to raise.

Mr. MOORE of Pennsylvania. To that extent the gentleman is a protectionist.

Mr. A. MITCHELL PALMER. I am not a protectionist to any extent, and the gentleman from Pennsylvania knows it perfectly well.

Mr. MOORE of Pennsylvania. If the tariff is removed to the extent the gentleman suggests, how does he propose to raise sufficient revenue to run the Government?

Mr. A. MITCHELL PALMER. The gentleman makes a most fundamental mistake that many people throughout the country with less intelligence than he also make, and that is that it does not mean necessarily that by writing a high tariff law you increase the revenue, but probably the contrary is true, and can be proven to be true. We can write a law revising the entire tariff from A to Z, reducing the tariff in many important particulars, and raise 75 per cent more revenue than the Republicans raise under the present law. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Then the gentleman is a tariff man.

Mr. A. MITCHELL PALMER. The Member of Congress who considers his personal political fortunes above his country's good will vote against this bill; and, though he may be persuaded that he does it out of deference to the selfish wishes of the people of the particular district which he represents, he knows in his heart that such a reason would not be sufficient for him to oppose the general benefit if his own fortunes were not involved in the issue.

On the other hand, the man who will disregard the cries for continued favors from some of the people amongst his own constituency and listen to the demands of the country as a whole for relief from the effects of obnoxious tariff legislation will vote for the bill.

Men still remark upon the growth and development of the attributes of the statesmen in the last years of the life of President McKinley. Though the author of the bill which made him known as the foremost champion of the protective theory, and caused the beneficiaries of his law to hail him as the advance agent of their prosperity, his last message to the American people, when standing almost within the shadow of the crime which removed him from the scene of earthly activities, indicated a developing breadth of view that marked him as a statesman. If the same development in statesmanlike qualities had obtained in those who followed him in the direction of his party's economic policy his last advice in his Buffalo speech would have been crystalized into law before 10 years had passed from the time of its utterance. Listen to his words:

> A system which provides a mutual exchange of commodities—a mutual exchange—is manifestly essential to the continued and healthful growth of our export trade.
>
> We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor.
>
> Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.
>
> If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

The present Executive in his last official deliverance in respect to tariff legislation, the message transmitting the trade agreement to Congress, rises nearer to the broad heights of statesmanship in advocating its passage than has any other Republican leader in the past decade. His words sound like an echo of the last speech of McKinley, when he says:

> The guiding motive in seeking adjustment of trade relations between two countries so situated geographically should be to give play to productive forces as far as practicable, regardless of political boundaries. While equivalency should be sought in an arrangement of this character, an exact balance of financial gain is neither imperative nor attainable. No yardstick can measure the benefits to the two peoples of this freer commercial intercourse and no trade agreement should be judged wholly by customhouse statistics.

I desire to advert for a moment to what we might call the political aspect of the situation, which is presented by this proposed legislation. The agreement was of necessity negotiated by the executive branch of the Government, and it was only after it had been agreed to by the commissioners, acting for the respective Governments, that its contents became known by Members of Congress. Whether it be from pride of parentage or from an honest desire to relieve the people from some of the oppressive burdens of the Payne-Aldrich law, the President seems sincerely interested in the enactment of a law to carry the treaty into effect, and if current reports are to be believed strong intimations have come from the Executive that unless the present Congress enacts this law an extraordinary session of the Sixty-second Congress will be called, to which the treaty will be again submitted. While this is doubtless intended as an argument for the passage of the bill, I am bound to say that if I thought the President would go as far as the newspaper intimations indicate I would welcome the failure of the bill at this time. [Applause on the Democratic side.] Strong as we are on this side of the Chamber for reciprocity with Canada along the lines of the proposed agreement, and sincere as we are in favor of the passage of the McCall bill to carry it into effect, the postponement of its passage would not be an unmixed evil if it brought with it an earlier opportunity than would otherwise be presented to Congress to make sweeping and drastic changes in many of the schedules of the Payne-Aldrich law. [Applause on the Democratic side.] We welcome this bill as a step in the right direction [applause], and we are prepared to vote for it on that account; but we should welcome also the opportunity which an extraordinary session of the next Congress would present of stretching out that step in the same direction until it reaches nearer to the goal of our desires. If ever there was an election result the meaning of which could be read with accuracy it was that of the election of 1910. The people spoke in no uncertain tones for a thorough revision of the recently enacted tariff law, and nothing but the limitations of the law, or the refusal of the President to bow to the popular will, which will keep the next Congress chafing at the bit until December, prevents the Democratic Party from going as far as their power permits to enact the people's will into the statute law of the land. [Applause on the Democratic side.]

Some members of our own party have hesitated to support this measure, because it comes from a Republican source, and some comment has been heard in the country to the effect that the Democratic Party in the House, by falling in line for a Republican measure of this sort, has made itself only the tail to the Republican kite.

In the first place, I am not at all sure it is a Republican measure. It has reached its present stage only because its sponsors were forced to take some action in answer to the popular demand expressed at the last election in the return of a Democratic Congress. It is a belated acknowledgment of the disappointment of the country in the Payne bill. It is a forced confession that that law did not and will not accomplish the purposes which a clear majority of the American people demand, and it is hoped that the present proposition may prove a stopgap between the law, which the Republican Party wants but dares not defend, and the Democratic law, which the people want and their representatives will enact. [Applause on the Democratic side.] As far as I am concerned, I do not consider the beginning of tariff legislation. I prefer to consider its end.

Wherever such legislation comes from, if I can square it with the creed of my party, as I understand it, I shall support it, and if I can not, whether it comes from Democratic or Republican sources, I shall oppose it.

Mr. FASSETT. Will the gentleman yield?

Mr. A. MITCHELL PALMER. Certainly.

Mr. FASSETT. If I understand the gentleman's proposition, it is that this treaty or compact or proposed legislation does, so far as it can, square with Democratic doctrine.

Mr. A. MITCHELL PALMER. I have said that it is a step in the right direction, in the direction we want to travel. [Applause.]

If the critics of the Democratic position would for a moment leave the agreement itself out of consideration and consider only the concrete piece of legislation with which we are called upon to deal, their criticism would answer itself. We are considering a tariff bill introduced by the gentleman from Massachusetts and which, though entitled "A bill to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," might well be entitled "A bill to reduce many of the duties levied under the act of August 6, 1909;" that law we have condemned in every gathering of the people between the seas. [Applause on the Democratic side.] In language strong and vehement, but with strict regard for truth, we have pronounced it the worst piece of tariff legislation in the history of the country. [Applause on the Democratic side.] The people have no less vehemently responded. Intrusted with the power to amend it so as to make some of its provisions less obnoxious, and confronting the opportunity to write our denunciations into practicable results on the statute books, every consideration of honor and honesty requires that we shall not flinch. In the next Congress we would pass this law as a matter of course, but we would also pass other tariff legislation accomplishing a general reduction of the duties levied under the act of 1909, which would apply the acid test to the protestations of certain factions of the Republican Party, whose members have been clamoring in voices that have stirred the country for a reduction of tariff taxes, and would put the same test on the good faith of certain declarations of the President himself, whose criticism of some of the schedules of the Payne law has been more mild than our own, only because restrained to some extent by his responsibility for it. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 32473) for the relief of the sufferers from famine in China, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. DALZELL. Mr. Chairman, I now yield 15 minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Chairman, this Republican House of Representatives may, with Democratic assistance, pass this bill in haste; but, if so, it will repent it at its leisure. It is scarcely 18 days, including Sundays, since this message was sent to the House for consideration and referred to the Committee on Ways and Means. I have read the various hearings, if they can be called such, had before that body, and I think it is safe to say that never in the history of tariff or kindred legislation has any bill of like magnitude and involving so important commercial policies to this country been disposed of with such unseemly haste and almost total lack of investigation of the fundamental principles involved and with such lack of information to assist Members in reaching a conclusion as to whether or not from the standpoint of the good of the entire country this legislation ought to be indorsed. The fact has been brought out here, and the hearings will show, that not a single person on behalf of the administration in any way engaged in the preparation of this so-called tentative agreement has been called to testify as to its various provisions, and that no one in behalf of the administration has explained why certain concessions were made and certain others were not demanded.

Other evidences of inadequate consideration have been apparent in this preliminary discussion to-day, when it has been made to appear that thus far no member of the Ways and Means Committee has undertaken to inform this Committee of the Whole as to the meaning of some vital and important provisions or explain what would be the effect of having them in the law. I asked the gentleman from New York [Mr. HARRISON] when he was reading for the edification of this committee from a prepared document in the form of remarks, whether or not if we passed this bill it would not be entirely optional with the Canadian Parliament to accept the provisions by which we propose to put certain articles on the free list and take no action on the other schedule, and whether the effect of that would not be inevitably to place those articles upon the free list and make no reduction whatever in the lists which are still to retain some tariff, and he pooh-poohed the idea and said it was impossible. Yet, I challenge any lawyer of this House on either side of the Chamber to read the bill and undertake to defend the conclusion reached by the gentleman from New York, a member of the Ways and Means Committee. It is absolutely optional, if we pass this bill in its present form, for Canada to accept the free-trade provisions and take no action whatever upon the other schedules. Upon page 15 begins the legislation regarding articles to be placed upon the free list, and it provides that the articles mentioned in the following paragraphs—

The growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States—

shall be exempt from duty; and then there follows the free list as set forth in Exhibit A in the President's message to this body. Upon page 20 occurs the proviso under which these articles are to be put upon the free list:

Provided, That the articles above enumerated, the growth, product, or manufacture of the Dominion of Canada shall be exempt from duty when the President of the United States shall have satisfactory evidence and shall make proclamation that the following articles, the growth, product, or manufacture of the United States or any of its possessions are admitted into the Dominion of Canada free of duty.

And then follows merely a repetition of the free list, and all that is necessary for Canada to get the full benefit of importing her food and other products that are placed on the free list into this country, without taking any action whatever on the proposed tariff items, is simply to legislate admitting the same articles free of duty when imported from the United States into Canada. Likewise with the items that are to be subjected to certain reductions, beginning on page 1 of this bill, there is no condition attached as to when these reductions shall take effect, other than that they shall go into effect when the President shall make proclamation that the Canadian Government has made the same reductions on these articles in the Canadian tariff.

There is nothing in this bill that says that Canada shall not accept a part of this agreement and not accept the rest, and if we pass the bill in that form inevitably the option is with the Canadian Parliament to accept one half of this proposition and ignore the other half.

The further fact that this bill has not been sufficiently digested has, I think, been demonstrated to this House when questions have been asked members of the Committee on Ways and Means as to the wood-pulp proposition. No one has undertaken to explain what would be the effect of this amendment that the committee has made.

We are led to believe that this tentative agreement is a sacred document not to be amended, and yet the Committee on Ways and Means has seen fit to offer an amendment upon the wood pulp and print paper provision, and yet no member of the Ways and Means Committee has undertaken to suggest—and I very much doubt whether one will—or to explain to this House what will be the effect of the amendment proposed on trade relations in wood pulp and print paper between these two countries. That task is left to our honored friend from Illinois [Mr. MANN], whom we all concede is an expert upon this subject, but I think that any man who will read and study this question will at least see some very inequitable provisions in it.

The truth is the newspaper fraternity are to be handed a "gold brick" in this wood pulp and print paper proposition. It sounds loud, but when analyzed it contains no substantial concession to the consumers of wood pulp or print paper in the United States.

Mr. POINDEXTER. Will the gentleman from South Dakota permit me one question?

Mr. MARTIN of South Dakota. I will yield for one question. I would like to yield for many, but I have but 15 minutes and I am admonished that already 10 minutes of that time has elapsed.

Mr. POINDEXTER. Adverting to the paragraph on page 20 of the bill, is not it true that if this bill is enacted into law in its present form every article mentioned in the bill, both those provided in the free list and those upon which the tariff is reduced, will be admitted in this country free of duty whenever Canada adopts the free list provided in the latter portion of the bill?

Mr. MARTIN of South Dakota. I have already stated—no, the free list will be admitted into this country whenever Canada accepts our free list and the tariff list will be admitted into this country when Canada adopts a like tariff list.

Mr. POINDEXTER. How does the gentleman escape the conclusion from this language?

Provided, That the articles above enumerated, the growth, product, or manufacture of the Dominion of Canada, shall be exempt from duty.

That includes every article in the bill from the first page down to the twentieth—"the articles above enumerated."

Mr. MARTIN of South Dakota. Because that is simply a proviso as to the free-list section of the bill, beginning on page 15.

Mr. POINDEXTER. It does not say so.

Mr. MARTIN of South Dakota. There are two provisions. There is a list of the tariff items in the bill further back, beginning on page 1. The gentleman will find that absolutely correct.

Mr. POINDEXTER. I do not think so.

Mr. MARTIN of South Dakota. Now, I oppose this bill in this form, and in doing so I want it distinctly understood I am not one who is not in favor of Canadian reciprocity. I believe in the protective principle, but I believe in a lowering of the duties also to a point which represents the difference in cost in production at home and abroad. As Republicans we have for the first time in our national platform, three years ago, given a scientific definition as to what ought to be the extent of the application of the American protective principle in this language, practically—the difference in cost of production here and elsewhere, with a fair profit added. I oppose this legislation because we are not informed, and no effort has been made to inform us as to whether any item of this bill measures up to this Republican standard, the standard we seek to apply. It seems to me, as I look this over, that there is evidence that everything that Canada wants from this proposed trade arrangement she had obtained. If there is anything which she desired that has not been yielded to her, it is not apparent. There are certain things we very much need in this country, and one of them is free wood pulp absolutely. We were given in the Payne tariff bill free wood pulp from wood cut on private lands.

We get nothing more as to wood pulp in this proposed agreement if it should be passed. We very much need free wood pulp from the Crown lands and public lands owned by the Provinces. That must be the main source of supply. Canada very discreetly and shrewdly suggests that they have no control over that, and that they have neither desire nor power to change the policies of the Provinces upon that subject. If these Provinces see fit to give what we so much desire, that might be done, otherwise not. We should withhold our concessions until we can obtain this concession and others that would be a real gain in our commercial relations. It is like the barley schedule and the wheat schedule, where our representatives, if we could find who they are, might with the same propriety have said, "We will consent to free wheat and free barley introduced into this country whenever North Dakota and South Dakota and Minnesota consent to it, but we have neither desire nor power to force them to do so." In other words, we are obtaining nothing from this bill that has yet been pointed out and nothing I have been able to find of practical advantage to this country in our trade relations. I oppose it, furthermore, because it is class legislation. It is only another one of those tendencies which would place further special privileges in the hands of intermediaries between the producer and the consumer of our food products. If the champions of this bill think that 10,000,000 farmers in these United States are not smart enough to discover the iniquity of this measure and are not bold and independent enough to assert themselves upon this subject, they have something coming in the way of a revelation. A great deal has already been heard in the last few days. I oppose any legislation which undertakes to place the products of the farmer upon the free list, and the moment they get out of his hands into the hands of the packer, or miller, or tanner, would place a liberal protection upon them, so that the farmer, himself, if he wants to buy some of his own products in changed form for his own consumption, must first pay a price increased by a protective tariff.

My Republican friends, if we adopt this, it is the beginning of the end of the Republican doctrine of protection to American industries [applause on the Republican side], and it will be the end unless we have another political revolution that shall follow the Democratic tariff revision like the revolution following the Wilson-Gorman Tariff Act. [Applause on the Republican side.]

We can upon no industrial or commercial principle justify the placing of the products of the farmer upon the free list, leaving him an absolutely free-trade market in which to sell the products of his own hands and toil, and then force him into a protective market for practically everything he must buy. A policy so manifestly unfair will not withstand the test of time and will rise up to embarrass whatever political party may be responsible for this injustice. [Applause.]

The ultimate consumer is likely to be disappointed with the results of this legislation. The farmer will be forced to sell his products at reduced rates, but very little of the reduction will filter through to the consumer. We reduced print paper $2.25 per ton in the Payne Act, but the paper companies appropriated the reduction and print paper is higher to the newspapers than it was before the tariff reduction was made.

Secretary Wilson has made a thorough investigation of the cost of food supplies and reports that the farmer is receiving only a fair profit on his investment, but that the middle men and corporations handling the food supply add, on the average, about 50 per cent to the original cost. The intermediaries are well organized and ready to take over to themselves any reduction on the first cost of farm products that may come by reason of free trade in these articles with Canada.

I am not unfriendly to genuine reciprocity with Canada. I have often said that I would like to see Canada annexed to the United States. Her people and our own are of kindred blood and have a common history and common ideals. I should like to see much closer trade relations with our northern neighbor. Indeed, I am willing to take up our tariff wall altogether and place it down on the northern boundary of Canada. But when we commence on this policy we must go all the way down the line, treating all American industries alike. Reciprocity with Canada must not be purchased at the cost of reciprocity in the United States. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7252) granting an annuity to John R. Kissinger.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.; and

H. R. 31860. An act permitting the building of a wagon and trolley car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bills of the following titles:

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. DALZELL. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Mr. Chairman, I want to submit an observation or two upon this proposition, not as respects its specific details, but as concerns its general aspects. I am not unaware that any opposition that may be interposed to this bill will be

unavailing, but I should be recreant to the great party with which I have been affiliated all my life, and faithless to the great constituency which has commissioned me to represent it on this floor, if I remained silent at this hour. It requires no prophet's vision to discern that this measure is to receive favorable consideration in this House. It is supported by a minority of Republicans who appear anxious to imitate the Democratic Party [applause on the Republican side], and by a majority of Democrats who are determined to destroy the Republican Party. [Applause on the Republican side.] That coalition, as incongruous as it is mischievous, is too powerful to be overthrown. But, Mr. Chairman, I protest against this bill not alone because it is unfair, unjust, and inequitable, but because its enactment marks the beginning of the end of the policy of protection to American industry. [Applause on the Democratic side.] That policy is the policy advanced by Lincoln, expounded by Blaine, and defended by McKinley. It is so distinctively a Republican policy that if our party does not represent the principle upon which it is bottomed that party has no excuse for continued existence in the United States. [Applause on the Republican side.]

It is a policy which has encountered violent enemies always, but always it has commanded devoted defenders. It is a policy which is now reviled by the false testimony of foes and compromised by the faint praise of friends, but I believe it is still worthy of allegiance, no matter how severely it may be attacked from without nor how supinely it may be abandoned from within. It is a policy which has vindicated itself in the history of the Republic. It is a policy under which our country in 50 years has increased from 30,000,000 to 90,000,000 in population and from eighteen billions to two hundred billions in wealth. It is a policy under which agriculture has expanded from six hundred millions to nine billions, mining from one hundred millions to three billions, and manufactures from two billions to thirty billions. It is a policy under which our people have attained to a prosperity, a contentment, a happiness unprecedented in the annals of mankind. It is a policy which has scattered its manifold blessings with undiminished prodigality upon producer and consumer, upon wageworker and capitalist. It is a policy under which this Nation has progressed from the obscurity of a subordinate power to the ascendancy of premiership among the commonwealths of the world. [Applause on the Republican side.] I do not incline to observe its assassination without proclaiming its merits, nor to attend its obsequies without delivering its eulogy. I entreat, therefore, the indulgence of the House for a moment while I announce my objections to the pending proposition.

This bill proposes in our relations with Canada to transfer to the free list substantially all the products of the American farm, and I protest against that program as a flagrant discrimination against the homesteads of the Mississippi Valley. We are assured by the report which accompanies this measure that the conditions of all production in the northern Dominion are not materially different from those which obtain in this country. I refuse assent to that doctrine; but if it be true, why has not the reciprocal arrangement herein provided been extended to include manufactures as well? Why has agriculture alone been selected for sacrifice?

True, if our benevolent solicitude embraces the entire Occidental Hemisphere, we may be sustained by the obvious satisfaction which prevails beyond our northern boundary. The Canadian press does not affect to conceal its exultation. I read from the Manitoba Free Press:

> The results of the prolonged negotiations between the Canadian and American Governments are now before the people. The scope of the changes which have been agreed to is undoubtedly wider than had been anticipated. While in a matter of so much moment hurried judgments may call for revision, it may be said, we think, that the people of Canada as a whole will be well satisfied with the conclusions which have been reached.
>
> The outstanding feature of the tariff is the complete reciprocity in farm products. This will undoubtedly be popular with the farmers both of the east and of the west. The good times in the eastern Provinces during the life of the Elgin treaty are a matter of tradition, and there is no doubt that the opening of the markets of the great American cities to the products of the eastern farms will be acceptable and profitable to the eastern farmer. In the west free wheat and free access to the Chicago market for his cattle will undoubtedly appeal very strongly to the cultivator of the soil.

The Ontario Advertizer has not been altogether satisfied with us in the past, but after characterizing the treaty as "the Canadian farmers' triumph," it authorizes us to congratulate ourselves that all is now forgiven. It says:

> This treaty agreement is a complete reversal of the normal attitude of the United States for nearly half a century. Except during the brief periods of Cleveland's ascendancy, the policy of the country since the Civil War has been one of stiff-necked protectionism, with a particularly forbidding front toward Canada. Probably no persons have been more surprised at the change than the Canadian negotiators. They could scarcely have expected such liberality when they set out for Washington.

But everywhere the farmers of the United States understand that their welfare is threatened by this inequitable agreement, and everywhere they are condemning without reservation the contemplated betrayal of their interests. Last week in Columbus, Ohio, after listening to a most elaborate argument in its favor from the highest possible authority, the Corn Growers' Association unanimously adopted this resolution:

> We doubt the wisdom of throwing open unreservedly our ports to Canadian farm products. By so doing the American farmer will be unable to obtain a fair compensation for the time and labor which he invests in his business, and we recommend that no action be taken by our National Government that shall be detrimental to his interest.

Throughout the country, from Pennsylvania to Colorado and from Minnesota to Arkansas, similar demonstrations of disapproval are reported. And why not? The agricultural interest is the most important of any in the industrial community and the most susceptible to injury by a retrograde movement toward free trade. The farmers remember with painful distinctness the dreary period from 1893 to 1897, when, under the blight of a revenue tariff, capital was out of investment, labor out of employment, and everybody out of everything but trouble. They have not forgotten that melancholy epoch when insolvent banks, silent factories, prostrate enterprises, idle workingmen, and starving children furnished indisputable evidence that the administration of the Government was under Democratic control. And they are not eager for a repetition of the experience. They have heretofore supposed that they are entitled to consideration in the formulation of tariff schedules. Our last national platform declared:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference in cost of production at home and abroad, together with a reasonable profit to American industries.

I venture to inquire of the bipartisan combination which is responsible for this bill whether in its preparation this test was applied or this rule observed? If so, detailed explanations will be gratefully entertained. The farmers and stock raisers and meat producers of the West will be delighted to be initiated into the mysteries of that system of mathematics which will enable them to continue occupying land worth a hundred dollars an acre and employing labor at $2 a day in competition with their Canadian neighbors occupying land worth $45 an acre and employing labor at $1 a day. If this sagacious committee can advise us by what miracle of financial legerdemain they expect us to overcome this inequality, we shall acknowledge our obligation with appropriate humility.

But it is contended that the departure to which we are invited is a "farsighted policy," that "no yardstick" should be resorted to in measuring its benefits or injuries, and that our party is committed to the principle of reciprocity. I find two declarations upon the subject of reciprocity in recent national platforms, but neither justifies the agreement which we are now considering. In 1900 we said:

> We favor the associated polity of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.
>
> We have extended widely our foreign markets, and we believe in the adoption of all practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

That, Mr. Chairman, is the character of reciprocity which was espoused by Blaine, indorsed by McKinley, and to which the Republican party is committed—a reciprocity on "what we do not ourselves produce, which can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry." But the measure we are discussing will not result in establishing profitable reciprocity, it will eventuate in the introduction of absolute free trade. It is enjoying unusual popularity among our Democratic friends because they recognize in its adoption the first step in the complete overthrow of the settled policy of protection as it has been developed for half a century.

Has it occurred to you, Mr. Chairman, that we have fallen upon parlous times when a tariff measure is submitted to a Republican House with the enthusiastic approbation of all the prominent Democrats on the floor? I am a protectionist of the old school. Shall I accept this new leadership when I am convinced that it will involve my country in industrial paralysis and my party in political disaster?

In this controversy I assume to represent some thousands of farmers in the sixth congressional district of Iowa, and I agree that they with their fellows will be the principal sufferers if this legislation is enacted. But I warn the gentlemen from Massachusetts that in imperiling our prosperity they are destroying their own. We have never complained of a reasonable tariff upon what they make when we have been allowed as reasonable a tariff upon what we grow. We recognize that unless

their factories employ labor steadily at remunerative wages the profit of our market is reduced, and we cheerfully concede them duties on what they manufacture, measuring the difference between productive cost at home and abroad. Moreover, we maintain that if the policy of protection is to continue in this country, there must be a consistent mutuality in the advantages which it confers. We do not object to a necessary tariff on what we buy if we are guaranteed a moderate tariff on what we sell. But I serve notice now that the people for whom I speak, people as intelligent, as patriotic, as progressive as any beneath the stars and stripes, will never tolerate duties on everything they consume while denied duties on everything they produce.

I appeal from the provincial sectional selfishness which insists upon discriminating against a single interest to the comprehensive national sentiment which demands the conservation of every interest. [Loud applause.]

Mr. McCALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOOD of New Jersey, for five days, on account of sickness.

To Mr. SMITH of Michigan, indefinitely, on account of sickness.

To Mr. ALLEN, for one week, on account of sickness.

To Mr. MOORE of Texas, for 10 days, on account of important business.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The SPEAKER laid before the House, with Senate amendments, the bill H. R. 30571, an act permitting the building of a dam across Rock River at Lyndon, Ill.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House do concur in the Senate amendments.

The Senate amendments were agreed to.

A similar House bill was ordered to be laid on the table.

DAM ACROSS MISSISSIPPI RIVER AT SAUK RAPIDS, MINN.

The SPEAKER laid before the House the bill S. 10757, an act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.

The bill was read in full.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar bill on the House Calendar was ordered laid on the table.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

The SPEAKER also laid before the House the bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The bill was read in full.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar bill on the House Calendar was ordered laid upon the table.

INCOME TAX.

The SPEAKER laid before the House the following communication from the State of Nebraska touching the income-tax amendment, which, without objection, was ordered to be printed in the RECORD and Journal without being read:

House roll 55.

A bill for a joint and concurrent resolution ratifying the proposed amendment to the Constitution of the United States, relating to taxes on incomes, said amendment having passed both Houses of the Sixty-first Congress of the United States of America with the necessary two-thirds majority.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely—

"'ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.'"

Therefore

Be it enacted and resolved by the Legislature of the State of Nebraska, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Nebraska.

SEC. 2. *Be it further resolved*, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

JOHN KUHL,
Speaker of House of Representatives.

Attest:

HENRY C. RICHMOND,
Chief Clerk of House of Representatives.

M. R. HOPEWELL,
President of Senate.

Attest:

WM. H. SMITH,
Secretary of Senate.

Approved, 1911.

CHESTER H. ALDRICH, *Governor.*

STATE OF NEBRASKA, *ss:*

I, Henry C. Richmond, chief clerk house of representatives, hereby certify that the within bill originated in the house and passed the legislature on the 9th day of February, 1911.

HENRY C. RICHMOND,
Chief Clerk House of Representatives.

STATE OF NEBRASKA,
OFFICE OF SECRETARY OF STATE.

I, Addison Wait, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the annexed copy of house roll No. 55, enacted and passed by the thirty-second session of the Legislature of the State of Nebraska, with the enrolled bill on file in this office, and that the same is a true and correct copy of said house roll No. 55.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Nebraska.

Done at Lincoln this 11th day of February, in the year of our Lord 1911, of the independence of the United States the one hundred and thirty-fourth, and of this State the forty-third.

[SEAL.] ADDISON WAIT, *Secretary of State.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7648. An act for the relief of Charles J. Smith; to the Committee on Military Affairs.

S. 8008. An act authorizing the Secretary of the Interior to permit the Denison Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, and for other purposes; to the Committee on Indian Affairs.

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by; to the Committee on Interstate and Foreign Commerce.

S. 10177. An act to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 10210. An act to direct the construction of a lighthouse and its maintenance near Orford Reef, off Cape Blanco, Oreg.; to the Committee on Interstate and Foreign Commerce.

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 865. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased; to the Committee on Claims.

S. 6550. An act for the relief of Rittenhouse Moore; to the Committee on Claims.

S. 10257. An act establishing a light and fog-signal station at Portage River Pierhead, Mich.; to the Committee on Interstate and Foreign Commerce.

S. 10256. An act establishing a light and fog-signal station on Michigan Island, Lake Superior; to the Committee on Interstate and Foreign Commerce.

S. 10141. An act to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on Claims.

S. 9970. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah; to the Committee on Ways and Means.

S. 10025. An act for a fog signal and keeper's quarters at the Trinidad Head Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 10023. An act for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 10022. An act for establishing aids to navigation on the Yukon River, Alaska; to the Committee on Interstate and Foreign Commerce.

S. 10008. An act for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 10017. An act for a flashing light, a fog signal, and a keeper's dwelling at the Santa Barbara Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 10010. An act for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 10012. An act for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Morrowstone Point and Slip Point, Puget Sound, Wash.; to the Committee on Interstate and Foreign Commerce.

S. 1882. An act for the relief of the estate of Antonia Sousa, deceased; to the Committee on Claims.

S. 9954. An act for the relief of Lincoln C. Andrews; to the Committee on Claims.

S. 6582. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907; to the Committee on the District of Columbia.

S. 288. An act for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes; to the Committee on the District of Columbia.

S. 8645. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia; to the Committee on the District of Columbia.

S. 9241. An act to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia, approved July 7, 1838;" to the Committee on the District of Columbia.

S. 9239. An act to change the name of Fort Place from Seventeenth to Eighteenth Streets NE. to Irving Street; to the Committee on the District of Columbia.

S. 6878. An act to authorize the acquisition of lands by the Reclamation Service by exchange, and for other purposes; to the Committee on the Public Lands.

S. 9556. An act to provide for the extension of the post-office and courthouse building at Dallas, Tex., and for other purposes; to the Committee on Public Buildings and Grounds.

S. 10189. An act to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 9123. An act to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va.; to the Committee on the Post Office and Post Roads.

S. 9124. An act to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va.; to the Committee on Public Buildings and Grounds.

S. 5036. An act for the erection of a public building at Lancaster, Ky.; to the Committee on Public Buildings and Grounds.

S. 6645. An act for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C.; to the Committee on the District of Columbia.

S. 4678. An act to adjust the claims of certain settlers of Sherman County, Oreg.; to the Committee on Claims.

S. 8608. An act to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite with the rank of medical inspector; to the Committee on Naval Affairs.

S. 9271. An act for the relief of William H. Walsh; to the Committee on Naval Affairs.

S. 10208. An act authorizing the resurvey of certain lands in the State of Wyoming; to the Committee on the Public Lands.

S. 10536. An act directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.; to the Committee on the District of Columbia.

S. 10275. An act relative to joint operations of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

S. 9011. An act to provide for the granting by the Secretary of the Interior of permits to explore and prospect for oil and gas on unappropriated and withdrawn lands; to the Committee on the Public Lands.

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague; to the Committee on Printing.

S. J. Res. 82. Joint resolution directing that a portion of square No. 857 in the city of Washington, D. C., be reserved for use as an avenue and improved; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 30727. An act providing for the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming;

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes;

H. R. 19505. An act for the relief of Eugene Martin;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road;

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela

River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. J. Res. 213. Joint resolution authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7252. An act granting an annuity to John R. Kissinger;

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city;

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest;

S. 2469. An act for the relief of Alfred Childers;

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.;

S. 10595. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 124. Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 21646. An act for the relief of William Doherty;

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 18342. An act for the relief of E. C. Young;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma;

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;" and

H. R. 20072. An act for the relief of Hans N. Anderson.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT, from the Committee on Appropriations, presented for printing under the rule the conference report (No. 2158) and statement on the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912," as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, 39, 40, 53, 54, 58, 59, 60, 61, 62, 65, 66, 67, 90, 91, 116, 120, 126, 142, 143, 144, 150, 151, 155, 156, 157, 158, 163, 168, 175, 183, 185, 189, 204, 208, 217, and 222.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38, 43, 46, 48, 49, 50, 51, 52, 56, 57, 63, 64, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 83, 84, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 110 111, 112, 113, 114, 115, 117, 118, 119, 121, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 145, 146, 147, 148, 149, 152, 153, 154, 160, 161, 162, 164, 165, 166, 167, 169, 170, 171, 172, 173, 174, 176, 178, 179, 180, 181, 182, 184, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 206, 207, 209, 213, 214, 215, 216, 219, 220, 221, 223, 224, 226, 227, 228, 229, and 230, and agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "available," strike out the word "five" and insert in lieu thereof the word "three"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$174,620"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "2 clerks, at $2,000 each"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$332,700"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$147,970"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$278,410"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "boxes," strike out the words "five thousand" and insert in lieu thereof the words "two thousand five hundred"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,311,010"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$171,190"; and the Senate agree to the same.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,510"; and the Senate agree to the same.

On amendments numbered 30, 31, 32, 33, 41, 42, 44, 45, 85, 86, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 200, 201, 202, 203, 205, and 218 the committee of conference have been unable to agree.

F. H. GILLETT,
J. V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1912, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report, as to each of the amendments of the Senate, namely:

Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, relating to salaries of officers and employees and other expenses of the Senate, are all recommended to be agreed to by the House.

On amendments Nos. 28 and 29: Strikes out the proposed increase of an assistant clerk to a House committee.

On amendment No. 34: Makes the appropriation for fuel and oil, under the House of Representatives, available for the Capitol power plant.

On amendments Nos. 35, 36, 37, 38, 39, and 40, relating to the Library of Congress: Increases the salary of the Librarian from $6,000 to $6,500; provides for two additional assistants at $600 each in the reading room; and strikes out the provision for a stenographer and typewriter at $900 in the law library.

On amendment No. 43: Appropriates $18,000, as proposed by the Senate, instead of $17,000, as proposed by the House, for miscellaneous expenses of the Library of Congress.

On amendment No. 46: Provides that the reorganization of the force in the Executive Office shall take effect immediately on the passage of the act.

On amendment No. 47: Appropriates $3,000, instead of $5,000, as proposed by the Senate, for expert examiners for the Civil Service Commission.

On amendments Nos. 48, 49, and 50: Appropriates $12,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for the salary of the Secretary of State; and increases the salary of the Chief of the Bureau of Trade Relations in the State Department from $2,100 to $2,500.

On amendments Nos. 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64, relating to the divisions of the office of the Secretary of the Treasury: Increases the salary of the chief clerk of the department from $3,000 to $4,000; provides for five firemen at $660, instead of $720 each, as proposed by the Senate; increases the pay of five law clerks in the Division of Customs from $2,000 to $2,500 each; strikes out the increases, proposed by the Senate, in salaries in the Division of Appointments; and provides for a bookbinder at $1,250 in the Division of Printing and Stationery.

On amendments Nos. 65, 66, and 67: Strikes out the increase in salary of five inspectors, proposed by the Senate, in the Office of the Supervising Architect of the Treasury.

On amendments Nos. 68 and 69: Increases the salary of the Comptroller of the Treasury from $5,500 to $6,000.

On amendment No. 70: Transfers to the assistant and chief clerk in the office of the Auditor for the Post Office Department the duties and powers heretofore exercised by the deputy auditor.

On amendments Nos. 71, 72, 73, 74, and 75, relating to the office of the Auditor for the Post Office Department, increases salaries as follows: Of the auditor, from $4,000 to $5,000; the law clerk, from $2,500 to $3,000; the expert accountant, from $2,250 to $2,750; and of four chiefs of division, from $2,000 to $2,250 each.

On amendments Nos. 75, 77, 78, and 79, relating to the office of the Treasurer: Reduces the number of clerks at $900 each from 27 to 26, and the number of counters at $700 each from 20 to 19.

On amendments Nos. 80, 81, and 82, relating to the office of the Commissioner of Internal Revenue: Provides for two clerks at $2,000 each instead of two clerks at $900 each.

On amendments Nos. 83 and 84: Provides for a messenger at $840, instead of an assistant messenger at $720, in the office of the Life-Saving Service.

On amendments Nos. 87, 88, 89, and 90, relating to the office of the Director of the Mint: Increases the salary of the director from $4,500 to $5,000, and of the adjuster of accounts from $2,250 to $2,500, and appropriates $200, as proposed by the House, instead of $400, as proposed by the Senate, for books and pamphlets.

On amendment No. 91: Strikes out the provision proposed by the Senate making the appropriation of $75,000 for investigation of accounts and records and to secure better methods of administration in the Treasury Department, available for unforeseen contingencies.

On amendments Nos. 92, 93, and 94, relating to the subtreasury at Boston, Mass.: Increases the pay of an assistant receiving teller from $1,600 to $1,700, and of a redemption clerk from $1,400 to $1,600.

On amendments Nos. 95, 96, 97, and 98, relating to the mint at New Orleans, La.: Appropriates for two additional clerks at $1,200 each and increases the amount for wages of workmen from $6,540 to $7,500.

On amendments Nos. 110, 111, 112, 113, 114, and 115, relating to the Territories of Arizona and New Mexico: Increases the salaries of the governors from $3,000 to $3,500 each, and of the secretaries from $1,800 to $2,500 each.

On amendments Nos. 116, 117, 118, 119, 120, 121, 122, relating to the office of the Secretary of War: Increases the salary of the disbursing clerk from $2,500 to $2,750; of the appointment clerk from $2,000 to $2,250; the additional compensation of the superintendent of buildings from $250 to $500; and one elevator conductor from $470 to $540; strikes out the proposed increase in the salary of the clerk to the assistant and chief clerk from $2,100 to $2,250, and of two messenger boys from $360 each to $600 each.

On amendments Nos. 123 and 124: Increases the salary of the chief clerk and solicitor in the office of the Judge Advocate General of the War Department from $2,250 to $2,500.

On amendments Nos. 125, 126, 127, and 128, relating to the office of the Quartermaster General: Increases the salary of one supervising engineer from $2,500 to $2,750; strikes out the increase proposed in the salary of the sanitary and heating engineer from $1,800 to $2,000; and provides for a writer of specifications and computer at $1,200.

On amendments Nos. 129, 130, 131, 132, 133, 134, and 135, relating to the office of the Commissary General: Provides for two additional clerks, $1,800 each; one additional clerk, at $1,600; two additional clerks, at $1,400 each; makes a reduction of two clerks, at $1,200 each; two clerks, at $1,000 each; and one clerk, at $900.

On amendments Nos. 136 and 137: Increases the amount for services of skilled draftsmen and others in the office of the Chief of Ordnance, in the War Department, from $45,000 to $50,000, and makes a verbal correction in the text of the bill.

On amendments Nos. 138, 139, 140, and 141, relating to the office of Public Buildings and Grounds: Provides for a superintendent at $3,000 instead of an engineer at $2,400; and appropriates $2,800 for uniforms for park watchmen.

On amendment No. 142: Strikes out the proposed appropriation of $5,000 for repair of floors of corridors in the State, War, and Navy Department Building.

On amendments Nos. 143 and 144: Strikes out the proposed increase in salary of the telegraph operator from $1,100 to $1,200 in the office of the Secretary of the Navy.

On amendments Nos. 145, 146, and 147: Provides for a clerk at $1,200 instead of a copyist at $900 in the Office of Naval Records of the Rebellion.

On amendments Nos. 148 and 149: Provides for an additional copyist at $840 in the Bureau of Navigation, Navy Department.

On amendments Nos. 150 and 151: Strikes out the provision for an additional laborer at $660 in the Office of Naval Intelligence.

On amendment No. 152: Appropriates $2,000, as proposed by the Senate, for a monthly pilot chart of the North Pacific Ocean.

On amendments Nos. 153 and 154: Increases the pay of one assistant from $1,800 to $2,000 in the Nautical Almanac Office.

On amendments Nos. 155 and 156: Strikes out the provision for an additional clerk at $1,800 in the Bureau of Ordnance, Navy Department.

On amendments Nos. 157 and 158: Strikes out provision for an additional clerk, at $1,800, in the Bureau of Supplies and Accounts, Navy Department.

On amendment No. 159: Appropriates $2,500 instead of $5,000, as proposed by the Senate, for steel file cases and file boxes for the Navy Department.

On amendments Nos. 160, 161, and 162: Increases the salary of the chief clerk of the Interior Department from $3,000 to $4,000.

On amendment No. 163: Strikes out the proposed increase from $3 to $4 for the per diem allowance of two special inspectors in the Interior Department.

On amendments Nos. 164, 165, and 166: Provides for an assistant chief of division at $2,000 instead of a clerk at $1,800 in the General Land Office.

On amendments Nos. 167, 168, and 169: Increases the salary of the Assistant Commissioner of Indian Affairs from $3,000 to $3,500, and strikes out the provision, proposed by the Senate, authorizing his appointment to be made by the Secretary of the Interior.

On amendments Nos. 170, 171, 172, 173, and 174, relating to the Pension Office: Provides for a second Deputy Commissioner of Pensions, at $3,600, and rearranges the provision for skilled laborers without increasing their number or compensation.

On amendments Nos. 175, 176, 177, and 178, relating to the Patent Office: Strikes out the provision for an assistant examiner of trade-marks and designs, at $2,400; provides for six assistant examiners of trade-marks and designs, at $1,500 each; and appropriates $500, instead of $250, for investigating the question of public use or sale of inventions.

On amendments Nos. 179 and 180, relating to the Bureau of Education: Provides for a specialist in higher education at $3,000, and reduces the amount from $9,000 to $6,000 for the investigation of rural education, industrial education, and school hygiene.

On amendments Nos. 181 and 182: Increases the salary of the chief electrical engineer of the Capitol and other buildings from $2,400 to $3,000.

On amendment No. 183: Strikes out the provision, proposed by the Senate, for the installation of a laundry plant in the Interior Department.

On amendments Nos. 184, 185, 186, 187, 188, and 189, relating to the Post Office Department: Increases the salary of the chief clerk of the department from $3,000 to $4,000; strikes out the provision for a painter at $900; increases the salary of the assistant superintendent of the Division of Supplies from $1,800 to $2,000; and strikes out the provision for the "purchase of vehicles" instead of the "purchase of wagons."

On amendments Nos. 190, 191, 192, 193, 194, 195, 196, 197, 198, and 199, relating to the Department of Justice: Increases salaries as follows: Attorney in charge of titles from $2,700 to $3,500; chief clerk of the department from $2,500 to $3,000; superintendent of prisons from $3,000 to $4,000; chief of division of investigation from $3,000 to $3,500; librarian from $1,600 to $1,800; the assistant solicitor of the Department of Commerce and Labor from $2,250 to $3,000; and provides for a messenger at $960 instead of one at $840.

On amendments Nos. 204, 206, and 207: Makes a verbal correction in the text of the bill and increases the salary of an assistant engineer in the Bureau of Lighthouses from $2,100 to $2,250.

On amendments Nos. 208, 209, 210, 211, and 212, relating to the Bureau of Statistics: Strikes out the proposed increase in the salary of the chief clerk from $2,250 to $2,500 and provides for three additional clerks, one at $1,600, one at $1,400, and one at $1,200.

On amendments Nos. 213 and 214: Increases the salary of the assistant chief of Division of Naturalization from $2,500 to $3,000.

On amendments Nos. 215, 216, and 217: Increases the salary of the Director of the Bureau of Standards from $5,000 to $6,000 and restores to the bill the provision authorizing the designation of some officer of the Bureau of Standards to act during the absence of the director.

On amendments Nos. 219 and 220: Increases the salaries of nine stenographic clerks to the Justices of the Supreme Court from $1,600 to $2,000 each.

On amendments Nos. 221, 222, 223, 224, and 225, relating to the court of appeals, District of Columbia: Increases the salary of the clerk from $3,250 to $3,500; strikes out the proposed increase in the salary of the crier from $1,000 to $1,200; appropriates $1,000 instead of $800 for necessary expenditures in the conduct of the clerk's office, and increases the salaries of the three stenographers for the judges of the court from $900 to $1,200 each.

On amendment No. 226: Provides for a stenographer at $720 for the district judge for the eastern district of Illinois.

On amendments Nos. 227 and 228, relating to the Commerce Court: Makes a verbal correction in the text of the bill, and appropriates $75,000 for payment of bailiffs and other employees not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, instead of a sum of money for requisite assistance.

On amendments Nos. 229 and 230: Appropriates for an additional laborer, at $660, for the Court of Claims.

The committee of conference has been unable to agree on the following amendments, namely:

Amendments Nos. 30, 31, 32, and 33, relating to the salaries of stenographers of the House.

On amendments Nos. 41 and 42: Appropriating $100,000, instead of $75,000, for increase of the Library of Congress.

On amendments Nos. 44 and 45: Increasing the salary of the Secretary to the President from $6,000 to $10,000.

On amendments Nos. 85 and 86: Increasing the salary of the Director of the Bureau of Engraving and Printing from $5,500 to $6,000.

On amendments Nos. 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, and 109, relating to the assay offices at Charlotte, N. C., Helena Mont., New York, N. Y., and Salt Lake City, Utah.

On amendments Nos. 200 and 201: Providing for an additional assistant secretary of Commerce and Labor.

On amendments Nos. 202 and 203: Appropriating $60,000, instead of $40,000, for commercial agents for the Department of Commerce and Labor.

On amendment No. 205: Appropriating $10,000, instead of $8,000, to enable the Bureau of Manufactures to collate and publish tariffs of foreign countries; and

On amendment No. 218: Striking out the appropriation of $25,000 to complete the testing machine at Pittsburg.

FREDK. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

LEAVE TO PRINT.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that all Members may have leave to print upon the bill H. R. 32216, the reciprocity bill, for five legislative days.

Mr. FASSETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what the disposition is in reference to allowing time for debate on the floor.

Mr. McCALL. Mr. Speaker, I withdraw the request. I offered it in entire agreement with the gentleman from Pennsylvania [Mr. DALZELL].

Mr. FASSETT. Then, I withdraw the objection.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that Members of the House may have leave to print on the bill H. R. 32216, the reciprocity bill, for five legislative days. Is there objection?

Mr. OLCOTT. Mr. Speaker, I am forced to object.

ADJOURNMENT.

Mr. McCALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 14, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce and Labor, transmitting a statement of documents received and distributed by that department (H. Doc. No. 1383) was taken from the Speaker's table, referred to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah, reported the same with amendment, accompanied by a report (No. 2156), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5432) to authorize

the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply, reported the same with amendment, accompanied by a report (No. 2159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 31806), to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation," approved April 20, 1904, reported the same with amendment, accompanied by a report (No. 2154), which said bill and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 32724) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2157), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 8535) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 2155), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the House resolution (H. Res. 937) of inquiry relative to paint shipped to Panama, reported the same adversely, accompanied by a report (No. 2153), which said resolution and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 32751) to authorize the extension and widening of Colorado Avenue NW., through parcel 8613; to the Committee on the District of Columbia.

By Mr. KRONMILLER: A bill (H. R. 32752) to amend section 4488, Revised Statutes, for the greater safety and protection of passengers on steam vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Pennsylvania: A bill (H. R. 32753) to authorize expenditures for aids to navigation in the Delaware River and Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 32754) authorizing the reconveyance to the United States, by States and Territories, of lands, occupied, used, or needed in carrying out the reclamation law or the Carey Act; to the Committee on the Public Lands.

By Mr. HUGHES of New Jersey: A bill (H. R. 32755) providing for the issuance of a charter to the Veteran Reserve Corps of America, a corporate military organization; to the Committee on Military Affairs.

By Mr. CAMERON: A bill (H. R. 32756) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: A bill (H. R. 32757) placing articles imported into the United States for use in the construction and equipment of pulp and paper mills and in the manufacture of the products thereof on the free list; to the Committee on Ways and Means.

By Mr. WILSON of Illinois: Resolution (H. Res. 968) authorizing the appointment of an additional clerk to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. CLARK of Florida: Resolution (H. Res. 969) of inquiry as to certain facts relating to the merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, resolution (H. Res. 970) inquiring of the Secretary of Commerce and Labor as to certain facts relating to the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Resolution (H. Res. 971) authorizing payment of $1,200 to Herman Gauss for services as assistant clerk to Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. McCALL: Resolution (H. Res. 972) providing for the consideration of House bill 32216; to the Committee on Rules.

By the SPEAKER: Memorial of the Legislature of Washington, concerning coal and other lands in Alaska; to the Committee on the Territories.

Also, memorial of the Legislature of Montana, relative to election of United States Senators by popular vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ESCH: Memorial of the Legislature of Wisconsin, asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies; to the Committee on Invalid Pensions.

By Mr. PRAY: Memorial of the Legislature of Montana, for donation of unappropriated public lands to aid in establishment of hospital for treatment of indigent persons afflicted with tuberculosis; to the Committee on the Public Lands.

Also, memorial of the Legislature of Montana, relative to election of United States Senators by popular vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of Montana, petitioning Congress to set aside unappropriated public lands in aid of asylum for insane; to the Committee on the Public Lands.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of Wisconsin, asking the Congress of the United States not to enact the measure now pending to consolidate the pension agencies which now exist into one in the city of Washington, D. C.; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A memorial of the Legislature of Colorado, favoring an amendment to the Constitution, providing for the direct election of Senators; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a memorial of the Legislature of Colorado, favoring the Sulloway bill; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 32758) granting a pension to Gus M. Brass, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32759) granting a pension to Anna Pierce; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 32760) granting an increase of pension to William T. Kitchin; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 32761) granting an increase of pension to Thomas J. Elton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32762) granting an increase of pension to Joseph Waltshlager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32763) granting an increase of pension to William T. Colbert; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 32764) granting an increase of pension to Elihu W. Gray; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 32765) granting an increase of pension to Annie G. Long; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 32766) granting an increase of pension to Thomas Pinson; to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts; to the Committee on War Claims.

By Mr. MASSEY: A bill (H. R. 32768) granting an increase of pension to Henry Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32769) for the relief of Passed Asst. Paymaster Edwin M. Hacker; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 32770) granting a pension to Frank Sutterfield; to the Committee on Invalid Pensions.

By Mr. MILLINGTON: A bill (H. R. 32771) granting a pension to Mary Rooney; to the Committee on Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 32772) granting an increase of pension to Stephen Vogel; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 32773) granting an increase of pension to Harrison Ferguson; to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 32774) granting an increase of pension to John H. Nutt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Washington, praying that the Fort Walla Walla Military Reservation be ceded to Whitman College; to the Committee on Military Affairs.

Also, memorial of Legislature of the State of Oregon, praying that the Fort Walla Walla Military Reservation be ceded to Whitman College; to the Committee on Military Affairs.

Also, petition of C. W. Styles, of Momence, Ill., and five others, and H. McAlester and one other, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Pontiac Farmers' Grain Co., of Pontiac, Ill.; Congress of the Knights of Labor; and National Grange, protesting against the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of Printing Pressmen's Union, No. 1, of Washington, D. C., praying for the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, praying for the construction of a public building at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

Also, petition of Purchase Quarterly Meeting of the Religious Society of Friends, of Westchester County, N. Y., protesting against the fortification of the Panama Canal; to the Committee on Railways and Canals.

Also, petition of Society of the Colonial Dames of America, in the States of Texas and Missouri, and of the governor general of the Order of the Descendants of Colonial Governors, protesting against the establishment or location of a reformatory in the vicinity of Mount Vernon; to the Committee on the District of Columbia.

Also, petition of F. C. Beeman and other citizens of Osceola County, Mich., praying for the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of the Phoenix (Ariz.) Board of Trade, asking for an appropriation for the restriction of the spread of alfalfa-leaf weevil; to the Committee on Appropriations.

By Mr. AIKEN: Petition of Camp 2, Patriotic Order Sons of America, for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER of New York: Petition of George V. Stabell and other citizens of Lancaster, N. Y., favoring the building of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of West Side Business Men and Taxpayers' Association, of Buffalo, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ANDRUS: Petition of citizens of New York State, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Washington Camp No. 22, Patriotic Order Sons of America, of Yonkers, N. Y., for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of members of the Society of Friends, for neutralization of the canal; to the Committee on Railways and Canals.

Also, petition of Tarrytown Typographical Union, No. 523, for the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of business firms of Delphos, Ohio, against a rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Franklin County Bar Association, of Ohio, against holding of Federal district courts in the city of Portsmouth, Ohio; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Hardwood Manufacturers' Association of the United States, at Cincinnati, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of M. R. Woodling, of Beach City, Ohio, for a parcels post and against Canadian reciprocity; to the Committee on Ways and Means.

Also, resolutions adopted by the Ohio State Grange, favoring the parcels post, the election of United States Senators by a direct vote of the people, a nonpartisan tariff commission, and liberal appropriations by State and National Governments for the building of permanent highways, and in opposition to the change of rural mail delivery to the star-route system, and also to any change in the present oleomargarine law; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: Petitions of Washingtonville Grange, No. 912, of Blooming Grove, and Goshen Grange, No. 915, of Goshen, all of Patrons of Husbandry, in the State of New York, against Canadian reciprocity; to the Committee on Ways and Means.

Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: Petition of Washington Camp No. 150, Patriotic Order Sons of America, of Valley Forge, Pa., for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Federation of Labor of Chester, Pa., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Republican Club of New York, favoring the Depew amendment to Senate joint resolution 134; to the Committee on the Judiciary.

Also, petition of Central Labor Union, favoring illiteracy test in the immigration law; to the Committee on Immigration and Naturalization.

Also, petition of International Association of Machinists, for repeal of 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Hardwood Manufacturers' Association of the United States, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of William Verbeck, adjutant general of New York State, for bill providing for 612 additional officers in the Regular Army; to the Committee on Militia.

By Mr. COOPER of Wisconsin: Petition of Catholic Woman's Club, of Kenosha, Wis., for a children's bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Central Labor Union of Brooklyn, N. Y., for construction of battleship *New York* in the New York Navy Yard; to the Committee or Naval Affairs.

By Mr. DAWSON: Petition of Muscatine (Iowa) Trades and Labor Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Local No. 13, Troy Musical Association, for repeal of 10-cent tax on oleomargarine; to the Committee on Agriculture.

By Mr. MICHAEL E. DRISCOLL: Petition of Assembly of New York State, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FOCHT: Paper to accompany bill for relief of David Secrist; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of New York Medical Journal, against proposed increase of postal rates on certain magazines; to the Committee on the Post Office and Post Roads.

Also, memorial of New York State Assembly, for building battleship *New York* in Government navy yard; to the Committee on Naval Affairs.

Also, petitions of Merchants' Association of New York and New York Produce Exchange, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of International Association of Machinists, for battleship building in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Los Angeles County Osteopathic Society, against a Federal department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of A. R. Cooke, of Syracuse, N. Y., favoring a dental corps for the Army; to the Committee on Military Affairs.

By Mr. FULLER: Petition of E. R. Elliott and others, of Rockford, Ill., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the Association of Army Nurses of the Civil War, for pensions of $30 per month; to the Committee on Invalid Pensions.

Also, petition of Illinois State Branch of the National German-American Alliance, for House bill 9137, for a monument at Germantown, Pa., to mark the first German settlement in America; to the Committee on the Library.

By Mr. GARNER of Texas: Petition of citizens of fifteenth congressional district of Texas, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GOULDEN: Petition of citizens of New York, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of A. R. Cook, of Syracuse, N. Y., favoring a dental corps for the Army; to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of Amalgamated Association of Iron, Steel, and Tin Workers of Pittsburg, Pa., against repeal of act of July 1, 1898 (30 Stat. L., chap. 546, p. 605), relative to hand printing of United States notes, bonds, and checks; to the Committee on Expenditures in the Treasury Department.

By Mr. HANNA: Petition of people on rural routes of North Dakota, for increase of salaries of rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of farmers of the county of Pembina, State of North Dakota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of South Bosque, Tex., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Petition of Lumber Dealers' Association of Connecticut, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Paducah, Ky., for reduction of oleomargarine tax; to the Committee on Agriculture.

Also, petition of citizens of Williamstown, Ky., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Des Moines and Muscatine, Iowa, for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. KRONMILLER: Petitions of Wabash Council, No. 73, Junior Order United American Mechanics, Baltimore City; the State Council, Daughters of America; Washington Camps Nos. 67 and 82, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petitions of Rock Council, No. 54, and Colonial Council, No. 605, Junior Order United American Mechanics, of Glen Rock, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LOWDEN: Petition of citizens of New York, favoring construction of battleship *New York* at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Loren Township Civic League, 78 voters, for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Falls City and business men of Virginia, Du Bois, Table Rock, Lewiston, Dawson, and Salem, all in the State of Nebraska, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Washington Camps Nos. 461, 419, 608, 7, and 101, all of Patriotic Order Sons of America, urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also petition of Local No. 1731, United Brotherhood of Carpenters and Joiners of America; Daniel Webster Council, No. 700; Kenderton Council, No. 221; Port Matilda Council, No. 921; Spring City Council, No. 900; Johnstown Council, No. 700; Smoky City Council, No. 119; Markleysburg Council, No. 568; and Sherwood Council, No. 160, all of Junior Order United American Mechanics, and Washington Camp No. 147, Patriotic Order Sons of America, urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Hair Spinners' Union No. 72347, of Philadelphia; Mr. A. C. Nowland, J. C. Dounton, Charles Wallace & Co., all of Philadelphia, Pa., favoring the passage of amendment to agricultural appropriation bill; to the Committee on Agriculture.

By Mr. PALMER: Petition of Washington Camps Nos. 752, 727, and 117, Patriotic Order Sons of America, and of Sherwood Council, No. 160, and Susquehanna Council, No. 89, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of citizens of Helena, Mont., in favor of the Carter-Weeks bill; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kansas, against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHEFFIELD: Petition of Town Council of Warren, R. I.; P. P. Stewart Hale and 15 other citizens of Newport, R. I.; and George W. Leonard and 20 others, of Newport, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of Hugh R. Miller and 7 others, Edward M. Chase and 28 others, John Degraw and 10 others, F. H. Bennett and 15 others, William Maberg and 52 others, James M. Brady and 12 others, Warren Evans and 8 others, East Casco Grange and 144 others, Frank La Chapelle and 36 others, William Arnold and 17 others, S. E. Martin and 17 others, all residents of the sixth Michigan congressional district, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SPERRY: Memorial of Metal Trades Council of Hartford and Central Labor Union of Hartford, favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Unity Grange, of Chester, Conn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lumber Dealers' Association of Connecticut, favoring the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. SULZER: Petition of New York State Pharmaceutical Association, for defeat of House bill 25241; to the Committee on Ways and Means.

Also, petition of the Hardwood Manufacturers' Association of the United States, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. TOU VELLE: Petition of Western Star Council, Sidney, Ohio; Ruby Council, Bradford, Ohio; and General Meade Council, Junior Order United American Mechanics, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of John J. Young and other citizens of Brooklyn, N. Y., for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

TUESDAY, *February 14, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 7252. An act granting an annuity to John R. Kissinger;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus of Madison Street to Piney Branch Road;

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 29715. An act to amend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri, to construct a bridge across Black River;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasco County, Minn.; and

S. J. Res. 124. Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution of the Legislature of the State of Montana, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 1, relative to election of United States Senators by popular vote.

Whereas a large number of State legislatures have, at various times, adopted memorials and resolutions in favor of electing United States Senators by the direct vote of the people of the respective States; and

Whereas a large number of State legislatures have created senatorial direct-election commissions: Therefore be it

Resolved by the General Assembly of the State of Montana, That the Legislature of the State of Montana, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for the submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by convention therein, as one or the other mode of ratification may be proposed by the Congress.

SEC. 2. That at the said convention the State of Montana will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended so that the Senators from each State shall be chosen by the electors thereof, as the governor is now chosen.

SEC. 3. A legislative commission is hereby created, to be composed of the governor and four members to be appointed by him, not more than two of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Montana. It shall be the duty of the said legislative commission to urge action by the legislatures of the several States and by the Congress of the United States, to the end that a convention may be called, as provided in section 1 hereof. That the members of said commission shall receive no compensation.

SEC. 4. That the governor of the State of Montana is hereby directed to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, to the honorable Representatives and Senators in Congress from Montana, who are hereby requested and urged to aid, by their influence and vote, to the end that the United States Senators shall be elected by popular vote.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved February 2, 1911.

EDWIN L. NORRIS, *Governor.*

Filed February 2, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint resolution No. 1, relative to election of United States Senators by popular vote, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 2d day of February, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 2d day of February, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. BEVERIDGE. I present two telegrams in the nature of memorials, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *February 12, 1911.*

Hon. ALBERT J. BEVERIDGE,
1155 Sixteenth Street, Washington, D. C.:

The farm press of the country, representing thousands of farmers in your State, looks to you for relief from any increase in second-class postal rates or any tax on advertising pages. About 70 of the leading and most helpful ones will be affected, all seriously, some fatally, for what they have done for American agriculture. They do not deserve this proposed stab in the back. With conditions same as last year, it means the staggering sum of $75,000 extra to us. Don't.

FARM JOURNAL.

LAKEWOOD, N. J., *February 12, 1911.*

Hon. A. J. BEVERIDGE,
Washington, D. C.:

The proposed amendment to postal bill, imposing special postage on magazine and not newspaper advertising, is both class and discriminatory legislation. Advertising is as much a magazine department as any other. It equally helps advertising and domestic interests. It is an industrial exhibition benefiting exhibitors and visitors alike.

ELBERT F. BALDWIN.

Mr. BEVERIDGE. I present a memorial to Congress from the Board of Trade of Phoenix, Ariz., requesting restriction of spread of the alfalfa leaf weevil. I ask that the memorial be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America:

We, your memorialists, recognizing a grave danger with which the leading agricultural industry of Arizona is threatened, urge upon you a careful consideration of the matter hereinafter set forth and the provision for protective measures such as the importance of the matter warrants.

The total amount of land now devoted to the growing of alfalfa in Arizona is approximately 120,000 acres, of which 65,000 acres are in one body under the Salt River irrigation project of the United States Reclamation Service. At the rate of $150 per acre, this crop represents an investment to Arizona ranchers of $18,000,000. The value of the alfalfa crop in Arizona amounts to more than $6,000,000 per annum. The alfalfa crop is the backbone of our agricultural system. No crop could take its place without a tremendous loss to all business interests, and the failure for any cause of the alfalfa industry would be a great calamity.

This industry is now greatly endangered by the presence of a most destructive insect pest in an adjoining State. The alfalfa leaf weevil is stated in the report of the Chief of the Bureau of Entomology, United States Department of Agriculture, to constitute a great menace to alfalfa culture, and an appropriation of $10,000 for an investigation of the pest has been requested. The importance of the pest is set forth in detail in a recent bulletin of the Utah Agricultural Experiment Station, No. 110. In this bulletin the means of spread of this alfalfa pest are discussed and the prediction made that it will probably be a question of "but a short time before the insect will be generally distributed over the alfalfa-growing regions of the United States. Railroad trains are recognized as the most important agency in the spread of the pest.

The alfalfa-growing sections of Arizona, and doubtless many such sections outside of this Territory, are so isolated that a small expenditure in efforts to check the spread of the weevil from the region at present infested would mean a saving of many millions of dollars. Arizona is especially menaced by the importation of live stock and household goods in car lots by prospective settlers from Utah. In cars containing such goods, alfalfa hay and other material likely to harbor the adult weevils is frequently shipped, and disastrous consequences are most certain to result in the near future unless steps are taken to supervise properly shipments of this kind.

In this emergency Arizona is without means of protection, having no adequate law nor available appropriation to meet the situation. Furthermore, the steps that should be taken to hinder the spread of the alfalfa weevil are to a large extent protective to all alfalfa-growing sections in the United States outside of the portion of Utah which is already infested. It is believed by your memorialists that it is a matter of national importance that every reasonable effort be made to protect against the spread of these insects.

In consideration of the facts and circumstances which have been stated, we respectfully urge that in addition to appropriating the sum of $10,000 for investigating the alfalfa leaf weevil, as requested by the Chief of the Bureau of Entomology, there be appropriated the sum of $25,000 for the purpose of devising means for checking the spread of this pest, and for practical work in accomplishing this end by locating and exterminating incipient isolated colonies by cooperating with common carriers and by other means.

[SEAL.] JOHN M. FOSS,
President Phoenix and Maricopa County Board of Trade,
AND OTHERS.

PHOENIX, ARIZ., *January 28, 1911.*

Mr. MCCUMBER. I present a memorial of the Legislature of the State of North Dakota, which I ask may be read. As it is being read I especially ask the attention of the reciprocity Senators from the eastern part of the United States to it.

There being no objection, the memorial was read and referred to the Committee on Foreign Relations, as follows:

Whereas the people of the State of North Dakota being an agricultural population interested in the raising of food products, are especially concerned in obtaining fair and reasonable prices for such prod-

ucts, and are supporters of a doctrine of protection of home industries: Now, therefore, be it

Resolved by the house of representatives of the State of North Dakota (the senate concurring), That this legislative assembly, representing the agricultural population of this State, vigorously protests against the adoption of the Canadian reciprocity agreement, by which the food products of a foreign country will be brought into competition with those of the United States and of the State of North Dakota: Be it further

Resolved, That a copy of this resolution be forwarded at once to the Senators and Representatives in Congress.

Passed by both the house and the senate.

E. H. GRIFFIN, *Chief Clerk.*

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial 14.

To the honorable Senators of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Washington, in regular session assembled, believing that the time has come for the showing of every consideration to the old soldiers of the Mexican and Civil Wars; and

Believing that the bill that recently passed the House of Representatives of the United States Congress and known as the Sulloway bill, providing for a flat pension for all soldiers over 62 years of age of $15 per month, and those over 65 years of age of $20 per month, and those over 70 years of age of $25 per month, and those over 75 years of age of $36 a month, comes more nearly adjusting the inequalities in the various pensions heretofore allowed, and more adequately and more justly shows a due appreciation for the gallant services rendered in times of need to our surviving soldiers and sailors of the Mexican and Civil Wars;

Therefore we most respectfully urge that the said Sulloway bill be immediately enacted into law, and thus we, your memorialists, will ever pray.

Passed the house February 6, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 7, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. GUGGENHEIM. I present a memorial of the Legislature of the State of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate resolution 16.—Senator Hecker.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that,

Whereas that there is now pending in the Senate of the United States the Sulloway pension bill, being in favor of its passage.

Therefore your memorialists pray your honorable body to pass said bill.

And your memorialists will ever pray.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this February 8, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

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UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and complete transcript of senate resolution No. 16 by Senator Hecker, which was filed in this office the 8th day of February, A. D. 1911, at 4.30 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 10th day of February, A. D. 1911.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. GUGGENHEIM. I present a joint resolution of the Legislature of the State of Colorado, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 15.—Senator Crowley.

Whereas there is now pending before the Congress of the United States a resolution proposing amendment to the Constitution of the United States for the election of United States Senators by direct vote of the people; and

Whereas the resolution proposing such amendment is being discussed in Congress, and is likely to be voted upon within the next few days; and

Whereas both the senate and the house of representatives of the State of Colorado, by their action in passing the direct-primary bill, which contains a provision providing for an expression of the people upon the candidates for United States Senate, which is as near a popular election as it is possible to attain without an amendment to the Constitution of the United States: Now, therefore, be it

Resolved, That we request our Representatives in the United States Senate and House of Representatives to use all honorable means within their power to have passed the resolution proposing an amendment to the Constitution for the popular election of United States Senators.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this February 8, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

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UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and complete transcript of senate joint resolution No. 15, by Senator Crowley, which was filed in this office the 8th day of February, A. D. 1911, at 4.30 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 10th day of February, A. D. 1911.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. SCOTT presented a petition of Philip G. Bier Post, No. 17, Department of West Virginia, Grand Army of the Republic, of New Martinsville, W. Va., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of Local Camp No. 11, of Summit Point, and of Local Camp No. 31, of Vancievesville, Patriotic Order Sons of America, of the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. YOUNG. I present a concurrent resolution of the General Assembly of the State of Iowa, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Concurrent resolution.—Senator Brown.

Whereas a bill, H. R. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, has passed the House of Representatives, in the Congress of the United States, and is now pending in the Senate: Therefore be it

Resolved by the General Assembly of the State of Iowa, That we heartily approve all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States as it passed the House of Representatives.

Resolved, That copies of this resolution, signed by the respective officers of both houses, be sent to each of the Senators from Iowa in the Congress of the United States.

Adopted February 11, 1911.

GEO. A. WILSON, *Secretary.*

Mr. GRONNA. I have in my hand a memorial of the Legislature of North Dakota, remonstrating against the trade agreement with Canada, similar to the one presented by my colleague. As it has been read and will be printed in the RECORD, I will withhold the copy which was sent to me.

I present a memorial of sundry citizens of Fargo, N. Dak., remonstrating against the passage of the so-called parcels-post bill, which I move be ordered to lie on the table, the bill having been reported from the committee.

The motion was agreed to.

Mr. GRONNA presented a petition of sundry citizens of Olmstead, N. Dak., praying for the retention of the present duty on barley, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sargent County, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURROWS presented petitions of sundry citizens of Detroit, Quincy, and Kalamazoo; of the congregations of the United Churches of Charlevoix and the First Presbyterian Church of Burr Oak; of Prairie River Hive, No. 735, Ladies of the Modern Maccabees of Burr Oak; of Woodbine Rebekah Lodge, No. 244, Independent Order of Odd Fellows, of Burr Oak; of Local Grange, No. 1350, Patrons of Husbandry, of Burr Oak; and of the Woman's Christian Temperance Unions at Centreville, Saginaw, Birmingham, Plainwell, Highland, Sanford, Homer, Watervliet, Jackson, Detroit, Burr Oak, Chesaning, South Rutland, Blissfield, Dryden, Marion, Capac, Berrien Springs, Hesperia, Jones, and Lapeer, all in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which were referred to the Committee on the Judiciary.

He also presented petitions of Corbin Post, No. 88, of Union City; of Farragut Post, No. 32, of Battle Creek; and A. W. Chapman Post, No. 21, of Benton Harbor, Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Petoskey, Mich., remonstrating against any increase being made in the postal rates on magazines and periodicals, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 110, Switchmen's Union, of Saginaw, Mich., and a petition of Local Lodge No. 80, Switchmen's Union, of Grand Rapids, Mich., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Common Council of Sault Ste. Marie, Mich., and a petition of the Board of Commerce of Detroit, Mich., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Education of Ionia, Mich., praying for the passage of the so-called children's bureau bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Menominee, Mich., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Antrim, Mich., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the L'Allegro Club, of Marcellus, Mich., praying enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. CULLOM presented petitions of Local Union No. 741, United Brotherhood of Carpenters and Joiners, of Beardstown; of Washington Camp No. 18, Patriotic Order Sons of America, of Pullman; of Washington Camp No. 46, Patriotic Order Sons of America, of Chicago; of the Trades Assembly of Belleville; and of the Tri-City Central Trades Council, of Granite City, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Jacquith Post, No. 293, Department of Illinois, Grand Army of the Republic, of Chebanse, Ill., and a petition of sundry citizens of Cave in Rock, Versailles, Hillsboro, Fairfield, Danville, Elgin, and McLeansboro, in the State of Illinois, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Peoria, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Typographical Union No. 16, of Chicago, Ill., remonstrating against any increase being made in the postal rates on magazines and periodicals, which was ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly of Belleville, Ill., and a memorial of Local Branch No. 43, Glass Bottle Blowers' Association, of Olney, Ill., remonstrating against any change being made in the present method of printing securities, etc., which were referred to the Committee on Printing.

He also presented a petition of the Tri-City Central Trades Council, of Granite City, Ill., and a petition of Prosperity Lodge, No. 128, International Association of Machinists, of Chicago, Ill., praying for the construction of all battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

Mr. DU PONT presented memorials of Farmers' Grange, No. 49, of Magnolia; Blackwater Grange, No. 47, of Blackwater; Seaford Grange, of Seaford; Hartly Grange, No. 26, of Hartly; Excelsior Grange, No. 8, of Frederica; and Delaware Grange, No. 46, of Newport, all of the Patrons of Husbandry, and of O. A. Newton, of Bridgeville, all in the State of Delaware, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp No. 18, Patriotic Order Sons of America, of Viola, and of Local Council, Junior Order United American Mechanics, of Whitesville, in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN. I present a memorial of the Legislature of the State of Idaho, house joint memorial No. 5, and ask that it be printed in the RECORD and referred to the Committee on Public Lands. I think it should go to the Committee on Public Lands. It deals with matters of legislation pending in that committee.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 5.—Black.

Memorializing the Congress of the United States to grant relief to a large number of citizens of the State of Idaho who have settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest Reserve, within which said lands are now located, in the State of Idaho.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas a large number of the citizens of the State of Idaho settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest, within which said lands are now located, in the State of Idaho; and

Whereas protests and contests have been filed by the officials of said reserve against practically all of said settlers' entries, with a view of having said entries canceled and the lands covered thereby become a portion of said reserve; and

Whereas these settlers have undergone great hardships for upward of eight years in homesteading said lands, owing to the remoteness of the same from any town where supplies can be obtained, and to the fact that access thereto can be had only by "pack" trails over a rough and mountainous country, over which trails their supplies and material for homesteading have been "packed" for all these years; and

Whereas all the homes, improvement, and effect of said settlers on said lands have been entirely destroyed by the forest fires of August, 1910, some of them losing their lives on an attempt to save their homes from destruction, and all the timber upon their claims killed by such fires, and the same will rot and become worthless on account of the worms and pests that follow in the wake of forest fires, unless the settlers are permitted to cut and dispose of such timber at an early date; and

Whereas said settlers have petitioned Congress for relief on account of such protests, contest, and fires, and asked permission to cut and sell said timber from said lands in order to save such timber from going to waste on account of such fires having burned over such timberlands; and

Whereas a great many of these settlers have offered final proof on the said lands and, their proofs having been satisfactory, have received their receivers' receipts and final certificates, but their patent is not issued owing to a blanket protest having been filed against said lands and entrymen by the Forestry Department, preventing an early determination of their rights: Now, therefore, be it

Resolved by the Legislature of the State of Idaho, That the Congress of the United States is hereby requested to enact such legislation as will grant the relief prayed for by such settlers on any such lands; and be it further

Resolved, That the Secretary of State of Idaho is hereby instructed to immediately forward copies of this memorial to the Senate and House of Representatives of the United States and to each of your Representatives in Congress.

This joint memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within joint memorial No. 5 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 5, by Black, relating to relief to settlers who settled upon lands under the homestead laws of the United States, situated within the boundaries of the Coeur d'Alene National Forest Reserve prior to the creation thereof.

Passed the house of representatives February 6, 1911.

Passed the senate February 6, 1911.

Which was filed in this office the 9th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 10th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. BOURNE. I present a telegram from the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the telegram was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SALEM, OREG., *February 13-14, 1911.*

Hon. JONATHAN BOURNE, Jr.,
Washington, D. C.

Senate joint memorial No. 6.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that

Whereas Representative MONDELL, of Wyoming, has introduced a bill in Congress to prohibit the suspension of final proofs in land entries on protests of special agents and others, unless such protests are based on good, sufficient reasons under the law, providing that when such protests are made the reasons therefor shall be transmitted promptly to the local land office to the entrymen, who shall be given a prompt hearing; and

Whereas we believe much injury has been wrought entrymen in the West, causing much delay to the progress and the development of western lands by such suspension, and that a law should be passed to put a stop to indiscriminate suspensions on mere suspicion or informal reports of agents and others when there is no real proof to substantiate such action; Therefore be it

Resolved, That your memorialists favor the bill proposed by Representative MONDELL, of Wyoming, and urge its immediate enactment into law; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*
FRANK W. BENSON, *Secretary of State.*

Mr. GALLINGER presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying for the enactment of legislation providing for a universal transfer system in the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., praying for the retention of the present board of education in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the proposed abolishment of the Board of Education, which was referred to the Committee on the District of Columbia.

He also presented a petition of Robert Campbell Post, No. 58, Department of New Hampshire, Grand Army of the Republic, of Bradford, N. H., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Boston Cooperative Milk Producers Co., of Massachusetts, representing farmers of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and eastern New York, and a memorial of Mountainville Grange, Patrons of Husbandry, of Conway, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Paul Revere Council, of Epping; General Marston Council, of Atkinson; and Rockingham Council, of Salem, all of the Junior Order United American Mechanics, in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW presented memorials of the Sunburst Club, of Brooklyn; of Local Grange No. 72, of Friendship; of Valley Grange, No. 1050, of Ellenburg Depot; of Adirondack Grange, No. 971; of Local Grange No. 912, of Washingtonville; of West Parishville Grange, No. 542; of Academy Grange, No. 62, of Cheshire; of Towlesville Grange, No. 430; and of Goshen Grange, No. 975, all of the Patrons of Husbandry, and of sundry citizens of Java Center, Port Byron, Denmark, Chittenango, Batavia, and Amsterdam, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Merchants' Association of New York, the West Side Business Men and Taxpayers' Association of Buffalo, the Commercial Association of Fort Edward, and of sundry citizens of Syracuse, New York City, Jamestown, Port Richmond, Binghamton, and Poughkeepsie, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Sloatsburg Council, No. 93, Junior Order United American Mechanics; of Local Union No. 1407, United Brotherhood of Carpenters and Joiners, of Perry; of Iron Molders' Union, No. 200, of Lancaster; of Washington Camp, No. 7, Patriotic Order Sons of America, of Elmira; of the Central Labor Union of Lancaster and Depew; and of the Trade and Labor Council of Ogdensburg, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying that an appropriation be made to establish a light vessel in American waters on Lake Erie between Point Abino, Canada, and Sturgeon Point, N. Y., which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of New York, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Musicians' Protective Association of Buffalo, N. Y., praying for the enactment of legislation to prohibit enlisted musicians entering the competitive field with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. BURNHAM presented the petition of Horace P. Montgomery, of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of the proposed Lincoln memorial road from the city of Washington to Gettysburg, Pa., which was referred to the Committee on Appropriations.

He also presented petitions of Suncook Valley Council, of Loudon, and of General Marston Council, of Atkinson, Junior Order United American Mechanics; of the Central Labor Union of Berlin; and of the Merrimac Lodge, No. 266, Brotherhood of Railway Trainmen, of Nashua, all in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the enactment of legislation providing for the preservation of forest reserves at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. BROWN presented a petition of Strong Post, No. 91, Department of Nebraska, Grand Army of the Republic, of Minden, and a petition of sundry veterans of Minden and Juniata, all in the State of Nebraska, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. ROOT presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation authorizing an investigation with a view to the establishment of a general parcels post, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the New York Board of Trade and Transportation, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a petition of sundry citizens of South Dakota, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Vermilion, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a memorial of the American Protective Tariff League, remonstrating against the establishment of a permanent tariff board, which was ordered to lie on the table.

Mr. NELSON presented a petition of the Trades and Labor Assembly of Minneapolis and Hennepin County, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. STEPHENSON presented a petition of E. A. Ramsey Post, No. 74, Grand Army of the Republic, Department of Wisconsin, of Oconto, Wis., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Cigarmakers' Local Union, No. 186, of Madison, Wis., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented petitions of Washington Camps Nos. 82 and 78, of Baltimore; 46, of Golts; and 80, of Goldsboro, Patriotic Order Sons of America; of Unity Council and American Flag Council, of Baltimore; and of Hillsboro Council, of Hillsboro, Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WATSON presented a petition of Washington Camp No. 31, Patriotic Order Sons of America, and of Local Camp No. 31, American Federation of Labor, of Vanclevesville, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of the Department of West Virginia, Grand Army of the Republic, and of Lyon Post, No. 22, Grand Army of the Republic, of Independence, W. Va., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. FRYE presented memorials of Thorne's Corner Grange, No. 498, of Lewiston, and of Local Grange No. 45, of Norway, Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 24435. An act for the relief of Kay-zhe-bah-o-say (Rept. No. 1150); and

H. R. 24434. An act for the relief of Nah-me-won-aush-e-quay (Rept. No. 1151).

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 7565) for the relief of the estate of Eliza B. Hause, reported it without amendment and submitted a report (No. 1152) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 10476) for the relief of Passed Asst. Paymaster Edwin M. Hacker, reported it with an amendment and submitted a report (No. 1153) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia, reported it without amendment.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 18014) to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897, reported it without amendment and submitted a report (No. 1154) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the amendment submitted by Mr. BACON on the 10th instant proposing to appropriate $1,500 to procure for the court room of the Supreme Court of the United States a marble bust, with pedestal, of the late Chief Justice Melville Weston Fuller, and also proposing to appropriate $1,500 to procure for the robing room of the Supreme Court of the United States an oil painting of the late Chief Justice Melville Weston Fuller, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. McCUMBER. On yesterday the Senator from West Virginia [Mr. SCOTT] reported from the Committee on Pensions the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and submitted a report thereon. I present the views of the minority on the bill and ask that they be printed.

The PRESIDENT pro tempore. The views of the minority will be printed. (Rept. No. 1145, pt. 2.)

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 10786) to amend section 2291 of the Revised Statutes of the United States, relating to homestead entries; to the Committee on Public Lands.

A bill (S. 10787) granting an increase of pension to Warren J. Bowman;

A bill (S. 10788) granting an increase of pension to Orlando Gates; and

A bill (S. 10789) granting an increase of pension to Francis M. Cox; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10790) to provide for the acquisition of a site and the erection thereon of a public building at Newcastle, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. HEYBURN:

A bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior, under its grants, that such lands be surveyed; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put-in-Bay Island during the year 1913, in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812 (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 10793) to amend the immigration law relative to the separation of families (with accompanying paper); to the Committee on Immigration.

By Mr. CRANE:

A bill (S. 10794) to amend an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," approved February 15, 1901; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 10795) to donate two pieces of artillery for memorial purposes at the grave of the late Brig. Gen. John S. Casement, United States Volunteers, at Painesville, Ohio; to the Committee on Military Affairs.

By Mr. FLINT:

A bill (S. 10796) providing for the adjustment of conflict between placer and lode locators of phosphate lands; to the Committee on Public Lands.

By Mr. PAYNTER:

A bill (S. 10797) granting a pension to Edward J. Moss (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10798) granting an increase of pension to W. C. Elder; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 10799) granting an increase of pension to Emily P. Hubbard (with accompanying paper); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10800) granting an increase of pension to John M. Jackson (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 10801) for the relief of the estate of Jonathan B. Polk, deceased; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 10802) for the relief of the owners of the steamers *Harry Brown* and *Stella Moren;* to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $10,000 for the erection and completion of the memorial structure at Point Pleasant, W. Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 to purchase the tract of land formerly known as Graceland Cemetery, in the District of Columbia, to be used as a public park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS TO SURVIVORS OF CIVIL AND MEXICAN WARS.

Mr. McCUMBER submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was ordered to lie on the table and be printed.

RECIPROCITY WITH CANADA.

Mr. GALLINGER. Mr. President, on yesterday the Senator from Delaware [Mr. DU PONT] had inserted in the RECORD a letter of the Secretary of Agriculture in favor of the reciprocity agreement with Canada. I have in my hand a reply to that letter, signed by ex-Gov. Bachelder, of my State and home city, who is chairman of the legislative committee of the National Grange. I ask unanimous consent that the letter may likewise be inserted in the RECORD, and that it may be referred to the Committee on Printing, with a view to having it incorporated in a document with the letter of the Secretary of Agriculture.

There being no objection, the letter was referred to the Committee on Printing, with a motion to print it as a document, and it was ordered to be printed in the RECORD, as follows:

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
Concord, N. H., February 13, 1911.

Hon. JAMES WILSON,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: We are in receipt of your letter of February 9, in which you endeavor to show that the Canadian reciprocity bill is fair to the farming interests of the country. We deeply regret that you have seen fit to take this position, and deplore the character of the arguments advanced by you in favor of this so-called reciprocity scheme.

In reply to our statement that the pending bill was onesided and unfair to the farmers, in that it makes no material reduction in duties on manufactured articles used by them, you attempt to defend the continuance of a high tariff for manufacturers, along with free trade for the farmers, by claiming that it is the protected workers who furnish the farmers with their chief market. We would respectfully submit that you are simply repeating the pet argument of the domestic manufacturer, and that in asserting that the prosperity of the farmer depends on the workers in protected industries, you are claiming what is exactly the reverse of actual conditions. It is on the prosperity of

the farmers that the welfare of all other classes—manufacturers, merchants, transportation interests, and factory workers—depends; and we can not understand how, at this late day, you should be found repeating the stale and exploded theory that the farmers exist by the grace of protected manufacturers, or anyone else on earth.

This, however, is not the occasion for a discussion of the general question of protection versus free trade. The sole question before the American people is whether we shall have free trade in all farm products and high protection for manufactured articles. We understand that you are a protectionist. What kind of protection is it that would compel the farmer to pay from 45 to 60 per cent duties on everything he buys and subject him to free-trade competition in farm products, which can be produced more cheaply in Canada than in this country? You know that the price of farm land is much lower in Canada than in the United States. You know that the wages of Canadian farm labor are much lower than we have to pay. You know that the Canadian farmer buys his manufactured articles cheaper, because his tariff on foreign goods is lower. You know that the farm lands of Canada are mostly virgin soil, requiring no fertilizers, while our lands have been cropped so long that we must use immense quantities of fertilizers. And yet, knowing all this, you would strike down the very moderate tariff, averaging about 25 per cent, which they now receive, without giving them the benefit of any real reduction of duties on manufactures.

The esteem and affection in which we hold you personally, and as the head of the Department of Agriculture, makes difficult a suitable rejoinder to your letter. We can only conclude that you have been deceived by the special interests, which have cunningly plotted to allay the country-wide clamor for an honest revision of the tariff, by making the farmer the scapegoat for the sins of the high-protection system. Else you would never be found making such a statement as that "free barbed-wire fencing will be a boon to our farmers."

Do you not know that the steel trust sold last year in Canada more than 100,000,000 pounds of wire, and that we bought no wire from Canada? Do you not know that this barbed-wire provision is an attempt to fool the farmers by a transparent trick? Do you not know that Canada produces practically no wire, and that with the duty on Canadian wire abolished we would not import one pound?

You refer to the advantages to our great milling interests of the free admission of Canadian wheat. How will this help the farmers? How will it help the consumers of our towns and cities? Wheat is on the free list, but flour is to be taxed 50 cents per barrel! Cattle, hogs, and sheep are to be free, but meat, both fresh and cured, is to be taxed 1¼ cents per pound! Is this an honest measure in the interest of the consumer? Is this your idea of a fair and just reciprocity measure? Protection to the miller and meat packer! Free trade to the tiller of the soil!

You refer to the drift of population away from the country into the cities. Do you really believe that this reciprocity measure will tend to encourage the back-to-the-farm movement? Will it help the farming industry to remove the slight protection now given it and continue to give high protection to manufacturing industries? Surely you can not believe for a moment that the way to encourage farming is to open our markets to the free admission of cheaper farm products.

We beg to assure you that the farmers are not so easily deceived as many persons imagine. They know that their income and the value of their property is threatened by this legislation, and they are determined to defeat it. They ask for nothing but a square deal—equal protection for all classes and interests—and they will take nothing else.

Yours, sincerely, N. J. BACHELDER,
Chairman Legislative Committee.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. I had intended on to-day to submit some remarks on the election case, but in view of the continuation to-day of the speech of the Senator from Texas [Mr. BAILEY], to be followed by an extended speech by the Senator from Ohio [Mr. BURTON] on the Appalachian bill, and as to-morrow will be taken up entirely by the unanimous-consent agreement for a vote on the Appalachian bill, I shall defer my remarks for the time being.

INVESTIGATION OF COPPER COMPANIES.

Mr. CLAPP submitted the following resolution (S. Res. 348), which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary:

Resolved, That the Attorney General of the United States be, and is hereby, authorized and directed to investigate the organization, method of operation, relation to each other and to other allied corporations of the Amalgamated Copper Co. and the Anaconda Copper Co. and the United States Metal Selling Co., for the purpose of determining whether there does not exist therein violations of the laws of the United States and especially what is known as the Sherman antitrust law, and whether there does not exist unlawful merger and combination in said companies and in their relation with each other for the purpose of controlling the output of copper metal and the price thereof and for the purpose of destroying competitors.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 2:

S. 10053. An act to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908.

On February 4:

S. 10268. An act granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; and

S. 10304. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

On February 9:

S. J. Res. 133. Joint resolution providing for the filling of a vacancy, which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln.

On February 13:

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5379. An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the battle of Guilford Court House, N. C.;

S. 5873. An act for the relief of John M. Blankenship;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.;

S. 10099. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.; and

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala."

RAILWAY MAIL SERVICE.

Mr. LA FOLLETTE. I ask leave to call up from the table the resolution I introduced calling on the Postmaster General for information. It will not provoke any discussion, I am certain, and I wish to dispose of it this morning.

The PRESIDENT pro tempore. The Senator from Wisconsin asks to take from the table Senate resolution 345, directing the Postmaster General to transmit certain information to the Senate relating to railway postal clerks and railway postal cars. The Chair hears no objection, and the resolution is before the Senate.

Mr. LA FOLLETTE. I ask to strike out the last paragraph of the resolution, for the reason that I fear it would occasion some delay in the Postmaster General responding to the call for information, and I am very desirous of getting the information before the Senate in time for the use of Senators in connection with the consideration of the Post Office appropriation bill. In perfecting the resolution, I strike out the last paragraph.

The PRESIDENT pro tempore. Without objection the last paragraph will be stricken out.

Mr. SMOOT. Let the resolution be read as modified.

The PRESIDENT pro tempore. The resolution will be read as modified.

The resolution as modified was read and agreed to, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate a statement from the records of the Post Office Department showing:

1. The number of opportunities for promotion of railway mail clerks, resulting from deaths, removals, or otherwise, during the past fiscal year and the number of promotions actually made, giving classes in each instance.

2. The number of railway mail clerks killed and injured in wooden railway mail cars suffering wreck or collision while being operated in trains in front of heavier cars of steel or steel underframe construction during the last fiscal year.

3. What penalties, if any, have been enforced against railroads for operating wooden mail cars in front of steel or steel underframe construction cars in the same train, and the amount of penalties collected or withheld from railroads on this ground during the last fiscal year.

4. A statement of all penalties collected or withheld from the railroads for delays in the transportation of mail during the last fiscal year.

5. A list of all railroads with whom mail contracts have been made during the past year in which no provision is made for penalty or damages for (a) delay in the transportation and delivery of mail matter, (b) violation of the law and rules of the department regarding the operation of wooden mail cars in front of steel cars or steel underframe cars in the same train.

6. The number of post-office cars now being constructed or under contract for construction on plans and specifications approved by the Post Office Department showing (a) the number of wooden cars, (b) wooden cars with steel underframe, (c) steel cars.

7. The increase in mail tonnage and the increase in the number of letters and parcels carried during the last fiscal year over the preceding year and the increase, if any, in the number of railway mail clerks and total pay thereof during the same period.

8. The number of resignations of railway mail clerks during each of the past five years, giving the class from which each clerk resigned.

LUMBER INDUSTRY OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 818), which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

In response to the resolution of the House of Representatives, dated December 13, 1906, and to the resolution of the Senate, dated January 18, 1907, I transmit herewith Part I of the report of the Commissioner of Corporations on the lumber industry of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1911.*

HAZING AT WEST POINT—VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 819); which was read and ordered to be printed, and, with the accompanying bill, referred to the Committee on Military Affairs:

To the Senate:

I return herewith, without approval, Senate joint resolution No. 94, entitled "Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution." These cadets received a fair and impartial trial in accordance with law as it existed at the time of their trial, and were punished by dismissal. Their connection with the Military Academy has been entirely severed, and they are now in civil life.

The Superintendent of the Military Academy, the Chief of Staff, and the Secretary of War are of the opinion that the enactment of this joint resolution would have a very injurious effect upon the Military Academy, and would tend to seriously demoralize the discipline there. In this opinion I concur.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1911.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BANKHEAD. Mr. President, I was unavoidably absent from the Senate yesterday morning when the District of Columbia appropriation bill was passed. I had an agreement with the Senator from New Hampshire [Mr. GALLINGER] in charge of the bill that I might offer an amendment while the bill was pending in the Senate. It was no fault of his that I did not offer the amendment at that time, because he made an effort to get me here. I have conferred with him since, and he suggests that I move to reconsider the votes by which the bill was ordered to a third reading and passed, in order that I may offer the amendment. I make the motion.

The PRESIDENT pro tempore. The Senator from Alabama moves to reconsider the votes by which the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, was ordered to a third reading and passed.

Mr. BANKHEAD. I call the attention of the Senator from New Hampshire to the matter.

Mr. GALLINGER. Mr. President, in reference to that matter, I will say that it was understood that the Senator from Alabama was to offer an amendment to the bill, to which I did not object, being willing that the matter should go to conference. The Senator yesterday was unavoidably absent from the Chamber, I apprehend not thinking the bill would be so rapidly passed.

I have no objection that the vote by which the bill was ordered to a third reading and passed may be reconsidered for that single purpose. I should object to any further amendments being offered to the bill.

Mr. KEAN. What is the amendment?

Mr. GALLINGER. It relates to a park.

Mr. KEAN. It is subject to a point of order?

Mr. GALLINGER. It is, undoubtedly.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] that the vote by which the District of Columbia appropriation bill was ordered to a third reading and passed be reconsidered in order that the bill may be open to amendment.

The motion was agreed to.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 14, after line 12, it is proposed to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as the Carpenter-Pennsylvania Avenue tract, more particularly described and taxed as parcels 206, 1; 206, 2; 207, 8; and 207, 9; containing 121 acres, more or less, at an expense not exceeding $210,000; and for that purpose the sum of $210,000, to be immediately available, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of $210,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, beginning with the fiscal year 1912, and with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said commissioners shall be unable to purchase said land at a price not exceeding the sum of $210,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of Volume XXX of the Statutes at Large; and for the purposes of the said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *Provided*, That the public park authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSERVATION OF NAVIGABLE RIVERS.

Mr. BURTON. Mr. President, I desire to give notice that to-morrow, immediately after the morning business, I shall address the Senate on the bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers. Notice was given for to-day, but that has been displaced.

The PRESIDENT pro tempore. There is a special order for to-morrow.

Mr. BURTON. Yes; but I take it that the special order will not be taken up until 2 o'clock.

Mr. BRANDEGEE. There being a unanimous-consent agreement for to-morrow relative to the bill to which the Senator from Ohio refers, I do not see how he can obtain any special right as against any other Senator by giving such a notice as he has just given. That bill will be up for consideration. The unanimous consent is to vote upon the amendments and the bill to final passage on that day, and the Senator from Ohio must take his chances as any other Senator has to do when he desires to speak.

Mr. BURTON. Mr. President, as I understand, that order for unanimous consent does not take effect until 2 o'clock.

Mr. BRANDEGEE. There is no such limitation in the unanimous-consent agreement, Mr. President. It is simply that on

that day, February 15, which will be to-morrow, the Senate will vote upon the bill to its final passage. Nothing is said about 2 o'clock or any other hour.

Mr. GALLINGER. Mr. President, it would be manifestly unfair for a Senator, by notice, to preempt the time of the Senate on a unanimous-consent agreement. He might occupy the entire day, and the friends of the measure might not have any opportunity whatever to discuss it. I think the Senator from Connecticut [Mr. BRANDEGEE] is quite right in saying that the Senator from Ohio must take his chances with other Senators when that bill comes up for consideration.

Mr. BURTON. I think the Senator from New Hampshire [Mr. GALLINGER] makes the statement a little strong in saying that what I propose is unfair. I have no intention or expectation of occupying any unusual part of the day.

Mr. SCOTT. Mr. President, I ask unanimous consent for the consideration of House bill 29346, known as the Sulloway pension bill.

Mr. BAILEY. Mr. President, I gave notice that immediately after the conclusion of the routine morning business to-day I would claim the attention of the Senate.

Mr. SCOTT. I ask the Senator's pardon. I did not know that. I withdraw the request.

SENATOR FROM ILLINOIS.

The PRESIDENT pro tempore laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State.

[Mr. BAILEY resumed and concluded the speech begun by him yesterday. The entire speech is printed below.]

Monday, February 13, 1911.

Mr. BAILEY. Mr. President, before addressing myself to the results of this investigation, I think it advisable to say something about the methods which the committee employed in making it. I am not moved to do this by any objection on my own part to those methods, or because I doubt in the least that they were best calculated to evolve the truth, but as several Senators, and particularly the Senator from Iowa [Mr. CUMMINS] and the Senator from New York [Mr. ROOT], have criticized the investigation as lacking in thoroughness, I feel that in justice to the committee I ought to make some reply to that criticism.

I can easily understand how a Senator who feels that the testimony elicited by the committee leaves him in doubt as to his duty might complain, and it would be for the committee to answer whether the doubt of such a Senator could have been removed by any testimony within their reach. If any Senator should describe himself as in that mental condition and he could indicate any witness who might enlighten him on any disputed point, I would, without hesitating a moment, vote to recommit this report to the committee, with instructions to procure such additional evidence. But, sir, it is utterly impossible for me to comprehend how any Senator can complain at the committee for having taken, or for having omitted to take, any testimony, and then in the next breath declare that on this record as now made up he does not hesitate to pronounce a judgment which will undo what the legislature of a great State has done, deprive Illinois, for a time at least, of a seat in the Senate, and drive one who holds the commission of a great Commonwealth from the Senate Chamber with a stigma upon his name which neither his children nor his children's children can outlive.

But, Mr. President, without intending to be offensive, I am constrained to believe that neither the criticism of the Senator from Iowa nor the criticism of the Senator from New York against the committee is entitled to our serious consideration, because their speeches show that they have not studied this record with sufficient diligence to pass an intelligent judgment upon it. I say that because in both of their speeches they have misstated the testimony on material points, and I know that neither of them would have done that to save his own seat in the Senate, and much less would either have done so to vacate the seat of another Senator. With these misstatements of the testimony before me and knowing the high character of the Senators who have made them, the only explanation possible to my mind is that they are due to a lack of familiarity with the record. Not only, Mr. President, were these Senators mistaken as to the language and the effect of certain testimony, but the Senator from New York was mistaken about the appearance of a witness whose testimony he deemed essential. The Senate has not forgotten that in enumerating the witnesses whom the committee ought to have called before it but did not, the Senator from New York included Mr. Shurtleff, the speaker of the Illinois House of Representatives, and he did not leave us in any doubt as to Mr. Shurtleff's importance as a witness, because to give emphasis to his criticism against the committee for its failure to call him, he made this statement:

> Mr. President, they would have called Mr. Shurtleff, the speaker of the house, who was the leader of the campaign on the Republican side to secure the election of Mr. LORIMER. They would have called him, because the testimony shows that day by day and night by night he was closeted with Mr. LORIMER and with Mr. Lee O'Neil Browne.

The Senate will also remember that the Senator from New York had scarcely concluded that criticism when he was interrupted by the Senator from Kentucky [Mr. PAYNTER] and the Senator from South Dakota [Mr. GAMBLE], who reminded him that this record shows that the committee did call the honorable Mr. Shurtleff and that he did testify touching all of the most important matters under investigation.

Not only did the Senator from New York complain at the committee for its dereliction in respect to Mr. Shurtleff, but he complained also that it did not call the Yarborough brothers; and here again I find, Mr. President, a circumstance which compels me to believe that the Senator from New York relied upon somebody else to examine the record for him, because a lawyer of his great ability and of his accuracy could not have overlooked the fact that this record makes its own explanation of why the Yarborough brothers were not called. Those witnesses were called on the trial of Lee O'Neil Browne, and they swore, corroborating White, that they were in White's room on the night of May 24 when Browne called there and took White to his own apartments, where he made the corrupt contract with him for White's vote.

After Sidney Yarborough had sworn to that as a fact, the defense called a number of witnesses who overwhelmingly contradicted him. One of those witnesses was a Mrs. Ella Gloss, who swore that on the night of the 24th of May—which was the night on which White swore before the committee that Yarborough was in his room and the night on which Yarborough himself had sworn before the court that he was in White's room at Springfield—Sidney Yarborough took supper in her home; that he took breakfast there the next morning; that he went to Wheaton that day, returned that night, and left Chicago on the night of the 25th day of May for the city of Springfield.

The learned attorney in that case interrogated Mrs. Gloss, as he did before the committee, about Yarborough's other visits to her home. She said that he had visited her home at other times, and when asked to specify them she could not do so. I freely say to the Senate that when she could remember this particular time and could not remember the other times, it strongly discredited her testimony with me. But finally they asked her how it happened that she could remember this particular visit and fix the day, but could not recall the other visits of Yarborough to her home; and then she satisfactorily explained it by saying that it was the day before her boy's birthday and that the little fellow had been begging her for a baseball bat and a baseball mitt, and Mr. Yarborough gave him 25 cents that morning with which to buy the baseball mit the next day. Mr. President, no man needs any further confirmation of that good woman's story, because she locates the day by a circumstance which never fails a woman's memory.

But, sir, that was not all. The defense called the husband of Mrs. Gloss, and he corroborated his wife's testimony. They also called a street-car conductor by the name of Bell, who testified that he met Gloss and Sidney Yarborough on Monday, the 24th day of May, as Gloss and Yarborough were on their way to Gloss's home. In order to discredit Bell they demanded of him to identify Yarborough in the crowded courtroom, and he did it.

Mrs. Gloss had testified that at her table Sidney Yarborough had declared that his railroad fare did not cost him anything, as he rode on the pass of Charles White, who is the principal witness in this case, and who had known Sidney Yarborough when they both lived at O'Fallon, Ill. The conductor of the Illinois Central Railroad train which left Chicago at 10 o'clock on the night of the 25th of May was called, and identified a coupon pass which he had punched and taken up on his train that night. The clerk of the assistant to the president of the Illinois Central Railroad was called and required to bring into the court the coupon passes which had been issued to and used in the name of Charles White. He brought 41 of them, and he was required to lay those coupons on a table in the open court with their faces down, so that no one could see the date, and only the signature on the back of each would be exposed. They called on Mr. Gloss, who claimed to know the handwriting of Sidney Yarborough, to pick out of these 41 coupon passes bearing the name of Charles White the one signed by Sidney Yarborough. Gloss picked a particular coupon, and when they turned its

face over it was the very one which had been used on the Illinois Central Railroad on the night of the 25th of May, thus corroborating Mr. and Mrs. Gloss, and contradicting absolutely and beyond all question the testimony of Sidney Yarborough.

But, Mr. President, there is still another circumstance which I am surprised that the Senator from New York has overlooked. When they had White on the stand and under direct examination they did not ask him who was in his room that night when Browne repaired to his apartments for the purpose of making the bribery contract with him. They had asked him that question on the trial of Browne, and he had answered that the Yarborough brothers were in his room; but he had been so completely discredited and contradicted that the attorneys for the petitioners in this case did not dare to repeat that question; and when the attorney for Senator LORIMER asked him who was in his room the attorney for the petitioner objected. Exactly how he could have expected his objection to be sustained I have not been able to understand, because it was clearly competent under the strictest rules of evidence; and over the protest of the attorney for the prosecution White answered the question, and again said that the Yarboroughs, both Otis and Sidney, were in his room. Then Gloss and Mrs. Gloss, and Bell, the street-car conductor, and the conductor of the Illinois Central Railroad, and the clerk of the assistant to the president of the Illinois Central Railroad were all called and testified before this committee what I have just related.

Mr. President, could any Senator complain at the committee for not calling a witness like that and under those circumstances? The prosecution called him in the court below, and he was so thoroughly discredited that they abandoned him. But when White was compelled to answer that question before the committee, he perfectly understood that if he made a different answer he would be contradicted by his testimony given in the court on the Browne trial, and though he knew that he would then be contradicted by other witnesses he thought that better than to be contradicted by his own testimony. He therefore swore that the Yarboroughs were in his room, and he was again contradicted, as he and Yarborough both had been on the Browne trial. If there were any need to call Sidney Yarborough, it certainly did not rest with the committee or with Senator LORIMER.

The Senator from New York also complained that this committee did not call the clerk of the Holstlaw Bank, at Iuka, Ill.; and in all fairness I must say that if I had been a member of the subcommittee and had known what I now know I would have thought it important to call the officers of that bank. But as the record was then made up I might not have deemed it important.

THE TESTIMONY.

The Senators on the committee who have preceded me have reviewed the testimony with such ability and with such clearness that I would not deem it necessary to occupy the attention of the Senate in repeating any of the things which they have said, except for the fact that it has been misstated in a way which, to say the least, is most remarkable, when we remember that Senators were speaking from a printed record. I easily understand that lawyers engaged in the trial of a case, and hearing the testimony as it falls from the lips of witnesses, when they come to discuss it before the court may differ about it; but in a case like this, where the words as they fell from the lips of the witnesses were taken down by a stenographer, transcribed, and then reduced to print, it passes my comprehension, sir, how Senators could have misstated it. Yet these speeches have been delievered here, impeaching th right of Senator LORIMER to his seat, are filled with misleading extracts from the testimony, as I shall abundantly show before I conclude.

In discussing the testimony I shall, following the order pursued by Senators on the other side, first consider the testimony of the three members of the legislature who were, according to the Senator from New York, "approached." The first witness the Senator from New York produced in support of this general and wholesale charge of bribery was a member of the legislature by the name of Groves, of whom he speaks as follows:

> Mr. Groves, a reputable and unimpeached witness, testified that shortly before the election a former member of the legislature came to his room in the hotel, approached him upon the subject of voting for Mr. LORIMER, and said to him "It might be a good thing for both of us." Groves retorted that "there is not money enough in Springfield to buy my vote for LORIMER."

Groves does testify to such a circumstance, but I want to show the Senate what else this "reputable and unimpeached witness" swore to, and then I will leave the Senator from New York to take care of his reputation. On page 416 of this record Groves testified:

> Q. State what, if any, conversation you had with Terrill?—A. Mr. Terrill told me he got a thousand dollars for voting for LORIMER.

After Groves left the stand, Terrill was called and swore that he did not vote for LORIMER at all; that he had voted for Hopkins for 18 ballots, and then left Hopkins and voted for Lawrence Y. Sherman until the last two ballots, when he again returned to Hopkins.

The next morning Groves appeared at the committee room and asked to correct his testimony, and he then said that what he had sworn or that what he intended to swear was that Terrill told him that "there was a thousand dollars or something like that in sight if he would vote for LORIMER." Groves testified a third time that Terrill had told him that he "could have earned a thousand dollars by voting for LORIMER." Groves also testified to a conversation with Representative Shaw, which I think the latter's testimony abundantly contradicts. Mr. President, if any Senator wants to vouch for a witness who swears as recklessly as that, he can have a monopoly on that proceeding.

The next witness introduced to us by the Senator from New York is Mr. Terrill, for whom he also vouches as "unimpeached and reputable."

I will show you how unimpeached and how reputable Terrill was. Terrill swears that he asked a man by the name of Griffin, who solicited him to vote for LORIMER, what there was in it, and that Griffin told him, "There is a thousand dollars anyway." Griffin swears distinctly, pointedly, and unequivocally that he never told Terrill any such thing. That is Griffin's oath against Terrill's oath. It is the oath of a man who swears that he did not offer a bribe as against the oath of a man who solicited a bribe, although it is fair to say that Terrill testified that when he asked "what there was in it," he was actuated by curiosity and not by avarice.

Mr. President, any man who will take this testimony and read what Griffin said and read who Griffin is would never believe that he was sent out to bribe anybody. But that is not all; that is not the end of this "reputable and unimpeached witness." They asked Terrill, who testified that he had gone to the support of Sherman, if it were not true that he went to Sherman as a sort of a decoy, pretending to be for him, so that having secured the good will of the Sherman men he might lead some of them back to the support of Hopkins, and he mildly admitted the charge. I will read to the Senate these questions and the answers:

> Q. You were an adherent of former Senator Hopkins, weren't you?—A. Yes, sir.
>
> Q. And you were there actively and energetically for him, weren't you?—A. I voted the first 18 times for Senator Hopkins. From that I went to Lawrence Y. Sherman, and stayed there until the last two ballots, and then went back to Senator Hopkins.
>
> Q. Well, you were all of the time an adherent of former Senator Hopkins, even when you were voting for Lawrence Sherman?—A. Yes, sir; I was.
>
> Q. You changed your voting to Sherman to try and draw somebody else out from there, from the parties they were voting for, so that you might induce them to go to Hopkins when you went; is that not a fact?—A. Yes; that is partially true; yes, sir.
>
> Q. And there never was a time when you were not a strong, active, energetic, and strenuous adherent of Senator Hopkins?—A. That is true.

Thus this "reputable and unimpeached witness" admits under oath that he was in the Sherman camp as a spy, or at least as a decoy. Mr. President, if men of that kind are to be received as reputable and unimpeached witnesses, I have nothing to say about poor White. He was a degenerate; but if a decoy and a spy is to be received as a reputable and unimpeached witness, then poor White may have some excuse for his infamous misconduct.

The third man who was "approached," according to the Senator from New York, was Mr. Meyers, a Democratic member of the house. The testimony upon which that charge is predicated is this: Mr. Meyers swore that just before the roll call on which LORIMER was elected Lee O'Neil Browne sent for him; that he went to Browne's seat, and that Browne urged him to vote for LORIMER. Meyers also swears that Browne said to him that "there are some good State jobs to give away and the ready necessary." Meyers further swears that he understood "the ready necessary" to mean that there was money for him if he would vote for LORIMER.

Mr. President, I do not believe what Meyers says, for two reasons. In the first place, it is wholly incredible that Browne would call a member of the legislature to his desk, and there in full view of everybody attempt to bribe him. The joint assembly was in open session, and if Meyers could hear the offer of a bribe so could all of those about him. That, sir, is not the way a corruptionist would operate. In the second place, I do not believe what Meyers has said, because his answer, and his only answer, was, "I can't help it; I can't go

with you." Is that the answer which an honest man would make to an attempt to bribe him? There on the floor of the Illinois Legislature, in full view of all the assembled people, is that the kind of an answer which an honest man would make to an attempt upon his honor?

George W. Alschuler, who sat one row behind Lee O'Neil Browne and three seats to the left of him, swears that he was watching Browne at that critical moment, and that Meyers did not go to his seat. If there were no testimony about it, if Browne did not deny it—and he does deny it in the most emphatic terms—if Alschuler did not say it was not true, if a page assigned to duty at Browne's desk, and who stood there through a roll call recording the vote, did not swear that Meyers did not go there, I would not believe him or any other man on earth, whose only answer to an attempt to bribe him was, "I can't go with you."

Mr. President, I now dismiss those three witnesses upon whose integrity these attempts were made and come to White, Link, Beckemeyer, and Holstlaw, who are so often described as the men who have admitted that they were bribed to vote for LORIMER; which is not true as to all of them, as I will show before I resume my seat.

WHITE.

The first witness called before the committee was Charles A. White, whose testimony I do not intend to review. By his own confession he is a perjurer and a bribe taker; and while such a man might tell the truth, it would be purely accidental if he did. The only thing I intend to do with reference to White's testimony is to show that it is flatly contradicted by reputable and unimpeached witnesses.

Recognizing that his story needed corroboration, White sought to corroborate it by locating two of his friends in his room on the night of the 24th of May when Browne went there for the purpose of corrupting him; and in order to give the story the appearance of truth, he even testified to certain comments made by Mr. Browne upon the occupancy of that small room by three men. I have already, in another connection, shown that White's story with respect to the Yarboroughs being in his room was proved to be so utterly false that even the prosecution itself, after one experience with it in on the trial of Browne, wholly abandoned it. White's testimony is not only discredited by the exposure of his falsehood with respect to the presence of the Yarboroughs in his room on the night of May 24, but it is further discredited by a conversation which he had with Homer E. Shaw before the election of LORIMER, and also by a conversation which he had with Mr. Thomas Curran after the election of Mr. LORIMER. The Senate will remember that White testified that he was induced to vote for LORIMER by a compensation which Browne promised him on the night of the 24th of May, though the exact amount was not agreed on until the next night, when White says he returned to Browne for a conference in order that a definite sum should be agreed on. Against this testimony of White stands the testimony of Homer E. Shaw, and, Mr. President, I will go out of my way to volunteer the statement that so far as I can judge by the printed page, a more intelligent and a more truthful witness did not appear before the committee. This is the same Shaw also about whom the Senator from New York made another mistake when he declared that—

Mr. Groves testifies also to a conversation before the election with Mr. Shaw, one of the men who voted for Mr. LORIMER, who was then about to vote for Mr. LORIMER, in which Mr. Groves, his suspicions excited by the attempt made upon him—

That statement is another evidence that the Senator from New York did not examine this record with that care which the importance of our decision demands. I again say that I know he would not misstate the testimony of any witness or misrepresent the vote of any member of the legislature; and yet, sir, Shaw did not vote for LORIMER, and so distinctly testified when he was on the witness stand. In order that there may be no mistake about that, let me read the very first questions he was asked and to which he replied:

Mr. AUSTRIAN. What is your full name, please?—A. Homer E. Shaw.
Q. Where do you reside?—A. Bement, Ill.
Q. What is your business, Mr. Shaw?—A. I am a banker.
Q. Will you be kind enough to speak loud and address the chairman. Were you a member of the Illinois House in the Forty-sixth General Assembly?—A. I was.
Q. Republican or Democrat?—A. Democrat.
Q. Do you remember the election of Mr. LORIMER on the 26th of May?—A. Yes, sir.
Q. Did you vote for Mr. LORIMER?—A. I did not.
Q. At any time were you approached with reference to voting for Mr. LORIMER—at any time?—A. I believe I was at one time asked if I could do so.
Q. Anything further?—A. No, sir.

Further on in his testimony Mr. Shaw was asked if he had ever engaged in any conversation with White about the senatorial election, and he answered in the affirmative, stating that the conversation in question had occurred about a week before LORIMER was elected, and that he had endeavored during that conversation to dissuade White from voting for LORIMER. In order to avoid any question about whether or not I am accurate in my statement on this particular matter, I will now read the questions and answers:

Q. Do you know Charles A. White?—A. I do.
Q. A member of the same legislature?—A. Yes, sir.
Q. Did you have a talk with him before the election of WILLIAM LORIMER for United States Senator?—A. I did.
Q. When?—A. Well, I would not attempt to fix the date, but my recollection is about a week before.
Q. What was the conversation?—A. The conversation was—the matter came up—something came up, as I remember it—now, it is quite a little while ago, and I would not like to state positively just the nature of it, but I think that White made this remark to me: That if he got a chance to vote for BILL LORIMER for Senator he was going to do it.
Q. What was the rest of it?—A. Shall I go ahead and state it all?
Q. Yes; tell what he said to you and what you said to him.—A. I said to him, "Charlie, I think you will make a great mistake if you do anything of the sort." I said, "You know you are a young man; you are new in your district, and undoubtedly stand high with the people down there or they would not have put you here, and I believe it will be your political death if you do anything of that sort," and I told him what I thought would be the condition down there in O'Fallon, where he came from, if he did do this. I told him I did not believe his best political friends would speak to him when he went home, and I remember that he made the remark that he "didn't care a damn," but that he "intended to do it if he got the chance." This, to my best recollection, was about a week before.
Q. Did you say anything to him about the locality from which he came being in southern Illinois, and a strong Democratic district?—A. I did. I mentioned the fact to him that his people were largely foreign; they were French, German, and Irish, very largely.
Q. Did you talk to Mr. White after that?—A. I did.

Shaw's testimony, as I have just recited it, conclusively disproves White's statement that he was influenced to vote for LORIMER by Browne's promise to pay him for his vote, made on the night of the 24th day of May. But, Mr. President, not only does this conversation with Shaw before LORIMER was elected establish the perjury of White, but the very day after the election he made statements to Mr. Thomas Curran which are equally as conclusive of his perjury. Mr. Curran was chairman of the committee on Labor and Industrial Affairs, and a Republican. He swears that on the day after Mr. LORIMER was elected to the Senate he met White in the corridor of the statehouse at Springfield, and that among other things White asked him if "there was anything doing in that senatorship election of LORIMER yesterday," and expressed a belief that he had been "double-crossed." In order that Senators may have before them the exact language, I will read the questions and answers:

Q. At the same time and at the same conversation did White say to you, "Was there anything doing on that senatorship election of LORIMER yesterday?"—A. Yes, sir.
Q. And did you say, "Not that I know of. I heard of nothing of the kind. You are a Democrat and voted for him, and you ought to know if there was. Why do you ask?"—A. Yes, sir; that was our conversation.
Q. Did White then say to you, "Well, I didn't know; I thought there was. I thought that Browne was double crossing us. I thought I was being double crossed."—A. Yes, sir.
Q. Did you say, "I know nothing about it at all? I have heard nothing?"—A. Yes, sir.

Here we find this man White the very day after the election inquiring of another member of the legislature, a Republican, who had also voted for LORIMER, whether "there was anything doing" and complaining that he thought he had been "double crossed." Does not this, Mr. President, assuming that Curran swore the truth, show that White perjured himself when he swore that Browne had promised to pay him a thousand dollars to vote for LORIMER? If Browne had made such a promise as that White would not have been in the corridors of the capitol asking if there "was anything doing" and complaining that he had been "double crossed." No, sir; Curran's testimony as to what occurred between him and White on the 27th day of May is utterly irreconcilable with White's testimony as to what occurred between him and Browne on the night of the 24th day of May.

But, Mr. President, there is additional testimony to disprove what White has said. Two witnesses, a Mr. Stermer, the assistant manager of the Briggs House in Chicago, and a Mr. Zentner, who is a traveling salesman, both testified to a statement which White made to them in the barroom of the Briggs House on the 19th of August, 1909. In that conversation White indicated his plan to blackmail LORIMER, and in reply to the direct question if he had anything on them, admitted that he did not, but said:

I voted for LORIMER, and I am a Democrat, and I can say I got money for voting for LORIMER. Do you suppose they can stand for it a moment? I guess they will cough up when I say the word to them.

Although, Mr. President, there is nothing in this record to impeach the character or veracity of either Stermer or Zentner, and although their occupations are useful and honorable, and

although their story, taken in connection with what we know of White and what he had said to others, is in itself entirely probable, still, sir, the Senator from Iowa [Mr. CUMMINS] has declared that he does not believe one word of their testimony and gave his reason for disbelieving it. Let me read to the Senate exactly what the Senator from Iowa said:

> The next contradiction comes from Stermer and Zentner. Stermer, you will remember, was the companion of Mr. Browne and Mr. White upon these visits across the lake; visits which consumed a large part of these profits, not only from the ordinary jack pot, but from the election of Mr. LORIMER as well.

The Senator from Iowa read that testimony so hastily that he described Stermer as the man who took the trip across the lake with White and Browne, though the testimony distinctly shows that it was Zentner. That, however, is not vital, and the important part of the Senator's statement is found in what follows, when he said:

> They say, and this is the only materiality of their testimony, that one day after Mr. White and Mr. Browne had come back from one of these trips, White was drunk, as usual, and that he said to them, after reciting what he was going to do, that they then immediately asked him whether he was going to turn against his friends, and then asked him whether he had anything on them, and he said, "No, I have nothing on them, but I am out for what is in it for White."
>
> I do not believe a word of that evidence for two reasons. In the first place, the testimony shows that it was repeated word for word without variation by the two men. More than that, it was repeated word for word before the committee as it was given at one of the trials of Mr. Browne on his indictment for bribery. Every man here knows that that can not be honestly done. It has been attempted a great many times. I have seen it attempted a great many times, and I never saw it succeed.

I was following the argument of the Senator from Iowa closely when he made that declaration, and I felt impatient at myself to think that I had overlooked the circumstance which he then related. I thoroughly agreed with him in thinking that no statements of the same transaction, made by two different men, were apt to be word for word alike unless they had been reduced to writing and committed to memory. I therefore felt vexed at myself for having attached much weight to the testimony of Stermer and Zentner. Without any thought that I would find the statement of the Senator from Iowa incorrect, and purely with the expectation of having it confirmed, the very first thing I did that night, when I sat down at my table to work, was to take this volume of evidence and turn to the testimony of Stermer and Zentner. You can hardly imagine my surprise, sir, when I found that, so far from the two statements being identical, word for word, there were just such discrepancies between them as tended to give them credibility, and in order that the Senate may now see how badly mistaken the Senator from Iowa was in that most confident assertion, I will point out several instances in which the two statements differ.

Stermer's statement appears on page 533 of the printed testimony and Zentner's on page 541. In the second line of Stermer's statement he says White declared that he "was going to take a big trip in the fall and winter," while Zentner represents White as saying that he was "going to take a trip that fall." Zentner omits the adjective "big," which was used by Stermer, and also omits the words "and winter." Again, in the very next clause of the same sentence Stermer declares that White said that—

> First, he was going to his home, to his home in O'Fallon, and from there he was going to New Orleans, from New Orleans to Cuba, from Cuba to New York City, where he expected to have a big time, and then he would come back home again.

As Zentner repeats White's statement, it was that—

> He was going to his home, in O'Fallon, down to New Orleans, over to Cuba, up to New York, where he was going to have a good time, and then he was going home.

There are no less than 10 differences in this part of a single sentence, and similar immaterial discrepancies run through every sentence. A close examination of those statements, instead of discrediting Stermer and Zentner, will serve to strengthen and fortify their testimony, and I am sure that the Senator from Iowa, after having his attention directed to his mistake, will cheerfully withdraw his serious reflection upon those two witnesses; and in order that he may see his mistake I will here reproduce the two statements:

STERMER'S STATEMENT.

> Q. Will you just repeat the conversation once more?—A. He said he was going to take a big trip in the fall and winter; that first he was going home, to his home in O'Fallon, and from there he was going to New Orleans, from New Orleans to Cuba, from Cuba to New York City, where he expected to have a big time, and then he would come back home again. One of us asked him, or said to him, rather, that he must have a lot of money to take a trip of that kind. He said that he didn't have the money, but he was going to get it, and he said he was going to get it without working for it, too. Mr. Zentner asked him how he was going to do that. Well, he says: "That LORIMER crowd and our old friend, Browne, has got to 'come across' good and strong with me when I say the word, and I am going to say it, too." Mr. Zentner asked him if he had anything on him, or them, rather. He says, "No, he hadn't." He said he got the worst of it at Springfield, but that didn't make no difference, he was a Democrat, and had voted for LORIMER, and he could say that he got money for it. He said, "Do you think they could stand for that game?" Mr. Zentner said, "My God, you wouldn't treat Browne that way, would you?" "Well," he said, "I am looking out for White, and besides," he said, "Browne wouldn't have to pay; the bunch back of him would have to do that; it wouldn't hurt Browne." That is about all that was said at that time.

ZENTNER'S STATEMENT.

> Q. Now, will you tell this committee exactly that conversation, as you remember it, and as you have testified to it on the two Browne trials?—A. The entire conversation?
>
> Q. Yes, sir.—A. We were talking about this trip that we just returned from, from Michigan. We had been over to Michigan, and the little experiences, numerous experiences that happened on this trip, we were relating them to Mr. Stermer, and Mr. Browne said, or Mr. White said, then, he was going to take a trip that fall, he was going to his home in O'Fallon, down to New Orleans, over to Cuba, and up to New York, where he was going to have a good time, and then he was going home, and one of us asked him, we said, "You must have quite a lot of money to make a trip like that, haven't you, Mr. White?" He said, "No; I haven't, but I am going to get it, and I am going to get it without working, too." I asked him then, I said, "How are you going to do that?" "Well," he said, "You know that LORIMER crowd and their old pal Browne will have to 'come across' when I say the word, and I am going to say it, too." I asked him then what he meant; I said, "What do you mean?" "Well," he said, "I got the worst of it down at Springfield. I am a Democrat and I voted for LORIMER and I can say I got money for it, can't I? Can they stand for that kind of game?" I said, "God, you wouldn't treat Browne that way?" White said, "No; I am looking out for White, and besides Browne wouldn't have to stand for it, anyway; it would be the bunch behind him." And that was about all the conversation. About 1 o'clock they closed the bar, promptly at 1, and we went out in the lobby of the hotel then and left Mr. Stermer.

Mr. President, with these statements before the Senate, I will leave White to the contempt which he has richly earned, and I will proceed to consider the testimony of Link.

LINK.

But before I call attention to that part of it which I consider pertinent to this discussion it is proper for me to remind the Senate that both Link and Beckemeyer have been used to corroborate White, and, if we accept their testimony as true, they have corroborated him with respect to the payment of $1,000 at one time and $900 at another time. It will be remembered by those who have read the testimony that when White offered his story to the Chicago Tribune he was asked if there were any members of the legislature who would corroborate it. This question makes it plain, sir, that those who were dealing with White and offering him a price to advertise his infamy to the world understood the necessity of supporting his testimony. White himself swears that while the Tribune people were negotiating with him for his story they asked him if he could be corroborated, as appears from these questions and answers:

> Q. At any time; if you took it in there and left it and walked out, and then went back again, that is the time I want; the first conversation you had with him after he knew what it was.—A. I could not quote the first conversation verbatim, but he asked me if there were any of the members who would corroborate my story, and I told him I had no one's corroboration except my own story.
>
> Q. Do you mean cooperation or corroboration?—A. Corroboration.
>
> Q. Cooperation?—A. No, sir; corroboration.
>
> Q. Corroboration?—A. Yes, sir.

The importance, Mr. President, of this matter is that it emphasizes the Chicago Tribune's understanding that White's story uncorroborated would impress no intelligent person, and they therefore stipulated in their contract with him that he should devote himself, so far as called upon by the Tribune people, to the work of corroborating his story. It was to meet the necessity for this corroboration that Link and Beckemeyer were finally prevailed upon to swear that they had received money in sums which corresponded to the payments which White swears were made to him.

Sir, I have my own theory of Link's testimony with reference to the $1,000 and the $900 which he said were paid to him in St. Louis on two different occasions. The testimony shows that Link was brought to the city of Chicago, and carried before the grand jury of Cook County, but did not furnish the testimony which the State's attorney desired. That testimony, according to Link's statement, was that he should affirmatively answer just two questions—the one that he had received $1,000 from Browne and the other that he had received $900 from Wilson. When before the grand jury the first time Link would not give that testimony, and they called him back the second time to the grand-jury room, and still he would not testify as the State's attorney wanted him to do, and then they indicted him for perjury. With this indictment in their hands, they drew a picture of his home on one side and of the penitentiary on the other. They told him that if he would swear as they wanted him to swear they would dismiss the indictment for perjury and let him go home a free man without any charges resting against him. But they told him that if he did

not testify as they desired, they would send him to the penitentiary, and that he would lose his farm, and even lose his wife. Standing there with the door of the penitentiary opening before him, harried and distracted by the power and the threats of the State's attorney, he finally yielded, and cried out in the anguish of his narrow soul, "If I must tell a lie, I will do it, but I do not want to do it." In that frame of mind they took the wretched man a third time before the grand jury, and he then gave the testimony which has since obliged him to corroborate White, at least as to these two payments of money.

But, sir, although Link does swear that at one time he received $1,000 from Browne and at another time he received $900 from Wilson, he also swears distinctly and repeatedly that not one dollar of either sum was promised to him or paid to him on account of his vote for LORIMER. Here are his answers as they appear on page 301 of the printed testimony:

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for WILLIAM LORIMER for United States Senator?—A. I certainly did not.

Senator GAMBLE. Or after he had voted for LORIMER.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for WILLIAM LORIMER for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for WILLIAM LORIMER for United States Senator, or if you had voted for WILLIAM LORIMER for United States Senator, any consideration of any kind?—A. None whatever.

BECKEMEYER.

I come now to the witness, Beckemeyer, who swears most positively that he was not promised anything as an inducement to vote for LORIMER. On page 234 of the printed testimony he was asked this question:

Did Lee O'Neil Browne, at any time or at any place before Senator LORIMER was elected on the 26th day of May, 1909, ever tell you that he or anybody else would give you any money or other thing of value afterwards if you did vote for Senator LORIMER?

And he answered:

No, sir.

Again he was asked:

Was there anything in the way of money or compensation or anything of value that was held out to you or promised to you or indicated to you in any way by Browne or anybody else or from any other source to induce you in any degree to vote for WILLIAM LORIMER for United States Senator on the 26th day of May, 1909?

And the answer was:

No; there was not.

But while Beckemeyer swears that they did not promise him anything to vote for LORIMER, he also swears that afterwards Browne gave him a thousand dollars and told him it was "Lorimer money." Beckemeyer, like Link, was standing under the shadow of the penitentiary, with its open doors ready to close around him, and he was promised immunity if he would swear that he received a thousand dollars from Browne and $900 from Wilson, thus corroborating the creature White, as Link had been compelled to do. Testimony delivered under those circumstances I do not consider of any value. I am persuaded that a man who accepts a bribe could be hired to say that he had been paid when such was not the truth. A rich and powerful combination, bent upon the destruction of any public man, would find such men their willing tools and they would swear anything for a price. If a seat in the Senate is to be vacated upon the testimony of such men then no man is safe, for every man has rich and unscrupulous enemies who can hire, and, if given a hope of success, will hire such wretches to swear away his rights and character.

There was one other member of the house by the name of Luke, whose vote it is sought to impeach by testimony other than that of White, Link, and Beckemeyer. He was dead, but his wife was called as a witness, and so careful a lawyer as the Senator from Idaho [Mr. BORAH] has misstated the testimony with respect to him; for in his speech he leaves the impression that Mrs. Luke testified that when her husband returned from that meeting at St. Louis, where they say the corruption fund was distributed, he had $950 in his possession.

Let me read what the Senator from Idaho [Mr. BORAH] said:

One other witness, Mr. Luke, was also present on these occasions. Mr. Luke is dead. His wife testified that he received a telegram on one occasion; that he went away, and that when he came back he had $950 in his possession. I think that Mr. Murray ought to have been permitted to testify as to what Mr. Luke said to him; but he was not, and we are therefore confined to the proposition that Mr. Luke was present at least upon one occasion; that he returned with about the amount of money which was being paid, and that he cast his vote for the first time in harmony with those who are admitted to have received the several sums of money to which I have referred.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Yes.

Mr. BORAH. In what respect did the Senator from Idaho misstate Mrs. Luke's statement?

Mr. BAILEY. In this respect, and I think when I have pointed it out the Senator from Idaho will ask leave to correct the RECORD. If the Senator from Idaho will turn to the testimony of Mrs. Luke he will find that, pointedly and unequivocally, she swears that when Luke returned from St. Louis he did not show her any money. She swears that he exhibited to her the $950 before he went to that meeting at St. Louis.

Mr. BORAH. The Senator inserts something into my remarks that I did not say and was very careful not to say. I did not say that Mrs. Luke said that after his return from St. Louis he had $950, and the RECORD does not bear that statement. I said that upon one occasion at least he was present, and Mrs. Luke said that he received a telegram and returned home at one time with $950. And the RECORD is in precisely that language.

Mr. BAILEY. I am willing to leave the question between us to the cold print. I regret, however, that the Senator says he was careful in framing that statement, because that looks like he desired, without actually saying so himself, to mislead the superficial reader into thinking that Mrs. Luke swore that her husband had this money in his possession after he returned from the St. Louis meeting. Mr. President, the Senator from Idaho says that I have inserted "something into his remarks and that he did not say it:" but the Senator is as badly mistaken about that as he is about Mrs. Luke's testimony. In the third sentence of the paragraph which I have quoted, the Senator from Idaho says:

His wife testified that he received a telegram on one occasion; that he went away and that when he came back he had $950 in his possession.

Now, sir, according to all the rules of construction, and indeed, according to his very words, the Senator from Idaho has said that when Luke came back from the St. Louis meeting to which he had been called by a telegram, he had $950 in his possession. The testimony of Mrs. Luke, however, is that she saw $950 in her husband's possession before he went to St. Louis in response to that telegram, and that she saw nothing in his possession when he returned from the St. Louis meeting.

When the Senator from Idaho says that Luke was present on at least one occasion and that he returned with $950 in his possession, he must mean, of course, that he returned from a St. Louis meeting with $950, because it was the meetings at St. Louis which the Senator was then discussing.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Yes.

Mr. BORAH. The Senator from Texas forgets that there were two meetings in St. Louis.

Mr. BAILEY. No; I do not forget that.

Mr. BORAH. There was a meeting at St. Louis, and there were two payments made. At one time Browne conducted the distribution of the fund and at another time Wilson conducted the distribution of the fund.

The Senator from Idaho said that upon one occasion Mr. Luke was there, and the witnesses who testified to that are all the witnesses who were present at St. Louis; and I say that upon one occasion he was there and upon one occasion when he returned she said he had $950.

Mr. BAILEY. But, Mrs. Luke distinctly said that it was before her husband had been to St. Louis that she saw him with $950 and that she did not see him with any money after he returned from St. Louis. As Luke had received more than $2,000 for his services as a member of the Illinois Legislature the fact that he had $950 shortly after its adjournment is not a circumstance which can fairly raise against him any presumption of dishonesty.

Mr. GAMBLE. I suggest to the Senator from Texas—I do it with some timidity—that he read the testimony of Mrs. Luke. There can be no question about it.

Mr. BAILEY. I will ask the Senator, who has it in his hand, to read it to the Senate.

Mr. GAMBLE. I quoted it.

Mr. BAILEY. I know you did.

Mr. GAMBLE. It is from page 495 of the record and reads:

Did he return to Nashville, Ill., after the adjournment of the legislature, if you know?

Nashville was the home of Luke at that time.

A. Yes, sir.

Q. The legislature adjourned about the 4th or 5th of June, 1909; can you tell this committee about when he did return; how long after the adjournment of the legislature?—A. Well, I suppose right away.

Q. You believed it was some time in the month of June, 1909?—A. Yes.
Q. Thereafter do you know whether or not he received a telegram from Robert E. Wilson?—A. Yes.
Q. Did you see it?—A. No; he read it to me.
Mr. AUSTRIAN. After the receipt of this telegram, did your husband leave your home in Nashville?—A. Yes, sir.
Q. Do you know where he went?—A. He went to St. Louis.
Q. Upon his return from St. Louis, did he show you anything?—A. No.
Q. Did you see anything he brought with him?—A. No.
Q. Did he have any large amount of money?—A. No.
Q. Did he exhibit to you any amount of money?—A. No.
Q. Did you see $950 in his possession?—A. I did.
Q. When?—A. Before that time.
Q. Before he went to St. Louis?—A. Yes.
Q. Where had he been immediately before?—A. I don't know.
Q. Had he been away from home?—A. Yes, sir.
Q. Had he been to Chicago?—A. No.
Q. Had he been to St. Louis?—A. No.
Q. Where had he been?—A. I don't know.

That is substantially all in connection with that. It seems to me absolutely and directly in line with the suggestion made by the Senator from Texas.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Certainly.

Mr. BORAH. For just a moment. I do not desire to enter into a controversy about the matter now, but I desire to put in the RECORD, precisely in line with what has just been read and in the light of the further fact, that four other witnesses testified that Luke was present at St. Louis——

Mr. BAILEY. There is no question about that. His wife so testifies.

Mr. BORAH. His wife says she did not know where he was, but he did receive a telegram, and that he had $950.

Mr. BAILEY. But she testifies that he had the $950 before, and not after, the St. Louis meeting.

Mr. BORAH. But she says she does not know where he went when he went away.

Mr. BAILEY. That is true.

Mr. BORAH. It is very true.

Mr. BAILEY. But that is not unusual. There is many a wife who does not know where her husband has gone. [Laughter.]

Mr. President, as this record is to be permanent, I want to say here that I would believe that I had myself intentionally misquoted the RECORD as readily as I would believe that the Senator from Idaho would do it. I know he would not.

Mr. BORAH. I appreciate, of course, the statement of the Senator from Texas, and if I thought in the light of the evidence which is now before the Senate, I had misquoted it, I would at this time restate it for the purpose of having the RECORD in future bear the correct interpretation of the evidence.

Mr. BAILEY. I am sure of that.

Mr. BORAH. I repeat that when you take Mrs. Luke's testimony, the testimony of the four witnesses, the fact that she said her husband received a telegram and denied having $950, the conclusion which I drew was a perfectly legitimate one. Now, I am perfectly willing to leave the matter where the Senator from Texas places it; that is, that the wife does not very often know what is happening when the husband is out of sight.

HOLSTLAW.

Mr. BAILEY. But, Mr. President, there is another witness upon whose testimony the prosecution relies with greater confidence than on that of White or Link or Beckemeyer. They have introduced Senator Holstlaw, who swears that Senator Broderick paid him $2,500 to vote for Senator LORIMER, and they insist that Holstlaw's testimony is entitled to special weight because it is corroborated by a bank deposit made at the time he received that money from Broderick. Holstlaw's testimony when analyzed would need corroboration, because his story on the face of it is a most improbable one. Let me quote it to the Senate in his own words. Here it is:

Q. Mr. Holstlaw, on May 26, 1909, whom did you vote for for United States Senator?—A. I voted for WILLIAM LORIMER.
Q. You were there in the joint session that day, then?—A. Yes, sir.
Q. Before voting for WILLIAM LORIMER on the 26th of May, 1909, was there anything said to you by anyone about paying you for voting for Mr. LORIMER?—A. On the night before the 26th, which was the 25th, Mr. Broderick and I were talking and Mr. Broderick said to me, he said, "We are going to elect Mr. LORIMER to-morrow, aren't we?" I told him, "Yes, I thought we were," and that I intended to vote for him.
Q. Proceed.—A. And he said—he says "There is $2,500 for you."
Senator BURROWS. Said what?
A. Said "There is $2,500 for you."
Mr. AUSTRIAN. Where was that conversation?—A. It was at the St. Nick Hotel, on the outside of the building.
Q. What night, the night before the vote for LORIMER was taken on the 26th?—A. Yes, sir; on the night before.
Q. What Broderick do you refer to?—A. I refer to Senator Broderick.

These are the strangest thieves that ever congregated in a civilized country, if this statement of Holstlaw is to be believed. I am more credulous, perhaps, than I ought to be, and I can be easily imposed upon by any reasonable story; but, sir, I balk when I am asked to believe that a bribe giver will offer $2,500 to a legislator who has already declared his intention of voting the bribe giver's way. I have no acquaintance with such people that would qualify me to understand or to explain their conduct, but speaking from my limited knowledge of human nature I think it very much more probable that a bribe giver would keep the money intrusted to him by his principal even after he had promised it to one of his fellow corruptionists, than it is that he would volunteer to pay it when there was no necessity for doing so. If $2,500 were left a bribe giver to be paid over to a bribe taker, the bribe giver would be more apt to keep it than he would be to pay it over; and it has never happened in the history of the world that a corrupt and dishonest man has volunteered to part with money left with him under such circumstances.

But they say that Holstlaw is corroborated by a bank transaction which has been stressed before the committee and before the Senate with great effect. They ask us to believe that Holstlaw received this money from Broderick, because they say that he deposited it that very day in a Chicago bank and that the amount of his deposit corresponds exactly with the amount which he says that Broderick paid him. But, sir, when Holstlaw was asked the name of the bank in which he deposited that money he gave the wrong name, and had to be prompted by the attorney for the Tribune. Let me read those questions and answers, for they are brief:

Q. What did you do with the money?—A. I took it and put it in the bank.
Q. What bank?—A. In the First National Bank.
Q. Do you mean the First National Bank or the State Bank of Chicago, which?—A. I believe it is the State Bank of Chicago—pardon me, I believe it was.
Q. The State Bank of Chicago?—A. Yes, sir.

Now, Mr. President, it is impossible for me to believe that a man who had received $2,500 and deposited it under circumstances which must have burned it into his brain as if with fire, could have forgotten the name of the bank in which he deposited it. Not only, sir, did he forget the name of the bank in which it was deposited, but a still more remarkable and inexplicable circumstance is that the bank whose name had escaped him was the correspondent of a bank which he owned and controlled at Iuka, Ill.; and, as if to make his testimony still more improbable and still more inexplicable, he testified at a subsequent stage of the investigation that he had never, before or since, personally made any deposit in that bank. Having personally made but one deposit there, and that of money received as the price of his honor, I can not believe that he would have forgotten the name of the bank.

The attorney for the Chicago Tribune has treated this bank deposit slip as confirming Holstlaw's testimony beyond all doubt. He not only offered it in evidence, but not content with that he had it photographed, and a photographic copy of it is printed in his original brief.

A Mr. Newton, the chief clerk of that bank, appeared before the committee, and testified that Mr. Holstlaw had personally deposited this money, and that he, Mr. Newton, as the chief clerk of the bank, had personally received it from Mr. Holstlaw. That is not exactly in accordance with the face of the deposit slip, because it does not bear the stamp of the chief clerk. It does not bear the stamp of the receiving teller, but it bears the stamp of the note teller. Still, that might happen. It is not exactly regular, but it might be entirely honest.

But, Mr. President, as my suspicion had been excited by Holstlaw's improbable account of his first interview with Broderick, and still more by his mistake as to the bank in which he deposited that money, I very naturally thought it proper to scrutinize this deposit slip as closely as possible, and on it, when read in connection with the attorney's brief, I found what I believe to be indisputable evidence that it is a forgery. In this reply brief filed by the attorney he again specifies this as a most convincing proof that Holstlaw swore the truth when he said that Broderick paid him $2,500 as bribe money, because it shows that Holstlaw on that very day deposited with a bank in Chicago that exact amount to the credit of his bank at Iuka. As if to emphasize it still more and more, he cites us to the page of his original brief on which the photographic copy can be found, and then he declares that—

The testimony is most important because Holstlaw had testified that immediately upon receiving the $2,500 in currency from John Broderick he deposited this $2,500 at the State Bank in currency, in large bills, and the photographic copy of his own deposit slip, in his own handwriting, is to be found on page 98 of our opening brief.

I will ask the Sergeant at Arms to bring me the papers in this case, particularly the paper giving a list of the witnesses to be summoned and the paper containing Holstlaw's acknowledgment of service. When I submit that last-mentioned paper to the Senate, there will not be a Senator here who will say that the same man who signed Holstlaw's name to the acknowledgment of service wrote the words Holstlaw Bank at the top of that deposit slip.

But, Mr. President, there is a stronger testimony of its forgery than merely the dissimilarity of penmanship. Here, sir, is an incontrovertible evidence: The name of Holstlaw on this deposit slip is misspelled, and who will believe that a man depositing $2,500 of bribe money would misspell his own name? Still another and a pregnant circumstance which I will lay before the Senate when the Sergeant at Arms brings me the papers is that Holstlaw's name is spelled in this deposit slip exactly as it is spelled in the list of witnesses furnished to the committee by the attorney of the Chicago Tribune. And that may explain, let me say to my friend from New York [Mr. ROOT], why the prosecution did not bring the officers of the banks with books to prove this deposit.

Mr. President, the Sergeant at Arms has now handed to me the document bearing Holstlaw's acceptance of the service, but has neglected to bring me the list of witnesses. It is enough, however, for me to say that Holstlaw's name as spelled on this deposit slip, which transposes the "l" and "s," is spelled or misspelled exactly the same way in the list of witnesses furnished by the prosecution to the committee. I will now ask the Senator who sits near me here [Mr. TILLMAN] to look at these two signatures; and he will see that there is not a letter in one like the same letter in the other.

Mr. FRAZIER——

The PRESIDING OFFICER (Mr. JOHNSTON in the chair). Does the Senator from Texas yield?

Mr. BAILEY. I do.

Mr. FRAZIER. Does the Senator mean to state to the Senate that Senator Holstlaw stated in his testimony that he signed that deposit slip?

Mr. BAILEY. I do not. He said that he personally deposited the money.

Mr. FRAZIER. Exactly. He said he had deposited the money, but he did not say that he signed the deposit slip.

Mr. BAILEY. The Senator from Tennessee must know that I have not made any such statement.

Mr. FRAZIER. The impression the Senator was making was that this must be a forgery because the signature to the deposit slip was different from the signature made by Senator Holstlaw to the subpœna. Therefore proof that the deposit slip was a forgery could only be based upon the suggestion that Mr. Holstlaw had signed the deposit slip, and Senator Holstlaw does not say that he signed the deposit slip.

Mr. BAILEY. The Senator did not do me the honor to listen carefully to what I was saying, because I took up the brief—the photographic copy of deposit slip does not appear in the record—and I took up the attorney's brief, stating that it was photographed there, and then stating that in his second or reply brief he had laid special emphasis on the deposit slip being in Holstlaw's "own handwriting."

Mr. FRAZIER. Then the Senator's argument is based upon the brief of the attorney, not on the record.

Mr. BAILEY. The record itself was that Mr. Holstlaw personally deposited it. I stated that. I stated, furthermore, that the bank clerk swore he received it from Mr. Holstlaw.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. BAILEY. The Senator from New York has been on his feet desiring to interrupt me, and I yield first to him.

Mr. ROOT. Mr. President, I rose for the purpose of asking the Senator from Texas whether, when he read from the brief of the counsel for the Chicago Tribune, that this deposit slip was in the handwriting of Mr. Holstlaw he understood that there was any evidence anywhere in this record to that effect.

Mr. BAILEY. Nothing except what I have stated, and that is that Holstlaw swore that he personally made the deposit and the bank clerk swore that he personally received it from Holstlaw. I did not even venture to say, what I know to be a matter of practice, that in nearly all cases where business men carry a deposit to a bank they do make out their own deposit slip.

Mr. ROOT. Does not the Senator know that as a matter of practice when business men coming from their offices go into a bank to make a deposit the bank clerk will make out the deposit slip?

Mr. BAILEY. They sometimes do and sometimes they do not.

Mr. ROOT. I will ask the Senator this question. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. ROOT. Is there one word of testimony in this record to the effect that the bank clerk did not make out the deposit slip for the $2,500 brought to the bank by Mr. Holstlaw?

Mr. BAILEY. The only testimony is that Holstlaw personally deposited it and that the bank clerk personally received it from Holstlaw. I was careful to keep within the record. I made no suggestion based on the record that Holstlaw did draw the deposit slip, but I spoke from the brief of the attorney in the case, who is fairly presumed not to have made a mistake in that respect; and whatever the argument was it was based on the statement of the attorney, without the slightest pretense that it was based on any statement in the testimony.

Mr. ROOT. The only basis, then, as I understand it, for the charge that there was a forgery of this deposit slip rests upon the assumption that the attorney of the Chicago Tribune was right in his brief and not upon any testimony in the case whatever.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY I should like to make a reply to the Senator from New York before I yield to the Senator from Iowa.

Mr. President, I repeat for the third time, and it seems to me that I need to repeat it in order to clarify it to some gentlemen, that I was careful not to intimate that there was any proof in this testimony as to who made out that slip, because I had examined it and all that was there I stated. But when I came to argue that it was a forgery I took up the brief of the counsel, and it is a perfectly proper thing for me to do in the Senate, as it would be a perfectly proper thing for me to do in the court room, because it is fair to suppose that an attorney employed specially to present the case would not assert, or even assume an important fact unless he had a good reason for doing it. And, sir, unless we accept the brief of the attorney there is no photographic copy of this deposit slip in this record.

Mr. ROOT. Mr. President, it is quite immaterial whether a photographic copy was in the record or not. There is the evidence of the officer of the bank that he received that deposit from the hands of Mr. Holstlaw on the 16th day of June with that deposit slip.

Mr. BAILEY. Mr. President, I have always found that when a point can be turned against an attorney it at once becomes wholly immaterial. I now yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am not at all sure that the paper I hold in my hand is one that ought to be introduced into this controversy at the present time.

Mr. BAILEY. Is it a part of the record?

Mr. CUMMINS. It is not.

Mr. BAILEY. Then, Mr. President——

Mr. CUMMINS. I ask the Senator from Texas, because I know he is always desirous of doing exact justice——

Mr. BAILEY. I hope I am.

Mr. CUMMINS. Whether it is proper to suggest it in view of the charge of forgery just made. I have in my hand the original deposit slip. I have also the card which the bank at Iuka, the Holstlaw bank, presented to the State Bank of Chicago for the purpose of giving the State Bank the signatures of the officers of the Iuka bank.

I do this simply because I recognize with the Senator from Texas that the statement made in the brief of the Chicago Tribune is a mistake. It is not true that the deposit slip is in the handwriting of Senator Holstlaw, and it is true that there is a mistake in the spelling of the name in the deposit slip. The proof accompanying the deposit slip explains the mistake in regard to the name.

Now, I ask, whether it is proper to take into consideration the original deposit slip or not. If it be important, if the question of forgery becomes material, or if it is insisted upon, it is evident that this must find its way into the record in some way or other.

Mr. BAILEY. All I have to say is that if they had forged one document they would not hesitate to forge an explanation of it. I may be mistaken, but if I am, I have been misled by the lawyer who was employed to present this case, and who has presented it with great zeal and with some ability.

Mr. CUMMINS. May I say just one word more there?

Mr. BAILEY. Certainly.

Mr. CUMMINS. A moment's inspection of the paper to which I have referred on the part of the Senator from Texas will convince him that it is utterly impossible that it should have been forged.

Mr. BAILEY. Mr. President, as they are introducing matters outside of the record, I may be permitted to say that a

Senator told me that the president of that bank told him that this slip was really a copy made by a newspaper correspondent. But I did not choose to repeat that. I took it as the authorized attorney had presented it. I hardly believed that an attorney, permitted by the courtesy of this committee to appear before it and present this case, would have introduced a spurious document. He introduced it; and attached so much importance to it that he photographed it; and then, in order to emphasize and give it probative force, he stated upon his responsibility as an attorney in the case that it was in the very handwriting of Holstlaw. Now, if that is not true, I am not responsible for it. I have made an argument based on the record and the briefs, and that, sir, is perfectly fair and proper. In the opinions of the Supreme Court you will find many cases where they have commented on statements made in the briefs before them, and surely, sir, it is not unprecedented or remarkable that I should do so here.

Not only is Holstlaw discredited by his improbable story, to which I have alluded, and by what I believe to be the forgery by which they have attempted to corroborate him, but there is still another circumstance which in my mind destroys the value of his testimony. He had been indicted in Sangamon County for perjury, with respect to another and totally different transaction, and was advised by the sheriff of that county to employ a certain firm of lawyers. Those lawyers contrived to have the indictment for perjury quashed upon an agreement with the State's attorney that Holstlaw would sign a certain paper which they had prepared. In that paper, which was to procure his immunity from a just punishment for perjury, he first made this statement of his transaction with Broderick, although he had not been questioned by the grand jury about the senatorial election, and it bore absolutely no relation to the offense for which he had been indicted. That he was guilty of one crime I do not think admits of the slightest doubt, but he was relieved from the consequences of that crime by confessing that he had committed another. Not only, Mr. President, did they agree to allow Holstlaw to go unwhipped of justice for an offense of which they had the ample and documentary proof, but they also agreed to give him immunity against any prosecution for the other crime which they thus induced him to confess.

WHY DEMOCRATS VOTED FOR LORIMER.

But, Mr. President, turning from all the witnesses and documents, the Senator from New York demands of us to explain how it is that 53 Democrats in the Legislature of Illinois could have voted for Senator LORIMER unless they were bribed to do so. I might answer, and that would be sufficient for those who know him, that they were thus insuring the defeat of ex-Senator Hopkins; and almost any Democrat would consider that a satisfactory explanation. I intend no reflection upon the character or integrity of ex-Senator Hopkins, but we all remember his narrow and bitter partisanship. He could hardly bring himself to admit in the House or in the Senate that a Democrat could be an honest man and a patriot; and if he would say those bitter things here, what kind of speeches do you suppose he was in habit of making against the Democrats of Illinois on the stump? His very presence in a Democratic assembly would have almost provoked a riot, sir. [Laughter.] I have here an extract from the speech which he delivered in the House of Representatives on what was known as the force bill, and in which he denounced the Democrats of that day and of that body with such severity that one of the ablest men in it, and one of the mildest men who ever represented a district there, protested against it from his seat. Mr. President, I believe I will read to the Senate a small part of what Mr. Hopkins said on that occasion:

> The argument which have been indulged in by the gentleman from the South against this bill are the arguments which are indulged in by the hardened criminal who seeks to avoid the just punishment of the crime which he has committed.
> Mr. CULBERSON. That is too rough.
> Mr. HOPKINS. It may be rough, but it is true.

He denounced the whole Democratic Party, because Democrats North and South, East and West, were opposed to that infamous measure. Yet they wonder why Democrats should help to accomplish his defeat. But I do not need to rest a defense of the Illinois Democrats who voted for Senator LORIMER on the extreme partisanship of ex-Senator Hopkins. There is another and an altogether sufficient reason for the course which they pursued. They were in a hopeless minority, without the shadow of a chance to elect a Democrat, and whether it were wise or not, it certainly does not justify an imputation of dishonesty against them that they aided in defeating a Republican nominee. I do not say that I would have done what they did, because I am one of those old-fashioned partisans who finds it difficult to vote for any candidate except one nominated by my own party. I believe that the only way in which a party can be preserved is by yielding an ungrudging obedience to the will of its majority. I also believe—and I deeply regret that my belief does not appear to be shared by many others now—that parties are indispensable to the successful administration of a free government, for, unless I have misread the history of the world, the alternative of party government is personal government; and I am sure that if political parties ever disappear from the arena of American politics, a man will come to take their place. He may come first on foot and he may walk with becoming humility among the multitude, but as his power and influence grows he will don a uniform and mount a horse, and then we will have a government by the sword instead of the one which our fathers ordained.

If, sir, suspicion attaches to any members of the Illinois Legislature by reason of the bare fact that they voted for Mr. LORIMER, the Republicans rather than the Democrats who voted for him are the ones who can be more justly suspected. The Democrats were simply doing what they could to demoralize the Republican Party by defeating its nominee for an important office, and that is nothing extraordinary nor at all unusual. During the past three years I have voted many times with what we call the Republican "insurgents," and in more than one instance I have been actuated in doing so by a belief that I could thus further divide and disrupt the Republican Party. I have made no concealment of my purpose in that respect, and I venture to say that the CONGRESSIONAL RECORD will show that I made more than one declaration of that kind. But, sir, the case was wholly different with the Republicans of the Illinois Legislature. They were bolting their party's nomination, and I think that if we are inclined to indulge suspicion against anybody we would have a better right to suspect the Republicans who bolted their party than the Democrats who aided in making that bolt successful.

The Senator from New York, and he was not alone in pursuing that line of argument, has spoken as if he thought the action of those Illinois Democrats is without precedent, as well as without excuse. Sir, they have forgotten the history of Illinois, because more than once a result like this has been wrought out in the legislature of that State. All over this land to-day they are celebrating the anniversary of Lincoln's birth, and millions are paying homage to his integrity and patriotism. Even the Southern States, against which he levied a cruel war, have buried their animosity in the years which have elapsed since then, and pay respectful deference to his memory. Yet, sir, Abraham Lincoln signalized his entrance into national politics by an episode which Senators profess themselves incapable of understanding. In 1855 Lincoln was a candidate for the Senate, and was supported by the Republican members of the Illinois Legislature, if it is proper to call them Republican, as the Republican Party was just then in its formative state. But no matter about the name of the party whose candidate he was, he was supported by all of his partisans in that legislature.

The Democratic candidate against him was James Shields, a remarkable and a romantic character, but his election was made impossible by the refusal of five Democrats to vote for him. Those five Democrats, under the leadership of John M. Palmer, who afterwards became a Senator from Illinois, voted for Lyman Trumbull, and after an ineffectual effort to elect their candidate the Democrats withdrew Senator Shields and substituted Gov. Matteson as their candidate, and, fearing the election of Matteson, Lincoln advised his Republican friends to vote for Lyman Trumbull, a bolting Democrat, who received 43 of the 45 Lincoln votes in that legislature, and with them was elected a Senator. Lincoln afterwards explained in a letter to the Hon. E. B. Washburne that he could have held 15 of his votes to the end of the legislative session, but that he feared the election of Matteson, and, under his own advice, his friends abandoned him to elect a candidate who avowed allegiance to another party. The same John M. Palmer who led the bolting Democrats in the Illinois Legislature of 1855 was, more than 30 years afterwards, himself elected to this body by the votes of men who did not belong to the Democratic Party.

Who does not remember, sir, the time when the Illinois Democrats elected David Davis to the Senate, taking him from the supreme bench. In 1885, I believe it was, that sturdy Democrat, William Morrison, was our nominee and the Legislature of Illinois stood 102 to 102. The Democrats were unable to poll the full party vote for Morrison, and when it appeared that Logan's election was imminent they cast ninety-odd votes for Charles B. Farwell, a Republican, in order to defeat the Republican nominee. Having failed to stampede the Republicans, the Democrats withdrew their votes from Farwell and cast them for Judge Lambert Tree.

There was one incident of that contest in which a nonpartisan patriot can find the greatest satisfaction. The Demo-

crats, as I have said, held a membership in the joint assembly of 102. The Republicans likewise had 102, but God laid his hand on a Democratic senator and left the Republicans with a majority of one. There was, however, a loyal and brave Republican there who said that the election of a Senator ought to be settled by a full legislature, and he paired with the dead man until his successor could be elected.

I relate that with more pride and satisfaction than I relate the subsequent proceeding, because that was a piece of sharp political practice for which our friends on the other side have been famous, more or less. The district which had been represented by the dead State senator was overwhelmingly Democratic, and the Republicans pretended that they did not intend to make a nomination, and they did not. But while appearing to let the contest go by default, they organized a most remarkable campaign. They sent men into every county of the district ostensibly to sell sewing machines and other articles, but really to inform all Republicans of the plan. They printed their ballots, distributed them, and, marvelous to say, kept their secret. The word was passed around that no Republican was to make a sign of life until 3 o'clock on the afternoon of the election. Promptly at 3 o'clock they came pouring out of their homes and places of business, captured the polls, elected a Republican, and broke the deadlock by reelecting Logan to the Senate.

This, sir, was not an uncommon contest in the State of Illinois, except in its aftermath. When Abraham Lincoln helped to elect a Democrat there was no suggestion of bribery and corruption. When the Democrats of the Illinois Legislature elected David Davis to the Senate there was no effort to soil the name of that great State. When William R. Morrison, as brave and true a man as ever devoted his life to the service of any country, failed to command his full party strength in the legislature, there was no hint of bribery. But all of this is now sadly changed, and a Senator here who for 14 years has held an unquestioned commission in the other House, and whose habits will not suffer by comparison with the cleanest Senator on either side of this Chamber, is pilloried before the world as a corruptionist and a criminal. What is there in his life to warrant or justify this cruel warfare against him? He never touches liquor of any kind; he does not swear; he does not gamble; he does not indulge even in the small vice of using tobacco; he is a model husband and father; and while many of those who assail him were reveling, he has made his home when in Washington with the Young Men's Christian Association.

Those for whom he has worked, those with whom he has worked, and those who have worked for him all bear witness to his justice and his generosity. His business associates vouch for his absolute probity. And yet, sir, they ask us to destroy this man of Christian character and blameless life upon the testimony of self-confessed bribe takers and perjurors. Before they can make me believe that this man has committed a crime they must offer me something better than the testimony of men who sell their votes and then proclaim their infamy to the world for a price. Men of upright life and Christian conduct do not commit the crime of bribery.

Left fatherless when he was 10 years old, and at a time when children of his age should be at play, he went to work, and, with the aid of an older brother, supported his widowed mother and his sisters. Without complaint and without faltering, he did his duty as a son and as a brother. Struggling with poverty and obscurity, he worked his way from a bootblack's stand to a seat in the Senate of the United States; and, so help me God, I will never blast a career like that except upon the testimony of honest men. [Manifestations of applause in the galleries.] The story of WILLIAM LORIMER'S struggles and achievements is an inspiration and a hope to every boy of humble birth beneath this flag, and I will not sacrifice him to please a rich and powerful newspaper whose enmity he has incurred by refusing to comply with its owner's demands.

Mr. President, while it is, of course, no part of this record, I want to read a tribute which even the prosecution in this case paid to WILLIAM LORIMER the morning after his election. This is from the Chicago Tribune of May 27, 1909. It is long, and I will not read it all, but I will read enough of it to show what manner of man he is.

> It was nothing strange for LORIMER to be elected through the aid of Democratic votes, for he has enjoyed a large Democratic following for many years. Three times he was elected to Congress in the old second district, which was Democratic, and his political sway has been strongest in Democratic territory. To such a marked degree has Democratic support figured in his political achievement that his friends point with pride to the nonpartisan character of his following, while his enemies contemptuously dub him "bipartisan Billy."
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> Through all the praise and abuse LORIMER has maintained the same placid, benign attitude, which by many is considered the secret of his success. A man who never lost his temper, who never has been heard to swear, who does not smoke or drink, who always speaks softly and kindly, LORIMER, with that patient, childlike countenance, those compassionate, drooping eyelids, has endured all and bided his time. Always observing, apparently, the doctrine of nonresistance, he has waited opportunity, rested while his enemies worked, listened while his rivals talked, and then blandly and gently led the way to the solution he himself had planned.
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> He was about 20 years old when he made his appearance as a horsecar conductor on the old Madison Street line between State Street and Western Avenue. In this employment he first showed his talent for handling men. He organized the Street Railway Employees' Benevolent Association, and became at once the big man of that little world.

Faithful to those who worked with him in an humble occupation; faithful to his business associates; faithful to his personal and political friends; faithful to his widowed mother and his fatherless sisters; faithful to his wife and children; and faithful to his God, I will not, sir, upon this evidence believe that he was faithless to his country.

THE LAW.

I come now, Mr. President, to consider the legal effect of bribery on an election, and the whole law relating to that subject is comprehended in these two short and simple propositions:

First. If the officer whose election is challenged personally participated in, or encouraged, or sanctioned the bribery, then his election is void, without reference to the extent of the bribery.

Second. If the officer whose election is challenged did not personally participate in, or encourage, or sanction the bribery, then, in order to invalidate his election, it must be shown by sufficient evidence that enough votes were bribed to affect the result.

The first proposition has not always been received as the law without question, and many eminent lawyers have insisted that no election can be invalidated by bribery, no matter by whom it was practiced, unless it was sufficient to have produced the result. Indeed, sir, so late as the Payne case, a committee of the Senate pretermitted an explicit declaration on that point because some of its Members maintained that view. But a further and a more thorough consideration has established the rule as I have stated it, and it is now universally accepted both in the Senate and in the courts of the country. I do not mean, of course, that there are not some who still protest against it, but they belong to that class of lawyers, happily very small, who think they can enhance their reputation for legal acumen by rejecting the most universally received opinions.

It was not necessary for me even to state my first proposition of law, and certainly it is not necessary for me to argue it; because both the testimony and the admissions in this record render it wholly irrelevant to this discussion. At the very threshold of the investigation those who are seeking to impeach the election of Mr. LORIMER distinctly admitted that they did not expect to connect him personally with any of the bribery which they hoped to prove to the satisfaction of the committee, and not one of that great array of witnesses testified to anything implicating the Senator from Illinois personally in any corrupt transaction. As a member of the subcommittee, the Senator from Tennessee [Mr. FRAZIER] heard all the testimony, and although he dissents from the conclusion of the committee, he fully agreed with it in that particular respect. With a fairness which has won for him the respect of all who are fortunate enough to enjoy his personal acquaintance, the Senator from Tennessee disposes of this phase of the question in these words:

> While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.
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> This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Chicago Tribune, which has pursued Mr. LORIMER with unrelenting bitterness for years and instigated this proceeding against him, after searching the State of Illinois with its corps of trained attorneys and detectives for months, was utterly unable to produce any testimony connecting him personally with the corruption which they charged, and through its attorney was compelled to disclaim any purpose of attempting to do so. It is true that in the heat of this debate some Senators have contended that all these things could not have transpired without Senator LORIMER'S knowledge and consent, but when they soberly review the testimony and reflect that there is not one word in it to justify such an imputation, they will hesitate

to declare a conclusion which even the zeal of a special counsel did not permit him to urge upon the committee; and I dismiss the question of Senator LORIMER's personal participation in the alleged bribery as not at issue here.

The law, and the only law, which the facts make applicable to this case, is that which I have stated as my second proposition, and it is now so well settled both in reason and upon authority that it is not seriously controverted in any legislative body or in any court. Of course I do not forget that in the document, which he describes as a minority report, the Senator from Indiana dissents from its soundness, though he does not venture to deny that it is now the law. Indeed, he concedes it to be the law and calls on us to repeal it. Oblivious to the fact that this rule has been evolved and matured by the profoundest judges who have ever adorned the bench, and that it has been repeatedly approved by some of the wisest Senators who have ever honored this body by their service, he repudiates it without hesitation, and demands that we adopt the new and different rule which he proposes. Here are his words:

So I propose that we overthrow such unsound precedents and establish a new Senate precedent, that one act of bribery makes such an election void—makes an election foul.

In this rather bold and altogether novel position, the Senator from Indiana is supported only by the Senator from Oklahoma, who is so uncertain about the capacity of the Senate to protect its integrity under the American rule that he urges us to adopt what he mistakenly supposes to be the English rule. But while the Senators from Oklahoma and Indiana are the only ones who have ventured to openly criticize the American rule, they are not the only ones who have introduced the English rule into this discussion, though none of them have correctly stated it. The Senator from Ohio, usually so accurate, read at length from one of the English decisions and then made it plain in his comments upon it that he does not understand the difference between a "candidate's agent" under the British statute and an "agent" as we use the term in this country. The English election law expressly provides for the appointment of an agent who bears to their campaigns a relation analogous to, though not entirely the same as, the chairman of a campaign committee in this country. The "agent" under the English statute, however, is provided for, and appointed in accordance with its provisions, and represents the candidate throughout the contest. That is what the English statute and decisions mean when they refer to an "agent." Even the Senator from New York, who is justly supposed to know so much about the law of all nations, fell into the same error as the Senator from Ohio and the Senator from Oklahoma, and though his reference to the English rule was brief, he clearly asserted that the purchase of a single vote, under any circumstances or by any person, renders an election in that country void. Mr. President, if the Senators from Ohio and New York had followed this debate attentively, they would have saved themselves from that inexcusable mistake, because in the very excellent speech delivered by the honorable chairman of this committee [Mr. BURROWS] he took the trouble to specifically point out the mistake which the Senator from Oklahoma had made as to the law of Great Britain. But, sir, even if the law in that country were precisely what these Senators have supposed it to be, it has been made so by a statute, and that fact itself shows that it was not a rule of the common law to which we must turn for our guidance and our instruction.

It is not probable, sir, that the people of this country could be persuaded under any circumstances to adopt or approve a law which would vitiate a senatorial election on account of the ineffective misconduct of some irresponsible person, and certainly they would not be so foolish as to do so with an amendment now pending before us to provide for the election of Senators by direct vote of the people. If that amendment shall finally be adopted—and it will be sooner or later—the Senate of the United States, under the rule proposed by the Senator from Indiana, would be perpetually engaged in the trial of contested-election cases, for in every State of this Union some wretch can be found so base as to sell his vote and then confess his crime, if by doing so he could invalidate an election which had gone against the interest or the wishes of his confederates. Indeed, sir, desperate and unscrupulous politicians would deliberately plan to buy a few votes for the opposition so that if the election did not result in their favor they could prove the corruption, and thus defeat their opponents in that way, when they could not do so at the polls. The successful candidate might receive a majority of the honest votes running into the thousands, or the tens of thousands, and yet under this rule a few scoundrels could set aside the clearest and most unequivocal expression of the popular will. A rule which invites that, or a rule which permits that, is too absurd to require a serious consideration at this time and in this place.

Mr. President, perhaps I can save time and relieve the Senate from a tedious examination of the authorities by coming to an agreement with the Senators who have participated in this debate as to the law which must govern us in deciding this case. It is not necessary for me to interrogate the Senator from Tennessee [Mr. FRAZIER], because in the brief, but very clear, statement of his views he has laid down the law exactly as I understand it, and there is absolutely no difference between him and me in that respect. Nor can I believe that there is any difference on this proposition between me and the Senators from New York, Idaho, and Iowa; and for the purpose of dispensing with an argument in support of my view, I believe that I will venture upon the unusual course of asking those Senators in the open Senate whether or not we can agree upon the law. I will first ask the Senator from New York whether he assents to my legal proposition, that—

If the officer whose election is challenged did not personally participate in, or encourage, or sanction the bribery, then his election can not be avoided unless it is shown by sufficient evidence that enough votes were bribed to affect the result.

Does the Senator from New York assent to that proposition?

Mr. ROOT. I do not.

Mr. BAILEY. Then I will produce abundant authorities to show that it is the law. I will next ask the Senator from Idaho whether he agrees that I have stated the law correctly.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. If I correctly understand the statement of the Senator—it is pretty difficult to follow a statement as it is made and analyze it at the same time—I do agree to that legal proposition so far as this case is concerned. But permit me, in order that I may not be found in error in the RECORD to-morrow again, to ask the Senator a question, and that is whether or not the statement that I now make is the same statement that he makes: If the officer whose election is challenged did not personally participate in or encourage or sanction the bribery, then his election can not be avoided unless it is shown by sufficient evidence that enough votes were bribed, without which bribed votes he would not have had the majority required by the statute.

Mr. BAILEY. It is in effect the same; and if there is any difference, the Senator has stated the law a little stronger on my side than I have stated it. The only difference between the Senator and myself will be as to the application of the rule. I perfectly understand that when we reach that point we will be at the parting of our ways, but on the law, I think there can be no difference.

Mr. BORAH. If the statement I have just made is the statement the Senator thinks is contained in his statement, it is the statement which I believe contains the law.

Mr. BAILEY. There is no question about that, and I will now ask the Senator from Iowa if he agrees with me on the law as I have stated it.

Mr. CUMMINS. I stated with all the clearness that I could when I was discussing this matter some days ago my view of the law. I believe it to be true that if the evidence fails to show on the part of the Senator any personal participation in or knowledge of corrupt practices with which the election may be charged, then in order to invalidate the election it must be shown that the election was accomplished by and through bribery or corruption.

Mr. BAILEY. I am gratified to know that there is no difference between me and the Senators from Iowa and Idaho on the law; and I am confident that upon a further reflection the Senator from New York will withdraw his dissent, for the rule has been long and uniformly followed here.

Mr. ROOT. I do not want the Senator from Texas to consider that I dissent from all and every part of his statement. As I listened to it, it appeared to me that it was capable of a construction which would make it broader than I think it ought to be. I will gladly examine the statement, as it will appear in the RECORD, I suppose, and see whether I wish to suggest a qualification.

Mr. BAILEY. It will not appear in the RECORD to-morrow, but I have reduced to writing what I intend to say on the law, because I thought it of supreme importance to have that correctly stated; and I take the liberty of sending it to the Senator from New York. I can not think that after he examines it carefully it will be necessary for me to consume the time of the Senate in discussing it. I perfectly understand that when we come to apply my rule differences will arise. For instance, when we come to determine how many votes are sufficient to affect the result, the Senator from Idaho, the Senator from Iowa, and the Senator from New York have already indicated

to the Senate a different opinion from that which I entertain. But that is a difference merely as to the application of the law and not as to the law itself.

Mr. ROOT. It is precisely at that point that I hesitate to give my assent to the proposition made by the Senator from Texas. I am much obliged to the Senator for sending me this paper, and I will examine his statement of the rule with care.

Mr. CARTER. The Senator from Texas has been speaking since 2 o'clock—for more than two hours and a half. It is now well into the evening. I observe the Senator is making unusual efforts to condense his remarks, and is making them rapidly. The points he is covering are points I am sure in which the Senate is interested, and I therefore venture to ask unanimous consent that the Senator be permitted to proceed with his remarks immediately after the close of the morning business to-morrow.

Mr. BAILEY. If that is agreeable to the Senate and does not interfere with some announcement already made by other Senators, I will act on the suggestion of the Senator from Montana. I will now yield the floor and will conclude to-morrow.

Tuesday, February 14, 1911.

Mr. BAILEY. Mr. President, when I yielded the floor yesterday afternoon I had reached the law question involved in this case, but, with the indulgence of the Senate, I want to return for a few moments to one of the episodes which occurred when I was discussing the facts.

The Senate will recall that I animadverted with some severity on what I believe to be a forgery in this case. The Senator from Iowa [Mr. CUMMINS] interposed with the suggestion that he had in his hand a paper which, though not in evidence, still seemed to contradict my theory of that deposit slip. I have this morning, with his permission, examined that paper, and I find that it is the affidavit of one Jarvis O. Newton, who was a witness in the case, and who is the chief clerk of the bank in which the Holstlaw money is claimed to have been deposited. To Newton's affidavit there is attached the original deposit slip, which was introduced in evidence before the committee. There is also attached to Newton's affidavit a card bearing the signatures of the officers of the Holstlaw Bank, indicating that it was a correspondent of the State Bank of Chicago, and authorizing those officers to draw against its account there. The only fact contained in this affidavit not contained in the testimony is the statement of Mr. Newton that he, and not Holstlaw, made out this deposit slip.

Mr. President, any man who will examine Newton's signature to this affidavit and then examine the writing of the name "Holstlaw Bank" on that deposit slip will conclude that Newton did not make it out, and this very paper, to my mind, still further confirms my theory that a forgery has been committed. The name "Holstlaw Bank," as it appears on this deposit slip, indicates that it was written by a man not skilled in penmanship and not very highly educated. The name "Jarvis O. Newton," as it is signed to this affidavit, gives evidence that he is accustomed at least to writing his own name, and the penmanship appears to me very much better than that of the man who wrote "Holstlaw Bank" at the top of the deposit slip.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. CUMMINS. Mr. President, I understand that the affidavit, together with the card which is identified in the affidavit, can not be admitted as evidence without unanimous consent. I submit to the Senator from Texas and to the Senate whether the affidavit and the card shall be so admitted and so considered. The slip itself was introduced in evidence. It bears the identification of the committee, or the stenographer of the committee, and if the Senate does not desire to consider the affidavit and the card I shall ask that the slip itself be detached and given to the Sergeant at Arms for the consideration and examination of any Senator who may desire to examine it.

Mr. BAILEY. There is no question about that being the identical slip which is in evidence and which is photographed in the brief of counsel for the petitioners. Nor has any question been raised about the Holstlaw Bank, of Iuka, being a correspondent of the State Bank of Chicago, and that is the only fact which this card could serve to establish.

Mr. President, I shall say now what I did not say yesterday afternoon, because I hesitated to put into the records of Congress anything which could possibly be construed as a reflection on a great financial institution. But, since my theory of this deposit slip has been challenged, I think I owe it to the Senate and to the country to say that my suspicion against the genuineness of it on account of the misspelled name was intensified by the circumstance that the prosecution did not produce the books of the Chicago bank and the Iuka bank, instead of the deposit slip. Those books were the best evidence of the deposit, if it was made, and they could not well have been doctored. They could not have been easily falsified, for if an attempt had been made as an afterthought to insert this credit it would appear on the books as an interpolation; and if to avoid the appearance of an interpolation it had been entered at some subsequent period, it would then appear out of its chronological order. There were three items in the books of these two banks which could not have furnished false evidence, and yet instead of calling any of the officers of those banks to produce the books of each before that committee they brought the chief clerk of the bank there with a deposit slip, the only evidence of the transaction which could have been easily manufactured for the occasion.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. CUMMINS. The Senator from Texas has more than once said that he believed the best way to evolve the truth of this controversy was to regard it as in a sense a lawsuit, in charge, on one side by counsel for the Tribune, on the other side by counsel for Mr. LORIMER. May I ask why the counsel for Mr. LORIMER, if there was any question about the deposit of this money, did not call for the books of the bank and did not inquire into the accounts of the bank at Iuka? It seems to me that the failure of Mr. LORIMER to make any inquiry into this matter is high evidence at least that he did not believe, nor did his counsel believe, that this slip is a forgery. I ask again, if the matter is material, why did not the committee seek the best and highest evidence and complete their investigation in that respect?

Mr. BAILEY. That is a perfectly legitimate comment on what I have said, but my answer to it is that it was the subsequent discovery which raised these grave questions. Until the reply brief of the counsel for the petitioners was printed it did not appear that it was claimed that Holstlaw had, in his own handwriting, made out this deposit slip. And I venture to say that when it was offered in evidence no member of the committee observed the misspelling of Holstlaw's name, and I am reasonably certain that it also escaped the attorneys on both sides.

I now return to a consideration of the law; and here, sir, the atmosphere clarifies. Here the earth which may have been unsteady while we discussed the testimony grows firm at once. We may have been mistaken about the veracity of some witnesses and the mendacity of others. We may have believed that the man swore falsely who swore the truth, and we may have believed that the man swore truthfully who swore a falsehood, because God has not endowed us with a faculty to determine with certainty the truth or falsity of human testimony. We can consider the motives and surroundings, and we can consider the character and temptations of witnesses, but when we have considered all of that the wisest of us may be misled, because the vilest liar will sometimes swear the truth, and the most truthful gentleman will sometimes testify honestly to a mistake. But, sir, when we reach the law the whole case changes, and we can speak of it with almost the exactness of a science.

Here I say to my friends who have spoken on the other side; here I say to my friends who have not spoken on either side; here I say to those Senators who have not yet determined in their own minds what their duty requires of them, that for the purposes of this branch of the argument, I can admit either view of the testimony. I can admit that every vote which has been challenged by any kind of testimony was bribed and must therefore be rejected, and the law still decides this case. If we eliminate the votes of Browne, Wilson, and Broderick, who have been accused of giving these bribes and though their people have answered that accusation by reelecting them to the Legislature of Illinois, we can admit that their people were mistaken and that Browne, Broderick, and Wilson were bribe givers. Let us say, besides, that White, Link, Beckemeyer, and Holstlaw were all bribed. They are the four men who are often said to have confessed that they were bribed to vote for LORIMER, but that statement is not supported by the testimony. Link swears he was not bribed and that he never received any money for voting for LORIMER. Beckemeyer swears that he never was offered or promised any money for voting for LORIMER, though he does say that when he received certain money he was told that it was his "Lorimer money," and even Holstlaw swears that he had announced his purpose to vote for LORIMER before money was ever mentioned to him. But let us say that Link and

Beckemeyer and Holstlaw and White were bribed. Let us, Mr. President, go even further than this and say that Shephard and Clark and the dead man Luke were bribed, and without stopping at that let us go on and say that De Wolf was bribed, though no man can read this testimony and believe that for an instant. That makes 11 tainted votes, and if we subtract them all from the 108 votes received by WILLIAM LORIMER, he was still duly and legally elected.

PROCEEDINGS OF THE JOINT ASSEMBLY.

In the joint assembly of the Illinois Legislature WILLIAM LORIMER received 108 votes, Albert J. Hopkins received 70 votes, and Lawrence B. Stringer received 24 votes, making a total of 202 votes cast on that ballot; and as WILLIAM LORIMER had received a majority of that number, he was declared by the proper presiding officer to have been duly chosen a Senator from the State of Illinois. There is no controversy as to the total number of votes cast, or as to the number of votes received by WILLIAM LORIMER; but the validity of his election is denied upon the ground that it was procured through the bribery of legislators, though the number of legislators so bribed has not been agreed on by any two of the Senators who have advised the Senate to declare that election void. In the early stages of the debate it was only claimed that seven of the votes cast for Mr. LORIMER were shown by the testimony to have been corrupted; and it was promptly answered that even if it were admitted that seven votes had been corrupted by Mr. LORIMER's friends without his knowledge his election would still be valid. The discussion revolved about that point for several days, and then the Senator from New York, perceiving the weakness of a contention based upon those seven votes, invented a new theory of the case, which I listened to with amazement. He followed the Senators from Idaho and Iowa in claiming that if seven votes were shown to have been corrupted the election was thus vitiated; but, not willing to trust his case to a rule which he must have known could be demonstrated to have no foundation in law or in logic, he worked himself up into such a frenzy of indignation that he finally declared that the entire 30 votes of what he denounced as "Browne's band of robbers" must be rejected; and the Senator from Ohio [Mr. BURTON], who followed him, not to be outdone by the Senator from New York in this crusade against Illinois, went to the extreme of declaring that the whole legislature of that State was so corrupt as to be incapable of conducting an honest election for a Senator. Mr. President, these claims are so extravagant that nothing but the high sources from which they come could save them from being absolutely ridiculous, and I can not feel that I am required to answer them. I shall therefore leave them aside, and address myself to the real question here, which was raised by the Senator from Idaho and the Senator from Iowa and indorsed by the Senator from New York; and that question is whether, if the seven votes of White, Browne, Beckemeyer, Link, Wilson, Holstlaw, and Broderick be rejected, there was still a legal and valid election. While I do not concede that these votes were in fact corrupt, I am perfectly willing, for the purpose of this branch of the argument, to admit that they were, and that they must therefore be rejected. Deducting those seven votes from LORIMER's 108 would leave him 101, and deducting them also from the total vote of 202 would leave 195, of which the 101 legal votes received by LORIMER would constitute a clear majority, and make his election lawful beyond any doubt.

At this point in the argument, Mr. President, I encounter my difference with the Senators from Idaho and Iowa, who contend that while it is right to subtract the seven corrupt, and therefore illegal, votes from LORIMER, it is wrong to also subtract them from the total number of votes cast. Neither the Senator from Idaho nor the Senator from Iowa nor the Senator from New York claims that those seven rejected votes can be bestowed on either of Mr. LORIMER's opponents or be divided between them according to some unascertained proportion; but while declaring that those votes shall not be counted for LORIMER, and admitting that they can not be counted for Hopkins or Stringer, they still maintain that somehow or somehow else they must be included in the total number of votes cast. Such a proceeding, sir, can find no warrant in the law, for upon no principle with which I am familiar can we reject a vote as it has been cast and still count it for any other purpose.

Under our own practice in the Senate we do not include votes which could be cast and counted, but are not cast, in estimating the total number, and we very recently overruled the Chair when he attempted to count them simply to make a quorum. If on a roll call of the Senate the affirmative of a proposition receives 35 votes and the negative receives 34, it would pass notwithstanding 10 Senators, one after another, might rise and announce their pairs, coupling the announcement with a statement that they would vote "no" if at liberty to vote, and yet, sir, upon this record showing that of the Senators present, 44 of them were opposed to the passage of the measure, it would pass, because only the 69 who voted and were entitled to vote, could be considered, and the 35 affirmative votes would be a majority of them.

At almost every session of the Senate we illustrate the proposition that no member of a legislative assembly except one who has a right to vote and who has lawfully exercised that right can be included in any computation or counted for any purpose. But while I think the practice here conforms to the principle for which I contend, this precise question has never before been presented to the Senate and has not, therefore, been decided by this body. It is true that the Senator from Iowa and the Senator from Idaho have read to the Senate extracts from the views which Senator Hoar and Senator FRYE filed in the Payne case, but they can not be ignorant of the fact that those views were not accepted by the Committee on Privileges and Elections, and they must know that the resolution which Senator Hoar offered in accordance with them was defeated on a roll call of the Senate by a vote of 44 to 17. When reading that extract from Senator Hoar's paper, the Senator from Iowa found that the Massachusetts Senator's figures would not work out the proper result, and he suggested that there was a misprint by which Senator Hoar was made to say six where he meant to say seven; but if the Senator from Iowa had read that paper to its conclusion, he would have found the same figures repeated in another paragraph of it, and we are hardly at liberty to suppose that they were a misprint. But whether the calculation of the Massachusetts Senator was right or wrong is not material here, and the only question which concerns us is whether his law was right or wrong. Senator Hoar, who drafted that paper after a long service, in which he honored both his State and his country, has passed from among us, but Senator FRYE, who joined him in it, is still a Member of the Senate, and we all hope that he will remain here for many years to aid us with his wise and patriotic counsel; but, sir, those distinguished Senators could not induce the committee to accept their views, and their resolution was rejected by a most decisive majority.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. Upon what question does the Senator from Texas understand that it was voted down? Not upon the law?

Mr. BAILEY. There was no specific proposition voted on, but my statement was that the resolution, drawn in accordance with the report, was voted down. There was no separate vote on any single statement in it, of course.

Mr. BORAH. The question involved was whether or not they would make an investigation.

Mr. BAILEY. That is true.

Mr. BORAH. And the Senate voted that it would not proceed to investigate.

Mr. BAILEY. But if the argument of the Senator from Massachusetts had been concurred in by the Senate, I think it absolutely certain that an investigation ought to have been, and would have been, ordered.

Mr. BORAH. That being true, if the Senate had accepted the view of the Senator from Massachusetts as to the evidence. The committee were divided as to whether or not there was sufficient evidence to warrant it in proceeding to investigate.

Mr. BAILEY. Not only that, Mr. President, but there was also the question whether if there were corruption at all it was sufficient to have affected the result. The Senator from Massachusetts argued this subtraction and elimination, and according to his theory of the case there was sufficient evidence; but the Senate rejected his view.

THE CLARK CASE.

The Senator from Iowa thought he had found a distinct and authoritative approval of his contention in the Clark case, and he ventured to say that while the report in that case was never passed on by the Senate, it expressed the unanimous judgment of the Committee on Privileges and Elections. Of course, Mr. President, I know that the Senator from Iowa did not intend to mislead the Senate, but his statement, if accepted, would mislead us very widely. In the first place, every Senator understands that the argument of a report represents only the member of the committee who prepares it, and that the conclusion only can be fairly attributed to the committee. In this very case which is now before the Senate my name is signed to the report which the chairman of the committee made, and yet I did not read it before it was presented to the

Senate. The chairman of the committee tendered it to me and I very promptly told him that I did not want to read it, because I held myself responsible only for its conclusion and not for its arguments or statements. But, sir, I could understand how the Senator from Iowa might not be familiar with this practice, and he might believe that every report in all of its arguments and statements was thoroughly considered by the whole committee and approved by it. He can not, however, be excused for supposing that such was the case in the Clark report, because there was a minority report filed in that case, and printed immediately following the committee's report from which he has quoted, and in the very second paragraph of that minority report appears this distinct and emphatic declaration:

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

In the face of the universal practice here, I would not consider the report of the Clark case as expressing more than the views of the Senator who prepared it, and when to the general custom of the Senate is added the specific declaration made by the members of the committee, the arguments in that paper must be regarded as expressing only the individual opinion of the Hon. William E. Chandler. If we had nothing before us beyond the paper of Senator Hoar and the report of Senator Chandler, I would still maintain with the utmost confidence that the rule which they have suggested is so contrary to the reason of the law that we could not accept it.

THE AUTHORITIES.

But, fortunately, sir, we are not without high and express authority on this very question. The textbooks all agree in saying that an illegal vote must be rejected, and that proposition is so elementary that it seems almost like a reflection upon the intelligence of the Senate for me to read what a great text writer has said in support of it; but as what I am now saying may be read by those who are not so familiar with the law as Senators are presumed to be, I will occupy a moment in reading from Paine's work on elections, in which he says:

The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes if it be practicable to ascertain the number of the illegal votes, and the candidate for whom they were cast, in order to reject them and leave the legal votes to be counted. This is safer than the rule which arbitrarily apportions the fraud among the parties. But in a contest for a seat in the Forty-fifth Congress, the Committee on Elections said: "In purging the polls of illegal votes, the general rule is that, unless it is shown for which candidate they were cast, they are to be deducted from the whole vote of the election division, and not from the candidates having the highest number. Of course, in the application of this rule, such illegal votes would be deducted proportionately from both candidates according to the entire vote returned for each."

In another and subsequent section the author again declares that—

Where illegal votes have been cast the true rule is to purge the poll by first proving for whom they were cast, and thus ascertain the real vote; but if this can not be done, then to exclude the poll altogether.

If it be objected that the rule laid down in this textbook relates to a general election among the people, I answer that the law according to which we must decide the election of a Senator is exactly the same law according to which the courts must decide the election of the governor of a State or the sheriff of a county or the constable of a precinct. Not only, sir, do the textbooks say that an illegal vote must be rejected, but the courts have said the same thing with remarkable unanimity; nor have they left us to speculate as to what they mean by the rejection of a vote.

DECIDED BY THE COURTS.

I have here the case of Charles Bott et al. *v.* The Secretary of State, decided by the supreme court of New Jersey in June, 1898, and reported in the sixty-second volume of the New Jersey Law Reports. Without taking the time to state the facts in that case, it will be sufficient to read this extract from the opinion:

Though a qualified voter succeeds in getting his name on the poll list and a ballot in the ballot box, he is not a voter voting on the amendments unless his ballot is such as is prescribed by law and conforms to the general law regulating elections. The act contains no provision for the certificate and return of the ballots that were rejected, nor does it provide for an inquiry either before the county boards of election or before the board of State canvassers with respect to the grounds upon which votes have been rejected, nor are either of these boards empowered to embody in their official action any results other than such as are exhibited by the official statements produced before them. The ballots returned as rejected must be taken to have been properly rejected, and consequently are to be excluded from the computation of the votes cast for or against the amendments. Such ballots were simply nullities.

Within four years after the New Jersey court had delivered the opinion from which I have just quoted the foregoing extract another case involving a similar question was presented for its decision, and they reaffirmed the doctrine of Bott *v.* The Secretary of State in the following language:

Counsel for the incumbent contends that if the vote of the township be excluded still the relator can not succeed, because in such event he would not have been elected by a majority of all the ballots cast at the election. The fact is as stated, but the argument loses sight of the decision of this court and of the court of errors and appeals in the case of Bott *v.* Secretary of State. (33 Vroom, 107; S. C., 34 Id., 289.)

In that case it was held that in determining whether a majority of votes had been received for an amendment to the Constitution only those electors who lawfuly voted for or against the amendment are to be considered. It is true that the opinions delivered dealt only with the language of a given clause of the Constitution, but the line of reasoning is applicable with equal force wherever the question of the computation of a majority of votes is presented. The principle announced is that ballots cast at an election are to be deemed votes only when legally capable of being counted as such, and that in determining the total vote upon which a majority is to be based the votes that may figure in the result and not the ballots that were cast in the box are to be considered.

In the case of Louis J. Hopkins *v.* The City of Duluth et al., decided by the supreme court of Minnesota in the summer of 1900 and reported in the eighty-first volume of the Minnesota Reports, I find the same question considered and the same conclusion reached. That case turned on whether the 26 votes in question should be rejected as an expression of the electors but still counted in estimating the total number of votes cast, and this is what the court said:

Of the 26 ballots thus excluded by the trial court, 5 had either the names or initials of the voters casting them written thereon, and clearly indicated such evidence of identification of the persons casting such ballots as constituted a plain and palpable fraud upon the election law. They were not counted, although expressing in each case the voter's choice in certain respects. (Pennington *v.* Hare, 60 Minn., 146; 62 N. W., 116; Truelsen *v.* Hugo, supra, p. 73.) That the identified ballots thus deposited should be excluded from the total vote is the only reasonable inference that follows from the application of the doctrine of these cases. The fraud which nullifies the choice expressed on these ballots must logically vitiate their use for any purpose. They were void. It necessarily follows that the poll list can not be regarded as absolute evidence of the aggregate vote upon which the constitutional majority is to be estimated.

Thus, Mr. President, we have the authority of the textbooks and of the courts for saying that an illegal vote must be rejected for all purposes and that it can not be considered for any purpose. That, sir, is not only the law and the logic, but it is the rule best calculated to promote political morality. It treats a dishonest vote as if the corrupt legislator who cast it were civilly dead, at least in that transaction, and it leaves the result to be determined by the votes of honest men.

But, Mr. President, when I have thoroughly fortified my position by citations from the textbooks and the opinions of high courts and when learned Senators on the other side have agreed to the law as I have laid it down, I am met by the Senator from New York [Mr. ROOT] with the suggestion that there is no law according to which we must decide this case. Instead, sir, of offering us a quotation from some law book or from the opinion of some great judge, he lays his hand upon his heart and exclaims with a dramatic gesture that it is the only source from which we are compelled to take our law. If it be true, Mr. President, that there is no law binding us to judge the election, qualifications, and returns of Senator, then, sir, it is high time that we were making one, because it can never be safe in a free republic like ours to exempt any tribunal charged with the duty of deciding any case from an obligation to decide that case according to the law of the land.

If we acknowledge no law here, what right will we have to reproach our unlettered constituents if they acknowledge no law in the States from which we come. That doctrine is an invitation and an encouragement to riot and anarchy. Law, sir, is as universal as God and nature, and it inflicts its penalties on all who disobey it. The intellectual and physical worlds have their laws and they are as inexorable as fate and swifter far than justice. If we violate the laws of health and gorge ourselves at the table or overwork ourselves in the field, we must suffer for our folly. It is law, sir, which holds these myriads of worlds in their safe relation to each other, and if the law of gravitation and attraction should be suspended for an instant the earth would perish, and amidst the wreck of matter and the crash of worlds the Senate itself would disappear.

Our English ancestors once established the kind of law which the Senator from New York pleads with us to adopt. Finding the common law so technical and so inflexible that it often defeated the ends of justice, they instituted what they called courts of chancery and appointed chancellors who were authorized to decide all cases coming before them as their consciences directed. But, sir, the decisions of the chancery courts were often arbitrary and many times more unjust than those made according to the common law, whose defects it was supposed that this court of chancery would correct. It was soon found that the consciences of the different chancellors varied, as one man said with more wisdom than wit, as widely

as their feet, and the whole system of equity jurisprudence was brought into such disrepute that a great novelist satirized it in a story which will live as long as men read the English language.

We were never so foolish as the country from which we derived our institutions, for we have always required chancellors to decide every case according to the well-established rules of equity jurisprudence, and a chancellor who would tell a suitor in his court or an attorney at his bar that he would ignore the law and decide the case according to his conscience would be impeached and driven in disgrace from the bench whose powers he had abused. No, sir, Mr. President, there are no judges in this country who can decide cases according to their conscience and against the law. When we come to make the law, we take counsel of our conscience and even of our hearts to see that it is just to the strong and rich and even merciful to the weak and poor; but when the law has once been made it is the duty of every man to religiously obey it, and as the Senate of the United States is the highest assembly in this Republic, so it stands under the highest obligation to obey the law, without subterfuge and without evasion. The law, sir, is the safety of this Nation; it is the safety of these States, and in its supremacy lies the safety of every man who has a right to call himself an American citizen.

The Senator from New York, perceiving that it would be impossible to declare Mr. LORIMER'S election void, even if it were admitted that every legislator against whom any testimony has been offered was in fact influenced by bribery to vote for him, and not certain that the Senate will accept his theory that there is no law to govern us in our decision, has invented a new rule of evidence for special application to this case. Assuming that bribery has been proved against certain members of the Illinois Legislature, he proceeds to deliver the Senate a lecture upon the peculiarity of legislative corruption, and tells us that wherever any corruption at all is found, it is but a fraction of that which really exists, and that from the little which we may discover we must infer the existence of very much more. That, sir, is a startling doctrine, and I do not think the Senator from New York would venture to urge it upon any court; because it reverses the presumption that every man is honest until the contrary is shown by some competent evidence. I do not believe that it has ever before been contended in the presence of an intelligent audience that when some members of an assembly have been shown to be corrupt all of its other members fall instantly under a just suspicion.

Not only, sir, is the presumption which the Senator from New York indulges at war with every rule of enlightened jurisprudence, but it is not supported by common experience. I have generally found that where any corruption is discovered, the extent of it is always grossly exaggerated. I have seen the newspapers filled with sensational charges of corruption in both Houses of Congress, and I have seen committees appointed to investigate those charges; but, sir, with rare exceptions, it has always transpired that there was no reasonable foundation for them and that they had their origin in the idle talk of men who had magnified small circumstances until what had at first been whispered as a bare suspicion had come to be openly asserted as a definite and positive fact.

I am sure that the Senator from New York is wrong when he tells us that we must infer an extensive corruption whenever any corruption is revealed; but, sir, even if he were right, as a general proposition, I am absolutely certain that he is wrong in this particular case, for never in the history of American politics was a more determined effort made to invalidate an election and discredit a man. The parties behind this prosecution, it is true, were not after the legislators whom they charged with accepting bribes, but they were after Senator LORIMER; and they have left nothing undone to taint his election. Indeed, sir, they traded with men whom they call bribe takers, and granted immunity for both bribery and perjury to all who would aid them in their effort to impeach the election of Mr. LORIMER. Holtslaw had been called before the grand jury of Sangamon County and examined concerning a State furniture contract. He was asked if he had written a certain letter, and he swore that he had not. It happened that the State's attorney had the letter which Holtslaw denied writing in his possession at that very time, and Holtslaw was promptly indicted for perjury; but though they had the physical and incontrovertible evidence of his guilt, they agreed to release him if he would sign a statement admitting that Broderick had paid him money on account of his vote for LORIMER.

So it was with Beckemeyer and Link. They swore they had not been at St. Louis. If they had been there—and the district attorney had physical proof in the shape of the hotel registers that they were there—they had perjured themselves and the State had the evidence to insure their conviction. But what did the State's attorney do? Did he drag these culprits before the bar of public justice and vindicate the outraged law by their conviction? No, sir; he compromised with them, and turned them loose to continue their nefarious practices upon condition that they would testify to bribery in LORIMER'S election!

With the whole machinery of Illinois, aided by rich and powerful newspapers, at work on the case, do you believe there was any corruption which they did not uncover? They dragged old man De Wolf before the courts and before the committee and soiled his name with the suggestion of dishonor, when the only proof against him was that he had bought a piece of land for $4,600, of which he paid $600 in cash and secured the balance by giving a mortgage not only on the land he bought, but by also including in it the land which he previously owned. This man, an industrious and an upright farmer, could easily have saved $600 out of his more than $2,000 salary; but, sir, these hounds of hell dragged him before the public and disgraced him, or tried to do so, by charging that he had sold his vote.

They found one man who had bought some diamonds while a member of that legislature, and they exhibited him to the world as a bribe taker, and as an evidence of his guilt they introduced the extravagance which led him to buy $105 worth of diamonds. [Laughter.]

With an organized search like this, dragging men so little subject to suspicion before the public and charging them with the gravest of all crimes, who doubts that they exhausted the list? I do not.

But while the Senator from New York has gone far beyond what the law and the evidence in this case will justify, he has not gone so far as the Senator from Ohio has done. Indeed, sir, the Senator from Ohio declared that such corruption existed in that legislature as to render it doubtful if it could have held an honest election. Unless I read it, the Senators who hear me may think that I am mistaken in attributing such an extreme declaration to the Senator from Ohio; but here it is:

> The whole record is interspersed with accounts of departures from party affiliations, fake letters, jack pots, bathroom conferences, unlawful promises relating to office, hurried conferences, and frantic efforts to cover their tracks and escape from the consequences of their wrongdoing. It is connected also with the receipt of bribes and with general corruption in the legislature. Who will say, in the face of all this evidence, that any election by that legislature would be a sound and a valid one?

Thus he indicts a whole legislature, impedes its electoral machinery, and denies its right to perform one of its most important functions upon the testimony of men whose very presence he would shun as a pestilence. Mr. President, if I were actuated purely by a personal friendship for Senator LORIMER, which I am not—for while I have served with him in the other House and in this Senate, and while I never knew him to tell a lie or to do anything that the most honorable man might not do, I have never talked with him 20 minutes in my life—but, if I were actuated purely by a personal regard for him, I would prefer to see the Senate unseat him, for if the Illinois Legislature is not as corrupt as the Senator from Ohio says it is—and since the whole basis upon which his right to a seat here is denied is that it is composed of a band of thieves and robbers—it would answer such a vote of the Senate by immediately reelecting the Senator from Illinois.

Mr. President, there is nothing in this record to justify the sweeping and wholesale condemnation pronounced against the Legislature of the State of Illinois by the Senator from Ohio. True, sir, that there is proof that there was much loose talk about the use of money at Springfield; but outside of the self-confessed perjurers there is absolutely no proof whatever that money was used in the senatorial election or in any other matter. Even White, when testifying that Browne assured him that he would receive about $1,000 "from other sources," admitted that he did not, up to that time, know anything about the so-called "jack pot." He said that he had heard from men who had served in previous legislatures that there was a fund divided among members at the end of each session; but that he had not been advised of any such fund raised or to be distributed to members of that legislature; and that was only nine days before the legislature adjourned. With the knowledge of White's character, furnished by his own testimony, who can doubt that if a jack pot really existed in that legislature he would have been one of its active agents and beneficiaries? Curran swore that White sought to profit by his position as a member of a committee, and although he had been the representative of a labor organization, at the preceding session of the legislature he was so base as to attempt to stand in the way of a bill for the relief of the working women of that State. Not only that; but he complained at Mr. Doyle and others, who were representing the

labor organizations at Springfield during that session of the legislature, because they had not offered him anything for his vote or his influence, and denounced them in language which I hesitate to incorporate into the CONGRESSIONAL RECORD, as "the damnedest cheapest bunch" he had ever seen. Standing in the corridors of the capitol with outstretched hand soliciting a bribe even from the representatives of the labor organizations to whose support he owed his election, does any man believe that White was ignorant of a jack pot, if one existed, until nine days before the legislature adjourned?

Representative Shaw, to whom I have already once referred and for whose intelligence and integrity I have freely vouched, testified that there was much talk about the use of money at Springfield, but he also testified that no money was ever offered him; that he saw no money used, and that he did not know of any facts which would justify the charge that it had been used. For the information of the Senate on this point, I will read Mr. Shaw's testimony.

Mr. AUSTRIAN. Well, I withdraw the objection, provided counsel permits the witness to testify and does not testify himself; that is all.

Senator BURROWS. The objection is withdrawn. That will save time. Answer the question. Read the question.—A. Really, I do not know whether I had any talk with Mr. Groves or not. I do not remember any conversation.

Judge HANECY. If you did have any conversation with him, did you say to him or in his presence that you had been offered money or that you could get money for voting for WILLIAM LORIMER?—A. I did not.

Judge HANECY. That is all.

Senator BURROWS. Anything further?

Mr. AUSTRIAN. Yes; just a moment.

Q. Did you ever talk to Jacob Groves with reference to money being paid at Springfield or offered at Springfield for votes for United States Senator?—A. Well, the talk was kind of common down there at the time; I do not know; I might have; I would not be positive about that. They were talking, joking away frequently, sometimes.

Q. And sometimes serious talk?—A. Perhaps, serious; yes.

Q. Why did White say that his constituency were sore at him?—A. Well, I presume because they were.

Q. Why?—A. Why were they sore at him?

Q. Yes.—A. Because he voted for LORIMER.

Mr. AUSTRIAN. That is all.

Judge HANECY. You heard a great deal of jocular talk all through the regular session, from the beginning to the end, about money that could or would or might be used for different things, didn't you?—A. Yes; I heard of a great many barrels being opened, but I did not see any.

Q. You never heard and never knew anything about that, except that general jocular talk?—A. That is all I knew about it.

Q. That is all.—A. I heard of barrels being opened, but when they were opened, they were apples.

Senator FRAZIER. That talk with respect to money increased about that time, or immediately preceding the election of Senator LORIMER?—A. No; I don't believe it did.

Mr. President, it is often true at Washington as it was at Springfield, that when these "barrels" of which we hear so much are opened, they turn out to be apples instead of gold, and the corruption which suspicious minds are ready to insinuate against everybody is seldom based upon any better reason.

But the Senator from New York [Mr. ROOT] says that Mr. Donohue, whom he describes as a stanch old Democrat, testified that there was corruption; and he read this from Mr Donohue's testimony:

That was the general talk, and I could not trace it down; I could not tell now who said it, and then that kind of died away, and then after the election of Mr. LORIMER the thing started again that they were—everything was not straight down there at Springfield with reference to the election of United States Senator. And everybody, I think—I was suspicious myself about the way things went down there. Of course, I didn't have any direct evidence, only from general appearance, I could not see why so many Democrats were going over in a body to vote for a Republican. They may have had reasons, and be more liberal in their views than I am, and might have gone over. I could not see it that way. I am a Democrat, and I am a pretty strong partisan.

In passing, I want to call the Senate's attention to a rather remarkable omission which the Senator from New York made in quoting this testimony of Donohue. Immediately preceding the quotation which I have just read—and when I say immediately I do not mean that it was three or even two lines preceding it, but absolutely next to it—Donohue made this answer:

The first thing I heard down there, I heard that Mr. Hopkins was trying to buy some votes; that is what I first heard.

I regret to find that the Senator from New York is willing to use Donohue's testimony to create in the minds of Senators a belief that money was being used to elect LORIMER, and yet is at the same time willing to suppress the testimony which shows that the same loose accusations were made against Hopkins. Without intending to suggest that Donohue is other than an honest man and a truthful witness, his own testimony abundantly shows that he was one of those gentlemen who are too often ready to suspect the integrity of men without sufficient, and, indeed, without any positive, information. Mr. Donohue's testimony, which the Senator from New York did not read, so forcibly illustrates how much these charges were based upon mere suspicion and how little they were based upon any tangible proof that I think it worth my while to read several of the other answers which he made to pertinent questions. They appear on page 523 of the testimony, and are as follows:

Judge HANECY. Did you ever have such a conversation with Mr. Groves?—A. I do not remember of any such conversation. I may have had it, because, as I say, I was very much wrought up as to what was happening down there, and might have said that in reply to what Mr. Groves said. I will not say yes or no on that question; I might have said that. If I did say it, it was a remark, a mere inference of what transpired, and had reference, if I did say it, had reference to Lee O'Neil Browne's speech, because I replied to his speech, and we were bitter toward each other, that is all.

Q. If you did say that, or that in substance, or anything like it, Mr. Donohue, was there anything to sustain it except your general anger at the conditions as they existed there?—A. Well, not—I did not state only just on account of the conditions as they existed there; yes.

Q. Were any of these conditions the presence of money that you knew of, or offering of money by anybody?—A. No.

Q. Or offer of anything of value by anybody?—A. No.

Q. For a vote for WILLIAM LORIMER for United States Senator?—A. Nothing that I know of, positively, by way of money or other things of value. It was just said from the general appearance of things, an inference I used from what was done.

Q. And you said you were angry because——A. Well, we were not very friendly, Mr. Browne and I; we did not agree all through the session; do not agree as yet.

Q. You were not one of the Browne faction?—A. No; I was not, sir.

Q. You were one of the Tippet?—A. No; I was not one of the Tippet.

Q. I believe you were unattached there?—A. I was placed in neither one of them.

Senator BURROWS. Is that all?

Judge HANECY. That is all.

Senator GAMBLE. You were acting on your own responsibility?—A. Yes, sir.

Senator FRAZIER. Mr. Donohue, if you say you made that statement, which was based on facts, conditions, and circumstances surrounding, did you hear from anybody any statement or anything about anything that money had been paid for votes?—A. No; I never heard a thousand dollars mentioned up to that time, and if Mr. Groves said that I do not remember that he said it.

Q. There was talk of money having been used?—A. There was talk of money having been used generally.

Q. You could not locate it as to anybody that said he got it; you didn't know of anybody?—A. No; I didn't know of anybody that got it.

I do not believe that I err when I say that many people in this country believe that bribery is frequent in the House of Representatives as well as in the Senate; but, sir, every man here knows that such a belief is utterly unfounded, for amongst the many thousands of men who have served the Federal Government in the House and in the Senate since it was organized, the bribe takers and the bribe givers could almost be counted on the fingers of a single hand. As we know, sir, that thousands accuse Congress unjustly, may we not suppose that thousands have also unjustly accused the legislatures of these States? I do not say that corruption in the various legislatures is as rare as it is in Congress, and naturally that would not be true, because the people choose men of more exalted character and of greater ability for these higher places. But, sir, the people know the men whom they elect to their State legislatures, and they are not apt to choose a bribe taker from among their neighbors to represent them. That they do sometimes make that mistake in Illinois is as certain as that they have made it in New York.

The indictment of the Senator from New York [Mr. ROOT] and the Senator from Ohio [Mr. BURTON] is against the Commonwealth of Illinois. If her legislature is as corrupt as they charge it with being, then, sir, the legislature is not alone in that condition, and the people themselves must be corrupt; because, in the face of these charges and with the evidence of the criminal trials before them, the Democrats renominated and the people reelected Browne to the legislature. Robert E. Wilson, the man charged with distributing the corruption fund at St. Louis on the second occasion, was renominated by the Democratic Party and reelected by the people of his district; and John Broderick, the senator who was charged with bribing Holstlaw, was renominated and reelected to the State senate; Speaker Shurtleff, who was also active in LORIMER's behalf, was reelected to the legislature; and an indictment against them, sir, is an indictment against their people.

In the beginning of his speech the Senator from New York classed Shurtleff as one of the trinity of bribers and corruptionists, linking him with LORIMER and Browne; but though he continued and accentuated his invective against LORIMER and Browne he said little more about Shurtleff. The Senator from New York sits so near the Senator from Ohio [Mr. BURTON], whose close connection Shurtleff is, that I wonder if that restrained him. [Laughter.]

When the Senator from New York denounces Browne, he ought to remember Jotham Allds, who was not the leader of a minority, divided into factions of almost equal strength, as Browne was; but the leader of his party in the State senate of New York. He was charged with receiving bribes, and they proved that he was guilty by the admission of Senator Conger that he was himself a bribe giver; and both this bribe-taking Senator Allds and this bribe-giving Senator Conger were mem-

bers of the legislature which elected the Senator from New York to this body.

But, sir, I do not impeach the right of the Senator to his seat upon such a circumstance as that. I do not invoke against him the doctrine which he urges against the Senator from Illinois; and yet, sir, if we are to accept his theory that a little corruption found is but the index of a larger corruption which can not be uncovered, we might be compelled to say that the New York Legislature was as little capable of conducting an honest senatorial election as the Legislature of Illinois.

The strangest contention in all of this controversy to me has been the assertion made and repeated by the Senator from Idaho [Mr. BORAH], the Senator from Iowa [Mr. CUMMINS], and the Senator from New York [Mr. ROOT], that in demanding the total exclusion of a dishonest vote I was really giving effect to such votes.

That charge, sir, can be sustained against their position, but not against mine. Let me analyze it and see if I can not make it plain that it is their rule which permits a dishonest vote to exert some influence over an election and to defeat the will of an honest majority. I will use the very case before us as an illustration. Let us assume that the four legislators who testified that they received money were bribed, although they did not all testify that they received money for the vote which they cast for LORIMER; and let us also assume that the three men who are charged with having paid that money were likewise bribed. Let us go even one step further, and say that Clark, Luke, Shephard, and De Wolf were bribed, thus making a total of 11 votes to be rejected on the ground of bribery. With these men eliminated there is absolutely no word of testimony impeaching the integrity of any other member of the legislature, and unless we are ready to say that all men are corrupt simply because some men have been shown to be corrupt, we must assume that the Illinois legislators against whom no evidence has been introduced and against whom not even a suspicion has been suggested were upright and patriotic men. Subtracting these 11 votes from a total of 202 we have an unchallenged membership of 191 members who, by virtue of their position and of their integrity, were qualified to elect a Senator. Of this 191 members, 96 would be a majority, and after deducting every vote against which the imputation of dishonesty has been made LORIMER would still have 97 as against 94 votes for his opponents. Under those circumstances no man could deny that he is entitled to his seat in this Senate as a matter of law, and still less can they deny it as a matter of morals, because he had a clear majority of the honest men in the legislature. Now, sir, let us apply the rule proposed by the Senators from Idaho, Iowa, and New York, and what result do we reach? By including these 11 men as a part of the total vote, they prevent 97 honest men from effecting an election over 94 honest men, and this makes it plain that they are the gentlemen who are giving effect to the votes of rascals, because by including those 11 votes in the total they thus prevent an honest majority from working out its will.

Mr. President, it is easy for a man to proclaim himself an advocate of electoral integrity, and if he will make that proclamation often enough and loud enough he can induce thousands of heedless men to accept it; but the thoughtful citizens of this Republic will at last judge every rule by its result, and they can never be persuaded to approve one which gives significance and power to dishonest votes. I do not doubt the ultimate wisdom of our people and neither do I doubt that they will understand at last that the law, as I have sought to explain and defend it, is their best protection against the baleful influence of the corruptionists in our politics. No matter how honest and how patriotic the gentlemen on the other side may be—and I know them to be as honest and as patriotic as I am—it is still true, sir, that in striving to reverse the precedents of the Senate and overrule the courts of the country they are seeking to establish a doctrine that will permit a dishonest faction in a legislature to disable an honest majority from choosing a Senator to represent their State.

THE SENATE ON TRIAL.

They tell me that the Senate is on trial before the American people and that we can only acquit ourselves by convicting LORIMER. How low we have fallen in the estimation of those who believe that such an appeal can control us in a case like this! Are we at liberty to consult our political safety in deciding a case involving more than property, more than liberty, more than life itself, because it involves the character of a fellow man? An honest man values his good name above all the gold that misers have ever hoarded since creation's dawn; a proud man would go to prison in the cause of truth and justice rather than have his honor forever sullied; a brave man would die upon the battle field and be buried with the honors of war rather than to see the name his children must bear tarnished to the end of time. Other Senators may be willing to prove that they are clean by washing their hands in the blood of an innocent man, but I am not. [Applause in the galleries.] Shall we prove that we are not guilty by finding that this man is? Oh, sir, what a lesson to teach our children! I will not, by my example, lead my boy to bow in servile adulation until he kisses the very ground on which the people walk and then insult their intelligence by telling them that he has done wrong to please them.

Mr. President, I do not profess to be indifferent to the opinion of my countrymen. I value the good will of the people of Texas as much as any man who has ever enjoyed their favor, and perhaps I have a better reason for it, because they have done more for me, according to my poor merits, than they have done for others. I went among them a mere boy and a total stranger to them, without friends, without wealth, and without influential connections, but generously they took me by the hand and made me all I am and all that I ever hope to be. For that I love them with an affectionate gratitude; for that I will toil for them by day and by night; for that I will sacrifice my personal comfort, my personal interest, and my physical strength, and count it a privilege to do so; but, sir, even for that, I will not violate my oath of office and corrupt my conscience with a sense of foul injustice. They have their impressions of this case, and it may be that those impressions are at variance with the vote which I am about to cast, but they would hold me unworthy to be their Senator if they were not willing to trust me to do what a conscientious study of the testimony and the law in this case commands. If there is any Senator here whose vote is influenced in this case by the fear that he will displease his people, he has less respect for his constituents than I have for mine.

If, sir, the Senate is on trial before the American people, how will they make up their verdict? There are more than 20,000,000 voters in this Republic and not 20,000 of them have ever read a line of this testimony or examined the law of this case for a single hour. Mr. President, the Senate may be on trial, but if it is, its courage and not its integrity is being tested. Nobody but fools believe that the Senate of the United States is dishonest, and nobody except sham reformers pretend to believe it. Venality, sir, is not a sin of the American Senate, and it never will be until the American people have become a venal race. Our people, intelligent and patriotic as they are, will make mistakes in the choice of their great officers. They have made them, and they will make them again, but in the future, as in the past, the occasions on which they make them will be rare, indeed, and it will happen as seldom in the years to come as it has in the years that have passed and gone that they will bestow a senatorship upon any man who will practice on others, or on whom others can practice, the vulgar and degrading vice of bribery.

No, sir; I do not doubt the integrity of the Senate, but candor compels me to say that I do sometimes doubt its courage, and I know that this Republic is menaced more by cowardice than by corruption. I would scorn to call upon my colleagues here to vote in such a way as to shield themselves from the charge of dishonesty, because proud and sensitive men would resent that suggestion, but I do beg them to be brave enough, now and at all times, to do justice to every man and to do justice in all things. Let us by our verdict say to those who seek to drive us that we hold ourselves so high above suspicion that we dare to do what we believe is right and leave the consequences to God and to our countrymen. [Applause in the galleries.]

Mr. BEVERIDGE. Mr. President, it is apparent that the debate on this matter is drawing to a close. I should like, therefore, to ask the Senator from Michigan [Mr. BURROWS] if he is willing to agree upon a day for a vote, so that all Senators may have notice of the time on which a vote is to be taken. I suggest to the Senator Thursday of this week, before adjournment. Of course, the only purpose is that if we do fix a day all Senators may have notice, so that they may be here if they so desire.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The Senator from Indiana asks unanimous consent that a day be fixed to vote upon the pending question.

Mr. BEVERIDGE. I am first asking the Senator from Michigan whether at this stage of the proceedings, as the debate is plainly drawing to a close, he does not think it wise to fix a date so that all Senators may have notice of it.

Mr. BURROWS. I agree with the Senator from Indiana that it is perfectly apparent that the discussion in this case is drawing to a close, and for that reason it is wholly unnecessary to fix any exact day or hour when a vote shall be taken. The approach of the end of the session will keep every Senator here, and therefore it seems to me absolutely unnecessary to

fix a time. As I have said to the Senator before, there is no question about a vote in this case, but let the Senate have the opportunity to discuss it so that we can close this case after full discussion at this time. I therefore object to any date being fixed.

Mr. BEVERIDGE. I am sure the Senator is confident there will be a vote, but in the suggestion that a day be fixed I was first following the uniform practice in such cases and for the reason that all Senators may have notice so that when that day comes all will be here.

I will say to the Senator from Michigan that I am impelled to make that suggestion, because several Senators have said to me and said to other fellow Senators that they had engagements here and there and yonder, and they want to know when the day of voting would be so that they might surely be here. For example, say the debate should conclude suddenly any day this week. A Senator spoke to me this morning and said he would be away on a certain day, but he would not if he knew that a vote was to be had on that day.

It is only fair to the Senate, of course, that all Senators shall have notice, that they may be present; and I submit that to the Senator as a consideration which is fair and wise and all but necessary. Is the Senator willing to agree to any day?

Mr. BURROWS. I only wish to say in reply that it is perfectly apparent that Senators are not going to absent themselves within two weeks of the close of the session for any considerable length of time.

Mr. BEVERIDGE. The answer to that is that they are absenting themselves for this, that, and the other engagement. A Senator, not two hours ago, told me he must be absent on Thursday unless there was going to be a vote. The Senator from Iowa was absent two days last week on a necessary engagement, which, of course, he would have deferred if a vote had been impending. Other Senators do absent themselves for a day.

Now, suppose that during that day the end of the debate should come and a vote upon a resolution based upon the report should be had. It would not be fair to Senators—it never has been; it is not the practice. Of course, I am not going to suggest any special day if the Senator says he will not agree to any, but I am willing to suggest any day, say Thursday of this week, before adjournment.

The PRESIDING OFFICER. The debate is proceeding by unanimous consent.

Mr. BEVERIDGE. Of course.

The PRESIDING OFFICER. The matter is not open to debate. Does the Senator from Michigan object to fixing a day?

Mr. KEAN. I understand Thursday is the day the Senator from Indiana [Mr. BEVERIDGE] is going to speak.

Mr. BEVERIDGE. I am. But I say before adjournment. I would not fix Friday, because it might run, by a recess, from Friday into Saturday, which is given up to eulogies. I suggest Monday.

Mr. BURROWS. It seems to me that there is no necessity of prolonging this controversy. I object to any day being fixed now, with the assurance that I have made over and over again that a vote will be taken on this matter. I would not want to fix any day now, which might cut out the Senator from Indiana.

Mr. BEVERIDGE. The Senator does not need to let that stand in the way.

Mr. BURROWS. I am fearful it might interfere in some way with the Senator's remarks.

Mr. BEVERIDGE. I do not question the Senator's assurance of a vote. My only reason for asking that the usual and, I believe, the uniform, practice of fixing a day be pursued is that all Senators may have notice, because Senators have spoken to me and have spoken to other Senators, because I know they want to be present.

Mr. BURROWS. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. ROOT. Mr. President, the Senator from Texas formulated two rules which he conceived to be applicable to the pending election case, and he asked me to examine the rules and state whether or not I agreed. I have drafted a substitute for the second rule which the Senator proposed, somewhat changing the terms, and also an additional proposition which seemed to be necessary to complete it. If there be no objection, I will send to the desk and ask the clerk to read them, so that they may go into the RECORD without my making any speech on them.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

If the officer whose election is challenged did not personally participate in or encourage or sanction the bribery, then his election can not be avoided, unless it appears that the result has been materially affected by the bribery shown.

Mr. ROOT. Now, read the other proposition.

The Secretary read as follows:

If on the whole testimony the Senate be of the opinion that but for the influence of the corrupt methods or practices employed the candidate would not have been elected, the election should be declared void.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 26, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 51, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the word "at" following said amendment, and insert in lieu thereof the word "of"; and transpose the words "in the Yellowstone National Park" so that they will follow the word "chapel" preceding said amendment, thus changing the portion of the proviso which relates to the proposed Fort Yellowstone Chapel so that it will read as follows:

"*Provided further*, That $25,000 of the sum herein appropriated may be used for the construction and completion of a chapel in the Yellowstone National Park on or near the military reservation of Fort Yellowstone."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment, insert the words "and fifty thousand nine hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment, insert the following: "On and after the passage of this act, every line officer on the active list below the grade of colonel who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, may, in the discretion of the President, and subject to examination for promotion as prescribed by law, be advanced to higher grades in his arm up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps to which he permanently belongs: *Provided*, That officers advanced to higher grades under the provisions of this act shall be additional officers in those grades: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law, when these officers have reached the same grade"; and the Senate agree to the same.

On the amendments of the Senate numbered 18, 23, and 49 the committee of conference has been unable to agree.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon the amendments still in disagreement, that the House be asked for a further conference, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent that when the vote is taken on the pending question as well as upon the resolution to which it is an amendment it shall be by yeas and nays.

The PRESIDENT pro tempore. The Chair did not quite understand the Senator.

Mr. BEVERIDGE. The pending question is the amendment offered to the joint resolution by the junior Senator from Utah [Mr. SUTHERLAND].

Mr. SMOOT. I should like to ask the Senator from Indiana what his reason is for such a request.

Mr. BEVERIDGE. Because I want to have the yeas and nays.

Mr. SMOOT. It has never been done before.

Mr. BEVERIDGE. Oh, the Senator will pardon me. I do not need to refresh his memory, for he must remember when such a request was made upon the currency bill, and he participated in it.

Mr. SMOOT. I was going to say that there is no doubt on any question involved the Senate will give the Senator the yeas and nays when the question arises.

Mr. BEVERIDGE. I merely make the request. The Senator can object if he wants to do so.

Mr. SMOOT. I do not object.

The PRESIDENT pro tempore. The yeas and nays have already been ordered on the amendment offered by the Senator from Utah.

Mr. SUTHERLAND. I was trying to call the attention of the Chair to that fact.

Mr. BEVERIDGE. Very well; that is still better.

The PRESIDENT pro tempore. The pending question is on the amendment proposed by the Senator from Utah [Mr. SUTHERLAND], on which the yeas and nays have been ordered.

Mr. BROWN. Mr. President, I desire to discuss the pending joint resolution, with the indulgence of the Senate, on its merits. The discussion up to this time has been pursued and has proceeded upon the theory that when Congress passes the joint resolution by the necessary two-thirds majority we have amended the Constitution. That appears to have been the assumption during the entire discussion, while, of course, upon reflection every Senator knows that when Congress passes the joint resolution the Constitution is not amended; we have simply referred to the legislatures of the States the question whether they will make it a part of the Constitution.

On that theory, Mr. President, I want to call the attention of Senators to the fact that we are occupying a very remarkable position as Senators when we refuse to allow the joint resolution to go to the State legislatures for their action. In other words, we assume to say that the people of this Republic shall not have an opportunity even to vote on the question whether they desire to amend their Constitution in this respect or not.

It is a significant fact that in all the history of this question before the public and before Congress it has never been presented in the House of Representatives and a negative vote given. The House of Representatives has always been willing to allow the people of the States to pass on the question whether they would amend their Constitution or not. Legislatures of States and conventions of political parties have spoken to the same effect. But when the question comes to the Senate, wherein is involved the procedure of the election of ourselves, the record is that the Senate alone has stood in the way of allowing the people to vote on the question.

Mr. HEYBURN. Will the Senator permit me a moment?

Mr. BROWN. I do not think we have the right——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BROWN. In just a moment. I do not think we have the right, as a matter of right, although we have the power and prerogative to do it, to stand forever in the way of an opportunity of the people to decide whether they will take this step and whether they will amend their Constitution.

I now yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I only wanted to inquire of the Senator if I might be mistaken. I do not understand that the joint resolution provides for the submission of this question to the people at all. It provides for the submission of this question to that baneful political organization known as a legislature that is to be held not fit to elect a Senator.

That is all I wanted to call attention to.

Mr. BROWN. The Senator is one of those who holds that these legislatures are all right and can not make any mistake. Yet he refuses to allow this amendment to go to these good legislatures.

Mr. HEYBURN. The legislatures now elect the Senators, so that there is no amendment needed to accomplish that purpose.

Mr. BROWN. But can not the legislatures, who are so trustworthy, be trusted with the function and power of passing on this amendment? Why is it necessary for the Senator from Idaho and his colleagues to deny to the legislatures the opportunity to amend the Constitution?

Mr. HEYBURN. Just let me answer that and then I will not disturb the Senator further. It seems to me from the attitude of some who speak here that the oath of office is, "I promise and swear that I will uphold and amend the Constitution of the United States," instead of defending it.

Mr. BROWN. That is where the Senator from Idaho exaggerates his own importance. He could not amend the Constitution if he wanted to do it; neither could the United States Senate amend it if it had 92 Senators from Idaho agreeing with him on that proposition. That is the point I am trying to emphasize, that all this resolution does is to refer to the legislatures an opportunity to vote on this amendment—to reject it or to put it in the Constitution.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BROWN. With pleasure.

Mr. NELSON. Does the Senator mean to say that all the joint resolution does is to submit the question to a vote of the people? Is that all that is embraced in the resolution?

Mr. BROWN. No; I say the resolution refers to the legislatures of the States the question of amending the Constitution.

Mr. NELSON. But what is attached to it?

Mr. BROWN. There is attached to the amendment, in the first place, the privilege of allowing the people, if the amendment is carried, to elect their Senators, instead of the legislatures. Beyond that there is another provision, which I will discuss later, if the Senator will permit me.

The proposition I am discussing now is whether or not we can justify ourselves in refusing to give the legislatures of the States the privilege of voting into the Constitution or keeping out of the Constitution the things that are in this resolution.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BROWN. With pleasure.

Mr. CARTER. Does the Senator not think that the people have a right to pass on that single question without having it complicated with some other question?

Mr. BROWN. The Senator from Montana is anticipating my remarks. I have a very strong conviction and notion that the two provisions combined in the resolution ought to be separated.

Mr. CARTER. I think the Senator is right.

Mr. BROWN. But I take that position, if it please the Senator from Montana, without regard to the merits of either proposition, my contention being that the people of this country have a right to vote on a single amendment at a time unencumbered by any influences or any considerations that may attach to it by reason of a sort of postscript or an additional amendment.

Now, Mr. President, I desire, if Senators will indulge me, to call their attention to one or two things that have been said in this debate so far. I read now from an address delivered by the learned and distinguished Senator from Massachusetts [Mr. LODGE] recently upon this question. The Senator from Massachusetts said:

> The movement against slavery, which culminated in Lincoln's emancipation proclamation, never really became formidable until it had been taken up by men who carried on their fight for human liberty under the Constitution and in accordance with the laws. It was then demonstrated that under the Constitution it was possible to deal with this vast problem which went to the very root of our social and economic structure, which in its development endangered our national life, and which finally passed away in the smoke of battle through the war powers of the Constitution.
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> The Constitution has shown itself capable of adaptation to the new demands, as it has adapted itself to those of the past, and I have hoped and believed that the new policies and the necessary reforms which the people desire could all be brought about, as they have hitherto been accomplished, under the Constitution. I see no reason as yet to suppose that this belief is not well founded.

Mr. President, these words are quoted from the address of the senior Senator from Massachusetts recently delivered in the

Senate. The distinguished Senator was presenting an argument against the proposal to amend the Constitution so that the people, instead of the legislatures, might elect by direct vote United States Senators. You will observe the proposition laid down is that a Constitution so wise and so strong as to carry the country safely through the crisis of the Civil War and abolish slavery needs no amendment, and therefore this proposal to amend it should be defeated.

I may be mistaken, but it seems to me the distinguished Senator was unhappy, to say the least, in the selection of a text upon which to build his argument and base his conclusions. I agree with him entirely that the old Constitution was wise and strong enough to hold the States together and prevent disunion. But the men who stood for the Constitution and the Union during that struggle all realized that good and strong as the Constitution was, still it could be and ought to be improved by amendment. Indeed, before the war was over, when Lincoln was President, on the 1st day of February, 1865, the Thirty-eighth Congress proposed the thirteenth amendment, abolishing slavery. It was ratified by the States. Who will say to-day that the old Constitution was not wisely improved by the adoption of this amendment? Afterwards, on the 16th day of June, 1866, the Thirty-ninth Congress proposed another amendment conferring citizenship on all persons born or naturalized in the United States and guaranteeing to every person equal protection of the laws. Does anyone here contend that the fourteenth amendment was a mistake and should be repealed? Afterwards, on the 27th day of February, 1869, the Fortieth Congress proposed the fifteenth amendment, to protect the right of suffrage to all citizens of the United States. Why were these amendments proposed, and why were they adopted by the people? History gives the reason. The war problems had brought the American people face to face with certain weak spots in the Constitution. They undertook to make the Constitution plain and strong at points where it was obscure and weak. It was no reflection on the wisdom and patriotism of the fathers of 1787 for the fathers of 1865 to bring the document of the early days up to the needs and requirements of later days.

The great men in the Philadelphia convention were wise beyond compare with those who at the time condemned their work, and it is no discredit to them, in the light of the experience they then had, if they gave us a Constitution silent on the great vital questions settled by these three war amendments.

In other words, Mr. President, it simply shows that the American people have been at all times on the watch for an opportunity to amend and improve the Constitution as the needs of the Nation might require. And nobody can read the history of this country without conceding that the American people have been in a struggle from the day the Government began to make a good government better. It has been a struggle for improvement all the while. Their struggle has not stopped with making a fight for better laws or with a fight to elect better officers; they have gone to the foundation of the Government and undertaken to make it better all the while. Indeed, it is a struggle now of the people, without complaint against the organic law of the Government, to make that law still better conserve the interests of all the people whose government this is. It were idle, from my point of view, for the Senator from Massachusetts to contend that our Constitution was so good that we ought to let it alone, when the history of our people has been an effort, and a successful one, to improve it all the time.

No, Mr. President, I can not allow those who oppose the pending amendment to rest on the proposition that the old Constitution must not be amended because its framers were so wise and so distinguished that their work was perfect—beyond improvement. Those pioneer architects in government building themselves did not so regard the Constitution, because in the instrument itself they provided certain and definite ways in which the people might amend and improve it. Indeed, the people of those days were quick to act under this provision of the Constitution allowing them to amend it. The very first Congress to convene under this Constitution proposed 12 amendments thereto, 10 of which were ratified and two were rejected. Within a few months after the adoption of the Constitution the people had amended it 10 times and improved it in 10 particulars. The Third Congress proposed the eleventh amendment, and the States adopted it as an additional improvement. The Eighth Congress proposed the twelfth amendment and it likewise was ratified. From the very day the original Constitution was wisely made up to the present hour the people who own this Government, which rests on this Constitution, have been at work making the foundation stronger and better.

It is idle and vain and a waste of time to undertake to stem this impulse of the American people to make a strong foundation stronger and a good government better. If this proposal to amend the Constitution will not improve that instrument it should be defeated, but its defeat should rest on that ground and not on the ground that no improvement is possible, for improvement is always possible. I undertake to say no law, however good and wise, has passed this or any other Congress that could not be made a better law. And when we accept the doctrine that perfection in Government affairs has been reached by us or by those before us there will be no need for any government at all.

Mr. President, the American people have stood the supreme test of self-government. They have demonstrated their capacity to bear the burdens and responsibilities of citizens. They have met and solved every new problem with unflinching courage and devotion. From the beginning no difficulty has been so great or grave as to deter or discourage them. What a history our people have, so full of hope and effort, faith and sacrifice. Not a year since 1787 but that tells the story of some progress along some line, some advance along another line, some improvement everywhere. Not a day when the face of the Nation has not been toward the front, with the people contending and disagreeing at times, but always struggling for things that are better and ideals that are higher. To-day, as ever, they are awake to the dangers that beset all Governments and all institutions made by man, and, as ever, they are on guard to protect and preserve their own Government and their own institutions. They are thoughtful and deliberate and conservative in the highest degree.

Mr. President, we have heard a great deal here in the discussion of this resolution about the necessity of a check to keep the people from excitement. I wish some one in this Chamber would tell me when the American people ever gave any evidence of becoming unduly excited. The reason many of these improvements have not come in legislation and in the Constitution before this is because it is difficult to get them excited. They are deliberate. The history of 130 years shows that they are in full self-possession and self-control all the time. There is not a State in the Union to which you can point where you can lay a law to the excitement or frenzy or passion of the people of that State.

We do not serve the people well or with the respect due them, in my judgment, if we deny them this opportunity to amend their Constitution, if they want it amended. They do not ask us to amend it.

All we are asked to do by the passing of this resolution is to allow them an opportunity to amend it or not, as they may determine. On what ground do we stand when we say this opportunity shall be denied? Are we wiser than they; are they less devoted to representative government than we; has it come to pass that 92 men temporarily clothed with the powers and prerogatives of United States Senators are justified in substituting their judgment for the judgment of 92,000,000 people on a proposition that has been discussed by them for nearly a century? And yet that is what we do when we defeat this resolution. I beg you to let the resolution pass; let them discuss it; let them decide it. The responsibility will be theirs; let them bear it. I have no fear for the result. If they adopt this amendment the States will continue to enjoy equal representation in the Senate; we will still have intact our republican form of Government. No function of the Senate will be abridged. Its honor and good name will be, as now, in our hands. The only change to occur will be that instead of the Senator owing his election to a few men in the legislature he will owe it to all the people of his State. What possible wrong can result from such a change which involves alone the accountability of a public officer to the public he is elected to serve?

Eighty-five years ago in the House of Representatives a joint resolution was introduced by a Member from the State of New York proposing to amend the Constitution as to the mode or method of electing Senators. This resolution, like the one now pending here, proposed to amend section 3 of Article I of the Constitution. It proposed to take from the legislatures of the several States the power to choose Senators and to confer that power on the people of the States. In 1835 a Member from Indiana introduced a similar resolution. In 1851 Andrew Johnson, afterwards President, was the author of a joint resolution introduced in the House of Representatives that year. Both resolutions received consideration and attention. Indeed, from 1826, the year of the first resolution, up to this date the question has been discussed and considered by the American people with continuous and unfailing interest. It can safely and accurately be said that no single public issue or question has commanded so much attention and debate during all that time as the popular

election of Senators. It has been the subject of discussion or resolution at some time in the legislature halls of every State in the Union; it has been the subject of discussion or resolution by political parties in State and national conventions for generations; it has been the text for orators on the platform and in the lecture field for half a century; its discussion has filled the columns of our great newspapers and the pages of our great magazines for years. It comes to us to-day, after almost a century of consideration, supported at this time by the best thought and the best conscience of the country.

The right of the people to elect by direct vote their Senators rests on the same principle on which the right to elect governers and other officers is based. If our national experience has demonstrated anything it is that our people are deliberate and conservative in all important matters. In all our history no example can be cited of undue or hasty or ill-considered action on the part of the Nation. The strong and steady course of the Republic during all these years was not due in any degree to the present method of choosing Senators. It was due to the strong and steady heads and hearts of a great people, intelligent and earnest far beyond the conception of those who distrust them. Who here questions his own capacity and desire to do well and faithfully the work of a citizen? Who here questions the capacity and desire of his fellow citizens at home to bear faithfully and well the burdens and responsibilities of citizenship? Then on what ground can we deny to them the right to choose by direct vote your colleagues or your own successors to this Chamber? If the capacity and desire of the people to perform their civic duties be admitted, no valid reason exists for delegating to a legislature the right to do for the people what they are able to do for themselves.

The distinguished Senator from New York [Mr. DEPEW] the other day, in most engaging manner and form, advised against this proposal to amend the Constitution. I apprehend if any sound argument could be made to sustain his position the learned and eloquent Senator from New York would have made it. If he failed to give any valid or persuasive reason, it was because no such reason can be given. His argument on that question, you will recall, rested mainly on one proposition. It was his contention that the Clays and the Calhouns and the Websters and other great Senators were products of the present system of electing Senators. The Senator from New York was mistaken. They were the products of the times in which they lived and of the civilization they advanced. Their service to the Nation was due and inevitable, without regard to the mode of their election. Would anyone say that Gladstone was the product of a monarchical form of government because his great brain and heart were at work in England? Would anyone say had he been an American citizen that the world would have lost the light of his character, his genius, his statesmanship, and his example? No one would suggest that, and yet it was seriously argued by the Senator from New York that we should not change our Constitution in regard to the election of Senators because the Constitution as it now stands gave us those illustrious Senators he so eloquently named. He forgot, for the time being at least, that these same Senators—nearly all of them, as I recall their named—had begun their public service in the House of Representatives, to which body they had been elected by the people in the first place. This shows that the people were the first to call them, and again sustains the contention that the people can be trusted to choose their own public servants. It is not necessary for them to sublet the contract. They are competent to perform that work themselves.

The Senator from New York was not satisfied with stating his opposition to the popular election of Senators. He went further, and declaimed at great length against the growing sentiment in this country toward popular government, and on this topic he was facetious as well as interesting. The Senator from Massachusetts did the same thing, but he was not facetious; he was severely sarcastic. The Senator from New York became severe, however, in his observations against the direct primary. Mr. President, the direct primary for elective officers is the first step in the establishment and the most necessary step in the preservation of real representative government. It is the first step, because it gives the people a direct voice in the selection of candidates. It is by long odds the most important step in a government whose policies are determinable by the electors at the polls, for it must be conceded that on the wisdom and care exercised by the electors in selecting candidates rests absolutely the opportunity to fill the offices on election day with men who represent the principles and reflect the opinions of the electorate.

If the rank and file of the different political parties in the country are denied the right to select by direct vote their candidates, the right of suffrage on election day becomes of very little value to them, because if the candidates are selected by somebody else than by the rank and file of the political parties the great body of the people on election day have no opportunity to express a choice between candidates of their own choosing. If it be conceded, as it must be, that the people not only have the right, but can be trusted to exercise it, to elect by direct vote public officers, it follows that the right to nominate candidates by direct vote for whom they may vote on election day can not justly be denied them.

Representative government to live must represent the people who live under it and support it. To deny them full and direct participation in any of the steps which affect and involve the public policies of that government is to deny them their rights as citizens. For example, the Presidents of the United States for generations have been nominated in the first place for that office by some political party. Those conventions are representative bodies that act for the members of the party in whose name they assemble. They are chosen to do a particular work—to make platforms and name candidates; as members of their national convention they act in a purely representative capacity. No one here will deny the right or authority of the convention which selects those delegates of instructing the delegates as to candidates. With this plan now in force and accepted throughout the country, what valid reason exists for refusing the electors an opportunity to select these representative delegates by direct vote and at the same time to instruct them as to candidates by direct vote? Before a President is elected he must have been chosen for the nomination by the representatives of his party in delegate convention. Why should not the party itself when it selects the delegates be permitted to instruct them, so that the delegates would know exactly how to discharge their trust and perform their duties in a representative capacity in accordance with the views of those whom they represent?

Not by way of prophecy, but as a matter of opinion, I venture to say the time is not more than six years distant when every delegate to every national convention will be chosen by the direct vote of those who send them, and they will be instructed to carry out the will of those for whom they are to act.

Again, it has been the frequent custom in States without primary election laws, as well as in States with them, to nominate candidates for the legislature, and in the nominating conventions pass resolutions instructing the nominee when elected to vote for some man for Senator. Indeed, the right to vote directly and the right to instruct the representatives and public officers are rights which have been exercised in some form or another in every State in the Union for more than 50 years. The movement now for the direct primary for all elective officers and for delegates representing political parties in national conventions is but the development and application of a principle which has been acknowledged and accepted and approved since the days of Lincoln.

Representative government involves the principle that the electorate has the right to be represented and not misrepresented, and on that principle is based the argument for direct legislation, for it must be assumed that if the representatives truly represent those who elect them there will be no need for the employment of the agency known as the initiative and referendum. It is only when the representatives misrepresent the electorate that the electorate will ever have occasion to initiate legislation or to veto legislation.

Mr. President, the American people can not be joked or smiled or by scholarly scoffers driven from their determination to have a direct voice in public affairs. Representative government is dear to them. They would preserve and perpetuate it. They would oppose as a public enemy any attempt to impair or imperil its institutions. They would save them all. How natural and logical, then, is their desire to become closer and more directly identified with their servants and representatives, whether in the National Congress or in State legislatures, and to have a more direct voice in the laws of the land that is theirs. The movement toward popular government will not destroy representative government; it will save it.

It is a matter of great personal regret to me that the committee was unable to report back unamended to the Senate the joint resolution referred to it. The resolution, as reported by the committee, as I tried to show the Senate the other day, contains two distinct and separate propositions. The first one provides for the popular election of Senators by amending section 3 of Article I of the Constitution. The second one repeals section 4 of Article I of the Constitution so far as it relates to Senators. I ask leave to insert here without reading a copy of the pending resolution and the sections referred to.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

* * * * * * *

The provisions of the Constitution proposed to be amended by this resolution read as follows:

"SEC. 3, ART. I. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislatures thereof, for six years; and each Senator shall have one vote.

"SEC. 4, ART. I. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators."

Mr. BROWN. Mr. President, I do not care to discuss the wisdom or policy of repealing section 4. The point I insist upon is that it has no place in the resolution providing for the popular election of Senators. The two propositions should be submitted to the Senate separately and referred to the States separately, so that each could stand on its own merits before us when we vote and before the States when they are called upon to ratify or reject whatever resolution we pass. If the election of Senators by direct vote is to be referred to the people, they should have the right to vote on that proposition by itself, alone and unencumbered by any other issue. If it be desired that section 4 be repealed and all supervisory power of Congress over the manner and time of holding senatorial elections be abrogated, that question should be submitted so that the people will have a right to vote on it by itself, alone and unencumbered by any other issue. It is not fair for us to send to the people a proposed amendment which embraces two distinct and separate proposals, because it denies to the people an opportunity to support the one they may favor without supporting at the same time the other which they may not favor; nor do they have the opportunity of rejecting the one they disfavor without at the same time rejecting the one they may favor. It is obvious, entirely aside from the merits of the two propositions, that they should, in all reason and fairness, be separated and referred separately to the States. The popular election of Senators has been advocated time and again by the Democratic Party in national conventions and by the Republican Party in a majority of the States in State conventions and legislatures. When did any party in any convention ever favor the second proposition contained in this joint resolution—the one to repeal section 4 so far as it relates to Senators? My judgment is that it is our duty at this time to propose an amendment for the direct election of Senators. This is the one question before the people now. No other amendment has been asked or demanded.

But if other amendments are to be submitted, why not submit one to change the term of Senators and put that in this resolution so that the people who want popular election of Senators would be compelled to vote for a term of service satisfactory to us, which we will name in this resolution? Many reasons have been given why the term of Senators should be lengthened and a few why it should be shortened. No man here, unless it be my handsome and gentle friend from California [Mr. FLINT] or my gentle and handsome friend from Washington [Mr. PILES] is satisfied that a six-year term is long enough.

It was, if I recall correctly, Alexander Hamilton, in the Constitutional Convention at Philadelphia, who suggested that United States Senators should be elected for life. A few years ago such a proposition seemed to me wholly unsound and unwise, but I confess here lately I take more kindly to it. His suggestion was rejected because that would make the term too long.

I think it was a Member from South Carolina in that convention who suggested that Senators should be elected to serve during good behavior. I will always hold this proposition to be wholly unwise. It might make the term too short.

But seriously, whatever be the merits of changing the term, no one here would suggest that the issue of popular election of Senators should be clouded or encumbered by proposing such a change in this resolution. So I say it is to be sincerely hoped that the committee and the friends of the two propositions now contained in the resolution will allow them to be separated so that neither may be dependent on the other and each may stand on its own merits before the Senate and before the States.

Mr. BOURNE. Mr. President, recent discussions by some of the opponents of the pending resolution providing for direct election of United States Senators have enriched literature, furnished well-rounded periods and beautiful diction, resurrected the Athenians and Romans and carried us back thousands of years, but have absolutely failed to prove that selfish interest rather than general welfare is the better motive power of government or that the individual legislator is wiser, more unselfish, better developed, or more competent to legislate or select public servants than is the composite citizen.

In view of the present inclination to drift in the shadows of many centuries ago, I crave the patience of the Senate to give a brief history of the evolution of popular government, and promise only to carry my hearers back to a period less than five centuries and bring them rapidly through the chronology of its evolution to the present date.

The art of printing was discovered in 1456 and gave to the day of general intellectual development its dawn. Cromwell (1599–1658) taught kings true sovereignty—the sovereignty of the people. John Locke (1632–1704), the son of a captain in Cromwell's army and a graduate of Oxford, among other things printed for the world his theory of popular sovereignty, which theory no doubt was cradled in the uprising of the English people under Cromwell. Hume (1711–1776) in England and Jean Jacques Rousseau (1712–1778) in Paris and Geneva, contemporaneously revamped, echoed, and reechoed Locke's theory of popular sovereignty, and Kant (1724–1804) in Germany gave it voice. Thomas Paine (1737–1809) in England and America and Thomas Jefferson (1743–1826) in America became the chanticleers of liberty and popular sovereignty on this continent. The chronology of popular sovereignty in modern times is thus traced through successive and contemporaneous writers from Locke to Jefferson, the teachings of each of whom for democracy it is impossible not to believe exerted an influence upon the final formation of our Government, while it is equally evident that the compatriots of Paine and Jefferson brought to bear their knowledge of the failure of ancient republics, and particularly that of Greece, as furnishing arguments against the universal franchise, the direct responsibility of and to an electorate, and in favor of some form of beneficent despotism.

It is generally conceded, however, by present-day political writers that of these named in the chronology, Jean Jacques Rousseau, in his "Social Contract," exercised the most profound influence of any of them upon the world's history. The one central idea in his political philosophy was popular sovereignty. Around that gyrated the logical deduction that where there is no equality there can be no liberty, and where there is no liberty there can be no general prosperity. His attempt to construct upon these postulates a working plan for a democratic government on a large scale does not signify the unsoundness of the fundamental truths that lie at the bottom of his thesis. In his day, and, indeed, until recent times, any attempt to establish a democratic form of government on a large scale was not feasible because of the lack of extensive and rapid intercommunication among the individual units of a numerous commonwealth occupying a large area and actuated by different and ofttimes conflicting interests.

Born a free citizen of Geneva, Rousseau picked up under adverse circumstances a knowledge of the ancient political writers, Plato, Aristotle, Socrates, and others, and was also no doubt familiar with the writings of Locke, whose theories of popular government, as modified by his own conceptions, he purveyed to his generation in France and Switzerland.

SOCIAL CONDITIONS IN AMERICA IN 1776.

The conditions in the American Colonies, by the unfoldment of human progress, in 1776 were barely propitious enough to warrant the fates in launching the first great Republic that gives promise of realizing the aspirations of true democracy. The field was fallow for revolution, having been plowed by the Puritans, the Quakers, and the Huguenots, but barely fertile enough for the planting of a republic, much less for that of

democracy, which could be only a Utopian dream until made feasible by the development of a high order of general intelligence and the creation of time and space annihilators for the individual units of society to effect rapid interchange of thought and action. These last-named conditions are now abundantly in evidence in this country and need but the awakening of general intelligence as the final auxiliary factor in the transmogrification of an irresponsible representative system into a system directly responsible to a completely enfranchised, intelligent, sovereign electorate.

The adverse and favorable conditions for the establishment of any sort of a popular government in the Colonies were about equally balanced at the close of the American Revolution. The lack of sufficiently rapid intercommunication and close and frequent contact of the individual units of each colony with those of other colonies was perhaps the most serious of the adverse conditions. Diversity of religious sectarianism was another, national prejudices a third, conflict of trade and commercial interests still another, and many others. The favorable conditions were a common language, a common source of fundamental principles of law, a certain sense of brotherhood, born of a companionship in arms, and, after a three years' trial of a loose confederacy, a final sense that in an effective union alone there was national safety and that, metaphorically, they must still band together or hang separately in a world of piratical nations.

So, under these conditions the Constitutional Convention of 1787 met for the purpose of "forming a more perfect union" of States to be given authority in a central federal government with powers defined and limited by a written constitution.

OPPOSING VIEWS IN CONSTITUTIONAL CONVENTION.

To this convention went adherents of two great Americans of approximately equal learning but whose temperaments were the antitheses of each other, whose observations were from exactly opposite viewpoints, whose estimates of human nature were at entire variance, whose views with regard to the construction of society and the relations of people to the Government were antagonistic. These men were Thomas Jefferson, of Virginia, and Alexander Hamilton, of New York, and the latter was himself a member of the convention. Jefferson was a disciple of Locke and Rousseau, and his adherents in the convention stood for the incorporation of the broadest possible democratic principles in the new Constitution, while Hamilton, essentially an aristocrat and monarchist, without faith, or any kind of confidence in the average intelligence, patriotism, or stability of mankind, stood for every possible device that went to exclude and remove from the people any direct contact with, or immediate or remote responsibility for the Government. It was confederationist arrayed against nationalist. It was the Jeffersonian idea to retain all the power possible in the sovereignty of the States and to leave the people in the respective States to their own devices in administering public affairs.

It was the Hamiltonian idea to leave with the States as little power as possible, and with the people none at all. These two strenuous schools had each its following, the Jeffersonians chiefly among the masses who had fought the war and read Thomas Paine's pamphlets, and the Hamiltonians largely among the conservative, property-owning, and commercial classes who had been Tories or who had straddled the fence during the progress of the Revolution. The less strenuous members of the convention gave us the compromise Constitution, in the final adoption of which the Hamiltonian idea predominated, and is best expressed in the declaration that the Constitution is an instrument of "admirable checks and balances," which placed it in the hands of the judicial branch of the Government to exercise an absolute veto upon every act of the other two coordinate branches; and, while in the theory only a power of negation, is, in fact and may be in practice, one of far-reaching legislative initiation and crystallization.

CONSTITUTIONAL METHOD OF ELECTING PRESIDENTS CHANGED BY USAGE.

It was provided in the Constitution—since amended by usage—that the Chief Executive should be elected by State electors appointed by the States in such manner as the legislatures thereof might determine, a provision calculated to remove Presidents as far from the people as possible, again filtering power through as many intermediates as could be devised between the people and the Government, the source of and the expression of power.

After dividing the legislative branch between two houses of Congress and the Executive, giving to the latter a qualified negation over the exercise of legislative power by the Congress, it was the purpose to further restrict the powers of the people and get the Government still further removed from direct responsibility to them, by first limiting the tenure of the popularly elected or lower branch of Congress to two years, and to check any undue or radical action on its part by subjecting such action to the approval, amendment, or rejection of an upper House, a body of Senators whose respective tenures of office were fixed for six years and who were to be elected by State legislatures, so as to take their acts and this branch of Congress out of the range of direct responsibility to the electorate. By the Constitution the Senators are declared United States officers, representing, in theory, the whole Republic, though elected to office by particular, individual States, two to each State. As a political creation, therefore, the United States Senate is unique in the whole history of government. The great powers that the Constitution confers upon the Senate, the method of its creation, the six-year tenure of the individual officer, and the never-dying character of the institution as a body, are all strictly Hamiltonian in their natures, and were conferred with the premeditated design of reducing and minimizing to the last degree the influence, immediate or remote, of the electorate over the lawmaking power of the Government, and in so far as possible to nullify and render as naught every vestige of popular sovereignty.

In providing for the creation of this branch of the National Legislature and fixing its status was found by the convention to be one of the chief difficulties in agreeing upon the charter of our Union, because it involved the autonomy and relative share of the States as such in the conduct of the Federal Government.

This was of little concern to Hamilton, however, so long as the powers conferred on the Senate were in inverse ratio to the Senate's responsibility to the people. Roger Sherman, a delegate from Connecticut, who proposed the plan finally adopted, and who seems to have been chief spokesman for the Hamilton contingent, on May 31, 1787, advocated the election of the lower House of Congress by the State legislatures, and is reported by Madison as opposing the election by the people, insisting that it ought to be by the State legislatures. "The people," he said, "immediately, should have as little to do as may be about the Government." And this was the actuating motive of the Nationalists when in the following July the convention finally, after long and serious debates, adopted the present Hamiltonian method of electing United States Senators.

CONSTITUTION AS FRAMED WAS AGAINST POPULAR SOVEREIGNTY.

When the Constitution was finished by the convention and signed, every grant of power it contained, every bar it put up between the people and the Government, every check and balance it imposed on the electorate and on the States was Hamiltonian, and, as far as possible, was constructive of an irresponsible machine. It was aggressive against State sovereignty, against popular sovereignty, and against the spirit of democracy among the electorate of the States. Jefferson and his school were, in truth, on the defensive, and the battle resulted in a victory for what exactly at that time was needed—and all that the conditions then warranted—a union of States under a centralized government. Conditions were not then ripe for Rousseauism, in the application of popular sovereignty, on a national scale. But witness the 15 amendments to the Constitution and observe this curious fact: Every single one of them, in its last analysis, is a recognition of the sovereign rights and powers of the people as against both the sovereignty of the State, as such, and that of the Federal Government. They are the people's bill of rights.

CONDITIONS HAVE CHANGED.

In the last 120 years conditions have greatly changed. Electricity and steam, the telegraph, telephone, railroad, and steamboat have established media of instantaneous intercommunication of ideas and rapid cooperation of action of the individual units of society.

Centralization of government, business, and the individual units of society is the inevitable result incident to the evolution of civilization. With this centralization comes increased power, and to insure the proper use of same it must be correlated with increased responsibility and accountability, which should go together.

RESPONSIBILITY AND ACCOUNTABILITY MUST GO TOGETHER.

To insure good service, responsibility and accountability must go together. Whatever an individual is responsible for he should to the same degree be accountable for. Under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor, at best a shifting accountability, because of the relative fluctuations of contributions and contributors. Under popular government like the Oregon system the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general wel-

fare or be recalled, where the recall exists, or fail of reelection where an efficient direct primary exists.

The greater the centralization of power the wider should be the distribution of accountability. Where the accountability is to the individual, the payment will be personal, meaning necessarily special privilege or serving a selfish interest. Where the accountability in government is to the composite citizen—that is to say, the electorate, or, in corporate business, to all the stockholders—the inevitable result is necessitated service for the general welfare of all, or the earliest possible elimination of the servant, whether public or corporate.

ACCOUNTABILITY SECURED THROUGH DIRECT PRIMARY.

I repeat that the securing of proper accountability of government and corporate officials is one of our greatest national problems. The solution is simple. In government, direct accountability of all public servants to party and general electorates. This can only be secured by the people selecting all their public servants through direct primaries and minimizing the misuse of money through comprehensive corrupt practices acts, with the ultimate absolute elimination of all political machines, conventions, and caucuses. In business, rigid responsiblity of the commercial force to the police force of society. In corporation management, primary responsibility to government, equal obedience to laws, and equal accountability to stockholders, giving the Government and the stockholders the fullest publicity of its operations, including absolute honesty and simplicity of its accounts, thus protecting the rights of the people and insuring to all the stockholders proportional enjoyment in the fruits of successful management, resulting in far greater stability for values and an infinitely greater market for its securities.

"OREGON SYSTEM" BEST TO DATE.

Oregon has evolved and demonstrated the best-known solution of the governmental problem to date. It incorporates:

The Australian ballot, which assures the honesty of elections.

The registration law, which guards the integrity of the privilege of American citizenship—participation in government.

The direct primary, which absolutely insures popular selection of all candidates and establishes the responsibility of the public servant to the electorate and not to any political boss or special interest.

The initiative and referendum, which is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures if 8 per cent of the voters of his State deem the same worthy of submission to popular vote. The referendum prevents misuse of power temporarily centralized in the legislature.

COMMUNITY ACTION NEVER AGAINST GENERAL WELFARE.

I unhesitatingly assert that under the initiative the people not only will not, but can not enact legislation against general welfare. Self-interest is the dominant force of humanity. Probably in a majority of cases self-interest descends into selfish interest. No two people ever have been or probably ever will be exactly alike, consequently because of the difference of the personal equation of the individual units of society and the resultant difference in the self or selfish interest dominating each individual unit where they act collectively, as they do under the initiative, an immense number of different forces are liberated, each struggling for supremacy and thus engendering friction, so that before any community action can be established this attrition must wear away the selfish interests, and general welfare, according to the majority view of the community, absolutely control the community action.

The initiative and recall must stand or fall together. If right in my assertion that the people under the initiative can not legislate against general welfare, neither will they by the same process of deduction ever recall a public servant who serves general welfare. If they are qualified to select their judges, they must be equally qualified to recall them. Judges, like all other public servants, are elected because of anticipated good service and would be recalled only for demonstrated bad service.

The corrupt practices act is necessary as a complement to the initiative and referendum and the direct primary, for without the corrupt practices act these other features of popular government could be abused. The publicity pamphlet provided for by the corrupt practices act affords all candidates for nomination or election equal means of presenting before the voter their views upon public questions and protects the honest candidate against the misuse of money in political campaigns. Under the operation of this law popular verdicts will be based upon ideas, not money; argument, not abuse; principles, not boss and machine dictation.

DIRECT NOMINATION OF PRESIDENTS DESTROYS POWER OF FEDERAL MACHINE.

The presidential preference bill destroys the power of the Federal machine—prevents a President renominating himself, except by demonstration of good service—absolutely destroys the possibility of any President naming his successor, and relieves Presidents of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

Under the machine and political boss system the confidence of sincere partisans is often betrayed by recreant leaders in political contests and by public servants who recognize the irresponsible source of power to which they are responsible. If the enforcement of the Oregon laws will right these wrongs, then they were conceived in wisdom and born in justice to the people, in justice to the public servant, and in justice to the partisan.

Plainly stated, the aim and purpose of these laws is to destroy the irresponsible machine and to put all elective offices in direct touch with the people as the real source of authority—in short, to give direct and full force to the ballot of every individual elector and to eliminate dominance of corporate and corrupt influences in the administration of public affairs. The Oregon laws mark the course that must be pursued before the wrongful use of corporate power can be dethroned, the people restored to power, and lasting reform secured. They insure absolute government by the people.

Electors who believe in the validity and importance of their sovereign citizenship, in their own intelligence, and in their own capacity to think and act for themselves politically, should study these Oregon laws, and in their respective States and communities should work for the adoption of similar laws, should question all candidates for legislative offices as to their attitude upon these measures, support only such candidates as pledge themselves to work diligently for the adoption of similar laws, and defeat candidates declining to make public declarations.

ELECTION OF SENATORS CONTROLLED BY CAMPAIGN CONTRIBUTORS.

It is generally believed that for decades members of legislatures not nominated under efficient direct primaries and corrupt-practices acts have owed their nomination and election to the political boss representing and supposedly protecting the interests of the largest corporation or individual campaign contributor. Thus is established such an actual or effective control as to make impossible the election of any candidate to the United States Senate who may be unsatisfactory to the largest campaign contributor.

No man can be elected United States Senator by an uninstructed legislature without knowing the individual members to whom he is primarily obligated for his election, and, what is still worse, in many instances, knowing the political boss, campaign contributor, or special interest dominating a sufficient number of legislative members to prevent his election unless by an agreement, express or implied, to favor and protect with national legislation the dominant interest.

Where a Senator is selected by the composite citizen, either of his party or the general electorate, obligation to any individual is destroyed and in place thereof substituted the obligation to the composite citizen, which can only be paid by rendering the best possible service for the general welfare. From every possible viewpoint, this substitution of necessitated service to general welfare instead of obligation to the indivdual members of the legislature is most desirable. It insures better service to the Nation and the State, greater independence of action, removal of temptation and possible scandal from the members of the legislative assembly, and directly benefits all personal liberty and property rights incident to good government.

The opponents of the direct election of Senators and other features of popular government have utterly failed to point out anything in American history that justifies even the suggestion that the people acting in the composite might act unwisely.

OREGON'S EXPERIENCE WITH DIRECT LEGISLATION.

Mr. President, I ask to have printed in the RECORD a leaflet showing the results of direct legislation in Oregon. It expresses the concensus of opinion of many of the leading citizens of that State, including the governor, attorney general, majority of the members of the supreme court, Senators, Congressman-elect, and others.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

Results in Oregon of direct legislation.

INTRODUCTORY.

So many letters are received by public men in Oregon from citizens of other States, asking for opinions as to the operation of the initiative and referendum in this State, that the undersigned have prepared the following statement to circulate as a general reply. It is intended to be a brief statement of the opinion of the signers of the results accomplished, not as an argument for or against any of the results, and it is especially to be understood that the signers of this letter were by no means united in supporting all, or perhaps any, of the measures adopted or rejected by the people. The adoption of the system of direct legislation in Oregon was not in any sense a class or partisan movement, and the vocation of the signers is given after their names to indicate that the continued support of the system comes from all classes within the State.

Hon. William M. Ladd, head of one of the oldest and greatest private banking houses on the Pacific coast, shortly after the recent election declared, "I would rather trust the people to vote on the 32, or any other number of important measures, than any legislature," and he was at one time a member of the Legislature of Oregon. That the voters of Oregon agree with Mr. Ladd is proven by nearly 36,000 majority given against the bill to call a constitutional convention, which was generally understood to be a scheme to make a new constitution either abolishing or greatly restricting the initiative and referendum.

EFFICIENCY THE TEST OF LAWMAKING SYSTEM.

The speedy, peaceful, and definite settlement of questions of public policy is the final test of the efficiency of any system of lawmaking. We suggest comparison of the results obtained in the past eight years under the Oregon system of direct legislation by the people, combined with representative lawmaking by the legislature, with the results for the same period in other States under an exclusively representative system of lawmaking by the legislature. Also, we have no doubt that the action of the Oregon Legislature during that period has been, at least, equal in quality to that of any other legislature of the United States.

TWENTY-SIX IMPORTANT QUESTIONS SETTLED.

The following 26 important questions of public policy appear to have been definitely settled by direct vote of the people of Oregon on 64 proposed laws and constitutional amendments in the last four general elections:

1. That they will not tolerate a return to anything like the convention method of making nominations, but will retain their direct-primary system until something better is offered.
2. That they will enforce election by the legislature of that candidate for United States Senator in Congress who receives the highest number of the people's votes.
3. Complete prohibition of railroad passes for all persons except employees of the railroads.
4. Abolition of the power of city councils to give away public franchises.
5. Abolition of the temptation and opportunity to buy or sell votes in the legislature.
6. That the people of every city or town shall have power to make and amend their city charters on all local matters at their own pleasure, absolutely free from special acts by the legislature.
7. That they will retain the initiative and referendum in lawmaking.
8. That they will have power to recall any elected public officer, from constable to governor, including judges of the courts.
9. That they approve the principle of election of members of the legislature by proportional representation, though they have not yet agreed on the method.
10. That they will provide liberally by taxes for support of higher education in the State University.
11. That they will maintain one efficient normal school. At the same election they voted to abolish two others created by the legislature some years ago.
12. That corporations having little or no tangible property should pay a gross income and license tax.
13. That the expenditures of any candidate for public office shall be limited to practically one-fourth of one year's salary of the office he seeks, and the State will provide the greater part of the expense for publicity of the merits of candidates and of political parties.
14. That edible fish, especially salmon, shall be conserved in the navigable rivers of the State.
15. That measures of chiefly local interest will be rejected if submitted to the voters of the whole State.
16. Abolition of the convention system of electing delegates to national conventions, establishing direct election of such delegates by the voters of the great parties, and permitting expression by the voters of their choice for their party candidates for President and Vice President.
17. That three-fourths of a jury shall be able to render a verdict in all civil cases, and court procedure shall be so simplified as to discourage appeals to the supreme court for delay and new trials because of technical errors, if substantial justice has been obtained in the lower court.
18. That they do not approve State-wide prohibition of the manufacture and sale of liquor.
19. That they have established and will maintain local option on the liquor question.
20. That they require a reasonable measure of employers' liability for workmen's accidents.
21. They have granted the people of each county power to exempt from all taxation any class or classes of property, subject to any general laws approved by the people of the State.
22. That no citizen shall be tried in a circuit court for crime unless accused by a grand jury.
23. That general elections shall be held in November, when most other States vote, instead of in June.
24. That the public credit shall not be used to aid, build, or operate private or Government railroads.
25. That counties may issue bonds to build permanent highways.
26. That private schemes for looting the public treasury can not be worked by the initiative method.

NUMBER OF MEASURES APPROVED AND REJECTED.

In obtaining these results at the four general elections since 1902 the people approved 25 measures proposed by initiative petition, 3 measures enacted by the legislature against which referendum petitions were filed, and three measures passed and submitted to the people by the legislature; at the same elections the people rejected 23 measures proposed by initiative petitions, three measures enacted by the legislature against which referendum petitions were filed, and seven measures passed and submitted to the people by the legislature. At the November election this year the people approved nine measures and rejected 23. In the past four elections they have approved two and rejected four measures dealing with local option and the liquor question, and have rejected woman suffrage three times, all proposed by initiative petition. No special State election has been held to vote on measures. Such an election can be ordered only by the legislative assembly.

NUMBER OF ORGANIZATIONS.

The 64 measures voted on have been supported or opposed by 71 different organizations of citizens. On some measures there was no organized effort for or against, and these were commonly rejected. No measure has been proposed attacking property rights, either of individuals or corporations.

OFFICIAL PAMPHLET OF MEASURES AND ARGUMENTS.

At the elections of 1908 and 1910 the secretary of state was required to print and mail to every registered voter a pamphlet giving the full text of every measure to be voted on, with arguments submitted and paid for by those supporting and opposing the several measures. There were 128 pages in the pamphlet of 1908 and 208 pages in that of 1910.

STATE COST OF INITIATIVE AND REFERENDUM SYSTEM.

The total cost to the State for postage, printing, binding, and distribution of the pamphlet of 32 measures and arguments to every registered voter in the State in 1910 was less than 20 cents for each registered voter. The total cost to the State for the initiative and referendum in the past four elections on 64 measures was $47,610.61.

COST TO CITIZENS' ORGANIZATIONS.

The cost to the 71 private organizations for conducting their educational campaigns for and against the measures, spent almost wholly for postage, printing, and preparation of measures, is estimated at $125,000

NUMBER AND PERCENTAGE OF ELECTORS VOTING ON MEASURES.

The smallest vote cast in the 8 years was 70,726, on a local measure in 1908, being 63 per cent of the highest vote cast for any officer. The largest vote was 106,215, on State-wide prohibition in 1910, being 90 per cent of the vote cast for governor, which was the highest number of votes cast.

INTELLIGENT VOTING.

The vote on measures has been generally intelligent, and the system is of great educational value. The official pamphlet of measures and arguments is carefully studied by a great many of the voters. The returns indicate that most of the electors do not vote on measures that they think they do not understand, though many in that case vote "No." Many of the undersigned, who have been members of the legislature, believe that the percentage of voters who carefully read every one of the 32 measures submitted at the recent election is fully as high as the percentage of members of the legislature who read every one of the 500 to 800 bills they are called up to vote for or against in the legislature. In what are called the slum districts and precincts the vote on measures is commonly a comparatively small percentage of the vote for officers. No measure containing a "joker" has yet been approved by the people.

EDUCATIONAL EFFECTS.

The people are giving more and more attention to the measures submitted. Both the teachers and pupils in the public schools are taking an ever-increasing interest in public questions, and in studying the science of government.

POLITICAL MACHINES AND BOSSES.

Control of the government by party bosses and political machines is completely abolished. The power of undesirable political party organizations and the influence of partisan feeling with the voters grows less with each succeeding campaign.

MATERIAL DEVELOPMENT OF THE STATE.

Population and wealth have flowed into Oregon during the past five years faster than ever before.

Careful observers agree that the material development of the State has been much greater during the past 5 years than in the preceding 20 years. The following is taken from issues of the Portland papers after this letter was written, but before it was printed:

"1910 SHOWS GREAT DEVELOPMENT IN PORTLAND.

"Portland's greatest development was reached in 1910, as indicated by the following:

"Bank clearings are $517,171,867.97 against $391,028,890.61 in 1909.

"Real estate transfers are $100,606,060 against $26,485,927 in 1909.

"Building permits are $20,604,957 against $13,481,380 in 1909.

"Post-office receipts are $924,597.61 against $778,853.73 in 1909.

"In railroad construction work and betterments the total expenditure of the various roads in the State reached $34,977,600, classified as follows:

"Harriman system, $14,977,600; proposed for 1911, $12,500,000.

"Hill system, $14,000,000; proposed for 1911, $14,000,000.

"Portland Railway, Light & Power Co., $5,000,000; proposed for 1911, $5,000,000.

"Mount Hood Railway & Power Co., $1,000,000; proposed for 1911, $1,000,000.

"Pacific Power & Light Co., $1,000,000; proposed for 1911, $1,500,000.

"Portland Gas & Coke Co., $350,000; proposed for 1911, $500,000."

Respectfully submitted.

L. R. Alderman, State Superintendent of Public Instruction (elect), Salem; Jonathan Bourne, Jr., United States Senator, Senate Chamber, Washington, D. C.; P. L. Campbell, President University of Oregon, Eugene; A. M. Crawford, Attorney General, Salem; Geo. E. Chamberlain, United States Senator, Senate Chamber, Washington, D. C.; C. H. Chapman, Ex-President University of Oregon, Portland; H. H. Corey, Chief Clerk and Acting Secretary of State in the absence of Mr. Benson, Salem; Will Daly, President Oregon State Federation of Labor, Portland; Henry Hahn, President Wadhams & Co., Wholesale Grocers, Portland; C. S. Jackson, Manager Journal Publishing Co., Portland; Thos. B. Kay, State Treasurer (elect), Salem; W. J. Kerr, President Oregon Agricultural College, Corvallis; Will R. King, Justice of the Supreme Court, Salem; A. W. Lafferty, Representative in Congress (elect), Portland; Thos. A. McBride, Justice of the Supreme Court, Salem; Henry E. McGinn, Judge of the Circuit Court (elect), Portland; E. S. J. McAllister, Attorney at Law, Portland; F. A. Moore, Justice of the Supreme

Court, Salem; W. P. Olds, President Olds, Wortman & King Department Store, Portland; Geo. M. Orton, Manager Multnomah Printing Co., Portland; B. Lee Paget, Secretary Portland Trust Co., Portland; H. J. Parkison, Managing Editor Portland Labor Press, Portland; Lute Pease, Editor Pacific Monthly, Portland; W. T. Slater, Justice of the Supreme Court, Salem; Ben Selling, Wholesale and Retail Clothing and Men's Furnishings (President State Senate), Portland; Dana Sleeth, Editor Daily News, Portland; C. E. Spence, Master Oregon State Grange, Carus; H. W. Stone, General Secretary Young Men's Christian Association, Portland; W. S. U'Ren, Attorney at Law, Oregon City; Oswald West, Governor (elect), Salem; C. E. S. Wood, Attorney at Law, Portland.

Mr. BORAH. If no one desires to speak at this time, I give notice that on Thursday when this matter comes before the Senate I will ask the Senate to remain in session until it is disposed of.

Mr. HEYBURN. I presume the Senator from Idaho intends to say that he will ask the Senate to remain in session until some other order of business having a right of way shall have been reached.

Mr. BORAH. I am always under great obligation to my colleague, but in this instance "the Senator from Idaho" meant precisely what he said.

I stated that when the matter came up in the regular order at 2 o'clock on Thursday I would ask the Senate to remain in session until it was disposed of. Of course it is in the hands of the Senate to determine whether or not it will do so. My object and purpose were to give notice to those who desire to be here, that they might know what was the purpose of those in charge of the measure.

Mr. President, in order to avoid that, if I can, I am going to ask at this time unanimous consent that upon Friday this matter be taken up, and the amendments and the original joint resolution be debated and disposed of, or any amendment that may be offered, before adjournment upon that day. I ask unanimous consent to that effect.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that on Friday next the pending joint resolution may be taken up, and that its consideration proceed, and that a final vote be taken on the amendments and any amendments that then may be offered and the measure itself before adjournment. Is there objection?

Mr. HEYBURN. I object.

Mr. BORAH. Mr. President, I renew the statement which I made with reference to taking up the matter on Thursday and asking the Senate to remain in session until it is disposed of.

Mr. KEAN. The Senator from Indiana is going to speak on Thursday.

Mr. BORAH. The Senator from Indiana and the Senator from Idaho have an understanding.

Mr. President, I now ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the order is made.

ESTABLISHMENT OF CHILDREN'S BUREAU.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with calendar No. 1045.

Mr. FLINT. Before the calendar is taken up I ask the Senator from Utah to permit me to call up the bill (S. 423) to establish in the Department of the Interior a bureau to be known as the children's bureau. It has been on the calendar for some time, and I think there is no objection to it. There is a great demand for its passage.

Mr. SMOOT. That bill is under Rule IX.

Mr. FLINT. It is under Rule IX, but I think there will be no objection to its passage. I should like to have it considered.

Mr. SMOOT. I will not object if it leads to no debate. If it leads to debate, I shall ask that the calendar under Rule VIII be proceeded with.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the present consideration of Senate bill 423, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. The bill has been reported from the Committee on Education and Labor with amendments.

Mr. KEAN. Let me ask the Senator from California a question. I understand the bureau is merely to investigate and find facts.

Mr. FLINT. Yes, sir.

Mr. CULBERSON. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. FLINT, March 18, 1910, as follows:

The Committee on Education and Labor, to whom was referred the bill (S. 423) to establish in the Department of the Interior a bureau to be known as the "Children's bureau," having duly considered the same, report it back with certain amendments, and recommend that as amended the bill do pass.

This bill is for the purpose of establishing a bureau in the Department of Commerce and Labor (as amended), under the direction of a chief, to be appointed by the President, with the advice and consent of the Senate, the said bureau to investigate and report upon all matters pertaining to the welfare of children and child life. It is especially charged with investigating the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, and to report upon legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health and character of children.

The bill has been indorsed by several national organizations concerned in the welfare of children, such as the National Child Labor Committee, the National Federation of Woman's Clubs, and was recently unanimously indorsed by the conference of dependent children which assembled in this city a few weeks ago, with a membership of some 200 persons prominent for their interest in the welfare of children. The work of the bureau, of course, is to be simply that of inquiry and report. After a thorough investigation of its relation to other bureaus and departments of the Government, it has been found that the proposed bureau will in no sense duplicate work that is now being done, though it would be greatly aided by cooperation with such bureaus as the Census Bureau, the Bureau of Education, and the Bureau of Labor. As to the specific question whether the Census Bureau could do the work contemplated by the proposed children's bureau, Director North, of the Census Bureau, at a hearing on this bill, said:

"The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them, and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions."

Commissioner Neill, of the Bureau of Labor, stated on the same proposition:

"I do not feel at all, Mr. Chairman, that any of this work is a duplication of the work we are doing, and it would be handled in a different way. There are only two or three things that we would touch at all, and then we would handle them in a way entirely different. I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of Government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

"Question. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

"Mr. NEILL. Unquestionably. * * * I do not believe, if the Government is going to spend money at all in this particular line, that it will be economical or that we shall get the best results if it attempts to simply make use to a limited extent of existing organizations, no one of which, so far as I know, is equipped or could equip itself, without somewhat departing from its proper line of work, to study these things as thoroughly and as fundamentally as they ought to be studied."

Commissioner Brown, of the Bureau of Education, upon the same question, said:

"From the point of those of us who are engaged in educational work these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country, or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which I am convinced we shall have to look to it with the utmost care within these coming years.

"Referring now more particularly to this bill, I should say that for such work as the Bureau of Education has to do it is important that such work as is here defined should be done somewhere. We can not deal properly with the large questions of the education of children without a more detailed and accurate knowledge than we now possess as to the actual conditions surrounding the child life of the country, such conditions as are referred to in this bill.

"I think the best way to accomplish this end is by the passage of such a bill as this and the establishment of a separate bureau."

With this testimony the question of any possible duplication of work now being done is answered. The only remaining question is as to the importance of the work contemplated by this proposed bureau of children. We have had before the committee a number of disinterested advocates of the bill. They have all represented to us that it is absolutely impossible, under existing agencies, to secure reliable information upon subjects relating to children, and especially to the unfortunate children of the country. The action of the several States in providing for these children could be guided without waste of energy and money, and the efforts of the various philanthropic agencies of the country, which are spending millions for the welfare of the children, could be guided so as to avoid useless expenditures of money, and to profit by the experience of others who are working along the same line of endeavor.

The illustration of the benefit of this work comes to us most aptly from the splendid result achieved for the people at large by the Agricultural Department and the various bureaus operated by that

department, such as the Bureau of Animal Industry, the Bureau of Plant Industry, the Bureau of Chemistry, the Bureau of Soils, the Bureau of Entomology, and the like. The information secured by capable experts on all these topics and freely published to the people have been the cause of the saving of millions of money and much useless effort, and have been the means of building up vast industries to the growth of our national wealth.

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. Of course no legislation is contemplated beyond what may be suggested by the work of this bureau within the jurisdiction of the Federal Government. But the separate States and communities which have to deal with the problems of dependency, delinquency, infant mortality, occupational diseases, and the employment of children will be able to learn from the work of this bureau what can not now be learned anywhere else in any scientific or authoritative form.

There does not now exist in any of the States such a bureau as the one contemplated, although some of the facts desired are collected by a few of the States, either through bureaus of education, or of labor, or of health. There are other States without even such agencies for publishing information. Some States are without vital statistics of any kind, and these States would be stimulated to investigations of their own by the aid of the proposed bureau of children.

We believe it would be entirely within the province of the National Government to secure scientific and reliable information along these lines concerning the general welfare of the children of the Nation.

Other nations have already advanced beyond our own in researches of this kind. Germany, for example, has a very complete and thorough system of research and publicity concerning all the facts relating to child life. The British Parliament has just passed what is known as the "Children's act," properly styled the "Children's charter," with the double function of investigation and administration. The different sections of this act relate to infant life protection, prevention of cruelty to children, reformatory and industrial schools, juvenile offenders, and the health, safety, and welfare of the children in general. Of course the distinction between our form of government and that of the British Empire is clearly recognized by the committee, and the only function of the Federal Government with which we are here concerned is that of the investigation and report of facts relating to child life.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The first amendment was, in section 1, page 1, line 3, after the word "of," to strike out "the Interior" and insert "Commerce and Labor," so as to make the section read:

That there shall be established in the Department of Commerce and Labor a bureau to be known as the children's bureau.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 9, before the word "thousand," to strike out "five" and insert "four;" on page 2, line 4, after the word "desertion," to strike out "and illegitimacy;" in line 5, after the word "children," to strike out "of the working classes;" and in line 9, after the word "bureau," to strike out "shall" and insert "may," so as to make the section read:

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of $4,000. The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have bearing upon the health, efficiency, character, and training of children. The chief of said bureau may from time to time publish the results of these investigations.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 13, after the word "of," to strike out "the Interior" and insert "Commerce and Labor"; in line 14, after the word "of," to strike out "three thousand" and insert "two thousand four hundred"; in line 17, after the word "dollars," to strike out "a chief clerk, who shall receive an annual compensation of $2,000"; in line 19, after the word "dollars," to strike out "four" and insert "two"; in line 20, before the word "clerks," to strike out "four" and insert "two"; in the same line, after the word "three," to strike out "two clerks" and insert "one clerk"; in line 21, after the word "two," to strike out "six clerks" and insert "one clerk"; in line 22, before the word "at," to strike out "five clerks" and insert "one clerk"; in the same line, after the word "dollars," to strike out "each; two copyists"; in line 23, before the word "at," to insert "one copyist"; in the same line, after the word "dollars," to strike out "each; one messenger, at $720; two"; in line 24, before the word "special," to insert "one"; in the same line, after the word "special," to strike out "agents" and insert "agent"; in line 25, after the word "dollars," to strike out "each"; in the same line, after the word "and," to strike out "two" and insert "one"; on page 3, line 1, after the word "special," to strike out "agents" and insert "agent"; and in the same line, after the word "dollars," to strike out "each," so as to make the section read:

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of $2,400; 1 private secretary to the chief of the bureau, who shall receive an annual compensation of $1,500; 1 statistical expert, at $2,000; 2 clerks of class 4; 2 clerks of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 clerk, at $1,000; 1 copyist, at $900; 1 special agent, at $1,400; and 1 special agent, at $1,200.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 3, after the word "of," to strike out "the Interior" and insert "Commerce and Labor," so as to make the section read:

SEC. 4. That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed $2,000.

The amendment was agreed to.

Mr. HEYBURN. In section 2, on page 2, line 3, after the word "rate," I move to strike out the words "physical degeneracy."

Mr. FLINT. I have no objection to that amendment.

Mr. HEYBURN. I further move to strike out, in the same line, the words "juvenile delinquency." I think that will be agreed to by the chairman of the committee, if the chairman may agree to it.

Mr. FLINT. It is agreed to by me.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 2, line 3, before the word "orphanage," strike out the words "physical degeneracy" and the comma, and, in line 3, after the word "orphanage," strike out the words "juvenile delinquency."

The amendments were agreed to.

Mr. HEYBURN. In pursuance of that sentiment, in the same section, line 8, page 2, I move to strike out the words "efficiency, character." They go to the same class of delinquency.

Mr. FLINT. Let that amendment be agreed to.

The SECRETARY. On page 2, line 8, after the word "health," strike out the words "efficiency, character."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau."

THE CALENDAR.

Mr. KEAN. Now, let the calendar be proceeded with.

Mr. SMOOT. I renew my request.

The PRESIDENT pro tempore. The Senator from Utah asks that the Senate proceed to the consideration of the calendar under Rule VIII, commencing at Order of Business No. 1045. Is there objection? The Chair hears none, and Order of Business No. 1045 will be proceeded with.

The SECRETARY. Order of Business No. 1045, a bill (H. R. 31353) for the relief of F. W. Mueller.

The PRESIDENT pro tempore. The bill will be read.

Mr. BORAH. Under what order are we proceeding?

The PRESIDENT pro tempore. Under Rule VIII.

Mr. BORAH. Beginning with what number?

The PRESIDENT pro tempore. Beginning with No. 1045.

Mr. BORAH. Did we pass over the other numbers?

Mr. SMOOT. I suggested that we begin at No. 1045, because, in the consideration of the calendar on Saturday, we had reached that number. Therefore I thought it was proper to commence there.

Mr. BORAH. I do not desire to interfere with the orderly procedure which has been mapped out, but there are some measures prior to that which some of us are very anxious to have passed, and I feel that we ought to have the regular order and commence at the beginning.

Mr. SMOOT. Whenever we have called the calendar in the regular order we have started with it at the beginning. The bills that are toward the end of the calendar, under Rule VIII, have never yet been considered, and up to No. 1045 they were all considered on Saturday. It is only a continuation of the consideration of the calendar under Rule VIII.

Mr. BORAH. They were not all considered on Saturday; some were passed over.

Mr. SMOOT. They were either considered or objected to, and no doubt those that were objected to then would be objected to to-day. I hope the Senator from Idaho will not interfere now with the completion of the consideration of the calendar under Rule VIII. If there is any time left we can go back and commence at the beginning again.

Mr. WARREN. In the meantime, Mr. President, I should like to submit the report of a conference committee, if in order.

The PRESIDENT pro tempore. The report will be received.

SUFFERERS FROM FAMINE IN CHINA.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

F. W. MUELLER.

The PRESIDENT pro tempore. The calendar will be proceeded with at the point reached when last under consideration, if there be no objection.

The bill (H. R. 31353) for the relief of F. W. Mueller was considered as in Committee of the Whole. It authorizes the Commissioner of the General Land Office to reconvey, by proper deed of conveyance, all title which F. W. Mueller had vested in the United States Government to the following-described lands: The north half of the northeast quarter of section 8, the southeast quarter of the southeast quarter of section 5, and the southwest quarter of the southwest quarter of section 4, township 8 north, range 24 west, San Bernardino meridian, in California, containing 160 acres. But he shall make satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDISON ELECTRIC CO.

The bill (S. 5583) to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act, was considered as in Committee of the Whole. It proposes to extend the act of Congress approved May 1, 1906, for a period of five years from the 1st day of May, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS OF WAY FOR SAN FRANCISCO.

The bill (S. 9819) granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 3, page 3, line 18, after the word "been," to strike out "perfected" and insert "filed or made," so as to make the section read:

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made by any person or corporation until the city and country of San Francisco shall have filed correct and proper relinquishments of all such entries and claims or acquired title from such person or corporation by due process of law and caused evidence of such fact to be filed with the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAKE CHAMPLAIN MEMORIAL.

The bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW RIVER DAM, VIRGINIA.

The bill (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN ALLOTMENTS.

The bill (S. 10530) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, was announced as next in order.

Mr. JONES. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

BUREAU OF LIGHTHOUSES.

The bill (S. 9892) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property was considered as in Committee of the Whole. It provides that hereafter all moneys recovered on account of injury or damage to lighthouse property shall be covered into the Treasury to the credit of the proper appropriations for repair and maintenance of works under the control of the Bureau of Lighthouses for the fiscal year in which said deposits are made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER DAM, ILLINOIS.

The bill (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TITLE TO NEW MADRID LOCATION, MISSOURI.

The bill (H. R. 27069) to relinquish the title of the United States in New Madrid location and survey No. 2880 was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MARCUS MOLLOY AND JOSEPH HENRY CROZIER.

The bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It proposes to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, by placing their names in the order in which they are set forth herein on the official register of the service next after the name of First Lieut. William Henry Munter; but nothing in this act shall be construed to increase the number of officers allowed by law in the Revenue-Cutter Service, nor shall the officers whose rank is restored in part by this act be entitled to any back pay or emoluments on account thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEQUAMEGON POINT, WIS., RIGHT OF WAY.

The bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, was considered as in Committee of the Whole. It authorizes the exchange of a certain right of way, now vested in the United States, extending from the keeper's dwelling to the United States light station at Chequamegon Point, Wis., for a similar right of way on a more direct line between the same points, and to execute the necessary conveyance therefor; such exchange to be effected without expense to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAVANNAH RIVER DAM.

The bill (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH POINT LIGHT STATION, WIS.

The bill (S. 9891) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis., was considered as in Committee of the Whole. It provides that $10,000, appropriated by the sundry civil appropriation act approved March 4, 1909, for raising North Point Light Station, Wis., shall be made available for removing the light station to a site 3,000 feet northeast of its present location, the new site

to be secured for the United States from the city of Milwaukee, Wis., by an exchange of a portion of the present lighthouse site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS FOR LIGHTHOUSE PURPOSES.

The bill (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to purchase, for lighthouse purposes, certain lands adjoining the present site of the Big Bay Point Light Station, Mich., and containing 28 acres, more or less; and to expend therefor, from the appropriation heretofore made by Congress, for "Repairs and incidental expenses of lighthouses, 1911," not to exceed $1,425, and to take and record the necessary and proper title papers for said lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WIND FRENCH.

The bill (H. R. 21965) for the relief of Mary Wind French was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue patent to Mary French (née Wind) for the E. ½ SW. ¼ SE. ¼ sec. 13 and the N. ½ NW. ¼ NE. ¼ sec. 25, T. 27 N., R. 24 E., of the Indian meridian, containing 40 acres, and she is empowered and authorized to sell, convey, and alienate the land without restriction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

The bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, was announced as next in order.

Mr. PENROSE. Owing to the lateness of the hour, I ask that that bill go over; but I hope at a very early date to call it up for the consideration of the Senate.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill goes over.

CERTIFIED CHECKS FOR DUTIES ON IMPORTS, ETC.

The bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes, was announced as next in order.

Mr. HEYBURN. I ask that that bill go over, Mr. President.

Mr. SMOOT. The bill is a very important one, and I hope the Senator from Idaho will withdraw his objection to it. I should like very much to have the bill considered this afternoon, and I think it will not take long to do so.

Mr. HEYBURN. Mr. President, I have left some data, to which I had intended to refer in discussing this bill, at my committee room, not expecting that it would be reached to-day. I think the bill had better go over.

Mr. LODGE. What is the nature of the bill?

Mr. SMOOT. It is a bill reported from the Committee on Finance authorizing the receipt of certified checks drawn on national banks for duties on imports and internal taxes. The objection which the Senator from Idaho made the other day, of course, does not apply to the bill, because of the fact that to-day internal revenue is payable in any kind of money, as are also customs dues, which are paid in all kinds of money except national bank notes.

Mr. HEYBURN. That is because of an act which was passed within the last few years.

Mr. SMOOT. The act is——

Mr. HEYBURN. I think I owe it to the Senator to make a statement briefly as to why I asked that the bill go over. It is as far-reaching as any measure which has been brought into the Senate in connection with the finances of the United States—as is the finance bill itself.

Mr. SMOOT. No.

Mr. HEYBURN. Yes. It proposes a complete change. Now, the Senator smiles. That manner of receiving my objection is not calculated to facilitate the passage of this bill. My objection is a valid one, and it is based upon an intelligent consideration of this matter. I object to the consideration of the bill.

Mr. SMOOT. I do not wish to say anything in answer to what the Senator from Idaho has just stated. I did not smile at his objection to the consideration of the bill or his interpretation of the bill, nor do I wish the Senator to look at it in that way.

Mr. HEYBURN. Mr. President, the Senator made the statement that what remarks I had made in this matter had no application whatever to the measure. That is rather a complimentary remark, I suppose, in the estimation of the Senator. There is an air of proprietorship and dictatorship and leadership about the Senator in regard to these matters that I do not understand. If we are to start out upon another era here when men connected with the Finance Committee are to be considered the leaders of men who are not connected with it, I want to discover it at the earliest possible day.

Mr. SMOOT. Mr. President, there is no such intention, and nothing has been said that the Senator from Idaho could even construe as an intention of that sort. The bill has been considered——

Mr. HEYBURN. I have objected to the consideration of the bill, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Mr. President, if it were not for the fact that there are other bills on the calendar that ought to be considered to-night, I should simply move that the Senate take up the bill, notwithstanding the objection, but I will not do so.

Mr. HEYBURN. Mr. President, the Senate would vote the motion down.

Mr. SMOOT. I would rather say what the Senate would do after its action, but I will not press the matter.

The PRESIDING OFFICER. The bill goes over. The Secretary will state the next bill on the calendar.

COMPENSATION OF STOREKEEPERS, GAUGERS, ETC.

The bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Finance with an amendment, at the top of page 2, to strike out:

And thereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries whose registered capacity is 20 bushels or less shall receive not to exceed $3 per day for their services.

And in lieu thereof to insert:

Hereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of 20 bushels or less, or who are assigned to other places where the compensation is less than $3 a day, shall receive $3 a day for services.

So as to make the bill read:

Be it enacted, etc., That the provisions of the legislative, executive, and judicial appropriations act for the fiscal year ending June 30, 1886 (23 Stat., p. 404), approved March 3, 1885, which limits to $2 per day the compensation of storekeepers, gaugers, and storekeeper-gaugers assigned to distilleries whose registered capacity is 20 bushels or less, be, and the same is hereby, amended so as to read as follows:

"Hereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of 20 bushels or less, or who are assigned to other places where the compensation is less than $3 a day, shall receive $3 a day for services."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELATIVES OF WILLIAM MITCHELL, DECEASED.

The bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, or benefits upon the relatives of deceased soldiers William Mitchell shall hereafter be held and considered to have been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863: *Provided*, That no pay, bounty, or other emoluments shall become due or be payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of the relatives of William Mitchell, deceased."

CONVEYANCE OF TITLE TO CERTAIN LOTS IN THE DISTRICT OF COLUMBIA.

The bill (S. 9822) directing the Secretary of War to convey the outstanding legal title of the United States to sub-

lots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was considered as in Committee of the Whole. It directs the Secretary of War to grant to the present occupants of sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, quitclaim deeds of the legal title of the United States to those subdivisions, it having appeared that the United States has no interest therein or claim thereto other than a record title resulting from a failure to comply with the requirements of the act of the Maryland Legislature of December 19, 1791, relative to the recording of deeds in the original city of Washington; but the occupants of the lots shall establish to the satisfaction of the Secretary of War their titles, respectively, to the premises, saving only the outstanding legal title of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF CIVIL AND MEXICAN WAR PENSIONS.

The bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, was announced as next in order.

Mr. LODGE. Is that, Mr. President, what is known as the Sulloway bill, carrying $55,000,000?

The PRESIDING OFFICER. The Chair so understands.

Mr. LODGE. I ask that it go over.

Mr. SCOTT. I move that the bill be taken up.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate proceed to the consideration of the bill.

Mr. OVERMAN. Mr. President, I make the point that there is no quorum present.

Mr. BORAH. Mr. President, does the Senator from West Virginia understand that the effect of the motion would be to displace the unfinished business now before the Senate?

Mr. SCOTT. No; I do not want to displace it at all. I do not intend to do that.

Mr. BAILEY. A parliamentary inquiry, Mr. President. I simply want the question which the Senator from Idaho [Mr. BORAH] propounded to the Senator from West Virginia to appear in the RECORD, for I was afraid the Reporter did not catch it. That parliamentary inquiry is whether the motion of the Senator from West Virginia [Mr. SCOTT] would not, if adopted, displace the present regular order, which is the joint resolution providing a constitutional amendment in regard to the election of Senators.

The PRESIDING OFFICER. The present occupant of the chair understands that by unanimous consent the unfinished business was temporarily laid aside for the day, and the motion would not, therefore, displace the unfinished business.

Mr. LODGE. There was no addition of the words "for the day." The usual motion was made that the unfinished business be laid aside temporarily. I should like to discuss that point of order, for, in my judgment, the moment the motion is agreed to it displaces the unfinished business.

Mr. SCOTT. Mr. President, that question was discussed only a day to two ago, and it was decided that such a motion, under similar circumstances, did not displace the unfinished business. I understand the objection of the Senator from Massachusetts [Mr. LODGE] is for the purpose of trying to keep this bill from being taken up. Mr. President, hundreds and thousands of these old soldiers are dying every year; one of them is dying while we are standing here on our feet; and yet there are Senators here trying to oppose taking up this measure and stating that it adds over $50,000,000 to the pension roll. It calls for nothing of the kind. The amount of increase under the bill has been cut down to $30,000,000, and probably less, as the Senator from Massachusetts will see if he reads the report on the bill.

Mr. LODGE. The department estimates it at over $55,000,000.

Mr. SCOTT. I insist upon my motion, Mr. President.

Mr. OVERMAN. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. OVERMAN. The Senator from North Carolina suggested the want of a quorum.

The PRESIDING OFFICER. The Chair did not hear the Senator. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Brown	Cullom	Guggenheim
Bailey	Burnham	Cummins	Heyburn
Bankhead	Burton	Curtis	Johnston
Borah	Carter	Fletcher	Jones
Bourne	Chamberlain	Flint	Kean
Bradley	Clark, Wyo.	Foster	Lodge
Brandegee	Crane	Gamble	Martin
Bristow	Crawford	Gronna	Nelson
Oliver	Perkins	Smith, S. C.	Warren
Overman	Rayner	Smoot	Watson
Page	Richardson	Sutherland	Wetmore
Paynter	Root	Swanson	Young
Penrose	Scott	Thornton	
Percy	Smith, Md.	Warner	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. SCOTT. Mr. President, I now ask for a vote on my motion.

Mr. LODGE. Mr. President, I make the point of order that if the motion of the Senator from West Virginia prevails, it sets aside the unfinished business. The unfinished business is laid temporarily aside by unanimous consent. That applies to each bill as it is taken up, but the moment a motion to take up another bill is injected and adopted it removes the unfinished business and substitutes that bill in its place. Of course, it is entirely within the power of the Senate to set aside the unfinished business, but I think we ought to know what we are doing before we enter upon that procedure.

Mr. SCOTT. Mr. President, I had no intention whatever by my motion of setting aside the unfinished business, and I so stated when I made the motion. I am perfectly willing that the Senator from Idaho should make any motion that he sees proper that will keep his joint resolution as the unfinished business before the Senate, but I do not want any parliamentary tactics to prevent a straight vote on this pension bill. I want it distinctly understood that this bill is for the relief of those who offered their lives for this country that we might be here to-day in legislative session. They are growing old—I have a list of them here and some of them are 108 years of age. We have passed in the last half hour a dozen or fifteen bills carrying as much money, perhaps, as would pay the increase in pensions called for by this bill.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I imagine I can illustrate the legislative status by simply calling for the regular order. If I did, the Chair would be compelled to lay before the Senate the joint resolution in charge of the Senator from Idaho [Mr. BORAH], and if that joint resolution were before the Senate, then, obviously, the adoption of the motion to proceed to the consideration of the bill in charge of the Senator from West Virginia [Mr. SCOTT] would displace it.

Mr. CURTIS. Mr. President, I do not understand the rule to be as stated by the Senator from Texas [Mr. BAILEY] on the question of considering bills under Rule VIII. If the regular order is temporarily set aside and the Senate proceeds to the consideration of another bill, it does not change the status of the bill set aside.

The PRESIDING OFFICER. The Chair understands that the Senate is proceeding by unanimous consent under Rule VIII.

Mr. SCOTT. No; I have moved to take up the bill which calls for a vote.

Mr. LODGE. Precisely. That changes the whole status.

The PRESIDING OFFICER. The Senate, by unanimous consent, is considering bills on the calendar under Rule VIII.

Mr. CURTIS. I desire to call attention to this rule:

And the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration.

How? Just the same as though no objection had been made, and it does not displace or take the place of the unfinished business. So I hope the Senate will vote to consider the Sulloway pension bill.

Mr. BAILEY. That only means that when the Senate is considering the calendar, and a bill on the calendar is reached, an objection would put it over under Rule IX. But notwithstanding that objection, the Senate could proceed to the consideration of the bill. However, as I say, a call for the regular order at this stage of the proceedings would inevitably bring before the Senate the joint resolution in charge of the Senator from Idaho.

Mr. CURTIS. That is true, I think.

Mr. LODGE. Undoubtedly.

Mr. CURTIS. I did not understand the Senator to make that proposition.

Mr. LODGE. That is the precise point. This is not like the morning hour, before 2 o'clock, when the rule the Senator reads is perfectly correct, and as to which his statement is perfectly correct. This is when the regular order is not the calendar. The regular order now is the unfinished business, and everything we are doing is done by unanimous consent. Each bill is up by unanimous consent, and a single demand for the regular order carries us back to it.

Mr. SCOTT. That is very true. The bill was reached in the regular order. It was objected to by the Senator from Massachusetts. Then I moved to take up the bill, and I certainly am entitled to a vote on that.

Mr. BORAH. Mr. President——

Mr. OVERMAN. I call for the regular order.

Mr. BAILEY. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. SCOTT. What is the regular order when I ask for a vote? Before the Chair decides the question I will say that I understand it has been circulated in this Chamber that if this bill is passed it will be vetoed by the President. If there is any Senator here who has authority to speak for the President and make that assertion, I want him to say so.

This bill will haunt the Senators who are trying to defeat it; mind what I tell you.

The PRESIDING OFFICER. The regular order is the joint resolution providing for the election of Senators by direct vote.

Mr. SCOTT. What is the regular order?

Mr. LODGE. The Chair has just announced what it is.

The PRESIDING OFFICER. The question is on the joint resolution.

Mr. BORAH. I want to say——

Mr. CULLOM. If the Senator from Idaho will allow me, there is very great necessity for an executive session this afternoon, and I move that the Senate proceed to the consideration of executive business.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. CURTIS. I have a right to be heard.

Mr. LODGE. That is not a debatable motion.

Mr. CURTIS. I was on my feet before the motion was made.

The PRESIDING OFFICER. The Chair recognized the Senator from Illinois.

Mr. CURTIS. And declined to recognize the Senator from Kansas.

The PRESIDING OFFICER. It was impossible for the Chair to recognize two Senators at once.

Mr. SHIVELY. Had the Senator from Kansas yielded the floor?

Mr. BAILEY. He was taken off by the demand for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 15, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 14, 1911.

COLLECTORS OF CUSTOMS.

Cornelius W. Pendleton, of California, to be collector of customs for the district of Los Angeles, in the State of California. (Reappointment.)

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

SURVEYOR OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

REGISTERS OF LAND OFFICE.

William W. Wood, of Nebraska, to be register of the land office at Alliance, Nebr., his term expiring February 21, 1911. (Reappointment.)

William Farre, of Oregon, to be register of the land office at Burns, Oreg., his term expiring March 2, 1911. (Reappointment.)

John C. Denny, of Everett, Wash., to be register of the land office at Seattle, Wash., vice J. Henry Smith, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 11, 1911.

George Emerson Brewer, of New York.
Eugene Wilson Caldwell, of New York.
Edward Kellogg Dunham, of New York.
Max Einhorn, of New York.
Ellsworth Eliot, jr., of New York.
Charles Albert Elsberg, of New York.
John Frederick Erdmann, of New York.
Eugene Fuller, of New York.
Arpad Geyza Charles Gerster, of New York.
Robert Hurtin Halsey, of New York.
Forbes Hawkes, of New York.
Frank Hartley, of New York.
Graeme Monroe Hammond, of New York.
Walter Belknap James, of New York.
Smith Ely Jelliffe, of New York.
Aspinwall Judd, of New York.
Frederic Kammerer, of New York.
Edward Loughborough Keyes, of New York.
Arnold Knapp, of New York.
Howard Lilienthal, of New York.
Robert Livingstone Loughran, of New York.
James Francis McKernon, of New York.
Willy Meyer, of New York.
Samuel James Meltzer, of New York.
John Joseph Moorhead, of New York.
Edward Wadsworth Peterson, of New York.
Godfrey Roger Pisek, of New York.
Eugene Hillhouse Pool, of New York.
William Mecklenburg Polk, of New York.
Sigmund Pollitzer, of New York.
John Broadfoot Rae, of New York.
Thomas Edward Satterthwaite, of New York.
Frederic Ewald Sondern, of New York.
James Percival Tuttle, of New York.
Frederick Theodore van Beuren, jr., of New York.
George Gray Ward, jr., of New York.
John Elmer Weeks, of New York.
Julius Hayden Woodward, of New York.

POSTMASTERS.

ALABAMA.

Sallie W. Collier to be postmaster at Brundidge, Ala. Office became presidential October 1, 1910.

Florence H. Spears to be postmaster at Pell City, Ala., in place of Florence E. Spears, deceased.

ALASKA.

Daniel Webster to be postmaster at Treadwell, Alaska. Office became presidential April 1, 1910.

ARIZONA.

John Oscar Mullen to be postmaster at Tempe, Ariz., in place of John Oscar Mullen. Incumbent's commission expired January 31, 1911.

George O. Nolan to be postmaster at Ray, Ariz. Office became presidential January 1, 1911.

ARKANSAS.

Ruby Jones to be postmaster at Dermott, Ark., in place of Winniefred Hunsucker, deceased.

CALIFORNIA.

William P. Taylor to be postmaster at San Rafael, Cal., in place of Stanley Morehead. Incumbent's commission expired December 19, 1910.

COLORADO.

B. P. Quaintance to be postmaster at Golden, Colo., in place of Robert T. Bunney. Incumbent's commission expired May 10, 1910.

Clayton Whiteman to be postmaster at Hayden, Colo. Office became presidential January 1, 1911.

CONNECTICUT.

William B. Bristol to be postmaster at Stratford, Conn., in place of William B. Bristol. Incumbent's commission expires February 28, 1911.

Charles H. Dimmick to be postmaster at Willimantic, Conn., in place of Charles H. Dimmick. Incumbent's commission expires February 20, 1911.

Thomas Walker to be postmaster at Plantsville, Conn., in place of Thomas Walker. Incumbent's commission expires February 18, 1911.

ILLINOIS.

Silas H. Aldridge to be postmaster at Plymouth, Ill., in place of Silas H. Aldridge. Incumbent's commission expired December 18, 1910.

John C. Beever to be postmaster at Coulterville, Ill., in place of John C. Beever. Incumbent's commission expires February 28, 1911.

John W. Black to be postmaster at Brookport, Ill. Office became presidential January 1, 1911.

John W. Church to be postmaster at Marissa, Ill., in place of John W. Church. Incumbent's commission expired February 28, 1907.

Thomas M. Crossman to be postmaster at Edwardsville, Ill., in place of Thomas M. Crossman. Incumbent's commission expired January 9, 1911.

Victor H. Dumbeck to be postmaster at Silvis, Ill. Office became presidential January 1, 1911.

Frank Fry to be postmaster at Depue, Ill. Office became presidential January 1, 1911.

Charles Scofield to be postmaster at Marengo, Ill., in place of Charles Scofield. Incumbent's commission expired January 28, 1911.

William W. Taylor to be postmaster at Divernon, Ill. Office became presidential October 1, 1909.

INDIANA.

Norman T. Jackman to be postmaster at Waterloo, Ind., in place of Martin A. Miser. Incumbent's commission expires February 18, 1911.

Cary J. McAnally to be postmaster at Hymera, Ind. Office became presidential January 1, 1911.

Fred B. Snyder to be postmaster at Brook, Ind., in place of Morris A. Jones. Incumbent's commission expired February 7, 1911.

Eli T. Steckel to be postmaster at Atlanta, Ind., in place of William A. Phillips, removed.

Laron E. Street to be postmaster at Brookston, Ind., in place of Laron E. Street. Incumbent's commission expired January 8, 1911.

M. Burt Thurman to be postmaster at New Albany, Ind., in place of Robert W. Morris. Incumbent's commission expired January 10, 1911.

IOWA.

Charles H. Hoyt to be postmaster at Fayette, Iowa, in place of Charles H. Hoyt. Incumbent's commission expires March 2, 1911.

KANSAS.

Lincoln Ballou to be postmaster at Tonganoxie, Kans., in place of Lincoln Ballou. Incumbent's commission expires March 2, 1911.

H. I. Dolson to be postmaster at McCune, Kans., in place of John M. Garvey. Incumbent's commission expired February 19, 1910.

Newman Waring to be postmaster at Ottawa, Kans., in place of Newman Waring. Incumbent's commission expires February 28, 1911.

KENTUCKY.

Washington A. Huggins to be postmaster at Cave City, Ky. Office became presidential January 1, 1911.

LOUISIANA.

M. G. Neuhauser to be postmaster at Slidell, La., in place of Louisa F. Gause. Incumbent's commission expired December 11, 1910.

MARYLAND.

John B. Beard to be postmaster at Williamsport, Md., in place of John Buchanan, deceased.

William C. Birely to be postmaster at Frederick, Md., in place of Adolphus H. Harrington. Incumbent's commission expired January 10, 1911.

Ulysses Hanna to be postmaster at Frostburg, Md., in place of Ulysses Hanna. Incumbent's commission expires February 28, 1911.

John A. Horner to be postmaster at Emmitsburg, Md., in place of Emma E. Zimmerman, resigned.

William Pearre to be postmaster at Cumberland, Md., in place of William Pearre. Incumbent's commission expires February 28, 1911.

Morris L. Smith to be postmaster at Woodsboro, Md., in place of Morris L. Smith. Incumbent's commission expired January 10, 1911.

MASSACHUSETTS.

James F. Shea to be postmaster at Indian Orchard, Mass., in place of James F. Shea. Incumbent's commission expires February 20, 1911.

MICHIGAN.

Charles H. Bostick to be postmaster at Manton, Mich., in place of Charles H. Bostick. Incumbent's commission expires February 28, 1911.

Fred A. Hutty to be postmaster at Grand Haven, Mich., in place of Fred A. Hutty. Incumbent's commission expired March 21, 1910.

Charles E. Kirby to be postmaster at Monroe, Mich., in place of Charles E. Kirby. Incumbent's commission expired February 13, 1911.

Wesley T. Smith to be postmaster at Honor, Mich. Office became presidential January 1, 1911.

MINNESOTA.

Frank Hagberg to be postmaster at Winthrop, Minn., in place of Frank Hagberg. Incumbent's commission expires February 28, 1911.

John Lohn to be postmaster at Fosston, Minn., in place of John Lohn. Incumbent's commission expired January 10, 1911.

W. J. Stock to be postmaster at Coleraine, Minn., in place of Ellis J. Anderson, removed.

Edward Wilson to be postmaster at Kasson, Minn., in place of Benjamin A. Shaver, resigned.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, Miss., in place of Thaddeus C. Barrier. Incumbent's commission expired January 29, 1911.

John B. Collier to be postmaster at Leland, Miss., in place of John B. Collier. Incumbent's commission expired January 29, 1911.

Virginia B. Duckworth to be postmaster at Prentiss, Miss. Office became presidential January 1, 1911.

Mattie O. Golden to be postmaster at Hollandale, Miss. Office became presidential January 1, 1911.

MISSOURI.

A. H. Dieterich to be postmaster at Wyaconda, Mo. Office became presidential January 1, 1911.

Henry Grass to be postmaster at Hermann, Mo., in place of Henry Grass. Incumbent's commission expired April 13, 1910.

Joseph Lake Sharp to be postmaster at Wellsville, Mo., in place of Thomas Sharp. Incumbent's commission expired January 30, 1911.

MONTANA.

William E. Baggs to be postmaster at Stevensville, Mont., in place of William E. Baggs. Incumbent's commission expired February 7, 1911.

Lottie S. Kimmel to be postmaster at Armstead, Mont. Office became presidential January 1, 1911.

NEBRASKA.

William H. Hopkins to be postmaster at Meadow Grove, Nebr. Office became presidential January 1, 1911.

Carelius K. Olson to be postmaster at Newman Grove, Nebr., in place of Carelius K. Olson. Incumbent's commission expires March 1, 1911.

Isaac S. Tyndale to be postmaster at Central City, Nebr., in place of Isaac S. Tyndale. Incumbent's commission expires March 2, 1911.

NEW JERSEY.

Emma Cafferty to be postmaster at Allentown, N. J., in place of Charles Cafferty, deceased.

A. H. Doughty to be postmaster at Haddonfield, N. J., in place of A. H. Doughty. Incumbent's commission expired February 2, 1911.

John H. Nevill to be postmaster at Chrome, N. J., in place of Louis Sabow, removed.

Truman T. Pierson to be postmaster at Metuchen, N. J., in place of Truman T. Pierson. Incumbent's commission expires February 20, 1911.

NEW MEXICO.

John Becker to be postmaster at Belen, N. Mex. Office became presidential January 1, 1911.

NEW YORK.

John L. Chatfield to be postmaster at Painted Post, N. Y., in place of Frank C. Wilcox, resigned.

John R. Costello to be postmaster at Chittenango, N. Y., in place of John R. Costello. Incumbent's commission expired February 12, 1911.

L. Grant Goodnough to be postmaster at Cornwall on the Hudson, N. Y., in place of L. Grant Goodnough. Incumbent's commission expires February 20, 1911.

Charles Scott to be postmaster at Fort Plain, N. Y., in place of Abram Devendorf. Incumbent's commission expires March 2, 1911.

J. Wesley Van Tassell to be postmaster at Hopewell Junction, N. Y., in place of J. Wesley Van Tassell. Incumbent's commission expired January 16, 1911.

NORTH CAROLINA.

Vann J. McArthur to be postmaster at Clinton, N. C., in place of Vann J. McArthur. Incumbent's commission expired December 19, 1910.

NORTH DAKOTA.

Charles E. Best to be postmaster at Enderlin, N. Dak., in place of Charles E. Best. Incumbent's commission expired February 4, 1911.

George C. Chambers to be postmaster at Churchs Ferry, N. Dak., in place of George C. Chambers. Incumbent's commission expired January 31, 1911.

James L. Green to be postmaster at Sheldon, N. Dak., in place of Michael B. De la Bere, deceased.

Charles G. Klenzing to be postmaster at Wyndmere, N. Dak. Office became presidential October 1, 1910.

Charles Marcellus to be postmaster at Forman, N. Dak. Office became presidential January 1, 1911.

Percy F. Meharry to be postmaster at Starkweather, N. Dak., in place of Percy F. Meharry. Incumbent's commission expires February 28, 1911.

Robert C. Miles to be postmaster at Ashley, N. Dak., in place of Thomas S. Johnstone, resigned.

Walter P. Osborne to be postmaster at Hunter, N. Dak., in place of Willis H. Rogers. Incumbent's commission expired January 31, 1911.

Walter A. Shear to be postmaster at Sentinel Butte, N. Dak. Office became presidential January 1, 1911.

William H. Stevens to be postmaster at Wimbledon, N. Dak., in place of William H. Stevens. Incumbent's commission expired December 11, 1910.

OHIO.

Allison B. Cline to be postmaster at Frankfort, Ohio. Office became presidential January 1, 1911.

Uriah J. Favorite to be postmaster at Tippecanoe City, Ohio, in place of Uriah J. Favorite. Incumbent's commission expired January 29, 1911.

OKLAHOMA.

Harry Jennings to be postmaster at Claremore, Okla., in place of Harry Jennings. Incumbent's commission expired January 20, 1909.

Joseph V. Martin to be postmaster at Lone Wolf, Okla., in place of Joseph V. Martin. Incumbent's commission expired January 31, 1911.

Calvin S. Ward to be postmaster at Roosevelt, Okla. Office became presidential January 1, 1910.

PENNSYLVANIA.

Abel H. Byers to be postmaster at Hamburg, Pa., in place of Abel H. Byers. Incumbent's commission expired February 11, 1911.

Jesse B. Conner to be postmaster at Overbrook, Pa., in place of Solomon S. Ketcham. Incumbent's commission expired March 1, 1910.

Samuel V. Dreher to be postmaster at Stroudsburg, Pa., in place of John T. Palmer. Incumbent's commission expired February 13, 1911.

J. W. Grimes to be postmaster at Claysville, Pa., in place of Samuel H. Jackson. Incumbent's commission expired January 22, 1911.

Augustus M. High to be postmaster at Reading, Pa., in place of Augustus M. High. Incumbent's commission expires February 25, 1911.

Elizabeth Hill to be postmaster at Everson, Pa. Office became presidential January 1, 1911.

William W. Latta to be postmaster at California, Pa., in place of Norman K. Wiley. Incumbent's commission expired April 6, 1910.

Edwin R. Miller to be postmaster at Republic, Pa. Office became presidential January 1, 1911.

William J. Minnich to be postmaster at Bedford, Pa., in place of John Lutz. Incumbent's commission expired March 2, 1907.

Joseph W. Pascoe to be postmaster at Easton, Pa., in place of Orrin Serfass. Incumbent's commission expires February 25, 1911.

Thomas Morgan Reese to be postmaster at Canonsburg, Pa., in place of J. L. Galbraith. Incumbent's commission expired December 11, 1910.

James P. Shillito to be postmaster at Burgettstown, Pa., in place of Edwin G. McGregor. Incumbent's commission expired April 12, 1910.

W. F. Sparks to be postmaster at Glassport, Pa., in place of Rosella M. Russell. Incumbent's commission expired January 22, 1911.

SOUTH DAKOTA.

Fred de K. Griffin to be postmaster at Selby, S. Dak., in place of Fred de K. Griffin. Incumbent's commission expires February 18, 1911.

TENNESSEE.

Samuel L. Parker to be postmaster at Sparta, Tenn., in place of Samuel L. Parker. Incumbent's commission expired January 19, 1911.

Noah J. Tallent to be postmaster at Dayton, Tenn., in place of Noah J. Tallent. Incumbent's commission expired December 10, 1910.

TEXAS.

Hugo J. Letzerich to be postmaster at Harlingen, Tex. Office became presidential January 1, 1911.

David H. Mitchell to be postmaster at Ovalo, Tex. Office became presidential January 1, 1911.

Arthur N. Richardson to be postmaster at Electra, Tex. Office became presidential January 1, 1911.

Wilber H. Webber to be postmaster at Lampasas, Tex., in place of Wilber H. Webber. Incumbent's commission expired January 28, 1911.

WASHINGTON.

Fred W. Miller to be postmaster at Oakesdale, Wash., in place of Fred W. Miller. Incumbent's commission expired June 11, 1910.

Emery Troxel to be postmaster at Connell, Wash., in place of Emery Troxel. Incumbent's commission expired May 7, 1910.

Luther S. Montgomery to be postmaster at Montgomery, W. Va., in place of Charles Edwards. Incumbent's commission expired January 12, 1911.

WISCONSIN.

Alexander Archie to be postmaster at Waterloo, Wis., in place of Alexander Archie. Incumbent's commission expired January 31, 1911.

A. B. Chandler to be postmaster at Beaver Dam, Wis., in place of Thomas Hughes. Incumbent's commission expires February 28, 1911.

Mildred Smith to be postmaster at Withee, Wis. Office became presidential January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1911.

SURVEYORS OF CUSTOMS.

Lincoln Mitchell to be surveyor of customs for the port of Cincinnati, Ohio.

Luther C. Warner to be surveyor of customs for the port of Albany, N. Y.

ASSISTANT SURGEON PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Robert A. Herring to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

REGISTERS OF LAND OFFICE.

William F. Haynes to be register of the land office at Waterville, Wash.

John W. Price to be register of the land office at Douglas, Wyo.

RECEIVERS OF PUBLIC MONEYS.

Alfred C. Steinman to be receiver of public moneys at North Yakima, Wash.

Lucius B. Nash to be receiver of public moneys at Spokane, Wash.

John Edward Shore to be receiver of public moneys at Waterville, Wash.

Samuel Slaymaker to be receiver of public moneys at Douglas, Wyo.

POSTMASTERS.

CALIFORNIA.

George D. Cunningham, Riverside.
Felix L. Grauss, Calistoga.
Eri Huggins, Fort Bragg.
Orlando J. Lincoln, Santa Cruz.
William A. Price, Redwood City.
Josephine Priest, Fowler.
Paul Schafer, Oakland.
Linn L. Shaw, Santa Ana.
John W. Short, Fresno.
William L. Williams, Madera.

COLORADO.

B. P. Quaintance, Golden.

IOWA.

Oscar McCrary, Keosauqua.

KANSAS.

C. M. Heaton, Lincoln.
Thomas L. Hogue, Olathe.

NEBRASKA.

William Cook, Hebron.
Edward G. Hall, David City.
Lew E. Shelley, Fairbury.
Clarence E. Stine, Superior.

NORTH DAKOTA.

H. F. Irwin, Tioga.

OKLAHOMA.

Noah S. Costelou, Heavener.
Carlos C. Curtis, Cordell.
A. M. Myers, Lexington.

OREGON.

Reber G. Allen, Silverton.
Robert C. Mays, Elgin.
John M. Parry, Moro.
Andreas L. Sproul, Ontario.
James S. Van Winkle, Albany.

PENNSYLVANIA.

Ada U. Ashcom, Ligonier.
William A. Boyd, Sandy Lake.
William W. Wren, Boyertown.

RHODE ISLAND.

James T. Caswell, Narragansett Pier.
George E. Gardner, Wickford.

SOUTH CAROLINA.

Charles H. Hicks, Laurens.

WASHINGTON.

Charles McKinnon, Black Diamond.
Daniel C. Pearson, Stanwood.
Fremont A. Tarr, Montesano.
Frank R. Wright, South Bend.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 14, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Rev. E. E. Marshall, pastor of North Capitol Methodist Episcopal Church, Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

RECONSIDERATION OF TWO SENATE BILLS.

Mr. MANN. Mr. Speaker, yesterday the House passed two Senate bills under a misapprehension. A bill similar to one of them had already been passed by the House and sent to the Senate. The bills referred to are Senate bills 10410 and 10757. I move to reconsider the vote by which the bills were passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent to reconsider the vote by which the two bills in question were passed. The Clerk will read the titles of the bills.

The Clerk read as follows:

A bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

A bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904.

Mr. MANN. I ask unanimous consent, Mr. Speaker, that all action on the bills be canceled and that the bills be returned to the Speaker's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the action taken on these bills as shown by the Journal be abrogated. Is there objection?

There was no objection.

RECIPROCITY WITH CANADA.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that if House bill 32216 is undisposed of on this legislative day, the House may proceed with its consideration to-morrow. I make that request with the acquiescence of gentlemen who are opposed to the bill as well as some who are in favor of it.

Mr. MACON. Mr. Speaker, I object to that kind of an arrangement myself.

The SPEAKER. Objection is made. The Chair is not sure that it can be dispensed with except by a two-thirds vote.

Mr. McCALL. Mr. Speaker, I made a request last night for unanimous consent that all Members have leave to print on the pending bill, H. R. 32216, for five legislative days.

Mr. BARTLETT of Georgia. From what time, may I ask the gentleman?

Mr. McCALL. From the time the bill shall have been acted upon by the House; say five legislative days.

Mr. MANN. Was not that agreed to last night?

Mr. McCALL. No; it was objected to.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent that all Members may have leave to print on the pending bill, H. R. 32216, for five legislative days from the time the bill shall have been acted upon by the House.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Massachusetts that he make it a little longer than five days, because the bill may not pass for a day or two.

Mr. McCALL. Then, Mr. Speaker, I suggest seven legislative days instead of five.

Mr. OLCOTT. Why not say "to the end of the session?"

Mr. McCALL. I am willing to make it 10 days, unless there is objection.

The SPEAKER. Ten days is now suggested by the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. I would modify my request and make it 10 days.

The SPEAKER. Is there objection to the request to extend the time for 10 legislative days after the bill is disposed of by the House, during which all Members of the House may print?

Mr. BOEHNE. Mr. Speaker, I reserve the right to object. I presume leave to print would be applicable only to Members asking leave to print and who would confine themselves to the discussion of the bill under consideration.

The SPEAKER. No; it would apply to all.

Mr. McCALL. Every Member of the House on the pending bill.

Mr. BOEHNE. But to confine themselves to the pending bill?

Mr. McCALL. Yes; to the pending bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. GARDNER of Massachusetts. Mr. Speaker, would it be in order at this time to move that on to-morrow we could not proceed with calendar Wednesday? And if that motion were carried by a two-thirds vote, should we be enabled to go on with this bill to-morrow?

Mr. MANN. Why, certainly.

Mr. GARDNER of Massachusetts. The question is whether we can do it at this time.

Mr. MANN. Oh, no.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

4. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

The SPEAKER. In answer to the parliamentary inquiry, it seems to the Chair that sufficient unto the day is the evil or good thereof; and when to-morrow comes the House, under that rule, can take such action as it may see proper to take; but it occurs to the Chair that a stream can not be crossed until you come to it.

Mr. GARDNER of Massachusetts. There was so much disturbance that I could not hear the words of the Chair.

The SPEAKER. In the opinion of the Chair it is not in order to-day, by unanimous agreement or by motion, to dispense with calendar Wednesday, which would be to-morrow.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the time for general debate may be equally divided between the advocates and the opponents of the bill, and that the gentleman from Massachusetts [Mr. McCALL] control one half the time and I control the other.

The SPEAKER. Is there objection to the request?

There was no objection.

Mr. McCALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the State of the Union for further consideration of the bill indicated.

Mr. DWIGHT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York suggests the absence of a quorum. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 242, nays 38, answered "present" 9, not voting 95, as follows:

YEAS—242.

Adair	Dodds	Johnson, Ky.	Plumley
Adamson	Douglas	Johnson, S. C.	Poindexter
Aiken	Draper	Jones	Pratt
Ames	Driscoll, D. A.	Kelliher	Pray
Anderson	Dupre	Kendall	Pujo
Ansberry	Durey	Kennedy, Iowa	Rainey
Ashbrook	Edwards, Ga.	Kennedy, Ohio	Randell, Tex.
Austin	Ellerbe	Kinkead, N. J.	Rauch
Barchfeld	Ellis	Kitchin	Reid
Barnard	Esch	Knapp	Richardson
Barnhart	Estopinal	Knowland	Roberts
Bartholdt	Ferris	Korbly	Robinson
Bartlett, Ga.	Fish	Küstermann	Roddenbery
Bartlett, Nev.	Fitzgerald	Lafean	Rodenberg
Beall, Tex.	Flood, Va.	Lamb	Rothermel
Bell, Ga.	Floyd, Ark.	Latta	Rucker, Colo.
Bingham	Fornes	Law	Rucker, Mo.
Boehne	Foss	Lawrence	Saunders
Booher	Foster, Ill.	Lee	Scott
Borland	Foster, Vt.	Legare	Shackleford
Boutell	Gaines	Lenroot	Sharp
Bowers	Gallagher	Lever	Sheffield
Brantley	Gardner, Mass.	Lindbergh	Sheppard
Burke, Pa.	Garner, Pa.	Lively	Sherley
Burleigh	Garner, Tex.	Livingston	Sherwood
Burleson	Garrett	Lloyd	Simmons
Burnett	Gillespie	Longworth	Sims
Butler	Glass	McCall	Sisson
Byrd	Godwin	McCreary	Slayden
Byrns	Goebel	McDermott	Slemp
Calder	Goldfogle	McHenry	Small
Candler	Gordon	McKinney	Smith, Iowa.
Cantrill	Graham, Ill.	Macon	Smith, Tex.
Carlin	Greene	Madden	Sparkman
Cary	Gregg	Madison	Spight
Cassidy	Griest	Maguire, Nebr.	Stafford
Chapman	Guernsey	Mann	Stanley
Clark, Fla.	Hamer	Martin, Colo.	Stephens, Tex.
Clark, Mo.	Hamill	Martin, S. Dak.	Sterling
Clayton	Hamlin	Massey	Stevens, Minn.
Cocks, N. Y.	Hardy	Mays	Sulloway
Conry	Havens	Miller, Kans.	Sulzer
Cooper, Pa.	Hay	Mitchell	Swasey
Cooper, Wis.	Heflin	Moon, Pa.	Talbott
Covington	Helm	Moon, Tenn.	Tawney
Cox, Ind.	Henry, Conn.	Morehead	Taylor, Ala.
Cox, Ohio	Henry, Tex.	Morrison	Taylor, Ohio
Craig	Higgins	Moss	Thomas, Ky.
Cravens	Hill	Needham	Thomas, N. C.
Crow	Hitchcock	Nelson	Tilson
Crumpacker	Hollingsworth	Nicholls	Tou Velle
Cullop	Houston	Nye	Underwood
Dalzell	Howell, Utah	O'Connell	Wanger
Dawson	Howland	Oldfield	Watkins
Denby	Hubbard, Iowa	Olmsted	Weisse
Dent	Hughes, Ga.	Page	Wiley
Denver	Hughes, N. J.	Palmer, H. W.	Wilson, Ill.
Dickinson	Hull, Tenn.	Parker	Young, Mich.
Dickson, Miss.	Humphreys, Miss.	Parsons	Young, N. Y.
Dies	James	Pearre	
Dixon, Ind.	Jamieson	Pickett	

NAYS—38.

Bennet, N. Y.	Fuller	Kopp	Olcott
Broussard	Gardner, N. J.	Langham	Prince
Burke, S. Dak.	Graham, Pa.	Loudenslager	Snapp
Campbell	Grant	McLaughlin, Mich.	Steenerson
Cowles	Hanna	Malby	Thistlewood
Creager	Haugen	Moore, Pa.	Thomas, Ohio
Davidson	Hayes	Morgan, Mo.	Volstead
Dwight	Humphrey, Wash.	Morgan, Okla.	Webb
Englebright	Johnson, Ohio	Moxley	
Fordney	Kinkaid, Nebr.	Norris	

ANSWERED "PRESENT"—9.

Currier	Howell, N. J.	Padgett	Wallace
Good	Kelfer	Riordan	Woods, Iowa
Goulden			

NOT VOTING—95.

Alexander, Mo.	Finley	Kronmiller	Peters
Alexander, N. Y.	Focht	Langley	Pou
Allen	Foelker	Lindsay	Ransdell, La.
Andrus	Fowler	Loud	Reeder
Anthony	Gardner, Mich.	Lowden	Rhinock
Barclay	Gill, Md.	Lundin	Sabath
Bates	Gill, Mo.	McCredie	Smith, Cal.
Bennett, Ky.	Gillett	McGuire, Okla.	Smith, Mich.
Bradley	Graff	McKinlay, Cal.	Southwick
Burgess	Hamilton	McKinley, Ill.	Sperry
Calderhead	Hammond	McLachlan, Cal.	Sturgiss
Capron	Hardwick	McMorran	Taylor, Colo.
Carter	Harrison	Maynard	Townsend
Cline	Hawley	Miller, Minn.	Turnbull
Cole	Heald	Millington	Vreeland
Collier	Hinshaw	Mondell	Washburn
Coudrey	Hobson	Moore, Tex.	Weeks
Davis	Howard	Morse	Wheeler
Diekema	Hubbard, W. Va.	Mudd	Wickliffe
Driscoll, M. E.	Huff	Murdock	Willett
Edwards, Ky.	Hughes, W. Va.	Murphy	Wilson, Pa.
Elvins	Hull, Iowa	Palmer, A. M.	Wood, N. J.
Fairchild	Joyce	Patterson	Woodyard
Fassett	Kahn	Payne	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. WOODS of Iowa with Mr. COLLIER.

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. WOODYARD with Mr. HARDWICK.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. SMITH of California with Mr. HOWARD.

Mr. PAYNE with Mr. LINDSAY.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. GARDNER of Michigan with Mr. MOORE of Texas.

Mr. MURDOCK with Mr. RHINOCK.

Mr. SPERRY with Mr. WALLACE.

Mr. SOUTHWICK with Mr. PETERS.

Mr. FOELKER with Mr. A. MITCHELL PALMER.

Mr. BATES with Mr. GILL of Maryland.

Mr. ANTHONY with Mr. BURGESS.

Mr. CAPRON with Mr. CLINE.

Mr. DAVIS with Mr. HAMMOND.

Mr. FASSETT with Mr. HARRISON.

Mr. FOCHT with Mr. MAYNARD.

Mr. GILLETT with Mr. POU.

Mr. HAWLEY with Mr. TAYLOR of Colorado.

Mr. HEALD with Mr. TURNBULL.

Mr. KAHN with Mr. GOULDEN.

Mr. LANGLEY with Mr. WICKLIFFE.

Mr. LOWDEN with Mr. WILLETT.

Mr. MCKINLEY of Illinois with Mr. CARTER.

On Canadian reciprocity:

Mr. HOWELL of New Jersey (in favor) with Mr. MCMORRAN (against).

Mr. MICHAEL E. DRISCOLL (in favor) with Mr. ALLEN (against).

Mr. LOUD with Mr. WILSON of Pennsylvania, commencing Monday noon, ending Wednesday noon.

Mr. TOWNSEND with Mr. GILL of Missouri, commencing Friday, ending Thursday noon.

Mr. JOYCE with Mr. RANSDELL of Louisiana, commencing February 10, ending February 18, inclusive.

Mr. HUBBARD of West Virginia with Mr. SABATH, commencing February 10, ending February 20, inclusive.

Mr. DIEKEMA with Mr. PADGETT, commencing to-day, until further notice, on all questions except Canadian reciprocity.

Mr. McCALL. Mr. Speaker, pending the announcement of the vote, I want to say that at half past 4 this afternoon I shall move that the committee rise, and, if the motion is agreed to, and we go into the House, I shall ask that debate be closed.

The SPEAKER pro tempore (Mr. FULLER). The gentleman will wait until we ascertain whether there is a quorum and proceedings under the call are dispensed with.

The result of the vote was then announced as above recorded.

Mr. McCALL. Mr. Speaker, I now give notice that at half past 4 I shall move that the committee rise, and if it so votes, I shall ask the House to vote to close general debate, and then for the committee to resume its session and take up the bill under the five-minute rule.

Mr. DALZELL. Mr. Speaker, I hope that motion will not prevail. There are a number of gentlemen who desire to address the House.

Mr. PICKETT. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts did not ask unanimous consent, but simply made an announcement.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32216) to permit reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. McCALL. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD rose. [Applause.] Mr. Chairman, the bill the House is now considering comes before us because the Payne bill failed in one of its important provisions. When the Payne bill was written a provision was included in it for a minimum and maximum tariff, with the understanding by the majority of the committee—certainly not of the minority—that the minimum and maximum clause would be used to adjust our trade relations with foreign countries. When it became necessary to put that provision into force the President was compelled under its provisions absolutely to lie down in his negotiations with the

balance of the world, accomplish nothing for our commerce, and surrender without conditions.

I believe in a maximum and minimum tariff, not a minimum and maximum tariff, such as the Payne law was written. In other words, when you wrote your tariff legislation and put it on the statute book and you said the bill as passed should be the minimum rate, the lowest rate, and that the maximum rate should be a 25 per cent increase for those nations who would not make concessions in favor of our trade, that means that you take the big stick and attempt to coerce the nations of the world to agree with your terms in reference to commercial pacts. It can not be done that way, as was proven by the French minimum and maximum tariff law passed 20 years before the Payne tariff law was put upon the books.

You would take the "big stick" and drive other nations into an agreement with you on commercial matters; and you can not, and you ought not to attempt to do it. It was for that reason that the entire minimum and maximum provisions of the Payne tariff bill proved to be a failure.

If the Payne tariff law, or some other tariff law, had been written and the law itself had been made a maximum rate, and a minimum rate provided by which you could make concessions to other nations, or by which other nations would make concessions to you, then we could have adjusted these trade differences without the necessity of making this trade pact that is pending before the House. We would have left the matter in the President's hands to get concessions for us by making reductions of the tariff taxes within the terms of the law.

But our Republican friends who wrote the Payne-Aldrich bill were so insistent that we should have a high tariff in this country and that no President, whoever he might be, should make any concessions from the high rates of taxation that they fixed that the President himself, under the law that he signed, has been driven to make a compact with Canada outside of the law to accomplish what was claimed could be accomplished when the law was originally written.

Mr. GAINES. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. GAINES. The gentleman says that he would have a maximum and minimum tariff, and his maximum tariff would be one that would apply unless the President could make agreements with nations so as to give them the benefit of the minimum tariff, as I understand it.

Mr. UNDERWOOD. Certainly.

Mr. GAINES. Then would his maximum tariff, which would be the ordinary tariff, be a protective tariff or a revenue tariff?

Mr. UNDERWOOD. Oh, a revenue tariff, of course.

Mr. GAINES. Then the gentleman would permit the Executive, and encourage the Executive, to make agreements letting in the products of the nation with which the agreement was made at rates even below the revenue tariff.

Mr. UNDERWOOD. I will say to the gentleman that there need be no misunderstanding between us. He would write a tariff with the element of protection in it and I would write a tariff without regard to protection whatever. [Applause on the Democratic side.] If there is any incidental protection that may grow out of a revenue bill, that is not a concern of ours; but we would write a tariff bill purely and solely for the purpose of raising the revenue that was necessary for the Government to have [applause on the Democratic side] to carry on the business of the Government.

Mr. GAINES. Just one more question, in order, as the gentleman says, that there may be no misunderstanding at all between him and me. He would write a tariff bill without any reference whatever to protection, and he would in that bill authorize the Executive to—and, as I say, from his language he feels that the executive department ought—to make agreements after that with nations, letting in their products at even a lower rate than the revenue rate?

Mr. UNDERWOOD. Why, there are many revenue rates. The proper revenue rate is a matter that depends upon the exigencies and necessities that the Government, not on a question of protection, and if the Government is willing to concede some of its revenue for the purpose of developing its commerce there is no reason why the President should not be willing to make reasonable concessions for that purpose.

Now as to the pact, the proposition that is pending before the House, the President of the United States found himself in this position when he signed the Payne-Aldrich tariff bill. He had made a law by which no real reduction of taxes were made to the American people, by which the high protective tariff system of which they complain was maintained with all the world, and especially with Canada. He expected to take the "big stick" and make Canada concede certain trade agreements in reference to paper and wood pulp and other matters that the people of the United States were interested in. He absolutely failed because the Canadian ministers told him that he could put in his maximum tariff rate if he desired, knowing that he dared not do it. If he had done so, he would have brought about a political revolution in this country, and he knew it. Now, the President, without warrant of law, has entered into an agreement with the Canadian Government, for what purpose? For the purpose of reducing taxes for the benefit of the American people. That is what this proposition is. It is not in the language that I would have written it, it is not in the language that many of you on this side of the House would have written it, but I want to say to you this, there is not one single item in this bill that does not reduce the taxes levied on the American people under the Payne law. The Members of this House on this side of the Chamber, both in this Chamber and before the American people last fall, repudiated the Payne-Aldrich law. They denounced it as unjust taxation. The opportunity has come to us to-day to reduce these taxes and reduce them on some of the necessities of life.

Can any man in this House who believes in the principle that no taxes should be raised except for the purpose of raising revenue and that when you levy those taxes they should be levied at the lowest rates that will produce the necessary revenue to run the Government, can he consistently, with the principles that he has maintained in this House and before the American people, vote against this bill or for any subterfuge that is intended to kill the purpose of the bill? [Applause on the Democratic side.] That is the proposition that confronts this side of the House. Gentlemen say that you have reduced the taxes on the products that the farmer produces. So you have, but how many men on this side of the House have maintained on the stump during their entire political lives that a tax on raw cotton would mean nothing, would produce no revenue, and be only a subterfuge; that a tax on wheat, barley, and corn is no protection to the American farmer, and is merely placed there as a subterfuge to mislead him and lead him into a trap to vote for high protection on manufactured articles. That is the position we have always taken; that is the position we believe in, and to say now that to put an import tax on raw cotton would raise the price of cotton, when the world's market and competition in the world's market fixes the price of cotton, is absurd. To say we should put a tax of 25 cents, as the Aldrich-Payne bill does, on wheat, where a surplus of that product is raised in this country and a large surplus is sold in the markets of the world, for the purpose either of protecting the American farmers or to raise revenue is a ridiculous statement, for it would do neither. It is surely true that the tax placed on those commodities by the Aldrich-Payne bill is a mere subterfuge, not for the benefit of the American farmer, but placed there solely and only for the purpose of deceiving him and inducing him to vote for the high-protective system on everything that he buys. I have heard it suggested that amendments would be offered to this bill to put agricultural implements on the free list and to put meat on the free list, the statement being made that this bill puts the farmers' products on the free list and you should put on the free list what the farmer buys. My friends, if we did not need revenue that statement would be correct, but I will modify that statement to this extent: If the farmers' product is put on the free list because it will not produce revenue, we should put a tax on what the farmer buys only to the extent that the exigencies of the Government require us to raise revenue, and no higher. [Applause on the Democratic side.]

Mr. MADDEN. Will the gentleman yield for a question?

Mr. UNDERWOOD. If it is only a question.

Mr. MADDEN. Does the gentleman from Alabama think the adoption of this law will reduce the cost of living?

Mr. UNDERWOOD. I regret to say I do not think that the adoption of this bill will reduce the cost of living to the extent I would like to see it reduced.

Mr. MADDEN. Do you assume it would reduce it at all?

Mr. UNDERWOOD. It would to a small extent, and I hope hereafter——

Mr. MADDEN. Will the gentleman yield for just one further question?

Mr. UNDERWOOD. No; I can not; the gentleman must excuse me. I am answering that question.

Mr. MADDEN. I just want to ask one simple question.

Mr. UNDERWOOD. Well——

Mr. MADDEN. If the cost of living is not reduced by the adoption of this bill, is a tariff on the farmers' product a subterfuge?

Mr. UNDERWOOD. The cost of living immediately across the border may be reduced to a small extent. We can not look to each individual neighborhood, but as a whole. I do not be-

lieve—and I am candid enough to say—I do not believe the price of wheat will be lowered in this country by the passage of this bill, or the price of barley, or the price of corn. The reason why I am in favor of this bill above all other questions and all other reasons is that its passage will demonstrate to the farmers of America that they have been fooled by the Republicans when it has been contended that tariff taxes placed on products whose selling price was fixed in the markets of the world would benefit them. [Applause on the Democratic side.]

Now, as to agricultural machinery and meat. Of course I recognize that this bill is not properly balanced when you put cattle on the free list and leave a prohibitive tax on meat, as you do in this bill.

But I want to call your attention to this fact: Suppose you put meat coming from Canada on the free list, would you get any meat to the consumers in this country? Not at all. The Canadians do not produce enough meat for their own people. A little might come over the border here and there, but it would not affect the price of meat in this country.

If you want to reduce the taxes upon meat for the benefit of the American people, reduce the general tariff law—the Payne tariff law—when we get to it next year. Reduce or wipe out the prohibitive tax on meat and let meat come in from the Argentine and from countries that really produce a surplus of it and have it in the market to sell, and then you will accomplish a result beneficial to the consumer. [Applause on the Democratic side.]

As to agricultural machinery, I understand that some of our distinguished standpat Republicans on the Committee on Ways and Means, in order to defeat this measure, proposed in the committee that we put an amendment on the bill, placing agricultural machinery on the free list. I am glad to say that the Democratic members of that committee were not fooled by any such subterfuge, and stood for the measure without amendment, because it was for the benefit of the American people, and an amendment would destroy the agreement with Canada. [Applause on the Democratic side.]

Why, suppose you put agricultural machinery on the free list coming from Canada. The only manufacturers of agricultural machinery in Canada to-day are American manufacturers. The great trust that controls the manufacture of agricultural machinery in this country has reached out its arms and planted its factories in Canada. Most of the factories in that country that produce agricultural implements are in the control of the American trust. Now, tell me, my friends, how much you will accomplish for the American farmer by endangering the passage of this bill in attempting to put on the free list agricultural machinery coming from Canada?

Mr. KITCHIN. Is it not a fact that we ship into Canada and pay a tariff on more than a hundred times more agricultural implements than Canada ships into this country?

Mr. UNDERWOOD. Absolutely. The real competition in agricultural implements comes from England and Germany. We are to-day shipping large quantities of agricultural implements to Canada and paying a differential tariff of one-third more than our English competitors are in that market, and beating them at their own game. When we can do that, do you think that making free trade on agricultural implements between the United States and Canada would affect the price of an agricultural implement in this country to a single farmer? You know it would not and is intended for no other purpose than to defeat a bill that reduces the taxes levied on the American people.

Now, when the proper time comes, when a Democratic Congress is assembled, when a Democratic Ways and Means Committee can present a bill, then I say to this House that the American farmer will receive what is just and right [applause on the Democratic side]; that we will not attempt to mislead him by putting agricultural implements on the free list from Canada; we will either put them on the free list or at a low revenue tariff coming from England and Germany, as well as the rest of the world, where there can be real competition, and so the American farmer can get some reduction of the price of farming machinery out of the measure.

Now, that being the case, I say to you Democrats who are worthy of the name, you men who are willing to stand for a cause that you believe is the cause of the people, let that side of the House throw these amendments at you, if they want to do so, but it is for you to stand here like honest Representatives of the people and support the bill without amendment. Do not think for a minute that your constituency have not the brains to understand this situation. If they offer these amendmens to defeat a bill that we believe is right, as far as it goes, let us stand as one man and vote them down [applause on the Democratic side], with the distinct understanding in the country that within a year the great Democratic Party will be in action in this House [applause on the Democratic side] and will be prepared to carry out its pledges to the people and will be able to do ample justice to the farmer as well as to the great body of the American people.

Therefore I appeal to you that when this bill is considered under the five-minute rule, as it must be to-night, do not let the column that the American people are depending on on this side of the House be broken, but stand as men and true Representatives of your constituencies, and put this bill through without an amendment, for an amendment means the defeat of a just measure; and the people will say that we have been true to our principles and true to our pledges. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia; and

S. 10632. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10632. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. DALZELL. Mr. Chairman, in the observations that I shall make upon the pending measure I shall not undertake to go into details. I shall not attempt to sort out the various items of the several schedules and estimate how much we shall gain or lose in any particular item. I shall not discuss free pulp, free wood, free paper, free lumber, or the fisheries question. It will be my purpose rather to treat the question upon broad general principles and their relation to our policies, past, present, and future.

To my mind the question involved is more important than any question with which Congress has been called upon to deal for many years [applause on the Republican side], except, perhaps, in the case of the general revision of the tariff.

It is for that reason a matter of sincere regret that we are forced to its consideration with undue haste and without any information upon many matters of vital importance with respect to it. Why were these particular items included in these schedules, and not other items of the tariff bill selected as the subjects of legislation? We do not know and we have not been told. What effect will this discriminatory treaty with Canada have on our commercial relations with other nations with whom we have entered into treaty negotiations? We do not know, and no opinion has been vouchsafed to us from anyone competent to speak. Not only is this a misfortune as far as the committee that ought to have carefully considered this bill is concerned, but it is a misfortune so far as the public are concerned.

The unreasonable prejudice against the Payne tariff bill was created and fomented by the newspaper greed for free paper. That newspaper greed for free paper is behind this free-trade movement. [Applause on the Republican side.] The opponents of this measure have no forum in which they can be heard, and so the public are kept in ignorance of the facts, and a false sentiment is created in favor of newspaper interests.

Up to the time the President's message informed Congress that he had entered into a trade agreement with Canada, the House of Representatives, where all bills raising revenue must originate under the Constitution, knew nothing at all about it. It is safe to say that no Member of Congress had been consulted either about the project or about its details. On January 28, two days after the message, a bill drawn in the State Department—the bill now pending, with a material amendment—was presented in the House. On January 31 it was unanimously adopted at a caucus of the Democratic Party in this House. [Applause on the Republican side.] After less than a week of hearings before the Committee on Ways and Means, the bill was forced to a vote. Amendments submitted by the administration were admitted; all other amendments were denied consideration, and within two days the bill was reported to the House.

By the terms of the bill four general classes of products are affected: First, leading food and agricultural products, rough lumber, some raw materials and print paper, and all these are put on the free list; second, secondary food products, such as fresh and canned meats, flour, and partly manufactured food products, on which rates are reduced and made identical; third, manufactured commodities, such as motor vehicles, cutlery, sanitary fixtures, and miscellaneous articles, on which the rates are mutually reduced; fourth, a small list of articles on which special rates are given by each country. Canada reduces the duty on coal and cement, and the United States reduces the duty on iron ore and aluminum.

The bill involves a revision of our tariff law. It involves millions of our national revenue. It involves our commercial relations with other nations. And yet it comes here to be voted on after a week's consideration in committee.

We protest against its passage for the following, amongst other reasons: First, it involves a trade agreement with Canada similar to the one that existed heretofore from 1854 to 1866, and the operation of which proved disastrous to the United States. As a business proposition it is wholly indefensible. Advantage under it accrues to Canada without any corresponding advantage to the United States. It is uncalled for by the great body of our people.

Second, it is un-Republican. It proposes reciprocity in competing products, which is absolutely inconsistent with the policy of protection. It is an abandonment of the protective policy and an espousal of the doctrine of free trade. [Applause on the Republican side.] It is in violation of the history, the traditions, and the pledges of 50 years of our Republican platforms. [Applause on the Republican side.]

Third, it is class legislation of the most obnoxious character. It selects from all the classes of the community the farmer and deprives him of the protection accorded to all other classes. It compels him to produce in a free-trade market and to buy in a protected market. It is in the interest of the foreigner and against the American.

The same undue haste that has prevailed with us seems to have prevailed also in the Canadian Parliament. The press report says that at the opening session a French conservative nationalist attempted to defer the discussion. J. D. Monk declared there had not been enough time for proper study of so large a question, and moved an amendment regretting that the measure was being submitted without proper consideration. For the Government, Mr. Fielding replied that the question was not new, and there had been no undue haste in its presentation.

> It is the reciprocity agreement of 1854 over again, with comparatively little change—
>
> He said.
>
> It promises prosperity to the people of Canada, and this house would make a grave mistake and do a grave wrong if it refused to take advantage of it.

An examination of the provisions of this bill and of the terms of the treaty of 1854 will confirm Mr. Fielding's statement that the two are substantially the same. There is this difference, however, that under the treaty of 1854 we obtained something in the shape of fisheries concessions, while under the present proposed treaty we obtain nothing.

There was a reason for the making of the treaty of 1854, while at the present time no reason exists for the making of any such treaty.

I read from what Mr. Blaine said in his book, Twenty Years in Congress, relative to the making and the effect of the treaty of 1854:

> On the 20th of October, 1818, a treaty was concluded at London containing as it first and most important provision an absolute surrender of some of our most valuable rights in the fisheries.
>
> From the execution of this treaty—as might have been seen—the misunderstanding between the two countries in relation to the fisheries became more complicated * * *.
>
> The right in the fisheries conceded by the treaty of 1854—originally ours under the treaty of 1782, and unnecessarily and unwisely renounced in the treaty of 1818—was not given freely, but in consideration of a great price. That price was reciprocity of trade, so called, between the United States and the British North American Provinces in certain commodities named in the treaty. The selection, as shown by the schedule, was made almost wholly to favor Canadian interests. There was scarcely a product in the list which could be exported from the United States to Canada without loss, while the great market of the United States was thrown open to Canada without tax or charge for nearly everything which she could produce and export. All her raw materials were admitted free, while all our manufactures were charged with heavy duty, the market being reserved for English merchants. The fishery question had been adroitly used to secure from the United States an agreement which was one-sided, vexatious, and unprofitable. It had served its purpose admirably as a makeweight for Canada in acquiring the most generous and profitable market she ever enjoyed for her products.

The correctness of Mr. Blaine's declaration that the treaty was vexatious, one-sided, and unprofitable appears from the fact that in the last year and three-quarters of its life we remitted to Canada duties amounting to $70,152,163, and the balance of trade was against us in the sum of over $28,000,000.

Senator Morrill, of Vermont, who was thoroughly competent to speak upon this subject, said with respect to the results of that treaty:

> Our exports to Canada in 1855 were $20,828,676, but under the operation of reciprocity, then commenced, they dwindled in 12 years down to $15,243,834, while the exports of Canada to the United States increased from $12,000,000 and odd to $46,000,000 and odd. When the treaty began the balance of trade had been $8,000,000 annually in our favor and that paid in specie, but at the end the balance against us to be paid in specie in a single year was $30,000,000. Here was a positive yearly loss of over $5,000,000 of our export trade and a loss of $38,000,000 specie, all going to enrich the Canadians at our expense.

The treaty was denounced by Congress in 1865, and if I had the time I could cite to you the names, all along the line, of distinguished American statesmen who declared that this treaty had been against the interests of the United States and altogether to the advantage of Canada.

The first Republican leader who is recorded as having expressed an opinion on the subject of this treaty seems to have been the great Massachusetts Senator, Charles Sumner. He was chairman of the Committee on Foreign Relations in the Senate and reported the joint resolution for denouncing the treaty. On this occasion Mr. Sumner argued that the event had shown that the treaty was much more advantageous to Canada than to the United States; that, in short, it was unilateral and hence not reciprocal. He went on to say:

> The reciprocity treaty has a beautiful name. It suggests at once exchange, equality, equity; and it is because it was supposed to advance those ideas practically that this treaty was originally accepted by the people of the United States.

And following on that declaration by Mr. Sumner comes the same opinion out of the mouths of Mr. Sherman of Ohio, Mr. Collamer and Mr. Foote of Vermont, Mr. Morrill of Maine, Mr. Chandler of Michigan, Mr. Doolittle of Wisconsin, Mr. Wilson of Massachusetts, and many others.

I take it to be clear, therefore, as a matter of history that the reciprocity treaty of 1854 with Canada resulted to the great disadvantage of the United States, and that if we should be guided by our experience on that occasion we should refuse now to enact into law almost the same treaty—substantially the same treaty, so far as results would be concerned.

The treaty was denounced, as I have stated, in 1865, and then what happened? No sooner were we released from its obnoxious and unprofitable terms than our commerce with Canada resumed its normal conditions. The results are well set forth in an article in the North American Review of February, 1904, which was written by Sir John Charlton, a member of the Canadian Parliament, and to which I desire to call your attention:

> The nonprogressive character of the Canadian export trade to the United States is shown by the fact that, while the export in 1866 amounted to $44,000,000, the export in 1903, less precious metals and articles not the produce of Canada, was no more than $48,959,000. On the other hand, a comparison of Canadian import returns from the United States will show remarkable increase, as the subjoined table will demonstrate.

Now mark these figures, the figures following upon the denunciation of the treaty of 1854:

Canadian imports from the United States for consumption.

1866	$28,794,000
1890	52,291,000
1896	54,574,000
1900	109,844,000
1901	110,485,000
1902	120,814,000
1903	137,600,000

These are imports from the United States into Canada for consumption, the goods which we sold her, and for which we got pay. Here is another branch of the same subject from Mr. Charlton's magazine article:

The subjoined table, showing the Canadian importation of manufactures from Great Britain and from the United States since 1898, will be of interest, especially when taken in connection with the fact that Canada has given a tariff preference to Great Britain, first of 12½ per cent, 1897 to 1898, then of 25 per cent to 1900, and of 33⅓ per cent since that time.

Mr. HARRISON. Will the gentleman from Pennsylvania yield?

Mr. DALZELL. Surely.

Mr. HARRISON. In discussing the effect of the reciprocity of 1854 does not the gentleman from Pennsylvania leave out of account the fact that during that period a great war raged in the United States for four years, which paralyzed our industries?

Mr. DALZELL. No; I do not leave that out of consideration at all. The war had but little to do with it. I propose to show that under the treaty of 1854 everything resulted to the disadvantage of the United States, and that the moment the treaty of 1854 was denounced everything, down to the present day, has resulted to the advantage of the United States, and that there not only now exists no reason why this reciprocity treaty should be enacted, but that it would be to our great disadvantage to open the markets of the United States to the markets of Canada.

Now, to come back again to Mr. Charlton. These are the Canadian imports of manufactures:

Canadian imports of manufactures.

Years.	From Great Britain.	From United States.
1898	$26,243,000	$41,510,000
1899	31,187,000	49,362,000
1900	37,328,000	60,473,000
1901	36,469,000	62,643,000
1902	41,675,000	69,536,000
1903	50,473,000	76,291,000

In 1903 the imports from Great Britain were $50,000,000 and from the United States $76,000,000.

Then I go on with Mr. Charlton:

This great increase in the sale of manufactures by the United States to Canada between 1898 and 1903, in the face of the Canadian preference in favor of British imports, gives evidence of the strong hold that the American manufacturer has upon the Canadian market and of his ability to meet all competitors in the market upon equal terms.

Now let me add to Mr. Charlton's figures in respect to the manufactures in Great Britain, so as to bring them down to date:

Manufactures imported for consumption into Canada from the United States and the United Kingdom.

Years.	From United States.	From United Kingdom.
1904	$81,108,154	$51,207,758
1905	89,113,337	49,743,726
1906	100,246,392	57,232,427
1907	88,541,601	54,316,829
1908	116,377,079	82,249,276
1909	93,723,441	60,175,413
1910	[1]	[1]

[1] No data.

Furthermore, our exports to Canada last year were $241,809,233, and our imports from Canada were $103,256,955; or in other words, in the present condition of our commercial relations with Canada, the balance of trade in our favor last year was $138,552,278, or 134.20 per cent, of exports over imports. Our exports to all other countries were $1,622,682,411, and our imports were $1,459,667,296, the balance of trade in our favor being $163,015,115, or 11.17 per cent, of exports over imports in our world's trade, as against 134.20 per cent in our trade with Canada. The balance of trade in our favor last year, to repeat, was $138,000,000 and odd.

Now I want to show you why this was so, from the standpoint of the Canadian statesman. On the 24th of February, 1903, Mr. Charlton made a speech in the Canadian Parliament on the subject of reciprocity with the United States, in which he showed how favorable existing trade conditions were to the United States in its trade with Canada. He gives us credit for our business policy. He said:

The American policy has been applied not only to us but to all the world. The object of the United States has been to sell all that it possibly could of the products of its soil and its mills and its workshops and to buy just as little as it could from other countries, and thus have as much of the balance of trade in its own favor as possible. The result has been that the balance of trade in favor of the United States last year amounted to $600,000,000 as against the whole world, $71,000,000 as against Canada. That is a good thing for the United States, and it will be her policy so long as the rest of the whole world will permit her to do it; but it is not good for us.

Then he goes on to say further:

Something must be done to change the trade conditions that exist between the United States and Canada. Free trade in natural products would afford a reasonable adjustment. Nothing short of this will do, and this condition of free trade of natural products must be granted by the United States without a solitary concession from Canada further than she has already made. We can not afford any more.

Mr. Chairman, what is the situation? Every word spoken by Mr. Charlton in 1903 is as true to-day as it was then. The United States is pursuing to-day the same wise policy that it pursued then, in pursuance of which policy our trade with Canada increases year by year and the balance of trade remains in favor of our own citizens.

From all sides evidence of the present satisfactory character of our Canadian trade accumulates.

The President tells us in his message that the entire foreign trade of Canada in the last fiscal year 1910 was $655,000,000, that her imports were $376,000,000, and adds, "Of this amount the United States contributed $223,000,000."

The Committee on Ways and Means in reporting this bill to the House, says:

Our splendid trade with the German Empire takes only $258,000,000 of our exports each year as compared with $242,000,000 which we sell to Canada. France buys from us annually only $54,000,000; the United Kingdom only $307,000,000.

These last figures are exclusive of cotton exports.

In all our world commerce we have no trade relations that display such gratifying conditions as are displayed in our existing trade with Canada—everything there is going our way.

Is it not an astounding proposition that we shall legislate away our advantages in the interest of the Canadians? Yet that will be the result of the passage of the bill reported by the Committee on Ways and Means. No concealment is made of the fact that we propose to give away $5,000,000 a year revenue in return for two millions and a half of Canadian revenue. In other words, we propose to trade a good American dollar for a Canadian half dollar. We propose to throw open the markets, the splendid markets, of 90,000,000 of prosperous people to the meager markets of less than 9,000,000. [Applause on the Republican side.] Why, the proposition is so astounding that it staggers belief.

Mr. Chairman, I have not the time or I might go on to show how during every administration since the administration of Gen. Grant, during every administration since the denouncement of the treaty of 1854, Canada has been knocking at our doors, asking for a renewal of that treaty.

In all cases the opinion was expressed that our experience of a reciprocity trade in noncompeting articles with Canada had cost us millions of money and that so long as our trade was prosperous as it is it would be unwise, unbusinesslike, foolish to the utmost degree, to renew any such treaty.

In his first annual message to Congress, under date of December 6, 1869, President Grant alluded to the Canada treaty in terms of disapproval on account of its lack of true reciprocity. I quote this extract from his message:

The question of renewing a treaty for reciprocal trade between the United States and the British Provinces on this continent has not been favorably considered by the administration. The advantages of such a treaty would be wholly in favor of the British producer. Except possibly a few engaged in the trade between the two sections, no citizen of the United States would be benefited by reciprocity. Our internal taxation would prove a protection to the British producer almost equal to the protection which our manufacturers now receive from the tariff. Some arrangement, however, for the regulation of commercial intercourse between the United States and the Dominion of Canada may be desirable.

President Grant, in his second administration, assisted by his Secretary of State, Hamilton Fish, made an effort to perfect a new reciprocity treaty with Canada, embracing, among other items, the admission into Canada of a large number of our manufactured articles free of duty. The treaty miscarried, as did all other subsequent tentative treaties with Canada, the prevailing idea in opposition thereto apparently having always been that the productions of Canada were practically identical with our own productions, and hence any general admission of Canadian products into this country free of duty or at reduced rates of duty would necessarily compete injuriously with our own industries.

President Harrison, in his message of June 20, 1892, said:

A reciprocity treaty limited to the exchange of natural products (referring to the case of Canada) would have been such only in form. The benefits of such a treaty would have inured almost wholly to Canada. Previous experiments on this line had been unsatisfactory to this Government. A treaty that should be reciprocal in fact and of mutual advantages must necessarily have embraced an important list of manufactured articles and have secured to the United States a free

or favored introduction of these articles into Canada as against the world.

And again, in his fourth annual message, Mr. Harrison said:

During the past year a suggestion was received through the British minister that the Canadian Government would like to confer as to the possibility of enlarging, upon terms of mutual advantage, the commercial exchanges of Canada and of the United States; and a conference was held at Washington, with Mr. Blaine acting for this Government and the British minister at this capital and three members of the Dominion cabinet acting as commissioners on the part of Great Britain. The conference developed the fact that the Canadian Government was only prepared to offer to the United States, in exchange for the concessions asked, the admission of natural products. The statement was frankly made that favored rates could not be given to the United States as against the mother country. This admission, which was foreseen, necessarily terminated the conference upon this question. The benefits of an exchange of natural products would be almost wholly with the people of Canada.

Now, Mr. Chairman, I pass to my next proposition. This bill is un-Republican. Reciprocity in competitive articles is inconsistent with the policy of protection. It is too manifest to be the subject of argument that to impose a duty on a foreign article for the purpose of preserving the home market for a like home article, and then to lower or remove that duty so as to admit the foreign article into competition in the home market, is to abandon in that case the policy of protection and to adopt that of free trade. Every duty imposed by the existing tariff law of less than two years ago on the articles of the agricultural schedule was imposed for the purpose of preserving the American market for the American as against the Canadian farmer. To remove those duties now and let in the Canadian farmer is to abandon protection—the protection declared in the Payne bill—and to adopt free trade. Reciprocity of that character, if it can be called reciprocity at all, is Democratic reciprocity and not Republican reciprocity. [Applause on the Republican side.] I recall an article published in a magazine a few years ago, by Mr. Williams, of Mississippi, then a Member of the House, now a Senator-elect from the State of Mississippi, in which he said:

There is also a tariff revision by piecemeal which is the handmaiden of the other system. This is the tariff revision by reciprocal trade agreements with other nations. Much can be done along this piecemeal line of tariff revision under a Democratic or approximately Democratic law.

Is it any wonder that on this bill coming into the House the Democrats on the other side of the aisle rose up and indorsed it? Why, they were shrewd enough to recognize their own. [Applause on the Democratic side.] Republican reciprocity is reciprocity in noncompetitive articles and in nothing else. The late ex-Postmaster General, Charles Emory Smith, thus defined it:

When rightly understood the principle is axiomatic. Brazil grows coffee but makes no machinery. We make machinery but grow no coffee. She needs the fabrics of our factories and forges and we need the fruits of her tropical soil. We agree to concessions for her coffee, she agrees to concessions for our machinery. That is reciprocity.

And I know of no better definition for this purpose than that given by President McKinley in his inaugural address in 1897:

The end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and can not produce ourselves, and which do not involve any loss of labor of our own people, but tend to increase their prosperity.

I have no doubt that at some time further on in this debate the sacred name of William McKinley will be called upon in indorsement of this reciprocity agreement. I affirm, and I challenge successful contradiction, that William McKinley never in all his life uttered a syllable that can be construed into an indorsement of any other reciprocity than reciprocity in noncompeting articles. [Applause on the Republican side.]

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. BARTHOLDT. From my standpoint there is no such thing as reciprocity in noncompeting articles. The Republican doctrine is——

Mr. DALZELL. Well, I can not yield for a speech, my friend.

Mr. BARTHOLDT. The Republican doctrine is to put everything on the free list which we do not manufacture ourselves. Consequently there is no need of reciprocity in noncompetitive articles. Reciprocity means give and take; it means something that we can concede to others and for which they can concede——

Mr. DALZELL. That is just what I have been reading to the gentleman. That is McKinley reciprocity; that is Blaine reciprocity; that is Republican reciprocity; a reciprocity which is not a violation of the principle of protection. Now, let me go on——

Mr. GARDNER of Massachusetts. Will the gentleman permit me a question?

Mr. DALZELL. Certainly.

Mr. GARDNER of Massachusetts. Is it not a fact that under the McKinley Act 14 such reciprocity treaties in noncompetitive articles were drawn up and ratified and they were swept away by the Wilson Act of 1894?

Mr. DALZELL. I will say to the gentleman in reply, that in the McKinley Act for the first time a reciprocity arrangement was put into a tariff law, and that reciprocity arrangement was suggested, in the first instance, by Mr. Blaine and perfected, after mature deliberation, by President Harrison. It consisted of putting duties upon those things that otherwise would remain upon the free list, so as to compel fair recognition of us upon the part of those who raised the articles that otherwise would be on the free list. That is Blaine reciprocity; that is McKinley reciprocity; that is Republican reciprocity; and it is the exact opposite and a contradiction of the reciprocity in competitive articles that is embodied in this bill.

Coming back to Mr. McKinley's definition, this proposition involves the granting of concessions to the products of Canada, which we do not need and which we can produce ourselves, and which involves a loss of labor to our farmers. It is Democratic, not Republican, reciprocity. [Applause on the Republican side.]

The subject of Republican reciprocity and what it is and what it is not was much discussed during the consideration of the McKinley bill. When the bill went from the House to the Senate it did not contain the reciprocity provisions which were in it when it became a law. Mr. Blaine contended, if I may repeat myself, that we should secure an advantage by imposing duties on articles on the free list unless the producers of those articles should grant reasonable concessions to us.

The matter was finally adjusted by providing for the suspension of free introduction of certain tropical products whenever the President should find that our goods were unjustly dealt with by the countries sending us such products. As the gentleman from Massachusetts [Mr. GARDNER] has said, pursuant to the authority given to the President in that tariff law 14 such reciprocity agreements were made, and they were in successful operation, bringing revenue to the United States Federal Treasury, when with one fell swoop they were all cast aside by the provisions of the Wilson-Gorman tariff law. [Applause.]

Now, I want to quote to you as confirmatory of what I have said as to what Republican reciprocity is and what it is not the opinions of some of the distinguished statesmen who expressed themselves upon that question at the time of the making of the McKinley bill.

Senator Spooner said:

I am in favor of protecting, as we are doing by this bill, our home industries and caring for the well-being of our neighbor and developing the home market for our products; and with the surplus products of farm and factory and mine for which we have no market I would trade with any government under the shining sun for those things which they produce that we want and which we do not produce. It need not be confined to Latin America either this reciprocity for which I am willing to vote.

And the venerable Senator from Illinois [Mr. CULLOM] said:

I am in favor of such reciprocity between the United States and other nations, especially with the Republics of Mexico and Central and South America, as can be agreed upon and as will open up new markets to the people of this country.

What we desire is to find a market for whatever surplus we may have, either in agricultural productions or in manufactures; and to secure such markets we should be willing to take from the people who take our surplus a sufficient amount of the surplus of such products or articles as we do not produce to the extent of our needs to pay for it.

And the venerable Senator from Vermont, Senator Morrill, who for many years stood, and stood to the day of his death, as an advocate of protection, said:

The Canadian reciprocity treaty demonstrated the profitlessness of reciprocity treaties with countries whose products of exchange are chiefly agricultural and which we do not want.

Now, to reduce to definite terms the results of all these expressions of opinion on the subject, I say that Republican reciprocity means, first, the products admitted to the United States must not compete with ours; second, the Government traded with must be such as would take our surplus of manufactures and of farm productions; third, the concessions maintained by us must be fully equivalent in the volume of trade thereby gained, to those made by the countries with which the arrangements were entered into.

And I affirm that every Republican platform since 1892, when it undertook to define reciprocity, has defined Republican reciprocity in exact accordance with the terms that I have just laid down.

Republican reciprocity was indorsed in the Republican platform at the convention of 1892:

We reaffirm the American doctrine of protection. We call attention to its growth abroad. We maintain that the prosperous condition of our country is largely due to the wise revenue legislation of the last Republican Congress. We believe that all articles which can not be

produced in the United States, except luxuries, should be admitted free of duty, and that on all imports coming into competition with the product of American labor there should be levied duties equal to the difference between wages abroad and at home.

We assert that the prices of manufactured articles of general consumption have been reduced under the operations of the tariff act of 1890.

We point to the success of Republican policy of reciprocity under which our export trade has vastly increased and new and enlarged markets have been opened for the products of our farms and workshops. We remind the people of the bitter opposition of the Democratic Party to this practical business measure and claim that, executed by a Republican administration, our present laws will eventually give us control of the trade of the world.

Again, in 1896:

We renew and emphasize our allegiance to the policy of protection as the bulwark of American industrial independence and the foundation of American development and prosperity. This true American policy taxes foreign products and encourages home industry; it puts the burden of revenue on foreign goods; it secures the American market for the American producer; it upholds the American standard of wages for the American workingman; it puts the factory by the side of the farm; it makes the American farmer less dependent on foreign demand and price; it diffuses general thrift, and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial, equally opposed to foreign control and domestic monopoly, to sectional discrimination and individual favoritism.

We believe the repeal of the reciprocity arrangements negotiated by the last Republican administration was a national calamity and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Protection and reciprocity are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both and both must be reestablished—protection for what we produce; free admission for the necessaries of life which we do not produce; reciprocity agreements of mutual interest which gain open markets for us in return for our open market for others. Protection builds up domestic industry and trade and secures our own market for ourselves; reciprocity builds up foreign trade and finds an outlet for our surplus.

Again, in 1900:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

Again, in 1904:

We have extended widely our foreign markets, and we believe in the adoption of all practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

There is nothing in the history of the Republican party, nothing in its traditions, nothing in its platforms, that justifies the claim that reciprocity in competing products is consistent with the Republican doctrine of protection. On the contrary, everything in its history, everything in its traditions, everything in its platforms, conforms to the idea and proclaims such reciprocity to be inconsistent with the protective system, and therefore inconsistent with Republicanism. [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, will my colleague pardon a brief question?

Mr. DALZELL. Sure.

Mr. LONGWORTH. Of course I presume that the gentleman assumes that there is no article grown or produced in Canada that is not also grown or produced in this country, and that therefore, according to his theory, there can be no such thing as reciprocity with Canada. Am I correct in stating that?

Mr. DALZELL. Yes; substantially so.

Mr. FASSETT. It would be freer trade.

Mr. DALZELL. Now, Mr. Chairman, I pass briefly to my third proposition. This bill is class legislation of the most obnoxious character. It seeks out from the beneficiaries of the tariff the farmer. Everything he produces is put on the free list. Everything he buys is a protected article. His corn, his wheat, his potatoes, his hay, his oats, his live stock, are all put on the free list. His reaper, his harrow, his plow, his farm implements, are all taxed. Everything in the shape of meats and foods of all kinds are on the dutiable list. True, farm products are made interchangeably free between the United States and Canada, but every sane man knows that this is intended, not to open up the Canadian market to the United States farmer, but to open up the United States market to the Canadian farmer. [Applause on the Republican side.]

And the United States farmer is to get nothing. The supposed benefits which are to accrue, for which he pays, are in the shape of new markets for the manufacturer. There are only two American manufactures of any consequence involved in this agreement, that of the paper manufacturer, whose interests are absolutely sacrificed, and that of the Harvester Trust, which has a factory in Canada to supply its own customers.

The American manufacturer in general needs but little lowering of duties in order to enter the Canadian market. The Canadian is naturally—and could not, if he would, avoid being—to a large extent our customer. The trade statistics that I have already cited furnish conclusive proof to that effect. Every tariff law of either party for the past 50 years has recognized the farmers' right to protection as equal with that of every other class. Less than two years ago the present tariff law was made, in which he is given protection.

Some of the men who are now advocating this measure placed the duties in that bill on the farmers' products to protect the farmer against his Canadian neighbor. That law was pronounced by the President of the United States the best tariff law ever placed on the Statute Book. In what respect has the farmer's condition changed in these two years or less? How comes it that he is less entitled to protection now than then? Is there any reason for concealment? Is it worth while to attempt to deny that this is an abandonment of the policy of protection? It seems not. When the President's message was sent to Congress this manifest sacrifice of American interests was sought to be justified on lofty philanthropic grounds: Good will to our struggling neighbor, of the same language and traditions and all that sort of thing, a fantastic combination of altruism and revenue.

Now, however, the advocates of this measure find themselves driven by the logic of the situation to confess that this is free trade, and that it was intended to be, so far as it could be secured, and that it ought to be free trade altogether.

A new definition is sought to be given to the term "protection." It is said not to apply as between parties whose production is substantially similar, and then it is asserted that Canadian production and American production are substantially the same as to cost.

The assertion is not borne out by the facts. The average of Canadian wages is below the average of American wages. The value of Canadian lands is below the value of American lands. The Canadian gets his raw materials from abroad at a lower import duty than does the American. He prefers others to us at the customhouse. The Canadian manufacturer of metals is paid a bounty. An exhaustive examination by the Mann committee into the pulp and paper question demonstrated that by reason of lower wage rate Canada can make paper $2 a ton cheaper that we can. The same conditions that relate to wage rates in paper manufacture prevail all along the line.

Because the American press, the most comprehensive, greedy, and unscrupulous monopoly when its interests are involved [applause], is for this measure and will not give the other side a hearing, the great public is being kept in ignorance of the real merits of the case and being deceived into favoring it. But the farmer is not deceived. He is more than ten millions strong. He will have a hearing when the polls open. [Applause.]

Mr. Chairman, I have shown that this measure is an unwise business measure. I have shown you years of disaster under a Canadian reciprocity agreement, and after its denunciation succeeding years of great prosperity down to this blessed day. I have shown you that this measure is un-Republican; that it violates the principles of the Republican Party; that it abandons protection and espouses free trade. It is a violation of the pledge of every Republican platform for the last 50 years of our history. [Applause.] I have shown you that this measure is obnoxious class legislation, that it sacrifices the farmer, the bone and sinew of the Republic, and destroys his interests. And now I fain would appeal to party loyalty, but I know it is of no use. The Republican protectionist, when this vote is taken, marches to his doom. He can not resist a united Democratic Party and such Republicans as hear from somewhere else an appeal louder than the appeal of party loyalty. United, together they will march to victory under Democratic leadership under the folds of the Democratic free-trade flag. I decline to follow. I shall stand where I have always stood, and go down with my party. [Applause.]

Mr. BURKE of Pennsylvania. Mr. Chairman, on this proposition there can be no middle ground. On one side or the other every Representative must stand or fall. It suggests many questions and varying answers. Many of the questions are perplexing and many of the replies are convincing, while others are merely confusing. The latter we must discard in the presence of our duty to act without delay. Postponement will add more to the academic than to the practical questions, and there can be little justification for delaying action on the theory that time alone will dispel doubt.

Nothing short of a practical test will do that, and as the test can not come too soon for the American people, I am prepared to act and gratified at the opportunity to promptly perfect this legislation which concerns the welfare of a hundred million people.

The suggestion that because practically all the Democrats propose to vote for it I should vote against it is too shallow a sophistry to have the slightest influence with any sensible man. It is quite as possible for a majority of the Democrats to do the wise thing as it is for a minority of the Republicans to do the unwise thing. The world has never known any individual or set of individuals absolutely free from error. In the honest differences of opinion that arise from this discussion, able men who have heretofore agreed on party policies will be found on opposite sides, but the right to differ with each other on great public questions is one of the inherent virtues of our institutions.

Out of the discordant elements of nature comes the harmony of the universe, and out of the differences arising among us to-day will come that serene and sensible blending of effort which is constantly adding to the sentimental and substantial growth of the American people.

The basis of this legislation is an agreement worked out by able representatives selected by two great Nations. Six hundred items are affected, and it is only fair to assume that those who sat on both sides of the counsel table did their utmost to guard the interests of their respective countries and promote the mutual interests of both.

This proposition is opposed, first, by the Union Press of Great Britain; by those who would make Canada commercially as well as politically subservient to Great Britain, if it were in their power, and who would discourage by every possible effort, for selfish reasons, the commercial union of the United States and her sister Nation on the north.

As between the wishes of England, on the one hand, and the United States and Canada on the other, I am for our own people.

It is opposed by a few people in Canada, who suggest that it must be unfair to them because "it was made in the United States." The unsoundness of this objection is so apparent that I am again relieved of difficulty in taking my position.

It is opposed, again, by those who "view with alarm" the attempt of the executive branch of the Government at any time to lay its hand upon the so-called sacred schedules of the tariff.

For my part I can see no reason why broad-minded statesmen in any branch of the Government should not bring about results through trade agreements or treaties that will add to the general welfare of the Nation. In fact, if they failed to do it when the opportunity presented they would be derelict in their duty.

It is opposed by those who would profit by charging excessive prices for the necessaries of life, and as between those and the great army of consumers in this country my labors shall be in defense of the latter.

It is opposed by those who by reason of contracted markets are enabled to speculate in the necessaries of life and create corners in those articles for which there is a demand in every American home. As between these speculators on the one hand and the millions of men, women, and children who are compelled to eat and necessarily compelled to buy, I can find only one place in the battle and that is in defense of the latter.

It is opposed by those who say that it is not Republican, but Democratic in its character. As for this I am frightened by no such ghosts, for they no longer give alarm to full-grown men. As for its Republicanism it can not be questioned. It is not a new idea. Its history discloses a striking combination of coincidences. In searching for the sponsors of the principle it involves we find them in the persons of two Republican Presidents from the State of Ohio and two Secretaries of State born in Brownsville, Pa.

It is opposed also by those who fear that the modification of these schedules with reference to the necessaries of life will be followed later on by an attack upon the schedules that protect our manufactured articles. My answer to that is, the propositions involved are entirely different. Different conditions obtain and substantial causes exist for the maintenance of the one that do not justify the maintenance of the other.

As a further answer, however, I may say that if the schedules protecting our manufactured articles have no more right to exist than the schedules relating to the necessaries of life which we seek to modify between the United States and Canada, then I would just as willingly strike them from the statute book as I would those sought to be modified to-day.

If my support of this measure imperils my position as a Republican, I am perfectly willing to stand with William McKinley and William Howard Taft, of Ohio, and James G. Blaine and Philander C. Knox, who were born on the banks of the Monongahela, in western Pennsylvania.

As a Republican and a protectionist I shall always vote for any measure necessary to protect our industries against any handicap arising out of a substantial difference in the cost of production at home and abroad, but in doing this I do not regard myself as forbidden to break down every barrier or unnecessary obstruction that has been erected to restrain the desire of an enlightened and industrious neighboring people, with common instincts and common purposes and similar conditions as to labor, to exchange their products with each other.

Wherever and whenever I can properly lower the cost of the necessaries of life without destroying an American industry, I shall do so.

With 92,000,000 people at home to feed and with our exports of breadstuffs alone running over $100,000,000 annually, I am not afraid of the people of Canada, with 8,000,000 to feed at home and a large demand upon them from England, their parent country—I have no fear of our farmers being ruined and our Nation, from a commercial standpoint, crumbling into dust.

The continued trend of the people of the United States from the farms to the cities has resulted in an alarming condition as to the supply of food products. The volume of production is decreasing, while the number of mouths to be fed is constantly growing greater. If this continues, then the supplies from the Canadian farms will ultimately be our only salvation. The rush to the cities has already increased competition in labor, and to some extent cheapened labor in the cities. At the same time it has decreased the supply of labor on the farms, and not only increased the cost of producing the necessaries of life, but added to the possibilities for extortion as a consequence of their scarcity.

Our farmers need not become panic-stricken. They are more alert and in a given hour of labor are more productive than their Canadian brothers. They are not to be thrown in competition with the poorly paid and more illy fed and scantily clothed labor of other nations of the world whose differing conditions make tariff walls essential, but they are to be lined up side by side in the market place with a high-minded, enterprising, and rapidly growing people with whom the American farmer can surely hold his own.

In the meantime the great body of food consumers in this country will be gratified by the disappearance of the tariff wall between the Canadian farm and the American home. And if by tearing it down I can add to the happiness and comfort of the American people I shall be proud of having done my duty. [Applause.]

Mr. FORDNEY. Mr. Chairman, I have prepared some remarks to make on this subject, which I had intended to read, but I will not do so, and will only refer to my manuscript occasionally.

I notice by the morning papers that our good President and the Democratic leader, the gentleman from Missouri [Mr. CLARK], have been sleeping in the same bed. [Laughter.] I want to say, as a warning to our Republican President, that when he awakes from a dream he will find that he has been hobnobbing with a nightmare only. [Laughter.]

Mr. Chairman, I have been a lifelong Republican. I expect to remain a lifelong Republican; and if I were wholly uninformed on this subject, if I had heard no discussion whatever about Canadian reciprocity and were to alight down in the city of Washington from the heavens in a flying machine, and should find that a Republican President and a Democratic leader were advocating the one and the same measure, I would, without asking a question, naturally oppose that proposition. [Laughter.] Especially so, Mr. Chairman, if it were, as this one is, a measure affecting the revenue of this Government.

This bill can not become a law with Republican votes. A vote taken in the House yesterday for the consideration of this bill revealed the fact that there were 69 Republicans and 126 Democrats in favor of it. [Applause.] I congratulate you, my Democratic friends, that this is the kind of measure that your party has always advocated. [Applause.] You are consistent and the 69 Republicans are inconsistent.

Mr. Chairman, a gentleman on the Democratic side of the House, an estimable gentleman, Mr. UNDERWOOD, from Alabama, a few minutes ago made the statement that this bill placing wheat on the free list would not lower the price of wheat in the American markets. If I correctly understood him, those were his exact words. Then I ask you gentlemen, why is he voting to take the revenue away from this Government, if, when he does that, he does not propose to lower the price of bread to the breadwinners of the United States? There is but one conclusion to draw from the gentleman's statement, and that is that he will disregard his constituency and all the people of the United States and cast his ballot for this measure solely in the interest of the Canadians.

I am going to make a bold statement here now, but without fear of successful contradiction from any man on either side

of the House. Point out to me in this proposed trade treaty one single item of reciprocity and I will show you a white blackbird. It is not in the law. It is proposed in this law to remove the existing duty of 25 cents per bushel on wheat coming from Canada into the United States. It is proposed further that flour shall remain on the protected list. We are an export Nation in wheat; we are producing more wheat and more flour than the people of the United States can consume. We exported last year upward of 50,000,000 bushels of wheat. Canada also exported last year more than 48,000,000 bushels of wheat. Are we hoping to get some Canadian markets for American-grown wheat? No; how can we export wheat from the United States into Canada so long as she has a surplus for export, I say, in the neighborhood of 50,000,000 bushels.

Again, gentleman, if you are enacting into law a measure for the benefit of consumers, the laboring man, the masses of the people in this country, then why do not you, my Democratic friends and my misguided Republican friends, put flour upon the free list?

Mr. KITCHIN. Will the gentleman yield?

Mr. FORDNEY. I will be pleased to yield.

Mr. KITCHIN. Does not this proposed treaty cut down the tariff on flour 50 per cent?

Mr. FORDNEY. It cuts down the duty on flour, which is 25 per cent ad valorem. Based on the imports last year, it reduces the duty on flour coming from Canada into this country from one dollar and seventeen and a half cents to 50 cents per barrel.

Mr. KITCHIN. That is a little saving, is it not?

Mr. FORDNEY. Why not take it all off? Are you interested in the great flouring mills of Minnesota in St. Paul and Minneapolis?

Mr. KITCHIN. I am willing to take it all off.

Mr. FORDNEY. Well, I will take you at your word. If you will give me an opportunity to offer an amendment I will offer it, and I will bet you ten dollars to one that you will vote against it. [Laughter.]

Mr. KITCHIN. Oh, the gentleman is not sincere about that.

Mr. FORDNEY. I am as sincere as is the gentleman from North Carolina.

Mr. KITCHIN. That may be. [Laughter.] The gentleman is on the Ways and Means Committee, is he not?

Mr. FORDNEY. I am.

Mr. KITCHIN. There has been a bill pending for 12 months in your committee to put flour and meat on the free list and you have never voted to bring it out. [Laughter and applause.]

Mr. FORDNEY. Let me go a step further——

Mr. KITCHIN. Why do you not do it?

Mr. FORDNEY. Let me say, and I will be as frank as you are. I will offer this amendment and vote for it, and if carried will then vote against the bill, and the gentleman will vote for the bill.

Mr. KITCHIN. Let me ask the gentleman one question. The gentleman is going to offer an amendment to put flour on the free list for the express purpose of killing this bill, is he not? [Laughter on the Democratic side.]

Mr. FORDNEY. Oh, no. I simply say, if you are going to punish the farmer by putting his finished products upon the free list, why protect the great flouring mills of this country?

Mr. KITCHIN. Does the gentleman not know that an amendment to put flour on the free list on this bill, coming from Canada, will defeat this bill?

Mr. FORDNEY. No.

Mr. KITCHIN. That it will defeat reciprocity?

Mr. FORDNEY. No; and neither does the gentleman from North Carolina.

Mr. KITCHIN. Does not the gentleman believe it?

Mr. FORDNEY. The gentleman does not, and neither do I.

Mr. KITCHIN. Does the gentleman not say that he is going to offer an amendment to put flour on the free list and then vote against it?

Mr. FORDNEY. Wait a moment. Let me tell the gentleman from North Carolina that when the bill came before the Committee on Ways and Means I gave notice that I would offer an amendment to that bill, and was told by the friends of the measure that it could not be altered by the crossing of a "t" or the dotting of an "i."

Mr. KITCHIN. The Republicans told the gentleman that?

Mr. FORDNEY. And the Democrats, too.

Mr. KITCHIN. Well, they agreed on that proposition.

Mr. FORDNEY. But when it had been found by these people that the bill had been incorrectly drawn they came in and insisted that it must be amended.

Mr. KITCHIN. In accordance with the agreement between Canada and this country.

Mr. FORDNEY. Oh, wait a minute. I can not yield all of my time. The gentleman is a splendid fellow and I am very fond of him, but let me proceed a little.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question. He ought not to be unfair about this.

The CHAIRMAN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CLARK of Missouri. That amendment that was offered in the committee was offered solely for the purpose of making this bill conform to this agreement or treaty or whatever you may call it. Is not that true?

Mr. FORDNEY. No.

Mr. CLARK of Missouri. Well, what was it for?

Mr. FORDNEY. That may be the gentleman's conclusion, but it is not mine. I will come to that a little later on the wood-pulp matter, because I want to discuss that somewhat. The bill was incorrectly drawn, and it was not in conformity with the understanding between our representatives and the representatives of the Canadian Government in that agreement.

Mr. CLARK of Missouri. How did the gentleman find that out?

Mr. FORDNEY. Oh, my friend, I am 57 years old [laughter] and can read and think for myself.

Mr. HARRISON. Mr. Chairman, will the gentleman from Michigan yield for a question before he leaves the subject of flour?

Mr. FORDNEY. Yes, sir.

Mr. HARRISON. Will the gentleman from Michigan vote for a Democratic measure in the next Democratic Congress to put flour on the free list?

Mr. FORDNEY. Mr. Chairman, I never was known to vote for a Democratic tariff measure in my life and never expect to. [Laughter.]

Mr. HARDY. Will the gentleman yield for a question?

Mr. FORDNEY. Yes; just for a question.

Mr. HARDY. For what purpose will the gentleman offer an amendment to this bill, to which amendment he is opposed?

Mr. FORDNEY. My friend, I will offer an amendment to put some little bit of flavor on it, and if you are going to compel us to swallow the pill, I want a grain of sugar to do it with. If you are going to put raw materials, the farmer's finished product, upon the free list, why in the name of common sense do you compel him to go into a protected market and purchase the things he must buy?

Mr. HARDY. Is the gentleman in favor of that amendment?

Mr. FORDNEY. Yes; and will vote for it and then vote against the bill if the amendment carries.

Mr. HARDY. But the gentleman is not in favor of free flour, is he?

Mr. FORDNEY. I am, in this measure.

Mr. HARDY. But the gentleman is not in favor of free flour?

Mr. FORDNEY. I am, so far as this bill is concerned. Mr. Chairman, it is proposed to give to Canada something and get something in return. It is proposed in this measure to put cattle, hogs, sheep, and all other animals on the free list. What is the finished product of the farmer in the way of cattle, hogs, and sheep? It is the live stock that the farmer has to sell. You place those items on the free list, and in the next breath, my friends, you put meats on the protected list. You can not justify that position with the good thinking people of this land.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I will yield in just a minute. I submit that beefsteak is the raw material of the good housewife and laboring man, and if you put cattle, hogs, and sheep on the free list and compel the farmer to go into the free-trade markets to dispose of his finished products, how can you justify your position? You are protecting the great packing houses of this country, and there is no mistake about it. I will now yield to the gentleman from Ohio.

Mr. LONGWORTH. The gentleman is aware, is he not, that our negotiators endeavored to have meats put upon the free list, but were unable to do so on account of the objection on the part of the Canadian negotiators?

Mr. FORDNEY. Oh, yes; that may be true; but I know we have been bunkoed by the Canadian representatives into a free-trade measure, from which we will receive no benefits whatever. [Applause.]

Mr. LONGWORTH. But the gentleman must realize that it was Canada who refused to reduce that duty.

Mr. FORDNEY. Why not? Of course they had the wisdom, and they exercised it and declined to accept anything that did not give them an advantage.

Mr. COX of Indiana. Will the gentleman yield?

Mr. FORDNEY. In a moment.

Mr. LONGWORTH. The gentleman then should not criticize this particular bill or the negotiators if they failed to do what he says he proposes to do by an amendment, or endeavor to do by an amendment.

Mr. COX of Indiana. Now will the gentleman yield?

Mr. FORDNEY. Let me answer the gentleman from Ohio. I do criticize the bill. I do criticize our representatives for surrendering body, soul, and breeches to Canada. [Laughter.] Now I will yield to the gentleman from Indiana.

Mr. COX of Indiana. The gentleman has said we were bunkoed in this bill. If so, who put the bunkoing on foot; who started it?

Mr. FORDNEY. I did not; I can say that much. [Laughter.]

Mr. JAMES. Who did?

Mr. FORDNEY. You know as much about it as I do. I know this much, my friends, that in the last year and a half Congress has appropriated $400,000 of the people's money to aid the so-called tariff board in obtaining information to present to Congress that we might intelligently act upon such measures, and not one single word have we directly or indirectly had from that board. [Applause on the Democratic side.] The President makes no reference whatever in his message to the House to any report made by the tariff board.

Mr. BURLESON. Will the gentleman yield for a short question?

Mr. FORDNEY. I will.

Mr. BURLESON. Will you vote for the continuation of the appropriation to support the present so-called tariff board to be carried in the next sundry civil appropriation bill?

Mr. FORDNEY. I did vote for the creation of a permanent tariff board, with the hope that the board might report to Congress when Congress requires any information they may have as to the cost of production in this country on all articles mentioned in the tariff law and whatever reliable information they may have obtained as to the cost of the production of the same articles abroad. I did it reluctantly; I did it against my own good judgment, for I have not been in favor of a tariff commission, but I know that public sentiment in the country is in favor of a tariff board or tariff commission, because Congress has been criticized in the preparation of our last tariff bill; that it was too hastily prepared and without full knowledge on all subjects; and when it is possible for Congress to obtain any information that we have not heretofore had I want it.

Mr. BURLESON. To return to my question, if the permanent tariff commission bill is defeated, which is extremely probable, will the gentleman vote for the continuation of the appropriation, which will probably be $400,000, to support the present so-called tariff board that will be provided for in the coming sundry civil appropriation bill?

Mr. FORDNEY. My friend, that is a proper question, seriously asked, and I will answer it with all seriousness. As my mind is framed right now, I would hesitate to go another inch with that tariff board unless I am assured we can have some benefit from their knowledge after the expenditure of that large sum of money.

Mr. BURLESON. You will be given an opportunity to vote against it.

Mr. FORDNEY. But I give you an opportunity right now to vote for some little Republicanism, and you will not do it.

Mr. BURLESON. Not if I know it.

Mr. BURKE of Pennsylvania. Will the gentleman yield to a question?

Mr. FORDNEY. Yes.

Mr. BURKE of Pennsylvania. The gentleman is one of those who have defended the last tariff bill on the theory that the men who framed it in the Ways and Means Committee were possessed of an abundance of accurate information.

Mr. FORDNEY. That was my candid opinion, sir.

Mr. BURKE of Pennsylvania. And in the process of its formation it became the duty of that committee to make a study of the economic conditions in Canada on articles they produce and the articles we produce, with reference to their consumption. Is that true?

Mr. FORDNEY. Yes.

Mr. BURKE of Pennsylvania. And is it not true that the gentleman and his associates on that committee are among the experts who have, if anything, a greater degree of knowledge relating to this very subject than any tariff board that was ever created in the history of this Government?

Mr. FORDNEY. I did not quite understand that last statement.

Mr. BURKE of Pennsylvania. Is it not a fact that the gentleman and his associates on that committee, many of them, because of their long experience in framing tariff measures, because of their detailed study of the economic conditions in this country and in Canada, are, if anything, more expert in this knowledge than the tariff board itself?

Mr. FORDNEY. Why, I think so. [Laughter.] I answer that sincerely. I think that the Committee on Ways and Means, with the information which they have obtained, is better informed than the President of the United States as between the two measures, this measure and the Payne tariff law——

Mr. BURKE of Pennsylvania. If that is the case, then, and the gentleman——

Mr. FORDNEY. Now, wait a minute, my friend. I say this, and it is exceedingly valuable to the people of this country, that if we have not any information that we believe we have, I am ready and willing and anxious to get it, and if there is no other avenue through which it may come except through a tariff board, I am in favor of retaining the tariff board. I want information. I want to act intelligently on matters where I am called upon while in public life to cast my ballot affecting the interests of all the people of the whole country.

Mr. BURKE of Pennsylvania. Will the gentleman yield for another question?

Mr. FORDNEY. Just a short question.

Mr. BURKE of Pennsylvania. Is not the argument of the gentleman and his associates who are opposed to this measure based upon the fact that there is knowledge regarding these matters which has been withheld from them?

Mr. FORDNEY. I do not know what information others have. I do not know what the tariff board knows. If I did, I would tell you all about it. But I am unable to get it. A resolution was introduced in our committee and passed unanimously and brought into this House, calling upon the tariff board for information on any article mentioned in this measure. I know not what became of the resolution, but I do know that no information came. And I say that some one is to blame and should be severely criticized for not laying before this committee available information upon any subject mentioned in the bill.

Now, let me go a little further. Farm machinery of every description is mentioned in this bill. This bill does not reduce the duty on farm machinery coming from Canada into the United States below the rate fixed in the Payne law, in a single item—not a fraction of a penny. It retains the present rate of duty on farm machinery of 15 per cent ad valorem.

But it does secure to the International Harvester Co. and other manufacturers of farm machinery of this country a lower rate of duty on farm machinery made in the United States and going into Canada. Tell me, in the name of common sense, in what way it was intended by that paragraph to benefit in the least the American farmer? If you are going to legislate for the masses of the people, remember that the farmers of this country are the bone and sinew of the Nation. You who live in the city must go to the farms for your bread and butter.

Mr. JAMES. Will the gentleman yield for a question?

Mr. FORDNEY. Yes, sir; in a minute. The farmer is the only man in the land that can put a stone wall around his property and live independent of the world. No lawyer, no merchant, no man in all the other varied walks of life in this land is so independent as the farmer in the production of the necessaries of life.

Mr. JAMES. Did not the gentleman in the last session of Congress vote against a motion to recommit the Payne-Aldrich tariff bill——

Mr. FORDNEY. I do not remember, sir——

Mr. JAMES. And with direction to report back an amendment placing farming implements on the free list?

Mr. FORDNEY. I do not remember such an amendment.

Mr. JAMES. Such an amendment was introduced, anyhow.

Mr. FORDNEY. I do not doubt it.

Mr. JAMES. That was introduced for the benefit of the farmer.

Mr. FORDNEY. No; I beg to differ with the gentleman. The rates of duty mentioned in that bill do not belong to the same family that the rates do that are contained in this bill.

Now, Mr. Chairman, I worked many hours every day, and on Sundays, many times, with intelligent men preparing that tariff bill, and it is a compromise. It is not perfect. No tariff bill ever made was perfect, but it was the best we could obtain. Every amendment offered on the floor of the House when it came in here was to send it back and get more free trade into the bill than was in it, and I therefore voted against such amendments, and I am proud of that fact.

Mr. JAMES. Will the gentleman from Michigan yield for another question?

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. FORDNEY. Just for a question.

Mr. JAMES. The point to which I was directing the attention of the gentleman was this: That at the last session of Congress the farmer was offered the opportunity of having free farming implements by an amendment that was introduced by the gentleman from Missouri [Mr. CLARK] and the gentleman voted against it, showing, according to the gentleman's contention, that his affection for the farmer was not as great then as it would appear to be now. [Laughter.]

Mr. FORDNEY. Here is an opportunity afforded for the gentleman from Kentucky to vote now for the same effect that he claims he did then; but will he do it, or will he make the flimsy claim that by so doing it would defeat the bill?

Mr. JAMES. Is the gentleman asking me to accept his logic as to the purpose of amendments? The last time, he says, that we introduced an amendment it was for the purpose of defeating the bill. He is doing that very thing now.

Mr. FORDNEY. I think the gentleman would be a wiser man than he is now if he were to accept my logic. [Laughter.]

Mr. JAMES. That may be so; but if so, the farmer would be worse off. [Laughter.]

Mr. FORDNEY. I say that in all kindness.

Mr. JAMES. I assure the gentleman that what I said was in all kindness, especially to the farmer. [Laughter.]

Mr. FORDNEY. You would destroy him with your kindness. Now, Mr. Chairman, let me go to the subject of farm machinery, which it is proposed to keep on the protected list to protect the great institutions of this country, and not the consumers at all.

Mr. HILL. Before the gentleman goes to that, I hope he will state, in connection with the remark he has made, that farm machinery is now admitted into this country free from Canada, or can become so at any time, whenever Canada will admit it free from the United States.

Mr. FORDNEY. Oh, no; it comes in free from all the rest of the world except those Canadian people. Let me tell you, Mr. Danbury Hats—— [Laughter.]

Mr. HILL. I am very glad, indeed, to listen to Mr. Canadian Logs. [Laughter.]

Mr. FORDNEY. There is a provision in our tariff law that provides that there shall be no duty collected on any farm machinery coming from any country of the world into the United States unless such country imposes a duty upon our farm machinery going into that country. But go to the United States Treasury and look up statistics, and you will find but one country on God's green earth levying a duty upon our farm machinery, if they have farm machinery coming to our markets, except the lone country Canada. Farm machinery is free from all other countries of the world except Canada.

Now, as the gentleman has referred to "Mr. Canadian Logs," and I am somewhat of a logroller [laughter], let me say this, that this bill proposes to put rough lumber on the free list. Rough lumber coming from any country in the world into the United States to-day—pine lumber, not hard wood—pays a duty of $1.25 per 1,000 feet, an ad valorem duty of about 7 per cent. This bill puts that class of lumber on the free list; but what does it do on dressed lumber, manufactured lumber, lumber with any work put upon it beyond rough lumber? It retains a duty of 5 per cent ad valorem and compels the American manufacturer when he ships his lumber to Canada to pay 25 per cent ad valorem. Oh, what a dandy deal! I am reminded of the time when I was a schoolboy trading jackknives unsight and unseen. The American boy in this deal gets a jackknife without handle, spring, or blade. [Laughter.] He is being flimflammed and will receive absolutely no benefits in return.

And, further, my friends, under the terms of this bill we are obliged to take Canada's lumber free of duty, knowing full well, as every man knows who is posted on the subject, that Canada has an embargo upon all her unmanufactured forest products, and not one dollar's worth of those products can come into our markets to-day except the small amount of pulp wood cut from so-called deeded lands.

But the question of lumber as compared with the importance of the agricultural and other interests is merely a minor matter. The time is drawing near at hand when all reasonable men must admit that the price of manufactured lumber and the price of timber in the forests in this country must advance. Our forests are fast becoming depleted. The demand for lumber is increasing annually because of increased consumption. The law of supply and demand will operate in a very short time to advance the price; and although the people of the country feel to-day that the price of lumber is high, the price will be much higher before the end of another decade unless we have panicky or unusual times.

Mr. AMES. Democratic times.

Mr. FORDNEY. Some gentleman says Democratic times. I hope not. I do not want to accuse my Democratic friends of being the cause of everything that goes wrong in this world.

Mr. BURLESON. We are going to have Democratic times; do not make any mistake about that. [Applause on the Democratic side.]

Mr. FORDNEY. That threat and the fear of its possible fulfillment makes me sweat blood, because I know that if Democratic times do come, we, too, must help bear the burden and the loss, just as we had to during the last Democratic years, from 1893 to 1897.

Mr. WEISSE. Will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. WEISSE. In northern Wisconsin the hemlock forest owners are selling their logs at a price that nets them no money for standing timber. All that the mills are paying for the logs is enough to cover the labor and the cost of getting the logs out. The landowners are getting nothing for their stumpage at the present time. Now, there is no doubt that lumber will not be any cheaper when they are cutting the trees and getting nothing for them, unless some one will cut them at a loss.

Mr. FORDNEY. Oh, my friends, if you will go into the lumber business you will find that if you have a lumber operation and a mill on your hands and bills payable coming due, at times you will sell at a sacrifice to save what little of your property you can and avoid going into complete bankruptcy, and that is just what many lumbermen are doing to-day. But let me tell you what you are doing when you vote for a measure like this. I have the figures here to bear out my statement. There are to-day 48,322 sawmills in the United States, employing in round numbers 1,250,000 men, who support a population of 5,000,000 of people. Some gentleman speaks about lowering the price of foodstuffs and articles of use in the cost of living and still maintaining high prices for labor. The man who makes that statement either is not well informed or is not sincere. It is a physical impossibility. How are you going to maintain wages and lower the cost of the products of that labor? Such views are inconsistent. It is used for political buncombe only and is not sincere. Are you going to discriminate against the 5,000,000 people who depend on the wages of the men engaged in the lumber industry, to say nothing about the capital invested? If so, well and good. I can live on woodchuck if you can, but I do not like to do it. [Laughter.]

Now, my friends, it has been said here that there are in Canada many of the so-called deeded lands that are not affected by this bill. There are but a few thousand acres of so-called deeded lands in Canada. Read the last section on the last page of the bill. It refers to print paper and pulp. There you will find some sop for the great metropolitan newspapers and magazines of this country—absolutely in their interest and no other interest in the world. This bill will permit, if enacted into law, free print paper from Canada to come into our markets without any qualification whatever as to her restriction on wood or her forest product. There are $300,000,000 invested in the pulp and paper mills of the United States, and from statistics which I received from the Bureau of the Census yesterday there are 112,000 men employed in those mills. A very learned gentleman, a Member of this House, well informed on the subject, who came before our committee, stated that it was only a question of a very short time until many of our pulp and paper mills must go out of commission unless they can obtain a portion of their wood supplies from Canada. And yet, my friends, you are perfectly willing to transfer that industry to Canada, exclude our paper and pulp mills from the Canadian market for raw material, and open up the American market to Canadian-made paper without asking anything whatever in return.

I hope to have an opportunity, as I had in the committee, to offer an amendment which will provide, if adopted, that no print paper or wood pulp shall come into our market from Canada free of duty until each and every one of the Provinces of Canada have removed their restriction on their forest product and permit our pulp and paper mills to go there for raw material, which is as follows:

That the articles mentioned in the following paragraph, the product or manufacture of the Dominion of Canada, when imported therefrom directly into the United States, shall be exempt from duty, namely:

Pulp wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper: *Provided*, That no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), is imposed by or in Canada or any Province or subdivision thereof upon any such pulp, paper or board, or any pulp wood.

Provided also, That the President of the United States shall first have satisfactory evidence and make proclamation that all such pulp, paper, and board, the product or manufacture of the United States, are admitted from the United States free of duty into all parts of Canada.

Mr. HUMPHREY of Washington. Will it interrupt the gentleman if I ask him a question?

Mr. FORDNEY. Not at all.

Mr. HUMPHREY of Washington. Was that amendment offered in the committee?

Mr. FORDNEY. That amendment was offered in the committee.

Mr. HUMPHREY of Washington. Was it rejected?

Mr. FORDNEY. Yes; as all other amendments offered by me were rejected.

Mr. HUMPHREY of Washington. What was the reason assigned for rejecting the amendment?

Mr. FORDNEY. There was no reason whatever except that any amendment would defeat the measure. Every man who gives 15 minutes' study to the merits of the proposed Canadian agreement ought to be ready and willing to defeat it, no matter through what channel he might do it. It is absolutely against the interests of the American people and wholly in the interest of Canada.

My friends, last year we sold abroad a little over $1,800,000,000 worth of American manufactures and agricultural products. We purchased from the whole world a little over $1,500,000,000 worth, leaving a balance of trade in our favor of $301,000,000. Now listen, and put this down in your memorandum book, and never forget it.

One hundred and twenty million eight hundred and sixteen thousand dollars of that $301,000,000 balance of trade in our favor was with Canada. We sold Canada last year, the calendar year of 1910, $215,000,000 worth of our goods and purchased from Canada but $95,000,000 worth.

Mr. LANGLEY. Will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. LANGLEY. Does not the gentleman believe that the Payne bill would have been defeated in the House if the provisions of this treaty had been embodied in that bill?

Mr. FORDNEY. I believe it should have been defeated by a unanimous vote on the Republican side, and I know it never would have received my vote.

Mr. LANGLEY. It never would have received mine either, because I believe there are some provisions in the proposed treaty that violate the principle of protection as I have always understood them.

Mr. FORDNEY. I thank the gentleman. Now let me go a little further. We are going to give up to Canada that great and magnificent balance of trade so much needed in this country in order, in a measure, to maintain our gold supply of money.

The House of Representatives, since I have had the honor to be a Member of it, passed a so-called Cuban reciprocity measure, the only reciprocity treaty on our statute books to-day, and while I feel like criticizing some of my Republican friends on this side of the House for voting for it, it received almost the unanimous vote of the Democratic side of the House. But what did it do? It did not put any of the competitive articles on the free list, but it reduced our rates of duty on Cuban goods coming to this country 20 per cent below that collected on the same class of goods coming from other countries. In return Cuba gave us a 20 per cent better rate on our goods going into Cuba than she gives any other country in the world. But what happened? Within 14 days from the time that reciprocity measure became a law the Cuban Congress raised their duties on all her imports 20 per cent.

So that since the enactment of that law American goods have paid the same rate of duty going into Cuba that they paid before the treaty became a law, and we have given Cuba a 20 per cent advantage in our markets. Now, let me call your attention to the results. The best proof of the pudding in the world, my friends, is in eating it, and let me say that while it takes some men a long, long time to learn through their noddle some things, they learn mighty quickly through their stomachs. The year before the adoption of the Cuban reciprocity treaty the balance of trade against us was $8,071,084. That balance against us has grown until for the calendar year of 1910 the balance against the United States with Cuba was $70,043,000.

Mr. COX of Indiana. With Cuba?

Mr. FORDNEY. With Cuba. That is our balance of trade against us for the year 1910, and what did we do in that treaty? We reduced the duty on imported raw sugar from Cuba 20 per cent below the former rates as provided for in the Dingley law. Did that law change the price of sugar to the consumer, I ask you? I have followed the question closely from that time down to the present, and taken statistics furnished by Willets and Gray, the greatest sugar statisticians in the country, with an establishment in New York, and I find that those statistics have invariably shown that the price of raw sugar in New York has always been lower than in London, and the price of granulated sugar in New York has always been higher than the price of granulated sugar in London.

In addition to that, let me say the price of granulated sugar to the consumers of the United States from the adoption of that law down to the present time has been higher than for the decade prior to the adoption of that law. Who has received the benefit of Cuban reciprocity? Since the adoption of that law we have imported 11,500,000 tons of sugar from Cuba, and the 20 per cent reduction that we gave to them has deprived the United States Treasury of over $77,000,000 of much-needed revenue. Yet in the face of this fact you would vote for this bill. I did not vote for that Cuban treaty, I am happy to say. That law was forced upon Congress by our President, then calling Congress into extra session, in order to compel the Republican House of Representatives and the Republican Senate to either turn down the President or adopt the law. Rather than rebuke the Republican President, many men on this side of the House voted against their honest convictions and voted for the law, and made a most serious mistake. Who, I ask again, has been benefited by this Cuban reciprocity? Only one interest in the whole land. Not the Cubans, for they have received little or nothing in advance for their raw sugar as compared with the prices received before the adoption of the law; but the great American sugar refining companies and the Arbuckle Sugar Refining Co. and the Federal sugar refining companies of this country received nearly all of those benefits. These refining companies are the only purchasers for Cuban raw sugars, and yet you propose to repeat the dose and give to Canada just what you gave to the great American sugar trusts in this country.

When we adopted Cuban reciprocity there was some excuse for the gentlemen on this side voting for it. There was no free trade in the reciprocity treaty with Cuba. It was a reduction of duties and not free trade.

Mr. Chairman, I would strike out all of lines 10, 11, and 12, page 1, of this bill and transfer the same to line 3, page 16, which page contains the free list. This would transfer fresh meats—beef, veal, mutton, lamb, and all such meats—to the free list.

I would do this because of the fact that cattle, hogs, sheep, and all other animals are placed on the free list in the bill.

I would also strike out all of lines 4 and 5, page 3, of this bill and transfer the same to page 20, at the end of line 23. By such transfer we would place wheat flour, semolina, and rye flour on the free list. I would do this because of the fact that wheat is on the free list in this bill.

I would strike out all of lines 18 to 25, inclusive, on page 4, of this bill and transfer to the free list, on page 19, at the end of line 9. Such an amendment would place farm wagons and finished parts thereof, plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers or horse rakes, cultivators, thrashing machines, including wind stackers, baggers, weighers, and such like, on the free list. I would place farm machinery on the free list in this bill, for if it is fair to place everything on the free list that is produced by the farmer it is only fair that he should be able to go into our markets and make purchases of things above mentioned without the payment of duties. I would compel Canada to remove all her restrictions on her raw forest products, such as logs and pulp wood, before I would permit her finished products to come into our markets free of duty.

I submit, sir, that it is only fair that we have unrestricted access to Canada's forests, if we must take her finished products free of duty.

Our good President has said:

The present business system of the country rests on the protective tariff, and any attempt to change it to a free-trade basis will certainly lead to disaster.

Those words were uttered by William H. Taft. I ask, What has brought about this change of heart? I ask it with all sincerity.

He is quoted as having also said:

I did not agree, nor did the Republican Party agree, that we would reduce rates to such a point as to reduce prices by the introduction of foreign competition. That is what the free traders desire; that is what the revenue tariff reformers desire; but that is not what the Republican platform promised, and it is not what the Republican Party wished to bring about.

Something has evidently occurred since the public utterance above quoted was made and before the time he approved of this so-called Canadian trade treaty.

Peter Cooper once said:

No goods purchased abroad are cheap that take the place of our own labor and our own raw material.

Will not the agricultural products mentioned in this bill, if admitted into our markets, take the place of goods produced in this country?

Abraham Lincoln once said:

I do not know much about the tariff, but I do know this much: When we buy goods abroad, we get the goods and the foreigner gets the money; when we buy goods made at home, we get both the goods and the money.

No more correct definition of our policy of protection was ever given than those few words uttered by Abraham Lincoln.

Mr. Chairman, put into law this proposed trade treaty with Canada, bring the farmers of the United States directly in competition with Canadian farmers, and the result unquestionably will be lower prices if we must meet this competition.

Mr. Chairman, the agitation of the question alone since the day our good President sent this bill to Congress has caused the price of wheat in Minneapolis to drop from $1.06½ per bushel to from 96 cents to 98 cents—a loss to the American wheat grower in his own market of from 8 to 10 cents per bushel. If agitation alone will bring such a serious loss to our farmers, what will the bill if enacted into law do?

Mr. Chairman and gentlemen of the House, I thank you. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, for the last two or three years I have been so busy wrestling with Republicans that I have not had time to read the Bible very much, but when I look over on that side and see the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Michigan [Mr. FORDNEY] locking horns with the gentleman from Connecticut [Mr. HILL], the gentleman from Massachusetts [Mr. MCCALL], and other valiant Republicans lined up on the two sides I can not help recalling the beautiful One hundred and thirty-third Psalm:

Behold how good and how pleasant it is for brethren to dwell together in unity!

It is like the precious ointment upon the head, that ran down upon the beard, even Aaron's beard: that went down to the skirts of his garments.

I have been very optimistic, first and last, in my views of the political situation—so much so that the newspapers throughout the country have chaffed me about chasing rainbows until midnight or thereabouts on the 8th day of November, when they suddenly ceased from that form of recreation. During the last 16 years, no difference what happened or how thoroughly we were walloped at any election, I immediately predicted that two years afterwards we would win. [Laughter and applause.] I was as a voice crying in the wilderness, but I knew that if I kept on prophesying long enough I would hit it at last [laughter], and I did. But I never was optimistic enough in all my imaginings to suppose I would ever live to see a day when my distinguished friend from Pennsylvania [Mr. DALZELL] would stand up on this floor engaged in fighting the administration, making an appeal to the American farmer against a measure supported by a Republican President, and warning the House not to act with undue haste.

I regard him as the Marshal Ney of the army of protection, and I believe that this day he led the Old Guard to its Waterloo. [Applause.] Time and time again I have pleaded for longer discussions of bills in this House against his demand for an immediate vote. He uttered one great truth which I desire to commend to the Democrats in this House, and that is that this bill is "an un-Republican measure." [Applause.] I thank the gentleman for that word. It is the truth. He says we recognize our own; and we did, thank God. The gentleman from Michigan [Mr. FORDNEY] is very much cast down because he finds President Taft and myself in the same bed. It is an old saying that politics makes strange bedfellows. I will tell you why we are in the same bed—because President Taft has come part of the way into the Democratic party. [Applause on the Democratic side.] But I stand here to-day and welcome the gentleman from Massachusetts [Mr. MCCALL] and the gentleman from Connecticut [Mr. HILL], and the rest of you who are voting with us and fighting with us, I welcome you into the ranks of the Democracy. [Applause on the Democratic side.] While I welcome them, I invite my friend from Pennsylvania [Mr. DALZELL], Brother FORDNEY, and those still in the gall of bitterness, to come into the Democratic church and make the good confession. There is room for all.

Whenever any Republican comes and offers to vote for a Democratic measure I am willing to take him by the hand and to take him in [laughter] and fight our battles with him. I want to put this situation as it is, and I can prove it by every man here, too. For the last six or eight years there has been no reformatory measure—not one—put through Congress except by the aid of Democratic votes. [Applause on the Democratic side.] You could not have passed one of them, and you know it. You could not have passed the Cuban reciprocity bill to have saved your souls without us; you could not have passed the Porto Rican bill without us; you could not have passed the Philippine tariff bill without us.

You could not have passed a single bill for the regulation of railroads to save your necks if we had not have stood here like a stonewall. The press of the country, however, gave the Republicans all the credit, and the Republicans very complacently accepted the credit, and I am sick and tired of it. I want it understood hereafter that when we pass bills that we, the Democrats, pass them; that we are doing the leading, and the Republican fragment that votes with us is doing the trailing or following, and we are not doing it. [Applause on the Republican side.] The President comes to us. We do not go to him. He seems to have heard from the last election, which went Democratic on the tariff question by a sweeping majority.

Mr. SWASEY. The gentleman wants the credit, does not he?

Mr. CLARK of Missouri. Yes; we will get the credit, and do not you forget it. [Laughter on the Democratic side.]

Mr. GAINES. Will the gentleman permit me an interruption?

Mr. CLARK of Missiouri. Yes; if it is a pertinent question.

Mr. GAINES. I think it is. Does the gentleman think that sort of an assertion will tend to promote the entente cordiale that seems to have grown up between himself and certain distinguished Republicans on this floor and elsewhere in this country, or is he endeavoring to have fun at their expense?

Mr. CLARK of Missouri. I am not endeavoring to have fun at their expense. I want to place this situation before the American people as it is precisely [applause], and while I am at it I might as well attend to the gentleman from West Virginia now as later on. [Laughter and applause on the Democratic side.]

Personally, I have great esteem for him; but he stood up here yesterday and declared that he was going to offer certain free-trade amendments to this bill. Nothing quite so sudden has happened in this world since Saul of Tarsus journeyed from Jerusalem down to Damascus as the conversion of my brother from West Virginia to the doctrine of free trade.

Mr. GAINES. Will the gentleman permit me in that connection——

Mr. CLARK of Missouri. Yes, sir.

Mr. GAINES (continuing). To say that I have not been converted?

Mr. CLARK of Missouri. I know that.

Mr. GAINES. I think I never can be converted to the doctrine of free trade. I simply have always been in favor of a consistent protection that would give the farmer of this country equal chance under the protection laws of the country with the manufacturer, and I regret to see the gentleman from Missouri [Mr. CLARK] favoring the manufacturers at the expense of the farmers of the country. [Applause.]

Mr. CLARK of Missouri. There is an old saying, "Beware of the Greeks bearing gifts." That is sufficient answer to the gentleman from West Virginia. Now, he wants to make it appear that he is a better tariff reformer than I am. The amendments which he proposes to offer and which the gentleman from Michigan [Mr. FORDNEY] proposes to offer are not intended to help the bill or help pass the bill. They are intended to prevent the passage of it. And a man that is a big enough fool to be roped in by any such performance as that ought to be taken out into some cool and sequestered spot and tapped for the simples. [Laughter.] Nothing else will cure him but that.

Mr. GAINES. Is that the way you propose to treat Democratic insurgents hereafter?

Mr. CLARK of Missouri. No. They are coming home. You need not be uneasy about that.

I am in favor of this Canadian reciprocity scheme——

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. CLARK of Missouri. Yes.

Mr. GARDNER of Massachusetts. Before the gentleman leaves the subject of amendments, I would like to ask him why he says the amendments are for the purpose of defeating this bill—defeating the reciprocal relations with Canada?

Mr. CLARK of Missouri. I will tell you precisely. In order to get this measure, or treaty, or whatever you may be pleased to call it, adopted, the Canadian Government and our Government must come to an agreement on precisely the same thing. They are considering this same bill which we are considering. If we change it, it goes back to the commissioners. If they change it, it goes back to the commissioners. The commissioners might report it out favorably immediately, and then they would have to go through the performance of adopting it if we

changed it, and we would have to go through the performance of adopting it if they changed it.

Mr. GARDNER of Massachusetts. One other question.

Mr. CLARK of Missouri. Yes.

Mr. GARDNER of Massachusetts. Is the gentleman aware that when the reciprocity treaty was arranged between France and Canada in 1907 to 1909 that, as a matter of fact, the French Senate did amend the treaty in a very important respect, and that Canada promptly came to terms?

Mr. CLARK of Missouri. That might be. I do not say that Canada would not come to terms.

Mr. GARDNER of Massachusetts. Then it will not destroy the agreement.

Mr. CLARK of Missouri. I do not say that Canada would not come to terms if we changed it, and I do not say we would not come to terms if Canada changed it, but what I do say is, that if either one of us changes it, it must go back to the commissioners again, and that is an endless chain performance that I have no use for.

Mr. GAINES. Will the gentleman permit me?

Mr. CLARK of Missouri. Yes.

Mr. GAINES. Is the gentleman exactly correct—I know he intends always to be—in his statement that Canada is considering precisely this same bill? Canada is not considering precisely the same proposition, although Canada is, of course, considering a bill which was provoked by this convention or agreement between the two countries. Is the gentleman authorized to say that any one of the American commissioners has agreed to the proposition contained in the Canadian bill, when they provide that any advantages given us by their bill shall be shared by all countries that have the favored-nation treaty with Great Britain?

Mr. CLARK of Missouri. Well, I do not care to go into that, as it would take too much of my time. I have stated substantially what the situation is. I have always been this sort of a philosopher, or statesman, or whatever you please to call it, that if I can not get a whole loaf I will take a half loaf rather than to have no bread at all. And I think that is practical and wise. This bill is merely a step in the right direction.

I am not in favor of every item in this bill. If I had been drawing a reciprocity treaty I would have drawn it differently from this in a great many respects. But I was not drawing the treaty. I have got to do one of two things with respect to this bill, and that is either to vote for it intact or to vote to amend it and practically kill it, because that is what the amendment of it would amount to.

There have been three or four good Democratic speeches made on this bill by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER], the gentleman from Alabama [Mr. UNDERWOOD], the gentleman from New York [Mr. HARRISON], and the gentleman from North Carolina [Mr. THOMAS], and three of those men are to be members of the next Democratic Ways and Means Committee, which has been already selected so far as the Democratic members are concerned. Mr. PALMER states his case in a nutshell in these words:

> In the consideration of a reciprocal trade agreement between the United States and any foreign country the discussion is very apt to lose sight of two important factors. First, that it takes two to make a bargain, and the agreement must, from the necessities of the case, contain concessions on the part of each of the contracting parties; and, second, that the bargain when made applies with equal force and effect and extends to every part of the countries affected.

I wish to suggest to my party fellows that if this bill is passed it is not the end of the chapter or the end of the world. At high noon on the 4th day of March we shall come into the possession of this House, and if this treaty does not go as far as we want it to go, we can then make it go still further. [Applause on the Democratic side.]

Mr. DALZELL. Will the gentleman yield a moment?

Mr. CLARK of Missouri. Yes.

Mr. DALZELL. The gentleman says his party will come into power after the 4th of March?

Mr. CLARK of Missouri. In the House.

Mr. DALZELL. Suppose this treaty does not pass at this session of Congress. What will his party do with it if it is put up to them at the next session of Congress?

Mr. CLARK of Missouri. "Sufficient unto the day is the evil thereof." [Laughter and applause.]

Mr. DALZELL. Would you pass this bill?

Mr. CLARK of Missouri. I think we might amend it and pass it. The chances are that we would pass a tariff bill that would very largely take the place of this bill; a bill that, to say nothing of this bill at all, will go into every branch of the subject; a bill or bills. And I want to say that while I am in favor of taking a separate bill for a separate schedule in order to expedite revision downward, in the end 14 separate bills for 14 separate schedules would amount to an entire tariff bill. The Democrats are committed to a revision of the tariff, and, so far as this House is concerned, we are going to revise it, wisely and thoroughly, according to promise.

Mr. KENDALL. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. CLARK of Missouri. Yes.

Mr. KENDALL. I want to inquire if the gentleman is accepting this bill as a substitute for a general tariff revision?

Mr. CLARK of Missouri. Good heavens, no! [Laughter and applause on the Democratic side.] I am accepting this for what it is worth, and no more, as a step in the right direction.

Mr. KENDALL. Will the gentleman be kind enough to tell us what it is worth?

Mr. CLARK of Missouri. The chief thing that this country needs in its business is a wider market, and I am in favor of this reciprocity bill because it gives wider markets to American products. That will be one great point gained. Considered as a whole our exports are large, but our per capita exports are smaller than those of any other great commercial nation on earth, which is not a healthy condition. As much as any other living man I desire to see them increased. Therefore I am for this bill, because it will increase our exports. I am in favor of this bill because it establishes closer trade relations with one of our nearest neighbors, and the closer trade relations you have with your neighbors the better off you are. When Thomas Jefferson delivered his first inaugural on the 4th day of March, 1801, he enunciated the principles upon which this Government should be conducted, and one of the principles was: "Peace, commerce, and honest friendship with all nations; entangling alliances with none." That has been the mainspring of our policy ever since, or should have been. We have spent or will spend somewhere in the neighborhood of $500,000,000 to build the Panama Canal. Therefore I am in favor of the reciprocity treaty to promote our trade relations. That is what we spent that money for. We are not spending that vast sum because we are altruists, but as a business matter. I am for it, because I hope to see the day when the American flag will float over every square foot of the British-North American possessions clear to the North Pole. They are people of our blood. They speak our language. Their institutions are much like ours. They are trained in the difficult art of self-government. My judgment is that if the treaty of 1854 had never been abrogated the chances of a consolidation of these two countries would have been much greater than they are now.

Mr. MARTIN of South Dakota. Will the gentleman favor the abrogation of our tariff law entirely so far as Canada is concerned, and making free trade with Canada on all products?

Mr. CLARK of Missouri. By taking Canada in to become a part of the United States; yes.

Mr. MARTIN of South Dakota. No; I mean commercially. Would the gentleman support a policy of complete free trade with Canada on all products?

Mr. CLARK of Missouri. I would support a Democratic tariff bill, prepared by the Ways and Means Committee, brought into a Democratic House, and passed by that Democratic House. [Applause on the Democratic side.]

Mr. MARTIN of South Dakota. A bill putting all Canadian importations on the free list?

Mr. CLARK of Missouri. I never said any such a thing.

Mr. MARTIN of South Dakota. I am asking you that.

Mr. CLARK of Missouri. It does not make any difference what you are asking.

I believe in universal peace. I am in favor of that. I have never joined the universal peace society. My kindred have fought in every war that this country ever waged. Nine of my kinsmen on my father's side were in the Revolutionary Army, and several on my mother's side; but I am in favor of universal peace, and I am in favor of this reciprocity treaty because it helps along the cause of universal peace. [Applause.] I believe that commercial relations properly established with the nations of the earth and The Hague Peace Tribunal will bring universal peace. I extract infinite pleasure out of the prospect of a flying machine. It will do two things which I want to see done. It will put an end to war, because you can not have a war if somebody can get above an army with a bucket of dynamite and kill 10,000 men in 10 seconds. Flying machines will also put an end to this high protective tariff system, because you can not collect the tariff from a man unless you catch him with the goods on him. [Laughter.]

Mr. NORRIS. I wanted to ask the gentleman something along the line of universal peace. As I understand it, the gentleman favors this bill for at least one reason—that it will have a tendency in the end to bring Canada into the Union.

Mr. CLARK of Missouri. Yes; I have no doubt about that.

Mr. NORRIS. Will that have a tendency to preserve peace with Great Britain?

Mr. CLARK of Missouri. Why, certainly it will. I do not have any doubt whatever that the day is not far distant when Great Britain will joyfully see all of her North American possessions become a part of this Republic. That is the way things are tending now.

Having said that much, I want to say another thing. I do not confine my support of reciprocity bills to this one. I am in favor of reciprocity treaties with the Central and South American Republics, including Mexico. [Applause.] The quicker we get them the better off we will be. Of course, as between the two, if we had to have reciprocity with Canada and not with those countries to the south, or with the countries to the south and not with Canada, I would take reciprocity with Canada.

Mr. NORRIS. Will the gentleman yield again?

Mr. CLARK of Missouri. Yes.

Mr. NORRIS. Was the gentleman correctly quoted in the newspapers this morning, where it was stated that in his speech last night he said he was in favor of this kind of reciprocity with the entire world?

Mr. CLARK of Missouri. I did not say "this kind."

Mr. NORRIS. Well, reciprocity.

Mr. CLARK of Missouri. Yes.

Mr. NORRIS. The gentleman was speaking of this bill?

Mr. CLARK of Missouri. Yes. I was going to state that as soon as I got through with this.

Mr. NORRIS. Were the newspapers correct when they stated that the President, who followed you, said he was likewise of the same opinion?

Mr. CLARK of Missouri. My recollection is that the newspapers quoted us about right. [Applause.] Of course, I am not undertaking to report the President's speech. I made the first speech, and I declared in favor of three things in that speech on reciprocity: First, in favor of this Canadian reciprocity; in the second place, in favor of reciprocity with Mexico and Central and South America; and in the third place, reciprocity with all the nations of the civilized world. That is what I declared in favor of. I can report my own speech. My recollection is that the newspapers stated it correctly when they said that the President indorsed the three propositions which I laid down. [Applause and laughter.] If he had spoken first and laid them down I would have indorsed them just as readily as he seemed to indorse them when I laid them down. [Applause.]

Two souls with but a single thought,
Two hearts that beat as one.

[Laughter and applause.]

Mr. NORRIS. Will the gentleman yield for a question?

Mr. CLARK of Missouri. I will yield to the gentleman.

Mr. NORRIS. I want to ask the gentleman if he thinks there is any danger of any contention in the Democratic Party for the next presidential nomination between himself and the President.

Mr. CLARK of Missouri. Oh, not a bit. My guess is that I will get it, hands down. [Laughter and applause.]

Mr. NORRIS. I hope so.

Mr. CLARK of Missouri. Since that subject is raised, I would like to say in a public way what I have frequently said in private to inquiring and enthusiastic friends. I am not running for President. I do not lie awake nights inducing insomnia by pestering my head to count Clark delegates for the national convention, or Clark votes in the electoral college, but I am not fool enough to decline a nomination that has not been offered to me. [Laughter and applause.]

And another thing, while I am not a candidate, it is decidedly pleasant to have newspapers refer to you in that high connection. Now, while the committee business has been somewhat changed by Democratic action, one of the finest mots I ever heard in Washington I heard Speaker CANNON utter along in December in 1907. He was then busy in making up his committees. The secretary of the House of Commons, Sir Courtney Gilbert, was over here, and Hon. Asher C. Hinds gave a luncheon in the basement to Sir Courtney. The Speaker, Mr. Williams, myself, and several others were present; the Speaker was in a hurry. He did not stay until the luncheon was finished, but when he got up to go, after he had lighted his cigar, he said:

Sir Courtney, before I go I want to leave this reflection with you, that the man that is Speaker of the House immediately preceding a presidential election is frequently favorably referred to as a presidential candidate until after he appoints his committees.

[Laughter and applause.]

I feel about it as did that masterful great man, Thomas Brackett Reed. In the spring of 1896 somebody asked him if he thought he would be nominated for President at St. Louis. He replied, "They may go further and fare worse, and I suppose they will."

Mr. MOORE of Pennsylvania. I would like to ask the gentleman from Missouri two questions.

Mr. CLARK of Missouri. Go ahead.

Mr. MOORE of Pennsylvania. Would the gentleman accept the Presidency of the new country to be established under the universal peace system to which he has just referred?

Mr. CLARK of Missouri. With a great deal of pleasure; yes. [Laughter.]

Mr. MOORE of Pennsylvania. That question being disposed of, I ask the gentleman if, as a matter of policy, in the event of the passage of this Canadian reciprocity treaty, the gentleman would favor legislation by treaty with European countries? He has referred to those in South America—would he favor reciprocal treaties with countries of the Old World; for instance, Germany, France, Italy, and so forth?

Mr. CLARK of Missouri. Why, of course, whenever we could get the better of the bargain. [Laughter.]

Mr. MOORE of Pennsylvania. Would these reciprocal treaties with European countries contemplate the raising of revenue sufficient to run this Government?

Mr. CLARK of Missouri. Oh, if we did not get enough money in that way, we would collect it by a graduated income tax, and that would bring in enough. [Applause.]

Mr. MOORE of Pennsylvania. One more question and I am done. Then, the gentleman, if he could not raise sufficient revenue by the new system of tariff for revenue, would raise it by direct tax upon the people of the United States?

Mr. CLARK of Missouri. I would raise it by a graduated income tax, with about $6,000 or $7,000 exemption, and I think it would be the justest tax that was ever levied. [Applause.]

Mr. LANGLEY. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. Certainly.

Mr. LANGLEY. Speaking of the Presidency, I want to say that if we can not have a Republican President next time I would be delighted to have a brother Campbellite like the gentleman from Missouri.

Mr. CLARK of Missouri. I am obliged to the gentleman from Kentucky.

Mr. SCOTT. I would like to ask the gentleman from Missouri a question.

Mr. CLARK of Missouri. I will yield.

Mr. SCOTT. The gentleman has stated that he favored reciprocity with European countries if he could get the better end of the bargain. Is it the opinion of the gentleman that we have the better end of the bargain in this reciprocity treaty, and will he kindly demonstrate the ground on which he bases that opinion?

Mr. CLARK of Missouri. It is my judgment that we get the better of the proceeding in this treaty. The only objection that such illustrious agriculturists as my friend from Pittsburg makes is that the poor farmers will suffer. [Laughter.] I live in a country where they farm sure enough.

I live in the great Mesopotamian district of the western world, right down between the Mississippi and the Missouri, one of the richest districts in America. I have stated on the stump in that district a thousand times, and I repeat it here now, that the agricultural schedule is largely a humbug, a delusion, and a snare—that it is put in there to catch gudgeons. [Laughter and applause.] The intelligent farmers of America know that the agricultural products of Canada are inconsiderable when compared with the agricultural products of the United States. To use a common phrase, they do not constitute a drop in the bucket. They also know that wages are as high in Canada in many lines as in America, and higher in labor pertaining to the production of lumber, so they know too much to be scared by the overworked cry of "pauper labor."

There is a tariff of 25 cents a bushel on wheat, and one good, healthy man with a good appetite can come very near eating all the wheat imported into the United States in 12 months. There is a tariff of 15 cents a bushel on corn, and yet you can raise more corn on a farm of 300 acres in Missouri than is imported into the United States in a year. Under the Dingley bill it was 25 cents per bushel. The Payne bill cut it to 15. There was no fall in the price of corn, which sustains my contention that the agricultural schedule is largely a humbug. There is no place to import corn from. I wondered for years and years how it happened that they did not raise as much corn and as good corn in the same latitude of South America as we live in north of the Equator. It looks as if they ought to raise more, because it is farther from ocean to ocean. I could not find out, and so I wrote to Secretary Wilson. I told him that he knew everything about corn, and I would like to know why that was. He wrote back to me that he did not know much more about it than I did, but that they did raise a good deal of corn, but it was a very inferior quality; that it would not compete with ours.

Two or three years after I gave up the search, one day I was traveling on a train with a drummer, and we fell into conversation. Men of his class know a great deal; they are a very enlightened people, the torchbearers of information. I got to talking with him about it. He had been down there and he said he would tell me. He said they sowed their corn broadcast down there, like we used to sow wheat up here before we invented the drill, and the consequence was that they raised a fine crop of nubbins and very little corn. At last, however, the Argentine Republic has learned how to plant corn and to raise it. I can tell you another thing about the Argentine Republic. Last year for the first time the Argentine Republic exported more corn to Europe than we did. And here they are fooling the farmers, or trying to, with a tariff of 15 cents a bushel on corn!

What are we doing with corn? We have agents in Europe going around over the country cooking corn bread on street corners in the big cities and dispensing it free to teach foreign peoples to eat corn bread, in order to make a market for our corn.

There is a tariff of 5 cents a dozen on foreign-laid eggs, and I will guarantee that unless the eggs are imported for the purpose of starting a new breed of chickens no man or woman ever saw a foreign-laid egg south of the north edge of Minnesota in the United States. There is a duty of 3 cents a head on foreign-raised cabbages, to gull the farmers, and so on to the end of the chapter. Thirty dollars a head on foreign mules!

I will tell you what happened over here at these tariff hearings. Capt. White, of Kansas City, a big lumber merchant and manufacturer of lumber, was arguing that they ought to have a tariff on lumber, because they had to pay a tariff on mules and wagons and saws and engines, and all the rest of it. I said, "Captain, these eastern men on this committee do not know anything about mules at all. Now, you tell these eastern brethren whether or not you would have four, six, or eight Mexican mules if they would give them to you as a gracious gift and compel you to drive them to one of your wagons." He said no, he would not; and yet they come in here with this kind of stuff and undertake to deceive the farmer.

One of the questions asked by the gentleman from Nebraska reminds me of this: My friend from Connecticut [Mr. HILL] the other day said there never had been a day when the Republicans were in possession of this Government that you could not have a reciprocity treaty. That may be so, but it is a very strange thing, if that is true, that we have never had any. I wonder if he has forgotten what McKinley did? McKinley appointed John A. Kasson to negotiate reciprocity treaties with the great commercial nations of the world, and he negotiated 24 of them. He is a Republican of high degree. Men stand up here and talk about President Taft being a Democrat. There is not one of you who will dare stand up here and say that McKinley was a Democrat.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. GARDNER of Massachusetts. Does the gentleman not know that the Congress of the United States refused in every instance to adopt the Kasson treaties?

Mr. CLARK of Missouri. I am going to tell you in a minute if you will just let me finish my own story in my own way. William McKinley, a Republican President of high renown, appointed John A. Kasson, of Iowa, a Republican of great ability and high renown, whose Republicanism was never impeached, to negotiate reciprocity treaties. He negotiated 24 with the great nations of the earth, and this talk of the gentleman from Pennsylvania [Mr. DALZELL] about McKinley meaning reciprocity in noncompeting articles only is absolutely preposterous, in the light of those treaties.

I set one of them out in a speech here once in full, I think it was one with France, and hundreds of competing items were in that reciprocity treaty. Now, what happened? McKinley sent all 24 of those treaties to the Senate with the recommendation that they adopt them, and that Republican Senate never adopted a single one of them.

Mr. DALZELL. If the gentleman will permit, Mr. Chairman, I think the gentleman is mistaken. I do not think he can lay his fingers on a single solitary sentence of Mr. McKinley approving of or recommending the adoption of a single treaty——

Mr. CLARK of Missouri. Let me ask the gentleman, Did not Mr. McKinley transmit those treaties to the Senate?

Mr. DALZELL. Undoubtedly he did; and the Senate——

Mr. CLARK of Missouri. Wait a minute; I am going to ask the gentleman another question. Was he under any compulsion to transmit those treaties to the Senate?

Mr. DALZELL. Undoubtedly.

Mr. CLARK of Missouri. Why?

Mr. DALZELL. It was his duty as President to transmit them.

Mr. CLARK of Missouri. Did not Washington pocket treaties which were made and never sent to the Senate?

Mr. DALZELL. Well, I do not know——

Mr. CLARK of Missouri. Well, I know if the gentleman does not. Did not Thomas Jefferson alienate temporarily the affections of one of his very best friends, James Monroe, by pocketing one of his treaties and never sending it to the Senate at all? How many treaties did Andrew Jackson put in his pocket and walk off with?

Mr. HILL. Mr. Chairman, if the gentleman will permit, I think what I said was there was never an hour since the organization of the Republican Party but what reciprocity treaties had been in operation, and the very time to which the gentleman refers, the treaties proposed by Mr. Kasson under section 4 of the McKinley bill, there were treaties with almost every country in Europe under section 3——

Mr. CLARK of Missouri. I understand that.

Mr. HILL. And the Hawaiian reciprocity treaty was in operation at that time, and there has never been an hour——

Mr. CLARK of Missouri. And we had that reciprocity treaty with the Sandwich Islands because from the very beginning we proposed to swallow them whole. That is the secret of that thing. If the Republicans are so vehemently in favor of reciprocity, why did not a Republican Senate ratify those 24 reciprocity treaties?

Mr. HILL. They were reported favorably by a Republican committee, and if the gentleman asks me to state why, I will tell him—they were hypnotized by a lot of cheap jewelry.

Mr. CLARK of Missouri. Who hypnotized them?

Mr. HILL. The gentleman knows as well as I do.

Mr. CLARK of Missouri. Does the gentleman mean to say the Republican contingent in the United States Senate was so ignorant and so superstitious that it could be hypnotized by a lot of cheap jewelry?

Mr. HILL. It was not entirely Republican, either.

Mr. CLARK of Missouri. Now, I paid the gentleman from Connecticut a high compliment at the beginning of this speech by saying he had made a good speech. I would not like to indorse it all. I would prefer to go through his speeches and read them before I indorse them, but it was a good Democratic speech in spots. [Applause.] That is what it was, and reciprocity is a good Democratic doctrine in spots, and until we can get a general Democratic tariff bill perfected and put upon the statute books I am going to stand by this treaty. Now, another thing——

Mr. GAINES. Mr. Chairman, might I ask the gentleman a question?

Mr. CLARK of Missouri. Yes.

Mr. GAINES. In order that I may know just what reciprocal spots do seem attractive to the gentleman from Missouri, I would ask him whether he would favor a reciprocal arrangement with Mexico for the free admission of Mexican lead and zinc ore.

Mr. CLARK of Missouri. I am in favor of the very same thing with Mexico about lead and zinc ore that I am with every other country under the sun about every other article under the sun. I am in favor of a revenue tariff on every article except the necessaries of life. [Loud applause on the Democratic side.] The proper function of levying a tariff is to raise revenue enough to support the Government economically and effectively administered.

In levying that revenue the higher rates ought to be on the luxuries of life and the lowest rates, or none at all, on the necessaries of life. There are some exceptions about the luxuries, and one of them is that there are certain things which you can get in so easily that it would invite smuggling if you make the rates high. As to luxuries that were finished luxuries products, I would put the higher tariff on the finished product, because it would give our men employment here.

Mr. GAINES. Will the gentleman permit me? It is, of course, my fault that I can not interpret his answer, but since I can not will he kindly inform me whether he would favor a reciprocal agreement admitting free lead and zinc ore from Mexico?

Mr. CLARK of Missouri. I would levy a revenue tax on lead and zinc, iron and coal, and cobalt, and everything that comes into the United States, except on the necessaries of life. Nothing on earth would induce me to help report a tariff bill which puts a tariff on salt. I would not do it, because free salt is a hereditary Missouri doctrine. Thomas Hart Benton worked for 28 years to get salt on the free list. And Theodore Roose-

velt, who is somewhat of a Republican at least [laughter]—and it is hard to tell who is a Republican just now [laughter]——

Mr. PRINCE. The Speaker is a Republican.

Mr. CLARK of Missouri. I rather think the Speaker is. [Applause.] I do not believe I ever have had any trouble in locating the Speaker, or that he has had any trouble in locating me. That is my honest opinion.

But I am not going to make a speech about him to-day. I am going to talk about Col. Roosevelt for a minute. Col. Roosevelt wrote a "Life of Thomas H. Benton," and I will say that it is the best volume in the American Statesmen Series. He says in that book that Col. Benton deserved the greatest credit—not ordinary credit, but "the greatest credit"—for his long and successful fight to put salt on the free list. And when Col. Benton got salt placed on the free list, he said, in his pompous way, that he imagined he could hear the flocks and herds on a thousand hills bellowing out their love and gratitude to him, and if they had known what he was doing that is what they would have done.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 15 minutes remaining.

Mr. CLARK of Missouri. I want to repeat what I am in favor of on the tariff and, as I understand it, what the Democrats are in favor of. I do not suppose we can get to it in a week, or a month, or a year, or maybe 10 years, all around, exactly. It is hard to approximate it. In levying a tariff I am in favor of putting the highest tariff on the luxuries of life, except in those cases where the luxury is of such a character that it would invite smuggling. I am in favor of putting the lowest tariff, or none at all, on the necessaries of life. [Applause on the Democratic side.] And just exactly in proportion as things become necessary, I would take the tariff off of them and put them on the free list, or lower the tariff on them to the vanishing point. I do not think anybody can misunderstand that or misconstrue it.

Now, while I am at it, I want to say this, that neither myself nor any of my party associates has the slightest desire whatever to injure any legitimate business in America—none whatever. [Applause.] It is a thing incredible that any sane man would want to do that. We have as much at stake in the Republic as you have. We did as much to make it what it is as you did. Our ancestors have been here as long as yours have. They fought as valiantly and as frequently to establish this Republic. Our children and your children must live here together. And what the Democrats are in favor of is so rearranging these laws as to give every citizen of the American Republic a fair chance in the race of life. [Applause on the Democratic side.] While we are not in favor of injuring any legitimate business, we do not propose that any business shall injure us, if we can prevent it, by charging two prices for a necessary article of life where it ought to charge but one. [Applause on the Democratic side.] The cost of living by reason of the high tariff and trusts has become so high that it is with extreme difficulty that millions of people manage to live at all.

One other thing: The Republicans always misstate the Democratic position on the subject of reciprocity. I never heard one of them mention it that he did not undertake to convey the impression that Democrats are opposed to reciprocity. That is not true at all. It should not be forgotten that the reciprocity treaty with Canada of 1854 was negotiated under the administration of Franklin Pierce, a Democratic President, and it should never have been abrogated. Democrats negotiated it; Republicans abrogated it. That is the record, and can not be impeached or denied. It shows how the two parties stood in those far-away years.

I will tell you what the Democrats were opposed to, and what we are opposed to yet. We are opposed to that clause in the McKinley bill and the reciprocity growing out of it that undertook to authorize the President and the Senate of the United States to negotiate and adopt treaties affecting the revenues of this country, because we claim that that is a function of the House in a very peculiar manner. [Applause on the Democratic side.]

You can not bluff us out by offering buncombe amendments to this bill. One of my distinguished friends dug up a quotation from one of my speeches and put it up out here on a placard, and said I was in favor of the privilege of amendment on all great bills. This bill is peculiar in its nature. It is not an ordinary bill. [Laughter.] That is the plain truth about it. In an ordinary bill you either pass it or beat it fairly and squarely, but in this you attempt to defeat it by pretending to be friendly to it and making amendments to it which must necessarily nullify the agreement.

I have been a friend of reciprocity ever since I commenced making tariff speeches, which is a good while ago, and I expect to keep it up. When certain Republicans seem to come our way on the subject of reciprocity, I would be an idiot and a craven if I were to turn around and reverse the consistent position I have maintained for the last 25 years.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Yes.

Mr. LENROOT. The gentleman has stated two or three times that this bill can not be amended without defeating the bill. He says the Canadian bill is similar to ours. I want to ask him if he is familiar with the bill now pending in the Canadian Parliament.

Mr. CLARK of Missouri. No; I never saw a copy of it.

Mr. LENROOT. I have a copy of it in my hand, and I say to the gentleman from Missouri that we may amend our bill so as to provide for absolute free trade with Canada, and yet it will not affect the bill now pending in the Canadian Parliament to any degree whatever.

Mr. CLARK of Missouri. I did not yield for a speech. There is one safe rule of action on the tariff for a Democrat to follow. Whenever you see anything that the American Tariff League or the American Economist are in favor of, fight it.

Mr. BURLESON. The American Protective Tariff League?

Mr. CLARK of Missouri. Yes; the American Protective Tariff League. Here is a resolution that they passed on the subject of piecemeal tariff revision, offered by Mr. Henry B. Joy, of Michigan:

> Whereas we have noted with surprise and regret the drift of sentiment toward what may be called piecemeal tariff revision; and
>
> Whereas it is easy to see why free traders do and should favor a plan which would enable them to attack the different industries one by one, but it is difficult to comprehend how protectionists can support a policy so fraught with injustice and danger to the general body of industrial producers: Therefore
>
> *Resolved*, That fair and intelligent adjustment of tariff duties is a practical impossibility when dealing with one schedule at a time, for the obvious reason that each and every schedule is more or less correlated with some other scehdule or schedules. In this case, while to "divide and destroy" might logically be the free-trade policy regarding piecemeal revision, "the good of the country" should be the motto of protectionists in any measure of tariff revision.

My Democratic brethren, that is fair warning. Whenever the American Protective Tariff League supports a thing, you fight it. Whenever it fights a thing, you support it, and you will be on very safe ground.

Mr. SCOTT. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. SCOTT. I wish to ask this question, not at all by way of controversy, but to get the gentleman's opinion. The theory, of course, of a reciprocity agreement is that by its terms it brings about mutual advantages to each of the parties to it. I can easily understand the advantage that comes to Canada from the admission of its products free into this country. I would like the opinion of the gentleman as to the advantage that would come to the United States from any concession that the agreement gives to our products passing into Canada.

Mr. CLARK of Missouri. My time is about up and I can not yield to any more interruptions; but I will say that it broadens our market.

Mr. SCOTT. How does it broaden our market?

Mr. CLARK of Missouri. It gives us a chance to get in where we can not get in now.

Mr. SCOTT. With what, may I ask the gentleman?

Mr. CLARK of Missouri. With our products. I have not the time to state all the things enumerated in the bill.

Mr. SCOTT. Does the gentleman refer to manufactured products?

Mr. CLARK of Missouri. Wherever the duty is lower it gives us an advantage.

Mr. SCOTT. The gentleman has said, and very truly, that we do not export into Canada any particular agricultural products that amount to anything. Therefore, if we export anything, it must necessarily be our manufactured products.

Mr. CLARK of Missouri. The gentleman is mistaken. I said no such thing. We export into Canada more agricultural products than they export into the United States.

Mr. SCOTT. You mean leaving cotton out of consideration?

Mr. CLARK of Missouri. Oh, yes. By leaving cotton out of consideration, and wheat and everything else out of consideration, you make the balance against us. That is the only way you can do it.

Mr. SCOTT. If it is true, and I am sure that it is true, that precisely the same rates will be given to the products of any other country with which England has the most-favored-nation treaty as are given to the United States under this agreement, in what way do we get the preference?

Mr. CLARK of Missouri. We get the preference by being closer to Canada than any other nation on the face of the earth, separated only by an imaginary line. The gentleman comes from a rich corn country, and so do I, and last year 4,000,000 bushels of American corn was exported to Canada.

Mr. BURLESON. Four million dollars' worth.

Mr. CLARK of Missouri. Yes; $4,000,000 worth.

Mr. WEISSE. And $3,000,000 worth of meat products.

Mr. CLARK of Missouri. There are many more millions of dollars' worth of American agricultural products exported into Canada which there is not time enough to enumerate, such as meats, animals, barley malt, and even wood pulp and other timber products, as well as seeds to the amount of $950,000; fruit, $4,500,000; tobacco, $1,878,000; and vegetables, $1,200,000. And by the time you get through with it we will export more into Canada than Canada exports into our country. I am in favor of this bill because it enlarges our markets, because it brings us into closer relations, and because in the days to come it increases the prospects of the consolidation of these two great countries. [Prolonged applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. McCALL. Mr. Chairman, I should like to inquire about the status of the time, so that we may balance it.

The CHAIRMAN. One hundred and one minutes have been consumed by the gentleman from Pennsylvania [Mr. DALZELL] and 81 minutes by the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Does that include the time used yesterday, Mr. Chairman?

The CHAIRMAN. The Clerk informs the Chair that it does not include the time used yesterday.

Mr. McCALL. The agreement to-day was apparently that the time to-day should be divided equally; but I think it only fair, as the side which I represent had half an hour more yesterday than the other side, to permit the other side to equalize that time and have half an hour more to-day than we have. I will therefore change the notice that I gave, and I will not move that the committee rise until half past 5 o'clock.

The CHAIRMAN. Does the Chair understand the gentleman from Massachusetts to say that of the balance of the time one-half hour more should be allotted to the gentleman from Pennsylvania than to the gentleman from Massachusetts?

Mr. McCALL. No; I mean to say that the gentleman from Pennsylvania [Mr. DALZELL] is entitled to a credit of half an hour from yesterday; but his side has used more time than my side to-day, so that if it is 81 minutes and 101 minutes to-day he is entitled to 10 minutes more, and that would equalize the time. That would give him the half hour to make up for the time that we occupied yesterday.

Mr. DALZELL. I yield one hour to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, I was very much interested when the gentleman from Missouri [Mr. CLARK] explained the difference between prohibiting amendments to bills which he favors and prohibiting amendments to bills which he opposes. You have all seen in the lobby a quotation from his speech of June 7, 1910:

> I do not know how long I shall be here, but as long as I am here I intend to fight for the right to amend every section of every great bill which comes into this House, and I do not care a straw whether the Democrats control the House or the Republicans. (CONGRESSIONAL RECORD, June 7, 1910.)

What a commentary on his views to-day!

Mr. Chairman, I have heard the gentleman from Missouri [Mr. CLARK] frequently contend for full right of amendment in this House. I have heard him over and over again protest against undue haste. Sometimes I have agreed with the words of the gentleman from Missouri. Sometimes I have not agreed with them and have voted against him. It only goes to show the truth of the old adage, Mr. Chairman, that it all depends on whose codfish gets the hook. [Laughter.]

I am not so foolish as to think that any words of mine can stem this panic.

I remember that only six short years ago many of our friends on the Democratic side of this House admitted that the American people once and for all had accepted the principle of protection. To-day even those Republicans who still profess adherence to protection as a principle vie with each other in abjuring it as a practice.

Perchance I myself might join the horde rushing to get behind the fence which marks the political dead line were it not for the fact that long ago I destroyed my bridges behind me. I do not pretend to be any Casabianca standing on the burning deck whence all but he have fled. I am only an ordinary politician who in the past has committed himself, honestly enough, against Canadian reciprocity and in the present finds that his gorge rises when he is invited to swallow the words which he has uttered for a dozen years.

I do not know what humorist was responsible for this reciprocity arrangement between the United States and Canada. I am aware that ridicule is but a poor form of argument, yet I can not refrain from alluding to that clause in the agreement which appears on page 6 of the President's message and reads as follows:

> NOTE.—It is understood that fresh fruits to be admitted free of duty into the United States *from Canada* do not include lemons, oranges, limes, grapefruit, shaddocks, pomelos, or pineapples.

Inasmuch as that part of the message is confirmed by the McCall bill we can all thank heaven that at all events the Hudson Bay pineapple industry will not be permitted to break down our home market and that the grapefruit grown on the North Pole will not be permitted to compete with Florida products. [Laughter and applause.]

I cite this passage merely as an illustration of the old proverb that the more haste the less speed. I cite it as an illustration of the carelessness with which the whole agreement has been drawn. Later I intend to show you that our commissioners who negotiated the agreement—if, indeed, we had any commissioners—disregarded the historical experience of the United States in reciprocity treaties of a competitive character, that they disregarded the maxims of the last three Republican national platforms, and that they disregarded the fundamental principles of protection.

NO HOPE OF LOWER PRICES.

It is a significant fact that neither the message of the President, nor the report of the Ways and Means Committee, nor even the speech of the President before the Illinois Legislature holds out the slightest promise to the people looking toward the decreased price of food products. Yet, everyone within the sound of my voice realizes perfectly well that the entire campaign conducted by the press in favor of this reciprocity agreement is not based in any way on the question of advantages to our foreign trade. It is simply and solely predicated on the assertion which is being made to the people that the housekeeper will be enabled to get her supplies at a lower figure. On the one hand, our farmers and our fishermen are assured that they will not be undersold by Canadian competitors. On the other hand, our housekeepers are told that they will reap a benefit from the decreased price of farm products and of fish.

I ask you in all fairness, Mr. Chairman, how it is possible that both of these statements can be true. If the farmer is not to be undersold, how can the consumer buy his farm produce any cheaper unless, perchance, it is thought that the middlemen will be obliged to bear the loss? Yet it is evident that the middleman expects to bear no loss, for I notice that throughout the length and breadth of this country the middlemen, almost without exception, are clamoring for the adoption of this legislation.

I said a minute ago that the Ways and Means Committee and the President had neither of them promised or even indicated the possibility of lower prices of food products. It is true that the Ways and Means Committee in its report takes the ground that at some period, which it sets at 10 years distant, the United States *may* be unable to produce sufficient wheat to feed our own people, and it indicates the belief that the passage of this bill *may* in 1921 *tend* to keep down the price of flour. This view of the Ways and Means Committee is based on the fact that at present we produce a margin of only 17 per cent of wheat and wheat flour beyond what is required for internal use. That might at first sight seem a formidable argument; yet, if it is sound to-day, how much sounder it would have been in 1872, for in that year we produced less than 17 per cent of wheat and wheat flour beyond what was needed for home consumption. How much sounder the argument would have been in 1904, for in that year our surplus production of wheat and wheat flour was but 8 per cent.

As a matter of fact, I do not suppose that the Ways and Means Committee seriously supposes that in 1921, or 1951, for that matter, the United States will be unable to produce enough wheat for its own consumption.

After administering this slight encouragement to the consumer, the committee's report has a reassuring word for the farmer. Speaking of free wheat from Canada, the report says:

And would it decrease the price of our wheat? By no means, for that would be fixed by the world's price. For every bushel that would come in at Manitoba, so long as we raise a surplus, another bushel would go out at New York.

Oh, how beguiling to talk about the world's price and about trade on circles of longitude—terms which the farmer no more understands than does the political economist who utters them. The farmer can, however, at least understand this fact, namely, that each bushel of wheat from Manitoba which drives a bushel of his own wheat abroad through the port of New York imposes on him the cost of transportation and all the expenses incident to seeking a foreign market.

HISTORY OF THIS RECIPROCITY AGREEMENT.

Mr. Chairman, I am going to make a statement to which I challenge contradiction. I assert it to be the fact that the negotiations for this agreement which were inaugurated last summer were not based on any expectation that the price of food products would be reduced to the consumer in this country. I assert that the motive for their inception was the desire of the President to be relieved of the necessity of imposing the maximum duties against the Dominion of Canada. Under the law of 1909 he was compelled to impose additional duties on the products of the Dominion unless Canada yielded to us as low rates as she yielded to any other nation. But Canada refused to grant us her lowest rates unless we entered into a reciprocity agreement. This, then, was the situation last summer. Either a reciprocity agreement must be made or we must impose additional duties on Canadian products. In the latter event the President was threatened with a tariff war with Canada, and, moreover, with the displeasure of those of our fellow citizens who consider high duties indefensible. This country has thrived on unfulfilled threats of tariff wars, but evidently the President did not view the matter in the light of our past experience, or very likely he felt that this country was in no mood to support him should he be compelled to add 25 per cent to existing duties on Canadian products. If such was his feeling, I think that he was probably correct. At all events, he adjusted himself to the Canadian demand, and the bill which we are to-day considering is the outcome. If my analysis of the situation is correct, it is a curious manifestation of the occasional working of a compulsory maximum and minimum tariff. The imperative imposition of a maximum duty in the case of Canada, instead of being a weapon in our hands, became a weapon by which the Dominion could force from us further concessions.

FREE-TRADE ARGUMENTS.

There is not a single argument in the report of the Committee on Ways and Means which would not be applicable to a proposition for free trade in general, except that the line is drawn in favor of Canada on the violent assumption that the cost of production and the cost of labor are substantially the same in that country as in our own. The President, in his speech before the Illinois Legislature, goes so far as to say that substantially free trade with Canada is the logical conclusion of the last Republican platform, because the conditions of production are practically the same in Canada and in the United States. Now, as a matter of fact, what grounds have the Committee on Ways and Means and the President for any such assertion? Did not the advocates of the treaty of 1854 say exactly the same thing, and yet the facts proved them wrong? Is it not precisely this question which we have intrusted to a tariff board for investigation? Was this tariff board asked for information bearing on the matter?

I assert it to be a fact that the Tariff Board in December, 1910, had substantially completed its investigations with regard to the cost of production of pulp of wood. I also assert it to be a fact that the board was not called upon to produce this evidence during the time when this reciprocity agreement was under consideration by the State Department. I wish to be challenged right here and now by anyone who disputes these statements.

[Here Mr. GARDNER of Massachusetts paused. No Member arose in contradiction.]

From my personal knowledge, Mr. Chairman, I do not pretend to be able to compare the cost of production in western Canada with the cost of production in the western part of the United States.

Mr. COLE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. COLE. Does the gentleman know anything about the reports of the Tariff Board of the difference of cost in Canada and in the United States?

Mr. GARDNER of Massachusetts. I might say in reply to the gentleman that I introduced a resolution calling for such information from the Tariff Board. That resolution has been reported favorably from the Committee on Ways and Means, but, owing to the interposition of the question now before this House, the resolution has not yet been acted upon in this Chamber.

WAGES IN CANADA.

As I said a moment ago, I can not speak of western Canada, but I have given some attention to the subject of wages in the Maritime Provinces and in the Province of Quebec so far as they relate to the manufacture of shoes and the products of the fisheries. No one knows what proportion of the inhabitants of the Dominion of Canada dwell east of the Ontario line. No census of the Dominion has been taken since 1901. At that time Canada had 5,300,000 people within its limits and it had only increased in population by half a million during the previous decade. I think it fair to estimate the population of Canada to-day at about 7,500,000, of whom one-third are French Canadians. So far as these French Canadians are concerned, much as I admire them, nevertheless their habits, language, and laws substantially differ from those of any part of our population. Their labor unions are still in a primitive state and their labor laws are scarcely more effective than the labor laws of the Democratic States south of Mason and Dixon's line. Twice a year I visit Canada for somewhat extended periods, and while I have no figures to present other than those relating to the fisheries I have formed a definite impression that the wages of the eastern half of Canada are far less than our own, whether measured by piecework or by hourly wage. However, we have created a tariff board to investigate just such facts as these, and yet it seems that we are not to await its conclusions, but rather we are to lynch the prisoner while the jury is out.

Mr. BURKE of Pennsylvania. If the gentleman will permit me a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. BURKE of Pennsylvania. I have a great deal of respect for the gentleman's knowledge of the Canadian situation. Will he indicate one item in which there is a great difference, or any difference at all, in actual production——

Mr. GARDNER of Massachusetts. Yes; I said piecework.

Mr. BURKE of Pennsylvania (continuing). Over that in the United States?

Mr. GARDNER of Massachusetts. Yes; for example, in the wages paid to cutters per case of shoes.

Mr. BURKE of Pennsylvania. Will the gentleman give the difference, or can he give it?

Mr. GARDNER of Massachusetts. No; I can not give the exact figures.

Mr. BURKE of Pennsylvania. Or of any item covered by this agreement?

Mr. GARDNER of Massachusetts. No; I can not. The Tariff Board can give us a great deal of such information if we wait for their report. On one of the placards hung in the lobby I have shown the difference in the wages paid in the fisheries; that is to say, the difference in wages between Nova Scotia and Gloucester. I think that some time ago I showed the difference between the wages paid for piecework in our shoe factories and in the great McCready shoe factory of Montreal.

Mr. BURKE of Pennsylvania. Does not the gentleman believe that the most effective argument that can be advanced against the consummation of this agreement is to recite in this way, if a difference is indicated? And if a difference does exist, why does not the gentleman or someone else opposing this measure produce the figures in this House?

Mr. GARDNER of Massachusetts. Because, as has been said again and again in this debate, we have not had the time. No man can collect full statistics in the 10 days which we have been given. I have produced figures showing the difference of wages and expenses in the fisheries.

Mr. FOCHT. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I will.

Mr. FOCHT. I have been told by the president of one of the leading typographical unions that in the cities of Toronto and Buffalo there is a wide difference in the wage scale. Has the gentleman any information on that subject?

Mr. GARDNER of Massachusetts. I have none; but I should not be surprised if there were a wide difference between Toronto and Buffalo.

Mr. FOCHT. There is.

Mr. GARDNER of Massachusetts. I am very glad that the gentleman from Pennsylvania [Mr. BURKE] raised this question. I remember, now, that I have somewhere among my papers a statement showing the pay of sailmakers in Lunen-

burg, Nova Scotia, and the scale of the sailmakers' union of Gloucester. I shall insert it in the RECORD as an appendix to these remarks.

Mr. DALZELL. Will the gentleman allow me a moment? In the testimony taken before the Ways and Means Committee when the Payne tariff bill was made there is no end of testimony as to the difference of wages between Canada and the United States. Up until within the last week or so I never heard anybody deny the difference.

Mr. GARDNER of Massachusetts. Neither did I.

Mr. BURKE of Pennsylvania. Will the gentleman yield on that? If that is the case and the Ways and Means Committee have been in possession of this knowledge, then what is at the base of this complaint that the Tariff Board has not furnished the knowledge which the committee already possesses?

Mr. DALZELL. There are other matters besides wages. The Tariff Board has not reported to us anything about the duty on pulp, pulp wood, and paper, a matter they have been examining, according to the newspapers, for the last six months, nor upon any other subject that they have had in charge.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARDNER of Massachusetts. How much time have I consumed, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed 27 minutes.

Mr. GARDNER of Massachusetts. Yes; I yield now, but shall not yield again.

Mr. LONGWORTH. To a very brief question. The gentleman will recall that he himself introduced a resolution asking for a report of the Tariff Board upon this print-paper schedule?

Mr. GARDNER of Massachusetts. Pulp of wood.

Mr. LONGWORTH. Pulp of wood; and the committee unanimously on the 3d of February reported that resolution and expected the gentleman from Pennsylvania [Mr. DALZELL] to bring it up when he found a proper opportunity.

Mr. DALZELL. The gentleman is mistaken. It was the resolution of the gentleman from Massachusetts [Mr. GARDNER]. It was a privileged resolution, and it was not competent for the committee to instruct me to bring it up.

Mr. LONGWORTH. I understood the gentleman had been instructed.

Mr. GARDNER of Massachusetts. I can not yield for a discussion in which I have no part.

PRESIDENT TAFT AND THE REPUBLICAN PLATFORM.

Whereas, Mr. Chairman, I could undoubtedly prove by quotations from Republican and Democratic platforms and from Republican and Democratic arguments that the provisions of this agreement are not in accordance with the former professions either of one side of the House or of the other, nevertheless I admit that mere proof of inconsistency is in itself no valid argument. I do not, however, feel that it would be out of place for me to point out the logical result of the President's belief, as expressed in his Illinois speech, to the effect that substantial free trade with Canada is in accordance with the Republican national platform of 1908. He holds that to be the fact, because the Canadian cost of production, as he says, is practically the same as our own. If his view of the platform declaration is to be taken, it will necessitate the imposition of a different rate of duty for each different nation of the whole earth according to the cost of production of each particular article in each one of those nations. Such a series of different tariffs for different countries would engender entangling alliances with a vengeance and would prove the truth of the assertion made in the Democratic campaign book of 1902, to wit:

Reciprocity with one country means a tariff war with other countries. It makes a few friends and many enemies.

THE MAIN ISSUES.

I take it that the questions most at issue between my colleagues on the Republican side and myself are as follows:

First, is this agreement sound when viewed in the light of the theory of protection?

Second, provided that it is sound in itself, will it entail disastrous consequences, owing to the demands of other nations for the same treatment or owing to retaliatory incursions into the protective tariff which we now impose on manufactures?

Third, is it a good bargain, judged solely from the aspect of international trade between the United States and Canada?

As to the question of whether from the point of view of the protectionist this agreement is sound or not depends a good deal on whether the cost of production of the various articles included therein is or is not the same in the two countries. We have created a Tariff Board, gentlemen, to ascertain just such facts. We have no knowledge of the question to-day except that which comes from the evidence presented in 1909 before the Ways and Means Committee and from the evidence presented last week before that same committee. The evidence in the hands of the Tariff Board is apparently available, but has not been sought. We do know this much, however, that the same evidence which induced Congress in 1909 to place a protective duty on farm products, lumber products, and fish products has never since been contradicted. I confess that I am at loss to understand by what reasoning the Ways and Means Committee arrived at one set of conclusions in 1909 and then in 1911, with precisely the same evidence on hand, arrived at a totally different set of conclusions.

Mr. HARRISON. I will call the gentleman's attention to the fact that there has been an election since that time.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. It is not necessary to yield. The gentleman from New York is an unkind Democrat.

HOW FAR WILL THIS MOVEMENT GO?

I think it safe to say that the inroads into the protective system will not stop with this agreement. The producers of raw material in this country far exceed in number the producers of manufactures. If, then, the duties are removed which protect our producers of raw materials, where are the votes to come from which will protect the duties on manufactures? Is it not certain that the producers of farm products, of lumber, and of fish will join at once with the free traders in annihilating all other duties? Is it not obvious that men who are not protected themselves will refuse to accord protection to others? To deny this proposition is to disregard the plain teachings of history. It was the repeal of the corn laws of Great Britain which broke down the protective system of that nation. The farmers of England (and who can blame them?) declared against the whole system just as soon as they discovered that it was to be applied unequally.

Now, as to whether we may be obliged to extend the provisions of this agreement to France and Germany, I offer no opinion. I am a layman in the matter of international law. But I submit that the exchanges of notes at the time when the minimum duties were prescribed between France and the United States and between Germany and the United States give those countries at least a reasonable ground for exacting under the most-favored-nation clause the same rates of duty which we grant to Canada. Be that as it may, and be the relative cost of production what it will, when all is said and done about the tariff, I am still of the unpopular belief that for us the most favored nation on earth ought always to be the United States of America. [Applause.]

IS THIS A GOOD BARGAIN?

I can not believe that this agreement has even the merit of being a good bargain. Let me invite your consideration to its provisions. In the first place we are granted no concessions which are not also accorded to Great Britain, while Great Britain is the beneficiary of many concessions not given to us. In some respects, at least, this agreement fails even to give us the lowest rates that are granted by Canada to France. Canada insists on selling us her agricultural products, but she will not allow us to sell her the farm implements which harvest those products. No, indeed! In farm machinery she allows a lower tariff rate to Great Britain. She insists that her lumber shall be admitted to our market, but she refuses to buy from us the axes and saws to fell that lumber. She insists that her fish shall come into the United States free of duty, but she refuses to diminish the bounties which she pays to Canadian fishermen, and she refuses to grant us the privilege of inshore fisheries which she granted us even under the Elgin treaty of 1854.

THE DISASTROUS CANADIAN RECIPROCITY TREATY OF 1854.

Mr. Chairman, I know of but one way of judging of the future and that is by the light of the experience of the past. From 1855 to 1866 we had a reciprocity treaty with Canada, known as the Elgin treaty, practically the same as this agreement which is proposed to-day, with a few more articles included. If anyone doubts that assertion, I invite his attention to the announcement made last week by the Canadian minister of finance, who negotiated this agreement.

The Hon. W. S. Fielding stated in positive terms to the Parliament at Ottawa that this is substantially the treaty of 1854 over again. In effect it provides for a free interchange of the products of the farm, the forests, and the sea, as did the treaty of 1854.

Let me read you the words of Senator Morrill, of Vermont, the best authority we have ever had on the question of reci-

procity. On January 7, 1885, speaking of the result of the treaty of 1854 with Canada, he made the following statement:

Our exports to Canada in 1855 were $20,828,676, but under the operation of reciprocity then commenced they dwindled in 12 years down to $15,243,854, while the exports of Canada to the United States increased from twelve million and odd to forty-six million and odd dollars. When the treaty began the balance of trade had been $8,000,000 annually in our favor and that paid in specie, but at the end the balance against us to be paid in specie in a single year was $30,000,000. Here was a positive yearly loss of over $5,000,000 of our export trade and a loss of $38,000,000 specie, all going to enrich the Canadians at our expense.

I have recently read over the debates which preceded the abrogation of the treaty of 1854. I noticed that some gentlemen who opposed the unconditional cancellation of the treaty took the ground that passions had been aroused in order to prejudice their case. They said that the reason why so many people in the North wished to abrogate the treaty was on account of Canada's hostility to the Union during the Civil War. Personally I doubt that Canadian unfriendliness had much influence on the result, but I commend that argument to those gentlemen who hold that trade treaties conduce to friendship and peace between nations.

As a matter of fact, Mr. Chairman, scarcely a man in this House in 1864 and 1865 pleaded for the maintenance of the Elgin treaty. The issue was as to whether the treaty should be abrogated altogether or whether it should be canceled and a board of commissioners appointed to draw up a new treaty. On that issue the House voted by a large majority that it wished no further agreement with Canada at all. The bill went over to the Senate in that shape, and by a vote of 33 to 8 the Senate abrogated the Elgin treaty. Yet our Ways and Means Committee jauntily dismisses the subject by saying that the Elgin treaty was terminated by the lumber interests.

Let us look at the state of affairs which has existed since the abrogation of that treaty. Instead of being millions to the bad in our business relations with Canada, as was the case when the Elgin treaty was terminated in 1866, last year we were no less than $118,000,000 to the good. The balance of trade in our favor was $118,000,000. In the 45 years which have elapsed since 1866 our exports to Canada have increased by 1,500 per cent, while the exports of Canada to the United States have increased by only 100 per cent.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 18 minutes.

OTHER UNSOUND TREATIES.

Mr. GARDNER of Massachusetts. The old Canadian treaty was our only great experiment in reciprocity of a competitive kind. It is true that we have enacted two other treaties providing for reciprocity in competitive articles—the Hawaiian treaty and the Cuban treaty. The Hawaiian treaty violated the Republican theory, which advocates reciprocity in noncompetitive articles only, but its purpose was to prepare the way for a treaty of annexation. As a political measure it may have been wise; as an economical measure it was a mistake, for in the end it entailed a loss of more than $12,000,000 in revenue.

To my mind the Cuban treaty is economically unsound, but politically it was an act of charity to those people whom we rescued from the oppression of Spain.

SUMMARY.

Whether or not the Executive is the best judge of revenue legislation, I think, is open to argument, but the fathers did not take that view when they intrusted to the House of Representatives the sole initiative in such matters. I protest against the attitude of the State Department in refusing us the power of amendment, while leaving us solely the power of veto over measures tampering with our revenue laws. Can anyone gainsay the fact that we are asked to surrender to an encroachment of the executive power at the expense of the powers granted us by the Constitution? We are even to be denied the right which was successfully claimed by the Senate of France, for on April 1, 1909, they asserted their privilege of amending the French reciprocity treaty with the Dominion of Canada, and the Canadian Government promptly came to terms.

THE FISHERIES.

Now, Mr. Chairman, I admit that this problem is far wider than any question of our fisheries. I shall not attempt to convince you of the awful rigor of the blow which you are dealing them, except so far as I shall show the facts by exhibits connected with this speech. I shall show you in the papers which I present that the rate of wages in the Canadian fisheries is far lower than it is at home. I shall show you the condition of affairs which prevailed under the free-fish provisions of the Washington treaty of 1871. I shall show you that during that period the town of Provincetown was reduced to direst extremities and that the town of Gloucester was only saved by the phenomenal catch of its mackerel fleet, now fast disappearing from the seas. I call your attention once more to the fact that by this proposed agreement you open to free competition all our New England fishery products, and yet you still retain a duty on the vessels, the sails, the cordage, the nets—in fact, on everything which our fisheries use.

I shall not dispute the assertion of my opponents that the fish industry of New England is not large and that the number of men in its employ is but 22,000, outside of the packing and canning establishments. Since when was the size of an industry the true measure of its need of protection? Since when was it the American policy to ruin men merely because they are weak? I admit at once that the industry is not profitable. In all its history of nearly 300 years no man in Gloucester has made sufficient profits from the sea to retire with a competency.

GLOUCESTER'S GHOSTS.

Yes, Mr. Chairman; but the highest authority in this land says that "Gloucester is seeing ghosts." Oh, it is easy for men whose livelihood is not imperiled to assert that other men are unnecessarily alarmed; yet it is true that "Gloucester is seeing ghosts." She is seeing the ghosts of the men who saved the Continental Army after the battle of Long Island. She is seeing the ghosts of those same fishermen of Gloucester and Marblehead as they battled with the ice in the Delaware River when they safely brought Washington and his little army to turn the tide of defeat at the Battle of Trenton. Gloucester is seeing the ghosts of her old Revolutionary heroes. If they were to arise in this House to-day, would not their pallid lips denounce in deep anathemas the ingratitude of republics?

Gloucester is seeing the ghosts of the thousands of brave men who have given their lives in shipwreck and in storm to build up this Nation. Those are the ghosts she sees, not the petty ghosts of a penny gained and a penny lost, which disturb the dreams of the merchant in his countinghouse.

GLOUCESTER'S DEFIANCE.

You gentlemen, chambers of commerce,
You experts in loss and in gain,
Is a call to your wallet triumphant
And a call to your manhood in vain?
As you sit in your armchairs of leather,
What's the wreck of a schooner to you?
What to you are the tears of the orphans
Or the moans of the wives of the crew?

In your damnable ledger and journal
Do you carry the dead on your roll?
Can you calculate courage in dollars?
What's the price of a fisherman's soul?
You add to the trader's abundance,
To him shall be given, you say.
God help the poor wight who has nothing!
Even that shall be taken away.

As he drifts to his death out on Georges,
As he's caught by the storm off La Have,
When the fog closes in on his dory
And he knows that the sea is his grave,
He will think of your mean little profits,
He'll remember your white-livered lies;
But he'll go like a man to his Maker
And he'll laugh you to scorn as he dies.

[Great applause.]

APPENDIX A.

Platform promises.

REPUBLICAN NATIONAL PLATFORM, 1900.

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for *what we do not ourselves produce* in return for free foreign markets.

REPUBLICAN NATIONAL PLATFORM, 1904.

We have extended widely our foreign markets, and we believe in the adoption of all practicable methods for their further extension, including reciprocity wherever reciprocal arrangements can be effected *consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.*

REPUBLICAN NATIONAL PLATFORM, 1908.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

DEMOCRATIC CAMPAIGN BOOK, 1902.

Reciprocity looks like free trade, but tastes like protection. It is really a new sugar coating prepared by the Republican tariff doctors for many patients who are refusing to take their protection pills straight.

Reciprocity is based upon the same false theories as is protection, and, like protection, is a sham and a humbug, and to most people has been and will ever continue to be a delusion and a snare.

Reciprocity with one country means a tariff war with other countries. It makes few friends and many enemies.

Reciprocity legislation confers dangerous and perhaps unconstitutional powers upon the President.

APPENDIX B.

Comparison of wages in the fisheries.

[From evidence before Ways and Means Committee, Feb. 2, 1911.]

	Gloucester, Mass.	Lunenburg, Nova Scotia.
Captains	$100 to $125	$60 to $65.
Cooks and mates	$60 to $70	$35.
Men before the mast	$30 to $35	$22.
Sailmakers	18 cents per yard	6 cents per yard.
Carpenters	$2.50 to $3	$1.75.

APPENDIX C.

Comparison of cost of building and equipping a fishing schooner.

[From evidence before Ways and Means Committee, Feb. 2, 1911.]

Schooner *Clintonia*, of Gloucester, Mass., built in 1907; cost ready for sea	$15,500
Schooner *Clintonia*, of Lunenburg, Nova Scotia, built in 1907; cost ready for sea	9,400

These schooners were sister ships in every respect.

APPENDIX D.

Profits in the Gloucester fisheries from April, 1909, to April, 1910—duty three-fourths cent per pound.

Net profits of Gorton-Pew Fish Co. fleet	$33,578
Net loss of Gorton-Pew Fish Co. fleet if salt cod had sold, on the average, at one-fourth cent per pound lower than it actually sold	2,964

APPENDIX E.

THE NEW ENGLAND FISHERIES UNDER THE OPERATION OF THE FREE FISH PROVISIONS OF THE WASHINGTON TREATY.

PROVINCETOWN, MASS.

[From Boston Traveller, Oct. 30, 1884.]

There sailed from this port (Provincetown) last spring 75 vessels to the Grand Banks of Newfoundland and to the Gulf of St. Lawrence cod-fishing grounds. In tonnage it was the largest and costliest fleet that ever sailed from here to these grounds, including one vessel larger than ever before cleared from an Atlantic port in the United States and several whose cost exceeded $15,000 each. Being successful, they brought back to this port the largest aggregate catch ever returned here in a single season, amounting to 144,360 quintals or 8,084 tons of cod. Notwithstanding this successful catch, the average prices obtained ruled so low that the cost of catching, curing, and placing their fish upon the market exceeded the prices for which they were sold.

From a careful examination of the expense and assets of the voyages of vessels belonging to nine representative firms and parties in this place, and which were made in vessels which obtained full cargoes, it appears the average cost of catching, curing, and marketing was $3 per quintal, and that the average price realized from sales was $2.64 per quintal. Hence, THOSE OF THE CREWS SHIPPED ON SHARES DID NOT RECEIVE ANY COMPENSATION FOR THE VOYAGE, but, being chargeable for certain outfits, provisions, and wages of those of the crews not on shares, incurred serious additional loss. THE SHARESMEN OF NOT 5 OF THE 75 VESSELS OF THIS FLEET WILL REALIZE A DOLLAR OF NET RECEIPTS FROM THEIR RESPECTIVE VOYAGES. NOR DO THE OWNERS OF THESE VESSELS FARE ANY BETTER.

By contract between owners and sharesmen the former should realize a very limited net return on the voyage cited, but as a rule the latter are unable to liquidate their indebtedness and the vessels are held for it. Hence, only in a few exceptional cases will owners realize any net compensation. They have consequently lost earnings, insurance, and taxes on last season's operations.

* * * * * * *

All offers from dealers here to merchants in that and other western cities, even at unremunerative rates, have met the uniform answer, "WE ARE SUPPLIED WITH ENGLISH FISH AT LESS RATE THAN YOU OFFER."

GLOUCESTER, MASS.

[Evidence of Capt. Sylvanus Smith before the Ways and Means Committee Feb. 2, 1911.]

Capt. SMITH. The cod fisheries? In the beginning of that treaty the codfish business was good. The vessels that came up there sold their cargoes at about $4 or $4.12½ to $4.25 per 100 pounds in the vessels.

They went up that year into what we call the Cape towns, around the western shore of Nova Scotia, and built some 60 or 70 vessels. By the time they got them going there was an overproduction of fish or something and the price of fish went down. I took in fish on my premises for $1.45 per 100 pounds. We sold fish for $1.75 a quintal—that is, 114 pounds—dried. We shipped cargoes of fish to Surinam that we did not get enough out of to pay the freight and the other expenses—the commission, etc.

That was the condition of things during that treaty—the Washington treaty. We had one thing that saved us. The mackerel fishery has since been annihilated, but we then had a good catch of mackerel that helped us out. DURING THAT TREATY QUITE A LARGE NUMBER OF FIRMS SOLD THEIR VESSELS OR WENT OUT OF BUSINESS.

THE SALT MACKEREL FLEET SAVED GLOUCESTER UNDER THE WASHINGTON TREATY—IT CAN NOT DO SO AGAIN.

Average American catch of salt mackerel during last eight years of treaty—barrels per annum	308,996
Total American catch of salt mackerel in 1910—barrels	3,395

PRICES UNDER WASHINGTON TREATY PROVIDING FOR FREE FISH.

[From books of Cunningham & Thompson, Gloucester, Mass.]

Prices of salt fish from Grand Banks trips landed in Gloucester during the reciprocity period, including the years from 1874 to 1885, inclusive. Dates show arrival of the vessels.

	Large.	Small.
Aug. 30, 1874	$3.00	$1.50
July 25, 1875	2.62½	1.80
June 18, 1876	2.50	1.25
June 10, 1876	2.50	1.25
Aug. 23, 1876	2.50	1.25
Sept. 27, 1876	3.00	1.50
May 22, 1877	2.50	1.25
July 23, 1877	2.50	1.25
September, 1877	2.50	1.50
October, 1877	2.50	1.25
August, 1878	2.00	1.00
Do	2.00	1.00
September, 1878	2.18	1.50
April, 1879	2.20	1.00
August, 1879	2.00	1.00
September, 1879	2.00	1.00
April, 1880	2.75	1.37
June, 1880	2.37½	1.25
September, 1880	2.50	1.25
March, 1882	3.00	1.50
April, 1882	2.75	1.37½
June, 1882	2.62½	1.31¼
August, 1882	3.87½	2.00
September, 1882	3.87½	2.00
July, 1883	2.75	1.75
September, 1883	2.50	1.25
Do	2.62½	1.31¼
August, 1884	2.25	1.05⅛
October, 1885	2.00	1.00

Price of salt fish before Washington treaty averaged about $4 (currency) per 100 pounds.

Price of salt fish last year (April, 1909, to April, 1910) averaged about $3.50 per 100 pounds.

APPENDIX F.

Number of men employed in New England fisheries in 1908, exclusive of packing and canning establishments.

[From Statistical Abstract of United States.]

Connecticut	2,147
Maine	6,861
Massachusetts	11,577
Rhode Island	1,493
Total	22,078

Mr. McCALL. I now yield 20 minutes to the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, I desire at the outset to congratulate my friend from Massachusetts [Mr. GARDNER] upon his most able and eloquent speech. I want also at this time to extend to him my thanks for the great honor that he has done me in placing me among that galaxy of statesmen and near statesmen which have adorned what has come to be known as the "Chamber of Horrors," just outside this door. I want to say to the gentleman that so far as the quotation from my remarks is concerned I stand by it to-day just as much as I did then.

Now, I think it would be only fair to me, under the circumstances, to return the compliment, to quote, not literally but in substance, the remarks once made in this House by the gentleman from Massachusetts. He has said that in this instance it depends upon "whose codfish gets the hook." I want to show that the gentleman has been consistent ever since he has been in this House for the protection of his particular codfish. In the Associated Press account of the maiden speech delivered by the gentleman from Massachusetts, which I read with feelings of the most intense admiration, I observed—and this, Mr. Chairman, was on the subject of the pure-food bill—the following: Mr. GARDNER opposed the bill and declared that it would interfere——

Mr. GARDNER of Massachusetts. Let me say to the gentleman, not the bill, but the paragraph.

Mr. LONGWORTH. Yes; he opposed the codfish paragraph. He declared that it would interfere materially with many legitimate industries. Boracic acid, he said, was used to preserve the codfish and would probably, under the terms of the bill, be held deleterious to health by the Government chemists. In conclusion, he said that there was a great deal of humbug about the outcry against adulterated food. If we ate adulterated food, he said, we did not want to know it, any more than we wanted to know the unhealthful conditions with which we are sometimes surrounded. He said he believed the antispitting and other so-called health ordinances were overdone. At this point the House adjourned. [Laughter.]

I have always felt that the House upon that occasion took too drastic an action. [Laughter.] It must be remembered that that speech was the maiden speech of the gentleman from Massachusetts. It deals with those objects which were most dear to his heart—with the codfish of his district. He was then protecting the codfish against those who desired to purify him. [Laughter.] To-day he is protecting the codfish against those who desire to wean him away from the port of Gloucester, where he was born and where he ought to remain.

I regret very much—no one more, Mr. Chairman—that this bill should have come before this House with a divided report. On the minority side the vote is six to one. However, I permit myself to doubt, if they had not been bound by caucus action, whether the vote would not have more closely approximated four to three. Upon our side the vote is six to six. The committee is divided against itself, and I lament that such a condition should occur among members of my party, and especially upon a matter of such immense importance as this. But inasmuch as we were not in any sense bound by caucus action, the votes of the individual members of the Ways and Means Committee must be taken as an expression of their individual opinion. Now, the principal ground of opposition upon this side of the Chamber to this bill is that it is a violation of the fundamental principle of protection. This is the conscientious belief, I have no doubt, of very many able men, and their opinion is entitled to the most respectful consideration, not only of members of their party but of the country.

The gentleman from West Virginia [Mr. GAINES] yesterday and the gentleman from Pennsylvania [Mr. DALZELL] this morning made most able speeches in opposition to this bill, and it seems to me they have exhausted the subject upon their side of the question. And yet while there are no men in this House whose opinions are entitled to greater weight, whose conscientious devotion to principle, whose integrity of purpose are more absolutely unquestioned, I take issue with them upon the logic of their conclusions, that this bill is a violation of the principle of protection. I am convinced, as those of us upon this side of the House in favor of Canadian reciprocity as established by this bill, that it does not violate the principle of protection either in the letter or in the spirit. If we are to hold that this agreement does violate the principle of protection in the letter, we must assume as a matter of fact the duties in the main as between ourselves and Canada are reduced below the protective point. That proposition I deny. But even if it is true, in order to show that this bill violates the principle of protection in the spirit, we must hold that there is no difference between the changing of duties to carry out the treaty of reciprocity and the changing of duties in a general revision of the tariff. I am not willing to admit the force of either of these two propositions. In the first place, I believe that few, if any, of the duties in this bill are in fact reduced below the true protective point, that is to say, the difference in the cost of production here and in Canada. In the second place, even if it were true that some of these duties were reduced below that point, I am not willing to admit that the principle which should govern in a general revision of the tariff is at all the same as the principle which should govern in a treaty of reciprocity with one particular nation.

The competition which our producers might have cause to fear must inevitably come from that part of Canada which lies close to our northern border. If the people of Canada were of an inferior race, if they were willing to dispense with the ordinary comforts of living, if their standard of living were substantially different from our own, it might well be true that the letting down of the bars would result in the flooding of our markets with the products of low-priced labor——

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. LONGWORTH. I must decline to yield at present. A little further along I will be glad to yield to the gentleman. Everyone knows, however, that our neighbors across the border are a superior people, similar in all respects, in education and mode and manner of living, to our people on this side of the line. In short, I think it can be safely said that in the cost of producing the principal articles in which we compete with Canada, certainly so far as that part of Canada near the Canadian border is concerned, there is very little if any difference between us.

Mr. DAWSON. Will the gentleman yield at that point?

Mr. LONGWORTH. I must decline to yield; and so, judging by the definition of protection as laid down in our last platform, that the duty shall equal the difference in the cost of production of articles here and abroad with a fair profit to the home producer, this principle will not be violated in the letter by the placing of a large number of the important things which Canada and we ourselves produce upon our mutual free list. But even if it were true that some of the duties provided on competing articles in this bill are as a matter of fact less than the actual difference in their cost of production here and in Canada, I deny that the fixing of those duties in a reciprocity agreement violates in the spirit the true principle of protection.

I deny that there is any parallel between a friendly trade agreement that we may make, as now, with a nation of 7,000,000 people and a general tariff schedule that we may have against a billion and a quarter of people of all the nations of the earth.

Gentlemen upon this side of the House have said that they favor reciprocity, but that that reciprocity must be confined to noncompetitive products. The gentleman from Pennsylvania [Mr. DALZELL] this morning went into that proposition at some length. Now, I would like to know—I would like to have any gentleman in this House tell me—one single article either grown, produced, or manufactured in Canada that is not grown, produced, or manufactured in this country.

Mr. GARDNER of Massachusetts. Does the gentleman want an answer?

Mr. LONGWORTH. Yes.

Mr. GARDNER of Massachusetts. Furs.

Mr. LONGWORTH. Ice?

Mr. GARDNER of Massachusetts. Furs.

Mr. MANN. Furs are grown in this country.

Mr. LONGWORTH. I would like to suggest that there is an immense number of furs in this country, and in Alaska, too. So that, according to that theory of reciprocity, anyone who abides by it, as does the gentleman from Pennsylvania, is forced to admit that there is no such thing and can be no such thing as a reciprocal agreement between this country and Canada. It is a perfect farce to say that we can have a reciprocal agreement with Canada not on competing articles.

Mr. PRINCE. Will the gentleman yield just for one question?

Mr. LONGWORTH. I must decline, as I only have a very short time, and I will yield afterwards, if I have any time. So that the only good that could possibly result from any reciprocity agreement with Canada must be with regard to competing articles. If we of the Republican Party who believe in protection are to oppose any reciprocity treaty, whether we may derive immense benefit from it or not, whether a country like Canada may make immense concessions to us or not, simply because the duty on some few articles may be reduced as between us below the protective point, we might as well abandon the whole theory of reciprocity. That, as a Republican, I am unwilling to do.

I believe that protection and reciprocity ought to go hand in hand, and I believe that the principles of the leaders of our party who have favored in the past and who now favor both protection and reciprocity are not violated by this agreement.

What does protection mean? Does it mean that high duties must be imposed upon every article produced in this country under all circumstances, whether it needs it or not? If that is the meaning of protection, it seems to me that we must repudiate the protective plank in our last Republican platform, a plank which the gentleman from Pennsylvania helped to make, and must go back to a more ancient authority than that to confirm our position. Does it mean that in the making of a reciprocal trade agreement with any one country duties upon competing articles must remain as high against it as they are against all other countries, regardless of conditions? If that is what protection means, then it is a doctrine so hidebound and inelastic, so unresponsive to the march of events and the progress of nations, that it will be hard for those of us who believe in it to keep it from falling. My theory of protection, and, I believe, that of the majority of men who vote the Republican ticket to-day, is a policy that will adapt itself at all times to changed conditions; which will encourage industries that need encouraging; which will protect producers which need protection; which will maintain at the present level the wages of American workmen employed in producing those articles; but not one which will necessarily maintain forever an impregnable wall around this country, and especially across the Canadian frontier, which can benefit no one at all, except possibly only a few who may be able to hide behind some of the higher parts of the wall and, by combination among themselves, inflate prices beyond a reasonable level.

Such a theory of protection, it seems to me, accords exactly with that laid down in our last party platform. It accords exactly with the principle involved in the creation of a permanent tariff board, which this House, by an almost unanimous Republican vote, passed only the other day; and, finally, it accords exactly, in my judgment, with the principle involved in the bill which is now before us

Holding, as I do, this theory of protection, I should oppose as vigorously as anyone on this side of the House, not excepting the gentleman from Michigan [Mr. FORDNEY]—and I can say no more—the lowering of any duty upon any competing article in the general tariff below the difference in its cost of production here and abroad, because that would inevitably result either in the complete annihilation of that industry in this country or else in the reduction of the wages of the men employed in it. But this bill is not a revision of the general tariff. It is merely the change of a few duties in conformity with a trade agreement.

The CHAIRMAN. The gentleman's time has expired.

Mr. LONGWORTH. I would like to have 10 minutes more.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MCCALL], who controls one-half of the time, has requested the Chair to recognize the gentleman from Ohio [Mr. LONGWORTH] for five minutes more.

Mr. LONGWORTH. The understanding was 10 minutes, but I will try to get through in five.

Mr. PRINCE. Will the gentleman now yield to a question?

Mr. LONGWORTH. In five minutes I can not yield. If I can have 10 minutes I shall be glad to answer the question.

Mr. PRINCE. I ask that the gentleman have 10 minutes.

Mr. GAINES. I suggest that the gentleman from Massachusetts [Mr. MCCALL] will yield more time to the gentleman, inasmuch as he is a member of the committee.

The CHAIRMAN. Will the gentleman from Ohio [Mr. LONGWORTH] yield to a question?

Mr. LONGWORTH. Yes; to the gentleman from Illinois.

Mr. PRINCE. A few days ago I saw the reports of the price of grain, and I have been watching it very closely since this reciprocity question has been up. As I said to you, a few days ago the price of wheat in Chicago was 95 cents a bushel, and in the Washington Times of February 14, 1911, July wheat is quoted at 90⅞ cents. Has your reciprocity discussion anything to do with the fall of the price of wheat?

Mr. LONGWORTH. I will reply to the gentleman from Illinois that I do not know. I will be perfectly frank with him.

The foundation of the opposition to this bill is based, it seems to me, on the same theory that it would be if this were a general tariff revision. I again repeat that it is in no sense a general tariff revision. The question of the principles of a general tariff are not involved. The fact that it is proposed to have the free interchange of some commodities between ourselves and our neighbors on the north by no means presupposes that we are to have free interchange of these commodities with any other country under the sun. If, by chance, in exchange for concessions that Canada makes us, and for the benefits which the American people are to receive, some duties may be lowered below the protective point to-day as between us and Canada, it by no means presupposes that duties may in the future be lowered below the protective point as against any other country under the sun.

The agreement upon which this bill was passed was negotiated under the direction of a Republican President, elected upon the Republican platform of 1908. Is it to be supposed, especially in view of what he has been saying in the past few days, that he is ready to repudiate that platform? The actual negotiations were conducted by an able Republican statesman, now premier and formerly Senator from the great Republican State of Pennsylvania. Is it to be supposed that he has abandoned the principle of protection? Gentlemen criticize some of the provisions of this bill. They have offered amendments in the committee; they propose to offer amendments on this floor, well knowing that a change of any item, no matter how insignificant, may result, and probably will result, in the entire proposition falling to the ground. They point to certain inconsistencies in the agreement. They complain that it was badly negotiated. It may be true that the agreement is not in all respects ideal. The President himself has recently referred to some changes that he hoped could have been made. In a speech delivered by him on Saturday in Springfield, Ill., he stated positively that he had given the negotiators great leeway in lowering or placing articles on the free list.

He stated he had favored the placing of meat on the free list, and the reason it was not done was because the Canadian negotiators objected. Now, when we realize that the Canadian tariff is 3 cents, and that the tariff in the Payne law is only 1½ cents, we can see that Canada has yielded more than we have. They have yielded more than 100 per cent of their duty, and we less than 15 per cent. And so in many items of the bill our negotiators were compelled to yield in many instances to the judgment of the negotiators on the other side. We must realize that this trade agreement is a contract. These negotiations were conducted by representatives of both countries of widely diversified interests. They had to agree upon everything or nothing. They had to give and take. The proposition now before us is a great administration measure——

Mr. DAVIS. Will the gentleman yield?

Mr. LONGWORTH. I can not yield. For us in the coordinate legislative branch it is only fair to assume when we are called upon to enact this agreement into law that the executive branch was animated in the negotiation of this agreement by patriotic motives, and that the results are under all the circumstances the best attainable.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LONGWORTH. If I can have five minutes more I think I can finish in that time.

Mr. MCCALL. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman's time is extended five minutes in order to finish.

Mr. SWASEY. Will the gentleman yield?

Mr. LONGWORTH. I can not yield. I regret it very much, but I can not yield if I am to finish in the time allotted me.

It is not for us to determine whether every particular detail is just what we think it should be. The question before us is simply whether the agreement as a whole is of benefit to the American people. If we so believe, it is our duty to vote it all up. If we do not so believe, it is our duty to vote it all down. At this point our functions begin and determine.

I urge gentlemen on both sides of this House who are opposed, honestly opposed, to Canadian reciprocity to content themselves with voting against its passage. That is their right; it is their duty, if they conscientiously believe either that its passage is not in the interest of the American people or that it violates the principles to which they are devoted. But do not, under the guise of amendment—in the adoption of which you may or may not be insincere—attempt in an indirect way to prevent the legislative enactment of this trade agreement, for be well assured that the adoption of any amendment, no matter how insignificant, as I said before, may and will in all probability cause this whole proposition to fall to the ground.

This is a case where some of our ablest and most time-tried leaders are in complete disagreement. So far as the question of Canadian reciprocity is concerned, we are at the parting of the ways. For my part I have had no doubt as to the course which I should pursue. With a high respect for their ability, for their integrity of purpose, for the services they have rendered in the past in the cause of Republicanism, I am unable in this instance to align myself with great leaders like DALZELL and HEYBURN and CANNON, and I propose to follow, and shall follow, upon this proposition the leadership of PAYNE and Roosevelt and Taft. [Applause.]

Mr. MCCALL. I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Massachusetts yields 15 minutes to the gentleman from Illinois [Mr. MANN].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MALBY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of sufferers from famine in China.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 31353. An act for the relief of F. W. Mueller;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa, from the Committee on Military Affairs, submitted a conference report (No. 2163) and statement on the bill (H. R. 31237) making appropriations for the support of the Army for the fiscal year ending June 30, 1912, for printing under the rules.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 26, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 51, and 52, and agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the word "at," following said amendment, and insert in lieu thereof the word "of;" and transpose the words "in the Yellowstone National Park," so that they will follow the word "chapel," preceding said amendment, thus changing the portion of the proviso which relates to the proposed Fort Yellowstone chapel so that it will read as follows:

"*Provided further*, That $25,000 of the sum herein appropriated may be used for the construction and completion of a chapel in the Yellowstone National Park on or near the military reservation of Fort Yellowstone."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment, insert the words "and fifty thousand nine hundred;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment, insert the following: "On and after the passage of this act every line officer on the active list below the grade of colonel who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to higher grades in his arm up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps to which he permanently belongs: *Provided*, That officers advanced to higher grades under the provisions of this act shall be additional officers in those grades: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade;" and the Senate agree to the same.

On the amendments of the Senate numbered 18, 23, and 49, the committee of conference has been unable to agree.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 changes the language from "War Department" to "Chief of Staff," and the House recedes.

Amendment No. 2, under the appropriation for the signal service of the Army, makes $25,000 immediately available, and the House recedes.

Amendments Nos. 3, 4, 5, and 6 change the phraseology, with a proviso for the operation of aeroplanes and other aerial machines, and the House recedes.

Amendment No. 7 removes the stoppage against officers who received pay for higher commands during the Spanish War, and the House recedes.

Amendment No. 8 corrects the total, and the House recedes.

Amendments Nos. 9 and 10 provides for clerks at posts commanded by general officers, and the House recedes.

Amendment No. 11 confines the appropriation to the increased pay of retired officers assigned to active duty, and the House recedes.

Amendment No. 12 makes clear what was intended by the original law as to veterinary surgeons, and gives them the right of the retired pay of a second lieutenant, and the House recedes.

Amendment No. 13 relates to travel allowance to enlisted men on discharge, and the Senate recedes.

Amendment No. 14 relates to clothing not drawn due to enlisted men on discharge, and the Senate recedes.

Amendment No. 15 relates to mileage, and the Senate recedes.

Amendment No. 16 strikes out the word "Provisional," which is no longer proper, and the House recedes.

Amendment No. 17 is a correction of the total pay for certain officers, and the House recedes.

Amendment No. 18 relates to Army paymasters' clerks, and the committee report a disagreement.

Amendment No. 19 extends the appropriation for encampment maneuvers until the end of the fiscal year 1913, and the House recedes.

Amendment No. 20 is a correction of the amount to be paid as reimbursement to the adjutant general of Missouri.

Amendment No. 21 makes this payment as a settlement in full, and the House recedes from both amendments.

Amendment No. 22 relates to an increased amount for the Coast Artillery Militia, and the House recedes.

Amendment No. 23 relates to the increased officers, and the committee report a disagreement.

Amendment No. 24 relates to subsistence of competitors in the national rifle match, and the House recedes.

Amendment No. 25 inserts the word "hereafter," so as to make the provision permanent law, and the House recedes.

Amendment No. 26 relates to contracts not to be performed within 60 days by the Commissary General, and the Senate recedes.

Amendment No. 27 strikes out certain language which is now permanent law, and the House recedes.

Amendments Nos. 28 and 29 are simply punctuation, and the House recedes.

Amendment No. 30 relates to the appropriation for the purchase of a remount station in the State of Virginia, and amendment No. 31 restores the amount to what was reported by the House committee, and the House recedes from both amendments.

Amendment No. 32 relates to sales of furniture to officers on the active list not occupying public quarters, and the Senate recedes.

Amendment No. 33 increases the amount provided for a chapel at Fort Yellowstone, and the House recedes.

Amendment No. 34 relates to the location of the chapel, and the House recedes and agrees to the same with an amendment.

Amendment No. 35 relates to the building of a chapel at Fort Sam Houston, Tex., and makes $221,700 immediately available for barracks and quarters, and the House recedes.

Amendments Nos. 36 and 37 are punctuation, and the House recedes.

Amendment No. 38 inserts the word "hereafter" in the proviso relating to the accommodations on Army transports, and the House recedes.

Amendment No. 39 is verbal, and the House recedes.

Amendment No. 40 extends the privileges on the transports to secretaries of the Young Men's Christian Association, and also permits, under certain conditions, the shipment of goods to Guam under regulations prescribed by the Secretary of War, and the House recedes.

Amendment No. 41 inserts the word "hereafter," and the House recedes.

Amendment No. 42 removes the suspension in the accounts of quartermasters for certain years, for hire of motor vehicles, repair, operating, and maintaining the same, and the House recedes.

Amendment No. 43 is the total amount appropriated for water and sewers at military posts, and the House recedes from its disagreement and agrees to the same with an amendment striking out "sixty-seven" and inserting "fifty."

Amendment No. 44 relates to the amount of money necessary to be used at the Fort D. A. Russell target and maneuver reservation, Wyoming, and the House recedes.

Amendment No. 45 is simply a change in the language in the provision appropriating for Fort Meade, S. Dak., and the House recedes.

Amendment No. 46 increases the appropriation $50,000 for roads in Alaska, and the House recedes.

Amendment No. 47 provides the Secretary of War may, in his discretion, assign retired officers to work in Alaska, and the House recedes.

Amendment No. 48 removes the suspension against the accounts for the transportation of officers' authorized horses for 1909 and 1910, and the House recedes.

Amendment No. 49 relates to the establishment of a dental corps in the Army, and the committee report a disagreement.

Amendment No. 50 authorizes the release of a strip of land for street purposes to the city of St. Augustine, Fla., and the House recedes.

Amendment No. 51 is verbal, and the House recedes.

Amendment No. 52 strikes out the words "until expended" and makes the appropriation for field artillery for the Organized Militia available until the end of the fiscal year 1913, and the House recedes.

Amendment No. 53: The House recedes from its disagreement, and agrees to the same with an amendment making more clear the limitation of the promotion of the officers affected.

J. A. T. HULL,
GEO. W. PRINCE,
Conferees on part of the House.

FAMINE IN CHINA.

Mr. HULL of Iowa, from the Committee on Military Affairs, submitted a conference report (No. 2164) and statement on the bill (H. R. 32473) for the relief of the sufferers from famine in China, for printing under the rules.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.
F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

The House recedes from its disagreements to all of the amendments of the Senate. The amendments of the Senate limit the appropriation for one trip of a transport only, and provides $50,000 to cover the expense.

J. A. T. HULL,
F. C. STEVENS,
JAS. HAY,
Managers on the part of the House.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. MANN. Mr. Chairman, most of the manufactories of pulp and paper on this continent are in the United States. The bulk of the raw material which goes into the manufacture of ground-wood and cheap print paper is in Canada. A considerable portion of the timber in Canada available for this purpose, which is spruce wood, is on private lands, but the great bulk of the Canadian spruce timber which can be made available for the manufacture of cheap paper is on public lands owned largely by the Provinces and called "Crown lands." In some of the Provinces they are owned by the Dominion Government.

When I shall have occasion to refer to pulp and paper in my remarks I shall refer to the description in the bill and in the agreement, which is more particular than that. The proposition in the agreement is in effect that pulp and paper coming from Canada, manufactured from pulp wood cut on private lands, shall be at once admitted free of duty. The Crown-land pulp wood or timber is sold under restrictions which either provide in the main that the wood shall be manufactured into a finished product in the Dominion of Canada, or else puts an extra charge for the cutting of the timber when exported from Canada, or in one case at least from the Province. We propose by the agreement to admit pulp and paper which comes from the private-land timber free of duty and for the present leaving a duty of $5.75 a ton on cheap paper and a little more on the higher grade of paper, and $1.67 a ton on ground wood and a little more on other forms of pulp when made from timber cut on the Crown lands where there is any restriction placed upon the exportation.

The agreement further provides that when we admit from Canada all of the pulp and paper described in the agreement into the United States free of duty, then Canada shall admit free of duty the same articles going from the United States into Canada.

Mr. SWASEY. One moment——

Mr. MANN. I beg the gentleman's pardon.

Mr. SWASEY. Will the gentleman yield for a question?

Mr. MANN. Not until I finish this statement. Then I will be very glad to yield. Perhaps I will cover what the gentleman has in mind. I think I will cover the subject if I have no interruptions for a moment.

Mr. SWASEY. I think the gentleman will if he will allow me to ask him questions.

Mr. MANN. The gentleman is very complimentary. I think I will not yield under the conditions.

It is not likely that the agreement that we may ship paper into Canada free of duty will ever be of great value to us. Under the agreement, if this bill is passed, we at once admit paper and pulp from the private lands of Canada free of duty. If the Canadian Provinces remove their restrictions on the exportation of Crown-land pulp wood, so that we admit all the paper and pulp described in the agreement coming from Canada free of duty, then the Canadians are to admit our paper and pulp free of duty into Canada. If the business of paper and pulp making is largely transferred to Canada, as some gentlemen believe will be the result of any reciprocal agreement with Canada, it will make but little difference whether we have or have not the right to admit paper and pulp into Canada free of duty.

It is said that this agreement is somewhat one-sided. In a way it is. The value of the agreement to the United States depends upon whether it is necessary for us to obtain from Canada pulp wood for the benefit of our mills. Most of the spruce pulp wood in the United States is contained within the confines of the State of Maine, which has a large quantity; and yet it has been estimated by gentlemen who have made a special study of this subject that all of the spruce wood in the United States east of the Rocky Mountains would be entirely consumed, at the present rate of consumption, within the course of 10 years. Canada has the great supply of pulp wood, reaching into her forests north almost beyond our knowledge and reaching to the east and into the west. We have the consumption of pulp and paper. We have to-day the manufacturers of pulp and paper. They have the raw material out of which the product must be made. They have it within their power to force eventually all of the manufacture of cheap print paper and ground pulp wood into Canada, if they insist upon it. This proposition is to encourage them to permit us to obtain the supply of pulp wood for our manufacturers and for our consumption, and in exchange to give them free access to our markets in those cases where they put no restriction upon the exportation of their pulp wood.

Mr. MARTIN of South Dakota. Would a question disturb the gentleman?

Mr. MANN. I would be very glad to yield first to the gentleman from Maine [Mr. SWASEY].

Mr. SWASEY. I want to ask the gentleman from Illinois if, by this agreement or reciprocity compact, the pulp and paper industry in the United States get anything they do not already have—the right to import spruce wood from private lands free of duty.

Mr. MANN. That is a fair question, and I will answer it. Under the terms of the agreement the paper manufacturers of the United States at present get nothing which they do not now have.

Mr. SWASEY. That is correct.

Mr. MANN. But under the terms of this proposition they get the prospect of raw material in the future, which without it they will soon not have. [Applause.] We can not force the Canadian Government, nor can the Canadian Government itself directly force the Provinces which are the owners of the Crown lands, to permit the exportation of pulp wood. All we have the power to do is to offer to them something which they want, in order to encourage them to give us what we want. Under the terms of this agreement——

Mr. SWASEY. In connection with the other questions, where you said that we gained nothing by this reciprocity——

Mr. MANN. I did not say that.

Mr. SWASEY. We do not gain anything.

Mr. MANN. The gentleman may ask his question, but he ought not to undertake to quote me.

Mr. SWASEY. While we have no additional right to import pulp wood under this reciprocity agreement over what we have to-day, do we not give up the $5.75 duty on every ton of paper that is imported from the private lands of Canada?

Mr. MANN. Well, I am surprised that the gentleman from Maine, who knows so much in reference to pulp wood—and I say it honestly—does not know that the duty on paper coming from private land is not $5.75, but only $3.75 a ton as now collected.

Mr. SWASEY. Let me ask the gentleman if we do not have a countervailing proposition of $2 unless they yield certain things under the tariff law, and has not the gentleman from Illinois said since he started to speak that the duty was $5.75?

Mr. MANN. The duty now collected on paper coming from private land is $3.75 a ton. Under this agreement we propose to give it up. The duty collected from print paper coming from Crown lands is $5.75. That we propose to retain as a differential against paper made from Crown-land pulp wood in order to bring a natural inducement to remove the restrictions so that they may get the right to import paper free, they giving us the right to import pulp wood without restrictions.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MANN. I will.

Mr. MARTIN of South Dakota. I think the gentleman has made plain one question that I desired to ask. But I desire to be sure that I am right. On the subject of wood pulp the provisions of this agreement would be practically the same as in the Payne tariff law?

Mr. MANN. The provisions of this agreement as to ground wood is precisely the same as in the Payne tariff law as it is construed; I do not think it is a correct construction.

Mr. MARTIN of South Dakota. The change is in the granting under this agreement the right to bring in free of duty print paper made from wood taken from private land. Now, one other question. I notice the bill prepared by the gentleman from Illinois, with which I am familiar, provides as a condition of bringing in any product from Canada that all restrictions shall be removed from every importation——

Mr. MANN. I understand the question, and I will answer it in my time.

Mr. MARTIN of South Dakota. If the gentleman understands the question, I will go no further.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DALZELL. Mr. Chairman, I yield 30 minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. BROUSSARD. Mr. Chairman, this is a bill affecting the revenues of our Government drafted through the channels of diplomacy by our State Department and commissioners representing the Government of Canada. Inasmuch as it affects the revenues, constitutionally it can only originate in the House of Representatives. Since it seeks to promote reciprocal trade relations between the two Governments it is apparent, from the very wording of the bill, that it did not so originate. In its very title it presupposes that an agreement has been reached between the two Governments, and that the House is called on to pass upon the measure in an effort simply to make legal and constitutional a matter which is altogether unlawful and unconstitutional; in fact, there is absolutely no concealment of the purpose for which this law is to be enacted, as the special message sent to Congress by the President is accompanied by the correspondence between the Canadian commissioners and our Secretary of State, reciting in detail the purport of the bill.

At this time it would probably serve no useful purpose to argue with this House that the method of procedure is unconstitutional; that one of the bitterest fought contests in the Constitutional Convention was on the question as to whether a bill affecting the revenues could originate elsewhere than in the House; that even the Senate was deprived of that prerogative. That subject was long debated; and in order to secure the ratification of the Constitution it was deemed wise by its framers that the right to originate legislation affecting the revenues should be placed exclusively in the hands of the House of Representatives, just as the matter of ratifying treaties was left exclusively to the Senate. Hence, my reason for adding, among other things, the following statement in signing the minority report on this measure:

"The Constitution provides that revenue bills must originate in the House, and the President shall have the right to veto. The principle of this proposition exacts that the President shall originate revenue bills and that the House shall have the power of the veto. This abdication of power is obnoxious to my views, is unpatriotic and illogical."

Nor would it serve any useful purpose to repeat what was generally discussed when the Cuban reciprocity measure was pending. However, I want to state that, in the adoption of this revenue bill, originating, as it does, with the Executive, the House is losing one of its foremost prerogatives; and that the Senate, by permitting the House to assume jurisdiction of indirectly ratifying a treaty, is being deprived of one of its most important rights.

The history of this legislation conclusively shows how easy it is for one branch of the Government to encroach upon the rights of the other. When the Cuban reciprocity measure passed the House it was with a provision to this effect:

That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that custom duties can be changed otherwise than by an act of Congress originating in said House.

It would seem that, while the House was, in that instance, permitting the Executive to encroach upon its prerogative, it then and there warned the Executive that this encroachment could not be continued. Of course, those of us who were here at that time believed that this warning would be heeded by the Executive or that the House would assert itself; but, since we are now confronted with a similar proposition wherein that prerogative is again usurped by the Executive thrusting upon this House the passage of Canadian reciprocity, with the House impatient to pass it, and, in its manifestation of that impatience, forgetting the admonition which it then gave, it is patent that such is not the case.

But, more than that, while this agreement is being considered during the closing days of the short session, with a crowded calendar in both branches of Congress, the restlessness of its proponents is further manifested, not in conserving the prerogatives of the House, but in suggestions—quasi threatening—of an extra session should Congress fail to comply with the Executive's attitude in this respect. The impatience of the proponents of this measure is manifested by the undue haste and the scant consideration this bill has received. I merely call attention to this fact to the end that this phase of it may not pass unnoticed, and that at least one protest shall be given to this method of legislating, which contravenes the spirit and the letter of the Constitution of our country. Furthermore, the evil of such a procedure is apparent when a revenue bill, drafted by those not connected with the legislative department, is sent to the legislative branch of the Government with the injunction to take it as a whole or reject it as a whole, denying us even the meager privilege of offering amendments to a proposition solely legislative. Thus we see the legislative branch of our Government, which should be kept separate from the Executive, is only executing the behests of the Executive, losing its identity altogether, and appearing in the rôle of simply confirming a secret agreement entered into by the Executive with a foreign nation.

As a result of this mode of procedure, this legislation is ostensibly considered by the committee having jurisdiction over it without scarcely any relevant information. You may search in vain through the hearings before the Ways and Means Committee to find that anyone has appeared to advocate this agreement. Some men will be found to have appeared before the committee to urge some specific thing in which they appear to have specific interest, but the proposition as a whole fails to find any advocate. The preparation which is requisite, the discussion which is essential, the presentation of facts which are necessary to a proper understanding of the subject, are all wanting. The author of the bill, as declared by him, which declaration may be found in the hearings, did not draw up the bill. Data which has been gathered at a great expense by the Tariff Board asked for at the very beginning of the hearing could not be secured in order that a proper estimate of the agreement might be made. On the whole, everything that tended to conceal the exact purport of the proposition failed to materialize, and the bill was hastily brought into the House. In the House we find the action of the proponents of the measure as zealous to press the matter to a conclusion, to the end, I must assume, that little or no light may be thrown upon the subject which might enlighten the people as to the object desired to be accomplished by the measure. Hasty legislation of any character can not but lend itself to improper legislation. There should have been a thorough investigation of the subject and more light thrown upon its various intricate provisions. In fact, the amendment in regard to wood pulp, pulp wood, and print paper shows with what haste the bill was drawn and how immature it was and still is, since it is contended by those who claim to be thoroughly familiar with the subject and who appeared before the committee that had the bill not been amended in this respect the provision, as originally placed in the bill, would have occasioned the defeat of the entire measure. With the lack of information which could not be obtained in regard to this proposition, it can only be discussed in a general way and without much detail. It is obvious from the mere reading of the bill that everything produced on the farm is placed upon the free list, while everything manufactured is retained upon the dutiable list at the same rate of duty or at slightly reduced rates. That in itself should condemn it in the eyes of every right-thinking man. Surely the farmer and the laborer are entitled

to fair treatment—they ask for nothing more; they should not receive less.

That wheat should be put on the free list and a tax retained on flour; that barley should be put on the free list and a tax retained on barley malt; that cattle, sheep, and hogs should be put on the free list, while meat, pork, and other meat products should be kept on the dutiable list, is a matter not easy to fathom, unless we shall admit that we have become converts to that insidious doctrine of New England of free raw material, by which it hopes to continue the control over manufactured articles, which through protection it has been able to maintain heretofore. That timber should be excluded from our market, lumber in the rough placed on the free list and manufactured lumber retained on the dutiable list, affords another illustration of the vagaries of this measure. In fine, the statement can be made that the purpose of this measure is to put the farmer of this country in direct competition with the Canadian farmer, in so far as the products of his farm are concerned, thus tending to reduce the price of farm products and, consequently, the value of the farm itself; while everything that he consumes, even the machinery which he uses, and everything that enters into the daily needs of himself and his family he is compelled to purchase from a protective market. It seems to me that the farmer should have an equal chance with the manufacturer. It is not he who is building enormous fortunes. It is the manufacturer. It is not he who is forming trusts and combinations in restraint of trade to increase the cost of living. It is the manufacturer who is engaged in such business, but it is the farmer who is furnishing the raw material out of which every need of the country is supplied. That the Meat Trust should receive consideration in order to enable it to maintain the high price of meat, while the farmer furnishes the animal on the hoof out of which the meat is produced free of duty, will not be easily explained to the farming communities in this country. Nor must it be conceived that the farmer along the Canadian border is the only one who will be called upon to suffer because of the adoption of the policy upon which this agreement is based. The farmer in the cotton States will find that the cattle he raises, the sheep and the hogs of his farm, will go into direct competition in the large packing centers of this country with the free cattle, hogs, and sheep from Canada.

This of necessity will decrease the price of the animal on the hoof and depress the price of his feedstuff—the corn, the hay, and the oats of the farmer—while the price of meat will steadily continue to soar high and higher, as it has been soaring, to the discomfort and suffering of all classes of our people.

If tariff taxes are a burden on a people, as contended by some, I believe that the burden should be equally distributed among all classes. If any benefits accrue from the imposition of tariff taxes on imported articles, as others contend, that profit should accrue to all those engaged in the various vocations in which our people are engaged. To take off the tax on one class of products necessarily involves the increasing of taxes on all the others from which revenues must be raised to administer the Government.

One can readily see that a tax on wool and a tax on woolen goods, if placed at legitimate figures, can be maintained with justice to the producer of wool and the manufacturer of woolen goods. But if the tax on the wool is taken off, the value of the wool depreciates, while that which is taken off of the tax on wool must be added to the tax on woolen goods, which increases the price to the consumer of woolen goods. In other words, the larger the free list the higher and more onerous must be the taxable list. The more evenly distributed the tax the lighter the burden on the consumer of the goods taxed and the more equitably the burden of the Government is placed upon all alike.

In the majority report there appears this remarkable statement:

> The most striking tendency shown by our census of 1910 is the remarkable increase in the population of our great cities compared with the slow growth and, in some cases, the decline in our most fertile agricultural regions. The number of people who consume the fruits of the soil, compared with those who produce them, is rapidly growing greater.

This statement is remarkable not in that it is not true, but it is remarkable because it is found in this report and urged in support of the pending bill. That the people of the farming sections are gradually moving into the cities and towns and seeking other vocations than that of farming, which is not sufficiently profitable, is known by everyone. Our newspapers and magazines have teemed with articles on that subject. It has been the subject of ceaseless discussion by our trained minds in economic matters. And yet it is urged in support of this measure, which proposes to place on the free list everything which the farmer produces and maintain the high standard of prices on everything he consumes. This agreement will have a tendency not only to encourage the farmer to leave his farm, but to cause those who have migrated to the cities and towns to remain there. If this statement does not suggest that idea I fail to understand its import. But it has been argued, and on this point the argument of the proponents of this measure has been on both sides of the question: First, that removing the duty on farm products will not decrease the price of farm products; second, that removing the duty on farm products will cheapen the cost of living. In other words, it is contended at one and the same time that the farmer will get every bit as much for his farm products after this agreement is entered into as he now receives, but that the manufacturer, who is the consumer of the farmer's products, will pay less for that which the farmer sells at the same price, and therefore be enabled to sell his manufactured articles to the ultimate consumer—the same farmer and the men who toil at salaries, at a less price.

I presume that it is because of the first proposition that this agreement will not reduce the price of farm products that the majority of the committee have found it necessary to use the language in the quotation which I have just read. It will be difficult, indeed, to make the intelligent farmer or the ultimate consumer understand this process of reasoning, though it is unquestionably well understood by the manufacturer, whether it be the packing house, the miller, or the agricultural implement manufacturer, for he can readily see that he is securing a larger market of raw material to draw from at a reduced price, and that there is no obligation on his part to correspondingly reduce the price of the output of his factory since his tariff is maintained.

It has been argued by men who are devotees of the free-trade idea that the tariff now imposed upon agricultural products does not affect the price of those products. If that be so, then the removing of the duty means absolutely nothing. And yet the only articles which it is proposed by this agreement to make free are those very same farm products. Therefore, if this legislation will not affect the price of farm products, one way or the other, I fail to see any quid pro quo for entering into the agreement. This ceases to be a reciprocal, as it at once becomes an unilateral agreement, exclusively in the interest of Canada and the American manufacturer. For, if we receive no advantage in the cost of raw material by taking off the duty on raw material, we shall receive no benefits from the standpoint of the proponents of this measure, and the cost of living will not be affected. To the contrary, as the tax is lost by removing the duty from these articles, it will have to be recouped by imposing a greater duty on manufactured articles, which will necessarily make the cost of living even greater than the high prices that are now being paid by the American people.

There is possibly only one article in this reciprocal agreement that directly affects most of the States of the South. Rough lumber and square and hewn timber, telegraph poles, crossties, and so forth, are placed upon the free list. Washington and the timber States of the Northwest will, of course, bear the brunt of the competition that will result, but the States of the South which produce lumber, and Louisiana is second only to Washington in lumber production, will be affected to a marked extent. It is estimated that Canadian lumber will control the market as far south as Pittsburg and Kansas City, and that on account of freight rates, which are said to be $1.75 as against $8 and $10 on lumber from Louisiana, Texas, Arkansas, and Mississippi, southern lumber will be entirely driven from this large consuming territory. This industry is now in a languishing condition, and to be at once driven out of such an important territory will have an effect which is now not so easy to calculate, but which can easily account for the disturbed condition of that industry throughout the South, and the uneasiness of our people in that section.

If for no other reason, this one would suffice to compel me to oppose this proposed legislation. But there are many other reasons equally if not more potent. For instance, this agreement is called a reciprocal trade agreement, and by that term one would be led to believe that there are equal advantages to both parties to the agreement.

Looking into the articles affected and the quantity imported and exported in the commerce between Canada and the United States, we find this very striking discrimination against the United States and in favor of Canada: Last year there was imported into Canada from the United States of the articles included in this bill $47,827,959. There was imported into the United States from Canada $47,333,158 of the same articles—practically an even trade as to the articles affected by the proposed bill. The Canadian Government collected on the forty-seven and three-quarter millions that were imported into Canada from the United States $7,776,236.19, and under the present law the calculated remittance of the tax on our goods by Canada

will amount to $2,560,579.04. So Canada will still collect, assuming that under this act the same amount of articles were imported into Canada from the United States, $5,215,657.15. On the forty-seven and a quarter millions which the United States imports from Canada the duty collected was $5,649,826. It is now proposed that this bill will secure the remittal by the United States of $4,849,933. Assuming, therefore, that an equal amount of the articles are imported into the United States from Canada, under this bill the duty of four and three-quarter millions of dollars will be reduced to $799,893. In other words, in the duty now collected on the same valuation of articles affected by this bill into Canada from the United States there will be a reduction of two and a half million dollars, leaving a payment of five and a quarter millions of dollars to the Canadian Government, as against a reduction of four and three-quarter millions in taxes, amounting to five and a half millions, leaving a little more than three-quarters of a million dollars to be collected by us. Canada, on the same basis of articles, will still collect, after this law goes into effect, as much taxation as the United States Government now collects, and the United States Government will lose in revenues four-fifths of its present collections. This sum, deducted from the revenue of the Government by operation of this law, will necessitate its being made up in other directions. Therefore, in securing the free list from Canada we are not only putting the farmer at an obvious disadvantage, but we are at the same time putting the manufacturer in even a better position to exact still higher prices from everything that the American people consume.

But even this does not picture our whole disadvantage in this proposed reciprocal agreement. For it is well known that the Canadian Government gives a preferential rate of duty to Great Britain, its mother country. Our hearings were so incomplete that we have not been able to ascertain just what that preferential duty is. But we are cognizant of the fact that Great Britain enjoys a preferential duty upon the goods which it exports into Canada.

The division which has occurred in Canada over the adoption of this reciprocal agreement has necessitated a public statement, generally reported in the press of this country, by the finance minister of Canada, Mr. Fielding, who was one of the two commissioners representing the Canadian Government in the drafting of this reciprocal agreement. In that statement I find the following:

> It appears to be assumed in some quarters that the tariff rates agreed upon discriminate in favor of the United States and against Great Britain. There is no foundation for this.
>
> In every case Great Britain will still have the same rate or a lower one. Canada's right to deal with the British preference as she pleases remains untouched by the agreement. The adoption of the agreement will probably lead to some further revision of the Canadian tariff, in which the Canadian Parliament will be entirely free to fix the British preferential tariff at any rates that may be deemed proper.

Great Britain is a manufacturing country, and under this reciprocal agreement we are seeking a market for our manufacturers. It is not supposed that we will export in any great quantities agricultural products under the free-trade provisions of this act. But it is for the manufacturer that we expect to secure in Canada increased markets for his products. Now, what becomes of the preferential which we secure under the provisions of this act if the Canadian Parliament is at liberty to make further preferential tariffs in favor of Great Britain? Where does the exchange come in? Under the policy of the administration, which is advocating this agreement, we now impose high duties on manufactured goods from Great Britain entering this country. And those duties are imposed with a view of excluding what are termed the "cheaper productions" of England from competing with our high-class products in the markets of the United States.

But here we are securing a supposed advantage by negotiating an agreement somewhat reducing the duties on manufactured goods exported from this country into Canada in order to secure the Canadian market, and we are warned in advance by one of the commissioners who is thoroughly familiar with every detail of this agreement—certainly more familiar with it than anyone on this floor, since he assisted in its drafting, that Great Britain shall not suffer because of this reciprocal agreement; that that is intended to flimflam us, and that if, upon investigation, it is found that the preferential tariffs of Great Britain are not sufficiently large to give Great Britain the control of the Canadian market, it will be up to the Parliament of Canada to further reduce the preferential duties in favor of Great Britain, in order that she might continue to hold the market to our exclusion. I for one can see nothing reciprocal about this agreement, and I wish to warn my colleagues representing agricultural communities that this proposition is but the beginning of a series of similarly vicious legislation that will further impoverish the farming element of this country without decreasing or, I may more properly say, at the same time increasing the cost of everything consumed by this class of our people.

I find that my colleague, Mr. CLARK of Missouri, whom we have already elected Speaker of the next House of Representatives, is quoted in the CONGRESSIONAL RECORD as follows:

> If the evening papers are to be believed, the President is going to call an extra session unless he gets his reciprocity scheme through this Congress. He has adopted one more Democratic principle. Give him time enough and he will adopt them all. While he is urging a reciprocity treaty with Canada—and I am heartily in favor of that—I wish he would extend its operations so as to take in our sister Republics on the south, every one of them in the Western Hemisphere. We ought to have the lion's share of all the trade with all the countries in the world. What we need most is a wider market for American products, and that is what Democrats will try to secure. In this laudable undertaking we invoke the aid of all American citizens.

Through the press I notice that the President of the United States entertains very much the same views that our colleague expressed on the floor of the House. In fact it was only yesterday that the President and Mr. CLARK met on the same platform at the Pan-American Commercial Conference, which is being held in this city. In the Washington Post, Mr. CLARK is quoted as saying, "I am in favor of reciprocity, not only with Canada, but with all the South and Central American Republics. In fact I am in favor of reciprocity with all the nations of the earth."

This same paper gives from Mr. Taft's speech at the conference the following quotation:

> Mr. CLARK is in favor of reciprocity agreements with all parts of the world, and so am I. That does not help to a definite argeement in the case of any one nation. But Mr. CLARK and I have at least got together on one very important matter, and I hope we can carry it through.

Thus it is seen that in the future efforts will be made to patch up our tariff, not by revising it, but by negotiating treaties which will be enacted entirely at the expense of the farming element of the country and which will greatly augment the profits of the manufacturers, while additional tariffs will be imposed upon the importation of manufactured goods, to the detriment of the consumers of this country.

The doctrine, as declared by Mr. CLARK, that he favors reciprocity with all the nations of the world is a complete abandonment of the right of this House under the Constitution to originate bills affecting the revenue, and to transfer that right to the Executive. The abdication of the constitutional prerogative is complete, and hereafter, under that policy, the mission of the House will simply be to answer yea or nay to all revenue legislation affecting the fisc of the country. The House is compensated, apparently, for the loss of this important prerogative by itself, in turn, usurping concurrent jurisdiction with the Senate in matters affecting treaty negotiations between this and foreign countries.

I am frank to confess that had this declaration come from the gentleman, whom we Democrats have already elevated to the Speakership of the next House, prior to his significantly early election, I should have, despite my admiration for his talents and my personal liking for him as a man, voted against him. Of course, that would not have prevented his election; but it would have at least emphasized my protest against the policy which I find him advocating. To Louisiana's greatest industries—sugar and rice—this policy spells absolute destruction. It will give us free sugar from tropical cane, against which we can not compete.

In 1909 there was failure of the corn crop of Mexico. The Government of Mexico was purchasing corn from this country and Argentina in order to supply corn to its poor people at the lowest possible cost. That year in Louisiana and Texas we had a surplus of low-grade rice. The rice people of those two States asked me to go to Mexico with one of their representatives and try to place some of this rice. As to Mexico's production, we were unable to ascertain any information; but we were aware of the fact that the Mexican is a rice consumer. I went to Mexico with the manager of the Rice Association of America, Mr. Henri L. Gueydan, and a careful investigation showed that, while rice production in Mexico was in its infancy, yet Mexico was exporting rice to this country, and could and did dispose of it at a cheaper rate than we could afford to sell it.

A treaty, similar to this one, is said to be under consideration between representatives of our Government and Mexico. Who can predict the future of our rice industry should that treaty be entered into?

The President yesterday, with great candidness, as quoted by the press, gives these reasons for the faith that is in him:

We are changing from a country that raises agricultural products and exports them to the world to a country that in the near future, unless our production of agriculture increases, will become a food-consuming country, and will depend upon our manufacturers for our export trade. When we reach that point, I hope that the American ingenuity and the American desire to succeed in trade will fit our products so that they will attract those to whom we wish to sell more than the products of the other nations will attract those same people.

Frankly stated, we shall put the farmer out of business and fondle the manufacturer. The farmer is languishing; we shall complete his undoing.

Surely, this specie of reciprocity, and, in fact, every species of reciprocity, is repugnant to Democratic ideas, as is every species of the free-trade list. I take it that there is no room under the doctrine of a tariff for revenue, as advocated by the Democratic Party, for either the free list or the reciprocal agreement. Even this measure, receiving as it is about to receive, the support of the majority of the Democrats on this floor, under caucus instructions, is admittedly undemocratic; and let me quote, in this connection, the resolution adopted by the caucus:

Whereas the Canadian reciprocity agreement negotiated by the Reciprocity Commission of the Dominion of Canada and the President of the United States, while not formulated in accordance with Democratic platform demands, is a reduction of some of the prohibitive schedules in the Payne tariff law, will tend to expand the trade of the United States in the Dominion of Canada, and is in part a recognition of the principles the Democratic Party has contended for in the Congress and in its platforms.

And from the Democratic platform of 1892 I quote the following:

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith; but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while erecting a custom-house barrier of prohibitive taxes against the richest countries of the world that stand ready to take our entire surplus of products and to exchange therefor commodities which are necessaries and comforts of life among our own people.

From the Democratic campaign book of that same year I am going to read to you excerpts which confirm the plank of the Democratic platform that I have just quoted:

That the system of reciprocity to which the Republicans are now pointing with pride was begotten two years ago in fraud, was conceived in dissimilation, was born in falsehood, and is now wrapped in the juggled figures of systematic misrepresentation.

In the Democratic campaign textbook of 1902 there appears the following:

Reciprocity looks like free trade but tastes like protection. It is really a new sugar coating prepared by the Republican tariff doctors for many patients who are refusing to take their protection pills straight.

Again:

Reciprocity is based upon the same false theories as is protection, and, like protection, is a sham and a humbug, and to most people has been and will ever continue to be a delusion and a snare.

Again:

Reciprocity with one country means a tariff war with other countries; makes a few friends and many enemies.

Again:

Reciprocity legislation confers dangerous and perhaps unconstitutional powers upon the President.

Now, on the same subject, listen to what the Republican platform of 1892 has to say:

We point to the success of the Republican policy of reciprocity, under which our export trade has vastly increased, and new and enlarged markets have been opened for the products of our farms and workshops. We remind the people of the bitter opposition of the Democratic party to this practical business measure, and claim that, executed by a Republican administration, our present laws will eventually give us control of the trade of the world.

And in its platform of 1896 I find this declaration:

We believe the repeal of the reciprocity agreement negotiated by the last Republican administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Protection and reciprocity are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both, and both must be reestablished. Protection for what we produce; free admission for the necessities of life which we do not produce; reciprocity agreements of mutual interest which again open markets for us in return for our open markets to others. Protection builds up domestic industry and trade and secures our own market for ourselves. Reciprocity builds up foreign trade and finds an outlet for our surplus.

These quotations will indicate that the wording of the caucus resolution, in so far as it calls this measure as "not formulated in accordance with Democratic platform demands," is in thorough conformity with the history of our party upon this question. To the mind of everyone it should convey the conclusion that the Democratic Party has never favored reciprocity. The same program that appears to exist in the minds of the next Speaker of the House and of the President of the United States agitated the public mind at the time of the adoption of what was known as the McKinley bill—the tariff act of 1890.

As it passed the House the bill carried no provision relating to reciprocity. Mr. Blaine was then Secretary of State and had urged a provision in the act by which the President would be permitted to enter into reciprocal agreements with the countries to the south of us. In the Senate Senator ALDRICH introduced an amendment to carry out the wishes of Mr. Blaine and to permit the negotiation of these treaties.

That treaty had special reference to all the countries referred to in the remarks of Mr. CLARK, as well as in the remarks of the President. It will probably be interesting to note that every vote cast against the proposition was a Democratic vote, except those of Senator Edmunds and Senator Evarts. The list of the Democrats who voted against this measure includes the names of some of the greatest leaders of our party, most of whom have departed this life, but who have left behind them works for which the country justly feels proud. They were: Senators Barbour, Bate, Berry, Butler, Carlisle, Cockrell, Coke, Colquitt, Daniel, Eustis, Faulkner, Gibson, Gorman, Gray, Harris, Jones of Arkansas, Kenna, Morgan, Pasco, Pugh, Ransom, Reagan, Vance, Vest, Walthall, and Wilson of Maryland.

The names of those Democrats should forever be perpetuated, for they stood by the platform of our party and opposed just such a policy as is carried in the pending bill, and which is contemplated by the present administration to be its future policy.

This measure is but the precursor of many more of a similar character, and establishes a precedent that Congress will soon be called upon to repudiate, if our farmers and laborers are to be given an equal opportunity in this country with others of our people engaged in other avocations. [Loud applause.]

Mr. GOULDEN. Mr. Chairman, the measure under consideration, "To promote reciprocal trade relations with the Dominion of Canada, and for other purposes," is the beginning of a sensible, patriotic policy that this country should have adopted before this.

In my judgment, it is a step in the right direction, and if enacted into law must inure to the benefit of the great army of consumers, who have had but little or no advantage from the tariffs of the last 50 years.

True, they have been the means of building up and fostering the great trusts, combinations, and monopolies of the country.

If I had the time, it would be interesting to give the history of such well-known men as Carnegie, Frick, Schwab, Corey, Duke, and others whose names stand for immense fortunes, made in the last 30 years. These gigantic aggregations of wealth are the direct result of the tariff. The prevailing opinion among the farmers is that protection benefits them. Never was a greater confidence game played upon this important and influential class of our American citizens. Thanks to the reading and intelligence of our farmers, they are not longer misled by the specious pleadings of the highly protected manufacturers. Their eyes are opened, and they are now found against ship subsidy, protective tariff, government by commissions, and, finally, they are now asked to oppose the Canadian reciprocity, recommended and urged by the President.

As stated yesterday on the floor of the House, that at a meeting of a number of Patrons of Husbandry, known as Grangers, on Saturday last I was astonished to find a strong sentiment in favor of reciprocity with Canada. The objections raised were the duty on flour and dressed meats. The flour and meat trusts were blamed. When fully discussed the facts brought out that the many thousands of men employed in these industries would suffer seriously if these items were put on the free list. The same applied to dressed lumber. The more men employed in our mills and factories the greater the demand for farm products. When it comes to wheat, rye, oats, barley, and so forth, the market price of these cereals is fixed at Liverpool, based on the laws of supply and demand. This is so universally conceded that it is a waste of time to argue further on this line. As to corn, Canada is in no sense a competitor. The climate makes it unprofitable to raise this great staple.

In 1910 Canada sent us $97,000,000 of her products, while the United States exported into that country $223,000,000, a trade balance in our favor of $126,000,000. Under the beneficent provisions of this measure it will be more than doubled the first year. Freer trade with Canada is what the people of this country demand.

As a farmer's son, and a farmer now, proud of the honored occupation and of the 30,000,000 of people engaged in it, I wish to announce with emphasis that if I thought this measure would injure the farmers of the country my opposition would be as pronounced as my advocacy on this floor and elsewhere.

The enemies of this wise and patriotic measure are all high-tariff advocates. They are the men who were responsible for the Payne-Aldrich tariff bill that the country repudiated. The people demanded a reduction of the tariff schedules, especially on the necessaries of life. The report of the Ways and Means Committee, which accompanies this bill, is a very instructive document, so much so that I desire to add the following excerpts:

But it should not be inferred from the foregoing that we shall not derive any immediate advantage from a removal of the duty on wheat. Our tariff dike has the effect of preventing millions of bushels of Canadian wheat from coming across the border, as it were, by the force of gravity, and of turning this traffic through artificial channels to the Atlantic seaboard. If this tariff dike were broken down, it is inevitable that very much of it would come into our country. And would it decrease the price of our wheat? By no means, for that would be fixed by the world's price. For every bushel that would come in at Manitoba, so long as we raise a surplus, another bushel would go out at New York. The center of the wheat-growing area of North America on the north and south line is in the vicinity of Minneapolis. It is also the central point for the making of flour. The natural destination of great quantities of wheat of the Canadian Northwest is Minneapolis. The difference in the quality of the Canadian and American wheat is such that by blending the two grains a better flour is produced than could be made from either alone. And if we did not restrict its importation a tremendous impetus would be given to the flour-making industry and to the trades dependent upon it. The clearing of the transactions would create a business of an important financial character, much of the purchase price would be likely to find its way into the general channels of trade, and our American railways would have a profitable business which would aid in their maintenance and result in the remunerative employment of labor.

The bill provides for free lumber, which will tend to conserve our forests and reduce the price of an article of prime necessity. Briefly stated, the economic advantages to us of the reciprocal duties and free lists proposed by the bill are likely to be: First, that they will act as regulators of the prices of very many necessary articles generally consumed by our people, and in times of scarcity in particular articles will tend to keep prices down; and, second, by augmenting the prosperity of the country, which, according to her population, is by far the best foreign customer we have, they will increase her purchasing power, and thus increase our own trade. The bill is a measure in the interests of the great mass of the people of the country, and the committee recommend its passage.

I shall conclude my remarks with an editorial from the New York Herald of this date, which speaks for itself:

VICTORY FOR RECIPROCITY IN THE HOUSE.

Sentiment in favor of the reciprocal trade agreement with Canada is sweeping the country like a prairie fire.

The House of Representatives yesterday on a test vote showed a majority of 77 in favor of the McCall bill embodying the provisions of the agreement, and our special Washington dispatches indicate that the bill will be passed this evening.

At the opening yesterday of the Pan-American Commercial Congress, attended by delegates from all parts of Central and South America, there was enthusiastic advocacy of reciprocity. Speeches favoring it were made by the Democratic leader, Representative CHAMP CLARK, of Missouri, and by President Taft, who frankly declared they had found a plank upon which both could stand.

As shown in this incident, as well as in the test vote in the House, party lines are ignored in dealing with the matter of trade reciprocity, and this is as it should be, for the question involved is purely economic—not political. Representative GAINES, of West Virginia, speaking in opposition to the McCall bill, yesterday, declared that it was unfavorable to the United States. Asked to explain why, if this were so, there was so much opposition to it in the British and Canadian Parliaments, he admitted that he could not explain very clearly. A Democratic Representative, however, called out:

"I can tell you where it comes from. It comes from special interests who will be hurt in those countries, just as it does in this country."

That, in a nutshell, is the secret of the opposition. Dispatches from the Herald's bureau at Ottawa this morning show that the Canadian opponents of the agreement are raising the old scarecrow of "annexation"—good evidence that they have failed to find any reasonable arguments in opposition to the agreement. The intelligent people of Canada who are not profiting by "protection" are, however, as earnest as the people of the United States for adoption of the agreement, and its ultimate victory seems assured.

Mr. DAWSON. Mr. Chairman, the proper tests to apply to this proposed reciprocal trade agreement must be, Is it mutually advantageous to both countries, is it reasonably just and fair alike to all classes of our people, and is it sound in economics?

The proposition which is before us divides the articles on which the duty is to be removed or reduced into four classes, under as many schedules. They are (1) articles which are placed on the reciprocal free list, (2) articles on which there is to be a mutual reduction of duty, (3) articles to be admitted into the United States from Canada at special rates of duty, and (4) articles to be admitted into Canada from the United States at special rates of duty.

Four general classes of products are affected:

First. Leading food and agricultural products, rough lumber, some raw materials, and printing paper.

Second. Secondary food products, such as fresh and canned meats, flours, and partly manufactured food preparations, upon which rates are reduced and made identical.

Third. Manufactured commodities, such as motor vehicles, cutlery, sanitary fixtures, and miscellaneous articles, on which rates are mutually reduced.

Fourth. A small list of articles on which special rates are given by each country. Canada reduces the duty on coal and cement and the United States reduces the duty on iron ore and aluminum products.

The most important provision of the arrangement is that embodied in Schedule A, which provides substantially for free trade between Canada and the United States in agricultural products. This includes cattle, horses, hogs, sheep, and all other live animals, wheat, oats, barley, potatoes, and all fresh vegetables, dairy products, eggs, poultry, and so forth.

There is no substantial difference of opinion that the free interchange of agricultural products between the two countries will be almost wholly to the advantage of Canada, with her vast areas of low-priced lands, gaining free access to a market of 90,000,000 of people. If the agreement provided nothing more than this it would be a jug-handled arrangement, with the advantage practically all on the side of the Canadian. It is of little or no advantage to us to secure free access to the Canadian market for our agricultural products, which, in the main, Canada does not want and will not buy.

If the United States is to derive any mutual advantage from reciprocity with Canada it must come from an enlarged market for our manufactured articles in exchange for Canada's natural products. This is the whole foundation upon which the arguments for Canadian reciprocity have been reared. Such an arrangement might be somewhat injurious to our farmers, but, it has been argued, this loss would be offset by the enlargement of our manufactures and the consequent increase of the home market for farm products.

How much of advantage to the American manufacturer is to be found in Schedule B, which fixes identical rates of duty on a limited list of manufactured articles between the two countries? Will the reductions made in the Canadian tariff enable our manufacturers to increase their sales in Canada at all?

The reduction in Canadian general rates ranges from 2½ to 5 per cent ad valorem. A reduction of 2½ per cent ad valorem is yielded by Canada on farm wagons, harvesters, reapers, mowers, and cutlery, and a 5 per cent reduction on plows, harrows, horserakes, cultivators, thrashing machines, and the like. On portable engines, horse powers, manure spreaders, and windmills the Canadian rates remain the same, although we reduce our rates on these articles from 10 to 25 per cent ad valorem.

Will anyone contend that these slight reductions by Canada will open a market for any of these products? Take farm wagons, as an illustration. The reduction of the Canadian duty is 2½ per cent ad valorem. In other words, on a wagon worth $40 the reduction of the Canadian tariff under this arrangement would be just $1 per wagon. Would that slight reduction enable us to sell a single wagon more in Canada than we do now?

A most interesting side light is thrown on this phase of the question by the Hon. W. S. Fielding, the Canadian Minister of Finance, who was one of the negotiators of this arrangement. It is well understood that England enjoys a preferential tariff with Canada, and there was some unrest in the mother country lest this arrangement might give the American manufacturer access to the Canadian markets at the expense of their British competitors. The British manufacturer was assured by Mr. Fielding on this point by this cheering message:

The range of manufactures affected is comparatively small, and in most cases the reductions are small.

If this were not enough to assure the British manufacturer that he is to lose none of the market he now enjoys in Canada, he must be perfectly contented with the further assurance that if it should work out differently, the Canadian preferential tariff can be adjusted to restore the British advantage.

When these facts are considered in connection with the facts shown yesterday by the gentleman from West Virginia [Mr. GAINES] that Great Britain's preferential tariff with Canada is still from 25 to 50 per cent lower than the rates we would enjoy under this treaty, will some one kindly tell us how the

market for American manufactures is to be broadened at all under the terms of this agreement?

Where, then, is the quid pro quo for the United States in subjecting agriculture in the United States, with its high-priced land, to the direct competition of the cheap lands of Canada? Is it right that the agricultural industry should bear the entire burden of any reciprocal arrangement which might be beneficial to the Nation as a whole? Even if that were so, who can say that it is fair to pile the load all upon one industry when the compensating benefits to the country generally are not apparent?

What sort of reciprocity is this which subjects the greatest single industry in the United States—agriculture—to absolute free trade with the country whose farms lie nearer the great centers of population in the United States than our own, whose soil is of equal productivity, and who enjoys advantages of water transportation over the American farmer? I do not recognize any of the principles of the reciprocity of James G. Blaine, who pleaded for reciprocity in noncompetitive products. Wherein does this proposal for free trade in farm products conform to the declaration of President McKinley in his last speech on September 5, 1901, when he said that "we should take from our customers such of their products as we can use without harm to our industries and labor." Does this proposed pact with Canada square with the principle declared in the Republican platform of 1900 in opening "our markets on favorable terms for what we do not ourselves produce in return for free foreign markets?" Or does it fit our platform declaration of 1904, which favored reciprocal arrangements wherever they "can be effected consistent with the principles of protection, and without injury to American agriculture, American labor, or any American industry?" I confess my bewilderment as to the principles which underlie this proposal, which discriminates so heavily against agriculture, without even an apparent compensatory advantage to the manufactures of the United States.

Another feature of this arrangement which is entitled to some consideration is its increase in the differentials between natural products and the manufactures thereof. Is it entirely fair to place wheat on the free list and maintain a duty on Canadian flour? Why this differential in favor of the millers? Is it consistent to levy a duty of 1¼ cents per pound on fresh and cured meats—bacon, hams, shoulders, beef, and pork—and admit cattle and hogs free of duty? Is not this differential all in favor of the packers?

I have a letter here from one of my farmer constituents on this phase of the proposed arrangement, which I desire to insert in the RECORD. It is as follows:

WILTON JUNCTION, IOWA, *February 10, 1911.*

Hon. A. F. DAWSON, *Washington, D. C.*

DEAR SIR: As a farmer and believing, as I do, that as long as protection is the policy of this Government, agricultural products should be equally protected with manufactured articles, I do not believe the proposed reciprocity treaty with Canada gives the farmer a square deal, as it places wheat on the free list, while it keeps flour on the tax list. Cattle, hogs, and sheep are free, while meat and products are dutiable, and while it retains the duty on finished lumber and manufactured products, it places logs and rough lumber on the free list, thus cheapening the articles the farmer produces in competition with the Canadian, but not lowering the price on the manufactured goods in a corresponding ratio.

If we are going to have free trade on farm products, let us have the same on the products of the mills, and I most earnestly protest against the proposed treaty and request you use all the influence you can in behalf of the farmer.

Yours, respectfully, J. R. MCCLEAN.

But the supreme test which should be applied to this proposition is the economic test. Is it sound in economics? I believe that protection is the settled policy of this Nation, notwithstanding recent political reverses which may point temporarily in another direction. It has been the settled policy of the Government for the past 50 years, and I see no indications that the principle is to be abandoned, though there may be differences as to the application of that principle.

During those 50 years this principle has been a tremendous factor in the upbuilding of our country, carrying us forward by leaps and bounds, until to-day we stand forth as the greatest manufacturing nation in the world. Under the operation of this principle the manufacturer and the workingman have been protected against the cheap labor of the world by rates of duty sufficient to cover the difference in the cost of production at home and abroad. These two great classes of our producers are not required to sell their labor and their products in competition with all the world, at the prevailing world price, if you please.

The agricultural class of producers, however, were not in the same situation. There was a large surplus of farm products which must find a market abroad—a surplus large enough, in many cases, to practically fix the price of the whole. The agricultural classes derived the incidental benefits of a large home market, but as long as his exportable surplus was so large it virtually fixed the price of his products at the world price. Under the operation of this policy we have seen an exodus from the farm to other more favored industries.

The population of the cities increased, that of the farms dwindled. The result was a lessening of agricultural production in proportion to population. To such an extent has this change gone on that the "back to the farm" question looms large in public attention.

Under the operation of these great natural forces we are just reaching the point where a number of our agricultural products do not show an exportable surplus large enough to fix the price of the whole. This is true of beef and mutton, dairy products, eggs, and perhaps barley. The farmer has almost reached the point where he attains a partial equality with the other producing classes in the United States.

Then there arises a cry for cheaper food products. The great cities and centers of population demand a return to the old conditions under which they can buy their food at the world price and still sell their products at the world price plus a tariff premium. Is that right either in law or morals? Is it just or fair that the great agricultural class shall be discriminated against in this fashion?

A broad consideration of the effects of this proposed arrangement makes clear the effect it will have on agriculture. It is so clearly pointed out by one of the prominent economic writers that I desire to quote:

The abolition of the tariff on foodstuffs between this country and Canada will add enough to the exportable surplus of them in the two countries combined to keep the price of them down to the world price for many years, perhaps for another generation. The American farmer, who had begun to have visions of exchanging commodities on a basis of price equality with other kinds of producers, will find himself again in the same old position, working harder and remaining poorer than his fellow citizens in other industries. He will continue to escape from his relatively uncomfortable lot by abandoning his farm, whenever he can, and passing over into the better kinds of labor. At last he will again overbalance by this method the economic disparity between his class and others. Then the cost of living will jump again; and it will be necessary to find another agricultural country, say Russia, with which to make a reciprocity treaty. But, meanwhile, is there any social justice or any economic sense in the proceeding? And if there is not, ought any true lover of the best interests of the country to desire the ratification of the proposed treaty?

Mr. Chairman, I appreciate the desirability of increasing the solidarity of the nations of North America and of cementing the friendships between neighboring peoples, but if that can only be accomplished by an unjust discrimination against the American farmer—against that great class of our citizens who actually create the wealth which is the foundation of all our prosperity—then I say the price is too great. The sense of fair play in the mind of every American citizen will not sanction the attainment of any end, however desirable, through methods that are discriminatory and unjust.

Mr. LINDBERGH. Mr. Speaker, we can not in this proposed agreement settle the tariff problem. It is the trade relations alone between the United States and Canada that we are to consider. If all the tariff laws between the two countries were to be repealed and all commodities produced in either, admitted free to the other, it would be a very different question than that which confronts us. It would then be as if the two countries were one and there would be no revenue collectors along the line. In that case I would be enthusiastically for it. Then all the sweeping statements that 3,000 miles of division line would disappear, and the like, would be a little more appealing.

We may as well talk heart to heart and reason to reason, unprejudiced, about this agreement. We shall be called on to cast our votes and should honestly vote as we think the common interests require. We should not be provincial in our aim. We should take a broad national view. We should, however, see that no important industrial necessity of our country is put out of relation with the other industries.

It is admitted that farm production ranks the highest in its importance, and as the proposed agreement makes the farmers of the United States and Canada compete with each other on a free-trade basis, but protects the factories of each country against competition with the other, it puts one industry on a free-trade basis and the others on a protective-tariff basis. It is rather strange that that should be attempted, and on that account it is a matter of interest to inquire how this agreement was brought about.

I want to know why wheat that the farmer grows and sells to the speculator and miller is to be free, and flour that the manufacturer makes and from whom the farmer, wage earner, and others buy is to be protected by a tariff of 50 cents per barrel, which is more than the labor cost of producing it. If wheat is to be free, why not flour? Why force the farmer and other consumers to give the miller 50 cents a barrel extra? I want to know why hogs, sheep, and other live animals that

farmers raise and sell to the speculators and packing companies are not to be protected with a tariff when the packers are to be protected by a tariff of 1¼ cents per pound on the lard, mutton, fresh meats, bacon, hams, shoulders and sides, beef salted in barrels, pork barreled in brine, dried or smoked meats, and so forth. These the farmers often buy and wage-earners always buy.

I want to know why a farmer's chickens, ducks, turkeys, and geese are not to be protected when the farmers sell to the speculators and packers, but a 20 per cent tariff is to be added when the farmer, the wage earner, and others buy canned meats and poultry from the packers. I want to know why eggs are not to be protected when the farmers sell them, but the yolks of eggs are to be when the packers sell. I want to know why vegetables that farmers raise and sell are not to be protected when the packers are protected on these when canned. Why is it proposed to make potatoes and onions free, when there is to be a tariff on the machinery and tools with which farmers do their work? These are sold by the trusts to the farmers. And so I might go on and inquire why other things that the farmers produce are not to be protected when the things that farmers and other plain people buy which are trust produced are to be tariff protected.

The tariff of 25 cents per bushel on wheat when imported into the United States and 12 cents if exported to Canada at times affects the price in these countries, but as long as we export wheat the difference probably never exceeds 11 cents per bushel. So, while under some conditions the tariff increases the price of wheat, and to remove it would reduce the cost of flour if we did not give the miller 50 cents tariff per barrel, but it is proposed by this agreement to do that, which amounts to the equivalent of over 11 cents tariff per bushel on the wheat required to make it. So, on the one hand, it is proposed to discourage the farmer from raising wheat, and, on the other, it is proposed to protect the miller, in order to enable him to charge the consumer the tariff.

Following the same idea on other farm products, and then comparing that with the tariff on the manufactured products, we shall see the absurdity of the proposed agreement. Corn to be free, but corn meal to have a tariff of 12½ cents per hundred pounds; rye to be free, but rye flour to have a tariff of 50 cents per barrel; oats free, but oatmeal to have a tariff of 50 cents per hundred pounds; barley free, but barley malt a tariff of 45 cents per hundred pounds; buckwheat free, but buckwheat flour 50 cents tariff per hundred pounds; peas free, but split peas 7½ cents tariff per bushel; all grains free, but prepared cereal foods 17½ per cent tariff, and mill feed and middlings 12½ cents per hundred pounds; cattle free, but the meats which are prepared by the packers to be protected by a tariff of 1¼ cents per pound. The eggs, vegetables, and other products of the farmers are to have no tariff, but when these are canned the packers are to be protected by a tariff.

Is it expected that the people are going to eat the grain without its being ground, the cattle without their being slaughtered, and so on, in order to give them cheaper food?

What sort of agreement is this that proposes to make the manufacturer appear sacred, so that by law he is to separate the original producer and the final consumer by the levy of his toll on each?

Here we are, in what is supposed to be one of the most important legislative bodies on earth, suddenly confronted with an important bill and asked to pass it almost clandestinely and before the American public can read it.

The people have heard about it, and they are desperate to get relief from much of the foolish legislation that this body has previously enacted and that is now a burden on them.

And reciprocity sounds good. Do we think the conditions now would be different if Canada and the United States had been one country? We should not fool ourselves by any such supposition. We would simply have a few more States with the same conditions. That is not where our trouble lies.

Reciprocity is not a specific but a general term that may be applied equally to high or low tariff or to no tariff at all. But somehow many people have the idea that it is the latter. They should study the agreement. What is the use of fooling ourselves in order to believe that the social problems will be solved by reciprocity of the kind proposed in this bill?

If all the countries in the world were to apply for and be admitted as States of the same character and their peoples were as nearly like us as the Canadians are we would still be face to face with the same problems that confront us now. Of course, any change makes a temporary difference. It is our social conditions that are wrong. We will flounder around perhaps a few years more and suddenly we will wake up to the fact that our basis is in error, and then we shall begin to establish another kind of reciprocity—a reciprocity that does away with special privileges such as this bill expressly maintains. We will hear more about that when it shall have been discovered that reciprocity will leave us with the same problems still unsolved.

Let us, in passing, observe that as long as Canada was an insignificant producer of farm products our farmers were induced to vote the manufacturers a protective tariff in exchange for protection on farm products, and it has been for a long time a burden on the ever-credulous farmer and other consumers; but now that the years have drifted on and vast areas of the Canadian domain has been opened, resulting in enormous production of grains, stock, and so forth, certain manufacturers and corporations demand reciprocity to enable them to buy the farm products of both countries, with the farmers competing with each other, but when the factories get them they are to be protected by a tariff.

This proposed agreement is reciprocity between holding and manufacturing trusts of the two countries to make reciprocal tariffs in their favor and to reciprocally remove the tariff on the products of the plain producers of both countries so that these may be left to the old law of competition, to compete with each other in the sale of their unprotected products to the holding and manufacturing trusts and, then, when in their control and ready for the final consumers, of whom these same plain producers form the great majority, they again become competitors with each other for its repurchase from the trusts and with a tariff added.

We should bear in mind that there has been much politics lately and many disappointments. The President earnestly desires to secure some measure that shall be satisfactory to the American people, but the President is not able to do all the work pertaining to his great office. It is always necessary for Presidents to parcel out to others the greater part of their work. In the selection of several of his Cabinet officers the President has secured men of whom, some, however honest they may be, have been educated in the schools of the special interests, and who do not understand that the difficulty attaching to this measure is that it is not framed for the common interests. It is pathetic to see how innocent the President is in his discussion of this bill, for it is evident, from his remarks, he has not had time to study it. I quote the following from the President's speech made at Columbus, Ohio, February 10:

> The principle of protection takes away the justification for any tariff whatever by way of protection on articles imported from a country where the conditions as to labor and other circumstances are the same as in our own and thus makes the cost of production substantially the same.
>
> Canada is our neighbor on the north for 3,000 miles. Her population is English, Scotch, and French. Her soil is like ours. Her traditions are the same as ours. Her language is ours. Her climate is temperate like ours, except that her growing seasons are shorter and she can not raise corn in any great quantities.
>
> The greatest reason for adopting this agreement is the fact that it is going to unite two countries with kindred people and lying together across a wide continent in a commercial and social union, to the great advantage of both. Such a result does not need to be justified by a nice balancing of pecuniary profit to each.

Good logic, indeed, that of the President, but it does not fit the wording of the agreement. The President is so honest and so innocent in the discussion of the agreement that we can easily believe that, on account of its length, he has taken some one else's word for its contents. Let us note a few things for the purpose of comparing the President's remarks with the agreement: Wheat to have no tariff, but flour to be protected by a tariff of 50 cents per barrel; rye to be free, but rye flour to have 50 cents tariff per barrel; oats free, but oatmeal 50 cents tariff per 100 pounds; barley free, but malt to have 45 cents tariff per 100 pounds, and so on down the list. Note that in each case the farm product is to be free, but the finished manufactured product is to be protected with a tariff, so the manufacturer may charge the farmer and the wage earner with the tariff added.

So, I might continue this list until it aggregated 131 items, mostly the product of the plain producers, that the agreement takes the tariff off, but then, on the other side, there is an aggregate of 131 items in the agreement that are protected by a tariff, and these are almost all products of the trusts, and articles that the plain people must buy from the trusts, and that protective tariff is not consistent with the President's logic.

Now then, in view of these 131 articles proposed to be protected, what shall we do with the President's statement that "the principles of protection takes away the justification for any tariff whatever by way of protection on articles from a country where the conditions as to labor and other circumstances are the same as in our own, and thus makes the cost of production practically the same." And the President says they are practically the same in the United States and Canada. Is it possible that the President would make that statement if he knew the contents of the agreement. The two do not belong together, and therefore I do not believe the President has

studied the agreement, for how is it possible to change the conditions alternately to protect the trusts with a reciprocal tariff that no explanation can account for the necessity, unless it equally applies to the commodities that are reciprocally free. There is no difference in principle in the two, and it can not be explained in any other way than that this bill was drawn for certain manufacturing and railway interests and against the

Now, a few words about the tariff in general.

Will some one tell if, after such an agreement, we are free at any time in the future, without the consent of Canada, to change the 131 items of trust-protected goods so as to place them on the free list, or are we tied legally or morally to maintain the reciprocal contract until we can agree to reciprocally repeal it? I do not believe we are tied, but when the time comes it will be claimed that we are.

Now, a few words about the tariff in general:

If one undertook an argument on the tariff problem based on principles of philosophy, with God as witness and fellow men as jurors, the verdict would be unanimous that the principles of philosophy do not apply to the present tariff system. Then again, if we should undertake to justify the present tariff laws on the basis of common sense applied to common necessity, there would be another misfit. But if we reconcile ourselves to the privilege of a few to be supported by special favors to be taxed against the rest of us, we can go on with the deception until we have defrauded ourselves and our children of all the natural advantages that this country affords.

If we were to apply original truths and fit ourselves to the provisions of nature, we would sweep all tariff laws from our statutes and would collect a direct tax with which to operate our Government and apply a more effective way than a protective tariff to protect American labor. No one with good reason and a knowledge of the facts that are available concerning the real costs of collecting and expending taxes would deny that by the present process of deceiving ourselves it costs us several times more than it would if we did not, instead of a direct tax, prefer to pay our taxes every time we go to a store to buy an article of wearing apparel or a morsel of food. If we were content to be fair with ourselves and apply reason and common sense to the administration of our Government and to our own business, we could change the conditions materially to our advantage, but since we have not learned to be entirely free in our thoughts on these matters we shall have to consider the tariff problem from the viewpoint of the world as men make it.

The proposed agreement with Canada is important enough to justify a reason to reason consideration. I am not representing myself. I am a spokesman for the people; elected for that purpose. I give my time and study to these problems and understand them well enough not to be led by general sweeping statements.

This Canadian agreement is not a matter of sentiment. It is a matter of application of business principles to the ways of men with diversified interests in competitive operation, heretofore and now adjusted to arbitrary barriers. But in that statement we must not neglect the fact that modern trusts enter into our business affairs and have destroyed the old competitive rule in the business of which these trusts have secured control. We are face to face with made conditions that are not natural, but about which our institutions have adjusted. To secure the best results with the least cost we should get back and relate our industries to natural conditions, but we must do so with a full understanding of the consequences of the change. We must consult our own experience.

Anyone who considers first principles knows that we are living on a false basis, but the very fact that we are has created a basis of its own, and in changing we must see that we do not get still farther from economic relations with the natural. If we would enter into these business changes with the enthusiasm, patriotism, and willingness to sacrifice temporarily for the ultimate common good in the same spirit that we would enter an international contest to be settled by force of arms, we should not be long in getting better conditions, and if all humanity labored with that idea in view, the foolish parade of war would disappear. But many people are inspired with greater spirit from the drawn sword than they are from the utterances of statesmen, pointing the way to perpetual peace and greater prosperity. As long as we are willing to sacrifice so much for the one and so little for the other, we shall not be able to solve social problems in the light of true reason.

I receive hundreds of letters and many telegrams and read the newspapers, and can easily observe that in a large number of these the individual interest dominates and the common interest is secondary. But those who have a personal rather than a public interest express themselves the strongest. There are, however, students, business men, farmers, and others interested from other than selfish motives who write. It is to them that we may look for unprejudiced expression, and to them and the millions of working people who no doubt think about it, but do not have the time to study the agreement nor to write to us, we must respond in our consideration.

To parties addressing me I wrote 50 letters, equally divided to those who had written me to support and those who had requested me to oppose the bill, asking if they had studied the bill. From those opposed I received answers from 14, saying that they had not and did not know its contents, as they had not seen the bill. I received 12 like answers from those favoring, and none wrote that they had seen the bill. I do not wonder that very few people knew the contents of the bill, for I take about 100 newspapers, with the idea of keeping in touch with public sentiment, and I failed to find one in which the bill was discussed in its provisions, and as this agreement was sprung so suddenly I suppose it was difficult for them to obtain copies.

I knew the campaign of 1908 was conducted by the Republican and Democratic Parties with a promise from both to revise the tariff downward, and I knew that by certain combinations made between many of the Republicans and a substantial reinforcement of them by a lesser number of Democrats the promises to revise the tariff downward was defeated. The people were deceived, but a little more time had been given to the consideration of the Payne-Aldrich tariff bill than has been given to this, and the people knew they were fooled when it passed. But the protest raised by the people in that case was a lesson to the politicians that they propose not to lose sight of. So when there began to be a general public demand for reciprocity for the free commercial exchange of the products of the United States and Canada between the two peoples there was hurried consultation between some of the special interests, to see if the thing could not be worked to their favor. They did not stop to get all their previous associates politically lined up. It was enough, if they could carry through the plan. No time could be given to the people to study the bill, of course, as that would defeat it. So there was a hurried notice sent out to stampede the country for it, and every sort of advertisement was used. The details of the bill were kept in the background, and this time it was the majority of the Democrats who combined with a smaller number of Republicans to give the people a reciprocity agreement. It is reciprocity, of course, but not what was promised nor what the people wanted. They will discover that in due time. But the funny thing in this, if it were not so serious, is that the Democrats on the other side of the aisle did not see that they could have made this bill just what they claim to want—free trade—for while we might not be able to get Canada to admit our manufactured products free to her markets, they would not hesitate to sign the agreement if we admitted her manufactured products free to our markets, and the Democrats lost their opportunity when they support a gag rule to prevent that. They fail, now that they have the opportunity, to help either the farmer or wage earner, but, on the contrary, damages both, but may be able to redeem themselves later. That is a matter for future proof. I can not see how it is that they let this opportunity pass, for no better opportunity can come to show good work, and the people really want a free interchange of products between this country and Canada. This is the time. While the people have not had a chance to study the bill, we here have, and there is no excuse for us to blunder. The trouble is that the people think this bill is what it is not.

I am not so sure, even though the agreement is ridiculous in some of its provisions and appears to have been drawn to favor the manufacturers, that we should not in the long run benefit by adopting it. I do not by that statement mean that we would get direct benefit from the agreement, for that, at the most, would be but temporary and to only a part of the people, and would carry losses to others, but if we adopt it we shall separate the elements of the old exchange system of tariff tinkering, such as we witnessed in the last tariff legislation. Perhaps the plain producers, in order to make an immediate start, are willing to take the first burden upon themselves of correcting the tariff system.

The commodities of all the tariff-protected trusts specifically taken care of in this agreement might suddenly be put on the free list in our trade with other countries. That is really what will happen, and the trusts that are saved by this agreement will meet their fate in their very selfishness to profit unduly by it. In view of that fact, and that fact only, can any Member justify a vote in favor of the agreement unless it shall be so amended as to carry out the principles expressed in the President's statement previously quoted. There are numerous precedents for making amendments. No person who has the slightest knowledge of the contents of the proposed agreement would state that it conforms to the principles expressed by the President. I unhesitatingly and unqualifiedly state that the terms of the proposed agreement, in practically one-half of

the items enumerated, is in direct violation of the principles stated by the President and that if the President understood the agreement he could not ask us to support it on the principles named by himself.

Mr. VOLSTEAD. Mr. Chairman, if the Republican Party ever promised anything, it has promised in plain and unequivocal language protection to the farmer. This treaty is a repudiation of that promise, and its ratification will brand the Republican Party as faithless. Not only have the party platforms, including the last one, contained this promise, but campaign literature and speeches have uniformly proclaimed it as one of the cardinal doctrines of the party. The protection granted agriculture by Republican Congresses has, in season and out of season, been pointed to as a fulfillment of this promise. While I am not aware that anyone denies that in the past the party has stood for such protection, it has been claimed by some that the last Republican platform modified the doctrine of protection so that this treaty is not in violation of it. Nothing could be further from the truth. Even if the language of the last platform could by some stretch of imagination be construed so as to permit this treaty, it would still be no less dishonorable for the Republicans to ratify it, because no one can seriously contend that the voting public was aware of any such change. Everybody understood that the party adhered to its former attitude. The argument of those who contend that the ratification of this treaty is not a violation of our party pledges rests upon the false assumption that this platform introduced a new measure of protection, namely, the difference in the cost of production at home and abroad, and the further claim that there is no substantial difference in the cost of production here and in Canada. A reading of the platform will show anyone that this is not what we declared for. The statement referred to as the measure of protection is practically a copy of the language in the platform of 1904 and is not new.

The last platform does not only declare for a tariff equal to the difference in the cost of production, but also for a tariff in addition thereto of a reasonable profit. Here is the language:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit.

This provision was carefully drawn with a view of excluding from our markets goods that may be offered at mere cost, as the sale of goods at actual cost would soon drive industries needing protection out of business. No industry could long exist without receiving some profit. Even conceding, as is contended, that there is no substantial difference between the cost of production here and in Canada, the American farmer is entitled, under this promise, to a tariff equal to a reasonable profit upon his crops. But the framers of this platform did not stop there; they declared expressly that the Republican policy of protection is to secure against foreign competition. The language is:

> The aim and the purpose of the Republican policy being not only to preserve, without excessive duties, the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage-workers of this country.

In the last Republican platform no special mention was made of reciprocity, but in the Republican convention of 1900 the Republican policy in regard to reciprocity was declared in these words:

> We favor the associate policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for foreign markets.

This declaration has never been changed. It was readopted in the last section of the last platform, which says that the party reaffirms and adheres to every Republican doctrine proclaimed since the birth of the party. This treaty opens our markets—not to goods we do not produce, but to goods we do produce, and invites instead of prevents ruinous competition. It is indeed surprising that anyone can seriously contend that there is the slightest doubt as to the attitude of the last national convention on this subject, but, be that as it may, in a matter of this kind nothing but the utmost good faith toward those who have trusted us will fulfill our duty. The people have a right to insist that party pledges should be performed as they are generally understood. They will not take kindly to any quibbling.

But they tell us that the farmers have no reason to object, because they say it will not injure them. The President, in his message transmitting this treaty, urges ratification upon the ground that it will reduce the cost of food products. He expresses the idea that the effect will not be a sudden, but gradual, reduction in prices and that it will postpone the effect of future world increase in the prices, which means that this treaty will reduce the price of farm products and prevent our farmers from getting the full benefit of an increase in world prices for what he sells, while he must pay the inevitable increase upon manufactured goods that he must buy. The friends of this treaty tell the consumers in one breath that he is going to get cheaper food products and the farmer in the next breath that his products are not going to be cheaper. No one has attempted to show by what sort of legerdemain this can be accomplished.

The naked proposition is that this treaty has been entered into for the purpose of lowering the price of farm products; and that it will accomplish that purpose no one at all familiar with the situation can doubt. It is undisguised, selfish, class legislation in behalf of the cities as against the producers of food.

This treaty puts practically every farm product of the North on the free list, as Canada is the only country that can successfully compete. No pretense is made that the farmers are to get anything in return except some slight reduction in the duty on lumber. The treaty does not open to the northern farmer a market for a single bushel of grain or any other of his products, but it compels him to compete with Canada for his own market. We might consent to this if there were a corresponding reduction in manufactured products, but extreme care has been taken that no manufacturer shall suffer. As an illustration it might be noted that the miller may buy his wheat in Canada, but the farmer who has got to sell in competition with the Canadian farmer can not buy his flour in Canada without paying 50 cents per barrel tariff. It is claimed, however, that this treaty provides for free lumber. This claim is very misleading. It is true that it gives to the cities free paving blocks, to the railroads free ties and bridge timbers, to the telegraph and telephone companies free poles, and to the brewers free barrel staves, but it does not make free ordinary lumber used for building purposes. Sawed lumber, not planed or matched and grooved, is free, but a substantial duty is retained on all the grades used for ordinary building purposes. The lumber that is free is seldom handled by retail dealers. The planed lumber is so much lighter in weight that transportation charges are enough less to make it much cheaper. It is useless to argue that this reduction, which is a dollar and a quarter a thousand, will affect retail prices. Everybody knows that the lumber dealers are in a combination that absolutely controls prices. This was clearly illustrated a few years ago when the wholesale prices fell some $6 to $8 per thousand without affecting the retail price of lumber. This reduction will not affect the price any more than did the like reduction in the Payne tariff law. It will only increase the lumbermen's profit.

Those who claim that this will not injure the farmers say no one can profit by a tariff upon any article of which we export large quantities. Theoretically this is true, but it is not true that we export any large quantity of any of the farm products raised along the northern border. The United States has almost ceased to export barley, flax, oats, hay, potatoes, butter, eggs, cheese, or poultry, and we only occasionally export any wheat raised in Minnesota or the Dakotas, or any flour from such wheat. It is nearly all consumed in the United States. Minneapolis, which received annually more than 100,000,000 bushels of wheat during the last three years, did not export in the aggregate more than $50,000 worth of wheat and flour all told, and the combined export of Duluth and Superior, cities that receive about as much wheat as Minneapolis, have been reduced to some $6,000,000 or $8,000,000 annually, including the export of flour. Minnesota and the Dakotas produce nearly all the spring wheat in this country, and as spring wheat has some advantages over fall wheat for milling purposes it has made it possible to secure the added price. To the north of Minnesota and the Dakotas is Canada, with a territory now producing more than 100,000,000 bushels of spring wheat annually, of which Winnipeg last year received some 71,000,000 bushels, besides some fall wheat. The price for Canadian wheat of the same character as ours has during a number of years been about 10 cents per bushel lower than Minneapolis and Duluth prices. This advantage to our farmers as against Canadian prices applies to flaxseed and barley as well. Our newspapers have repeatedly called attention to this situation. I notice by the report on this bill that we are going to have millions of bushels of Canadian wheat come into our markets without affecting prices. In explanation it is said that the price is fixed by the Liverpool price. This is not true, as shown by a statement from the Department of Commerce and Labor giving the prices in these different markets. This statement shows that from September 1, 1909, to September 1, 1910, the price of wheat in Minneapolis was, with the exception of a few weeks, when there was a large surplus of grain, about 10 cents higher than the Winnipeg price for the same kind and grade of wheat in store at the Lake ports; and that while this premium existed the price of wheat in Minneapolis was on an average less than 10 cents lower than Liverpool and for three months higher than

Liverpool, though it would cost Minneapolis about twice 10 cents to put it on the Liverpool market. This statement also shows that during this year the flaxseed was about 20 cents higher in Minneapolis than in Winnipeg.

When the Payne tariff law was under consideration, some two years ago, the Minneapolis millers filed with the Treasury Department statements showing that Minnesota wheat was about 9 cents higher than Canada, and it was then freely urged that this difference was often greater.

The Commercial West, considered excellent authority, has lately published a statement showing that during the last six months this same difference has been maintained between the price of wheat at Minneapolis and Winnipeg. It has also been claimed that the price in this country would not be decreased by admitting Canadian farm products, but that Canadian prices would advance to our prices. This contention is contrary to experience. The Canadian price is nearly always the European price less expenses of transportation, and as they double and treble their production of wheat, as they claim they will do, the spread between Liverpool and our prices will grow greater. Tables in the 1908 and 1909 Yearbooks of Agriculture show that the difference in the average farm price of wheat between Minnesota and New York has gradually decreased as competition for the wheat has increased. Prior to 1875 the difference was 75 cents per bushel. This has been reduced, so that in 1909 it was less than half of the cost of transportation from Minneapolis to New York. As long as wheat was freely offered the difference ranged between 20 and 25 cents, so as to permit export, and there is every reason to believe that as soon as the Canadian wheat creates a surplus in our markets the same condition will again exist. I will print the tables from the Department of Commerce and Labor. On examination you will note that during the thrashing season, when much grain is rushed into the market, Liverpool was about 30 cents higher than Minneapolis and Winnipeg, clearly showing the effect of this temporary surplus, and that even Winnipeg for a few days after having disposed of its export wheat was a trifle high for export. It may be urged that this is an unfair condition, but if you will examine the figures you will find that the farmers of the Northwest are only gaining by the tariff about one-third to one-half of the expenses of placing their crops upon the Liverpool market.

In this connection I desire to call your attention to the report of the Select Committee of the Senate on Wages and Prices of Commodities in the United States, dated January 23, 1910, which says, page 13:

> Witnesses agree that farming operations were conducted at a loss, or at best with only a slight margin of profit, for several years, and that only during the past two or three years have farmers been able to secure a fair return on their labor and investments. The wealth of the farmers has increased largely through the increase in the value of their land.
>
> The State University of Minnesota has since 1902 kept in the greatest detail record of a number of farms in that State. Allowing the farmer, his wife, and children pay at current rates for all labor performed, the net profits during the three years 1905 to 1907 was only 4.09 per cent, and this profit advanced to about 6 per cent during the years 1908 to 1909. The profit during the past two years approximates the average interest on farm mortgages in the State.

Is there any industry that pays less?

It is claimed that there is no difference between the United States and Canada that will justify a protective tariff. For 50 years or more the American farmer in the North has steadily supported protection to build up a market here, and has consented to pay higher prices for manufactured commodities, so that it might be accomplished. Now, when this market has been built up and the farmers are reaping some advantage in prices by reason of protection, the advantage is to be denied and he is still to go on and pay the price of protected goods for what he is to purchase. If a person should in a private transaction do what is proposed to be done by this treaty, he would earn the contempt of all his neighbors. But there are economic reasons. Our lands are old and in need of fertilizers, while the lands of Canada are new and rich in plant food. This will make it impossible for our farmer to raise as large crops with as little expense as his Canadian competitor. Then, our lands are on an average more than $30 per acre higher in price. This difference in price at 6 per cent means a difference of more than 10 cents per bushel on the grain raised per acre. Canadian grain is likely to be placed upon our market at as low a rate for freight as our own, because the railways crossing the international boundary are not subject to regulation under our laws.

This unequal competition will probably have much the same effect, though I hope not so serious, as did the opening of our grain fields in the West upon the Eastern farmer. When the Middle West commenced to develop these fields the Eastern farmers were enjoying prosperity, but they soon found it very difficult to compete. Their farms gradually decreased in value, and much land was entirely abandoned. Take, for instance, the six States of New York, New Jersey, Pennsylvania, Maine, Connecticut, and Rhode Island. Their farm lands and improvements lost in value between 1880 and 1890 about $207,000,000, between 1890 and 1900 another $99,000,000, making a total loss in 20 years of some $306,000,000. Over one-third of the farm land that was improved in Connecticut, Maine, and Vermont in 1880 was unimproved in 1900, and one-half of the area of improved farm land in Massachusetts and New Hampshire in 1880 was unimproved in 1900. During this same time many millions of acres of land were abandoned as farms. But this does not represent the total loss due to this competition, because while it was going on great cities were being built in their midst that prevent much of this loss by making the land valuable for gardening and other purposes in which competition was not so severe. This matter is of vital importance to the farmers of this country, not only to those of my section, but throughout the United States. If the farmers of the Northwest are driven out of grain raising they will be compelled to compete with the farmers of other sections in other lines of agriculture. The expenses of growing grain have steadily increased, and unless a fair price is maintained the margin of profit will disappear. One of the largest milling concerns at Minneapolis, the Washburn-Crosby Mills, in an interview opposing this treaty expressed the fear that Canadian competition will drive our farmers out of grain raising, and thus compel their mills to depend entirely on Canadian wheat. If you expect agriculture to prosper, you must allow it fair compensation for its products. You can not expect to keep the boy on the farm if he can only hope to eke out a mere existence.

Those who contend that the conditions in Canada are such that there is no justification for protecting our markets against their products have a curious way of showing the sincerity of their professions. With one or two minor exceptions, for which there are political reasons, they are careful to leave ample protection upon any article manufactured or produced in our cities, and single out the farmers and fishermen as the ones upon whom to practice the creed. If they were sincere they might as well have tried this theory upon some of the articles controlled by a trust. But, oh no, that would not do. These trusts must not be disturbed. It is argued that because of their existence this legislation is justified. Not because the farmers have formed a trust, but because people are up in arms against the extortions of the trusts and that something must be done to satisfy the people. Of course it is not necessary to prevent this extortion; let the farmers make up for the unconscionable profits of these trusts. That was the argument that put hides on the free list and is now used to put other farm products on the free list. If you imagine that you can convince our farmers that your love for the Canadian and not your own love of gain is your reason for supporting this treaty, you will awake to find yourself disappointed. If you think that you can cajole them into the belief that they are not hurt, you simply insult their intelligence. There is no good reason why one class of our producers should have their markets protected against foreign competition while others equally deserving are denied such protection. Protection can only be fair if all are treated alike. The protected countries of Europe recognize the justice of this claim and freely accord protection to their farmers. If this treaty is adopted it will mean a loss to the Northwest of millions of dollars annually, not only to the farmer, but also to the cities and villages. The money received by the farmer for his products goes back to your merchant for his supplies made in your mills, your shops, and factories. You can not injure the farmer without injuring the cities and villages.

It is perfectly plain that some of those favoring this treaty are doing everything they can to misrepresent its nature and effect. You may call their attention to the fact that the threat to put it into effect has already materially reduced the price of farm products, and that under every known law of trade further reductions are inevitable. It is all to no purpose. Many are eager for this reduction; others regret this, but see personal advantages that dominate their course. The millers and elevator men are assured of fortunes in an abundance of cheaper grain; the railroads anticipate added tonnage and added dividends from Canadian products; the newspaper men are promised free print-paper, but all in chorus protest that they are not selfish. These thrifty patriots, hugging a hope of gain from the farmer's loss, assume a haughty air of superiority and extol themselves as great, enlightened statesmen, whose hearts bleed for suffering Canada. In the flush of present triumph they threaten and browbeat all opposition. But let me suggest to them, this is the Cobden corn law. When it is adopted, what further interest has agriculture in protection, and what justification is there for preserving to other industries our markets? If America is willing to get down from its high standard of

living and take its chances in the fierce contest of a world competition, good and well.

Quotations of flaxseed at the Minneapolis, Duluth, and Winnipeg markets from September 26, 1910, to January 23, 1911, as reported by Commercial West.

[Price per bushel.]

Dates.	Minneapolis.	Duluth.	Winnipeg.
1910.			
Sept. 26	$2.70	$2.78	$2.48
Oct. 3	2.54	2.53	2.15
10	2.66½	2.65½	[1] 2.44
17	2.64	2.64	2.40
24	2.57½	2.61	2.39
31	2.60½	2.61½	[2] 2.43
Nov. 7	2.63	2.64	2.45
14	2.70	2.74	2.52
21	2.59½	2.64½	[3] 2.45 / [4] 2.37
28	2.54	2.53	2.26
Dec. 5	2.55	2.54	2.25
12			
19			
27	2.42	2.37	2.07
1911.			
Jan. 3	2.48½	2.47½	2.22
9	2.53	2.53	2.26
16	[5] 2.61	[5] 2.61	2.42
23	2.63½	2.63½	2.25

[1] October 11 quotation.
[2] November 1 quotation.
[3] November bid.
[4] December bid.
[5] January delivery.

Minneapolis cash wheat quotations of Nos. 1 and 2 northern (track), compared with Winnipeg quotations of No. 1 northern "in store," Fort William or Port Arthur terminal elevators, and Liverpool quotations of No. 2 northern Manitoba.

	Wednesday quotations.			Tuesday quotations.
	Minneapolis.		Winnipeg.	Liverpool—No. 2 northern Manitoba.
	No. 1 northern.	No. 2 northern.	No. 1 northern.	
	Cents per bush.	*Cents per bush.*	*Cts. per bu.*	*Cts. per bu.*
1909.				
Sept. 1	98½	96 – 96½	97½	125½
8	97½ – 97¾	95½ – 95¾	97½	129
15	99⅝–100⅛	97⅞ – 98⅛	98½	130½
22	100⅛–100⅜	98⅛ – 98⅜	98	129¼
29	101⅜	99⅜	94⅜	130
Oct. 6	101	99	96½	130½
13	103⅜	101⅜	98¼	131½
20	104⅛–104⅜	102⅛–102⅜	97	131
27	105⅛–105⅜	103⅛–103⅜	97⅜	131
Nov. 3	102 –102½	100 –100½	95⅜	115⅞
10	104⅛–104⅜	102⅛–102⅜	97½	115⅞
17	105⅝–106⅛	103⅛–104⅛	98⅜	
24	106⅜–107	104⅛–105	99½	117⅜
Dec. 1	103⅞–106	103⅞–104	94⅜	118⅜
8	109⅛–110	107⅛–108	96⅛	118⅜
15	112 –112½	110 –110½	99⅜	119⅜
22	111⅜–112⅜	109⅜–110⅜	100⅛	120⅛
29	111⅛–112⅛	109⅛–110⅛	100⅛	119⅛
1910.				
Jan. 5	114-115	112-113	103⅞	122⅛
12	114⅝–115⅜	112⅜–113⅛	103⅞	122⅛
19	110⅝–111⅜	108⅝–109⅜	101⅞	120⅞
26	114-114⅛	112-112⅛	103⅛	120⅞
Feb. 2	111¼	109¼	103	121⅜
9	112	109	102½	119⅛
16	115⅜	113⅜	103⅛	120⅛
23	113⅞	111⅛	102⅛	119⅛
Mar. 2	114⅛	112⅛	103⅛	119⅜
9	114⅛	112⅛	104	118⅜
16	114⅛	112⅛	104⅛	120⅜
23	116⅛	114⅛	105⅛	120⅜
30	115⅜	113⅜	105⅛	121⅛
Apr. 6	110⅞	108⅞	104	121⅛
13	111	109	103⅛	119⅜
20	107⅛	105⅛	100⅜	117⅛
27	109⅛	107⅛	99⅜	117⅛
May 4	111	109	99⅛	112⅛
11	112⅛	110⅛	98⅛	112⅛
18	110	108	96⅛	109⅛
25	109⅜	107⅜	92⅜	104⅛
June 1	106⅛	104⅛	88⅛	97⅜
8	107⅜	105⅜	90	102⅜
15	106⅛	104⅛	89⅜	99⅛
22	111⅛	109⅛	93⅛	102⅜
29	115⅜	113¼	100⅛	107⅛
July 6	118	116	106	107⅛
13	118	116	109⅛	110⅛
20	120⅜	124⅛	115⅜	119⅛
27	124⅛	122⅛	110⅛	121⅛
Aug. 3	117⅛	114⅜	106	117⅜
10	115⅛	110	108⅛	117⅜
17	113	109⅛	110	121⅜
24	110⅜	107⅜	107⅛	121⅛
31	112⅜	110⅜	108⅛	120⅞

Liverpool quotations are for the day preceding the date specified in the statement.

Mr. SULZER. Mr. Chairman, reciprocity is an American doctrine, and in harmony with the commercial spirit of the times. I shall vote for this bill to promote reciprocal trade relations with the Dominion of Canada because I believe it will be in the best interests of the producers and the consumers of our people and the people of Canada, and to some extent it will materially reduce the cost of some of the necessaries of life. The only fault I have to find with this reciprocity agreement is that it does not go far enough to meet my views regarding genuine reciprocal trade relations.

However, I desire to say this measure is a step in the right direction and to that extent meets my approval, and hence I reiterate the hope, so often expressed by me, that something will be done substantially ere long to bring about freer commercial relations with our neighbors on the north—the Canadians—and with the progressive people of our sister Republics, in Mexico and in Central and South America.

Here is the true field, it seems to me, for our legitimate expansion of trade, for broader markets, for our industrial endeavors, and for our commercial extension; and now is the time for an exhibition on our part, as the representatives in Congress of the people of the United States, of a little political sagacity and the exercise of good business foresight in the enactment of this legislation that will mean more and more commercially as the years come and go to our producers, to our consumers, to our merchants, to our manufacturers, and to all the people of our country.

For years I have been advocating true reciprocity with our sister countries north and south. As I view the situation, we either attempt to go too far afield on the one hand, seeking trade at great expense in distant lands, or we display a lack of business knowledge and exhibit a narrow provincialism on the other hand, declining trade at our doors, that is as detrimental to our best interests as it is deplorable in our statesmanship. Canada, Mexico, Central and South America are our neighbors and our real friends, and they should be our best customers; and they would be our best customers if we only had the commercial sense and the political wisdom to deal with them aboveboard, in the spirit of trade equality, and treat them fairly and reciprocally along lines mutually advantageous.

Sir, the statistics conclusively show that this trade at our very doors is growing more important and becoming more valuable every year. Why should we ignore it? European countries are doing their best to secure it, and the facts prove that they are getting the most of it at the present time, very much to our detriment and to our disadvantage. Why will our people always be blind commercially to their own best interests and to their own greatest opportunities? Why spend millions of dollars seeking trade in the Orient when the commerce of the Occident—richer than the Indies—is knocking at our door? Let us obliterate the obstacles, tear down the barriers, and open wide the doors to welcome the commerce of North and South and Central America, on land and sea, ere it is too late and the opportunity to secure it be lost forever. Now is the accepted time. These countries are anxiously awaiting the outcome of our deliberations. They are watching the enactment of this legislation. They long for some evidence of our friendship and sincerity. They want to trade with us. They will meet us more than halfway. Shall we disappoint their most sanguine expectations? Shall we ignore this most valuable trade, these great commercial opportunities, and give these splendid markets wholly and entirely to foreign countries? I trust not; and so I say again that I hope, ere we adjourn, the pending bill will become a law.

Mr. Chairman, the people of these countries to our north and to our south are the true friends of the people of the United States; they look to us for protection, for sisterly sympathy, for a reciprocal exchange of products; they need our help in their industrial progress; they desire our aid in the marketing of their exports; they appeal to us for financial assistance in the development of their great natural resources; and their resources and their products are greater and richer than those of countries far away across the Pacific and the Atlantic Oceans. We should aid them in their struggle for better conditions. We should extend to them a helping hand in their onward march of progress. We should glory in their prosperity. Their success is our success. They are rapidly forging to the front; their exports and their imports are increasing annually; their trade is becoming more and more important, their commerce more and more valuable; and instead of closing our doors by tariff barriers against these countries and their products, in my opinion, we should open them wider and do everything in our power to facilitate closer trade and commercial relations. We want their products and they want our products, and all restrictions to prevent a fairer and freer exchange of goods, wares,

and merchandise should, in so far as possible, be eliminated. It will be for the best interest of the people of the United States, of lasting benefit to our neighbors to the north and to the south, and for the mutual advantage of each and every country on this hemisphere, binding us together in closer ties of friendship and making for the peace and the prosperity and the industrial progress of the times.

Mr. PUJO. Mr. Chairman, I am opposed to the bill under consideration and to the reciprocity treaty recently negotiated and entered into by the State Department representing the United States of America and the Canadian ministers on the part of the Dominion of Canada, for the primary reason that the manner in which the trade agreement was entered into and the manner in which it was brought to the consideration of Congress is, according to my view, violative of both the letter and spirit of our Federal Constitution.

Section 1, Article I, of the Constitution says:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

While it was true that the Congress of the United States is ostensibly considering the provisions of the bill writing into law the reciprocal agreement entered into by the President with the Dominion of Canada, yet in truth and in fact, this bill is not being considered with due regard for orderly procedure, in that the President of the United States not only initiated and originated the measure, but the power of his great office is recognized and felt in this Chamber as one of the strongest arguments in favor of its enactment into law.

Under the Constitution, a treaty involving the raising of revenue could not be negotiated by the President and would be of no force and effect as authority for the collection of revenue.

Yet the Canadian reciprocity treaty which we are called on to ratify without the crossing of a "t" or the dotting of an "i," is brought before us in a manner never contemplated by the Constitution and clearly beyond its sanction.

Under our theory of government, as I understand it and as it is expressed in our organic law, all revenue bills must originate in the House of Representatives.

Article I, section 7, reads as follows:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

The reason for the inclusion of this mandatory provision in the Constitution, was to lodge the power to tax the people in the Representatives chosen by them for that purpose. The very next section of the Constitution emphasizes the limitations as to this power being vested in any other coordinate branch of the Government, as it says:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

It can not for one moment be contended, but that the treaty under consideration, and which the Congress is called on to ratify, lays and collects taxes and duties. Hence, the House of Representatives and the Senate should be jealous of the exclusive privilege vested in the former to originate bills raising the revenue and, in both, vesting the power to lay and collect taxes and duties.

Mr. Chairman, the appetite grows on what it feeds. If the Chief Executive of the United States be permitted to enter into reciprocal trade agreements with the Dominion of Canada, laying and collecting taxes and raising revenue, he will no doubt feel encouraged by the approval of his course and will enter into similar agreements with other countries, and thereby radically change the economic policies of our Government with reference to our commercial relations with other nations of the world. It is no stretch of the imagination to suggest the thought, that in the near future, we may be confronted by a reciprocal trade agreement negotiated by this Government with the Republic of Cuba admitting sugar free into this country, or greatly reducing the rate of duty thereon for some imaginary compensatory general benefit to result to the consumer. The same suggestion follows in its logical order with reference to a reciprocal trade agreement with Japan and China, admitting rice into this country without duty thereon in compensation for similar treatment to agricultural implements or some of the manufactures of the Atlantic seaboard.

We are confronted with this condition to-day with reference to rough lumber, which is to be permitted to come into the United States from the Dominion of Canada without paying a duty.

The thoughts just expressed were dictated yesterday, and in confirmation of these views I find in a local morning paper, the Washington Herald, the following comments on the speeches made by President Taft and my distinguished leader, Mr. CLARK, Speaker of the Sixty-second Congress, before the Pan-American Commercial Conference, which I now read:

President Taft and CHAMP CLARK, Speaker to be, announce they favor world-wide reciprocity.

Statements received with enthusiasm by delegates representing trade interests of Pan America.

Further:

In this connection it was learned yesterday that informal discussions are already taking place between representatives of the State Department and the Mexican ambassador with a view to opening the way to reciprocity negotiations with that country. The Mexican proposition has not taken definite form as yet, but an effort is being made to ascertain the views of the Mexican Government in regard to it.

Mr. Chairman, free trade with Mexico in competitive raw material should produce grave apprehension in the minds of nearly every Representative in the House. As you are aware, Mexico has potential possibilities as a producer of raw material. Her plains are covered with cattle and horses; great forests of timber of all useful kinds are to be found there; her mines, although yet almost undeveloped, can be made to produce fabulous wealth; her fields yield products of all kinds, and it would be absolutely impossible for an American citizen to compete with importations from Mexico.

The principal producing labor of the Republic of Mexico consists of peons and it is conducted and maintained under a system which is so repugnant to the people of the United States that this Government has even manifested its disapproval of such conditions by the enactment of a law punishing severely anyone guilty of the offense of peonage. If it be true that the President of the United States is initiating negotiations with the ambassador from Mexico, looking to a free trade reciprocal agreement, we will suffer great damage in the State of Louisiana. Sugar will be brought in competition, resulting not only in the destruction or impairment of the great industry in that State, but one from which the customs duty collected for the fiscal year ending June 30, 1910, amounted to $52,000,000. It may strike down the rice industry producing an annual crop in Louisiana and Texas of $20,000,000 a year about equally divided between the two States, and in which approximately $200,000,000 is dependent, either by direct investment or in investments depending upon rice culture. And as to its probable effect on the lumber industry, I quote from a speech delivered by me in this House on the 31st of March, 1909, when the Payne tariff bill was under consideration, as conditions have changed but little since that time:

The State of Louisiana manufactures more yellow-pine lumber than any other State in the Union.

It converts more cypress into lumber than any other of the United States.

It is second in production in the manufacture of sawed lumber in the United States.

The district that I have the honor to represent upon this floor is the largest yellow-pine district in the United States. The assessment of timber lands in the State of Louisiana for the purpose of taxation for the year 1908, on an approximate 50 per cent basis, was nearly $80,000,000. The assessment for the same purpose in my district, upon the same basis, exceeded $32,000,000. Thus it will be seen that the State of Louisiana in taxable values in timber alone, upon the basis mentioned by me, has $160,000,000 worth therein, and my district sixty-four million.

Mr. Chairman, for the purpose of this discussion, I assume the following facts as established, round numbers only being given:

Sawmills reporting in the United States	28,850
Quantity of lumber manufactured	40,256,154,000
Value	$666,641,367
Laths	3,663,602,000
Value	$10,342,705
Shingles	11,824,475,000
Value	$30,111,337
Aggregating a reported value of lumber, laths, and shingles for 1907	$707,095,409

Further, going into details on this subject, in so far as the State of Louisiana is concerned, of the totals above given we have from that State 531 sawmills reporting, producing 2,972,119,000 feet, of a total value of $48,638,256, of which 2,345,912 feet was of yellow pine, of the value of $34,402,894.

The next principal item of lumber manufacture was cypress, aggregating 509,665,000 feet, of the total value of $11,734,044.

The output of hard woods in that State was 116,542,000 feet, of the value of $2,501,318.

The Bulletin of Forest Products, No. 2, compiled in cooperation with the Department of Agriculture, by Gifford Pinchot, United States Forester, issued November 18, 1908, from which the foregoing figures have been taken and to which further reference will be made, shows the average value of yellow-pine lumber, in a manufactured state at the mill ready for shipment, per 1,000 feet board measure, in Louisiana, to be $14.67, and the average value of the same grade of lumber throughout the United States $14.02.

The cost of production varies in different States owing to what we might term the "lay of the land." Where logging is done in a mountainous country, the cost of bringing the timber to the mills is much more than in the South, where the land is level and log railways can be more cheaply constructed. The cost of production of lumber in Louisiana ready for shipment approximates $11. So it is obvious that the profit is very small, the actual value, as before stated, averaging in the year 1907 $14.67.

As a matter of fact, in the year 1908 several of the large sawmills in my district were compelled to suspend operations, throwing hundreds

of employees out of work. They were unable to dispose of the product at a profit, and the results of operations would have been to use up their stumpage and carry on business at a loss.

Mr. Chairman, it has been stated in the forceful argument of my colleague from Michigan [Mr. FORDNEY] that there are employed in the sawmills in the timber industry of the United States some 800,000 men, and that directly dependent upon this industry are some 2,500,000 people. In the State of Louisiana, in the sawmills alone, by reference to Table 2 of Bulletin 77, from the Census of Manufactures, 1905, Lumber and Timber Products, we find the following aggregates given under "Wage earners and wages:" "Average number, 26,353, and wages, $12,129,065."

And referring to Table 6, same bulletin, in the logging camps, men from 16 years and over, the average number was 8,498; wages paid, $3,965,588. I have not the exact figures for the employees engaged in the production of lumber from the felling of the tree to its shipment from the mill for the year 1907, yet it is fair to assume that they have increased 20 per cent over 1905, showing for my own State, say, 41,821, receiving an approximate wage of $19,313,583.

During the course of the debate as to whether lumber should retain the present duty, or be reduced 50 per cent, or placed upon the free list, inquiry has been made as to where the loss would fall. I am strongly persuaded, Mr. Chairman, that the principal portion of the loss would be imposed upon labor. I am not alone in this opinion, because I have been requested by hundreds and hundreds of laborers in my district, by petition, filed with the Committee on Ways and Means, to vote against a reduction in the duty upon lumber, as they believed it would be followed by a corresponding reduction in wages.

The average wage rate in Louisiana is $2 per day.

The average wage rate in my district is $2 per day.

Should lumber be placed upon the free list, I believe that it would result in a reduction of wages to a point at least 20 per cent lower than the present level, resulting in a loss to labor in my State of nearly $3,500,000; and should the duty be reduced 50 per cent, just half that amount—$1,750,000—40 per cent of which would be borne by the employees in my district.

Mr. Chairman, I believe that the attempted reduction of the tariff on lumber will be violative of all principles of justice and equity to the laborer, to the manufacturer, and to the man who uses the commodity last—the consumer. Should this bill be enacted into law, its operation upon the sawmill man will be, in part, as follows: His lumber and shingles will be upon the free list, and nearly everything he has to buy is protected, to wit:

A tariff picture of the sawmill man; what he buys on the high end of the tariff list; what he sells on the free list.

Name of article.	Rate of tariff.
What he sells:	
Lumber	On the free list.
Shingles	Do.
What he buys:	
Engines (stationary)	30 per cent.
Engines (locomotive)	Do.
Boilers	Do.
Machinery in general, not otherwise specified	Do.
Saws—	
Circular	25 per cent.
Crosscut	6 cents per foot.
Drag	8 cents per foot.
Hand	30 per cent.
Mill	10 cents per foot.
Pit	8 cents per foot.
Steel band	10 cents per pound and 20 per cent.
All not specifically mentioned	30 per cent.
Belting—	
Rubber	45 per cent.
Cotton or other fiber	Do.
Leather belts, ready for use	35 per cent.
Leather, for belts not ready for use	20 per cent.
Axes	45 per cent.
Hatchets	Do.
Chains—	
Log	1¼ cents per pound.
Small	1¾ cents per pound.
Iron or steel wire cables	1 cent per pound.
Rope, hemp	2 cents per pound.
Locomotives, forgings for	35 per cent.
Steel railway rails	Do.
Piping, wrought iron or steel	Do.
Oil, lubricating (?)	
Harness for horses	45 per cent.
Horseshoes	1 cent per pound.
Horseshoe nails	2½ cents per pound.
Horses	20 per cent ad valorem.
Mules	Do.
Hay	$4 per ton.

Mr. HOWLAND. Will the gentleman yield for a question?

Mr. PUJO. Certainly.

Mr. HOWLAND. I understand you insist on protection. Against whom do you desire to be protected?

Mr. PUJO. I am insisting upon a duty against the lumber from Canada, where labor is cheaper, and because it is cheaper the people of the North who have grown rich, and whose forests are now denuded, are actuated by selfish motives and desire the timber of the South placed in competition with free Canadian lumber, so that they may buy the Canadian lumber cheaper than they can buy the lumber of the South.

Mr. HOWLAND. Is not the gentleman aware that he is shipping his longleaf yellow pine into Canada to-day, and that they produce none there, and that it is not a competing product?

Mr. PUJO. I am perfectly aware that we can ship into Canada about 20 per cent of our product, the highest grade, because we can ship that anywhere in the world. We are shipping such grade to Hamburg and Havre and other foreign ports.

Mr. HOWLAND. In competition with the lumber of foreign countries?

Mr. PUJO. Yes; but the gentleman does not seem to understand that at least 60 per cent of our product goes into common stock, which we ship into Indiana, Illinois, Connecticut, and even Michigan, where they used to get it from the Saginaw Valley. Now they want to buy it from Canada, because they have no more timber and they do not want to buy it from the South. They want to save that extra dollar or two a thousand if they can.

Mr. HOWLAND. There is no longleaf yellow pine in Canada, is there?

Mr. PUJO. No; but there is plenty of timber that will come in competition with at least 60 per cent of our product. Now, further in this connection, the placing of lumber upon the free list will reduce our market zone. We can not reach the territory that we are reaching to-day with lumber from the South, but, on the contrary, we will be placed in competition with the accumulated common stock coming from the adjacent territory, and within a radius of probably 300 miles from the Canadian border we shall not be able to sell our lumber.

Mr. HINSHAW. It has been frequently said that free lumber would not give us any benefit in Nebraska. Do you ship your lumber into Nebraska, and would the Canadian lumber come in competition with yours there?

Mr. PUJO. I am not exactly familiar with the extent of our lumber trade in the western markets, but I do say this, that we buy your Nebraskan hay, upon which you have a duty of $4 a ton. You are not in favor of free lumber, are you?

Mr. HINSHAW. Yes. We sell our hay at $4 a ton, notwithstanding the duty.

Mr. PUJO. I understand; but if we had no duty on hay, we might be able to get it at $2 a ton for the mules and horses that we have to use in logging operations in our State.

Mr. STANLEY. Mr. Chairman, my good Democratic friend and brother does not mean to argue on the floor of this House that a duty of $4 a ton on hay materially affects its price in this country?

Mr. PUJO. Well, I do. I think if you do not have a duty on hay, that hay could be produced in Brazil and shipped here and destroy the hay market to the same extent as if it had been saturated with oil and set on fire.

I will state to my good friend from Kentucky [Mr. STANLEY] that, in my honest judgment, if we did not have a 20 per cent ad valorem duty on mules, that we need in our logging and sugar operations, mules could be raised in Brazil, the finest stock and crop growing country in the world, and we would be able to buy mules that we now pay $200 apiece for in Kentucky and Missouri for a much lower price. But we do not believe in that doctrine in the State of Louisiana. [Applause.] I want to be perfectly consistent. The State of Louisiana is rich in her natural productions, and her Representatives you find, as a rule, consistent. They not only want a duty upon that which is produced in Louisiana, but they are willing to vote a reasonable duty upon that which is produced in other States. [Applause.]

I feel that I represent the interests of my people by taking such a position. I do not consider it the duty of a Representative to come here and argue that you should take care of that which is in his district and protect it by a tax, whether for revenue or protection, and then vote everything else in everybody else's district free.

I am amazed and astounded that a Representative, for instance, from a prairie State, where, perhaps, cattle are raised in large numbers, does not want hides upon the free list, but, forsooth, wants lumber upon the free list. Louisiana will vote with the Representatives from Missouri and Kentucky for a duty on mules, will vote with the Representative from Texas for a duty on hides, and with the Representative from Kansas for a duty on his hay or corn. Every industry which can be destroyed by a removal of duty, even if a fair measure of protection results, I will stand here and vote for.

I do not understand how a Representative from the South, when his own section will be injured most by the removal of the duty upon lumber—Louisiana, Texas, Mississippi, Alabama, Georgia, and North Carolina, and South Carolina—I do not understand, Mr. Chairman, how it is that a man sent here to represent the interests of his country could for one moment listen to the seductive arguments of those who have interests in the Dominion of Canada, and vote for a bill which will injure a great industry in the South, and particularly in the States of Louisiana, Texas, Mississippi, Alabama, Georgia, and the Carolinas.

* * * * * * * *

In this connection I want to emphasize the fact, as was stated by my colleague from Michigan [Mr. FORDNEY], that the ad valorem duty on lumber is the lowest upon the schedule. The actual value, as shown by the table above referred to, per thousand feet, board measure, is $14.02, giving a tariff rate under the present schedule of about 14.23 per cent ad valorem, and should the duty be split in two, the rate will be reduced to 7.11 per cent.

Mr. Chairman, I believe the present duty on wood and its manufactures to be a revenue-producing one, for, in 1907, the revenue from that source exceeded some $3,700,000, and on lumber $1,600,000. Hence, a Democrat who believes in a tariff for revenue only ought to find no embarrassment in voting for the maintenance of the Dingley schedules on lumber.

But independently of that fact, I am in favor of a fair duty upon every article imported into the United States which may be produced here, provided that such rates shall not be prohibitive. In other words, I believe in a duty equal to the difference between the cost of production plus transportation. Now, I am perfectly aware that some of my colleagues on this side of the House will assert that it is not the function of the Government to guarantee a profit to anyone who may be engaged in an enterprise. That is perfectly true; but I consider this a misstatement of the case. I believe it to be the duty of the Government, when the question of the welfare of its citizens is to be weighed in the balance with those of other countries, that there should be no discrimination against our own citizens. So my views on the question of the imposition of a tariff tax are that the representatives of the people owe it to them to so legislate that no citizens of a foreign country shall be permitted to offer for sale in this country any competitive article under conditions more favorable than is enjoyed by an American citizen. It has been my intention to be entirely frank with my colleagues upon this question.

The views I express to-day I have entertained for many years, as is well known to the people of my State and district. Louisiana is a State great in the production of raw material. She leads in cane sugar; in the output of yellow pine; is second in the United States in timber production; and is a large producer of cotton. She produces practically half of the rice in the United States; one-third of the sulphur of the world; and her people do not subscribe to the doctrine that the raw material must be free and the finished product protected.

It should not be lost sight of, that the bill under consideration carrying this treaty into effect, places nearly everything that is produced upon the farm, or embraced in the general

term of husbandry, upon the free list, but we find that manufactured goods do not have to bear such a burden. We are told, no doubt with sincerity, that under the terms of this agreement wood pulp and print paper will be brought into the United States free of duty, thereby inviting the support of the great molders of public opinion, the powerful newspapers of this country, who have always claimed that the duty on wood pulp and print paper was a tax on knowledge.

Mr. Chairman, it is asserted without contradiction that under the form of Government of the Dominion of Canada, the Provinces alone have the right to adopt the regulations upon which Crown timber can be exported from that country, and it is now claimed by those who have made a close investigation of the subject that there is an export tax on such exportations, and under the provisions of this treaty wood pulp and print paper would not be entitled to its benefits.

I have singled out two or three of the great agricultural and industrial products of this country, because it so happens that I am relatively familiar with their importance to the consumer and of their revenue-producing qualities. It has been stated in this Chamber, with some degree of assurance, that the tax upon agricultural products is merely a stalking horse used to approach and capture the vote of the farmer, that such a tax produced nothing to help maintain the Government; but, Mr. Chairman, the figures show that for the fiscal year 1910 there was collected on cane-sugar importations, not above 16 Dutch standard, $52,677,757; on cane sugar above 16 Dutch standard, $60,044; on rice importations, $1,458,307; on rough lumber, $1,600,000; on wood and the manufactures of wood, upon which the duty has been reduced, $1,448,000 (estimated).

It may be urged that some of these items are not affected by the treaty, but, Mr. Chairman, under the precedents sought to be established by the ratification of this trade agreement every article upon the dutiable list from which a revenue is derived to help sustain and maintain this Government may, in a very short time, be the subject of a similar trade agreement, and then ultimately driven from the dutiable list by the power of the Chief Executive, who would have sufficient pride of opinion to have his views enacted into law. The provisions of this treaty and this bill, in my opinion, will operate not only sectionally, but against certain classes of our peoples.

The Members of this House, representing more than 90,000,000 people, have no right to legislate in the interest of the manufacturer of agricultural implements, foodstuffs, clothing, and other necessities of life and against those engaged in agriculture.

Mr. Chairman, you have, no doubt noted, that the farmers of the United States are almost as a unit opposed to the adoption of this treaty, and it seems to me that they are the best judges of whether gain or loss will result from its enforcement.

It seems fair to conclude, looking at this question from its four corners, that the opposition to this treaty is almost universal, except on the part of those who believe in free trade per se and those who know that they are favored by this legislation.

Mr. Chairman, one of the immortal commentators on the weakness of human nature truly said:

> When self the wavering balance hold,
> It's rarely right adjusted.

And, without saying this in a spirit of criticism, I fear that the section of the country from which comes the principal cry for the enactment of this legislation will fall within the warning of the truism just quoted.

Mr. Chairman, I had hoped that when the Democratic Party found itself partially restored to power and on the way to come into its own again in all three departments of the Government that we would base our claim before the American people for a longer tenure of power upon the fact that we would endeavor to carry out in letter and in spirit the provisions of the Constitution of the United States and restore all power where it was lodged by that great instrument—in the hands of the Representatives legally chosen by the electors of the country.

Let us, therefore, have due regard for the orderly administration of our public affairs. If reciprocity with Canada is a good thing for those engaged in the production of the articles placed upon the free list in this treaty it could as well be said to be a good thing for everything produced in that country and in ours. Should such be the case, the proper way to arrive at the solution of the problem is for a careful investigation to be made of the differences of cost of production and manufacture there and production and manufacture here. The House recently passed an act authorizing the creation of a tariff board for such purpose. Information could be gathered by this board and then submitted to Congress and legislation carrying the same into effect be inaugurated in the House of Representatives, where the Federal Constitution locates the power.

In concluding my remarks in opposition to the enactment into law of this bill ratifying the reciprocal trade agreement with Canada, I summarize and restate my objections:

1. The Constitution of the United States never intended that the Chief Executive should enter into reciprocal trade agreements laying and collecting taxes, duties, imposts, and excises.

2. The Constitution of the United States vests in the House of Representatives the sole power of originating bills raising revenue.

3. The Constitution confers the exclusive right upon Congress—the House and the Senate—to lay and collect taxes, duties, imposts, and excises.

4. The bill in its details, is sectional, un-American, and undemocratic—

Sectional, in that by its provisions the manufacturers of the East and Northwest are the principal beneficiaries.

Un-American, in that by its provisions the hand of the tax-gatherer will fall heavily upon the user of manufactured goods and some of the prime necessities of life, such as flour and meat.

Undemocratic, in that by its provisions it embodies class legislation of the most vicious character, taking care of the manufacturer of many of the necessities of life at the expense of the farmer, the producer of our foodstuffs.

Mr. HUGHES of Georgia. Mr. Chairman, as a southern farmer and Representative of one of the largest agricultural districts in Georgia, I am in favor of this reciprocity agreement with Canada. It is a Democratic principle, a Republican conversion. Democracy has declared that the principal cause of the high cost of living is the Republican protective tariff, and the antagonism and pleadings of the Republican high-tax leaders to this bill verifies this statement. It is indeed amusing to hear their plaintive ditties in behalf of the farmer, the class of all classes that protection has oppressed by granting Government aid to so-called "infant industries" of corporation maturity, with accumulated millions in their coffers. You can not, at this crucial moment, deceive the farmer by cries of injustice and class legislation. It is as absurd as it is deceptive. In all these years of Republican power you have only attempted to quiet the farmer into acquiescence with a mess of pottage, hush money, but he has awakened from his lethargy. He reads, he thinks, and he will act. He is no longer an unsuspecting, confiding voter, wielded by promises violated and pledges broken. It is true in some indifferent way on a few articles you have levied an infinitesimal tax, claiming thereby you have protected the producer. In your pleadings he reads between the lines and will not obey your mandates.

The southern farmer needs no protection. He demands none. What he does demand is equal rights to all and special privilege to none. He demands that agricultural implements of all kinds, a necessity for the economical production of his corn, wheat, rye, oats, and cotton, be not taxed to the extent that they can be sold abroad cheaper than he can purchase them at home, within calling distance of the manufacturer's shop. He demands the same on his clothes, hats, and shoes. He does not demand protection on the necessities of life, though he is a producer. Combines and trusts are the result of protection, and combines and trusts created by a protective tariff are the grafters that have ridden the farmer and have made him a hewer of wood and a drawer of water—a galley slave of protected kings. He is determined to throw off the yoke of oppression, stand firm, break the shackles, and demand and get his rights. He well knows this bill does not give him full justice, but he is neither deaf to reason nor blind to facts. Results he wants. He sees that this is a step in the right direction, and, when taken, it means another advanced step in the right direction, and that finally he will receive his reward in complete tariff reduction. Your cries for the farmer are forced tears. They burn your cheeks as they flow. Oh, ye agricultural hypocrites!

Mr. YOUNG of New York. I have always been a protectionist and a Republican, and have always maintained that the measure of protection should be the difference between the cost of production here and abroad plus a reasonable profit, so that our workmen, whether in the factory, furnace, or field, should receive wages in keeping with the American mode of life, which is on a higher plane than anywhere else in the world. I think this is the principle and platform of the Republican Party, and I stand on it to-day.

The reciprocity measure which we are asked to approve is not contrary to the policy of the Republican Party, but is in line with its action, which has always been to lead in the interest of all the people rather than to follow, which is the case

in the measure before use. I have for many years been an advocate of reciprocal treaty relations where it would benefit our people without injury to the farmers, manufacturers, and wage earners of the land. I have no sympathy with those Members on this side of the House who read disaster to American interests or to the Republican Party if the reciprocity treaty with Canada should be adopted. After the treaty has been in operation six months I am confident that no one, whether he be a farmer, manufacturer, or merchant in this country, will feel that he has been injuriously affected. It may be that in some localities there may be a temporary very small reduction in price of farm products, but the difference in price of farm products in Canada and the United States is so insignificant that it can have no permanent serious effect.

In a speech delivered on this floor on the 21st of May, 1910, I showed that the prevailing retail prices in Detroit, Mich., and Windsor, Canada, on that day were in many instances higher in Windsor than in Detroit. I shall reproduce this schedule of prices in the two cities in the RECORD, as I do not care to burden you with them at this time, but conditions have not materially changed in the 10 months.

Summary of prices in Windsor and Detroit.

	Windsor.	Detroit.
	Cents.	*Cents.*
Homemade headcheese	10	10–15
Selected corn beef, per pound	10	7–8–10
Finest hamburg steak, do	10	9–10
Prime rib roast of beef, do	12½–13	11–12
Porterhouse steak, do	16–17	14–15
Sirloin steak, do	15	12½–14
Round steak, do	12½	13
Leg of lamb, do	16	15–16
Roast fillet of veal, do	12½–16	12½–15
Cutlets of veal, do	15	16–18
Stewing veal, do	8–10	10
Roast pork, do	15	16
Pork chops, do	16–18	17
Forequarter pork, do	13	13
Leaf lard, do	14–15	12–15
Front quarter lamb, do	12½	13½
Hind quarter lamb, do	15	15
Bacon, do	20	18–20
Ham, do	17	15½–17
Bologna, do	10	15
Pork sausage, do	12½	12–17
Liver, do	[1] 10	6
Oysters, per quart	50	40
Cranberries	12½	([2])
Hinkel's buckwheat flour, per package	25	([3])
Fresh eggs, per dozen	35	27–28
Fancy white potatoes, per bushel	60	45–49
Grape fruit	([4])	[4] 10
Extra fancy butter, per pound	30	32
Seeded raisins, per package	12½	7½
Flour, per sack	75	68
Sauer kraut, per quart	10	7
Granulated sugar, per pound	([5])	([6])

[1] Three pounds for 25 cents.
[2] Two quarts for 15 cents.
[3] Three packages for 25 cents.
[4] Three for 25 cents.
[5] Eighteen pounds for $1.
[6] Ten pounds for 47 cents.

I believe that upon the adoption of the treaty the demand for Canadian farm products will materially increase and Canadian prices will advance until they are on a parity with those on this side of the border.

The high prices of food products is not due to the excessive prices asked or received by the farmers. On the contrary, I do not feel that the farmer has received anything like his share of the profits on his products. I have noted carefully what the president of the Grange has to say about the disastrous effect that would come from the adoption of the treaty, but I think he overlooks the fact that the consumer is in no way responsible for the meager earnings of the farmer. The trouble lies with the transportation company and the middleman, and this matter should be taken up by the farmers themselves. If they will unite, as all other trades have united and will insist upon fair prices for everything they produce, they can secure it, notwithstanding the strong monopolies which oppose them.

It is almost an absurdity that the farmer should be paid 3 cents per quart for milk delivered at the country railroad station in New York and that milk should be delivered at my door the following morning in the city at 10 cents per quart, and it certainly seems as though the transportation companies and the milk dealers were getting an abnormal share of the profits. This does not apply to milk alone, but to all products. I remember last year when in Michigan or Wisconsin potatoes were selling at 10 cents per bushel, while in New York they were retailing at 50 cents per bushel.

It has been stated from time to time for many years past that when excessive supplies of farm products were accumulated in New York and there was danger of flooding the market and breaking the prices, that fruit and vegetables were destroyed or the commission men in the city advised the farmers not to ship them, as there was no remunerative market for them.

I am to-day informed that in Pennsylvania eggs are selling at 18 cents per dozen; poultry, 11 cents per pound; butter, 23 cents per pound; potatoes, 50 cents per bushel; quarters of beef, 8 cents to 10 cents per pound; dressed pork, 10½ cents per pound; milk, 5 cents per quart; wheat, 88 cents per bushel; rye, 60 cents per bushel; oats, 34 cents per bushel; live steers, 5½ cents per pound; live veal calves, 7½ cents per pound.

I take the ground that the prices of food products are not affected by legislation, but only by supply and demand. This can be best illustrated by the putting of hides on the free list when the Payne tariff bill was enacted into law. Immediately the bill became a law, trade, which had been languishing during the consideration of that measure, revived amazingly. The demand for all descriptions of goods increased enormously, and as a result hides advanced more than 15 per cent, and for a year after the Payne tariff law became operative hides were higher than they were before the duty was taken off, and the cattlemen who feared that hides would be so cheap that it would not pay to transport them and that they would rot on the plains, found that they could realize more for them than they had for many years.

I want to say to my friends on this side of the House that I fear the defeat of this treaty will mean the defeat of the Republican Party and of the protection policy, because it is not a sectional measure, it is not a party measure, but a measure in the interest of all the people, who have been demanding some legislation which they think will reduce the cost of living. This has been the demand of the people of this country for two years, and I think was responsible for the defeat of the Republican Party in the late elections in many sections of the country. We should not allow the Democratic Party to take to itself the credit for this measure. The proposition comes from a Republican President, who is a protectionist, who stands for all the principles of protection, and who does not feel that he is doing violence to the principles of the Republican Party in presenting and supporting this measure, and I appeal to my Republican friends to lay aside all petty considerations and stand together for this measure.

It has been said on the floor of this House that there are articles on which the English preferential rates are lower, but if those calling attention to this fact will consider the matter they will find that those articles are of minor importance and will not affect prices in this country, but I make the statement that the rates fixed on the various articles are fair and reasonable and are in conformity with the demands of the inhabitants of the country.

I believe that the adoption of this treaty will hurt no American interest and should be adopted without hesitation. On the other hand, I feel that its defeat by Republican assistance to the Democratic Party would be looked upon as a betrayal of the interests of the people and an ignorance of their reasonable request.

As for the Canadians, as was shown in the able address of the gentleman from Connecticut [Mr. HILL], they are kindred people; they speak our own language; they think our own thoughts; they live lives similar to ours; they are our neighbors, our friends. If either can be benefited by an interchange of products, whether of factory or field, it should be welcomed by both. This Republican Congress has before it an opportunity which has not been given it in a long time to meet the reasonable request of the American people.

You all know that the United States and Canada are divided by a surveyor's line, which should never be considered a stone wall over which neither could climb, but hands should be clasped across the border, and we should in every way court friendship, good will, and commercial intercourse with our brother on the other side. Who knows what will be the future relations between the United States and Canada? We have in the short period of 50 years grown from a Nation of 30,000,000 to more than 90,000,000. Fifty years hence the population of the United States will probably be 200,000,000, and the American people will cross the border in steadily increasing numbers, so that the population of the Dominion is likely to be made up largely of Americans, possibly a majority, and who can tell what may come through the friendly relationship with the mother country of both the United States and Canada? It seems as though in the course of time—it may be 50 years, it may be 100 years, but ultimately—that the American Continent will be one people, living under one flag, and by her influence bring about amity throughout the world, which is the desire of all thinking, God-fearing men.

Mr. GRANT. Mr. Chairman, I rise to oppose the bill now under consideration, providing for reciprocity with the Dominion of Canada, for the reason that it is directly against the policy of the grand old party enunciated in the platform adopted at Chicago in 1908. It is a thrust at protection, which the Republican Party has stood for from the birth of the party up to this day. Under that policy the party has won victory after victory, and with that policy enacted into law and placed upon the statute books this country has grown and prospered as no other country under the sun has done. Under that policy factories of every description throughout the length and breadth of this country have been able to earn a fair profit, after paying to the wage earners the highest wages paid in any country in the world.

Mr. Chairman, there is not a farmer in my district, irrespective of politics, but what is opposed to putting the products of the farm, and the cattle, hogs, and sheep upon the free list. In addition to that, capitalists from the great State of Ohio have come into the district which I have the honor to represent and have invested $4,000,000 in forests and in erecting a pulp-paper mill, which gives employment, in the mills and in the forest, to from two to three thousand men at wages higher than have ever been paid heretofore in that section. In addition to that, almost every farmer in the rural section of western North Carolina owns his own home and owns more or less forest, and under existing circumstances there to-day the farmers have a good market not only for the products of their farms and dairies, but for every conceivable kind of timber known to the forests.

These farmers are not rich in this world's goods, but they own their own cottages and homes, which are as sacred to them as the palace of a prince or the mansion of a millionaire, and they love the party which, by protecting their products, has enabled them to find a market and which has made them independent, though not rich. And, although my district was included in the general Democratic wave that swept the country last fall, the farmer was too sensible and too patriotic, as a rule, to vote against his own prosperity and the prosperity of his country. It was the vote of the cities and towns that put my district for the next two years in the Democratic column, as was the case generally throughout the country.

That great pulp-paper mill consumes various kinds of timber in the manufacture of paper, to wit, chestnut, basswood, white poplar, cottonwood, maple, old field pine, spruce, hemlock, balsam, and other timber. Their pay roll amounts to thousands upon thousands of dollars monthly to the wage earners of my district.

Mr. Chairman, the great pulp-paper industry of this country is one of the country's greatest industries. It is estimated that this industry employs in the mills and in the forests something like 500,000 honest, horny-handed sons of toil, receiving wages of from $1.25 to $7 and $8 per day. Now, who is it that is agitating the placing of pulp print paper upon the free list? It is the metropolitan papers and magazines of this country, who have made millions out of their publications. If this bill should prevail and pulp print paper should be placed on the free list these papers and magazines will not lower the price of their publications one cent to their subscribers, neither will they lower the price of their advertisements to the business interests of the country, but the difference will go deep down into their pockets at the expense of the capitalists who have invested their money in the pulp and paper enterprises and at the expense of the 500,000 wage earners now employed in operating these mills and cutting wood in the forests for the mills.

Mr. Chairman, there are a large number of lumber plants in my district—most of them independent plants—that have been running since the adoption of the Dingley tariff law and receiving a reasonable price for their output. The most of the lumber from my district is put upon the market at Baltimore, Philadelphia, New York, and Buffalo. If this bill passes and the Dominion of Canada is allowed to ship her lumber into our markets free of duty it will be impossible for the lumbermen of my district to pay the freight upon their lumber to the markets above mentioned, which are 600 to 900 miles distant, and sell it in competition with lumber from Canada rafted across the river and down the rivers to our markets.

Then, again, Mr. Chairman, I am a protectionist. I believe in protecting our own markets for our own people. Charity should begin at home, and for that reason I am utterly opposed to the passage of this bill.

We have another industry in my country—the mica industry. We have a number of mica mines throughout western North Carolina that are being worked at a fair profit to the owners of the mines. Whenever mica is placed on the free list it is bound to close down every mica mine in all this section, and the capital invested will be virtually confiscated, and the wage earners who are operating those mines will be thrown out of employment.

Mr. Chairman, the reverses that we sustained in the last election did not come from the rural districts as a rule, but from the towns and cities; from men who are not producers but consumers; men who want to buy the products of the farm and the dairy and the forest as cheap as they can, losing sight of the real principles of protection. Protection is national in its scope, though the schedules apply locally, and we protectionists believe in protecting every interest of every section. Some of our friends claim that the tariff should be taken out of politics. That is impossible, for it will be an issue until Gabriel blows his trumpet, for there will be free traders and protectionists as long as the world stands.

The idea of revising the tariff schedule by schedule, in my judgment, will be a failure. A tariff in order to be fair and equitable must be comprehensive in its scope; it must be made for the entire country and not for a few favored sections. That is the real principle of the doctrine of protection. But if the method of revision schedule by schedule should be attempted, each section would want protection for its own products and not for the products of other sections, and thus selfishness and sectionalism would tend to destroy the benefits of the great fundamental policy of the Republican Party. The Keystone State of Pennsylvania is the greatest steel-producing State in the Union. Now, when our friends on the opposite side of the House undertake to revise the steel schedule I take it for granted that every Member from the State of Pennsylvania, regardless of politics, will vote for a duty on steel and the products of steel. The Members from other sections that are not producers of steel, unless they get protection on their products in return, will vote to put steel upon the free list, and so be it.

Then, again, when they take up the woolen schedule, I take it that every Member from the wool-producing districts will vote for a duty on wool and woolen goods. The Members from other sections of the country, if they do not get protection on their products in return, will, I take it, vote to put wool and woolen goods upon the free list.

When they take up the cotton schedule, which is a very important schedule for the Southland, I take it that all the Members from the cotton-mill districts of the South will vote for a duty upon cotton yarn and cotton fabrics. Then, if the State of Pennsylvania and the wool-producing sections do not get protection on their products in return, I take it that their Representatives will vote to put cotton yarn and fabrics on the free list.

So with lumber. I take it that when they take up the lumber schedule every Member representing a lumber district will vote for a duty upon lumber, and the Members from the cities and prairie States, if they get nothing in return, will vote to put lumber on the free list.

So with the grain-growing States of the West. When the grain schedule is taken up, I take it that every Member representing a grain-growing district will vote for a duty on grain, of whatever description it may be. The Members from the other sections of the country, if they do not get anything in return, will naturally vote to put grain on the free list. And so it will be with the districts producing live stock, and so forth.

Now, this policy will eventually lead to exactly what the Democratic Party has always been contending for—a tariff for revenue only or free trade, which virtually destroys the fundamental principles of protection. And whenever this thing happens, mark my prediction, it will be a sad day for the country as a whole.

For my part, I would rather go down in defeat standing on the deck of the old ship Protection, reading in the pages of history the grand achievements of the past wrought by the Republican Party, than to be elected on some new-fangled and untried issue, not knowing what results would follow.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 31856. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The messsage also announced that the Senate had passed without amendment bills of the following titles:

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way; and

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes.

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2828; and

H. R. 21965. An act for the relief of Mary Wind French.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. McCALL. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes.

Mr. McCALL. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32216 and had come to no resolution thereon.

Mr. McCALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32216, and pending that, I move that general debate be closed in one-half hour.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32216, pending which motion he moves that all general debate be limited to one-half hour.

Mr. DALZELL. Mr. Speaker——

Mr. GAINES. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. GAINES) there were 70 ayes and 127 noes.

So the motion was lost.

Mr. DALZELL. Mr. Speaker, I trust that the gentleman from Massachusetts will not insist on his motion to close debate in half an hour. This is a very important question, and there are no end of gentlemen on the floor of this House who are clamoring for time to speak; some of them want considerable time, but most of them are willing to take a small allowance of time. They want to get an opportunity to express themselves. It does seem to me that we ought not to close a great question of this kind by cutting off debate. I hope the gentleman will not insist on his motion.

Mr. McCALL. Mr. Speaker, the House has already had over 10 hours of general debate, which is a good deal of time, considering the stage of the session. I have been very desirous of accommodating everyone. On the other hand, many gentlemen have been pressing to have the bill out of the way. Now, if there could be some agreement reached whereby to-morrow can be devoted to this bill, I shall be willing to suspend. If it would be in order to make the motion that the House at 7 o'clock take a recess until to-morrow morning at half past 10, I would make that motion and withhold this motion.

Mr. FITZGERALD. Mr. Speaker, the gentleman can only make that motion by unanimous consent. Will the gentleman yield for a suggestion?

Mr. McCALL. Certainly.

Mr. FITZGERALD. This unquestionably is a very important bill, and some Members wish to have a little more time for general debate. Does the gentleman from Massachusetts not think that this bill is of sufficient importance and so highly important a political matter from the standpoint of the Republicans that a rule should be brought in providing for its consideration?

Mr. McCALL. Mr. Speaker, I have been asking for a rule from the very outset and have not succeeded in getting it, and I have been compelled to advance and feel my way along from minute to minute.

Mr. DALZELL. Mr. Speaker, this is a privileged bill. It needs no rule for its consideration. The gentleman in charge of the bill has such a majority of votes in this House that he ought to be able to do anything he wants to do with or without a rule.

Mr. FITZGERALD. The Payne bill was a privileged bill, and there was nothing else pending in Congress at the time, and yet the gentleman brought in a rule.

Mr. DALZELL. The Payne bill had under consideration unending tariff items.

Mr. McCALL. Mr. Speaker, I believe the large majority of the House have wanted a rule, but the Committee on Rules has not given it.

Mr. OLCOTT. Mr. Speaker, I demand the regular order.

The SPEAKER. Does the Chair understand that the gentleman submits a motion for a recess?

Mr. McCALL. Mr. Speaker, I will make the motion that at 15 minutes before 7 o'clock the House take a recess until 10.30 tomorrow morning.

The SPEAKER. Does the gentleman withdraw his other motion temporarily?

Mr. McCALL. Yes.

Mr. HOBSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOBSON. Would the effect of that motion cancel the calendar Wednesday?

The SPEAKER. No; it would not. It is entirely within the power of the House to do what it pleases.

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman demands the regular order.

Mr. McCALL. Then, Mr. Speaker, I make the motion that the House resolve itself into Committee of the Whole House on that state of the Union for the further consideration of the bill H. R. 32216, the Canadian reciprocity bill, and pending that motion I move that general debate be closed in 35 minutes.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Canadian reciprocity bill, and pending that motion he makes another motion that the House conclude the general debate upon when it shall go into Committee of the Whole House on the state of Union in 35 minutes. The question will first be taken on limiting debate to 35 minutes.

The question was taken and, the Chair being in doubt, the House divided; and there were—ayes 132, noes 91.

So the motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Massachusetts that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Canadian reciprocity bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 32216, with Mr. MANN in the chair.

RECIPROCITY WITH CANADA.

The committee resumed its session.

Mr. DALZELL. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. CALDERHEAD], a member of the Committee on Ways and Means.

Mr. CALDERHEAD. Mr. Chairman, I will not occupy the time of the House but very few minutes. There are a few things that I thought were proper to inquire about. In my term of 14 years of service I have never known any important measure presented to this House concerning which less information was given to the Members than upon this measure. I do not know who prepared the form of the bill or the terms of it, except that the gentleman from Massachusetts [Mr. McCALL], whose name appears on the bill, declared that he is the putative father of it. Nobody has told either the Committee on Ways and Means or the House who the parties to this agreement are. The gentleman from Connecticut speaks about the duty of being neighborly to a people who speak the same language and have the same customs and adjoin our territory, but this must be an agreement between sovereigns. Where is the sovereignty in Canada? The constitution of Canada is an act of Parliament, and it can be repealed at any time. The Parliament of Canada can pass no legislation that can not be revised in the Parliament of the Imperial Government.

Even this agreement when it is made is subject to the approval or veto of the King and the Privy Council. Who are the parties to this agreement? Who are we dealing with? What benefit would we get from it, if the Imperial Government at any time chooses to change the preferential which she requires of her colony there? Since it has been under discussion in England the premier has said that he hoped that the Canadian Parliament would delay consideration of it until the Imperial Government would determine what preferentials should be fixed for her dependencies and her colonies, including Canada. I will not now enter into a discussion of what might be gained or lost by the admission of foreign products in competition with our own. What is Canada giving to us for the opportunity to sell in American markets? The gentleman from Connecticut [Mr. HILL] was full of statistics and figures, and eloquent about it, giving us a new definition of a protective tariff, but for 48

years west of the Ohio River we have been standing by his belief and his testimony concerning the benefit of a protective tariff, maintaining the manufacturing system of New England, and cheerfully paying the cost of it in order that we may have a home market for the things which go from our farms. Just when did he learn that it would be better to get them from Canada? He did not tell us, except in one sentence, and that is that "the center of manufacturing is now in the State of Indiana." That is why it is necessary for the gentleman from Connecticut to be asking for free trade with Canada and why he is willing for free trade with any other country where the difference in the cost of production equals the cost of production here. This is a new interpretation of a protective tariff. When did any party in this country ever define a protective tariff to be a tariff justified only by the difference in the cost of production here and elsewhere?

Now, what the gentleman from Connecticut and some others are calling for and are willing to do is to wipe it all out the moment that the cost of production abroad agrees with the cost of production here. Why, in the British Columbia government the governor of the Province has absolute power over the export duty, and any day he may suspend the export duty upon logs and dump them down into Puget Sound and into the American market free from the export tax until they have unloaded their logs, and then he may revoke the suspension and the export law goes into effect again. Does the gentleman intend, by this reciprocity agreement proposition, to relieve us from that situation, or would he have the power to do it? The power to levy an export tax upon logs from Crown lands belongs to each Province of Canada, and not even the Canadian Parliament can revoke or suspend it. Nobody can touch it but the King and Privy Council and the Parliament of England. Who are we dealing with in making this treaty? The President sends a message and gives us an agreement, citing Schedule A and Schedule B. How many Members of this House know that Schedule A of this treaty is compiled of items from five schedules of the existing tariff law of the United States? Why was it necessary to select items from five different schedules of the tariff law and put them into this agreement and call it Schedule A, and does the House suppose it is legislating upon Schedule A of its tariff law? Is this tariff legislation sent here for us to act upon in ignorance of what we are doing? Must we act without inquiry? Is this scientific revision? From the time of the first government of nations it has been said in every great nation, "Let no great thing be done in haste. When you do not know what to do, do not do it." Now, why should you do a thing when you do not know whether it is right or wrong, but do it simply because there is a popular clamor somewhere in the air that seems to presage a political victory to somebody or to some party? I have not inquired what the farmers in Kansas think about it. I know, without being told, that when Canadian wheat can come in here and their railroads can give preferentials in rates and deliver it in Milwaukee or in the mills in Wisconsin, I know that some day the price of wheat goes down 10 cents a bushel from the northern line of Iowa to Oklahoma.

I do not need to be told that a reduction in every farm product will occur the day that this treaty goes into effect, and the gentleman from Connecticut [Mr. HILL] proves it by saying that "it is the surplus which we have for sale that fixes the price." This time it is not to be the surplus of the United States which is to fix the price, but the surplus of Canada thrown into our markets which is to fix the price. [Applause.] And we are to vote for that and call it Republicanism! Is that to be Americanism, and am I to vote for it and go home and face the people who have honored me with unlimited confidence for 14 years, while I have been telling them that there could be no reciprocal agreement made with Canada that would not give England and the Imperial Government the preferential in her markets to our disadvantage? Go home and tell them that we have made a reciprocal agreement with a little people? What is her population? It is seven and one-half millions, backed by the greatest commercial empire that civilization has known, and with sovereign control over that agreement, when it is made, to expand it or contract it by the expansion and contraction of the preferential which the Imperial Government requires of Canada. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

Mr. McCALL. Mr. Chairman, it is a matter of great regret to me that I find myself differing with so many of my colleagues on this side of the Chamber, and it is a misfortune that in the consideration of a very important bill like this the House is deprived of the presence of its leader, the chairman of the Committee on Ways and Means, and at so critical a time it is denied the guidance of his parliamentary talent. In the wish that he may speedily be restored to health, I know that you will all join.

I shall not take much of the time of the House in describing the scope of this agreement. I would only call attention to the fact that the bill has been made the subject of much vague and general criticism, but that our attention has not been directed to a specific flaw in its structure. It was prepared chiefly in the Department of State, presided over by one of the greatest lawyers in America, and it exactly and completely carries out the purpose of the agreement upon every subject upon which the two Governments agreed with each other.

Gentlemen complain that they are in ignorance. I doubt it, Mr. Chairman. I imagine their ignorance is of such a nature that they would cease to cry for light if the 4th of March were here, the day on which this Congress ends by operation of law. I do not believe there is any Member of this House who does not fully and clearly understand the terms of the bill.

It includes three schedules. First, there is a schedule of articles upon which, in accordance with the agreement with the Canadian Government, there is an identical rate of duty provided in the two countries; second, there is a schedule enumerating articles all of which are placed upon the free list by both countries; and, third, there is another schedule in which the Government of one country agrees that certain duties upon certain articles may be remitted and the Government of the other country agrees that other duties, perhaps upon the same articles, or upon other articles, may be remitted. But there is not an equality of duties in the latter schedule.

That is the general scope of the agreement. The question is raised here whether the bill is amendable in the House.

It clearly is amendable. It is fully within the power of this House to change every one of the items and provisions of the bill, but by doing so it would depart from the terms of the agreement. I happen to have here the careful speech made by the Canadian minister of finance in presenting this matter to the Canadian Parliament. It is a long speech, and in explaining the provisions of the bill he was interrupted by a member, who asked:

> Does that mean that all or none must be accepted on behalf of each Government?
>
> Mr. FIELDING. Practically, I would say yes.
>
> Mr. BORDEN. Is it an indivisible agreement?
>
> Mr. FIELDING. I would think so, except this, that if we should attempt to make changes our American friends would be equally ready to make changes, and I am afraid that there would be danger of our not making any agreement at all. In that sense, I would say yes; it would be all or none, although Parliament, of course, would have the absolute right to make any changes it saw fit.

As I have just observed, Congress has that power as well as the Dominion Parliament.

And then, in reply to a further question, Mr. Fielding said, when asked if it would be subject to modification or the reopening of negotiations:

> It might be possible; but I am bound to say that I think the time is exceedingly favorable for the accomplishment of this purpose, if we agree that it is desirable, and if any attempt were made to delay it by further negotiations I am afraid it would put in peril the whole arrangement.

Now, there is the view of the Canadian minister of finance, which, as I am credibly informed, is in entire accord with the view of the representatives of our own Government. I think Members will see the difference in the effect of an amendment upon this bill and an ordinary bill. It is very easy for gentlemen opposed to the bill to vote against it, but they can accomplish the defeat of the object it has in view as easily and as effectively in another way. They can vote seriously to amend it.

And not merely that, Mr. Chairman, but we shall encounter another difficulty by making some of the amendments suggested to the bill. The thing that has been discussed before the American people during the last year, perhaps more seriously than any other, is the evil of having a general revision of all the schedules of the tariff in one bill and thus bringing all these great interests here to Washington and leading them to combine and seize Congress by the throat.

These innocent and affecting amendments proposed purely in the interest of the destruction of the bill, but ostensibly

directed with a show of virtue against one trust or another trust, would have the effect, if we should accept them, of assembling here a phalanx of banded and federated interests and put in the pathway of this bill on its way through the Senate an array of hundred-handed giants, and it would be nearly certain that their alliance with the natural enemies of the bill would accomplish its defeat. Now, if gentlemen want to vote against the bill, let them vote frankly against it and strike out the enacting clause, but let them not rest under the delusion that they are acting in favor of the bill when they yield to the temptation to make a fine technical record against the trusts and by so doing bring about the defeat of the bill.

The question has been asked, Why was not beef put upon the free list? As to that, presumably, the President of the United States made the best trade he was able to make. The Canadian rate on beef now is 3 cents a pound, and on beef coming to this country 1½ cents a pound. It was agreed that there should be reciprocally the uniform rate of 1½ cents a pound. Presumably Canada, with her packing industry, did not desire to remove her duty entirely. Gentlemen who now ardently desire to smash our Beef Trust should know that with beef reciprocally free our great packing industry would crush all competition across the line and add Canada to its empire. Therefore Canada would very reasonably desire to have some duty, and the agreement fixed it at 1¼ cents a pound.

I might make reference in the same way to the other items of the bill and find in each case a reason why the negotiators agreed upon this duty. Gentlemen have made the objection that we are only getting a small market, that we are exchanging a market of 92,000,000 people for a market of 7,500,000 people. But they forget that we shall all enjoy that common market. They might as well use the argument that because the State of New York has only 9,000,000 people, while the rest of the country has 83,000,000 people, it would be a piece of wisdom for the 83,000,000 to get rid of the State of New York. It requires little discernment to see that when you add a small market to a great one the result is a still greater market for the common enjoyment of all. Thus the operation of this bill will, to the extent that it gives the two countries a larger market, confer a benefit upon both.

Then objection has been made that legislation based upon this agreement violates the most-favored-nation clause of treaties, and gentlemen are complaining that they have not been enlightened upon that point. We all know that we have had a treaty with Cuba for eight years giving that island preferential rates, and yet the point has never been made against it by any other nation.

Mr. GAINES. Will the gentleman permit me to ask him a question?

Mr. McCALL. I am sorry I can not; I beg the gentleman's pardon, but he had an hour, and I have only reserved 25 minutes for myself.

Gentlemen who make the objection evidently have not looked at the precedents. I have been furnished here with a memorandum by the State Department, which shows that preferential rates similar in character to these are made by Russia, the German Empire, Persia, France, and perhaps a dozen other nations. The Government of the United States has always insisted, when it gives a tariff concession in exchange for a special consideration, that that concession does not extend to other nations which do not give that special consideration. That is entirely clear, and gentlemen need not be misled upon that point.

A great deal has been said here about the terrible calamity this bill is going to bring upon agriculture in the United States. I speak with some hesitation upon that point, and with deference to the views and opinions of gentlemen who represent the agricultural regions of the country. But when I scan the commerce of Canada and the United States; when I see, for instance, that of butter the United States sends to Canada more than twice as much, notwithstanding the existing tariffs, as Canada sends to the United States; when I see that we send over fifteen times as many eggs to Canada as Canada sends to the United States; that we send nearly as much wheat to Canada, notwithstanding our great mills, as Canada sends to the United States, I can see no threat to the agricultural interests of this country. I attempted to show in the report of the committee, which I prepared, something that I believe is susceptible of conclusive demonstration, and that is that so long as both countries produce a surplus of wheat, which they export to the open market, Canadian wheat and American wheat will sell on a parity, having reference to the cost of transportation to the world's markets. For a third of the year the price of wheat at Winnipeg is higher than the price of wheat on this side of the line.

It is fixed with reference to Liverpool. It will be fixed with reference to Liverpool so long as we have an exportable surplus. When the time of our scarcity comes, when we shall consume more wheat than we produce and a tariff would become a factor in fixing the price, is it sound policy, would it be humane, for us in the time of our scarcity to increase the price of wheat by levying a tariff duty upon it, or to increase the world's price of wheat by levying a tariff duty upon it?

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. McCALL. I regret to say that the time at my disposal is so limited——

Mr. STEENERSON. I would like to correct the gentleman's statement.

Mr. McCALL. In view of the limited time remaining, although I do not want to be discourteous to the gentleman, I must decline to yield.

Mr. STEENERSON. I would like to set the gentleman right.

Mr. McCALL. Now, Mr. Chairman, if I may be protected, because we obviously can not both occupy the floor——

Mr. STEENERSON. I simply want to correct the gentleman's statement.

The CHAIRMAN. The gentleman from Massachusetts declines to yield.

Mr. McCALL. Mr. Chairman, my statement about the price in Canada and this country is based upon the average for three years in Winnipeg and Minneapolis. It is argued against the bill that Canada can still give a preferential tariff to Great Britain, and that there should be some provision contained in it that she shall not prefer the products of Great Britain to those of the United States. Well, it happens that Canada is a part of the British Empire. She is as much under that sovereignty as the State of Illinois or the State of New York is under our sovereignty, and, to say the least, it would scarcely be in good form or a marked exhibition of international courtesy for us, in passing this bill, to try to regulate in advance the internal fiscal policy of the British Empire.

However, it will always be within the power of Congress, if it shall appear that any undue advantage is hereafter given Great Britain, to correct and change these rates at any time or to repeal them all. The British Empire has for very many years pursued a policy of great liberality toward her colonies. She gives them practical autonomy. We think of her not so much as a world-wide empire, but rather as a cluster of free nations; and it seems to me it would not be an act of propriety for us to attempt to inject into this bill any provision that would seek to regulate the relations of Canada to the Empire of which she is a part or to impose any limitations upon them.

Mr. Chairman, fear is nearly as much of a motive or agency in directing the actions of men as hope. I do not mean to reflect upon any gentleman in this House, but I can easily see how an arrangement might be made between two countries located as we are, an arrangement beneficial to both, which, because of its novelty, would excite the alarm of the conservatives of both nations.

Canada is not unanimously for this agreement. Only 15 less than a majority in her House of Commons, as I understand it, were against it on a test vote. Some of the farmers of Canada are alarmed, and upon our side of the line an attempt is being made to frighten our own farmers and cause them to believe that this bill means ruin to their interests; but they have only to look at the broad aspects of the case, at the great value and benefit that it may be to both countries, to have their fears entirely dispelled. Why, if it were proposed to add to this country to-day another Louisiana purchase, if it were proposed to add two or three agricultural States, who would there be to deny that such a circumstance would augment materially the prosperity and wealth of the two countries? And yet, to the extent to which this bill goes, that is just what we are doing.

One has but to look at the map to have the case conclusively shown. The common frontier between the two countries is 3,700 miles long.

Maine cuts deeply into the maritime provinces; the Province of Ontario dips to the south almost into the vitals of the Republic, and then, as if to make more clear the purpose of nature to interdict the building of a commercial wall between the two peoples, beyond the Great Lakes and to the Pacific Ocean runs an imaginary line that crosses broad valleys, navigable rivers, and lofty mountain ranges that go north and south. The commerce would naturally move parallel to the rivers and valleys and mountains from one country into the other. Our artificial commercial boundary requires Canada, hemmed in as

she is by the cold on the one side and by our northern frontier on the other, to struggle against all these natural obstacles, and to send her commerce for 3,000 miles to the east when that commerce would naturally fall into our own country. The object of commercial union was clearly stated by Goldwin Smith to be "to bring Canada within the commercial pale of her own continent and thereby put an end to the commercial atrophy which her isolation entails. A reciprocal benefit would of course be afforded to the United States in an increase of commercial area and opportunities of opening up new sources of wealth."

Suppose we get 10,000,000 or even 50,000,000 bushels of Canadian wheat each year. So long as we have a surplus for export, for every bushel of wheat that comes in from Winnipeg another bushel will go out at New York or some other seaport.

The mills of Minneapolis will have their business greatly increased. The clearings of the financial transactions will take place here. Much of the purchase price will go into the ordinary channels of our trade, and the quickening influence will be felt throughout our entire country.

Mr. Chairman, there are important features of this bill which lack of time will not permit me to discuss. My colleague, who represents with so much fidelity and ability what he believes to be the interests of his constituents, is opposed to the fishing clauses in the bill. Why, Mr. Chairman, the fisheries have existed in the city of Gloucester since 1624. They existed and flourished there long before ever our tariffs were invented. The fisheries of America kindled the imagination of Edmund Burke to one of his most magnificent eulogies. He said that while we were looking for our fishermen among the tumbling mountains of ice and beneath the Arctic circle, we would hear that they had pierced the opposite region of polar cold and were at the antipodes, and that the hardy enterprise of these men excelled that of the men of Holland, of France, and England. And these recent people, he said, were yet in their gristle and had not hardened into the bone of manhood. What Burke said of the whale fisheries could be said in effect of our other deep-sea fisheries as well. They have not only survived free trade in fish but they have flourished under it, and they are now languishing under protection.

I doubt whether the present unprosperous condition of the industry is to continue. It appears already to be in a decline, for the rewards are out of proportion to the perils and hardships of the calling.

Mr. Chairman, the attitude of gentlemen on the other side of the Chamber is a subject of a good deal of concern to some of our friends on this side. "The Democratic Members are for this measure, and, therefore, the Republican Members should be against it." I think, unless some sounder reason than that is shown for opposing a piece of pure and disinterested statesmanship on the part of the President, that gentlemen who may be influenced by it may regret their action. I do not mean that they will regret it in the narrow and personal sense that men feel in any reverse to their own political fortunes, but that they will have that keener and nobler regret that one feels when he has stood in the pathway of an enlightened policy and has prevented a great benefit from coming to his countrymen and to mankind.

I am making no apology for the Democratic Members, but whatever their mistakes may have been in the past, whatever political crimes they may have committed, I trust Members on this side will understand that in this instance they have their faces turned toward the rising sun. [Applause.]

Mr. Chairman I hope this bill will pass as it was reported, and pass by a decisive majority. I believe that the President of the United States has risen above the narrow interests of localities and that he has comprehended the whole country, that he has not been swayed by the clamor of special interests, but that he has had the wisdom and the courage to negotiate an agreement in the interest of the masses of the people, and I trust that this House will rally behind him and share with him in the glory of having secured the establishment of a policy of enlightened statesmanship, of high patriotism, and of single-minded justice. [Applause.]

Mr. McCALL. I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were 145 ayes and 79 noes.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32216 and had come to no resolution thereon.

Mr. BOUTELL. Mr. Speaker, I am directed by the Committee on Rules to report a substitute to House resolution 972 (H. Res. 974).

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union shall be discharged from further consideration of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes; that the previous question shall be considered as ordered on the pending amendments and on the bill to its final passage, and the vote upon the pending amendments and final passage of the bill shall be immediately taken without intervening motion, excepting a motion to recommit.

Mr. BOUTELL. Mr. Speaker, on that I demand the previous question.

The SPEAKER. Upon this resolution the gentleman from Illinois demands the previous question. The question is on ordering the previous question.

The question was taken, and the Speaker being in doubt, the House divided; and there were—ayes 131, noes 74.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker, I rise to debate the resolution under the 40-minute rule.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, the action of the Democratic Party in voting for the previous question on this rule, this gag rule, under the ostensible pretense of shutting off debate, is an abandonment—— [Applause and cheers on Democratic side.]

The SPEAKER. The gentleman from Massachusetts will suspend. The gentleman is entitled to 20 minutes, and the House will be in order. [Applause.]

Mr. GARDNER of Massachusetts. After all your professions in the last few years, after all your professions in the late campaign as to what you would do for freedom of debate and amendment, after the words of your Speaker-to-be that as long as he stayed in this House he should stand for the right of amendment of every great bill, now you are prepared to eat, to swallow every word you have uttered. [Applause.] I make this prophecy, gentleman, that this is only the beginning of what you will do when you get control of this House. [Applause.] Every word that you have uttered in the past is now under suspicion. I place no credence in the professions which you uttered so glibly on the 15th of March, 1909, when you split your party open in order to prevent the adoption of liberal rules in this House. I call you 23 gentlemen to witness, you 23 who voted for the Fitzgerald resolution, which enabled this House to proceed on its old system of rules. I ask whether your associates have not to-day justified your course, for the whole Democratic Party has joined you. [Applause.]

Mr. PICKETT. Mr. Speaker, I rise to enter a protest against the cloture of debate and the placing of this measure on its final passage at this time. The passage of a measure of so great and grave importance with such hasty and immature consideration is hardly in keeping with the deliberation that should characterize a branch of the highest legislative department of our Government.

To the gentlemen across the aisle I will say that if their present attitude is a forecast of the fulfillment of their pretensions in respect to freedom of debate and amendment when they come into control, it is not difficult to foresee the result when their case is again submitted to the people. [Applause on the Republican side.]

In a matter so important, so comprehensive, and so far-reaching the members of this House are entitled to proper time within which to study and investigate the questions involved, and ought to have the right to expect that the committee reporting it would submit both the reasons and the information upon which it acted.

The gentleman from West Virginia [Mr. GAINES], a member of the committee, certainly drew a severe indictment against the manner in which the measure was considered by the committee.

As the undisputed record now stands, this bill was introduced by the gentleman from Massachusetts [Mr. MCCALL], who, it is admitted, is not its author; that the hearings of the Committee on Ways and Means did not reach the merits of the subject; that no one representing the State Department or those who negotiated the proposed agreement appeared before the committee to explain its provisions or submit the information and the reasons which induced our Government to concur in it. The gentleman from West Virginia [Mr. GAINES] further states, without contradiction, that the State Department was requested to appear before the committee and either failed or refused to do so.

We have expended several hundred thousand dollars for the Tariff Board whose investigations in Canada have included at least one important item involved in the proposed agreement, and yet it appears that not even this information was sought. I agree with the gentleman from West Virginia when he suggests that we have proceeded with "indecent haste."

If it had been left to the Republican members of the committee the bill would not have been reported, and from the vote in the House on preliminary matters it is already clear that the majority of the Republican Members are not in favor of it.

The immediate question before us is whether the bill must be passed in toto and without amendments. It is urged that if any amendments are made it will defeat the measure; that it would result in its resubmission to further negotiations. This position is true in so far as Canadian duties are concerned, but is not true and can not, in the very nature of the case, be true as to our duties. It can not be questioned but that we could change every American duty on Canadian imports, so far as further reductions or an extension of the free list is concerned, without the consent of Canada, just the same as Canada could make further reductions or extend her free list on imports from the United States without our concurrence therein. Even if we should desire to amend along lines that would require the concurrence of Canada, we should have the right to do so, and, as the gentleman from Massachusetts [Mr. GARDNER] has pointed out so ably and clearly, there is a precedent for so doing in the action of the French Senate a few years ago in amending the treaty or agreement submitted between Canada and France.

The impression has been given out and seems to prevail that unless Congress immediately accepts the proposed agreement, precisely as it is submitted, all hope of reciprocal relations with Canada must be abandoned, and that therefore Congress, in the closing days of a short session when it is so congested with business that grave doubt exists as to its ability to pass the necessary appropriation bills for the maintenance of the Government, must, without pausing to consider, pass this important legislation.

From 1854 to 1866 we had a reciprocal treaty with Canada which Mr. Fielding recently stated was the same as the proposed agreement, "with comparatively little change." That agreement was abrogated by the United States, and, while I do not desire to discuss it at this time, it was the general consensus of opinion at that time that its effect was not beneficial to the United States.

From the time of its abrogation to the present time Canada has persistently and, I might add, almost continuously sought a renewal of the reciprocal relations. Canada has repeatedly sent commissioners to the United States for the purpose of conducting negotiations to that end. Not only this, but in a number, if not all, of the tariff bills that Canada has passed, a standing offer has been made for reciprocal relations with the United States, particularly as to farm products. I will quote from the Canadian tariff of 1879, and other tariffs contain substantially the same provision. Section 6 is as follows:

> Any or all of the following articles—that is to say, animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables (including potatoes and other roots), plants, trees and shrubs, coal and coke, salt, hops, wheat, peas and beans, barley, rye, oats, Indian corn, buckwheat, and all other grain, flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain, butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted, or smoked), and lumber may be imported into Canada free of duty, or at a less rate of duty than is provided by this act, upon proclamation of the governor in council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada.

It will be seen from the foregoing that Canada was then willing, as she has at other times been willing, to concede either a reduction in duty or the extension of the free list so as to include some, at least, of the secondary products of the farm. It will also be noted that the foregoing proposition includes both coal and coke. But I do not desire to discuss that matter at this time. I am calling attention to it now only for the purpose of showing, as Mr. Fielding stated in his report to the House of Commons, that Canada has, since the abrogation of the treaty in 1866, uniformly desired to renew reciprocal relations with the United States with a view of obtaining access to our markets, and I venture to affirm that there has never been a time since the abrogation of the former treaty when the United States could not have made as good an agreement as the one proposed.

In view of undisputed history it can hardly be urged now that if Congress should not concur in all the specific details of the proposed agreement, or should make amendments thereto requiring the concurrence of Canada, that Canada would decline to continue the negotiations. It certainly is not extravagant to affirm that Canada, with her 7,000,000 of people, is just as anxious to get into the United States markets, with our 90,000,000 of people, as the United States is to get into Canadian markets. I submit, therefore, that we are not justified in proceeding with such undue haste.

I shall not attempt at this time to enter into any extended discussion of the subject, but shall confine myself to a few general observations on the concrete proposition before us. It is called a reciprocity agreement. The name used implies that there is something reciprocal about it. I have searched in vain to discover its reciprocal features. Certainly no one who has thus far taken the floor in its support has attempted to point out wherein it is reciprocal; that is to say, what the United States receives for what it gives. I care nothing for the name given to the agreement; the substance only is material. All trade agreements imply an exchange of equivalents. That is their purpose.

Canada has long desired to obtain access to our markets for her agricultural products. The reason is plain. Our markets are the most accessible and profitable. Canada has been working to this end for half a century. No one can study the schedules or read the statement made by Mr. Fielding to the House of Commons without reaching the conclusion that access to our markets for her farm products was the controlling consideration on the part of Canada. That Canada has accomplished this purpose under the proposed agreement is clear, and has done it in such a way, as Mr. Fielding further observes, as "not to do any injustice to her manufacturers." On the contrary, we have given Canada free access to our markets for her agricultural products, and at the same time, so far as I am able to analyze the schedules, have gained no substantial advantage for our manufacturers. If the law of contracts was applicable, it could fairly be said that the agreement was voidable for failure of consideration from our point of view.

The express purpose of the agreement, as I read the President's message and understand the remarks of the gentlemen who have thus far spoken, is to reduce the cost of living. If it accomplishes this purpose, it can do so only through reduced prices to the American farmer for his products, which, I assume from their position, is expected to result.

There are others who favor the measure who affirm that it will have no effect on the price of farm products, but if this be true then its declared purpose would fail.

It seems to me that the opening of our markets to Canadian products will affect the price of farm products in this country. It has been stated by gentlemen who are in a position to know the facts that there is a difference between the price of farm products in Canada and in the United States, and if this is true then the removal of our duties would be followed by a lowering of our prices.

Within recent years Canada has been actively exploiting her agricultural resources. The productive power of her soil has been demonstrated. She has a vast area of fertile land still untouched. Her cheap lands are a standing invitation and inducement to American farmers to move there. The States of the Middle West have reason to know this from their experience of the past few years. If the Canadian farmer is to be given the same access to our markets as the American farmer, this movement will receive a strong impetus, and the natural effect would seem to follow of materially increasing the value of Canadian land and retarding, if it does not decrease, the value of our lands. The tendency at least would be toward equalization of values. Mr. White, Canada's emigration agent in the United States, stated a few days ago in Ottawa that the emigration from the United States into Canada this year would approximate 150,000, and that the expectation that this agreement would be adopted had already increased the price of wheat land at least $5 an acre.

In many of the speeches that have been made, both in the House and elsewhere by the advocates of the measure, special reference is made to corn. It is true that our country produces a large percentage of the world's production of corn. It is also true that the corn crop of Canada is negligible. And it is held out that Canada needs our corn, and that her market is of advantage to us, and the inference is left that this will be effectuated through the proposed agreement. That this impression prevails there can be no doubt. I have received letters from my State urging this as one of the arguments in favor of the agreement, and I have read editorials in the newspapers citing this fact as one of the advantages that will accrue to the Iowa farmer and those living in the corn belt.

Those who make this statement should also be candid enough to state that corn is now, and has been for years, on the Canadian free list.

It is held out that Canada's production of farm products is not important. I hold in my hand the Canadian Yearbook for 1909, which shows on page 62 that Canada's exports of agricultural products for that year amounted to approximately $72,000,000, of which $4,000,000 was to the United States, and that in the same year Canada's export of animals amounted to $53,000,000, of which $7,000,000 was to the United States. I am giving the figures in round numbers. If the remaining $68,000,000 of Canada's exports of agricultural products and the remaining $46,000,000 export of animals were thrown into this country in competition with our products on a free-trade basis it would seem as though it would affect our prices if the law of supply and demand still obtains.

For the purpose of showing the rapid increase in Canadian production as compared with our production in agricultural products I will insert the statistics showing the production in Canada of certain products in 1901 and 1909 and of the same products in the United States for those years:

	Canada.		United States.	
	1901	1909	1901	1909
Wheat.....bushels..	55,572,368	166,744,000	748,460,218	737,189,000
Oats .....do....	151,497,407	355,398,000	736,808,724	1,007,353,000
Barley.....do....	22,224,366	55,398,000	109,932,924	170,284,000
Buckwheat.....do....	4,547,159	7,806,000	15,125,939	17,438,000
Hay.....tons..	7,852,731	11,877,100	50,591,000	64,938,000
Potatoes.....bushels..	55,362,635	99,087,200	187,598,000	376,537,000

It will be seen that Canada in 1909 produced between one-fourth and one-fifth as much wheat, nearly one-third as much barley, more than one-third as many oats, between one-third and one-fourth as many potatoes, nearly one-half as much buckwheat, and other products in proportion. I do not have the comparative figures as to other articles, but in many other lines of agricultural products Canada has also experienced a rapid development.

It will also be noticed from the foregoing that there has been no increase in the production of wheat in the United States between 1901 and 1909, while in Canada there has been an increase of 200 per cent; that the increase of barley production in this country was 55 per cent and in Canada 150 per cent; that the increase in the production of oats in this country was 37 per cent and in Canada 135 per cent; the increase in buckwheat in this country was 15 per cent and in Canada 75 per cent; the increase in hay in this country was 28 per cent, in Canada 50 per cent, while the increase in the production of potatoes is practically the same. I am stating the approximate percentages.

These figures are significant and especially so when you take into consideration that Canada has approximately only 8 per cent of the population of the United States. Her surplus is increasing each year, for her agricultural development is increasing with much greater rapidity than her population. Her exports in agricultural products have increased from $24,781,486 in 1901 to $71,997,207 in 1909.

If the increase in Canadian production in the past eight years continues, as it surely will, it will not be many years until Canada will equal the United States in production, with the exception, of course, of corn.

I can not consider at this time the question as to the difference in the cost of production of farm products in the two countries. It is urged that there is no difference; that the cost of farm labor is as high in Canada as in this country. As to that I do not know, but this fact is true, there is a marked difference in farm values which in itself would make a difference in the cost of production. There are various other elements which enter into it, and besides, our farmers are contributing to the support of our Government and institutions. But further than this general reference I do not have the time to discuss the question now.

I have directed attention to these facts for the dual purpose of showing, first, the probable effect the proposed agreement will have on the price of our farm products, and, second, the importance and, I might add, necessity of Canada gaining access to our markets.

Mr. Speaker, I was born in Iowa and have lived there all my life. Iowa is an agricultural State; we are in the heart of the corn belt; our fertility of soil is unexcelled; our climate is suitable for agriculture; every environment is conducive to rural life. Our farmers are intelligent, industrious, and thrifty. My early years were spent on a farm, and I have been closely associated with our farming interests all my life. I say to you in all candor and earnestness that if you will take the average farmer with an average farm and take into consideration a fair rate of interest on his investment and a fair compensation for his time and service, the expense of operation and of repairs, that at the end of the year he does not have as a clear profit any more than he is fairly entitled to.

While the recent census has not been officially published, from the statements given out it appears that, in many States at least, there has been a falling off in our rural population; that our increase in population has been in the cities, and this tendency has engaged the thought of our people. Within recent years a commission was appointed by the Government to investigate the subject of rural life—how to make it more attractive and remunerative, how to keep the boys on the farm, how to keep our rural population from entering in the cities—and it is one of the important economic questions before our country to-day. The National Government is giving it consideration, and in many, at least, of the States, particularly those chiefly devoted to agriculture, the subject is receiving active consideration. All admit how vitally our rural population is related to our economic, social, and political life. To that great, strong, clear-headed class we instinctively turn as the bone and sinew of our Republic. They constitute no small proportion of our population and contribute no mean share to our general prosperity. Under the census of 1900, of the 29,000,000 persons over 10 years of age engaged in the gainful occupations over 10,000,000 were in agricultural pursuits. Of the $26,000,000,000 estimated total product of the United States during the past year, over $8,500,000,000 was estimated as farm products. In 1900 the total value of farm lands, including equipment and stock, was over $20,000,000,000.

While I can not at this time enter into a general argument on the proposition before us, I have made these general references for the purpose of showing that we can not afford to pass hastily, and without the most careful consideration, legislation of such vital concern to this great class of producers.

I have spoken of the subject thus far from a purely nonpartisan point of view, but, speaking as a Republican, it seems to me that this legislation is not in keeping with the protective policy of the Republican Party. It exempts from protection one great producing class. It means free trade for the farmer for everything he sells, while protection is retained on practically everything he buys. He sells his products in a free-trade market and buys his reaper or his plow or other machinery, or clothing, boots or shoes, in a protected market. It is discriminatory legislation.

When the gentleman from Connecticut [Mr. HILL] was making his very earnest appeal in support of the measure upon what he called broad and general grounds and practically advocating free-trade relations between this country and Canada, I pointedly asked him the question as to whether he would consent to an extension of our free list so as to include the textile products, and he refused to yield. In order to do the gentleman no injustice and to quote exactly the colloquy which took place I will read from the record of yesterday's proceedings, as follows:

Mr. HILL. Why should we not supply each other's wants and meet each other's necessities without any of the restrictions which govern and control our relations with the people on the other side of the ocean, where like conditions do not prevail?

Mr. PICKETT. Will the gentleman yield for a question right there?

Mr. HILL. I will.

Mr. PICKETT. If the gentleman's argument is good about free interchange of trade with Canada, why, then, should it be limited to one class of producers and one class of products alone?

Mr. HILL. I am putting this whole matter on the basis of the difference in the cost of production at home and abroad, and I will show before I get through that there is no difference in this case.

Mr. PICKETT. Then I assume——

Mr. HILL. I must decline——

Mr. PICKETT. Then I assume you are in favor of extending our free list to all manufactured products of Canada, especially to the textile industries.

Mr. HILL. I must decline to yield.

The CHAIRMAN. The gentleman from Connecticut declines to yield further.

The reason the gentleman from Connecticut refused to yield is quite manifest. He stands for the policy of free trade as to everything his own people buy and protection for everything they produce. For years the Representatives of New England have appealed to the farmers of the country to support the protective policy with a view of building up a home market. If they abandon the policy of protection now by exempting the farmer from its application, they will appeal in vain to the farmer for protection to their industries. It is a very short-sighted policy.

If we are to take a broad view of this question, as the advocates of the proposed measure are urging, then I reply that we can not lose sight of the relationship of the prosperity of the

farmer on the one hand to the general prosperity of our country on the other. You can not disassociate them. I never ride through a farming country and look out upon the fields with their growing crops but I reflect on what would happen if nature refused to respond or the farmer abandoned his work. Their crops control the trade currents of the world. They are the masters of industry, commerce, and finance. If the prosperity of the farmer is affected it is felt in every avenue of our commercial and industrial life. Our prosperity must be mutual, and, speaking from the standpoint of a protective Republican, if we are to have free trade for the farmer let us extend it to other classes, for I believe with McKinley, who, speaking on this same issue, said:

When the country is ready for free trade let us have it in all things, without exception or restriction.

I now desire to refer briefly to the other phase of the subject, to wit, what are we receiving from Canada?

I shall only refer to the matter in so far as it affects agricultural implements. The reason I do so is twofold: First, there are many agricultural implement establishments in my district and, for that matter, in the Middle West. Iowa is rapidly developing along these lines. Many establishments heretofore doing business farther east have removed to Iowa. They see the wisdom of manufacturing nearer the market. While Iowa shows a slight reduction in population the falling off was entirely in the rural districts. The cities show an increase. And, second, because of the particular reference to the agricultural implement industry contained in the President's message, as follows:

The benefit to our widespread agricultural implement industry from a reduction of Canada duties in the agreement is clear. Similarly the new widely distributed and expanding motor-vehicle industry of the United States is given access into the Dominion market on advantageous terms.

It is asserted by those who favor the agreement that there is practically no difference in the cost of production in Canada and this country. This statement, however, is challenged by others. It can fairly be inferred that those who negotiated the treaty acted on the assumption at least that there was no substantial difference in the cost of production in Canada and this country.

If the question of cost of production was considered by our commissioners, then Congress ought to have the information on which they based their conclusions. I am free to admit that I have no such information before me as will enable me to reach a definite and independent judgment in the matter.

I have been informed by manufacturers of agricultural implements who are familiar with the manufacturing conditions in Canada that in eastern Canada the cost of production is less than in this country, while in western Canada, where labor is higher, the cost of production is about the same. I am speaking now solely with reference to the manufacture of agricultural implements.

I have heard of no claim being made that the cost of production is greater in Canada than in this country, and it would be fair to state that on the average the cost of production in Canada is below the cost of production in this country.

It has been my opinion that the cost of production in Canada is lower than in the United States but I have not had the time to make an investigation to confirm it. For the purposes of argument only, let it be conceded that there is no difference in the cost of production for, if we act on that assumption and the agreement discloses no advantage to our manufacturers, then it fails on the premise its own advocates have laid down.

Bearing this in mind, I now want to take up the agricultural implement schedule under the proposed agreement.

In the State of Iowa, as well as in the Middle States, there are large manufacturers of cream separators. They are already on the Canadian free list, and, furthermore, the Canadian market is protected, as I am informed, by her patent laws. We are also manufacturing in the Middle West portable and traction engines. There is no change in the Canadian duty on them. The same is true as to horsepowers for farm use. Manure spreaders, the manufacture of which has rapidly developed in the West during the past few years, is another article on which there is no change in Canadian duty. Then there is windmills and parts for repair. The Canadian duty on farm wagons has been reduced from 25 to 22½ per cent. The Canadian duty on hay loaders, potato diggers, fodder or feed mills, grain crushers, fanning mills, hay tedders, farm or field rollers has been reduced from 25 to 20 per cent. The duty on plows, harrows, seed drills, horse rakes, cultivators, thrashing machines, and parts has been reduced from 20 per cent to 15 per cent, and the Canadian duty on harvesters, reapers, and mowers has been reduced from 17½ per cent to 15 per cent, and the Canadian duty on automobiles and motor vehicles from 35 per cent to 30 per cent.

Bearing in mind that it is conceded that the cost of production in this country is as much, if not more, than the cost of production in Canada, I am unable to see how our automobile and motor-vehicle industry is given access to Canadian markets on advantageous terms when they are met at the boundary line of Canada with the demand for 30 per cent advalorem duty. And I am equally unable to understand how our manufacturers of agricultural implements, under the same conditions stated, are given any advantage even in the few instances where there has been a slight reduction in duty when they are required to pay to the customs officers of Canada before crossing the line a tariff duty of from 15 per cent to 22½ per cent ad valorem.

I am unable to reconcile the logic of the advocates of this measure. Conceding the facts to be as the advocates of the measure allege, it then follows that we have received no advantage. No arguments have yet been advanced and no facts have yet been presented which even tend to prove that there has been a fair exchange of equivalents between the two countries. If the slight reductions that have been made in the Canadian duty as to agricultural implements will be of any material advantage to our manufacturers in competition with Canadian manufacture, it certainly is not so understood by the commissioners who represented the Canadian Government. Mr. Fielding, one of the commissioners, in submitting his report to the House of Commons, observed that such reductions as were made on agricultural implements were "without doing any injustice to the industries of Canada." And in his cablegram to the home Government he further states:

The range of manufactures affected is comparatively small and in most cases the reductions are small.

Undoubtedly, Mr. Fielding was right.

A short time ago I received a letter from a gentleman in my home city who is both a large manufacturer and distributer of agricultural implements. He also owns and operates a Canadian farm of several thousand acres. He has a practical knowledge of business conditions in Canada. He is an earnest advocate of Canadian reciprocity, and in his first letter urged me to support "reciprocity with Canada." Replying, I inclosed him a copy of the message, directed his attention to the schedules attached, and asked him as a plain business proposition how it would benefit our manufacturers of agricultural implements and whether, in his judgment, it was a fair trade. I quote briefly from his reply:

I am a thorough believer in reciprocity providing both sides reciprocate, but it looks very much to me from the way they have it lined up that they (Canada) are getting the long end of it.

I have received several letters from manufacturers in Iowa asking me to support "Canadian reciprocity" on the ground that it would enlarge their market. In answering their letters, I sent them a copy of the message with the schedules attached, asked their careful examination of the schedules pertaining to their product, and, after doing so, to point out the advantage which they would receive under the proposed agreement. I have yet to receive a reply stating that the agreement is fair or that any advantage would accrue to our manufacturers of agricultural implements.

The general impression prevails that we are gaining free access to the Canadian market, and many have expressed a favorable opinion of the proposed agreement, acting on that assumption and without stopping to consider the schedules. In a marked copy of the Milwaukee Sentinel of February 10 that reached my desk this morning, evidently for the purpose of influencing my support of the measure, is a copy of the resolutions adopted by the National Canners' Association of this country, as follows:

The reciprocity treaty between the United States and Canada now pending in Congress enlists the interest of every citizen of the United States. There is no branch of trade or of manufacture upon which the confirmation of this treaty can confer more lasting or far-reaching benefit than to the manufacturer of canned goods. The free interchange of the products of the canneries of both countries we believe will be welcomed as heartily by our neighbors across the border as by ourselves.

The association is undoubtedly composed of keen, shrewd, capable business leaders in the canning industry, and yet they commend the agreement because of the "free interchange of the products of the canneries of both countries," not stopping to ascertain the facts, for if they had they could easily have discovered that there is not a free interchange of canned products under the proposed agreement. The Canadian duty on canned vegetables under the agreement has only been reduced from 1½ cents per pound to 1¼ cents per pound, and the Canadian duty on canned fruits has only been reduced from 2½ cents per pound to 2 cents per pound; and the Canadian duty on canned meats and poultry reduced from 27½ per cent to 20 per cent ad valorem.

I simply cite this to show how the name "reciprocity" has led people to jump at the conclusion that the agreement is reciprocal in fact.

The Canadian commissioners are to be congratulated. They have certainly accomplished their object in the negotiations. The farmers of Canada have been given free access to our markets, but our manufacturers must still pay a duty ranging from 15 per cent up to 30 per cent for the privilege of doing business in Canadian markets. Our farmers will be lured in the future, as they have been in the past, to remove to Canada because of the cheapness of the lands and the added reason, under the proposed agreement, of accessibility to our markets; but our manufacturers can not follow them and sell them agricultural implements without paying a duty which Canada at least considers protective.

While the agricultural resources of Canada are developing, as they surely will if this agreement takes effect, her establishments engaged in manufacturing agricultural implements will grow and expand under the protection which Canada has retained for them.

There is one point—and to my mind a very material one—that has thus far not been referred to. Other gentlemen have referred to the possible complications that may arise between our country and other countries with whom we have existing treaties containing the so-called favored-nation clause. It has also been developed that Great Britain will still retain her preferential rate from Canada and that she will be given access to Canadian markets on the same class of goods at a lower rate than the rates to be given the United States under the proposed agreement. This is conceded. Whether complications will arise between the United States and other nations is disputed. The State Department, however, has thus far failed to submit any statement in reference thereto.

The point to which I refer, however, goes further than either of these. It is this: That Canada must give to every other nation with whom she has a treaty containing the favored-nation clause the same preference that she gives to the United States under the proposed agreement and without any equivalent in exchange therefor. This is in accordance with the construction that has been given to the favored-nation clause by nearly every European nation for the past hundred years, with very few exceptions.

I do not, however, submit this point on my own opinion, but I cite the opinion of Mr. Fielding, one of the commissioners who negotiated the tentative agreement on the part of Canada, who, in submitting his official report to the House of Commons in Canada on the 26th of January, when this precise question was put to him, stated as follows:

> These regulations will apply to British goods as well, if they should be found in any case to affect them, but these cases will be found to be very few. They will apply, however, not only to the United States, but they will apply to every country with which we have what is called the favored-nation treaty. It is well understood that by virtue of these old treaties, many of them made years ago, at a time when Canada had hardly reached its present mature status, and when the colonies were not consulted, as they are now, in regard to these arrangements, these old treaties, still outstanding, binding the whole Empire, oblige us to give whatever is given to one country to all other countries possessing these treaties. We have had that question repeatedly up here, and so these deductions will have to be given in each case to the various countries which have what is called the favored-nation treaties.

I call particular attention to the concluding sentence of Mr. Fielding, where he says clearly and decisively:

> And so these deductions will have to be given in each case to the various countries which have what is called the favored-nation treaty.

Mr. MARTIN of South Dakota. Has the gentleman noticed in the bill pending before the Canadian Parliament that that precise provision is in it?

Mr. PICKETT. Certainly; it is in the bill, and I am glad the gentleman from South Dakota has called attention to it.

Mr. FASSETT. The same thing is possible with us under the favored-nation clause.

Mr. PICKETT. That is my understanding.

There can be no doubt that the construction to which I have referred has been placed upon the favored-nation clause by Great Britain, and it is the undoubted and undisputed construction which it will receive. As to the construction which Canada or Great Britain places upon their treaties with other nations, this country has nothing to say.

It means, in brief, that in consideration for giving to Canada free access to our markets for her agricultural products we will be given the privilege of competing in Canadian markets on the same terms with the manufactured products of practically every other nation in the world and meeting in competition the cheaper labor of European countries, and, furthermore, on many of the articles covered by the agreement the British preferential rate is materially lower than the rates in the proposed agreement and on a number of articles the French preferential rate, under the convention between France and Canada, is materially lower than the proposed rates. It seems strange indeed to me that no information whatever on this branch of the subject has been submitted to Congress, and we have been compelled, within the extremely short limit of time afforded, to find out what little we could in respect to it, and I reiterate with emphasis that a question of so much importance should have received some attention by the committee, that it should receive some attention by this House, and that it is, as I have said, of material importance in the consideration of this measure.

Mr. Speaker, I desire to make a passing reference to the question of the high cost of living and its relation to this measure. There are undoubtedly many who believe that the cost of living will be reduced if this measure passes. This can only result through lower prices on farm products, but even then I am not so sure that the consumer will receive the benefit unless it comes through a general depression. Important economic factors and, I might also add, powerful agencies intervene between the producer and the consumer. It is this intervening cost and these intervening agencies that present the real problem as to the cost of living. The price of farm products has varied during the past few years, sometimes dropping quite a few points, but I have failed to note any corresponding change in the price of secondary farm products to the consumer. I venture the prediction that if the price of farm products falls 10 per cent there will be no perceptible change in the cost of living, not, at least, that anyone could discover when he pays his weekly butcher or grocery bills.

If cheaper food products are desired irrespective of any principle involved, which seems to be the position of the advocates of this measure, then why did they not place them on the free list in the form in which they are consumed?

The beneficiaries will be the Canadians, the trusts, and the middleman. I am not speaking of trusts in a demagogic way. We all know that they are here and that the powerful machinery of the Government is seeking to bring them within the laws of the land. The Department of Justice, after a most careful and thorough investigation, determined that a combination in restraint of trade exists among the packers. The evidence was presented to the Federal grand jury, and indictments have been returned. Of course, both the packers and the millers will be special beneficiaries under this agreement. They will secure free raw material while retaining protection on their finished product. The farmer will sell his wheat and live cattle in a free-trade market, but when he buys his flour or fresh meats must buy them in a protected market.

If reduction in the cost of living was the controlling consideration in the minds of those who negotiated the agreement and who stand as its sponsors, then it seems strange to me that they confined themselves to the products of the farm. If this was their motive, without regard to principle, why did they not remove our duty on the textiles, which is a somewhat flourishing industry in Canada, for she has over 2,000 textile establishments, employing over 57,000 wage earners? And, again, they might have added leather goods, in which industry Canada has some 533 establishments, employing some 18,000 wage earners; and if this were done I wonder how many gentlemen from New England would enjoy it. It is easy for them to talk about placing this question on a high humane plane when it inures to their benefit. It is certainly a new and startling definition of humanity that excludes the farmer.

Mr. Speaker, I want to add just a word relative to print paper and wood pulp. The thought that these articles will come into the United States free of duty has undoubtedly commended itself most favorably to the press and magazines of our country, and yet it is clearly pointed out in the letter written by the Canadian commissioners to our Secretary of State that this matter rests entirely with the Canadian Provinces and that the agreement in this respect must be inoperative until the Provinces take action. There is nothing to prevent Congress passing a law removing the duty on print paper and wood pulp just as effectively as it will be accomplished under this agreement.

Mr. Speaker, I can not at this time enter into a full discussion of the subject before us, nor have I attempted, as I stated in the beginning, to discuss the general subject of reciprocity, but have confined myself and in a brief and limited way only to the proposition immediately before us. I have simply endeavored to point out some of the reasons and adduce some facts bearing on the question of the effect of the proposed agreement on our farmers and also to showing that our manufacturers, especially of agricultural implements, will receive little, if

any benefit. And the same may be said of the agreement in its entirety—in brief, the failure, so far as our country is concerned, to receive any equivalent for the valuable consideration passing to Canada.

The memory of the immortal McKinley has been summoned to conjure aid for the measure, but they do violence to his recorded words. Speaking on reciprocity, McKinley said:

> What we want if we ever have reciprocity must be reciprocity with equality; reciprocity that shall be fair; reciprocity that shall be just; reciprocity that shall give us our share in the trade or agreement that we make with other nations of the world.

I submit in all candor that the proposed agreement fails to come within the definition of McKinley. It is neither equitable, fair, nor just.

Free trade in one class of products which both countries are producing is not reciprocity but competition. It is predicated upon no principle, justified by no precedent, and finds no support in any definition of reciprocity heretofore given.

I have believed and still believe in the Republican policy of protection. For over 20 years I have advocated it from the platform. I have appealed to our farmers to support the protective policy with a view of building up a home market. That market we now propose to give away. The protective policy of the Republican Party has heretofore been applied to all producers. That is the true policy—the consistent policy. I do not believe in half protection and half free trade. Let us have either the one or the other.

To those who favor reciprocity and who say that even if we are not getting any fair return in this agreement, nevertheless that it is a recognition of a policy, and as time goes on further concessions will be secured, I ask that if Canada is given the only thing she needs and wants—our markets for her agricultural products—what could the United States offer her in the future? And to those who cherish the hope that some time our Republic will extend over the American continent and who look upon this agreement as tending in that direction the same answer may be made.

If reciprocity is desired, let us wait until an agreement reciprocal in terms as well as name can be secured. If free trade is desired, let it be free trade for all. If the protective policy is desired, let it be a protection that is just and equitable and applicable to all classes alike. Whatever policy we adopt with Canada or with any other nation, let it be with justice to our own people first. [Loud applause.]

The SPEAKER. Does the gentleman from Massachusetts reserve his time?

Mr. GARDNER of Massachusetts. I wish the gentleman from Illinois would consume some of his time.

Mr. BOUTELL. Mr. Speaker, this rule is plain and speaks for itself. [Laughter and applause.] The purpose of it is manifest, to bring to an immediate vote, without amendment, the bill that has been under consideration for two days.

Mr. DALZELL. Mr. Speaker, will my colleague allow me? The rule also provides, does it not, that the House shall pass a bill without its having been read in the House?

Mr. BOUTELL. It does; but it has been read attentively, I hope, by every Member of the House.

Mr. BUTLER. That is not new; I voted for such a rule; that is not new.

Mr. BOUTELL. Mr. Speaker, the provisions of this rule are those that we have been made frequently familiar with under similar circumstances in rules reported by the chairman of the committee. This rule is based simply upon a recognition of the existing condition of things, namely, that a great majority of the Republican Members of the House are in favor of this bill and wish to vote on it without delay. [Cries of "Oh!"] And it is known also that this bill can not pass so as to become effective and carry out the intention of the contracting parties if we amend it here. Therefore the rule has been reported in its present shape to bring the bill to an immediate vote without amendment. Now, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there are 14 legislative days left of this session. There are still undisposed of the naval appropriation bill, the sundry civil bill, the deficiency bill, and the diplomatic appropriation bill. Under any circumstances it will be difficult to pass all of these bills unless some are passed under suspension of the rules. The bill now pending in the House has been debated for two days. Some gentlemen express a desire for an opportunity to amend it. The gentleman from Massachusetts [Mr. GARDNER] voted for a rule on the Payne-Aldrich tariff bill which prevented amendments being offered to over 90 per cent of the bill. [Applause on the Democratic side.] Is the gentleman anxious——

Mr. GARDNER of Massachusetts rose.

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Is the gentleman correct in saying that I voted for a rule to prevent amendments upon the Payne tariff bill?

Mr. FITZGERALD. The gentleman voted for a rule which was reported, which practically prevented amendments to be offered to the Payne-Aldrich bill. Who are demanding opportunities to offer amendments to this bill? Do the gentlemen in good faith desire to perfect it or do they desire to defeat it? I remember the speech of the gentleman from Michigan [Mr. FORDNEY] upon the Payne bill when he said that he would put a tariff so high upon everything coming in this country that it would be impossible to bring anything in at all; and yet he is the one who wishes a chance to offer amendments to this bill to put a number of articles on the free list.

Mr. FORDNEY. I have not changed my views.

Mr. FITZGERALD. What a farce it would be to give such gentlemen an opportunity to filibuster and waste the time of this House in idle work, and thus prevent this bill, if possible, going to the Senate in time to pass there, in order that such a ridiculous performance might be had so as to demonstrate that the gentleman from Michigan has been converted by the results of the last election.

Mr. BROUSSARD. I desire to offer an amendment that will not defeat this bill, but perfect it.

Mr. FITZGERALD. I am not talking to the gentleman from Louisiana. I decline to yield. I have only five minutes. I am not impugning the good faith of the gentleman from Louisiana [Mr. BROUSSARD]. I did not know that he had designed to offer amendments putting anything on the free list. He would not have the temerity——

Mr. BROUSSARD. I will say to the gentleman from New York [Mr. FITZGERALD] that I have no such desire.

Mr. NORRIS. Will the gentleman yield to a question?

Mr. FITZGERALD. No; I will not. I did not hear the gentleman assert that he wished to put anything on the free list.

Mr. BROUSSARD. Mr. Speaker, I would suggest——

The SPEAKER. The gentleman from New York declines to yield to the gentleman from Louisiana, and the gentleman from New York controls his five minutes.

Mr. NORRIS. Will the gentleman from New York [Mr. FITZGERALD] yield to me?

Mr. BROUSSARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. Has the gentleman from New York the right to state that the gentleman from Louisiana intends to introduce an amendment to put anything on the free list?

The SPEAKER. That is hardly a parliamentary inquiry.

Mr. FITZGERALD. The gentleman from Louisiana [Mr. BROUSSARD] did not propose to offer amendments to this bill for the purpose of putting on the free list articles to be imported into this country.

The gentleman from Massachusetts [Mr. GARDNER] asserts that the Democratic Party split on the 15th of March, 1909, when an attempt was made to reform the rules of the House. Thank God, since that time we have come together, and have lived long enough to witness a more disastrous break on the Republican side, not upon a mere question of procedure in this House, but on a question of fundamental importance to the welfare of all people of the country. And, if the gentleman can take any satisfaction from the condition which now exists on that side of the House and that which exists on this side of the House, he is welcome to it. [Applause.] [Cries of "Vote!"]

Mr. GARDNER of Massachusetts. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Massachusetts has 12 minutes remaining.

Mr. GARDNER of Massachusetts. I yield five minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. BROUSSARD. Mr. Speaker, I was very much pleased to hear gentlemen on this side of the House applaud my colleague from New York [Mr. FITZGERALD] when he declined to yield me the floor, because I distinctly recall the occasion when gentlemen who were applauding were exerting all of their efforts to condemn in unqualified terms both the gentleman from New York and myself; and I assume that part of this applause belonged to me.

I did not intend to offer any amendment to this bill that would defeat its purpose. I wish to say that I am still a member of the Ways and Means Committee, though possibly not a satisfactory member to a great many of my colleagues on this side of the House. Nevertheless, I am still a member of that committee, and I say that possibly, with one or two exceptions,

there is scarcely any member of that committee who has a knowledge of this bill as it is presented for passage in the House at this time. I had hoped that opportunity would be afforded to amend the bill, not with a view to defeating its provisions, because I realize that a majority of this House—certainly a majority on this side of the Chamber, and possibly a majority on the other side of the Chamber—favor its passage. But I had intended to offer an amendment which I had drafted, and which I have here, and which I shall insert in the RECORD, by which, after having conceded to the farm producers of Canada the markets of the United States in exchange, as it is alleged by those who are advocating this bill, and given the manufacturers an opportunity to compete on the Canadian market, that we should at least have had a square deal in that exchange. But I am warned by the position taken by the minister of finance of Canada, who was one of the commissioners who helped to draft this measure, who unquestionably, in so far as I know, knows better what the provisions of this bill are than any other man in this country, who states that the Canadians who are attached to the mother country and who heretofore have conceded a preferential duty to the British manufacturer shall still continue after this duty is ratified to control the Canadian market to the exclusion of the American manufacturer.

It was my purpose to introduce a resolution similar to the resolution which was introduced and passed by this House when the first Cuban reciprocity proposition was under consideration here, by which we proposed to take off the differential in exchange for the reduction of the duty on raw sugar coming from Cuba, and which bill died in committee of the Senate, the reason for which may be inquired of the Sugar Trust, as possibly the same inquiry as to the duty on taxed meat may be inquired of the Meat Trust; and to the second Cuban reciprocity measure, which subsequently became a law, by which it seems as though we declared, as a matter calculated to allay the feeling of the people of this country, that we did not concede the right of the Executive of the United States to originate bills affecting the revenues and give us the veto power, but that we stood by the Constitution, which gives the House of Representatives the right to originate bills affecting the revenue and retains the veto power in the Executive. These amendments were put upon both of those propositions, and when the second one passed it became a law without affecting the agreement between Cuba and the United States. And, certainly, if we propose to hold the advantage in the Canadian market for the manufacturers of this country who are to receive all the profits of this interchange of commerce, there ought to be a provision in this bill that whenever, as Mr. Fielding declares, the Canadian Parliament shall grant further preferential rates to British manufactured goods over American manufactured goods, the President of the United States shall become in duty bound to notify the Government of the Dominion of Canada to suspend this act and to notify the Canadian Government that the treaty is at an end. This is the provision I had drafted:

SEC. 3. Whenever the Dominion of Canada shall, by treaty or legislation enacted by its Parliament or by the Provisional Governments of the Dominion of Canada, concede to Great Britain a preferential duty greater than that granted the United States under this act, then it shall be the duty of the President of the United States to notify the Government of the Dominion of Canada that this act is suspended, and the treaty between the United States and the Dominion of Canada shall terminate.

The SPEAKER. The time of the gentleman has expired.

Mr. BROUSSARD. Will the gentleman from Massachusetts grant me just one minute more?

Mr. GARDNER of Massachusetts. I am sorry, but I can not.

Mr. BROUSSARD. Half a minute?

Mr. GARDNER of Massachusetts. Yes; half a minute.

Mr. BROUSSARD. Thank you. Shall it be said that we concede the market for the raw products of Canada in exchange for manufactured goods, and shall Great Britain take that away from us also, and we receive nothing in return? [Prolonged applause.]

Mr. GARDNER of Massachusetts. I wish to ask the gentleman from Illinois [Mr. BOUTELL] whether he intends to close in one speech.

Mr. BOUTELL. I will say to the gentleman from Massachusetts [Mr. GARDNER] that I have received no further requests to speak.

Mr. POINDEXTER. Will the gentleman from Illinois yield to me for a question in his time?

Mr. BOUTELL. The gentleman from Massachusetts has the floor now.

Mr. GARDNER of Massachusetts. The gentleman from Illinois, as I understand, will close in one speech. I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY.]

Mr. LANGLEY. Mr. Speaker, I have very little to say and very little time allotted to me in which to say it. [Laughter and applause.] To my surprise I have heard on this side of the Chamber some speeches in support of this bill from men whom I have always regarded as orthodox Republicans, which contain almost as much old-fashioned Democratic doctrine as I have ever heard fall from the lips of the distinguished gentleman from Missouri, who is heir apparent to the throne of Democracy in the next House. [Laughter and applause on the Democratic side.]

I fear that the Republican Party has reached a crisis in its history. [Laughter and cries of "Good" on the Democratic side.] But it has safely passed through other crises, and I hope and believe that it will do so again. The provisions of this treaty, although championed by some distinguished Republicans, are not in harmony with the principles of the Republican Party, as I understand them; and I want to say frankly that if these provisions had been embodied in the Payne tariff bill I would have voted against it. Furthermore, I do not believe that with these provisions in it the bill could have passed this House. The present President of the United States is a great and good man. He has given us a splendid administration so far, and has done much for the promotion of the business interests of the country. But I must differ with him when he says that this treaty is not violative of the principles of protection as propounded by those who advocate them. Neither do I regard it as in harmony with the doctrine of reciprocity as advocated by Blaine and McKinley. If it is, then I have misinterpreted what they said. No proposition which subjects an industry in this country to unrestricted competition with a like industry in another country, and to the detriment of the former, can, in my humble opinion, be in harmony with the doctrine of protection as the Republican Party has taught it. And this proposed treaty does that.

Mr. Speaker, when the Payne tariff bill was pending in the House, I worked earnestly and unceasingly with many other gentlemen who are here to-night to retain a protective duty upon lumber, and everyone who participated in that contest knows that the chief argument in favor of that protective duty was the alleged injurious effect that Canadian competition, in the absence of such a duty, would have on our lumber industry. No subject involved in that bill was more thoroughly discussed than was this subject of protection to lumber. In fact, if any subject was exhausted in that discussion it was this one; and Congress, after the fullest consideration of every phase of it, deliberately decided to retain a protective duty upon lumber. Now comes this treaty proposing to nullify what we did then.

When I was elected to the Sixty-first Congress I pledged myself to stand by protection to lumber in the revision of the tariff which we then knew was shortly to follow, and I was elected on that pledge. I carried out the pledge, went back to my people, and they approved my course by sending me back to the Sixty-second Congress. I construe that as a direction that I continue to stand by it, and I can not stultify myself by now voting against what I advocated then and what my people have indorsed, and I feel that it is my duty to take this position regardless of the exalted source from which this reciprocity proposition comes. I would vote against it if I stood alone in that vote on this side of the House. [Applause.]

Mr. Speaker, there is another reason why I am opposed to this treaty. It proposes to put practically everything that the farmer produces on the free list so far as Canada is concerned. I represent a district composed largely of farmers. We have always argued that protection to farm products was advantageous to the farmer; and the present high prices that they are receiving for their products and the prosperity which they have enjoyed under the protective tariff law vindicate the argument.

I can understand how gentlemen whose constituencies are consumers rather than producers of farm products can take a different view of it, and how the President, having, in a sense, the whole country for his constituency, may consider that in the aggregate more people would be benefited than injured by this treaty; but I regard it as my duty to stand by what I conceive to be the best interests of the people who sent me here. It is true that there are a good many people in my district who would be benefited by a reduction in the price of farm products, but it would injure more people there than it would benefit. Whenever, as in this instance, it is impossible for me to take a course which will be beneficial to everyone whom I represent, then the only course to pursue is the one which will bring the greatest good to the greatest number, which after all is the most that good government can accomplish.

I am not, however, in favor of that selfish application of the principles of protection which will protect what my constituents produce and not what they consume. I believe rather in an equitable distribution of protective rates, so as to fairly distribute its benefits as well as its burdens. This treaty is not framed in accordance with that theory. It puts upon the free list the finished products of the farmer's labor and yet retains a duty upon those products in their manufactured state. As I view it, the manufacturer, rather than the farmer, will be benefited by it, and it will be more beneficial to foreigners than to our own people. I do not see how any Republican can justify putting wheat on the free list and flour on the protected list, or cattle on the free list, and dressed beef on the protected list, or how he can defend a proposition which would compel the farmer to sell what he produces in a free-trade market and buy what he consumes in a protected market.

Gentlemen talk about the necessity for relief of the consumer. The farmers belong to that class as well as do those who are engaged in other avocations. The farmer does not produce everything that he consumes, and it is not just to him to subject his products to Canadian competition which will reduce their price, and yet compel him to purchase that which he consumes, but does not produce, in a market which is protected from like competition.

It has been contended in this debate that Canada is such a small country, comparatively, that the effect of its competition upon this country will be infinitesimal. I fail to see the consistency between that argument and the other argument, which is also offered by the advocates of the treaty, that it will reduce the cost of living. In other words, according to their arguments, it is too small to do any harm to our farmers, but it is big enough to help the consumers of farm products by reducing the price to them.

Mr. Speaker, I regard this treaty, whether it is so intended by its proponents or not, as the initial step in the direction of free trade. It may be a good thing for the people of my district, but I do not believe it; and I am from Pike County, Ky., and you will have to "show me" before I do believe it. [Laughter.] I am an Abraham Lincoln-James G. Blaine-William McKinley Republican. I was born a protectionist and raised a protectionist, and I do not propose to go back on my raisin' at this late date. I believe that this treaty is un-Republican, and I shall vote against it. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. GARDNER of Massachusetts. I yield to the gentleman from Nebraska [Mr. NORRIS] two minutes.

Mr. NORRIS. Mr. Speaker, the argument that has been made here in the discussion of this bill that any amendment would mean the defeat of the agreement, is not based upon what I believe to be the facts. I would have been glad to have an opportunity, had I not been cut off by this rule, to offer an amendment to put meats, for instance, on the free list. Under this bill there is a tariff left on fresh meats. If the farmer is to be deprived of the duty on cattle, then, it seems to me, that the Beef Trust ought to be deprived of the tariff on fresh meats, and that amendment would not have endangered this bill. It would simply have given more to the Canadians than they have been asking for. I would have been glad to offer an amendment to put lumber and coal on the free list. It seems to me if the farmer is to have all the products of the farm to put upon the free list, then he ought to have the opportunity of buying from the same people who have the benefit of the American market, without any tax on lumber.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. NORRIS. No; I can not yield in two minutes.

Mr. BARTLETT of Georgia. I knew the gentleman would not yield.

Mr. NORRIS. I want to give notice now that if I can get recognition at the proper time I intend to move to recommit this bill, with instructions to put on the free list some of the things that the farmer has to buy, none of which will endanger the contract or the so-called treaty that has been made with the Canadian Government.

Mr. BARTLETT of Georgia. Did you vote against the proposition to recommit the Payne bill?

Mr. NORRIS. Yes; and I did not have any proposition like this confronting me when I voted against it, either.

Mr. BARTLETT of Georgia. Yes, you did.

Mr. NORRIS. If the gentleman thinks that is a contradiction, I want to ask him where he will be standing if he gets an opportunity to vote to recommit this bill and put on the free list some of the things that it is necessary for the farmer to buy, and, if having that opportunity, he votes against it.

It would be perfectly feasible to amend this bill by taking lumber and coal and some other articles from the list of dutiable articles in this bill that are imported from Canada into the United States and put them on the free list. This would in no way abrogate the so-called treaty, and if we did this it would not make it necessary to send the agreement back for further agreement or consultation. It would simply be giving Canada a greater concession than she is asking for. If the farmer must lose all the protection on what he produces and has to sell, then, in common justice, take the tariff off on some of the things he has to buy.

Mr. GARDNER of Massachusetts. I yield one minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote against this rule and against this bill, because, though I come from a great city, which it is claimed this bill will benefit, I am a Republican and a protectionist. [Applause.] This bill will not benefit the great cities and industrial centers, but it will injure the great farming areas of the country. It is in opposition to Republican policies and in accord with Democratic policies, and I trust it will not become a law in this Congress, which is Republican in both branches. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I have two minutes remaining?

The SPEAKER. Yes.

Mr. GUERNSEY. Mr. Speaker, I am opposed to this rule which is brought in here to make possible the forcing through without amendment the pending bill to carry into effect the proposed trade agreement, called by some Canadian reciprocity. I shall vote against the rule and against the bill. I can not express in language strong enough my opposition to this proposition to lead the American farmer to slaughter.

Geographically the State of Maine is already projected into Canada, being nearly surrounded by Canadian territory. This measure will enable the Canadians to surround the State commercially and annex it to Canadian conditions so far as its commodity prices go. It is a sad thing to me to see such treachery to the great principles of protection. I can readily understand why it is that the Democratic Party in this House has bound itself together, in caucus and on this floor, to give this trade agreement full support by practically a solid Democratic vote.

Reciprocity such as Blaine and McKinley supported could consistently travel hand in hand with protection. They believed in the admission free to this country products of another country which we did not produce in exchange for the privilege of having the products of our country admitted free to the markets of such country.

Under this Canadian agreement Canadian farm products would flow into our markets in competition with the products of our farmers, reducing the demand for our products, as practically none of the products of the American farmer will find a market in Canada.

What I state in regard to farm products will apply with equal force to the products of our forests and lumber manufacturers. The competition that will be developed under this trade agreement may, in practice, become even more serious than now contemplated by the supporters of the bill. The farmers, lumbermen, and others engaged in industries affected by it, under the conditions and laws existing in the United States are compelled to deal with high-priced labor. Contract-labor laws prohibit our citizens from seeking labor outside the country. No such law exists in Canada. The Canadian producer can import low-priced labor from Europe without limit if he so desires, and, in addition, I am informed the Government pays a head bounty to the steamboat lines bringing laborers to the country if they are considered desirable and come to stay. Canada has no exclusion laws such as ours against the countless millions of the Orient. The fact that they have not swarmed into the Dominion excessively up to now does not preclude the possibility that they may once the markets of more than 90,000,000 of Americans are opened to the products from the territory north of us.

If the principles of protection against the low-priced labor of Europe that have so long been upheld by the Republican Party are to be abandoned, if the Republican doctrine of home markets for home producers is unsound and can no longer be up-

held, if in the future tariff duties are to be imposed only when necessary, and then only to the extent necessary to secure revenue for the Government, and if we are to approach free trade as near as possible, then it is perfectly consistent to enact this trade agreement.

So far as the agricultural interests of our lumbering industries are concerned, this agreement would not impose any greater hardship upon them had its free-trade provisions extended to the whole world, as their only competitors now or in the future are or will be the Canadians.

Supporters of this measure claim it should be viewed from a broad national standpoint, and I have tried to look at it from such a standpoint rather than from that of any section or industry. But even then I fail to find justification for it. The high cost of living being the cause of much complaint and one of the chief reasons offered in support of this trade agreement, on the theory it will lower prices by making Canadian food products available to increase the supply in the American market, and it will undoubtedly lower the price of farm products; but in my opinion the cost of living will not be materially affected, as the causes of the high cost of living will still exist.

The present method and standard of living is largely responsible for the increased cost, as well as the distributing agencies that stand between the producers and the consumers. The extent to which these distributing agencies are responsible for present prices is well illustrated by the fact that potatoes that the Maine farmer is now selling for about 30 cents per bushel are being retailed in New York City at rates ranging from $1.50 to $1.75 per bushel.

The trade agreement will not reduce the cost of living, but it will reduce the price the farmer will receive for his product, owing to the market being divided with the Canadian farmer, with the result that the value of American farms will be lowered and agricultural pursuits in the United States become less attractive. From a broad national standpoint, I believe it far better to safeguard our agricultural interests. We have in this country vast agricultural areas yet untouched, and those that are occupied are capable under improved methods of cultivation of vastly increasing their production.

In view of these facts, why should we annex through this agreement the limitless agricultural areas of Canada? Continuation of fair prices to the farmer will develop and extend our agricultural districts, on which our whole prosperity as a Nation is dependent.

Only fair prices for farm products now prevail; lower them and continue them at a lower level and we shall read again of the abandoned farms. For my part I do not wish to see a repetition of the depressed agricultural conditions that prevailed prior to 1900. In my opinion it is an unfair agreement, as it continues protection for the manufacturing interests and denies it to the agricultural interests. From a revenue point of view the Government will suffer through the loss of revenue and Canada gain through remission of duties far more than we. Our Government will surrender duties amounting to $4,849,933, based on the importations from Canada for the fiscal year ending June 30, 1910, while Canada, on the basis of imports from the United States for a like period, will surrender duties amounting to $2,560,579.

The agreement is justified by the President on the ground that—

in Canada conditions as to wages and character of the wage earner and transportation to market differ but little from those prevailing with us.

I believe he is misled as to the facts. Being somewhat familiar with the agricultural development in eastern Canada and labor conditions there from personal investigation, and knowing that a wide difference exists both as to conditions and wages, which are very much lower, on the day this trade agreement was submitted to Congress I requested the Commerce and Labor Department to investigate and report as to wages paid on each side of the international boundary line from Maine to the State of Washington—believing that such investigation and report would sustain my own opinion. The department has made its report to me to the extent of covering the eastern section of Canada and the United States, and it contains an almost universal and wide difference in the wage scale of the two countries. This report establishes definitely the unequal conditions that laborers and producers on this side of the line will have to contend with in the event of the adoption of this measure.

This report deals with farm wages prevailing along the Canadian border from the Atlantic up to and including the western boundary of New York State on both sides of the international border, and was compiled in the first part of February, 1911; and I will state the facts it presents for the information of the House.

Farm wages prevailing along the Canadian border.

United States side.		Canadian side.	
In the vicinity of—	Average monthly wages, including board.	Canadian locality corresponding to that shown in the United States.	Average monthly wages, including board.
Eastport, Me.	$25 to $30	Halifax, Nova Scotia.	$15 to $25
Calais, Me.	26 to 30	Yarmouth, Nova Scotia.	15 to 30
Vanceboro, Me.	20 to 25	St. John (N. B.) district.	15 to 20
Houlton, Me.	30	do.	15 to 20
Fort Fairfield, Me.	30	do.	20 to 25
Van Buren, Me.	27 to 40	do.	24
Fort Kent, Me.	25 to 50	do.	22
		do.	18 to 26
		do.	20 to 25
Average eastern Maine.	25 to 31	Average Nova Scotia and New Brunswick.	17 to 24
Lowelltown, Me.	32	Province of Quebec.	31
Beechers Falls, N. H.	20	do.	15
Newport, Vt.	25 to 26	do.	18 to 22
Island Pond, Vt.	25	do.	18 to 20
St. Albans, Vt.	20 to 30	do.	8 to 20
Alburg, Vt.	25 to 30	do.	15 to 25
Rouses Point, N. Y.	22 to 25	do.	18 to 20
Malone, N. Y.	25	do.	25
Fort Covington, N. Y.	25	do.	20 to 25
Average eastern New York.	23 to 27	Average Province of Quebec.	16 to 22
Nyando, N. Y.	18 to 25	Province of Ontario.	16 to 22
Ogdensburg, N. Y.	25 to 30	do.	20 to 25
Morristown, N. Y.	20 to 25	do.	15 to 20
Clayton, N. Y.	26 to 28	do.	24 to 26
Cape Vincent, N. Y.	25 to 30	do.	20 to 30
Charlotte, N. Y.	25	do.	16 to 25
Niagara Falls, N. Y.	20 to 30		
Average western New York.	22 to 27	Average Province of Ontario bordering New York.	19 to 25

In August, 1854, Franklin Pierce, then President of the United States, proposed to Congress a reciprocity treaty with Canada which had been negotiated. It covered practically the same articles of commerce between the two countries that the present trade agreement does. The treaty proposed by President Pierce was at once given effect by the passage of the necessary legislation by Congress and continued until 1865, when a resolution was adopted by Congress terminating it, owing to the unsatisfactory results that it produced.

In a debate on the resolution to terminate the treaty of 1854 many interesting statements were made as to the operation of the treaty, its effect on imports and exports, as well as the revenue, and which are particularly interesting to note at this time. I will quote some of them.

The extent of trade before and after the treaty may be seen in a few figures.

In the three years immediately preceding the treaty the total exports to Canada and the other British provinces were $48,216,518, and the total imports were $22,588,577; being of exports to imports in the proportion of 100 to 46.

In the 10 years of the treaty the total exports to Canada and the other British provinces were $256,350,931. The total imports were $200,399,786. According to these amounts the exports were in the proportion of 100 to 78. If we take Canada alone we shall find the change in this proportion greater still. The total exports to Canada in the three years immediately preceding the treaty were $31,846,865, and the total imports were $16,589,624, being in the proportion of 100 to 52; while the total exports to Canada alone during the 10 years of the treaty were $170,371,911, and the total imports were $161,474,349, being in the proportion of 100 to 94.

I present these tables simply to lay before you the extent and nature of the change in the commerce between the two countries. But I forbear embarking on the much-debated inquiry as to the effect of a difference between the amount of exports and of imports, involving as it does the whole perilous question of the balance of trade. In the view which I take on the present occasion, it is not necessary to consider it. The reciprocity treaty can not be maintained or overturned on any contested principle of political economy.

I come, in the last place, to the influence of the treaty on the revenue of our country; and here the customhouse is our principal witness. The means of determining this question will be found in the authentic tables which have been published from time to time in reports of the Treasury, and especially in the report made to Congress at this session, which I have in my hand.

Looking at these tables we find certain unanswerable points. I begin with an estimate founded on the trade before the treaty. From this it appears that if no treaty had been made, and the trade had increased in the same ratio as before the treaty, Canada would have paid to the United States in the 10 years of the treaty at least $16,373,880, from which she has been relieved. This sum is actually lost to the United States. In return Canada has given up $2,650,890, being the amount it would have collected if no treaty had been made. Here is a vast disproportion, to the detriment of the United States.

Here is another illustration, derived from the tables: During the 10 years of the treaty the United States have actually paid in duties to Canada alone $16,802,962, while during this same period Canada has paid in duties to the United States the very moderate sum of $930,447. Here again is a vast disproportion, to the detriment of the United States.

The same inequality may be seen in another way. During the 10 years of the treaty dutiable products of the United States have entered Canada and the other Provinces to the amount of $83,347,019, while during this same period dutiable products of Canada and the other Provinces have entered the United States only to the amount of $7,750,482. During this same period free products of the United States have entered Canada and the other Provinces to the amount of $118,853,972, while free products of Canada and the other Provinces have entered the United States to the amount of $178,500,184. Here again is a vast disproportion, to the detriment of the United States.

Add to these various results the statement in the report of the Secretary of the Treasury, which has just been laid on our tables, in the following words:

"The treaty has released from duty a total sum of $42,333,257 in value of goods of Canada more than of goods the produce of the United States." (Foreign and Domestic Commerce, 1864, p. 93.)

With the proposed trade agreement in force the low scale of wages for unskilled labor in Canada will have its effect on the lumber industry in the Eastern States and give a most decided advantage to Canadians engaged in similar industry there. Wages of thousands of men employed in the woods, on the drives, and in the sawmills in the Eastern States will have to be lowered in order to enable the employers of such labor here to meet the competition of the exporters of Canadian lumber.

Should the lower scale of wages that prevail in Canada cause competition with our lumber industry to become extensive it would be serious, as the lumber industry and all occupations growing out of it are great and important and employ great numbers of men.

Agricultural products seem to be particularly selected for free trade competition in this agreement. Without attempting to enumerate all the products of the farm that are put on the free list by the agreement, I will call attention to some of the leading items as well as the present duty now imposed by the Canadian and United States Governments which it is proposed to abolish entirely:

Some farm products and the present duty imposed by the United States and Canadian Governments which it is proposed to abolish.

Articles.	Rate of duty.		
	United States.	Canadian, general.	Proposed reciprocal.
Live animals:			
Cattle, less than 1 year old.	$2 each	25 per cent	Free.
Cattle, other, valued not more than $14 per head.	$3.75 each		
Cattle, valued more than $14 per head.	27½ per cent		
Horses and mules, valued at $150 or less per head.	$30 each	$12.50 each, or 25 per cent.	Do.
Horses and mules, valued at over $150 per head.	25 per cent	25 per cent	Do.
Swine	$1.50 each	1½ cents per pound	Do.
Sheep, 1 year old or over	do	25 per cent	Do.
Sheep, less than 1 year old (lambs).	75 cents each	do	Do.
All other live animals	20 per cent	do	Do.
Poultry, alive	3 cents per pound	20 per cent	Do.
Poultry, dead	5 cents per pound	20 per cent or 27½ per cent.	Do.
Wheat	25 cents per bushel	12 cents per bushel	Do.
Rye	10 cents per bushel	10 cents per bushel	Do.
Oats	15 cents per bushel	do	Do.
Barley	30 cents per bushel	15 cents per bushel	Do.
Buckwheat	15 cents per bushel	do	Do.
Peas, dried	25 cents per bushel	do	Do.
Beans, edible, dried	45 cents per bushel	25 cents per bushel	Do.
Corn, sweet corn or maize (except into Canada for distillation).	15 cents per bushel	Free	Do.
Hay	$4 per long ton	$2 per short ton	Do.
Straw	$1.50 per long ton	do	Do.
Cowpeas	25 cents per bushel	15 cents per bushel	Do.
Fresh vegetables:			
Sweet potatoes and yams.	do	10 cents per bushel	Do.
Potatoes	do	20 cents per bushel	Do.
Onions	40 cents per bushel	30 per cent	Do.
Turnips	25 per cent	do	Do.
Cabbages	2 cents each	do	Do.
All others, not elsewhere specified.	25 per cent	do	Do.
Dairy products:			
Butter	6 cents per pound	4 cents per pound	Do.
Cheese	do	3 cents per pound	Do.
Fresh milk	2 cents per gallon	3½ cents per pound	Do.
Fresh cream	5 cents per gallon	do	Do.
Eggs of barnyard fowl, in the shell.	5 cents per dozen	3 cents per dozen	Do.

During the last fiscal year 39,810 dozen of eggs, on which a duty of 5 cents per dozen was paid, came into this country from Canada; relieved of the duty I should expect to see this product of the farm very largely increased and in competition in the American market with our own products of this class.

During the same period 980,036 pounds of butter were imported from Canada, paying a duty of 6 cents per pound. Place this great dairy product on the free list and the dairies of the United States will be placed in sharp competition with the great dairy farms of Canada.

Last year 43,613 bushels of apples were imported from Canada into the United States, paying a duty of 25 cents per bushel. Take this off and you will place the orchards of New England and the Eastern States in competition with the great orchards of Nova Scotia, which can not be excelled anywhere in the world and which are within easy and cheap transportation to the eastern markets of the United States, and capable of very largely supplying these markets and to the exclusion to that extent of the products of our own orchards.

Last year 946,479 bushels of oats came across our northern border, paying a duty of 15 cents per bushel. With the duty off the great fields of Canada would enormously increase their export of this important crop to the United States to the great disadvantage of the American growers of this grain.

During the year ending June 30, 1910, 96,507 tons of Canadian hay came into this country, paying a duty of $4 per ton and making in the aggregate more than $771,350. Remove this duty and you will not only contribute this great sum to the Canadian farmer, but you will find he will multiply his export of this important product to the great hay markets of the Eastern States to the exclusion of the American growers of hay.

No more important crop is grown by the New England farmer. I have long contended that it was, year by year, the most valuable crop grown by the Maine farmers, who find a ready market for their surplus hay in the Boston market.

Open the tariff door, take off the $4 duty, and New England farmers will find when they seek to sell their hay in Boston that that hitherto excellent market for their product is being supplied by the farmers of New Brunswick and Nova Scotia, who are, as I have said, within easy and cheap water transportation to Boston.

And the western farmers will find the same condition in the New York market, which is in close and direct railroad communication with the rich farming country within the Province of Ontario. When the price of potatoes is low it is probably true that the duty of 25 cents per bushel is not so important as in those years when a fair market price prevails in the Boston and New York markets, at which times but for the duty the influx of Canadian potatoes would lower the market price below a fair price.

During the past two years low prices have prevailed for potatoes. Regardless, however, of these market conditions, the Canadians last year paid duty on 97,138 bushels of potatoes shipped into the United States, which is but a bagatelle to the amount that would be shipped by the Canadian farmers to the American potato markets if the duty were abolished as now proposed.

Potato growing is one of the great industries of the farmers. Portions of Canada are particularly well adapted to it. Take down the protective tariff on this product and the competition with Canada in this line would become fierce. In Maine alone millions of dollars are received and disbursed annually through this great agricultural product. Remove the duty and a ruinous blow would be struck at this industry. Farm values would be lowered, equities in farms would be sacrificed, competition with the low-priced lands of Canada with their cheap water transportation in the eastern Provinces to New York and Boston markets and the low-priced labor would be impossible and could not be met by Maine or New England farmers. The results that will follow the adoption of this trade agreement will prove to be so serious that I would not be representing my constituency, or what I believed to be for the good of the whole country, if I did not exercise every effort possible to prevent its passage in this Congress.

In conclusion I will state, as I stated in the beginning, that I can not express in language strong enough my opposition to this measure. I am opposed to giving away the American market.

Mr. GARDNER of Massachusetts. Mr. Speaker, there has been a great deal of debate based on the assumption that we

can not amend a reciprocity convention. Now, you gentlemen can not shield yourselves behind that argument, because you know that it is not so. I published in the RECORD, and I have stated repeatedly since this debate began, when many of you gentlemen were away from the House, that when the reciprocity between Canada and the Republic of France was considered in the French Chamber of Deputies, and afterwards in the French Senate, the French Senate refused to be bound by the declaration that they could not amend it.

On the contrary, on April 1, 1909, the French Senate adopted an amendment changing the agreement materially, and Canada promptly conceded the terms demanded by France.

Mr. BOUTELL. Mr. Speaker, I ask for a vote on the resolution.

Mr. DALZELL. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 107, answered "present" 5, not voting 73, as follows:

YEAS—200.

Adair	Denver	Humphreys, Miss.	Olmsted
Adamson	Dickinson	James	Padgett
Aiken	Dickson, Miss.	Jamieson	Palmer, H. W.
Alexander, Mo.	Dies	Johnson, Ky.	Parker
Alexander, N. Y.	Dixon, Ind.	Johnson, S. C.	Parsons
Anderson	Douglas	Jones	Peters
Ansberry	Driscoll, D. A.	Kelher	Pou
Ashbrook	Dupre	Kinkead, N. J.	Rainey
Austin	Durey	Kitchin	Randell, Tex.
Barchfeld	Edwards, Ga.	Knowland	Rauch
Barnard	Ferris	Korbly	Reid
Barnhart	Finley	Kronmiller	Richardson
Bartholdt	Fish	Küstermann	Roberts
Bartlett, Ga.	Fitzgerald	Lamb	Robinson
Bartlett, Nev.	Flood, Va.	Latta	Roddenbery
Beall, Tex.	Floyd, Ark.	Law	Rucker, Mo.
Bell, Ga.	Foss	Lawrence	Shackleford
Bingham	Foster, Ill.	Lee	Sharp
Boehne	Gallagher	Lever	Sheffield
Booher	Garner, Pa.	Lively	Sheppard
Borland	Garrett	Lloyd	Sherley
Boutell	Gillespie	Longworth	Sherwood
Brantley	Gillett	McCall	Sims
Burgess	Godwin	McCreary	Sisson
Burke, Pa.	Goldfogle	McCredie	Slayden
Burnett	Gordon	McDermott	Slemp
Butler	Graff	McHenry	Small
Byrd	Graham, Ill.	McKinlay, Cal.	Smith, Iowa
Byrns	Greene	McKinley, Ill.	Smith, Tex.
Calder	Gregg	McKinney	Sparkman
Candler	Griest	Macon	Stafford
Cantrill	Hamlin	Madden	Stanley
Carter	Hardy	Maguire, Nebr.	Stephens, Tex.
Cassidy	Harrison	Mann	Stevens, Minn.
Clark, Mo.	Havens	Martin, Colo.	Taylor, Ala.
Clayton	Hay	Massey	Taylor, Colo.
Cline	Heflin	Maynard	Taylor, Ohio
Cocks, N. Y.	Helm	Mays	Thomas, Ky.
Collier	Henry, Conn.	Miller, Kans.	Thomas, N. C.
Conry	Henry, Tex.	Miller, Minn.	Tilson
Cooper, Pa.	Higgins	Mitchell	Tou Velle
Covington	Hill	Moon, Pa.	Turnbull
Cox, Ind.	Hinshaw	Moon, Tenn.	Underwood
Cox, Ohio	Hitchcock	Morrison	Vreeland
Craig	Hobson	Moss	Watkins
Cravens	Houston	Needham	Weeks
Crumpacker	Howland	Nicholls	Weisse
Cullop	Hughes, Ga.	Nye	Wickliffe
Denby	Hughes, N. J.	O'Connell	Wiley
Dent	Hull, Tenn.	Oldfield	Wilson, Ill.

NAYS—107.

Anthony	Foster, Vt.	Kennedy, Ohio	Pickett
Bradley	Fuller	Knapp	Plumley
Broussard	Gaines	Kopp	Poindexter
Burke, S. Dak.	Gardner, Mass.	Lafean	Pratt
Burleigh	Gardner, N. J.	Langham	Pray
Campbell	Garner, Tex.	Langley	Pujo
Chapman	Glass	Legare	Reeder
Cole	Goebel	Lenroot	Rodenberg
Cooper, Wis.	Good	Lindbergh	Scott
Cowles	Graham, Pa.	Loudenslager	Simmons
Creager	Grant	Lowden	Snapp
Currier	Guernsey	Lundin	Southwick
Dalzell	Hamer	McLachlan, Cal.	Steenerson
Davidson	Hammond	McLaughlin, Mich.	Sterling
Davis	Hanna	Madison	Sulloway
Dawson	Haugen	Malby	Swasey
Dodds	Hawley	Martin, S. Dak.	Thistlewood
Dwight	Hayes	Mondell	Thomas, Ohio
Ellis	Heald	Moore, Pa.	Volstead
Elvins	Hollingsworth	Morgan, Mo.	Wanger
Englebright	Hubbard, Iowa	Morgan, Okla.	Washburn
Esch	Hull, Iowa	Morse	Webb
Estopinal	Humphrey, Wash.	Moxley	Wheeler
Fairchild	Johnson, Ohio	Nelson	Woods, Iowa
Fassett	Keifer	Norris	Young, Mich.
Focht	Kendall	Olcott	The Speaker
Fordney	Kennedy, Iowa	Page	

ANSWERED "PRESENT"—5.

Bennet, N. Y.	Calderhead	Riordan	Young, N. Y.
Burleson			

NOT VOTING—73.

Allen	Fornes	Livingston	Sabath
Ames	Fowler	Loud	Saunders
Andrus	Gardner, Mich.	McGuire, Okla.	Smith, Cal.
Barclay	Gill, Md.	McMorran	Smith, Mich.
Bates	Gill, Mo.	Millington	Sperry
Bennett, Ky.	Goulden	Moore, Tex.	Spight
Bowers	Hamill	Morehead	Sturgiss
Capron	Hamilton	Mudd	Sulzer
Carlin	Hardwick	Murdock	Talbott
Cary	Howard	Murphy	Tawney
Clark, Fla.	Howell, N. J.	Palmer, A. M.	Townsend
Coudrey	Howell, Utah	Patterson	Wallace
Crow	Hubbard, W. Va.	Payne	Willett
Diekema	Huff	Pearre	Wilson, Pa.
Draper	Hughes, W. Va.	Prince	Wood, N. J.
Driscoll, M. E.	Joyce	Ransdell, La.	Woodyard
Edwards, Ky.	Kahn	Rhinock	
Ellerbe	Kinkaid, Nebr.	Rothermel	
Foelker	Lindsay	Rucker, Colo.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On reciprocity, until adjournment or recess:

Mr. BURLESON (in favor) with Mr. TAWNEY (against).

Mr. STURGISS (in favor) with Mr. BARCLAY (against).

Mr. PAYNE (in favor) with Mr. CALDERHEAD (against).

Mr. DRAPER (in favor) with Mr. BENNET of New York (against).

Mr. BENNETT of Kentucky with Mr. SPIGHT.

Until further notice:

Mr. PRINCE with Mr. TALBOTT.

Mr. MOREHEAD with Mr. SAUNDERS.

Mr. MILLINGTON with Mr. RUCKER of Colorado.

Mr. MCGUIRE of Oklahoma with Mr. ROTHERMEL.

Mr. HUGHES of West Virginia with Mr. WILLETT.

Mr. HOWELL of Utah with Mr. HAMILL.

Mr. EDWARDS of Kentucky with Mr. ELLERBE.

Mr. CARY with Mr. CLARK of Florida.

Mr. CAPRON with Mr. CARLIN.

Mr. AMES with Mr. BOWERS.

Mr. PEARRE with Mr. LIVINGSTON.

Mr. YOUNG of New York with Mr. FORNES.

Mr. BENNET of New York. Mr. Speaker, I would inquire if my colleague, Mr. DRAPER, voted.

The SPEAKER pro tempore (Mr. JAMES). He did not vote.

Mr. BENNET of New York. Mr. Speaker, I voted nay, but I am paired with the gentleman from New York [Mr. DRAPER]. I therefore ask to have my name called.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. BENNET of New York was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

On page 19 strike out all of lines 15 to 25, inclusive, and on page 20 strike out all of lines 1 to 9, inclusive.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 24 strike out all of lines 4 to 11, inclusive, and insert the following as a new section:

"SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than four cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. NORRIS. Mr. Speaker, I move to recommit the bill——

Mr. DALZELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DALZELL. Mr. Speaker, I rise to make a motion to recommit the bill with instructions.

The SPEAKER. The gentleman is opposed to the bill?

Mr. DALZELL. I am opposed to the bill.

The SPEAKER. The gentleman from Pennsylvania moves to recommit the bill with instructions.

Mr. DALZELL. I move to recommit the bill to the Committee on Ways and Means with instruction to report the same back with the addition of the following articles to the reciprocal free list, to wit:

Fresh meat and all meat products, flour, prepared cereal foods, bran, agricultural implements, cotton ties and bagging, binding twine, and lumber.

Mr. McCALL. Mr. Speaker, on that I demand the previous question.

Mr. DALZELL. Mr. Speaker, I demand the previous question on the passage on the amendment.

Mr. BROUSSARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BROUSSARD. I rise to ask the gentleman from Pennsylvania whether or not he will consent to add to the instructions already read in his motion the following, which I send to the desk and ask to have read.

The SPEAKER. But the gentleman from Pennsylvania has demanded the previous question, as has also the gentleman from Massachusetts. The Chair recognized the gentleman from Pennsylvania, and pending the disposition of that motion there is nothing else in order. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit with instructions, which the Clerk has reported.

Mr. NORRIS. Mr. Speaker, on that I demand the yeas and nays.

Mr. DALZELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUGHES of New Jersey. I would like to inquire upon what the yeas and nays are demanded.

The SPEAKER. Upon the motion to recommit the bill with instructions.

The question was taken; and there were—yeas 113, nays 196, answered "present" 3, not voting 73, as follows:

YEAS—113.

Anthony	Fassett	Kennedy, Ohio	Pickett
Bennet, N. Y.	Focht	Kinkaid, Nebr.	Plumley
Bradley	Fordney	Knapp	Poindexter
Broussard	Foster, Vt.	Kopp	Pratt
Burgess	Fuller	Lafean	Pray
Burke, S. Dak.	Gaines	Langham	Prince
Burleigh	Gardner, Mass.	Langley	Pujo
Butler	Gardner, N. J.	Legare	Reeder
Campbell	Garner, Pa.	Lenroot	Scott
Chapman	Garner, Tex.	Lindbergh	Simmons
Cocks, N. Y.	Glass	Loudenslager	Snapp
Cole	Goebel	Lowden	Southwick
Cooper, Pa.	Good	Lundin	Steenerson
Cooper, Wis.	Graham, Pa.	McCreary	Sterling
Creager	Griest	McLachlan, Cal.	Sulloway
Currier	Guernsey	McLaughlin, Mich.	Swasey
Dalzell	Hamer	Malby	Thistlewood
Davidson	Hammond	Martin, S. Dak.	Thomas, Ohio
Davis	Hanna	Mondell	Volstead
Dawson	Hawley	Moore, Pa.	Wanger
Dodds	Hayes	Morgan, Mo.	Washburn
Dwight	Heald	Morgan, Okla.	Webb
Ellerbe	Hinshaw	Morse	Wheeler
Ellis	Hollingsworth	Moxley	Woods, Iowa
Elvins	Hull, Iowa	Nelson	Young, Mich.
Englebright	Humphrey, Wash.	Norris	The Speaker
Esch	Keifer	O'Connell	
Estopinal	Kendall	Olcott	
Fairchild	Kennedy, Iowa	Page	

NAYS—196.

Adair	Booher	Clayton	Dies
Adamson	Borland	Cline	Dixon, Ind.
Aiken	Boutell	Collier	Douglas
Alexander, Mo.	Bowers	Conry	Draper
Alexander, N. Y.	Brantley	Covington	Driscoll, D. A.
Anderson	Burke, Pa.	Cowles	Dupre
Ansberry	Burleson	Cox, Ind.	Durey
Austin	Burnett	Cox, Ohio	Edwards, Ga.
Barchfeld	Byrd	Craig	Ferris
Barnard	Byrns	Cravens	Finley
Bartholdt	Calder	Crumpacker	Fish
Bartlett, Ga.	Candler	Cullop	Fitzgerald
Bartlett, Nev.	Cantrill	Denby	Flood, Va.
Beall, Tex.	Carter	Dent	Floyd, Ark.
Bell, Ga.	Cassidy	Denver	Foss
Bingham	Clark, Fla.	Dickinson	Foster, Ill.
Boehne	Clark, Mo.	Dickson, Miss.	Gallagher
Garrett	Johnson, Ky.	Massey	Sheppard
Gillespie	Johnson, S. C.	Maynard	Sherley
Gillett	Jones	Mays	Sherwood
Godwin	Keliher	Miller, Kans.	Sims
Gordon	Kinkead, N. J.	Miller, Minn.	Sisson
Graff	Kitchin	Mitchell	Slayden
Graham, Ill.	Knowland	Moon, Pa.	Slemp
Greene	Korbly	Moon, Tenn.	Small
Gregg	Kronmiller	Morrison	Smith, Iowa
Hamill	Küstermann	Moss	Smith, Tex.
Hamlin	Lamb	Needham	Sparkman
Hardy	Latta	Nicholls	Stafford
Harrison	Law	Nye	Stanley
Havens	Lawrence	Oldfield	Stephens, Tex.
Hay	Lee	Padgett	Stevens, Minn.
Heflin	Lever	Palmer, H. W.	Taylor, Ala.
Helm	Lively	Parker	Taylor, Colo.
Henry, Conn.	Lloyd	Parsons	Taylor, Ohio
Henry, Tex.	Longworth	Peters	Thomas, Ky.
Higgins	McCall	Pou	Thomas, N. C.
Hill	McCredie	Rainey	Tilson
Hitchcock	McDermott	Randell, Tex.	Tou Velle
Hobson	McHenry	Rauch	Turnbull
Houston	McKinlay, Cal.	Reid	Underwood
Howland	McKinley, Ill.	Richardson	Vreeland
Hubbard, Iowa	McKinney	Roberts	Watkins
Hughes, Ga.	Macon	Robinson	Weeks
Hughes, N. J.	Madden	Rodenberg	Weisse
Hull, Tenn.	Madison	Rucker, Mo.	Wickliffe
Humphreys, Miss.	Maguire, Nebr.	Saunders	Wiley
James	Mann	Shackleford	Wilson, Ill.
Jamieson	Martin, Colo.	Sharp	Young, N. Y.

ANSWERED "PRESENT"—3.

Calderhead	Olmsted	Riordan

NOT VOTING—73.

Allen	Gardner, Mich.	Livingston	Sabath
Ames	Gill, Md.	Loud	Sheffield
Andrus	Gill, Mo.	McGuire, Okla.	Smith, Cal.
Ashbrook	Goldfogle	McMorran	Smith, Mich.
Barclay	Goulden	Millington	Sperry
Barnhart	Grant	Moore, Tex.	Spight
Bates	Hamilton	Morehead	Sturgiss
Bennett, Ky.	Hardwick	Mudd	Sulzer
Capron	Haugen	Murdock	Talbott
Carlin	Howard	Murphy	Tawney
Cary	Howell, N. J.	Palmer, A. M.	Townsend
Coudrey	Howell, Utah	Patterson	Wallace
Crow	Hubbard, W. Va.	Payne	Willett
Diekema	Huff	Pearre	Wilson, Pa.
Driscoll, M. E.	Hughes, W. Va.	Ransdell, La.	Wood, N. J.
Edwards, Ky.	Johnson, Ohio	Rhinock	Woodyard
Foelker	Joyce	Roddenbery	
Fornes	Kahn	Rothermel	
Fowler	Lindsay	Rucker, Colo.	

So the motion to recommit with instructions was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARY with Mr. GOLDFOGLE.

Mr. BENNETT of Kentucky with Mr. FORNES.

Mr. SMITH of Michigan with Mr. SPIGHT.

Mr. JOHNSON of Ohio with Mr. TALBOTT.

Mr. COUDREY with Mr. RODDENBERY.

Mr. SHEFFIELD with Mr. SULZER.

Mr. KAHN with Mr. ASHBROOK.

Mr. HOWELL of Utah with Mr. BARNHART.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. DALZELL. Mr. Speaker, on that I demand the yeas and nays.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 93, answered "present" 4, not voting 67, as follows:

YEAS—221.

Adair	Butler	Denver	Goldfogle
Adamson	Byrd	Dickinson	Gordon
Aiken	Byrns	Dickson, Miss.	Graff
Alexander, Mo.	Calder	Dies	Graham, Ill.
Alexander, N. Y.	Candler	Dixon, Ind.	Greene
Anderson	Cantrill	Douglas	Gregg
Ansberry	Carlin	Draper	Griest
Anthony	Carter	Driscoll, D. A.	Hamill
Ashbrook	Cary	Dupre	Hamlin
Austin	Cassidy	Durey	Hardy
Barchfeld	Clark, Fla.	Edwards, Ga.	Harrison
Barnard	Clark, Mo.	Ellerbe	Havens
Barnhart	Clayton	Ferris	Hay
Bartholdt	Cline	Finley	Heald
Bartlett, Ga.	Cocks, N. Y.	Fish	Heflin
Bartlett, Nev.	Collier	Fitzgerald	Helm
Beall, Tex.	Conry	Flood, Va.	Henry, Conn.
Bell, Ga.	Cooper, Pa.	Floyd, Ark.	Henry, Tex.
Bingham	Cooper, Wis.	Foss	Higgins
Boehne	Covington	Foster, Ill.	Hill
Booher	Cox, Ind.	Gallagher	Hinshaw
Borland	Cox, Ohio	Garner, Pa.	Hitchcock
Boutell	Craig	Garner, Tex.	Hobson
Bowers	Cravens	Garrett	Hollingsworth
Brantley	Crumpacker	Gillespie	Houston
Burgess	Cullop	Gillett	Howland
Burke, Pa.	Denby	Glass	Hubbard, Iowa
Burnett	Dent	Godwin	Hughes, Ga.

Hughes, N. J.	McCreary	Olmsted	Smith, Tex.
Hull, Tenn.	McCredie	Padgett	Sparkman
Humphreys, Miss.	McDermott	Page	Stafford
James	McHenry	Parker	Stanley
Jamieson	McKinlay, Cal.	Parsons	Stephens, Tex.
Johnson, Ky.	McKinley, Ill.	Peters	Stevens, Minn.
Johnson, S. C.	McKinney	Poindexter	Sulloway
Jones	Macon	Pou	Taylor, Ala.
Kelliher	Madden	Rainey	Taylor, Colo.
Kinkaid, Nebr.	Madison	Randell, Tex.	Taylor, Ohio
Kinkead, N. J.	Maguire, Nebr.	Rauch	Thomas, Ky.
Kitchin	Mann	Reid	Thomas, N. C.
Knowland	Martin, Colo.	Roberts	Tilson
Korbly	Massey	Robinson	Tou Velle
Kronmiller	Mays	Roddenbery	Turnbull
Küstermann	Miller, Kans.	Rodenberg	Underwood
Lafean	Miller, Minn.	Rucker, Mo.	Vreeland
Lamb	Mitchell	Saunders	Watkins
Latta	Moon, Pa.	Shackleford	Weeks
Law	Moon, Tenn.	Sharp	Weisse
Lawrence	Morehead	Sheppard	Wickliffe
Lee	Morrison	Sherley	Wiley
Legare	Moss	Sherwood	Wilson, Ill.
Lever	Needham	Sims	Young, Mich.
Lively	Nicholls	Sisson	Young, N. Y.
Lloyd	Nye	Slayden	
Longworth	O'Connell	Slemp	
McCall	Oldfield	Small	

NAYS—93.

Bennet, N. Y.	Focht	Knapp	Pray
Bradley	Fordney	Kopp	Prince
Broussard	Foster, Vt.	Langham	Pujo
Burke, S. Dak.	Fuller	Lenroot	Reeder
Burleigh	Gaines	Lindbergh	Scott
Campbell	Gardner, Mass.	Loudenslager	Simmons
Chapman	Gardner, N. J.	Lowden	Smith, Iowa
Cole	Goebel	Lundin	Snapp
Cowles	Good	McLachlan, Cal.	Southwick
Creager	Graham, Pa.	McLaughlin, Mich.	Steenerson
Currier	Grant	Maihy	Sterling
Dalzell	Guernsey	Martin, S. Dak.	Swasey
Davidson	Hamer	Mondell	Thistlewood
Davis	Hammond	Moore, Pa.	Thomas, Ohio
Dawson	Hanna	Morgan, Mo.	Volstead
Dodds	Haugen	Morgan, Okla.	Wanger
Dwight	Hawley	Morse	Washburn
Ellis	Hayes	Moxley	Webb
Elvins	Hull, Iowa	Nelson	Wheeler
Englebright	Humphrey, Wash.	Norris	Woods, Iowa
Esch	Keifer	Olcott	The Speaker
Estopinal	Kendall	Pickett	
Fairchild	Kennedy, Iowa	Plumley	
Fassett	Kennedy, Ohio	Pratt	

ANSWERED "PRESENT"—4.

Burleson	Calderhead	Langley	Riordan

NOT VOTING—67.

Allen	Gill, Mo.	McMorran	Sabath
Ames	Goulden	Maynard	Sheffield
Andrus	Hamilton	Millington	Smith, Cal.
Barclay	Hardwick	Moore, Tex.	Smith, Mich.
Bates	Howard	Mudd	Sperry
Bennett, Ky.	Howell, N. J.	Murdock	Spight
Capron	Howell, Utah	Murphy	Sturgiss
Coudrey	Hubbard, W. Va.	Palmer, A. M.	Sulzer
Crow	Huff	Palmer, H. W.	Talbott
Diekema	Hughes, W. Va.	Patterson	Tawney
Driscoll, M. E.	Johnson, Ohio	Payne	Townsend
Edwards, Ky.	Joyce	Pearre	Wallace
Foelker	Kahn	Ransdell, La.	Willett
Fornes	Lindsay	Rhinock	Wilson, Pa.
Fowler	Livingston	Richardson	Wood, N. J.
Gardner, Mich.	Loud	Rothermel	Woodyard
Gill, Md.	McGuire, Okla.	Rucker, Colo.	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. EDWARDS of Kentucky with Mr. FORNES.

Mr. CROW with Mr. MAYNARD.

Mr. WOODYARD with Mr. HARDWICK.

On this vote:

Mr. KAHN with Mr. GOULDEN.

Mr. TALBOTT (against) with Mr. HENRY of Texas (in favor).

Mr. LANGLEY (against) with Mr. RICHARDSON (in favor).

Mr. MCMORRAN (against) with Mr. HOWELL of New Jersey (in favor).

The result of the vote was announced as above recorded.

On motion of Mr. MCCALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 19505. An act for the relief of Eugene Martin;

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming;

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 30727. An act providing for the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25074. An act for the relief of the owners of the schooner Walter B. Chester;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road;

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 30793. An act to authorize the Fargo & Morehead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

ADJOURNMENT.

Mr. McCALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 15, 1911, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WOODYARD, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co., reported the same without amendment, accompanied by a report (No. 2162), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON, from the Committee on Militia, to which was referred the bill of the House (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, reported the same with amendment, accompanied by a report (No. 2165), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. J. Res. 139) authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague, reported the same without amendment, accompanied by a report (No. 2166), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10605) to amend the military record of Aaron T. Wakefield, reported the same with amendment, accompanied by a report (No. 2160), which said bill and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the House (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, reported the same without amendment, accompanied by a report (No. 2161), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 32737) granting a pension to William L. Hicklin, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 32775) to define whisky; to the Committee on Ways and Means.

Also, a bill (H. R. 32776) to provide for the marking of distillers' packages of distilled spirits; to the Committee on Ways and Means.

Also, a bill (H. R. 32777) to provide for the labeling of distilled spirits in packages of less than 5 gallons; to the Committee on Ways and Means.

By Mr. HANNA: A bill (H. R. 32778) setting aside certain lands in the State of North Dakota for a dairy experimental station, and other purposes; to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: Resolution (H. Res. 973) to pay Joseph M. McCoy for services to the Committee on Pensions; to the Committee on Accounts.

By Mr. LIVINGSTON (by request): Joint resolution (H. J. Res. 285) providing for the printing of a digest of the decisions of the Court of Claims, etc.; to the Committee on Printing.

By the SPEAKER: A memorial of the Legislature of Washington concerning tariff legislation; to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: A memorial of the Legislature of Colorado, favoring election of United States Senators by direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 32779) granting a pension to Dale C. Cook; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 32780) granting an increase of pension to Edwin F. Spink; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 32781) granting an increase of pension to Andrew T. Kyle; to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 32782) for the relief of Rev. Ambrose D. Brooks; to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 32783) granting a pension to C. E. Burkitt; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 32784) granting an increase of pension to John H. La Pointe; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 32785) for the relief of Jackson Taylor Vaun; to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 32786) granting a pension to Augusta Hartwell Macomb; to the Committee on Invalid Pensions.

By Mr. KRONMILLER: A bill (H. R. 32787) granting an increase of pension to Caroline M. Coggins; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 32788) granting an increase of pension to Jesse R. Hendrix; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 32789) granting an increase of pension to George W. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32790) granting an increase of pension to John J. Baker; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 32791) granting an increase of pension to John A. Henry; to the Committee on Pensions.

By Mr. TOU VELLE: A bill (H. R. 32792) granting an increase of pension to James Norman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32793) granting an increase of pension to Orin Kizer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32794) granting an increase of pension to James Dolan; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 32795) granting an increase of pension to Shadrach W. Murphy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Central Labor Unions of Lancaster and Depew, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON: Petition of Tiffin citizens, for battleship building in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Franklin County Bar Association, against bill providing for holding two terms each year of the circuit and districts courts of southern district of Ohio; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of D. H. Carpenter and other citizens of Horton, Kans., favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Petition of Chamber of Commerce of Aransas Pass, Tex., for a survey of a 20-foot channel on line of present channel; to the Committee on Rivers and Harbors.

Also petition of Licking Council, No. 90, Junior Order United American Mechanics, Newark, Ohio, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Deutrick Grange, No. 1621, Summit Station, Ohio, protesting against the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of M. S. Gish, postmaster, and 60 citizens of Sterling, Ohio, for the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of Pittsburg Branch of National League of Commission Merchants and Pittsburg Butter and Egg Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Welcome Council and Smoky City Council, No. 119, Junior Order United American Mechanics, of Pittsburg, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Amelia Grosscup; to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of Central Republican Club, for abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of New York Board of Trade and Transportation, for Senate bill 10447, parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the Howard Park Citizens' Association and the Interdenominational Ministers' Meeting, relative to Justice Daniel Thew Wright; to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of Schawangunk Grange, No. 1018, Patrons of Husbandry, Minisink, N. Y., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Musicians' Protective Union, Chester, Pa., for repeal of the 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Washington Camp No. 298, Patriotic Order Sons of America, of Byers, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp No. 82, Patriotic Order Sons of America, of Lenni Mills, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CARY: Resolution adopted by the Wisconsin State Legislature, protesting against the proposed measure before Congress which will abolish the pension agencies; to the Committee on Invalid Pensions.

Also, resolution adopted by Local No. 1447, Milwaukee, Wis., favoring the adoption of the illiteracy test in the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. CONRY: Petition of Chamber of Commerce of New York, State Merchants' Association of New York, and New York Produce Exchange, favoring the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petitions of citizens of New York and Assembly of New York State, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. COOPER of Pennsylvania: Petition of Local 527, Smithfield, Pa., for the illiteracy test in immigration law; to the Committee on Immigration and Naturalization.

By Mr. DWIGHT: Petition of Dryden Grange, of Dryden, N. Y., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Trades and Labor Council located at La Crosse, Wis., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Petition of Washington Camp No. 749, Patriotic Order Sons of America, West Milton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FOSTER of Vermont: Petition of Local No. 994, Federation of Labor, Bennington, Vt., for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the National Irrigation Congress about irrigation projects; to the Committee on Irrigation of Arid Lands.

Also, petition of Ernest Bohn, of Central Federation Union, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Carthage Board of Trade, of Carthage, N. Y., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of C. H. Askawich, of De Kalb, Ill., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of F. E. M. Cale, western advertising manager of McClure's Magazine, against increased postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Illinois: Petition of medical doctors of Gillespie, Ill., for Senate bill 10408; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Springfield, Ill., favoring construction of battleship *New York* at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Henson and Robinson & Co., Springfield, Ill., and citizens of Pawnee, Ill., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of the Hardware Manufacturers' Association of the United States, the National League of Commission Merchants (Pittsburg branch), and E. V. Babcock & Co., of Pittsburg, Pa., protesting against the Canadian reciprocity measure; to the Committee on Ways and Means.

Also, petition of the De Laval Separator Co., of New York, against placing the centrifugal cream separators on the free list in the proposed Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of the Brooklyn League, for building battleship *New York* in Government navy yard; to the Committee on Naval Affairs.

By Mr. GRIEST: Memorial commending the passage of House bill 15413, requiring illiteracy tests of immigrants, as adopted by the following Washington Camps of the Patriotic Order Sons of America: No. 28, Adamstown; No. 40, New Holland; No. 274, Terre Hill; No. 556, Elizabethtown; No. 557, Lancaster; No. 699, Millersville; No. 559, Rothsville; No. 711, Mount Nebo; No. 613, Lincoln; No. 701, Hopeland, all in the State of Pennsylvania; to the Committee on Immigration and Naturalization.

By Mr. HAMILTON: Petition of citizens of South Haven and Decatur, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens of North Dakota, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens on rural routes of North Dakota, favoring House bill 26791; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of Upper Hood River Valley Progressive Association, many business firms of Portland, Oreg., and Garnett Cory Hardware Co., Medford, Oreg., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Oregon, against repeal of any part of the oleomargarine law; to the Committee on Agriculture.

By Mr. HAYES: Petition of Local Union 393, San Jose, Cal., United Association Journeymen Plumbers, Gas and Steam Fitters, and Steam Fitters and Helpers; Local Union No. 64, International Union of Steam Engineers, San Francisco; and Andrew T. Gallagher, secretary of San Francisco Labor Council, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. HENRY of Texas: Petition of citizens of McGregor, Tex., against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Harmony Grange, No. 92, Stepney Depot, Conn., and Trumbull (Conn.) Grange, No. 134, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of Utah: Petition of Francis M. Lyman, W. S. McCormick, George T. Odell, and other citizens of Utah, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of American Federation of Labor, Local No. 125, Greenwich, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Paper to accompany bill for relief of John H. Miller; to the Committee on Invalid Pensions.

Also, petition of Washington Camps Nos. 709, of Spring Forge, Pa., and 771, of Gatchetville, Pa., Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McCREDIE: Petition of W. B. Keir, Centralia, Wash., against a rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Carrollton, Wash., for Senate bill 404, for Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the De Laval Separator Co., against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

By Mr. McHENRY: Petition of citizens of Sunbury, Pa., insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

Also, petitions of Washington Camps Nos. 540, of Catawissa, Pa., and 105, of Berwick, Pa., Patriotic Order Sons of America, urging the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petitions of the Woman's Christian Temperance Union of Highland, Mich., the missionary societies of the Highland Congregational Church, Highland; Joseph Guill and eight others, of Yale; Mrs. W. C. Dodge, of Almont; members of the South Park Woman's Christian Temperance Union, of Port Huron; Woman's Christian Temperance Union of the seventh congressional district of Michigan; and local Woman's Christian Temperance Union of Harbor Beach, all of the State of Michigan, favoring the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of members of the St. Peter's Evangelical Lutheran Church, of St. Clair, Mich., protesting against the Andrews bill (H. R. 30155) donating land to the Christian Brothers of St. Louis Province, in New Mexico; to the Committee on the Territories.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Dawson, Barada, Humboldt, Louisville, and Plattsmouth, Nebr.; protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Freeport Council, No. 148, and Aliquippa Council, No. 567, Junior Order United American Mechanics, and Lincoln Commandery No. 42, Washington Camps Nos. 82, 570, 455, 52, 544, 334, 485, 134, and 184, Patriotic Order Sons of America, urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Washington Camps Nos. 52, 445, and 82, Patriotic Order Sons of America; Councils Nos. 33, 208, 590, and 567, Junior Order United American Mechanics, and Union No. 706, United Brotherhood of Carpenters and Joiners, of Bethlehem, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Rock Stream (N. Y.) Grange, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of City Council of Providence, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miantonomoh Council No. 7, Junior Order United American Mechanics, of Providence, R. I., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. STURGISS: Petition of Local Camp No. 31, Patriotic Order Sons of America, Van Clevesville, W. Va., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Local Camp No. 11, Patriotic Order Sons of America, Summit Point; Local Camp No. 31, American Federation of Labor, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Brooklyn League, for battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, petition of many publishing firms of New York City, against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Mad River Grange, No. 71, of the Connecticut State Grange, for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Lumber Dealers Association of Connecticut, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Lumber Dealers' Association of Connecticut, State Grange, Trumbull Grange, and Harmony Grange, No. 92, for a parcels-post measure, full and complete; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of Franklin County Bar Association, of Ohio, against holding of two terms annually of circuit and district courts of the southern district of Ohio, at Portsmouth; to the Committee on the Judiciary.

By Mr. WEISSE: Petition of citizens of Wisconsin, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of citizens of Wisconsin for liberal extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Metal Trades Council, of Newark, N. J., and vicinity, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Pittsburg Branch of the National League of Commission Merchants of the United States, favoring Canadian reciprocity; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 15, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the fiscal year 1909, as required by statute. The same statute provides for the printing of the report, so that no action on the part of the Senate is required. I ask that the report may lie on the table.

The PRESIDENT pro tempore. The report will lie on the table. The law provides for the printing.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry citizens of Portland, Oreg., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 947, Patrons of Husbandry, of Huevelton, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of F. E. Hill, of New York City, N. Y., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which was referred to the Committee on Interstate Commerce.

Mr. BURROWS. I present a resolution of the Legislature of the State of Michigan, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read the resolution, in the absence of objection.

The resolution was read, as follows:

Senate resolution 45.

Whereas there is now pending in the Senate of the Congress of the United States, a bill known as the Sulloway pension bill which provides that all veterans of the Mexican and Civil Wars shall receive a pension of $15 per month at the age of 62, $20 at the age of 65, $25 at the age of 70, and $36 per month at the age of 75 years. The bill also provides that all veterans who are wholly incapacitated to perform labor shall receive a pension of $36 per month with no age limitation.

The bill above referred to has already passed the House of Representatives by an overwhelming vote and is now pending in the Senate: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Michigan Legislature go on record as favoring the early enactment of this bill and that a copy of this resolution be forwarded at once to the United States Senators from Michigan, urging them to use every effort to secure the passage of the bill.

The question being on the adoption of the resolution,

The resolution was adopted.

Mr. BURROWS. Let the resolution lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. McCUMBER. I have a communication here from the Grain Growers' Department of the National Union of American Society of Equity, addressed to the United States Senate, and also a short article from their magazine, entitled "Farmers and protective tariff," which I ask may be printed in the RECORD without reading.

There being no objection, the matter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

To the United States Senate and House of Representatives in Congress assembled:

There being before you now for ratification or rejection a certain Canadian reciprocity agreement in which the members of our organization are interested, I beg, in its behalf, to file with your honorable body, as information and for consideration by the Members thereof, the following brief statement of our position on the subject:

Certain commercial and speculative interests made an effort to get the farmers of the United States to part with their grain crops last fall at prices that suited these interests. Their program then was only partially successful. Knowing what we do about that scheme, we have reasons to believe that these same interests, prompted by a firm determination to make the farmers bow to their will, are actively supporting the proposed tariff agreement with Canada and are using it as a subterfuge with which to gather about them more recruits to help carry out their deep-laid plot. Trade operations under such an agreement as the Canadian reciprocity bill will stop an otherwise possible increase in the production of farm products in the United States proportionate to our increase in population and gradually change the source of supply from the Mississippi Basin to the western plains of Canada.

With the tariff removed on raw farm products but retained on manufactured articles and the source of supply moved farther away from our centers of population, it is difficult to see how our brethren in the cities are going to profit much from any possible reduction in the cost of living.

The proposed Canadian reciprocity agreement is a nefarious concoction by manufacturers and middlemen which, if swallowed by Congress, will be a means of widening the already wide chasm between producer and consumer rather than causing any material reduction in the cost of living. Regardless of whether the farmers now are free traders or protectionists, it must be admitted that after having helped to build

up "infant manufacturing industries" by their stand on the tariff question, it is base ingratitude, to say the least, on the part of manufacturers and the agencies that work with them to ask that the protection wall be torn down in front of raw farm products and retained on the manufactured articles.

When the commercial interests of our country will come within a mile of sacrificing what the farmers are asked to sacrifice in this reciprocity proposition for the sake of inaugurating a national reciprocity policy, the farmers will be found actively supporting such a move. But until such a time comes I believe the American farmer will take his cue from George Eliot's little epigram: "Self-sacrifice is well enough, but don't give yourself to be melted over for the tallow trade."

If our farming is the foundation upon which our country's prosperity and welfare depend and not only a handy theme for poetry and political oratory, then the ratification of the Canadian reciprocity bill is equivalent to killing the goose that laid the golden egg or driving a willing horse to death.

I believe that the mass of consumers of farm products in our cities will agree with me that it is true that if the farmer is stunned the rest of the people will be stunted, and that if they have time to give the matter careful consideration they will join hands with the farmers in asking our Representatives in Congress, by mail and otherwise, to turn down the proposed Canadian tariff agreement and demand in the place of that political sop that Congress provide without delay for a gradual, genuine, and fair reduction of the tariff, or, at least, a reciprocity proposition that has a semblance of "reciprocity" in it for all parties concerned. The farmers that compose our organization protest most emphatically against the ratification and believe it not only their duty but their privilege to ask their friends to show their friendship not only by having their votes unmistakably recorded against the ratification of this agreement but by hard work against it as well.

GRAIN GROWERS' DEPARTMENT NATIONAL UNION A. S. E.,
THEO. G. NELSON, *President*.

FARMERS AND PROTECTIVE TARIFF.

[From Cooperators' Guide.]

It is barely possible that the proposed "reciprocity" agreement with Canada will force an alignment of interests and people in this country on two sides of the question, "Is the farmer and farming the foundation of the whole country's prosperity and general welfare?"

The farmer has responded to calls for help to maintain the protective-tariff policy of this country up to the present time. He has not done it because of any direct benefits that he might derive. He has done it by yielding to the argument that he should help protect infant industry, manufacturing in particular, and thus create a greater consumption of his products at home. It was explained to the farmer that the net profit to him would be greater if his products were consumed at home instead of being sent to foreign countries to be consumed. It was agreed that the transportation charges, as well as some handling charges, would be saved and added to his profits. The farmer agreed in good faith, but the other fellow has been a rascal all along the line, and the farmer would be justified in requiring the duty removed from a great many manufactured articles, but maintained at its present standard on all farm products.

First we beheld the wholesale fraud in the collection of duty on sugar products, making it almost impossible for sugar-cane and sugar-beet growers in this country to develop their industry in any manner.

Then the evasion of the duty on grain in the form of the notorious drawback clause. This made it possible for the grain manufacturing interests to import grain from foreign countries and thus be able to keep their business in operation at a profit, regardless of what happened to the grain grower at home. Hundreds of other little instances of similar character that have taken place in the past need not be mentioned.

The people of this country must line up for or against the farmer and his direct interests in the immediate future; that is, if the farmer will bestir himself in the least. It may be that the manufacturing and other commercial interests will recede from their position for the present, but look out for the dog in the manger if they do.

We have recently had the effort to flood the markets of this country with cheap barley by a temporary suspension of the duty on it, and thus destroy the market for home-grown barley when it gets ready this fall. Then came the announcement about the Government having been defrauded of $5,000,000 annually by neglecting to collect duty on tobacco from foreign countries. No wonder the American Tobacco Co. has been able to resist the American tobacco growers as persistently at it has.

Now, to cap the climax, comes the proposed "reciprocity" agreement with Canada. Letting down the bars on raw foodstuffs from Canada to the United States and on agricultural implements from the United States to Canada would flood American markets with Canadian farm products, and the manufacturers' market for farm implements would stimulate a demand for them at home, and with it an increase in price on farm implements for American farmers.

Farm products in free, agricultural implements out free, and prices on farm products down and on farm implements up, may sound like merry music to some, but if the American farmer will stop to listen to it awhile it may prove to be a bugle call to battle.

Fortunately for the American farmer there are now farmers' organizations strong enough to shake the country from end to end if it be necessary in order to prevent an injustice being done. This is an occasion when every farmer in the country who has not made himself a part of any organization should do so at once. We want nothing better to prove that if farmers shall not be a doormat for other classes of people they must at all times set aside a part of their income for the maintenance of an organization.

Farmers can not rise quickly and unitedly as they have done on several occasions these last years without being organized.

Let us hope the impending danger will stimulate every mother's son who has been a member of a farmers' organization and dropped out by nonpayment of dues to pay up at once, as well as to induce others who have not as yet joined to do so at once.

Let us make our machine as powerful and as perfect as possible and in as short a time as possible, so that we may be ready to successfully combat any onslaughts that may be made on our business as farmers at any time. Let us be ready to take justice if we can not get it. If we are to continue as a protective-tariff country, let the tariff apply alike everywhere.

Mr. BURNHAM. I present a telegram from the mayor and other officials of the city of Berlin, N. H., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BERLIN, N. H., *February 13, 1911.*

Hon. HENRY E. BURNHAM,
United States Senator, Washington, D. C.:

We believe that if the proposed reciprocity agreement with Canada is approved that the pulp and paper interests of Berlin, N. H., and vicinity will be seriously crippled, and we therefore vigorously protest against the adoption of the same.

DANIEL J. DALEY,
Mayor.
L. J. COTE,
President Board of Trade.
A. M. STAHL,
Ex-Senator and President of City National Bank
A. E. BEAN,
Postmaster.
F. D. BARTLETT,
Ex-Mayor.
A. L. FORBES,
President of Berlin Savings Bank & Trust Co
W. H. GERRISH,
President of Berlin National Bank.
J. W. MOFFETT,
President Local No. 29, International Brotherhood of Paper Makers.
EDWARD DESELETS,
Secretary Local No. 30, International Brotherhood Pulp Sulphite Paper Mill Workers.

Mr. BURNHAM presented a petition of Franklin Pierce Council, Junior Order United American Mechanics, of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. GALLINGER. I present various telegrams in the nature of memorials from manufacturers or men engaged in the paper industry in New Hampshire, remonstrating against the ratification of the reciprocity agreement with Canada. I ask that simply the names appended to the telegrams be printed in the RECORD.

There being no objection, the telegrams were referred to the Committee on Finance and the names appended thereto were ordered to be printed in the RECORD, as follows:

The memorial of Dr. A. A. Beaton, of Franklin, N. H.
The memorial of E. K. Sawyer, ex-mayor of Franklin, N. H.
The memorial of Omar R. Towne, of Franklin, N. H.
The memorial of Warren F. Darnell, of Franklin, N. H.
The memorial of W. W. Edwards, of Franklin, N. H.
The memorial of A. W. Sulloway and Frank Proctor, of Franklin, N. H.
The memorial of L. O. Calley, of Franklin, N. H.
The memorial of Frank H. Dainell, of Franklin, N. H.
The memorial of W. R. Brown, of Berlin, N. H.
The memorial of Daniel J. Daley, mayor; A. E. Bean, postmaster; F. D. Bartlett, ex-mayor; L. J. Cote, president Board of Trade; A. M. Stahl, ex-senator and president of City National Bank; A. L. Ferbush, president of Berlin Savings Bank & Trust Co.; W. H. Gerrick, president of Berlin National Bank; J. W. Moffett, president Local No. 29, International Brotherhood of Paper Makers; Edward Deselets, secretary Local No. 30, International Brotherhood Pulp Sulphite Paper Mill Workers, of Berlin, N. H.

Mr. GALLINGER presented a petition of Franklin Pierce Council, Junior Order United American Mechanics, of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. KEAN presented the petition of Miss Eleanor Mombert, of Paterson, N. J., praying for the passage of the so-called children bureau bill, which was ordered to lie on the table.

He also presented petitions of Washington Camps Nos. 116, of Elberon; No. 62, of Woodbury; No. 107, of Camden; No. 125, of Greenwich, Patriotic Order Sons of America; and of United Building Trades Council, No. 638, of Morristown, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Manalapan Grange, No. 190, Patrons of Husbandry, of Englishtown, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the petition of William Barlow, of East Rutherford, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 1806, United Brotherhood of Carpenters and Joiners, of Long Branch, N. J., and a petition of Middlesex Lodge, No. 329, International Association of Machinists, of New Brunswick, N. J., praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of the General Committee of Adjustment, Brotherhood of Locomotive Engineers, of the Central Railroad of New Jersey, praying for the enactment of legis-

lation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Montclair, Burlington, Haddonfield, Merchantville, Camden, Collingswood, Oradell, Orange, Westmont, Rutherford, Newark, Westfield, Perth Amboy, Riverton, Deal Beach, Salem, Glen Ridge, South Orange, Morristown, Little Falls, Audubon, Beverly, Gloucester, Williamstown, Plainfield, Leonia, and Wenonah, all in the State of New Jersey; of the Priscilla Publishing Co., of Boston, Mass.; of the Balch Publishing Co., of Chicago, Ill.; and of the Siegfried Co., of New York City, N. Y., remonstrating against any change being made in the rates on periodicals and magazines, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial of the Central Trades and Labor Assembly, of Tampa, Fla., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, and checks, which was referred to the Committee on Printing.

He also presented a memorial of the Hardwood Manufacturers' Association of the United States, remonstrating against the ratification of the proposed reciprocal agreement beween the United States and Canada, which was referred to the Committee on Finance.

Mr. WETMORE presented a petition of the governor and sundry other prominent citizens in the State of Rhode Island, praying for the enactment of legislation providing for the completion of the harbor of refuge at Point Judith by the construction of a landing place in that harbor, which was referred to the Committee on Commerce.

Mr. DICK. I present a resolution adopted by the Senate of the Legislature of the State of Ohio, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution 25.

Whereas the people of California have raised seventeen and one-half million dollars for the purpose of holding an international exposition at San Francisco in 1915 to celebrate the opening of the Panama Canal, and neither ask nor desire aid from Congress other than a mere invitation to foreign nations to participate in said exposition; and

Whereas the House of Representatives of the United States of America January 31, 1911, by decisive vote has chosen San Francisco as the city in which to hold the exposition commemorating the opening of the Panama Canal: Therefore

Resolved, That the city of San Francisco be, and the same is hereby, indorsed as a proper and fitting site for the holding of said exposition.

Mr. DICK presented the memorial of Leslie B. Denning, of Columbus, Ohio, remonstrating against the passage of the so-called Moon law, relative to the taking of cases of a State to the Federal courts, which was referred to the Joint Committee on the Revision of the Laws of the United States.

He also presented a petition of sundry veterans of the Grand Army of the Republic of Canton and Fredericksburg, in the State of Ohio, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Portsmouth and Vermillion, in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Buckeye Lodge, No. 89, Brotherhood of Locomotive Firemen and Engineers, of Springfield, Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Central Ohio Farmers' Institute, of Westerville, Ohio, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch No. 27, Glass Bottle Blowers' Association, of Reading, Ohio, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Ohio Brotherhood of Thrashermen, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRIGGS presented petitions of Washington Camps Nos. 125, of Greenwich; 137, of Roebling; 107, of Camden; 54, of Baptisttown; 150, of Titusville; 61, of Flemington; Hammonton; 14, of Trenton; 141, of Hopewell; 23, of Palmyra; 86, of Smithburg, Patriotic Order Sons of America; of Local Union No. 139, of Jersey City; Local Union No. 118, of Jersey City; and of Local Union No. 638, of Morristown, United Brotherhood of Carpenters and Joiners of America, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Middlesex Lodge, 329, of New Brunswick, and district 47, of Newark, International Association of Machinists; Metal Trades Council of Newark; and the Mercer County Central Labor Union, of Trenton, all in the State of New Jersey, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of the general committee on adjustment, Brotherhood of Locomotive Engineers, of the Central Railroad of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Helen F. Conover, of the Mount Vernon Ladies' Association, of Princeton, N. J., remonstrating against the establishment of a reformatory on the Belvoir tract near Mount Vernon, Va., which was ordered to lie on the table.

He also presented the petition of Felix S. Jacobson, of Arlington, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Young Friends' Association, of Swedesboro, N. J., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of Local Grange No. 182, Patrons of Husbandry, of Westville, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Cliffside Park, Grantwood, N. J., praying for the enactment of legislation to provide for the strict enforcement of the present pure food and drugs law, which was referred to the Committee on Manufactures.

He also presented a petition of Local Union No. 1532, United Brotherhood of Carpenters and Joiners of America, of Camden, N. J., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of Hope Lodge, No. 79, International Association of Machinists, of Seattle, and of Amalgamated Glass Workers' International Association, No. 163, of Seattle, in the State of Washington, praying that the battleship *New York* be built in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Council, Junior Order United American Mechanics, of Spokane, Wash., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURTON presented a memorial of Locust Point Grange, No. 1292, Patrons of Husbandry, of Ottawa County, Ohio, and a memorial of Local Grange No. 560, Patrons of Husbandry, of Roxbury, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a resolution adopted by the Legislature of the State of Michigan, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution 45.

Whereas there is now pending in the Senate of the Congress of the United States a bill known as the Sulloway pension bill, which provides that all veterans of the Mexican and Civil Wars shall receive a pension of $15 per month at the age of 62, $20 at the age of 65, $25 at the age of 70, and $36 per month at the age of 75 years. The bill also provides that all veterans who are wholly incapacitated to perform labor shall receive a pension of $36 per month with no age limitation.

The bill above referred to has already passed the House of Representatives by an overwhelming vote and is now pending in the Senate: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Michigan Legislature go on record as favoring the early enactment of this bill, and that a copy of this resolution be forwarded at once to the United States Senators from Michigan, urging them to use every effort to secure the passage of the bill.

The question being on the adoption of the resolution,

The resolution was adopted.

Mr. SMITH of Michigan presented a petition of the officers and enlisted men of the Third Battalion Band and hospital detachment, Second Infantry, Michigan National Guard, praying for the passage of the so-called militia pay bill, which was referred to the Committee on Military Affairs.

Mr. SHIVELY presented a memorial of Local Grange No. 2142, Patrons of Husbandry, of Seymour, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Branch No. 133, Glass Bottle Blowers' Association, of Indianapolis, Ind., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Washington Camps, No. 4, of Leyons Station, and No. 34, of Indianapolis, Patriotic Sons of America; of Local Unions No. 113, of Chesterton, and No. 1797, of Lebanon, United Brotherhood of Carpenters and Joiners of America; and of Local Council No. 17, Junior Order United American Mechanics, of Hartford City, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry business firms of Crawfordsville; of Fred W. Avery, sr., of St. Paul; and S. N. McIntosh, of Vilas, all in the State of Indiana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of the Indiana State Federation of Labor, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. CARTER presented a petition of the Local Typographical Union of Anaconda, Mont., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented petitions of the Common Council of Buffalo, the Amicus Club of Buffalo, the Produce Exchange of New York, and sundry citizens of Dunkirk and Jamestown, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of the Congress of the Knights of Labor; the Pomona Grange, Patrons of Husbandry, of Jefferson County; the National Grange, Patrons of Husbandry; and the Dina Paper Co., of Harrisville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Typographical Union No. 530, of Waverly, N. Y., and a petition of Washington Camp, No. 15, Patriotic Order Sons of America, of Lestershire, N. Y., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of William Richardson Post, No. 254, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a petition of Ira Thurber Post, No. 584, Department of New York, Grand Army of the Republic, of Allegany, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented petitions of the State Federation of Labor, the International Molders' Conference Board of Buffalo, and of sundry citizens of New York City, all in the State of New York, praying that the battleship *New York* be constructed in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. RAYNER presented petitions of Washington Camps Nos. 35, of Henderson; 43, of Doubs; and 73, of Hampstead, Patriotic Order Sons of America, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WARREN presented a memorial of the Wyoming Woolgrowers' Association, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., *February 13, 1911.*

Senator FRANCIS E. WARREN,
Washington, D. C.:

Woolgrowers and sheep farmers of Wyoming protest against the feature of proposed Canadian reciprocity treaty which will permit entry free to United States live sheep while dressed meats are admitted at rate 1½ cents per pound, and you are respectfully urged to put forth your best endeavor to secure elimination from the bill of the free-sheep clause, which we regard as inimical to best interests of our people and which would permit of importation large quantities wool on sheep's backs duty free. The entire proposition, as we view it, is in interests of manufacturers and beef trust and will greatly reduce the value of sheep and wool, farm products, and farm lands.

GEORGE S. WALTER,
Secretary Wyoming Woolgrowers' Association.

He also presented a memorial from the Congress of the Knights of Labor, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CONGRESS OF THE KNIGHTS OF LABOR,
GENERAL OFFICE, 667 STATE STREET,
Albany, N. Y., February 11, 1911.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

DEAR SIR: We would respectfully solicit your cooperation to defeat the passage of the McCall bill, which seeks to enact into law the reciprocity agreement entered into between the Department of State and the Canadian Government, as any downward revision of the tariff such as this agreement proposes would be unjust to both the manufacturing and agricultural interests of the United States, and would ultimately mean one of two things—the closing of American factories, mills, and workshops, or the American workmen will have to accept a reduction in wages to correspond with those paid in foreign countries.

Faithfully, yours,

CONGRESS OF THE KNIGHTS OF LABOR,
J. R. MANSION, *Secretary and Treasurer.*

He also presented a memorial of the Manufacturers' Club of Philadelphia, Pa., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Manufacturers' Club stands now, as in the past, for adequate protection for every American industry, whether of farm, factory, or forge, mine, or mill; and

Whereas the so-called reciprocity agreement or treaty with Canada is a new plan for piecemeal tariff revision in its most objectionable form, in that it is accomplished in secret consultation with a foreign country rather than by open discussion and the right of amendment by Congress; and

Whereas the provisions of the treaty are objectionable, in that they violate the principle of protection for the American producers in all lines of industry, and is but the first step in that free-trade propaganda which will, if successful, bring the working people of this country to the point of distress and suffering which we endured from 1894 to 1897, hence it is as objectionable in its matter as in the manner of its accomplishment: Therefore

Resolved by the board of directors of the Manufacturers' Club of Philadelphia, That we urge our Senators and Representatives in Congress to oppose to the full extent of their power the passage through Congress of any bill to enact said agreement or treaty into law; and

Resolved, That a copy of this resolution be sent to our Senators and Members of Congress.

ELMER P. WEISE, *Secretary.*

FEBRUARY 13, 1911.

He also presented memorials of the Chamber of Commerce of Watertown, N. Y., the Hardwood Manufacturers' Association of the United States, and the E. K. Burnham Fish Co., of Gloucester, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the State Federation of Labor of Wyoming, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. FRYE presented memorials of Local Granges No. 325, of Charleston; No. 236, of Dover and Perry; and of Mystic Tie Grange, No. 58, of Kenduskeag; Mount Cutler Grange, No. 152, of Hiram; Valley Grange, No. 144, of Guilford; and of Union Harvest Grange, No. 97, of Montville, Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of members of I. C. Campbell Post, No. 1, Grand Army of the Republic, Department of Maine, of West Pembroke, Me., praying for the enactment of legislation providing for the construction of the proposed Lincoln memorial road from the city of Washington to Gettysburg, Pa., which was referred to the Committee on Appropriations.

CHEROKEE ALLOTMENTS.

Mr. OWEN. I present the memorial of William W. Hastings, national attorney for the Cherokee Nation of Indians, remonstrating, on behalf of these Indians, against the passage of Senate bill 10575, authorizing William Brown, Levi B. Gritts, R. M. Wolfe, and F. J. Boudinot to institute and prosecute suits in the Court of Claims proposing to test the constitutionality of the McCumber amendment, so called, extending restrictions on the alienation of land and testing the right of newborn children to Cherokee allotments. I desire to have the memorial printed as a Senate document for the information of the Senate, and I move that it be referred to the Committee on Printing for its consideration.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to which was referred the special message of the President of the United States transmitting correspondence embodying an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation, and so forth, to ask that the committee be discharged from its

further consideration and that the message and accompanying papers be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the message and accompanying papers will be referred to the Committee on Finance.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (H. R. 7549) providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army, reported it with amendments and submitted a report (No. 1156) thereon.

He also, from the same committee, to which was referred the bill (S. 527) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., reported it with an amendment and submitted a report (No. 1157) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 31724. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1158); and

H. R. 32078. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1159).

Mr. BRIGGS, from the Committee on the Library, to which was referred the bill (H. R. 9137) to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, reported it without amendment and submitted a report (No. 1160) thereon.

Mr. BURNHAM, from the Committee on Claims, to which was referred the amendment submitted by himself on the 13th instant, proposing to appropriate $540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 10637) for the relief of James D. White, to report it back and request that the committee be discharged from its further consideration and that it be referred to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Claims.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (S. 10623) to amend section 11, act of May 28, 1896, reported it without amendment.

MARGARET PADGETT.

Mr. DAVIS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 25569) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described, and at the request of the senior Senator from Mississippi [Mr. MONEY], who is unable to be in the Chamber to-day, I ask unanimous consent for its present consideration.

Mr. SMOOT. If it leads to no discussion, I have no objection.

Mr. DAVIS. It is a very small matter and no debate will be necessary.

Mr. SMOOT. I have no objection, I say, unless it leads to discussion.

Mr. DAVIS. No; it will not. It will not take a minute to pass it.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to accept the final proof offered by Margaret Padgett on homestead entry No. 35777, covering the west half of the northeast quarter, southeast quarter of the northeast quarter, and northwest quarter of the southeast quarter of section 19, township 2 north, range 7 east, Choctaw meridian, Mississippi, which was rejected as not showing sufficient five-year residence, as a commutation proof and issue patent on same upon the payment of the commutation price of $1.25 per acre.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. LODGE. Mr. President, yesterday the junior Senator from Idaho [Mr. BORAH] gave notice that to-morrow he would press Senate joint resolution 134, proposing an amendment to the Constitution, and that he would ask the Senate to remain in session until it was disposed of. I sincerely hope it may be disposed of at a very early time, and I wish we could make an agreement to vote.

But I desire to call the attention of the Senate, Mr. President, to the fact, as that vote is drawing near, that in the vote on the final passage pairs to be valid must be two for to one against. I thought it might have escaped the notice of some Senators, and if they were obliged to be away I wanted to call attention to the fact that, being a two-thirds vote, according to the practice which we have always employed with regard to treaties—and it has been universal where a two-thirds vote is required, and, of course, it is obviously the only fair way—there must be two for to one against.

Mr. HEYBURN. Should it not be one to three?

Mr. LODGE. One to two.

Mr. HEYBURN. No; two-thirds. That is the proportion.

Mr. GALLINGER. That is two to one.

Mr. LODGE. It is the clear, universal practice here for years, where a two-thirds vote is required, that it requires two votes in favor to equal one against.

Mr. HEYBURN. I do not know about that.

Mr. LODGE. That is the universal practice. It never has been departed from.

Mr. BEVERIDGE. I ask the Senator from Massachusetts if the Constitution in requiring a two-thirds vote says it shall be two-thirds of the Senators who are elected and holding office or only two-thirds of the Senators who are present, assuming a quorum to be present?

Mr. LODGE. Provided a quorum is present. I am speaking simply of pairs. For the convenience of Senators, where a two-thirds vote has been required, it has been the universal practice, and of course obviously the only fair practice, that a pair, to be valid, as on the ratification of a treaty, must be two for to one against.

Mr. BEVERIDGE. I do not think so.

Mr. BROWN. I call the Senator's attention to the fact that pairs are not recognized at all under the law. They are simply exercised by the courtesy of the Senate.

Mr. LODGE. I am aware of that.

Mr. BROWN. This proposition to pair at the ratio of two to one will be objected to, and all pairs will be objected to if that is to be the rule of procedure.

Mr. LODGE. Very well, if all pairs are to be objected to and broken, that is all right. There is no objection to that at all.

Mr. BROWN. I am not objecting to all pairs being broken, but I will object to that if it is necessary to defeat the operation of pairs on the ratio of two to one.

Mr. LODGE. The Senator kindly called my attention to the fact that pairs are voluntary. I am not very quick, but I had found that out in the course of my service here. I was referring to that voluntary arrangement. It is merely a matter of good faith. I have seen it on a very close vote when we ratified a treaty; when we ratified the treaty with Spain. I have seen Senators on this floor who were present and able to vote come forward voluntarily in order to make the necessary duplication. It is a matter for all Senators to decide for themselves. There is no rule about it. No objection can stop the arrangement of pairs. I was simply calling the attention of the Senate to what had been the universal practice and what is obviously fair. No objection can prevent it.

Mr. BEVERIDGE. An objection can prevent it.

Mr. LODGE. It never has been otherwise.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China.

The message also announced that the House had passed a bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota; and

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. BEVERIDGE. I know that debate upon the matter which has been before the Senate is out of order, but there is just one point raised by the Senator——

Mr. KEAN. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. BEVERIDGE. In my view I do not think it would be wise. Senators can try it if they like.

The PRESIDENT pro tempore. The regular order, which is, reports of committees, is demanded.

OATHS BY MARSHALS AND DEPUTIES.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 31657) to authorize United States marshals and their respective chief office deputies to administer certain oaths, and I ask for its consideration. It is very short and rather important.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It empowers each United States marshal and each chief deputy United States marshal to administer oaths to the marshal's deputies and other persons presenting to the marshal claims and accounts for payment. But the United States marshal or chief deputy marshal shall not be entitled to any fee for administering such oaths.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNESOTA RIVER DAMS.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 10452) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River, and I submit a report (No. 1155) thereon. I ask for its present consideration, as it is a very short bill.

The Secretary read the bill.

Mr. BRANDEGEE. I shall not object to the present consideration of this bill, but I give notice that I shall call for the regular order after it has been passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Minnesota River Improvement & Power Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate dams across the Minnesota River at points suitable to the interests of navigation, as follows:

First. One at or near the outlet of Lake Big Stone, in the counties of Big Stone and Lac qui Parle, Minn., and the county of Grant, S. Dak., and in that connection to divert the waters of the Whetstone River into Big Stone Lake.

Second. One at or near the outlet of Lac qui Parle, between the counties of Lac qui Parle and Chippewa, in the State of Minnesota.

Third. One at or near the confluence of the Redwood and Minnesota Rivers, between the counties of Renville and Redwood, in said State. Each of the dams are to be constructed, maintained, and operated in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

A bill (S. 10803) for the relief of M. E. Hall and the estate of James B. Hall, deceased; to the Committee on Claims;

A bill (S. 10804) granting a pension to John W. Sturm; and

A bill (S. 10805) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 10806) for the relief of Christopher H. McNally and certain other Army officers and their heirs or legal representatives; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 10807) granting a pension to Mary E. Horrigan (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CUMMINS:

A bill (S. 10809) granting an increase of pension to James Y. Kennedy (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT (by request):

A bill (S. 10810) for the relief of the heirs of Philippe Francois Renaut; to the Committee on Claims.

By Mr. CARTER (by request):

A bill (S. 10811) for the relief of certain tribes or nations of Indians in Montana; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 10812) granting a pension to Budge T. Underwood (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10813) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation (with accompanying paper); to the Committee on Indian Affairs.

By Mr. McCUMBER:

A bill (S. 10814) granting a pension to John D. Smith; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 10815) granting a pension to Elias Brown (with accompanying papers); and

A bill (S. 10816) granting an increase of pension to Mary Walls (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRIGGS submitted an amendment relative to the appointment of cadets at the United States Military Academy, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate $5,000 for the erection and completion of the memorial structure at Point Pleasant, W. Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $5,000 for the purchase, capture, and transportation of game for national reservations, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $110,000 for the promotion of the ramie industry, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OLIVER submitted an amendment relative to the rate of postage on pages of any publication, etc., intended to be proposed by him to the post office appropriation bill, which was ordered to lie on the table and be printed.

Mr. FRYE submitted an amendment relative to the construction of two revenue cutters authorized by the act of April 21, 1910, etc., intended to be proposed by him to the sundry civil

appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

TARIFF ON IMPORTS.

Mr. SCOTT. I present a table showing imports of various kinds of competitive merchandise from August 1, 1909, to December 1, 1910, under the Payne law compared with the same months in 1908-9, under the Dingley and Payne law. I move that the table be printed as a Senate document (S. Doc. No. 821).

The motion was agreed to.

POSTAGE ON PERIODICALS.

Mr. PENROSE. I present communications from the Postmaster General relating to the proposed amendment to the Post Office appropriation bill providing for an increase of the postage rate on advertising portions of periodical publications mailed as second-class matter. I move that the communications be printed in the RECORD, and also as a Senate document.

There being no objection, the communications were ordered to be printed as a Senate document (S. Doc. No. 820), and also in the RECORD, as follows:

PERIODICAL PUBLICATIONS MAILED AS SECOND-CLASS MATTER.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: In response to your request I submit the following statement relative to the section of the postal appropriation bill, H. R. 31539, now pending in the Senate that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter.

Under the provision in the bill the postage rate on the advertising pages of magazines is increased from 1 cent to 4 cents a pound, but this increase does not apply to newspapers of any kind, nor does it affect periodical publications mailing less than 4,000 pounds each issue. By the terms of the provision the privilege of carrying advertisements is for the first time extended to several classes of periodical publications enumerated in the act of March 3, 1879, namely, the periodical publications of benevolent or fraternal organizations, of regularly incorporated institutions of learning, of trade union organizations, and of professional, literary, historical, and scientific societies, including State boards of health.

As the advertising portions of magazines comprise on an average about a third of their total weight the effect of an increase from 1 to 4 cents on the advertising pages will be to advance the postage rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound instead of 1 cent, as at present. In view of the fact that it costs the Government about 9 cents a pound to handle and transport this class of mail the proposed increase is an exceedingly moderate one.

In a whole-page newspaper advertisement printed on the 12th instant, signed by 34 of the principal magazine and periodical publications of the country, it is stated that the increased rate "will drive a majority of the popular magazines out of existence, and with them the enormous volume of profitable first-class mail their advertising creates." This charge is made in the face of the fact that some, if not all, of the signers of the statement are realizing tremendous profits from the vast amount of high-priced advertisements.

It has been found on investigation that one of the great periodical publications signing this protest contained in 21 of its successive issues, from January 1, 1910, to and including May 21, 1910, exclusive of cover pages, an average of 19,354 agate lines of advertising matter, which, at the same rate, would make a total of 1,006,408 lines for the year.

On October 1, 1910, the publisher of this periodical increased the rate for ordinary advertising in his publication from $5 to $6 an agate line. At the higher rate the gross value of the ordinary advertising space for one year would amount to $6,038,448. Increased rates charged for the inside and outside cover pages would bring $650,000, making a total gross value of $6,688,448. Allowing a discount of 15 per cent, or $1,003,267, there would remain as a total net value of the advertising in this publication for a single year the tremendous sum of $5,685,181. The additional income from advertising resulting from the increased rates would amount in a year to $957,107, which would be much more than sufficient to pay the proposed higher postage rate of 4 cents a pound on the advertising pages of the publication during the fiscal year ended June 30, 1910. In other words, the advance in advertising rates for this periodical will not only meet the higher postage charges, but will leave a surplus of increased revenue to swell the annual profits of the magazine.

In a printed statement recently issued by the president of one of the leading magazine-publishing companies of New York City, the exceedingly profitable nature of the magazine business was clearly set forth. According to his statement the profits of his own magazine for the month of October, 1910, showed an increase over the corresponding month for 1909 of 100 per cent on advertisements and 151 per cent on subscriptions, making a net annual profit for dividends and surplus, based on a circulation of 500,000 copies monthly, of $348,980. Regarding the periodical-publishing business in general, the same gentleman says in his statement that "magazine publishers receive gross incomes as high as $6,000,000 in a single year. Dividends amounting approximately to $1,000,000 yearly have been made." Speaking of the publishers of some of the magazines joining in the protest against the proposed legislation, he says that one of them, according to his own statement, realizes a net profit of $1,000,000 annually; of another, the principal owner of two great publications, that his gross income is more than $6,000,000 annually, and that his net profits for the same period exceed $1,000,000; of another, that his magazine yields more than 10 per cent on a capital of $10,000,000; of another, that his net profits are $600,000; of another, that the value of his advertising space alone is $1,500,000 a year; of another, that his advertising receipts are $75,000 per month and his profits are from $600,000 to $800,000 per year; of still another, that his publishing business represents a profit of 100 per cent a year to its stockholders.

Investigations recently made by the Post Office Department showed that large numbers of periodical publications already entered as second-class matter are in reality nothing more than trade catalogues, which, under the law, ought to be treated as third-class matter and subjected to a postage charge of 8 cents a pound, which is the rate for catalogues. By inserting a few pages of reading matter these publications succeeded in being classed as magazines and thus secured admission at the cent-a-pound rate. Among publications of this kind is one containing 140 pages, 99 per cent of which are devoted to advertisements; another containing 562 pages, 97 per cent of which are devoted to advertisements; another containing 238 pages, 93 per cent of which are devoted to advertisements; and another containing 268 pages, 89 per cent of which are devoted to advertisements. Almost the entire space in these publications is devoted to the carrying of commercial advertisements, and this in defiance of the statute specifically excluding from the second-class privileges "publications designed primarily for advertising purposes."

By the proposed law, magazines, in so far as they provide public information, are left exactly on a par with newspapers and the smaller periodicals, for the increase of rate of 3 cents a pound attaches only to such portions of the magazines as are devoted to advertising purposes.

The stock argument of magazine publishers that the profit to the Government on first-class matter induced by the advertisements in their publications offsets any loss incurred by reason of the low postage rate on second-class matter is disproved by the fact that the Government's entire profit on first-class matter is less than the total loss on second-class mail matter.

During the fiscal year 1910 over 800,000,000 pounds of second-class matter were carried through the mails at a loss to the Government of $62,000,000. The profits on all other classes of mail matter were more than swallowed up by this tremendous loss, leaving a postal deficit for the year of about $6,000,000. It is estimated that the annual saving to the Government through the proposed increase in postage will amount to about $6,000,000, or enough to wipe out what remains of the deficit.

Magazines have repeatedly increased their advertising rates as their circulation has grown, but the postal charges for the handling and transportation of these magazines have remained stationary for years, so that while this increased circulation has swollen the profits of the publishers it has added correspondingly to the loss sustained by the Government. It is clearly inequitable that the public in its general correspondence, the publishers of books and pamphlets, and the senders of small merchandise should continue to be taxed to meet the deficit caused by a subsidy enjoyed by the publishers of the large magazines.

Yours, very truly,
FRANK H. HITCHCOCK,
Postmaster General.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: Observing that the periodical publishers in their opposition to the pending provision increasing postage on second-class mail matter frequently refer to the low rate of one-fourth cent per pound charged by the Dominion of Canada on newspapers and periodicals, I think it well to point out the fact that while this exceptionally low rate does prevail in that country because of the peculiar conditions there, European countries, so far as our information goes, charge a higher rate than the United States, notwithstanding their much smaller areas. The rates charged by Great Britain, Germany, and France are considerably higher than the rate provided for in the bill now pending in the Senate. I inclose herewith a memorandum giving such information as we have regarding the postage rates charged on newspapers and periodicals by European countries.

Yours, very truly,
FRANK H. HITCHCOCK,
Postmaster General.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices
and Post Roads, United States Senate.

Postage rate, in cents per pound, on newspapers and periodicals in European countries.

Great Britain (one forty-first of the area of the United States), 1 cent a copy for local delivery, but for general distribution by parcels post in quantities, 6 cents for the first pound and 2 cents for each additional pound up to 11 pounds.	
Germany (one-seventeenth of the area of the United States)	4½
France (one-seventeenth of the area of the United States)	4
Italy (one thirty-third of the area of the United States):	
Daily newspapers	1½
Other publications	2
Holland (one two-hundred-and-eighty-fourth of the area of the United States)	1½
Belgium (one three-hundred-and-eighteenth of the area of the United States)	1½

Under the provisions of the International Postal Convention, newspapers and periodicals are mailed by all the signatory parties at the uniform rate of 1 cent for each 2 ounces or fraction thereof—practically, 8 cents per pound.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 15, 1911.

MY DEAR SENATOR: On February 13, 1911, Everybody's Magazine published in the local newspapers a full page advertisement attacking the proposed increase in second-class postage carried by the postal bill now pending in the Senate. In their statement the publishers claimed to have a circulation of 650,000 copies per issue and asserted that "the postal measure now before Congress increases the cost of handling Everybody's Magazine $150,000 a year." They further stated that in view of the fact that the magazine makes "each year for its stockholders about $100,000," the proposed increase would "actually exclude the magazine from the mails."

The department's figures for the calendar year 1910 show that Everybody's Magazine mailed at the New York City post office 2,898,372 pounds of its issues as second-class matter, on which the postage at the cent-a-pound rate was $28,983.72. As an average of one-half of the pages is devoted to advertising, the proposed increase of 3 cents per pound on such matter would make the additional postage $43,475.58 per annum instead of $150,000, as stated by the publishers of the magazine.

Based on the publishers' statement of 650,000 circulation, the gross income of Everybody's would be about $1,550,000 annually, divided as follows:

200,000 subscriptions, at $1 (net)	$200,000
450,000 news-stand sales, at $1 (net)	450,000
150 pages of advertising per month, at $500 per page	900,000
Grand total	1,550,000

Since the publishers state that the magazine makes each year for its stockholders only about $100,000, the approximate cost of publication reaches the surprisingly high figure of $1,450,000. Using their own statement showing a circulation of 650,000, it appears that Everybody's issues 7,800,000 single copies annually. If their total net profits are only $100,000, it is evident that it must cost the publishers approximately 19 cents to place a copy of the magazine in the hands of a reader who can secure it on the news stand for 15 cents.

Before your committee reported the bill providing for the increased rate on second-class matter, the publishers of Everybody's Magazine announced that on and after March 6, 1911, their rates for ordinary advertising would be advanced from $500 to $600 a page. On the extremely conservative estimate that the magazine carries a monthly average of 150 advertising pages, this advance will produce an additional income of $180,000 per annum. As the proposed increase of postage during a like period will amount to approximately $43,500, it is evident that out of the increase of revenue alone the magazine will be able to pay the additional postage and still retain a considerable surplus for its stockholders.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

HOUSE BILL REFERRED.

H. R. 32216. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, was read twice by its title and referred to the Committee on Finance.

MOBILE RIVER BRIDGE.

Mr. BANKHEAD. Mr. President, I move to reconsider the votes by which the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala., was read the third time and passed.

In explanation of that motion, I desire to say that since the passage of this bill through the Senate authorizing the construction of a railroad bridge it has been discovered that the bill authorized the construction of that bridge across the main ship channel between Mobile and Fort Morgan, and it is desired that the votes by which the bill was ordered to a third reading and passed shall be reconsidered in order that the bill may be amended.

I will state further that the bill has been returned to the other House; and if my motion for a reconsideration prevails, I shall ask that the bill be returned to the Senate in order that it may be amended.

Mr. BURTON. Mr. President, as I understand, it is not the aim of the Senator from Alabama to defeat the bill.

Mr. BANKHEAD. Oh, no.

Mr. BURTON. But that a reservation is required in the bill to make it conform to the local situation.

Mr. BANKHEAD. That is true.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama to reconsider the votes by which the bill named by him was read the third time and passed.

The motion to reconsider was agreed to.

Mr. BANKHEAD. I now move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. BRANDEGEE obtained the floor.

Mr. BEVERIDGE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Indiana for the purpose of giving a notice.

Mr. BEVERIDGE. I also desire to offer a resolution and ask a unanimous consent.

Mr. BRANDEGEE. I yield for that purpose.

Mr. BEVERIDGE. I offer the resolution which I send to the desk, which I have heretofore submitted, and I ask that it may lie on the table as a privileged resolution subject to call. I ask unanimous consent that on Tuesday next, before adjournment, this resolution shall be voted on.

Mr. GALLINGER. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read Senate resolution 315, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The PRESIDENT pro tempore. What is the request of the Senator from Indiana?

Mr. BEVERIDGE. I ask unanimous consent that on Tuesday next, before adjournment on that legislative day, the resolution shall be voted on.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that before adjournment on Tuesday next the resolution shall be voted on. Is there objection?

Mr. BURROWS. That the resolution be voted on?

The PRESIDENT pro tempore. That is the request.

Mr. BURROWS. Let the resolution be again read, Mr. President.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana?

Mr. BURROWS. I object.

Mr. BEVERIDGE. It is perfectly apparent that, in view of the legislative situation, either a unanimous-consent agreement must be made or else notice must be given that on a certain day a subject will be pressed. Therefore, since the Senator from Michigan again objects to fixing a day to vote on and dispose of this matter, I give notice that on Tuesday next, immediately after the morning business, I shall submit some observations upon the matter; that I shall press the matter, and shall ask the Senate to vote upon this resolution and to dispose of this case on that day.

Mr. BURROWS. Mr. President, I understand from the statement of the Senator from Indiana, that he has given notice that on Tuesday next he will address the Senate on this question and that at the same time he will press for unanimous consent that a vote shall be taken—I suppose at the close of his speech.

Mr. BEVERIDGE. I did not, Mr. President, give notice even that I would speak until I had first asked unanimous consent for a vote, and that was objected to. That ended that phase of it. Therefore, in view of the fact that the Senator would not consent to a vote, I took the only other course left by the custom and practice of the Senate, and gave notice that I would submit observations and would ask the Senate to dispose of the matter on that day.

Mr. BURROWS. I would say to the Senator there may be others who will desire to say something in regard to the matter.

Mr. BEVERIDGE. Very well. Every one should speak who wants to and, of course, will do so. But——

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. BRANDEGEE] has the floor.

Mr. BEVERIDGE. I call attention to the fact that the debate has lasted now longer than any similar debate in the history of the Senate. I may be wrong about that, but I think it is the case.

CONSERVATION OF NAVIGABLE RIVERS.

Mr. BRANDEGEE. Mr. President, I ask that House bill 11798 be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill referred to by the Senator from Connecticut, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry. How many amendments have been offered and are now pending to the bill?

The PRESIDENT pro tempore. The Chair is informed that notice has been given of one amendment, and that there is one pending.

Mr. BRANDEGEE. What is the one that is pending and which has not yet been formally offered?

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is that offered by Mr. STONE on June 25, 1910.

Mr. STONE. Mr. President, after consulting with several Senators who are interested, as I am, in the subject matter of that amendment, I have concluded not to press it but to withdraw it. We will undertake to accomplish the end we have in view in another way.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. BRANDEGEE. Mr. President, I appreciate the action of the Senator from Missouri [Mr. STONE]. I am very greatly obliged to him. The Senator from Missouri having withdrawn his amendment, may I inquire what now is the pending amendment?

The PRESIDENT pro tempore. The Chair is informed that there is now no amendment pending to the bill.

Mr. BRANDEGEE. Very well. Then, Mr. President, I am prepared to proceed with the bill.

Mr. NEWLANDS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Nevada.

Mr. NEWLANDS. I believe there is an amendment pending which was prepared by myself.

Mr. BRANDEGEE. My recollection is that the Senator had an amendment printed and that it was ordered to lie upon the table, but I did not know that he had formally offered it.

Mr. NEWLANDS. I do not recall as to that. I will, however, bring the matter up later.

Mr. BRANDEGEE. I simply venture to express the opinion, Mr. President, that after the conference which the Senator from Nevada held with the committee the other day he will be glad to emulate the good example set by the Senator from Missouri [Mr. STONE] and withdraw his amendment, at least for the present.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE. Mr. President, I have been informed that there are some Senators who wish to address themselves to the question; but before yielding the floor for that purpose I simply desire to state to the Senate, or recall to their recollection, that this bill was on the calendar for many days at the last session of Congress, or, to speak more accurately, I should say that Senate bill 4501, which was a duplicate of the bill now under consideration, was on the calendar and was debated at length in the Senate. If Senators care to refresh their recollection about the debate or in reference to the report of the committee, they will find it on page 8803 of the RECORD, under date of June 23, 1910.

While the Senate was considering the Senate bill on this subject the House took action upon the bill which is at present under consideration and passed it. Thereupon the Senate substituted the House bill for Senate bill 4501. Then unanimous consent was obtained to consider the House bill on this day. The House bill, as I understand, Mr. President, although it is almost exactly a duplicate of the Senate bill, has not yet been read to the Senate. I ask if I am correct in that assumption.

The PRESIDENT pro tempore. The Chair is informed that the House bill has never been read in full to the Senate.

Mr. BRANDEGEE. Then I ask that the House bill be read at this time.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of $200,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso factor, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 13. That 5 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $25,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Mr. BRANDEGEE. I desire to call attention to the fact that on page 2 of the bill, line 18, the language is:

That there is hereby appropriated for the fiscal year ending June 30, 1910, the sum of $1,000,000—

And for each year after that for five years the sum of $2,000,000.

At the time this bill passed the House, June 30, 1910, had not arrived. The friends of this measure, however, prefer not to have that changed. It can not be done without amendment, and it is perfectly evident that an amendment to this bill at this period of the session and with the situation in which both

branches find themselves would be equivalent to killing the bill. The friends of the bill would therefore prefer to lose the $1,000,000 than to have that typographical error corrected. It does not affect the rest of the appropriation in any way whatever.

Mr. President, this matter was debated at great length at the last session in a debate continuing over three days, as I recall it. The bill before the Senate is almost precisely the same as the one upon which the debate took place. No new argument has been suggested to me why this legislation should not be enacted. No information has been suggested which in any way modifies the opinion of anybody who intended to support this bill at the last session. On the contrary, since that time a paper has been issued entitled "Professional Paper No. 72, Department of the Interior, United States Geological Survey, in relation to the effect of the denudation and erosion in the Southern Appalachian regions and the Monongahela Basin," by Mr. Leonidas Chalmers Glenn. It is a volume of about 136 pages. I have examined it somewhat, and in that volume the destructive effect of cutting the forests away from the hills at the sources of navigable streams is absolutely demonstrated, to my mind. I will simply read one short sentence. He says:

> There is abundant evidence on rivers such as the Tennessee of increased silting in the navigable portions of streams because of the increased erosion resulting from deforestation.

And in many parts of the volume he gives specific instances.

Mr. President, I think no man who has not already come to an opinion to which he is wedded can fail to be convinced by the facts ascertained in that volume after the most careful examination on the ground—an examination which extended into all possible sources of information.

It seems to me that this legislation will cause a great saving to this Government. Whatever anybody may believe about the effect of a forest upon rainfall, it does not seem to me that any intelligent person can fail to acknowledge that it has a very controlling influence upon stream flow.

There was handed to me this morning by a gentleman who is much interested in this subject and who holds many responsible positions in various associations—the National Board of Trade and the National Irrigation Association—a few extracts from a bulletin which has not yet been issued by the Department of Agriculture, but is shortly to be issued, and it will be Bulletin No. 71 of the Bureau of Soils of the Department of Agriculture. I desire to make, with the consent of the author, Dr. McGee, one or two quotations from that bulletin. It states:

> Meantime unnoticed changes in the natural balance were advancing cumulatively, especially in the long-settled districts; and as the heavily wooded and more rolling lands were cleared the disturbance became more and more manifest—and this in several ways:
>
> (1) With ordinary plowing and common crops the natural mulch soon disappeared and the humus diminished, so that the soil grew harder and poorer; and when storms came there was more surface run-off and less water soaked into the topsoil and on into the subsoil below.
>
> (2) With crops covering the surface imperfectly and for but part of the year the soil was subjected to evaporation directly rather than through the growing plants, and some of the soil fluid, the very life-blood of the farm, was sacrificed.
>
> (3) When the meager and temporary cover of common crop plants replaced a luxuriant and perennial forest cover, the unbroken raindrops smashed the soil into slime at the surface and tamped down the earth beneath; and as the natural sponginess diminished, more water ran off the surface bearing a burden of sand and silt, whereby it was enabled to corrade rills, quickly widening into gullies.
>
> (4) When snows came, they lay on bare surface (despite the slow bottom melting which normally absorbs snow sheets on ground to which they are naturally adjusted) until thawed by warm winds or rains, when the thaw water went off in destructive freshets instead.
>
> * * * * * * *
>
> With the increase of run-off and fly-off, less of the water furnished by rains and snows sank into the soil, the natural drainage and sewerage effected by the ground water was impaired, and the accumulated reservoir of ground water was progressively reduced.
>
> The general result of these specific tendencies is well known. Most pioneer homesteads were located by springs, of which by far the greater part have failed; in the next generation the households were supplied by shallow wells, of which most have gone dry unless greatly deepened; well-remembered trout brooks have ceased to exist, while many tamarack swamps and hundreds of prairie sloughs have shrunk or disappeared; numberless bosky dells and shady reaches of clear river are gone, leaving in their stead freshet-swept gorges, running dry in summer; in certain districts the old fields are gullied, and even the new-cleared patches wash quickly, and often the soil soon turns hard and lumpy.

Mr. President, if those are the facts as to the effect of deforestation; if mills are being abandoned that formerly had plenty of water from the streams in the Appalachian Range, as this bulletin, Professional Paper No. 72, states (and it gives the names of the mills and the rivers upon which they are located); if silt does wash down from these deforested mountains and fill the channels of rivers upon which the Government has to spend enormous sums of money to dredge them out again at great expense; if deforestation does produce floods and freshets and washouts, I do not see why it is not the duty of the Government, having the constitutional power, to direct its energies to preventing that great damage.

I do not intend to go through this bill and explain every line of it. A mere casual reading of the bill is enough to inform any intelligent person what it is intended to do. There is nothing intricate about it. It seems to me to be a bill which is workable and which, if enacted into law, in the future does not accomplish exactly what we intended that it should, it is always competent for us to amend it in any respect.

The Senator from Nevada [Mr. NEWLANDS] objected at the last session to this bill simply because it did not go far enough. His idea was more comprehensive than is provided for in the bill. He wanted to conserve other things besides navigable rivers. Whatever merit there may be in his suggestion, and I think there is a good deal, and I think I should be glad to help him in drawing up some proper measure based upon his ideas in that respect as an independent measure, I hope he will not present his enlarged bill, which the country has not yet been educated up to and back of which public sentiment has not crystallized, as an amendment to the pending bill.

As I said, if there are any defects in the bill, they can be cured after this commission is established. If the commission is established and it does well and produces benefit to the country, there exists a framework for any such enlargement, either of membership or of functions and duties, as from time to time the Congress may deem best.

No land can be purchased under this bill except upon the distinct finding of fact by the Geological Survey and the Secretary of Agriculture that it does promote the navigability of a navigable stream. Upon those findings of fact being submitted to the commission, the Secretary of War, who may have the benefit of all the expert Army engineers in his department, the Secretary of the Interior, the Secretary of Agriculture, two Members of this body, and two Members of the House of Representatives, then they recommend the purchase and purchase for such price as they can.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. I yield to the Senator.

Mr. JONES. I should like to ask the Senator how, under this bill, the Secretary of War will have the judgment and the opinion of the engineers of the War Department.

Mr. BRANDEGEE. I say the Secretary of War, of course, can at any time call upon his own engineers and get their opinion, or the commission can employ any other agents or skilled engineers to advise them about the feasibility of improving any particular river.

Mr. JONES. Can the Secretary of War call upon the engineers to investigate this matter without authority being given to him to do it under this bill or some other law? The bill simply provides that the Secretary of Agriculture and the Geological Survey shall examine and report on these lands.

Mr. BRANDEGEE. I did not mean to be understood as saying that the Secretary of War could divert the Army engineers from their legitimate employment upon one subject and send them to make an examination of this matter. I suppose they would intrust it to civilians to determine the facts on the ground in each case, and I assume that, without any violence being done to the proprieties of the service, the Secretary of War may talk with his Army engineers about any subject he has in mind.

Mr. JONES. I do not see how under the bill anybody is authorized to examine and determine the navigability of these streams except the Geological Survey and the Secretary of Agriculture. It does not authorize the expenditure of any money for any other body of people to make the examination.

Mr. BRANDEGEE. I do not think the Senator understands my position, and I do not think, if he will pardon me, that he takes a correct view of the terms of the bill.

Mr. JONES. I am just trying to find out, because I want to support the measure, and I will support it.

Mr. BRANDEGEE. I know the Senator is friendly to it, and I am trying to state my attitude about it. The bill provides that no lands shall be purchased until the Geological Survey and the Secretary of Agriculture shall find that they are necessary to the protection of a navigable river.

That is an inhibition against purchasing; it is not the authority to purchase. Even if they do find under the bill that in their opinion lands are necessary for this purpose the commission is not obliged to purchase at all even then. It can send as many other experts there to furnish information as it has a mind to, as long as it is in doubt. Does that answer the Senator's question?

Mr. JONES. Under what provision of the bill have they authority to send other officials to make an examination and report on the lands as to their effect upon navigability when we specifically direct and authorize that this examination shall be made by the Geological Survey?

Mr. BRANDEGEE. I say the Senator is mistaken, if he will pardon me, about that. It does not specifically authorize that the examination must be made; it prohibits a purchase unless the examination has been made.

The Senator asks me in addition under what authority in the bill the commission would have authority to send anybody else or to employ experts. Under that authority which appropriates $2,000,000 a year for the next five years for the examination and acquisition of such lands as they find will promote the navigability of navigable streams.

Mr. JONES. Does the Senator believe, however, as a matter of practical application under this act, that any examination will be made as to that matter except by the Geological Survey?

Mr. BRANDEGEE. I do.

Mr. JONES. I doubt it very much.

Mr. BRANDEGEE. Of course, that is a question of opinion. I believe that the Secretaries of the Interior, of War, and of Agriculture, seeing this great responsibility placed upon them and being in touch with the two Senators and two Representatives, who are also their colleagues on the commission, in view of the very doubts raised in this debate, will be extremely cautious about wasting any of the public money unless it is well expended and unless the facts are well ascertained.

I will say to the Senator frankly that my apprehension about this bill and its effect is that they will not find enough streams of sufficient importance where they can, under the finding of facts as required by the bill, avail themselves of the full terms and the full amount appropriated. But however that may be, one Senator's guess about how an official will act in the future under an unknown set of circumstances I think is practically as good as another's.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. If the Senator will permit me, I suggest the very fact that the bill brings the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture into cooperation upon this board seems to me to indicate the purpose of the bill to utilize the various scientific services belonging to these various departments in the forming of plans with reference to the acquisition of this property. It is true the examination is made by the Geological Survey, and so forth, but it seems to me the very fact that these officials are brought into coordination means that the bill intends that they should utilize all the information and knowledge in their various departments upon this subject.

Mr. BRANDEGEE. I think the Senator is perfectly right.

Mr. JONES. Would the Senator, then, have any objection to a specific direction similar to that given to the Geological Survey that the Army engineers shall cooperate with them? The Army engineers have been the force that has had to do with the navigation of streams for a great many years. The Geological Service is entirely new to it. It seems to me that the logical and proper thing to do would be to have that body of men who have had to investigate and report upon navigation specifically directed to do it in connection with the Geological Survey.

Mr. BRANDEGEE. If I were drawing this bill, I would change it in several particulars, but I do not think they would be very important. I think, like all human products, it could probably be improved. I would have no objection whatever to specifically requiring that a commission of Army engineers should be appointed by the Secretary of War and that a favorable report should be a condition precedent to the expenditure of a dollar of this fund. I would be perfectly willing for that, but it would kill the bill.

This is a practical question at the present time. Every Senator can see the effect of putting the bill into a conference between the two Houses at this stage of the session, with the number of other embarrassing and important matters pending. The Senate has passed a similar bill four or five times, sometimes by unanimous consent, the sentiment was so strong in favor of it. The House has never been able to make any progress with it until the last session, when it was passed, as the RECORD will show, by a slim majority—I think about 30 majority.

Whether the sentiment in the House has changed now or not I do not know, but as a friend of this measure and as an advocate of it of years standing, ever since I have been in the Senate, I would dislike, because some one provision may, in the opinion of a Senator, or even of a majority of the Senate, tend to suit their individual ideas a little better, to take any such awful chance as that.

This bill is no product of mine. I am not the author of it. I am simply an advocate of it because I think it is the best that can be obtained at present. I realize that all legislation is a matter of compromise, and I am trying to get something that we can all agree upon. I am willing to sacrifice a good many of my notions about this particular bill, because if we get the bill through we can always amend it and correct any defects that may occur in the practical application of its provisions.

If any Senator thinks it is worth while, in order to make some addition to it that he would put in if he was drawing it, to imperil the passage of anything of this nature he must take the responsibility of it. I am not asking anybody to vote for the bill if he thinks it is a bad bill, and I do not want to be put in the position of saying to Senators that they can not offer amendments, or to issue anything in the line of a notice to the Senate that the proposed legislation must be passed just as it comes from the committee, without the dotting of an "i" or the crossing of a "t." I simply put Senators on notice that that, in my opinion, is the situation at the present time, and it is a matter of their opinion about the chances of getting anything if they do tamper with the bill.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. I yield.

Mr. JONES. Of course, I know the Senator does not intend to give the impression that an attempt will be made to offer amendments for the purpose of killing the bill, but I do not want anybody to have an impression of that kind, as far as I am concerned.

Mr. BRANDEGEE. Not for the purpose of killing it, but with that probable effect.

Mr. JONES. Yet this is a very important measure. The bill itself appropriates $10,000,000 or $11,000,000. It seems to me it puts the Senate in a peculiar position to say that upon an important measure of this kind, simply out of a little danger, possibly, of some other House in agreeing to an amendment, we should not offer any amendment but take it simply as it is. I recognize the situation the Senator suggests, yet it does not seem to me it should cut out all amendments that go to the safeguarding and proper expenditure of this large sum of money.

Mr. BRANDEGEE. If the majority of the Senate take the view the Senator does, it is within their power to take the chances and amend it. All I intend to do is to issue the warning, which I have done. I think the danger of amendment is serious enough, so that I, who would like to have more money appropriated, am willing to lose a million dollars of the appropriation of the bill rather than take the chances of an amendment. The Senator can see from that how serious I think the danger is. But I do not pretend to be any better judge of the situation than the Senator. It is apparent to every Senator, I think.

Mr. President, I do not care to consume the time of the Senate on this matter in attempting to make any speech or in an attempt to review the vast mass of statistical information which has accumulated in the committee I have had the honor to be a member of during the five years I have been upon the committee. I want to get the bill acted upon. There are other Senators who do want to speak. The Senator from Ohio [Mr. BURTON] has tried for several days to deliver his remarks and express his views upon the bill, but situations arose he thought it was wise to placate, and he has yielded from time to time. The time that he intended to consume was consumed by other Senators upon other important questions, and I have said to the Senator from Ohio that as far as I could control the situation he should have ample time to-day to express his views at any length he required. If during the debate I can furnish any other information or answer any questions, if I have the knowledge, of course, I shall be happy to do it. I shall be here on the floor.

That, Mr. President, is all I care to say at the present time.

Mr. BURTON. Mr. President, I am greatly obliged to the Senator from Connecticut [Mr. BRANDEGEE] for his courtesy. Occasionally measures are brought before the Senate which emphasize important facts and tendencies in the history of legislation. The bill now under consideration is a striking illustration of this. It shows how difficult it is to defeat any proposition which comes before us in a patriotic, a humanitarian, or an artistic guise. Given these arguments for any law or appropriation, selfish local and commercial influences will speedily

reenforce them. Each Senator and Representative will receive a mass of telegrams; commercial and civic organizations will pass resolutions; more rarely, but with some degree of frequency, State legislatures will instruct their Senators.

I am not here, Mr. President, to oppose the general idea of this measure, but what I do wish to bring prominently before the Senate is the fact that we are not merely approaching the danger line but pressing beyond it in undertaking such a policy as this, and that in yielding to it we are not giving to the appropriations of the Government that dispassionate and careful attention which they demand. Every tendency at the present time is toward extravagance. And before I get through I believe I can show to the Senate that this is one of the worst propositions, if not the worst, yet considered, not only in its tendency toward extravagance but also toward a dangerous enlargement of the scope of the activities of the Federal Government.

We should never forget, Mr. President, that this is a Government of the Constitution and of the law. We strain the Constitution occasionally. New situations and responsibilities change our interpretation of that great document; but, nevertheless, there is a point beyond which we can not go. The tendency to ignore the proper limits is more noticeable in appropriation bills than anywhere else. The old question used to be, "What is the Constitution between friends?" A newer and more serious question is, "What is the Constitution when any locality or person desires an appropriation?"

The sole constitutional warrant for this bill is the improvement of navigation, and, in my opinion, the assertion that this measure will result in improving navigation is a subterfuge and a pretext, not to say a sham.

The House Committee on the Judiciary in the year 1908 expressed the following opinion on the legal principle involved in this question:

> The Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part.

That is, it must not merely subserve navigation, but it must clearly appear that there is a direct and substantial connection between the forest reserve and the navigation of rivers. This opinion now receives universal acquiescence.

Let us trace the history of this proposed purchase of woodlands. To go no further back than 1901, the numerous arguments presented in its favor declared, not that it was for navigation, but for forestation, scenic beauty, and water power. So late as the year 1904 the Senator from New Hampshire [Mr. BURNHAM] made a report upon a then pending bill relating to the National White Mountain Forest Reserve. (Report No. 2742, 58th Cong., 3d sess.) In his summary on page 6 the Senator said:

> The purposes and benefits of the reserve are:
> First, preservation of forests; second, preservation of water power; third, prevention of fires; fourth, forest industries in New Hampshire; fifth, income from reserve.

There is not a syllable in the whole report having any, even the remotest, bearing on the navigability of streams.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. Mr. President, the Senator is right on that point. That report was made upon a bill which I introduced, and which at that time I believed to be entirely proper. I discovered that the Government had taken about $400,000,000 worth of public lands which belonged to all of the States, and had made them into forest reserves in the western part of the country. It seemed to me if the Government could do that, depriving the several States of the proceeds of those lands had they been sold, that the Government might appropriate a small amount of money to establish forest reserves in the Appalachian and White Mountain regions. The House of Representatives, however, took a different view of that question, and I think it is now generally conceded that that was not a constitutional method. To meet the constitutional objection this bill has been drawn along different lines, but at the time that report was made some of us believed that it was a proper thing for the Government to do, in view of the fact, as I have already stated, that there had been taken from the public domain some $400,000,000 worth of lands that belonged to the Nation at large and, instead of selling them and giving the several States the benefit of the large amount of money that would have been secured, had simply made them into forest reserves in the western part of the country.

Mr. BURTON. The Senator from New Hampshire, then, admits that the real object of this bill is not to promote the navigability of streams.

Mr. GALLINGER. I do not admit anything of the kind. I admit that that was not taken into consideration when I introduced my bill in the Fifty-ninth Congress, but, on the contrary, in view of the decision of the other House and the opinion of Congress that the public money can not constitutionally be used for that purpose unless it be shown that it tends to the navigability of navigable streams, I believe that this bill has been constructed along such lines that it will precisely accomplish that result, notwithstanding the distinguished Senator from Ohio takes a different view.

Mr. BURTON. The Senator from New Hampshire at least admits that when this proposition was first presented to the Senate there was no thought of, and no provision for, the navigability of streams?

Mr. GALLINGER. I do admit that, Mr. President, and I admit it frankly, for the reason that, as I have already twice stated, I thought the Government, in view of the fact that it was diverting the public lands which belonged to all of the people of all the States into forest reserves, might well make a small appropriation for the establishment of forest reserves in the Appalachian and White Mountain regions; but that contention has been overturned by an opinion rendered in the House of Representatives by the Judiciary Committee, to which we all bow.

Mr. BURTON. The Senator from New Hampshire in his contentions in regard to forest reserves altogether overlooks the fundamental fact that there is a difference between forest property which is the domain of the Government and that which has passed into private hands. The older States have no right to complain of the reservation of forests in the newer States. They obtained their lands, whether under grant from the Government of the United States or from the king, in pursuance of a general policy that the lands were to be sold, not so much as a source of revenue as for the upbuilding of the country and for the benefit of the particular localities. In the course of time it developed that these forests were a valuable asset belonging to the Government. The forests were diminishing in area and the Government, exercising control over its own property, reserved them from sale; but this proposition of buying up woodlands is as different from that as is the rising sun from the setting sun. It proposes that the Government shall exceed its legitimate scope and enter into competition with private enterprise in the purchase of forested areas. One of the most dangerous propositions presented to us at the present time is the idea that whenever any particular branch of production or private enterprise does not succeed, the Government must step in, and either by direct control and appropriation from the National Treasury, or by subsidy, make profitable that which otherwise would not be profitable. A little further on I shall speak more at length of the bearing of that tendency on the pending bill.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I presume the Senator from Ohio will not concede that this bill will promote the navigability of navigable streams. Some of us take the opposite view. If the Senator should concede that, he will not lose sight of the fact that under his administration as chairman of the Committee on Rivers and Harbors in the House of Representatives millions upon millions of dollars have been expended by the Government for that very purpose upon the various rivers and streams of the country. So if the Senator would be willing to concede the premise, which some of us contend is sound, I do not think he would have any great difficulty in concluding that this appropriation might well be made.

Mr. BURTON. But it is unnecessary for me to state, Mr. President, that appropriations for rivers are in pursuance of the power of the Government to regulate and promote commerce. As regards the rivers that you will aid, or that you allege you will aid, I maintain, in the first place, it will not assist them appreciably; and, in the next place, the rivers themselves are not navigable in the ordinary sense of the word. But even more than that, I am opposed to subterfuge, to bringing in a bill here which has one object and placing it before the public under the name of another. Let us go directly to the point. If we are seeking to do anything, let us do it if we have the power; but let us not attempt to do something which we

have no direct authority to do. Let us not approach great national questions by devious ways.

Mr. GALLINGER. Mr. President, I do not know that I shall again interrupt the Senator, but I think the Senator ought to withdraw the term that he has just used that this bill is based upon "subterfuge." There are Senators here as honorable as the Senator himself, who do not feel that way. I take it that the House of Representatives did not feel that way when they passed the bill, and I think the Senator ought not to charge that we are undertaking by subterfuge to accomplish legislation in this body.

Mr. BURTON. Mr. President, the argument which I shall make will show whether this is a subterfuge or not. I do not wish to use any word that is objectionable, though I can not find any other phrase that to my mind properly describes this class of legislation.

Now, again on this subject a bill was introduced by Mr. Pritchard in this body in 1901 (Senate bill 5518), for the purchase of a national forest reserve in the Southern Appalachian Mountains. It contained not a word in regard to navigation.

Again, a bill was introduced by the Senator from North Carolina [Mr. OVERMAN] in 1905 (Senate bill 408), for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve. Here again no mention whatever was made of navigation.

In a hearing before the Committee on Agriculture of the House of Representatives last year, the very excellent gentleman from Massachusetts, Mr. WEEKS, was asked in regard to this measure:

> Is it not true—you have been very frank—that this navigation plea is simply a peg upon which it is sought to hang this measure because that is a function which it has been decided that Congress could exercise?
>
> Mr. WEEKS. I will be equally frank in saying that that is the constitutional method of obtaining this legislation.

Perhaps it is unnecessary for me to proceed further along this line, but in the discussion on this bill last summer the objects of it were given in a report on page 9180 (CONGRESSIONAL RECORD, June 23, 1910), quoted by the Senator from Connecticut. First, as to the preservation of forests the report says:

> Impelled by the desire for immediate returns from their investments and fearing that any moment their holdings may be seriously depleted by fire, it is natural that the owners of forest lands should have but little interest in future crops not to be harvested in their lifetimes. Operators of the larger paper, pulp, and lumber mills in New Hampshire have attempted to preserve the forests to some extent, but their efforts must proceed slowly. Hence the desirability of a reserve.

Mr. BRANDEGEE. Mr. President, what report is that?

Mr. BURTON. It is on page 9180 of the CONGRESSIONAL RECORD of the last session. It is presented as an argument in favor of the bill of the Senator from Connecticut.

Mr. BRANDEGEE. I think that was a report on a previous bill, if I remember correctly.

Mr. BURTON. Yes.

Mr. BRANDEGEE. Not on this bill.

Mr. BURTON. I am quoting it because it states the general objects of this measure.

Mr. BRANDEGEE. But it was a previous report made by a committee in a previous year on a different bill.

Mr. BURTON. Then, again it states—

> The preservation of water power; the protection from fire of forest industries in New Hampshire.

Substantially the same language as in the report of the Senator from New Hampshire [Mr. BURNHAM].

Mr. BRANDEGEE. But, Mr. President, if the Senator will yield for a minute——

Mr. BURTON. Certainly.

Mr. BRANDEGEE. The Senator from Ohio would allow the inference to be drawn from his remarks that the Senate has never had any real idea of buying forest lands with a view of maintaining the navigability of navigable streams; but he will find in the RECORD in the debate last year that I called his attention to a report made by the Secretary of Agriculture to Congress in compliance with the directions of Congress to report to us, after an investigation, upon the effect of the forests of the Appalachian region upon the stream flow. That report was printed in the RECORD at length.

Mr. BURTON. That report was made in 1908——

Mr. BRANDEGEE. Yes.

Mr. BURTON. When this agitation for forest reserves had continued for a very long time. It was in pursuance of the agricultural appropriation bill approved March 4, 1907.

Mr. BRANDEGEE. But it is none the less an official report by the Secretary of Agriculture in response to a direct mandate of Congress; and it shows that the subject of forests in connection with the preservation of navigable streams was always in the mind of Congress.

Mr. BURTON. Not always—not before March 4, 1907.

Mr. BRANDEGEE. After the decision of the House and after the time Congress requested and directed the Secretary to investigate and report, Congress certainly had it in its mind.

Mr. BURTON. I do not deny, Mr. President, that in this bill and in recent bills navigation is mentioned. But that mention was not made until these projects had been presented in many bills and after they had been agitated for years under other colors. In the original movement the idea of navigation was absolutely ignored.

Now, what are some of the streams that it is proposed to affect by this improvement? Up in New Hampshire the Winnepesaukee, the Pemigewasset. Mr. President, how absurd it is to talk about navigation there! Down in North Carolina the streams in that watershed include Ground Hog Creek and Crab Tree Creek.

But it is said that this bill will help the Merrimac, the Tennessee, and other rivers. Let us consider that question. The Merrimac is navigable for perhaps 21 miles from the sea. The depth of that portion of the river which is not influenced by rapids is determined almost exclusively by the flow of water from the ocean. There is an abundance of water in the Merrimac. It is not difficult to obtain a sufficient quantity of water, but the expense of improving it arises for the most part from the necessity for removing bars at the mouth. The same is true of the Saco, of the Androscoggin, and of every river in that neighborhood. Shortly, I will read more in detail the report of the engineers upon this subject.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I will yield. I have no objection to yielding to the Senator from New Hampshire, except that there are others who desire to speak, and I had hoped to make my remarks rather brief. I will, however, yield this time and should be glad, so far as I am personally concerned, to yield further.

Mr. GALLINGER. I wish simply to remark that the Winnepesaukee and the Pemigewasset, to which the Senator alludes, unite and form the Merrimac.

Mr. BURTON. Yes.

Mr. GALLINGER. It is a matter of history that the Merrimac has not only been navigable within a few miles of the ocean, but a line of boats was on the Merrimac River from the city of Concord to the city of Boston, 75 miles. It is true that they are not now being run, because there are obstructions to navigation; but perhaps if we had been as diligent as some other sections of the country have been in taking millions of dollars out of the Public Treasury to improve that great river, we might have had much more navigation there than there is now; but we were modest and did not do it.

Mr. BURTON. How many years have elapsed since boats ran on that portion of the river?

Mr. GALLINGER. I think it was about half a century ago that the company running that line of boats abandoned them, but they did run a line of boats regularly from Concord to Boston, 75 miles, for a good many years.

Mr. BURTON. It is not merely the modesty of the Senator from New Hampshire and his predecessors that has prevented requests for appropriations, but the simple fact that that portion of the river has been absolutely abandoned as a navigable stream.

Mr. GALLINGER. But we might have made it very valuable if we had taken the money out of the Treasury for that purpose.

Mr. BURTON. Although the Senator from New Hampshire is better informed than I in regard to the rivers of New Hampshire, I can hardly agree with him.

On this subject, I want to read first from the testimony of leading authorities to show that even in streams of importance there is a very serious doubt whether navigation can be aided in any way by forest preservation. That engineer, that student of the subject, would be very bold should he say that, at this present stage of information and discussion of the subject, the reforestation of mountains and of hills at the headwaters of the rivers will increase stream flow.

On this subject I want to refer briefly, first to Prof. Willis Moore. Does reforestation increase stream flow, affect the depth of streams, or make the flow more uniform, so as to avoid floods? In his report to the Committee on Agriculture on "The influence of forests on climate and floods," Prof. Moore shows that, contrary to the general view, defofestation

has had little or no influence upon the navigability of streams. His view is that forests should be preserved for themselves alone; that is, for the lumber they afford, or not at all. Since forests have no effect on either climate or rainfall they can not rightfully be preserved on those grounds.

In answer to the statement that the desiccation of vast areas in Asia has been due to deforestation Prof. Moore quotes Mr. Ellsworth Huntington, who has explored the Lop Basin in Chinese Turkestan, as follows:

It has often been asserted that the destruction of forests has been the cause of the diminution of rainfall. In the Lop Basin the opposite appears to be the case; the supply of water has diminished, and therefore the forests have died. Rainfall unquestionably controls forestation, but neither in the Lop Basin nor in other parts of central and western Asia is there any good evidence that forests have an appreciable effect upon rainfall.

Mr. Ellsworth Huntington examined 17 streams on the south side of Lop Basin, and at the lower end of four he found old channels lined with dead trees, which seems to show that the forests stood long after the streams had receded, rather than causing the drought by their disappearance.

Prof. Abbe, also of the Weather Bureau, makes the following statement:

In this day and generation the idea that forests either increase or diminish the quantity of rain that falls from the clouds is not worthy to be entertained by rational, intelligent men.

The records of the Weather Bureau do not show that there has been any permanent decrease in the rainfall in any section of the country. A record of precipitation made at New Bedford by Mr. Samuel Rodman and son from 1814 to about 1909, a period of 95 years, sustains this view. If anything it shows a slight increase rather than a decrease of rainfall.

Prof. Moore says:

In New England, where deforestation began early in our history and has been extensive, the mean of the fluctuations in the rain curve is a steady rise since 1836 up to a few years ago, and in the Ohio Valley, where the forest area has been greatly diminished, there is no decrease of rainfall shown by the average of the fluctuations of the curve.

It is held by some that forests exercise a restraining influence on floods and a conserving influence on precipitation, even if they do not increase them. Prof. Moore holds the following view:

On the whole, it is probable that forests have little to do with the height of floods in main tributaries and principal streams, since they occur only as the result of extensive and heavy rains, after the ground is everywhere saturated, or when heavy, warm rains come on the top of deep snows.

According to Prof. Moore, the results of careful readings of river gauges for long periods of time in foreign countries show that forests do not have any appreciable effect. He states that in France daily measurements were made of two streams from November, 1850, to May, 1853. These streams were alike in all respects except that the first was only about one-third wooded, while the second was entirely covered with trees. But, notwithstanding this great difference in the extent of forests, their waters rose and fell at the same rate whether in rainy weather or in dry, in winter or in summer. A heavy rain in winter produced in both at the same time a heavy flood. Statistics collected in France since 1615 show that there has been a continual decrease of floods in spite of continuous deforestation. This entirely disproved the view that forests are necessary to prevent floods.

Mr. BRANDEGEE. If I understood the Senator correctly, Prof. Moore, himself, admits that his view is contrary to the general opinion upon this subject. I should like to ask the Senator if it is not combated by the majority of scientists upon the subject.

Mr. BURTON. I would not say by a majority. Presently I will read from the report of the Milan Congress upon that point. They met for the express purpose of discussing this and other allied questions affecting navigation.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Yes.

Mr. NEWLANDS. If the Senator will permit me, I observe that most of the quotations the Senator has made thus far are to the effect that the destruction of forests does not result in diminished rainfall. I do not understand that it is contended by the friends of the acquisition of forests in aid of regulation of stream flow that the presence of the forest has any particular effect upon the rainfall. What they contend is that every natural obstruction to a rapid run-off of water flowing under the ordinary rainfall tends to that extent to regulate the flow of the stream.

Mr. BURTON. I have already read from some authorities touching on that point.

Mr. NEWLANDS. You can understand that if the surface of the Mississippi Valley, including the valleys of the source streams, were put in concrete, the water falling in that region would flow with such rapidity down toward New Orleans that it would entirely submerge that entire region. And every obstruction, natural or artificial, tends to diminish the flood flow; and hence it is contended that that obstruction should be interposed by the utmost utilization of the natural reservoirs, in the shape of the forests and farms, with their soil and their absorbent properties, and also by artificial reservoirs, so as to in this way regulate the flow of the streams and prevent, on the one hand, destructive floods, and on the other hand, paralyzing droughts.

Mr. BURTON. I will say to the Senator from Nevada that if he will review the arguments advanced in behalf of this project he will find two propositions maintained. First, that the forests do increase rainfall. On this the advocates are not so unanimous as on the second proposition, namely, that forests exercise a conservative influence in restraining floods; that in a forested country the run-off is more uniform the year around than it would be otherwise.

I fancy that my statement on that point agrees with the judgment of the Senator from Nevada.

Mr. Ernest Lauder, chief of the Hydrographic Bureau of the Austrian Government, recently prepared an exhaustive report on the floods of the Danube, covering a period of 800 years and 125 floods. He concludes that progressive deforestation has had no effect in increasing the frequency of floods or in augmenting their height. He found that the flood of 1899 was severest where it came from the heavily wooded districts.

Careful investigations to determine the relation of precipitation to run-off were made in the Ohio Basin, where deforestation has gone on as rapidly as anywhere else. Two 19-year periods were selected, the former going as far back as reliable statistics could be obtained. The following table shows the results:

Average stage of Ohio River at Cincinnati:	Feet.
1871 to 1889	17.3
1890 to 1908	17.5
Average precipitation in the Ohio watershed:	Inches.
1871 to 1889	41.3
1890 to 1908	41.8

These figures would seem to show that neither forestation nor deforestation has affected the rainfall, and the observations on the Danube indicate that the floods are not affected.

I wish now to read from the report of the Milan Navigation Congress. Many advocates of this bill have referred to the report of that congress, made in 1905, alleging that it had determined that a very considerable influence was exerted on stream flow by forestation. True, there were some who advocated that view very strongly, but the action of the congress, unfortunately, did not support it. In the printed report of the proceedings their conclusions are stated as follows:

The president declares the discussion ended on the second question, "Influence of the destruction of forest and of the drying up of marshes on the regimen and discharge of streams," and puts to the vote the conclusions agreed upon by the general reporter, Mr. Cipoletti, and Messrs. Keller, Lafosse, Marlot, Levy, and others:

"The congress recognizes that the influence of the drainage of marshes on the regimen of rivers may, as a rule, be nearly neglected, and, in the matter of the influence of the destruction of forests, limiting its conclusions to what may directly interest navigation, resolves:

"1. That States which have not yet done so, regulate, by clear and severe laws, the arrangements relative to the maintenance of existing forests, to the consolidating of mountain land, and to the rewooding of cleared surfaces, in order to avoid the damage done to navigable waterways by the materials carried into them.

"2. That the hydrologic studies necessary to determine the influence of woods on the regimen of navigable streams be developed systematically and the results made known by the greatest publicity."

The above shows that the congress of navigation merely agreed that the influence of woods on the regimen of navigable streams was still an unknown quantity, which does not admit of positive answer. Subsequent congresses were left to settle the question, awaiting better or more conclusive data. The congress did say that the effect from the drainage of marshes is negligible and imply the same with regard to the effect of forests on water flow, though admitting some effect of forests on the amount of dirt carried into streams at headwaters.

Mr. BRANDEGEE. Does not the Senator himself think that there is necessarily much less erosion and carrying down-from mountain sides of disintegrated material and silt and soil where the forest is than where the forest has been removed and the sun bakes the soil and exposes it to the impact of the rain?

Mr. BURTON. I concede there is a very considerable difference in the matter of erosion, but that probably is the only difference. It, however, does not directly affect navigation on these streams. There is a certain quantity of silt carried clear down, but that is only a small portion of the silt that is actually accumulated in these streams.

Mr. BRANDEGEE. Is not that silt carried in the very worst place for the purpose of navigation, to wit, in the channel, where the current flows swiftly enough to carry it along—and then do we not have to eventually dredge out the channel at Government expense?

Mr. BURTON. It carries a certain amount of silt, but it is not of sufficient importance to justify us in establishing a policy of forestation.

Now, what were the reasons alleged in support of this measure? First, on the ground of scenic beauty, parks in New England and in North Carolina; second, reforestation; then water power; and last of all they fell back on navigation. The advocates of this measure are ready to concede that it does not affect the regimen of rivers, that it does not affect materially the amount of water in them, and that it does not affect precipitation so as to prevent floods; but they claim there is a certain amount of silt that is washed away from the mountain sides which goes into the streams. How much goes from these creeks at the very headwaters? How much is carried along? In some instances it must be carried 100 miles before it reaches anything that has the semblance of a navigable stream.

Mr. BRANDEGEE. If the friends of this bill were either ready to concede or did concede any such things as the Senator says we do, I would not have the audacity to ask for its passage. We have always utterly denied them and still do.

Mr. BURTON. I understood the argument of the Senator from Connecticut just now to be based for the most part on the amount of silt that goes into the streams.

Mr. BRANDEGEE. The argument of the Senator from Connecticut was simply to call attention to the fact that even if the Senator from Ohio did not concede the amount of water in the stream to be controlled by the forests, that he at least must concede the erosion question.

Mr. BURTON. I am inclined to think that if the Senator from Connecticut studies this question he will be ready to concede everything except the question of erosion. I do not wish in any way to criticize his judgment, but if we follow our expert advice on this subject we are compelled to fall back on that as the only method of connecting the subject of forestation with that of navigation.

Mr. BRANDEGEE. I do not think the expert advice on this question is confined to the Army engineers. Their duties naturally lead them into the harbors and the lower regions of the navigable streams, near the seacoast; and I think that the experts who have been to the tops of the mountains, where the Army engineers rarely get in their duties in relation to rivers and harbors, are much more reliable than the Army engineers on this subject.

Mr. BURTON. The Senator from Connecticut must not overlook the fact that the Army engineers have control of many streams that rise well up in the mountains, and that they have made a study of and are familiar with streams where there is a steep descent.

Mr. BRANDEGEE. They are engaged for the most part in dredging operations and in promoting channels for commerce. Their duties rarely take them to the sources of navigable rivers in the mountains.

Mr. BURTON. It is in part true, Mr. President, that their active efforts for the most part refer to the lower reaches of rivers, but in the course of their investigations they carefully examine the headwaters to learn the exact conditions there. They are men of general education on this subject, having devoted to it much time and study.

Prof. Glenn testified before the Committee on Agriculture that from 1790 to 1907 over $8,000,000 had been spent on the Tennessee River. He then added:

> Under present conditions there is no chance to permanently improve that navigable channel, because of the incessant inrush of sand and gravel.

Referring to this testimony, Capt. Johnston, of the Corps of Engineers, showed from the Government reports that from the beginning up to last year there was expended on the Tennessee River, for dredging made necessary by the washing in of silt, considerably less than $1,000,000, and that the remainder of the total appropriations had been expended for locks, dams, canals, and the removal of rock ledges—work which was not made necessary by and had nothing to do with the silt from the watershed.

Now, what is the fact in regard to the silt that goes into these rivers? It is due to the cavings of banks at the sides of the stream. It may be true that great gorges and slides are visible on mountain sides which would not have been created if they had been covered with trees, but these are so remote from navigable streams that only a negligible portion of them ever finds its way from mountain sides where navigation is manifestly impossible to the lower country where streams are of sufficient size and of such moderate descent as to make navigation possible. In fact, whatever detritus proceeds from the mountain sides would become so pulverized that it would be readily taken care of without serious injury in a navigable stream. The difficulty there is almost exclusively from the caving of banks, and that in the navigable portions or at no unusual distance therefrom. It has been estimated that it requires years for the silt which washes into a stream to be carried even 100 miles in the channel. That which is eroded in the headwaters, on the mountains and the high hills, is dissipated and scattered before it reaches the navigable portion, so that this contention of the advocates of this measure is altogether untenable.

I do not deny that if hundreds of thousands of tons of silt should come from the headwaters and go down through all these various streams, and over rapids and rocks, a certain quantity, perhaps several hundred tons, finally reaches the navigable channel. But this is not the source of those obstructions to navigation which make dredging necessary. So far as the erosion from headwaters is concerned, that would require no dredging.

I want to read somewhat at length from the opinions of our Army engineers, and others, as to the effect of this forestation upon rivers. Col. Bixby, the present honored Chief of Engineers, was asked this question:

> If you had practically unlimited means at your disposal and were charged with the responsibility of protecting the navigation of the streams flowing out of the Appalachians or the White Mountains, what proportion, if any, of the sum at your disposal would you feel warranted in spending for the purpose of maintaining the mountainous watershed in forests?

And this was his answer:

> I might put in 1 per cent, just to see what would happen; but I would not do it with any feeling that I would really get my money's worth back.

Col. Bixby does not refer to the rather meager funds now being appropriated for river and harbor purposes, but his remarks are predicated upon the hypothesis of unlimited funds——

Mr. BRANDEGEE. One per cent of an unlimited fund might be quite a fund itself.

Mr. BURTON. I do not think the Senator from Connecticut can help on his contention very much with that suggestion. There is no danger of the funds being so unlimited as to frighten us. The extravagance will be manifested in the forest reserves, not in the actual improvement of rivers and harbors.

The PRESIDING OFICER. The Senator from Ohio will suspend while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. If there is no objection such will be taken as the sense of the Senate. The chair hears no objection, and it is so ordered. The Senator from Ohio will proceed.

Mr. BURTON. In that connection Col. Bixby made reference to the Connecticut River in which it was asserted that in recent years there had been greater suddenness in the rise of water and greater height of floods. He stated on that point:

> I should ascribe fully 95 per cent of it—
>
> That is, the flood conditions—
>
> to the improved farms and the improved drainage and ditches along the roadways, and the nice roadways that form great ditches to lead the water along and to the streets and sewers in the cities.

On this subject I will also read the views of Col. Taylor, the engineer in charge of the Connecticut River. In a letter dated July 26, 1910, he said:

> As the question of deforestation had been brought prominently to the front, when I made my report on the preliminary examination, I took some pains to look into this question sufficiently to satisfy myself whether the deforestation had had any effect or not. The result of my investigation satisfied me completely that there has been no perceptible change in navigable conditions of the river so far as freshets or droughts are concerned in the last hundred years. Part of the data upon which my conclusions were based are given in the accompanying extract from my report of the preliminary examination.

He then refers to a report in 1878 which shows that the freshet of May, 1854, which occurred before this deforestation, was the highest known below Holyoke, and that the freshet of April, 1862, was the highest known on the Holyoke Dam or above Holyoke. He adds:

> Whatever effects deforestation may have upon rivers in general, neither the floods nor the low waters of the Connecticut River can

have been affected by deforestation of the watershed of that river for the reason that to-day a considerably greater portion of the watershed of this stream is wooded than was the case 40 years ago.

In that connection he refers to the reports of the New Hampshire Forest Commission.

Mr. President, if there is any one river where deforestation would have an effect upon navigation, it must be the Connecticut River. It is easy to see that it would have no effect upon the Merrimac or the Saco, because these rivers are navigable only in the tidal portions. The engineer in charge of the Connecticut River reports that deforestation has had no appreciable effect upon the amount of water in that stream.

Now, just a word as to the Tennessee and the Cumberland Rivers. They are difficult to manage, but the difficulty lies not in the quantity of water but in the steep descent in the upper portions. The difficulty is not in the removal of the silt, which in the upper portions is a negligible factor, but in harnessing the swift currents and removing the rocks and other obstacles.

Col. Russell in speaking about the Ohio River says:

> That the effect of deforestation in causing an increase in the frequency and intensity of floods has not been established, and as yet is indeterminate from the data at hand.
>
> That if it be later established that deforestation increases flood frequency and intensity, the effect will be found to be small upon a waterway the size of the Ohio River.
>
> That the increase in flood frequency and intensity discernible at the present time is due to the contraction of channel at certain places and the drainage of farm land and swamps.

It is maintained, and I understand will be set forth in the report of the flood commission from the city of Pittsburg, that the floods there have increased in frequency; but the fact is that the channel has been narrowed for industrial purposes, and those who have examined the subject most thoroughly point to that as the real cause of the increase of floods at Pittsburg, if, indeed, any increase is noticeable.

I want to read very briefly from the opinion of Gen. H. M. Chittenden, a very scientific man, who has examined this subject with the utmost care. He says:

> The influence of forests upon stream flow is not what is generally believed. Forests do not diminish the height or frequency of great floods; there is satisfactory evidence that they increase them somewhat. Neither do they alleviate the low-water condition of great rivers; there is satisfactory evidence that they aggravate it somewhat. Forests are therefore of no real value in solving the problems of river control, and their increase or diminution will make no appreciable difference in the character or cost of works for protection against floods or the improvement of channels for navigation.

Mr. President, we should not make appropriations for objects which have but a remote connection with a proper function or duty of the Government. There are objects enough directly within the broad purview of the powers of the Nation and its Constitution to demand all the money that the Government should wring from the people in the form of taxation. Every time we appropriate money for something that has only an indirect effect upon navigation, disregarding the legal opinion that the effect must be direct, we are not merely straining the Constitution, but we are imposing taxation for a purpose for which we have no warrant or right to impose it.

Consider the precedent which is established here. There are at least two things much more clearly within the scope of our powers which, if we do this and are fair and logical, we ought to do right away. One is to consider this claim that silt in streams imposes the power and responsibility upon the Federal Government to provide against it, and revet the banks of every stream, navigable or nonnavigable, which in any part of its course flows through a navigable channel to the sea, and thereby prevent the caving in of dirt which will be carried down in the form of silt.

This is something that does affect navigation, not immediately but indirectly. The burden that would be imposed upon the Federal Treasury and the taxpayers of the country by such a policy of improvement as I have suggested almost passes conception.

Another thing that the Federal Government ought to do if this precedent is established, and it ought to do it right away, is to provide means for the prevention of floods. At certain seasons of the year we can hardly take up a newspaper without reading of the loss of life and of the mammoth destruction of property as a result of floods in the Ohio, the Mississippi, and various other streams of the country. Those floods have a direct influence upon navigation. If we are going to inaugurate this policy, why not protect these manifold interests by preventing floods and save the tremendous loss of property and the very pitiful loss of life which so frequently occurs? Why has this not been done before? Because it has been regarded as beyond the scope of the legitimate powers of the Federal Government and a matter to be left to the immediate localities involved.

I sincerely hope that the time will come when, by the combination of citizens and communities, of the States and of the Nation, we shall take up some of these problems. But if you pass this bill you are selecting, as it were, from the bottom of the list, the proposition that has the least in its favor. In making appropriations of the Federal Government for scenic beauty, water power, and reforestation——

Mr. BRANDEGEE. Mr. President——

Mr. BURTON. You are turning aside from other projects which appeal far more to the general interests and welfare of the country.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I do.

Mr. BRANDEGEE. The very title of the pending measure is to enable any State or States to cooperate with other States for this very purpose, so that, if possible, the New England States can combine to protect the watershed of the White Mountains and the Southern States can combine to protect the Appalachian Range, assisted and cooperated with by the National Government. If anybody opposes the bill on the ground that it centralizes too much or asks too much of the National Government, it seems to me that he is wide of the mark. It will enable the States to do for themselves largely what the Government now does for them.

Mr. BURTON. So far, Mr. President, as the first two sections of the bill are concerned, I most cordially favor it. We have already created a Forest Service, and gone into the States to educate the people. We have thus far extended our relations with the States and taken up many things that naturally would belong to private or State initiative.

The Federal Government seeks to educate, and to point the way. For instance, the Department of Agriculture is in effect a great university for the education of the people. But that is widely different from entering the States and buying timber lands, making a great landlord of the Government in order to accomplish what can be properly worked out in some other way.

Mr. BRANDEGEE. Is not the Government a great landlord now in all its forest reservations in the West?

Mr. BURTON. It is a great landlord because it owns those lands by its right as a Nation, independent of any purchase.

Mr. BRANDEGEE. But it is a landlord just the same.

Mr. BURTON. Yes; but there is a difference between the landlord of its own domain where the responsibility is imposed upon it, I might say, by discovery and one where it assumes it by purchase. If you adopt the theory that the Federal Government should begin to buy land here and there, where are you going to stop? Suppose there are farmers in a certain State who crop their land too severely under the shortsighted policy which prevails in many places. If you accept this bill as a precedent, why not say that the Government shall buy those lands and let them lie fallow or improve them in some way until they are brought up to a proper condition for further cultivation? The precedent created by this bill would mean that. It would mean that wherever the State or the individuals in a State fail to do what is best for themselves and evade their responsibilities, the great power of the central Government shall step in and help them out and do for those who are negligent that which they have not the will or the intelligence to do for themselves.

I concede that there are some cases where this is an interstate problem, but our Constitution allows concurrence between States in just such a situation as this.

Just here I want to point out what would be the result of the passage of this measure. We have several States, among them New York and Pennsylvania, which are already spending millions of dollars in the purchase of lands and the establishment of fire protection. The rule in New York is so strict that you can not even cut a stick of timber even if it should be cut. These States are blazing the way for a rational and effective forest system, bearing their own burden and setting an example for others to follow. While that is in progress in these States it is proposed, because a mountain range extends through several States, to make that an excuse for the Federal Government to take it over and relieve them from all their responsibilities.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. Certainly.

Mr. BRANDEGEE. Most all of these large navigable rivers run through several States, and where there is a controversy over the navigability it is the Government's proper constitutional function.

Mr. BURTON. The Senator from Connecticut does not deny that there is complete authority under the Constitution for States to cooperate in an enterprise of this kind.

Mr. BRANDEGEE. The bill gives the States authority to make contracts among themselves for that very purpose.

Mr. BURTON. Your bill may be very plain in its declarations and invitations, but the difficulty about it is that on the same page on which you invite them to do something for themselves you go ahead and do it yourself and relieve them of any responsibility in regard to it.

Now, I wish to come to another feature of this measure. When a bill of this kind was first proposed it referred only to the Southern Appalachian system. There was no idea of purchasing any forests except in the States of West Virginia, North Carolina, South Carolina, together with a little fringe in some other States. As is often the case in the history of legislation, it was found that this project was too local to stand alone. In order to get votes for it, it was necessary to bring in something else with it.

The forest commission of New Hampshire had pointed out what the State might do in New Hampshire. Indeed, it had been pointing it out for years. Then commenced this agitation to lay the burden upon the Federal Government. So the two were tacked together, taking advantage of the general term Appalachian, thus gaining thereby added support for the bill because of the greater area over which it extended and, it goes without saying, because of the interest of a larger number of Representatives from States and congressional districts which it enlisted. But it did not stop there. A member of Congress from the Lone Star State came before the committee. He desired to be in on this proposed appropriation at the very beginning. So he requested $500,000 for 100,000 acres at the headwaters of the Red River. There were other propositions from other States. When this bill was framed, there was nothing sectional about it. No longer was it confined merely to the Appalachian or South Appalachian forests. It refers now to the whole country. The commissioners to be appointed under the bill can buy woodlands in Washington or Florida as well as in Maine or New Hampshire.

And to what does it point? We might just as well face the question to-day as at any time. It points to the enunciation of the policy that wherever a forest at the headwaters of a stream has been cut off, or wherever you can trace any remote connection between navigation and a forest at the headwaters of a stream the Government must step in and buy it. This all-comprehensive policy is a declaration to the owner of timber lands: "If you misuse your property, if you cut before the timber is mature, if you wish to let it go, the Government will come in and take it off your hands."

There is no more demoralizing feature in our appropriations than the patent fact that appropriations for the public service are made along geographical lines rather than for substantial benefits or completed results. One phase of this tendency is the yielding to insistent demands from a great variety of localities and the making of appropriations for a much less amount than is necessary to complete a public work or for one that falls below any rational standard of excellence, such as would lead to its adoption. This erroneous method has been glaringly manifested in rivers and harbors and public buildings, but the pending measure affords probabilities far in advance of any class of appropriations upon which money has been wasted. The requirements for a public building may be ascertained with some degree of certainty. The preliminary examination of a river determines its usefulness for navigation, but when money is expended for forests upon hills or mountains remote from navigable streams there is a field for conjecture and a degree of latitude which will lead to log-rolling and waste surpassing any extravagance which has ever been manifested in any other branch of national activity.

I want to call attention to a special feature of this bill. No right of condemnation is provided. This commission can not buy an acre anywhere except at the price which is fixed by the owner. Just what effect that will have is well illustrated. In 1901 the Appalachian National Park Association in a memorial indorsing the plan stated that these cut-over lands could be purchased for $2 an acre. That memorial was printed in a report filed by the Senator from Indiana [Mr. BEVERIDGE]. In a report submitted by the Secretary of Agriculture in 1908 in pursuance of the act of 1907, he estimates the value at $3.50 an acre. The price has gone up from $2 to $3.50 during this interval. If you have not the right of condemnation one of two things must happen; either an exorbitant price must be paid for parcels which are most essential, or else the commission must select those that are less essential and perhaps of very little value. The report of the Secretary of Agriculture recommends the right of condemnation proceedings and says:

> The right to take lands under condemnation proceedings would be helpful, especially in some instances, to perfect title—

He does, however, add—

> but the condemnation right must be handled with the greatest care and judgment and should be used only to clear title and in other cases of extreme necessity.

You could not select an area useful for this purpose without finding some parcel whose owner will either charge an exorbitant figure or else will decline to sell at all.

This is a very harmless little bill, some will say; it appropriates only $10,000,000. But I want to show again what it means. The preservation of the hardwood forests is the main object of many persons favoring it. The report of the Department of Agriculture, on page 32, said:

> There are probably 75,000,000 acres in this mountain system more important for timber production than for any other purposes. This area will have to be given protection before the hardwood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded.

That is merely on the Appalachian system. There are 100,000 acres down in Texas, a large area in the Ozark Mountains. This is but the advance guard of other millions of acres. An eminent gentleman from California said a few days ago: "I want this bill to pass because there are so many mountain sheds in California the land on which could be sold to the Government." People from Minnesota may also desire to dispose of their cut-over lands. These examples merely suggest the magnitude of this problem. This is, as it were, but a beginning, barely more than a drop in the bucket even for the Appalachian Reserve alone.

These requests and suggestions must convince any unprejudiced student of the question that future bills on this subject will be framed with a view to the geographical distribution of the areas which the Government will be called upon to purchase. Sectional demands will be made upon the officials whom we place in authority over this field of our activities. Jobbery and all the evils of so-called "pork-barrel" legislation will appear in their most unattractive form.

The denuded areas in the White Mountains are now, for the most part, owned by corporations and groups of individuals. The same is true in other sections of the country. The pressure which these owners will exert upon Congress will be well nigh irresistible. And while I do not wish to paint a picture of shadows, none the less I am convinced that if this bill is enacted into law, sooner or later, the pages of our history will be darkened with scandals akin to those which were rife in the days of building the transcontinental railroads.

Now, Mr. President, we all have the greatest attachment for our methods of doing business here, but what will inevitably happen under this kind of a bill? Can anybody deny that it will be necessary for this commission to scatter its purchases over the United States? Will California allow New Hampshire to have the sole benefit of it? If we begin this policy in one locality and should restrict our purchases to the Appalachian Range the demand will be made with overwhelming force that having started on this policy we must continue it and buy the timber lands on headwaters of navigable streams throughout the United States.

Let us not forget that one of two things is sure to happen. Either ten millions will be spent and will prove utterly insufficient to accomplish any result of national scope or importance, because only scattered lands will be acquired here and there, or these appropriations must be continued on an enormously increasing scale. It is possible that in the administration of this measure its futility will be made clear and the dangerous experiment contemplated will be abandoned. But one thing is certain; other localities outside of New Hampshire and North Carolina will insist that the same treatment be rendered to their lands as to the localities on whose behalf the agitation for this bill first arose.

Mr. President, the price is too high and the prospect too threatening for us to agree to the enactment of such a bill. The average price of these lands in the White Mountains has been estimated at $6 an acre and in the South Appalachian area at $3.50 an acre. If we strike an average of these it means about $300,000,000 for what is said to be necessary for the protection of this hardwood supply alone. In a debate which occurred last year on this bill the figure of $750,000,000 was given as short perhaps of the amount that would be required. I want to quote briefly from something that Mr. Weeks said in the hearing before the Committee on Agriculture.

Mr. GALLINGER. I do not see why the Senator does not make it a billion and be done with it.

Mr. BURTON. The way you are starting out, I most confidently aver it will be a billion and more before you reach the end; that is, if you are going to adopt the policy exemplified in this bill. What is this policy? That the commission shall

have power to buy land wherever there is a forest or a watershed or a mountain or a high hill from which the flow of water in any way affects a navigable stream. Can the Senator from New Hampshire tell how many acres of that variety of land there are in this country?

Mr. GALLINGER. I know, Mr. President, that we are appropriating $10,000,000, covering a period of five years. I am quite content to leave that to the eminent commission which will have charge of it. If in the course of time we wish to enlarge that, future Congresses will be as wise as we are, and they will either enlarge it or not as they see proper. I am not going into the realm of speculation, and I am not going to chase ghosts about this matter. I am going to leave it right where the bill leaves it, and trust that Congresses in the future will be at least as wise as we are.

Mr. BURTON. The future Congresses will have to be a great deal wiser than we are——

Mr. GALLINGER. Probably they will be. That is not a rash assumption.

Mr. BURTON. Because if this Congress starts it, what would a future Congress do except to point to the precedent established here? Every section of the country will say, "Appropriations were made for New Hampshire, for Maine, for California, and shall we be denied? You must do justice to us." The place to stop such a plan as this is in the beginning. It will not be the commission that will determine it. It will be the overwhelming pressure from the people, which, when it comes to seeking appropriations, is a force as mighty as any in this Republic.

Mr. GALLINGER. I promised myself not to interrupt the Senator again, but I believe the Senator is rather a stickler so far as the voice of the people is concerned. I think he believes in that. If the voice of the people is so potent that Congress must take action, I do not think we ought to find fault.

Mr. BURTON. I believe in the voice of the people as much as any man, Mr. President, but I do not believe the voice of the people is fairly represented in this case by the telegrams that are being received from persons in New England interested in water power and those who go up in the White Mountains to spend their summer vacations.

I do not believe popular sentiment is properly represented by those who have wood lots which they would like to sell to the Government because they are cut off. But if we adopt such a measure, it becomes a concrete and complete proposition having the ratification of Congress and, by inference, the sanction of the people.

Let me read what was said on this subject in the hearing before the House Committee on Agriculture:

Mr. BEALL. Suppose the policy is carried on, can you give the committee any estimate as to the probable amount of cost that will be involved in carrying the policy to the extent that you believe it should be carried?

Mr. WEEKS. No estimate that would be worth a cent. No; I can not.

He was at least candid about it. I am always afraid, Mr. President, of going into an expenditure where no even remotely reliable estimate of its ultimate amount can be offered.

Mr. BEALL. Do you think it would be less than $50,000,000?
Mr. WEEKS. I should think not, eventually.
Mr. BEALL. Or less than $100,000,000?
Mr. WEEKS. I presume not.

That is, he gives practically an affirmative answer now—over a hundred millions.

Mr. BEALL. Less than $500,000,000?
Mr. WEEKS. Possibly. These are getting to be big figures, and I do not know.

Possibly not less than five hundred millions. In the same connection Mr. WEEKS said:

Mr. BEALL. Is it not true that the ground upon which it has been advocated has been almost entirely shifted in the last five or six years?

Mr. WEEKS. It is true that the fundamental reason assigned for the legislation has been shifted. The real reason behind the legislation has not shifted at all.

That gives us an idea of the path upon which we are taking the first step if we pass this bill to-day. Start in on the policy of extravagant expenditure, and once well started no floodgates are strong enough to withhold the torrents which will press upon us.

There is no feature in our legislation that has been so noticeable in recent years as the increase in our Federal appropriations. There is nothing which so strongly impresses itself upon a Member of the House or of the Senate as the ill will and the obloquy that rest upon a man when he urges economy in expenditure. But, Mr. President, so far as its rests within my power, I desire to stand for the average everyday citizen, the ordinary taxpayer of the United States, against the extravagant and exorbitant demands which are made upon Congress. This bill is one of them. This is the one which, in the precedent it creates, in my judgment, is the worst of all. It not merely means forest reserves; it means, as I have said, the much more commendable public object of protection against the erosion of streams going into rivers, and other matters which should be undertaken by the localities immediately interested. Again, it fixes a precedent for disregard of constitutional limitations, the dangerous effect of which no man can measure.

Mr. President, what is the rational way to solve this forest problem? In the first place we must consider the difficulties of scientific forestation. In this country where we seek to make money rapidly, growing timber is less profitable as an investment than almost any other line of endeavor. One of the great Latin orators said, "A husbandman plants the tree, the fruit of which he may never behold." In our own country the man who plants a grove of trees is not sure that he will ever live to reap its profits. Accordingly, that kind of an enterprise is not as attractive as most business or other undertakings are.

Another difficulty is that the States impose burdensome taxes upon forest lands. They tax both the land and the growing timber, and the rates are in many cases so high that they absorb a considerable share of the increased value. In view of the especial quality of forests there should be exceptional rules relating to their taxation. If States care enough about the promotion of forests to foster them and to encourage persons in growing them, they can by tax regulations solve many of the difficulties.

Another obstacle in the way of the development of our forests is the frequent and destructive fires to which they are subjected. It is within the power of the respective States to control all of these things by maintaining a sufficient fire patrol, reenforced by education from the Federal Government, and by a reasonable exemption from taxation, so that the people may grow them with profit. Of course there are some parts of the country where the value of land for agricultural purposes is such that tracts will not be set aside for timber purposes. Once started, there is no place where you can stop. I will concede a certain exceptional demand for forest property, but at least, with this vast area of Federal forest reservations, is not the Government doing its part in the promotion of forests, and may it not call upon the States as well to do their part in the settlement of this great problem?

I want to call attention right here to an erroneous impression that forest lands have diminished in New Hampshire. I fancy that the Senator from New Hampshire will agree with me on that. I note that the majority report of the Committee on Agriculture of the other House in speaking of this question said:

The testimony before the committee is abundant and convincing to the effect that the destruction of forests in the Southern Appalachians and White Mountains is going on at an alarming rate.

The New Hampshire Forestry Commission, a body organized in 1881, reported as follows to the legislature of that State in 1903–4:

We (the forestry commission) have remarked that a greater percentage of our area was doubtless now under forest cover than at any time during the half century; this conclusion is emphasized in our experience. Where two generations ago were hillside farms of arable land and pasturage are now great spaces of second growth, some sufficiently matured to attract lumbermen, with stone walls of former fields and pastures curiously out of place among the heavy growth.

The following is from the New Hampshire Forestry Report, 1905–6:

The White Mountain region includes about 3,500,000 acres, or 57 per cent of the entire State. The present forest consists entirely of second growth, chiefly in small lots, but occupying about two-thirds of the total area. The forest area has been greatly extended by the abandonment of improved farm land, in rapid progress since 1880.

A factor in transforming the past forest into that of the present has been the reversion of cleared land to forest. According to the reports of the United States census, about 1,000,000 acres of improved farm land has been abandoned in New Hampshire since 1880.

Now, let us look again for a minute at the policy of this State, for here is the basis of this whole difficulty. The States have been careless and profligate in handling their forests. If you pass this bill, you virtually say that other States may also be careless without suffering the consequences.

October 17, 1867, the State conveyed by deed to Orrin M. Chase for $500 the land lying within a circular area of 6 miles in diameter.

Six miles in diameter, I take it, would include about eighteen thousand acres. This is less than 3 cents an acre.

October 17, 1867, the State conveyed to William H. Smith for $20,500 70,000 acres in Coos County, reserving not to exceed 200 acres.

That transfer was made at a price of a little less than 30 cents an acre.

November 5, 1867, the State conveyed to William H. Smith and Noah Woods all the lands in the counties of Coos, Grafton, and Carroll to which the State had any right for $4,000, said land being estimated at

100,000 acres, reserving only lands for arsenal lots and gun-house lots owned by the State in these counties.

This land was sold for about 4 cents an acre, a most disastrous bargain. After squandering their natural resources in this way the State now turns to the Federal Government with a request for the restoration of its natural endowment.

I do not want to criticize these people for lack of wisdom or for advocating this measure, for they are a sturdy race. But it is clear that the strongest argument for this bill is far removed from any relation to navigation. It relates rather to the summer resort business. In the same report the forestry commission of New Hampshire says:

As a summer resort New Hampshire is growing in importance from year to year. A special report issued by the State bureau of labor in 1899 points out the magnitude of the business:

General summary of the summer resort business of 1899.

Capital invested in summer property	$10,442,352
Number of guests remaining one week or longer	58,222
Number of transient guests remaining less than one week	95,706
Total number of guests and those occupying cottages	174,280
Total number of help employed	12,354
Increase of guests in 1899 over 1898	8,093
Increase in cash received at hotels and farmhouses in 1899 over 1898	$402,341
Total volume of summer business and investment for 1899	$6,609,364

By this time the business has no doubt increased to an amount well beyond ten millions a year.

Now, suppose this forest upon the mountain sides is reserved, what will these people next request? That it be created into parks for that great army of summer visitors, amounting in 1899 to 174,000. I must submit, Mr. President, that the State itself should take care of this problem and not call upon the United States to assist them in providing attractions for summer tourists.

I have carefully examined this bill with reference to another proposition. Where is there anything in the bill to compensate the Government for the use of the water power? Under its provisions the Government could proceed to buy hundreds of thousands of acres, avowedly to improve water power. Who will use this water power? Not the Government of the United States. Certainly it can not engage in a business of that kind. Where is there any provision in this bill regulating the leasing of that water power and providing payment for it? Of course, those interested in power companies would rather this land, which abuts upon the flowing streams where electricity can be generated, should belong to the Government than to private owners. They can make a very much more favorable bargain with the Federal Government. Indeed, if they now own it themselves, it would be to their advantage to sell it to the Government and then utilize it apparently for nothing.

Here is one other point which shows the wide scope of reason and imagination in this project—the expectation that the Government will construct water reservoirs in addition to purchasing the forests.

As a result of the hearings before the Committee on Agriculture it was said in the discussion upon this matter:

It is apparent that after the Government has reserved the watersheds the owner of water power will expect the Government to build storage reservoirs.

I find some reference to that on page 17 of the report of the Department of Agriculture:

Considering this condition, it is of interest to note what can be done by means of a storage system on this river—

That is, the Savannah—

Topographic surveys have located 14 reservoir sites, which, if developed, would have a capacity equal to the annual run-off of 1,670 square miles of drainage area, or 23 per cent of the drainage area above Augusta. With these reservoirs developed and filled, the amount of water which could be stored would be sufficient to maintain an added depth of 9 feet at Augusta for a period of 118 days, or practically four months.

As I have already spoken of the desirability that the State take up this matter of forest preservation and development, I want now to discuss the most important argument in favor of leaving this duty with the States. The States have police powers under which they can prevent the wanton destruction or even the cutting of timber when held by private owners. Mr. President, I wish to impress upon the Senate the distinction between the power of the States and that of the Federal Government. No such power is vested in the Federal Government. In the State of Maine a bill was introduced to the effect that no tree under 12 inches in diameter in certain forests could be cut off. The State of Louisiana, I believe, has passed a similar law.

In the exercise of its power to prevent the impairment of its resources, a State can pass such regulations and enforce them, but, as I have said, the Federal Government has no such police powers. The Government can, of course, adopt such a policy on its own private forests, but in order to maintain the forests of the country it is necessary that there be some power to enforce such regulations. Otherwise what do we say? That "we will wait until all the forests have been cut off and then we will buy them. We will waive all opportunity to restrict cutting while the trees are standing on the soil, but when these tracts have been denuded, then we will buy"—which is like locking the stable door after the traditional horse has disappeared.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. Does the Senator think that constitutionally a State can say to the owner of a piece of timber land that he shall not cut timber beyond a certain size?

Mr. BURTON. Those regulations are in vogue in many European States, and I will read to the Senator from New Hampshire——

Mr. GALLINGER. I speak of our country. Does the Senator think that that can be done?

Mr. BURTON. I do.

Mr. GALLINGER. It has been inquired into very carefully in New Hampshire, and the conclusion is that the State has no such power.

Mr. BURTON. Here is a decision of the Supreme Court of the United States, volume 209, page 349, opinion by Mr. Justice Holmes:

The State, as quasi sovereign and representative of the interests of the public, has a standing in court to protect the atmosphere, the water, and the forests within the territory, irrespective of the assent or dissent of the private owners immediately concerned. (Kansas v. Colorado, 185 U. S., 125; Georgia v. Tennessee Copper Co., 206 U. S., 230.)

The public interest is omnipresent wherever there is a State, and grows more pressing as population grows, and is paramount to private property of riparian proprietors, whose rights of appropriation are subject not only to rights of lower owners, but also to the limitations that great foundations of public health and welfare shall not be diminished. (Syllabus: Hudson County Water Co. v. McCarter, attorney general of the State of New Jersey.)

That was not a question directly relating to forests, though the Justice does use the expression "the atmosphere, the water and the forests," and thus brings them within the general rule. In the State of Maine, adjoining New Hampshire, on a question filed with the judges relating to a bill pending in the State legislature, an opinion was rendered by the supreme court in these words:

Legislation to restrict or regulate the cutting of trees on wild or uncultivated land by the owner thereof, etc., without compensation therefor to such owner in order to prevent or diminish injurious droughts and freshets and to protect, preserve, and maintain the natural water supply of springs, streams, ponds, and lakes, etc., and to prevent or diminish injurious erosion of the land and the filling up of the rivers, ponds, and lakes, etc., would not operate to take private property within the inhibition of the Constitution.

That authority is directly in point and answers the question of the Senator from New Hampshire in the affirmative.

Mr. GALLINGER. It does not quite answer it, for the reason that I did not know that the Senator contended that these lands should have reference to the water flow. I thought he had reference to timber lands in general.

Mr. BURTON. I have no doubt that there is far greater——

Mr. GALLINGER. Our State has wrestled with that problem, and we would very much like to have that power if we could have it so as to protect the smaller growth.

Mr. BURTON. I have no doubt that you have it now.

Mr. GALLINGER. Well, we do not think we have.

Mr. BURTON. There is nothing like trying.

Mr. GALLINGER. Well, we have tried it.

Mr. BURTON. There has been little legislation proposed on this subject that has not been confronted with powerful interests opposed to it. Of course if the National Legislature can be induced to do it there is little incentive for the States to try.

Mr. GALLINGER. We have even gone to the extent of marking the trees outside of the fence on the side of the public roads, and yet the adjoining landowner claims the right to cut those trees if he sees proper. He says they belong to him, and he cuts them. We would like to protect those trees so as to make parks along our highways.

Mr. BURTON. I have no doubt that in carrying out a broad forest policy for the welfare of the State you have the right to restrict the cutting of timber.

Mr. GALLINGER. The Senator knows that New Hampshire has gone very far in the matter of forest protection. We have not only a State Forestry Commission, but we have a volunteer forestry commission, officered and controlled by our leading citizens. We have a system of fire protection, with a fire warden in every town; and we are doing everything we possibly can to protect our forests so far as the State is able to

do so. The State is not able to purchase those lands. The State did make a very foolish trade when they parted with those lands. There is no doubt about that.

Mr. BURTON. At the same time, Mr. President, we must observe a general rule. It will not do for New Hampshire to come to Congress and say, "New York can purchase its forest land; Pennsylvania can purchase its forest land; but we will not." In this matter there should be like treatment for every State. The moment you depart from that rule you establish a policy of favoritism that extends to every agency of this Government, it does not matter whether it is forests or rivers and harbors, or what it may be. Equality is equity; like treatment for all States is the only just rule.

Mr. GALLINGER. A bill has just been favorably reported in the New Hampshire Legislature appropriating money to buy the lands in the famous Crawford Notch, so we are planning to do what we can in that line.

Mr. BURTON. Now, Mr. President, I will briefly refer to the regulations of European countries on the subject of forest preservation. The following facts are taken from Fernow's "Economics of Forestry" and Cleveland's "What Forestry Has Done:"

Besides State ownership of large areas of forests, most European countries have passed regulations affecting the management and use of private forests. This has been found necessary as a result of the devastation of forests under private exploitation and the fear of a timber famine.

Mr. President, what does that show? It confirms and even makes stronger, what I said, that there is no rational, judicious policy of forest preservation or promotion that can be complete without regulations forbidding the cutting of timber upon private lands. Such regulations the Federal Government can not impose upon private owners, but the States may and can.

GERMANY.

In Germany about 30 per cent of the private forests are subject to regulations, which vary somewhat in different States and take various forms:

(1) Prohibitions to clear permanently, or the necessity of obtaining permission before clearing.

(2) Enforced reforestation within a given period after cutting—a very important regulation.

(3) Prohibition of devastation or deterioration.

(4) Definite prescription as to the manner of cutting.

(5) Enforced employment of qualified personnel.

FRANCE.

Since 1874 France has been very active in the control of forests. The State now owns about 2,800,000 acres, or about 12 per cent of the total forest area.

In the case of private holdings no clearing is permitted without notice to the Government authorities and in the mountain districts without special sanction by the same.

Village and city corporations own 27 per cent of the forest area. These must submit their plans of management to the state forest department for approval.

Some years ago 1,000,000 acres of mountain slopes were denuded by floods. Under the law of 1882 the State is buying and reforesting this land or compelling communities or private owners to do so with financial aid from the Government.

SWITZERLAND.

Forest regulations have existed in this country for 600 years. In 1876 the Bund assumed control of the water and forest police in the Alps above a certain elevation. All the Swiss forests comprised in the Bund are now classified into protection and nonprotection forests. Whether public or private they are all controlled by the Government. In the protection forests cutting is carefully regulated. Stumpage sales are forbidden, and all wood must be felled and measured under the direction of a forest officer. Nonprotection forests are also subject to a number of regulations even when in private hands. Clearings may be made only with the consent of the Canton, logged areas must be reforested within three years, and existing forest pastures must be maintained.

RUSSIA AND SWEDEN.

In these two countries the forest regulations are very similar. The Swedish law of 1903, which went into effect January 1, 1905, requires in general the approval of provincial forest-protection committees for all cuttings. A diameter limit is set, below which trees may not be cut. Clearings are forbidden and cleared lands must be reforested. Pasturing is restricted where it would do harm.

In Russia forests which hold shifting sands or protect the shores of rivers, canals, and other waters, as well as those which serve to prevent erosion and avalanches in the mountain districts, are classed as protection forests and subject to strict regulation. Private forests not so included may be cleared only on certain conditions.

AUSTRIA-HUNGARY.

In Austria private forestry is encouraged by a system of taxation which relieves those areas in which forestry is practiced. The Government also aids in reforesting tracts denuded by torrents.

In Hungary the management of all corporation and protection forests has been supervised by the Government since 1879, and all so-called "absolute forest land," in other words, land unfit for farming, must be reforested within six years after it is cleared. This includes three-fourths of all the forest land of Hungary. All mountain forests are required to be managed under State working plans. Forest planting is encouraged by State nurseries, at which 10,000,000 seedlings are raised every year for free distribution, and by bounties paid for forest plantations established on private waste lands.

Mr. President, in recent years we have had much agitation for scientific forestation, with which I sympathize entirely; but from the experience of other countries, it is very evident that if we are to establish any effective system of forestation, the proper authority—and that is the State legislature, and not the National Government—must regulate and control private forests. After long years of experiment in each of the countries mentioned it was found necessary to place a limitation upon the cutting, to require the approval of some commission before clearing, to limit the size of the tree to be cut, or to impose some other restrictions of that kind.

This bill which we are considering points in the wrong way. It says to the private individual: "You may make all the profit you can by cutting the timber off your land; and then when it is all gone and you have sent it off to market and made your money, the Federal Government will come in, and if your land is where the claim can be made that it affects navigation, will buy it from you and at your own price. It will not even exercise the right of condemnation."

Mr. President, I have spoken somewhat strongly in regard to this bill, because I am satisfied it is pregnant with evil not only in its extravagance, and in the precedent which it establishes, and in the fact that no bounds are fixed where we can stop, but also as much as anything else, because we are proposing to secure forest preservation in a most irrational and unscientific manner. We are saying to the alert and independent people of the various States accustomed to work out their problems for themselves, "we will assume the problem of forestation; we will buy your denuded forest lands and relieve you of further responsibility."

Memorials from chambers of commerce teem with accounts of how much revenue the Government will obtain from these forests when it buys them. What a splendid object lesson we have in the returns from the 190,000,000 acres of forests the Government already owns. During the last fiscal year $5,008,000 was expended for taking care of these forests, and we received an income of $1,766,000 from them. I have not told the whole story. Twenty-five per cent of that $1,766,000 was paid over to the States in which the forests are located, reducing the net revenue to about $1,300,000.

A great deal of literature is being sent here, Mr. President, to exhort and to advise us in regard to this legislation. We have received a great many assurances of the benefits that will accrue. But I do not believe there is anything more worthy of immediate consignment to the wastebasket than that literature which tells us of the profit we will make out of the lands on the proposed Appalachian Forest Reserve. It is simply impossible under Government control, with the pressure that is always brought to bear upon executive officers and Members of Congress, that we could possibly engage in any business enterprise of this kind and make any profit out of it. I do not wish to utter any note of prophecy, but I have a decided conviction that if we buy these lands, within a score of years after the timber has become valuable the respective States will be coming here to Congress and asking that these forests be returned to them. They will probably not have to come here to get the proceeds and the benefits that are to be derived from the forests—they will have gotten them all in the meanwhile; but they will ask that the title in fee simple be turned over to them.

Mr. President, there is one point that I want especially to dwell upon. Not a single man among those having control of the navigable waters of this country has made any recommendation or request or suggestion that the purchase of these lands is necessary for the promotion of navigation. The Engineer Corps recommend, not the buying of forests, or the planting of trees, but the use of willows and grass plots along the

banks of streams to protect them against erosion. With all their investigations and their practical knowledge of navigation—some of them educated in Europe—some of them familiar with the methods of river improvement in foreign lands—not one single note have they ever uttered in favor of this plan of acquiring forest lands at the headwaters of streams to improve their navigability. These engineers, who have the sole responsibility for the management and improvement of our rivers, are displaced, and the authority over this whole project, which should be left to them, is transferred to the Director of the Geological Survey.

Mr. President, suppose some Senator should be so unpracticed in our methods of administration as to rise from his seat here and suggest "I want such and such a river improved" or "such and such a harbor improved; the Geological Survey is in favor of it." The carelessness and lack of knowledge of the rules and of the law which he would thus manifest would cause him the most intense embarrassment. But here, not on questions that are perfectly evident, as in the improvement of a great harbor, but in this question, which is conceded to be most extremely doubtful, whether forestation has any effect on the stream flow and navigability of rivers, you brush aside the responsible officials of the Government and leave the entire question to the officials of the Geological Survey. They are most talented men, very excellent in their sphere, but let not them by our legislation enter upon a branch of the Government service which does not belong to them.

If we want to turn over this whole question of the improvement of the Ohio and the Tennessee and the Cumberland Rivers to the Geological Survey, let us be consistent and let us bring in a bill providing that hereafter the improvement of those rivers for navigation shall be managed by the Geological Survey. But let us not undermine that which is orderly and salutary in our Government by such an indirection as this. Will anyone deny that the reason this authority was not left to the Army engineers was that some of them had been so indiscreet as to express their honest opinion that this project would not benefit the navigability of streams?

That which, after all, is the most important question in this bill is the step it takes toward centralization. This bill, if enacted, marks the first step of any magnitude in the purchase of private property by the Federal Government for the purpose of embarking upon purely private or local enterprises. I want to read, especially to some of the Senators around me, something which, while I might not adopt it as my sole platform, I think among the wisest words of Thomas Jefferson, one of the great men of the early days of the Republic. In his autobiography he says:

> It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly and what it can so much better do than a distant authority. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all.

We have had too much centralization lately, based for the most part on the fact that communities and States are coming to Congress to get appropriations for things which they ought to do themselves. Everyone recognizes that with the great growth of commerce, the railways, the canals, the rivers, the telegraph, the central Government must assume certain powers it did not exercise in earlier days. But I still believe in the legitimate sphere of the State, the county, the city, and the little village. It is not so much the nation and the general taxpayer that are harmed when people come here and ask us to do that which they themselves ought to do. It is the residents of these minor political divisions themselves who will ultimately suffer, because, in abdicating their duties and responsibilities, in failing to live up to their opportunities, they lose that stalwart citizenship which they ought to retain and foster. They lose their chiefest value as citizens of this Republic. They lose sight of that admirable division of rights and obligations which begins with the home and the family, goes through the village and the township, and comes at last to the great nation.

So, Mr. President, not merely does such a measure as this impose upon the central Government and the general taxpayer a burden which they ought not to carry, a duty which they can not perform as efficiently as it could be performed by the locality, but it robs each State and its people of the chiefest distinction that belongs to citizenship in this Republic—their independence and their opportunity.

Mr. NEWLANDS obtained the floor.

Mr. BRANDEGEE. Will the Senator from Nevada yield to me simply to make a suggestion?

So far as I know, Mr. President, there are only three other Senators who desire to be heard. The Senator from New Hampshire [Mr. GALLINGER] wants to say a few words and the Senator from North Carolina [Mr. SIMMONS] and the Senator from Nevada. Inasmuch as the unanimous-consent agreement provides that a vote must be had before adjournment to-day, in order to test the sense of the Senate I ask if it is not possible now to fix an hour when the vote shall be taken?

Mr. BURTON. There are a couple of amendments I desire to introduce and have voted on. One is in line with what I have just been saying, that the Corps of Engineers be substituted for the Geological Survey.

Mr. BRANDEGEE. If the Senator desires to offer amendments——

Mr. BURTON. I desire to be heard only very briefly on that. I think I will offer them right now, if it is agreeable to the Senator from Nevada. It will take only a minute to read them.

Mr. BRANDEGEE. As far as I am concerned——

Mr. NEWLANDS. I prefer, Mr. President, to go on with my remarks.

Mr. BURTON. Very good. I will offer them at another time.

Mr. NEWLANDS. After I conclude the Senator from Connecticut can submit his request for unanimous consent.

Mr. BRANDEGEE. I understand the amendments are very brief, and I do not think their presentation would interfere with the request for unanimous consent as to when we shall commence voting upon the bill and amendments.

Mr. BURTON. We shall finish the bill in due time and I do not quite see——

Mr. BRANDEGEE. If there is the slightest objection, I will not ask for it at all.

Mr. BURTON. I do not think we will be detained here any unusual time.

Mr. BRANDEGEE. Senators have been asking me what time to expect a vote. I did not know but that we might give them some sort of an idea, say, 5 o'clock, of the time when voting would begin. But I withdraw my suggestion at the present time, in view of what the Senator from Ohio has said.

Mr. NEWLANDS. Mr. President, at the last session of Congress the bill known as the White Mountain and Appalachian bill, having passed the House, came to the Senate for its action.

Realizing that this bill simply added to the fragmentary legislation in which Congress has thus far indulged regarding the development of our rivers, and that the immediate purpose of the bill was not so much to promote navigation as to accomplish the purchase by the National Government of large forest areas which had been or were to be denuded of trees, with a view mainly to the maintenance of a sustained flow of the rivers having their sources in these mountains for the protection of existing waterpower or the development of waterpower in the future which depended for its utility upon the regulation of stream flow, I opposed the endeavor to secure the immediate passage of the bill. My purpose was not to defeat the bill, but to anchor it more firmly to the interstate commerce power of the Constitution and to enlarge its area so as to provide a comprehensive scheme of legislation that would involve the regulation of the flow of all the navigable rivers of the country in aid of navigation and accomplish that ultimate object by the storage of the flood waters of these rivers, including the source streams, for purposes of irrigation and power; by the protection of forested areas included within the water sheds of such rivers and their sources, so as to prevent precipitate run-off and safeguard against denudation and erosion; by the protection of the river banks by revetment and levees, so as to confine the rivers to their channels, and thus aid in the reclamation of vast areas of swamp and overflowed lands within the drainage basins of such rivers containing an alluvial soil of enormous fertility and requiring only protection from flood waters to insure their highest agricultural development. Thus we would promote and aid navigation by the maintenance of a comparatively stable flow of water for boats and barges, free from capricious changes in the depth of channel as the result either of floods or of droughts.

Realizing that such a regulation of the flow of our rivers would involve not only the utilization of the services of the Engineer Corps of the Army now employed in works relating to rivers and harbors, but also of the information, experience, and aid of the other scientific services of the Government that relate in any way to water, such as the Geological Survey, the Forest Service, the Reclamation Service, and the agricultural bureaus, it was my purpose to provide for their cooperation with the Engineer Corps of the Army through a board or boards to be selected by the President.

Realizing also that such regulation of the flow of rivers and streams would involve the sovereign powers and jurisdiction not only of the Nation but of the States, it was my purpose, by

amendment, to provide for such cooperation, so that broad and comprehensive plans could be made through the cooperation of the scientific services of the United States with similar organizations in the respective States in such a way as to involve teamwork upon the part of all, with a fair apportionment of costs and benefits.

These principles had been embodied in various bills and amendments to the river and harbor bill which had been presented by me and had been referred to the Senate Committee on Commerce, and which embodied the recommendations of the Inland Waterways Commission, appointed by President Roosevelt, the favorable views of Mr. Taft, then Secretary of War, and the principles which had been agitated by the various waterway associations of the country on the Atlantic and Pacific coasts, on the Gulf coast, and on the Mississippi River, and the various associations which had been urging development of the tributaries of the Mississippi, such as the Ohio, the Tennessee, the Cumberland, the Missouri, and the upper Mississippi. These principles had been advocated by President Roosevelt and had been approved by the first conference of governors held at Washington regarding the conservation of our natural resources.

These bills, which had gone through varying forms of approval either by a subcommittee or the full Committee on Commerce, I had found it impossible to press to final action, not so much because of opposition to the principles of the bills as because of details obnoxious to this Member or that, or because of continuous objections to their consideration by the Senate upon the part of those opposed to any development of the so-called conservation policy.

One difficulty about the waterway propaganda has been that it has been almost impossible to bring together in one scheme of legislation the various people and sections that were interested in different branches of the propaganda. It was difficult to induce those who believed in forest protection to take an interest in irrigation or in swamp-land reclamation or in water-power development, and it was difficult to interest those who believed in the development of each of these in forest protection. The result has been that Congress has proceeded in a spasmodic and fragmentary way to legislate upon each of these questions separately, without realizing that they were interdependent, and that joint plans involving the development of all would tend toward the best development of each.

In the movement for waterway development it has thus far been difficult to enlist the warm and active interest of the Senators and Representatives from the Atlantic coast States. They had been accustomed to the methods of shaping the river and harbor bill through the initiative of Members and Senators and through the work of the Engineer Corps of the Army, which, forbidden to exercise the power of initiative and the power to make suggestions or present comprehensive plans, was confined in its work to unrelated projects, as provided for through the individual recommendations of the Senators and Representatives of the various States.

The rapid denudations of the White Mountains and the Appalachian Mountains, the increasing rapidity and irregularity of the run-off, the erosion of soil, and other evils consequent upon forest destruction, brought the representative men of the States of Maine, New Hampshire, and Massachusetts, as well as of Virginia, North Carolina, South Carolina, and Georgia, to a realization of the necessity of legislative action, and finally brought these representatives, by reason of a common interest, into a union of action, which, after numerous attempts and failures, resulted in the passage of the pending bill, known as the Weeks' bill, through the House of Representatives—a bill which does not pretend to enter into the larger problems of navigation at all, but simply seeks the acquisition of these forest lands by the National Government, under the system of cooperation between the Nation and the States first suggested by the inland waterways bill.

And so, having adopted the methods recommended by the Inland Waterways Commission, by President Roosevelt, and by Secretary of War Taft as applicable to comprehensive waterway development, they applied them simply to the restricted area of the acquisition of forest lands; thus, while relying upon the power of the Nation over interstate and foreign commerce as the constitutional basis of this bill, they entirely ignored navigation itself and simply sought to acquire these forest lands under the powers of the Nation over navigable rivers.

The real thing they had in mind was not navigation but forest preservation, and they proposed to use the power of the Nation over navigation simply as a means to an end.

POWER OF THE NATION TO REGULATE STREAM FLOW.

I do not doubt the power of the Nation to acquire property or to do work that either directly or indirectly accomplishes the regulation of stream flow in navigable rivers or their tributaries, and I do not doubt the power of the Nation to do this either in one comprehensive measure, or piecemeal, taking up the forests, irrigation, drainage, water storage, bank protection, and dredging, each by itself, separately. But I do contend that the piecemeal way is a very injudicious method of approaching the question; injudicious because broad and comprehensive plans, requiring dovetailing of these various acquisitions and works with each other, are absolutely necessary in order to secure economy of expenditure and efficiency of development. And injudicious also because successful legislation giving satisfaction to those interested in one form of river protection or development eliminates them from the support of broad and comprehensive plans, and thus by a gradual process the minor interests are satisfied, whilst the major interest the one in which the Nation alone, by virtue of its sovereignty, is interested—namely, the promotion of navigation—suffers.

I have thought it particularly desirable that we should secure the valuable support of the Senators and Representatives from the Atlantic coast States for the major proposition, and that we should not emancipate them from interest in the major proposition by giving them all that is involved in the minor propositions which they support so enthusiastically. I have feared that if the minor propositions are considered simply in detail, one after another, much of the interest in the major proposition will be lost, and that whilst all of these things may be done under the national power regarding navigation, little if anything will be done in the promotion of real navigation, and that the Government will continue its present piece-meal system of waterway development, which has proved so unsatisfactory in the past.

I have been, therefore, particularly reluctant to free the Senators and Representatives from the New England States, as well as of the Atlantic coast Southern States, from interest in the general subject by aiding them to secure all that they want under this bill, without any assurance of their interest in the broader aspects of the problem.

WHAT A COMPREHENSIVE BILL SHOULD EMBRACE.

The next question that arises is as to the ability of the friends of comprehensive waterway development to force the amendment of this bill in such a way as to insure broad and comprehensive plans for general waterway development. I do not doubt, Mr. President, that this could be accomplished by an organization which would include the friends of the development of the watershed of the Mississippi with all its tributaries, and the friends of Pacific coast waterway development, and the friends of irrigation development, comprising in all 15 States. I think it is safe to say that if the prevailing apathy and inertia could be overcome and the sentiment of these Representatives ascertained they would be found to favor, first, the creation of an ample fund for river regulation and waterway development, sustained by annual appropriations adequate to the magnitude of the problem aggregating at least $50,000,000 a year; second, that they would include in this development the acquisition and protection of forest areas where the preservation of the forest or woodland cover is necessary to prevent erosion and destructive run-offs, the construction of reservoirs on source streams for the storage of flood waters for irrigation and flood prevention, and the construction of reservoirs on source streams and main streams for the storage of flood waters for the development of water power, the bank protection necessary to confine rivers to their channels, and thus prevent the overflow and secure the reclamation of adjoining swamp and overflowed lands, the dredging of rivers where necessary for the purpose of maintaining a standard channel; third, the coordination of the various scientific services of the Government, both in plans and in works; and, fourth, the cooperation of the National Government with the States in plans and works, with a fair apportionment of benefits and costs.

If such an organization were effected, the great work of river regulation for every useful purpose, including navigation, would be prosecuted with a certainty, a vigor, and a success which has attended the construction of the national irrigation works and of the Panama Canal. The various sections of the country would probably demand that this fund should be fairly apportioned among them.

It is true, Mr. President, that a fund amounting to about $5,000,000 or $6,000,000 annually, called the "reclamation fund," is applicable to the construction of irrigation works in the arid and semiarid regions, but this fund is a revolving fund, which will be kept good by the sale of water rights, so that every

dollar of the cost of the works constructed with that fund will be paid back to the National Government. It has already been shown that this fund has been scattered over too large an area, namely, about 13 States and three Territories. Many of the projects involve the storage of waters upon the Snake River, the Missouri River and its tributaries, and the Platte and the Arkansas Rivers, all of which flow into navigable streams; and it is the contention of western men that the reclamation fund should be relieved of the cost of the storage reservoirs on the source streams of navigable rivers, and that such fund should be applicable only to those streams and waterways of the arid region which empty into the Great Basin and do not constitute any part of our navigable system.

I feel that the apportionment of a waterway fund as between sections would secure contemporaneous work in all of them, and by this step we abandon the spoils system, the piecemeal system, and the fragmentary legislation of the past, and would place the whole scheme of river regulation and river navigation under scientific control, involving the cooperation of all who have any knowledge of or experience regarding the waters of the United States, and involving the cooperation of 46 sovereign States with the Nation in this great work.

It was my original purpose, Mr. President, to have attempted to secure such an organization of the Senators outside of the States affected by the White Mountain and the Appalachian Mountain forestry questions as would enlarge this bill and make it effective in this great national work, at the same time securing to the region of the White Mountains and the Appalachian Mountains not only the benefits of this bill but the benefits of enlarged legislation.

THIS BILL ESTABLISHES A CONSTITUTIONAL PRINCIPLE.

But it has been represented to me, Mr. President, that a successful attempt to amend this bill in the Senate may involve renewed attacks upon it by the enemies of the measure when the bill goes into conference, and that in the pressure of legislation there is a possibility that in that event the bill might fail of final consideration.

I should regard that as a misfortune, because this bill is beyond all question a step in advance in the right direction. It establishes and applies a constitutional principle of vast importance, which is that the regulation of the flow of rivers by the protection of the watersheds from denudation and erosion, and the preservation of forests as sources of water supply, is a proper function of the National Government under its power to maintain the navigability of rivers.

That principle being established, the practical working out of the problem in its larger aspects may be left to later legislation, and it would be most unwise to jeopardize the distinct advance in the application of right principles made by this bill because it does not go as far as it ought to go in the broader application of that principle.

In the face of such considerations I have decided not to make any effort to enlarge the scope of this bill by amendment. I have applied my efforts entirely to an endeavor to commit the friends of this bill to the larger legislation in the future which I have outlined. Recently, before the Committee on Forestry, which has this bill in charge, I stated frankly the embarrassments under which I labored in continuing my efforts to enlarge this bill, and I am glad to say that there was but one expression in the committee, and that was of interest in and sympathy with the larger legislation which I have outlined—not an absolute committal to all its details, but an indication of friendliness to the general line of action proposed.

For these reasons, Mr. President, I advocate and urge upon the Senate the passage of this bill without any amendment of any kind whatsoever. I shall vote for it, in the hope that the Senators and Representatives throughout the regions affected will realize that, having authorized these large expenditures and acquired these large interests under the national power regarding navigation, they will see to it that proper legislation is enacted in the future that will promote navigation and facilitate the transportation of both freight and passengers by water and bring to the country all the far-reaching advantages that would result from the practical carrying out of a comprehensive plan for the regulation and control of the flow of rivers, primarily in aid of navigation, but as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and forest fires.

I am now preparing such a bill and will no doubt be able to introduce it for the consideration of the Senate in the very near future. In the meantime I hope that every Senator who favors a broad national policy for the fullest enlargement and regulation for beneficial use of the water and forest resources of this entire country will support this White Mountain and Appalachian bill and oppose any proposition for its amendment at this time.

COUNTRY DEMANDS FULL DEVELOPMENT.

From this time forth we must realize that the country needs and will demand from Congress legislation that will include the full regulation, improvement, and development of all the waterways of the United States under broad and comprehensive plans. We have enacted into law such broad and comprehensive plans regarding the irrigation works of the country, and as the result of only eight years of work we have to-day 23 projects, some completed, and all well along toward completion.

BOARD OF CONSTRUCTIVE COOPERATION.

We entered upon broad and comprehensive plans regarding the Panama Canal, and instead of wasting time over the discussion of the various engineering problems of that great enterprise, as to whether there should be one lock or two or three—questions relating to the Gatun Dam and the Chagres River and other questions—we determined to go ahead and build the Panama Canal, and we gave the commission ample powers and ample funds, and as the result of the wise judgment of Congress in so doing we find that work rapidly approaching completion.

I originally had in view, Mr. President, the enlargement of this bill by providing for the cooperation of all the scientific services of the Government which relate in any way to the control or use of water, through a board to be created by the President and in aid of the Engineering Corps of the Army, now vested by law with the control of the great works for the improvement of our rivers.

I proposed also to seek an amendment providing machinery by which the Nation could cooperate with the States in this great work in such a way as not to involve the intrusion by one sovereign upon the jurisdiction or the power of the other, but to unite all sovereigns, National and State, in this great work, by providing the machinery of cooperation and providing for a proper apportionment of costs and of benefits, so that instead of wasting time in an endless discussion upon the question of what belongs to the national power and what belongs to the State power, what belongs to the national jurisdiction and what belongs to the State jurisdiction, we could unite the powers and the jurisdiction of all in team work intended to create a common benefit for all the people of the United States.

AN ENTERING WEDGE FOR LARGER LEGISLATION.

Mr. President, I am told to-day that owing to the brief period of the session now before us, the great rush of business, there is a well-founded fear that if this bill is amended and goes into conference it may fail of final action.

I should deplore such a result. Whilst I favor a larger bill, with more comprehensive powers, providing a larger fund and providing for the concurrent work under the bill in all sections of the country, I should deplore the failure of this bill, for I am in hopes that it will operate at least as an entering wedge to the larger legislation to which the friends of the waterways of the country are addressing themselves.

When I last week appeared before the Committee on Forestry, which has this bill under its jurisdiction, I presented to them frankly the embarrassments under which I was laboring, endeavoring to urge upon them the importance of enlarging this bill, and, if that was impossible, endeavoring to convince them that they should aid the friends of the waterways later on in securing the larger legislation to which I have referred.

I was glad to find that the minds of the members of that committee were hospitable to the larger legislation, and that whilst it was unreasonable, of course, to expect their acquiescence as to all details, they were disposed to cooperate with the friends of the waterways in this country in larger and more comprehensive legislation.

IMPORTANCE OF REGULATING RIVER FLOW.

Mr. President, what does the development of the waterways as efficient machines for transportation require? It requires primarily the regulation of river flow; that is the first thing that must be controlled. For if the flow of the rivers be regulated in such a way as to avoid the extreme of floods and the opposite extreme of low water we will always have in the rivers a navigable stage of water to transport boats for passengers and freight. If we regulate the stream flow, in order practically to standardize our navigable rivers, we will have accomplished almost everything that is desirable in regulating these rivers for the purposes of interstate commerce.

How can that stream flow be regulated and controlled? First, by the prevention of floods. The necessity for protection from and the prevention of floods lies right at the foundation of any broad policy for maintaining permanently navigable channels in our rivers.

And how are floods to be prevented? We can make use of the natural reservoirs which nature has afforded for the absorption of the waters that fall from the heavens, and we can create artificial reservoirs for the storage of flood waters.

ENORMOUS ANNUAL DAMAGE BY FLOOD.

Now, what are the natural reservoirs of waters? Clearly, they are the forests and the agricultural lands which absorb the rainfall and the melting snows. Our aim should be to everywhere increase the porosity and absorbent properties of the soil, so that it will absorb as much as possible of the waters that fall from the heavens and thus prevent the precipitate run-offs which swell our streams and navigable rivers into great floods, hurling destruction along their pathways and inflicting an annual damage upon property which it is estimated aggregates the stupendous sum of nearly $200,000,000 every year in the United States.

The forests are the first natural reservoirs to be considered, for whilst there may be a question of doubt as to whether or not the denudation of the forests, the destruction of forest growth, will diminish rainfall, there can be no doubt whatever that the destruction of forest growth will diminish the absorption of falling waters by the soil.

FLOODS CAUSED BY DEFORESTATION.

The reports of the Geological Survey and of other scientific agencies of the Government, selections from which I shall ask the privilege of inserting in my speech, show clearly that wherever there has been a destruction of forest growth there follows immediately a hardening of the surface, the erosion of the soil, and the rapid run-off which carries the soil and the silt and the material from the mountains and hillside slopes down into the channels of the navigable rivers, so that the preservation of the forests upon these great watersheds, not only the watersheds of the navigable rivers themselves, but the watersheds of all the source streams, is an essential element in the control of the floods which affect the channels of navigable rivers.

The next thing to consider is the increase of the absorbent properties of the soil itself wherever it is farmed and cultivated. The aid of the Agricultural Department and of its scientific men is demanded in this direction so as to promote such systems of plowing and of cultivation, and of terraced and irrigated fields, as will facilitate the absorption of the moisture falling from the heavens immediately into the ground. In that way we will prevent the washing of the soil into the creeks and streams and finally into the navigable rivers, and thus arrest the constant flow of vast areas of alluvial soil down into the Ohio, the Missouri, and the Mississippi Rivers and finally into the Gulf of Mexico; and also from the Appalachian Mountains and the White Mountains and the Allegheny Mountains down the rivers that flow into all the channels emptying into the bays and sounds on the Atlantic seaboard.

In that manner we will not only perform the work of facilitating the storage of water in the soil by intelligent methods of cultivation and thereby aid in regulating river flow, but we will also prevent the enormous soil waste of the country which is robbing the existing cultivated areas of vast amounts of fertile cultivable soil and depositing it in our navigable rivers and bays and sounds and gulfs.

The next thing to be considered is artificial reservoirs. The people of Pittsburg have recently caused to be made a survey of the watersheds of the Allegheny and Monongahela Rivers, and they have found there many large sites that can be utilized for storage purposes. They are seriously studying the question of constructing these reservoirs with a view to avoiding the destructive floods which at present inflict an annual injury upon Pittsburg, and in the year of the great flood of 1907 caused damage in that city alone amounting to from five to ten million dollars.

FLOOD PREVENTION AN INTERSTATE PROBLEM.

And so it is everywhere. Various localities are considering this question of flood destruction and are working at the problem, not only in its local aspects but in its national aspects. The States that are at the lower end of these rivers are beginning to realize that it is the duty of the States above them and of the Nation to see to it that the lower States are not damaged by disastrous sudden run-offs and floods and freshets. They are beginning to see that the question of the regulation and development of these interstate rivers and the control of these flood waters is not a purely local matter attaching to the locality threatened with impairment or destruction. It involves the power of the entire Nation, for these rivers with their sources exist utterly regardless of State lines and the power to be exercised over them ultimately and in the greatest degree is the national power over navigation.

Mr. President, it is true that the main power over these rivers is in the Nation, and that it arises from the power which gives the Nation the control of transportation, the control of interstate commerce, the control of navigation. But that is the only interest which the Nation has in these rivers which gives it power to regulate and control them. Every other interest belongs either to the States or to the inhabitants of the States or to agencies created by the States, and hence it is necessary, if we are to have a full development of these rivers for every useful purpose, to see to it that the Nation is brought into cooperation with the States in the study of the problems involved and in the execution of works relating to the regulation and development of our rivers.

STORAGE RESERVOIRS AID NAVIGATION.

Now, Mr. President, the artificial storage of waters accomplishes two purposes. In the arid and the semiarid regions it provides for the impounding of flood waters which are led out over the thirsty lands, adjacent to the rivers, and are there absorbed by the soil and prevented from flowing down below and vexing neighboring States at the period of floods, and they are there held until they gradually seep through the soil back into the rivers themselves. They thus return to the channel in the form of return seepage during the period of drought and low water, when they augment the flow of the river and enlarge the usefulness of its channels for purposes of navigation. So the artificial storage for irrigation of water in the Rocky Mountains, upon rivers which are tributary to the Mississippi and the Missouri; and in the Sierra Nevada Mountains, upon streams which are the sources of rivers that empty into the Pacific Ocean, becomes a question not only involving the neighborhood in the reclamation of arid lands, but involving the entire scheme of river regulation and waterway development below in the interest of flood prevention and of navigation.

ELECTRICITY AND WATER-POWER DEVELOPMENT.

Then there is another use to which the stored water can be put, and that is to the development of water power. Electricity is entering more into the daily lives of our people than any other element, and water power is the cheapest method of developing electricity. These rivers descend from mountains and from high levels to lower levels and on their way downward it is possible to collect these flood waters into storage reservoirs so as to make the power available for the development of electricity whilst at the same time performing the great function of preventing flood destruction and of promoting a standard flow in the channels for the purposes of navigation.

Mr. President, if this is the case, if navigation depends upon the regulation of river flow, if the regulation of river flow depends upon the prevention of both high water caused by the floods and low water caused by the droughts, then the storage of water in our forests, and in our soil, and in artificial reservoirs for irrigation, and in artificial reservoirs for the development of water power, all constitute a part of any legitimate scheme for the development of our rivers for navigation, and the Government can undertake each and every one of these incidental questions as a part of the great undertaking of promoting navigation.

STATES SHOULD CONTRIBUTE TO COST.

I do not question the power, therefore, of the Nation to enter upon all these works exclusively and regardless of the States, but I favor a system of cooperation between the States and the Nation which will enlist the active interest of the States in these plans and works with a view to enlisting their cooperation in the way of contributions to the cost, inasmuch as they join with all other States in the receipt of benefits.

Mr. President, what have we been doing with reference to the regulation of the flow of rivers? Have we made any progress thus far? For a hundred years we have been improving our rivers. Where can anyone point out to me any well-developed plan for the regulation of river flow? Oh, yes, we have passed bills for dredging channels here and there, taking out the silt and the soil which has been allowed unnecessarily to drift into those channels. We have also provided in places for bank protection by raising the levees so as to prevent the flood from overflowing the adjoining lands, and with a view to maintaining a definite and fixed channel for an otherwise capricious river. We have done that, but we have never entered scientifically upon the question of the regulation of the flow of a river, involving standardizing the flow of that stream by storing the floods when they are likely to be destructive and using those flood waters for beneficial purposes, utilizing not only the natural reservoirs of the country in the shape of the forests and the cultivable soil, but also the artificial reservoirs necessary for the promotion of irrigation and the development of water power.

Incidentally, in connection with this question of river regulation, comes the question of swamp-land reclamation, the antithesis of the irrigation of the arid lands of the remote mountain regions, for just as you have too little water above and you desire to increase the supply of water to the land by artificial storage and irrigation, so below you have too much water, and you seek to avert the destructive floods which prevent the cultivation of vast areas by storing these flood waters above for irrigation and water power, and by erecting levees and providing for the revetment of the banks with a view to harnessing and controlling the rivers in such a way as that they will not promote destruction or interfere with cultivation.

AN ADEQUATE FUND MUST BE CREATED.

Mr. President, it being perfectly evident that we ought to enter upon this thing in a broad and comprehensive and scientific way and that we should no longer indulge in the fragmentary legislation that we have indulged in for a hundred years, we must also develop a fund that is equal to sustained effort. What has created the success of the irrigation works and of the Panama Canal enterprise? The creation of a large fund at the very beginning which would operate continuously in the successful advancement of the work. The matter of river regulation and development should not be allowed to rest upon the accidental legislation of a session. We should at the very start declare our purpose to create a fund in which shall be deposited annually at least $50,000,000 for this work of river regulation alone. We should dedicate that fund to the work under comprehensive plans brought about by the cooperation and coordination of the various scientific bureaus and services of the Government, enlisting all their energies in river regulation, control, and development. We should announce our determination that we intend to go into this enterprise in a big way. That will give heart to the engineers and scientific men who propose to enter upon the work by the assurance that it will be intelligently and diligently prosecuted.

CONGRESS IS LAGGING BEHIND PUBLIC OPINION.

Mr. President, one reason why I was disposed to object to the consideration of this bill and to oppose its passage was that I feared if we allowed the people of New England and the people resident in the region of the Appalachian Mountains to get just this one thing that they wanted, namely, the acquisition of these forest lands by the Federal Government, their interest in the general problem which affects the entire Nation would cease. This waterway agitation has been going on for years. Public opinion has been formed upon it. Congress is lagging behind public opinion upon this question.

Waterway associations and congresses and conventions have been meeting throughout the entire country, upon the Pacific coast, in the Mississippi River Valley, in the Missouri River Valley, the upper Mississippi, the Cumberland, and the Ohio. Waterway associations have been meeting on the Atlantic coast. They have presented their resolutions in favor of broad and comprehensive plans and they have shaped the opinion of the country, which sustains them through the utterances of our newspapers and our magazines. Yet Congress has not moved efficiently upon this subject. It is taking it up in sections, or it is taking up a project here and a project there and a project at some other place, all unrelated to each other—the interest of a Senator or a Congressman being in the particular project within the area of his constituency, and that alone.

AN UNSCIENTIFIC SYSTEM OF CONSTRUCTION.

So we have had a system of constructing unrelated projects as unscientific as would be the construction of a railroad with 10 miles of rail laid here and 10 miles of rail laid there and a station house built here and a sidetrack there, without connecting them together in such a way as to make them efficient for transportation.

The development of a waterway for transportation requires a work as scientific and related as does the development of a railroad; and yet we have been contented with these sporadic and unrelated projects without plans that would provide for continuous waterways, an inland waterway all the way from Boston down to Florida on the Atlantic coast, including the sounds and bays and gulfs upon that coast and their connection with each other, a waterway along the Gulf coast from Florida to Texas and taking in all the rivers that flow from that Gulf coast; a waterway of the Mississippi River with all its tributary streams, the Cumberland, the Tennessee, the Ohio, the Missouri, and the upper Mississippi, and their tributaries; a waterway of the rivers upon the Pacific coast all the way from their source in the mountains amid the arid lands down to their mouths in the Pacific Ocean—continuous waterways with standardized channels and standardized boats and barges that would make them efficient for transportation.

PUBLIC SENTIMENT IS RIPE FOR ACTION.

Public sentiment is ripe upon this question and Congress has lagged behind. Here we have another piece of fragmentary legislation, whose real purpose as it first originated was not the development of navigation at all, but simply the acquisition of forest lands with a view to the protection and development of water power in the States affected.

Having failed in their efforts to prevail upon the United States to go into this work as a matter of water-power development and local forest preservation, they have now fastened upon the interstate-commerce power of the Constitution as the basis of the acquisition of these lands. But in no respect have they provided the machinery to promote and to regulate the commerce of the United States. They utilize the power of the National Government in order to acquire these lands, but they do not seek to meet the national purpose, that purpose being the promotion of commerce between the States. This view would have justified continued opposition upon the part of the friends of waterways for this bill had it not been for the fact that the Senator in charge of the bill and the friends of this measure have given the friends of the waterways of this country definite assurance that they sympathize with them in their views regarding these broader plans, and that the passage of this bill is but a step toward the ultimate goal which we hope to reach.

THE COUNTRY IS "EDUCATED UP."

The Senator from Connecticut declared in his comment upon the amendment which I proposed to make to this bill and upon measures which I have heretofore introduced upon the subject of waterway development, that the country is not yet educated up to the measure of the bills which I have had the honor to present. Let me say to the Senator from Connecticut that the country is "educated up," but the Congress is not "educated up." That is the difficulty. We always lag behind public opinion, and perhaps rightly so. Perhaps we ought to wait until we definitely ascertain what the people want before we act, and thus we are justified in being followers of public opinion rather than leaders of public opinion. But I submit to the honorable gentleman that this country is "educated up" to the full measure of the bills which the friends of the waterways have introduced, and that it remains only for Congress to be "educated up."

One of the great difficulties which we have to meet in this question is the disposition of every man to hold on to whatever power he has. Unfortunately, in the development of our constructive policies in this country both relating to public buildings and relating to our waterways the temptation has always been to maintain the individual power of a Senator or Representative in legislation rather than for a broad and comprehensive plan that will put the control of these matters under the direction of science and art and constructive ability.

Mr. President, I have a few words to say with reference to the remarks of the Senator from Ohio [Mr. BURTON]. The Senator from Ohio alludes to this bill as a subterfuge. I have in the past been somewhat inclined to take that view myself. Judged by the history of the bill, this term might well be deserved, for it is only recently that they attached themselves to the interstate commerce power of the Constitution, which enables the bill to go through as a legislative measure. But I would not be inclined in the light of present events to call it a subterfuge, for I feel assured that the Senators and Representatives who have so ardently supported the bill are now educated up to the requirements of the legislation urged by the friends of full waterway development. So I regard this bill as simply a step in the line of ultimate accomplishment and not as a subterfuge.

FORESTS PREVENT EROSION AND FLOODS.

The Senator from Ohio sought to show that the existence of forests did not increase the rainfall. I do not think it is necessary at all to this controversy to consider that question. That may remain a moot question, some scientists ranging themselves upon one side and others upon the other. The question which we have before us is, Do the forests serve efficiently as a means of storing the waters that fall from the heavens, whatever the volume of that water may be? Do they arrest the flow into the streams and rivers? Do they prevent the destructive run-offs that are caused by the waters falling upon a smooth or a hard surface? Do they prevent the erosion of the soil and the rushing of the débris into the swollen waters of the creeks and streams down to the navigable rivers, choking up the channels so necessary for navigation? There can be but one answer as to that. So it seems to me that a proper part of the development of all the rivers for navigation is the regulation and control of the flow of the river by the acquisition and control of these large forested areas—a part of it through ownership, a part of it

through legislation—which will prevent the destructive losses to which I have referred.

$50,000,000 A YEAR NEEDED FOR 10 YEARS.

The Senator alludes to the cost. This work is going to cost a great deal of money. We ought to have $50,000,000 a year for the next 10 years at least, and probably more, to carry out a great, comprehensive, and effective plan for the regulation—the standardization, so far as that is possible—of the flow of our navigable rivers, which must include all their tributaries and source streams. We ought to contemplate an expenditure of $500,000,000 within the next 10 years for that great national purpose.

And why should we not? We have been spending $50,000,000 a year upon the Panama Canal, which will have been completed within a little more than 10 years from the time it was inaugurated. It will cost nearly $500,000,000. Can anyone pretend that that work is one of greater value than that contemplated in harnessing the rivers of the country and controlling them for the purposes of navigation, controlling them with a view to preventing the great flood destruction which to-day aggregates nearly $200,000,000 per annum?

Will anyone compare the beneficence created by the completion of the Panama Canal with that which will be accomplished by the development of our navigable rivers within the next 10 years by an expenditure of $50,000,000 annually? Why should we not assume that cost in view of our large expenditures upon the Panama Canal? Why should we not undertake that cost, when we reflect that to-day nearly $400,000,000 annually is being spent, either as the result of wars that have already passed or for protection against war in the future?

If we can spend $400,000,000 annually in matters regarding war, can we not spend $50,000,000 annually in the works of peace? Can we not devote the cost of at least three or four Dreadnoughts annually to the great work of internal improvement and internal development?

I submit to the Senator from Ohio—and I am sorry he is not here—that his course, in my judgment, is not guided by the highest wisdom with reference to this matter. The Senator was for many years the honored chairman of the Rivers and Harbors Committee of the House. He was there all-powerful because of his great knowledge and his great industry and his high capacity. But he was chairman of the Rivers and Harbors Committee at a time when the effort was to prevent river development, not to promote it, and he has taken up so much time and has expended so much energy in applying his hand to the brakes that it is almost impossible for him to furnish any of the motive power that is essential in this great forward movement for river regulation and improvement.

COUNTRY NOW DEMANDS CONSTRUCTION—NOT INVESTIGATION.

The Senator from Ohio is of immense value to the country in all merely cautionary matters, but his advice should not be taken when he opposes a great and much-needed constructive measure.

It is true the Senator from Ohio joined with me in a report of the Inland Waterway Commission some years ago, in which we unanimously urged the policy which I am advocating now, the creation of an ample fund, the cooperation of the scientific services and bureaus of the Government in this work, the cooperation of the States in the apportionment of costs and benefits, and the reclamation of swamp lands, the development of water power, and the protection of forests as incidentals in that great work. Yet instead of aiding us in the creation of a great constructive commission which could undertake this work and carry it out to accomplishment, the Senator's efforts have been expended in creating a legislative commission called the National Waterways Commission, whose sole purpose is not to do but to think. The American people want some kind of an organization that will do. They are of the opinion that Congress has thought long enough upon this subject to enable it to do, and to start now to do the right thing. We have lived through the era of investigation. It has lasted too long. The people are now ready for construction. They are demanding it with no uncertain voice.

And here let me say that whilst I do not question the capacity of any Member of Congress, or any Senator, to serve upon such a commission and to do great and useful work where he gives his entire time and energies to it, I do claim that a Member of this body or a Member of the House of Representatives can not efficiently serve the country as a member of a great commission of that kind and at the same time discharge the usual and accustomed duties that belong to his office here.

CEASE CONTEMPLATION AND BEGIN ACTION.

The Senate and the House are overloaded with work. The men on this National Waterways Commission are overloaded with work. We are now asked to add two years more to the period of their life, two years more to be devoted to contemplation when the country demands action. I trust that the application of the Senator from Ohio, his ability, his knowledge, and his long experience relating to all these questions will not be permitted to serve as a brake to the desire of this body for constructive action. I trust that the Congress of the United States will move on with the vigor and the energy that any large private enterprise would move on with in a great work of this kind.

I am now preparing a bill somewhat different in form from the bills I have heretofore offered for the development of our inland waterways. It recognizes that the primary and fundamentally important question which must first be solved in working out a complete plan for waterway development is the regulation and control of river flow. Until that has been done all other plans for river improvement remain incomplete and inadequate. The volume of water flowing in a river, and the regulation of that flow, is and always must be the basis and foundation upon which all plans for river improvement and utilization must be built.

The bill brings together for effective cooperation—for team work—the scientific and constructive services and bureaus of the Federal Government that relate to water in their work, and also provides for enlisting the cooperation of the States, municipalities, districts, and other local agencies with the Nation.

The bill eliminates any apparent conflict of authority or power between the Nation and the States by bringing them into complete cooperation and coordination, each within its own jurisdiction and unquestioned constitutional authority and power.

The bill will actually accomplish the things that are aimed at, but which will not be adequately accomplished by the bill now pending before the Senate. It will bring a full realization instead of disappointment to the hopes of those who have for 10 years worked for national forests in the East.

It will regulate and practically standardize the flow of the great navigable rivers of the country—the Ohio, the Missouri, the Mississippi, the Columbia, the Colorado, and the Sacramento, and their tributaries.

In doing so, and as a means to that end, it will protect from destructive floods the cities and communities, the farms and plantations that line their banks.

It will, by the storage of the flood waters in surface reservoirs and in the ground, control for beneficial use the floods that now cause such appalling waste and destruction. That use will include water power and fertilizing and irrigating farm lands for crop production, thus reducing the cost of living by enormously increasing food production.

It will save the country the enormous annual losses from forest fires that now devastate and denude our mountains and hillside slopes and dry up the sources of water for our rivers.

It will provide a way to completely accomplish the reclamation of all arid or semiarid and all swamp and overflow lands by building irrigation and drainage works that will directly influence and regulate the flow and navigability of our rivers.

The fact undoubtedly is that the problems of forestry, irrigation, drainage, flood protection, water-power development, and enlarged food production by the intensive cultivation of small farms are but parts of one great whole, which is the conservation and regulation of the water supplies of the country, which are the sources of the waters flowing in our navigable rivers and necessary to navigation.

It is therefore essential to any complete and adequate solution of the great problem of maintaining a navigable stage of water at all times in our navigable rivers that all these interrelated and indivisible questions should be considered together in making plans for river regulation.

The bill I am referring to and which I propose to introduce, will accomplish that object. That is its purpose. It is almost ready now, and I shall ask to insert it in my remarks.

I shall also ask to insert certain data and extracts from public documents and other publications relating to these questions of river regulation and control for waterway development.

The PRESIDENT pro tempore. The Chair hears no objection to the request and it is granted.

The bill referred to is as follows:

A bill to create a Board of River Regulation and to provide a fund, for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies.

Be it enacted, etc., That the sum of $50,000,000 annually for each of the 10 years following the 1st day of July, 1911, is hereby reserved,

set aside, and appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the "River Regulation Fund," to be used for the regulation of interstate commerce and in aid thereof for examinations and surveys and for the construction of engineering and other works and projects for the regulation and control of the flow of navigable rivers and their tributaries and source streams, and for the standardization of such flow, and for flood prevention and protection, by the establishment, construction, and maintenance of natural and artificial reservoirs for water storage and control, and by the protection of watersheds from denudation and erosion and from forest fires, and by the maintenance and extension of woodland and other protective cover thereon, and by the reclamation of swamp and overflow lands, and by the building of drainage and irrigation works, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, holding, using, and transferring lands and any other property that may be needed for the aforesaid purposes, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act; the purpose of this act being river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as the river and harbor acts.

CREATION AND MEMBERSHIP OF BOARD OF RIVER REGULATION.

SEC. 2. That a board is hereby created to be known as the "Board of River Regulation," consisting of the Chief of Engineers of the United States Army, the Director of the United States Geological Survey, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Bureau of Plant Industry of the Department of Agriculture, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, and one hydroelectric engineer. The last three shall be appointed by the President and hold office at his pleasure, and they shall each receive an annual compensation of $7,500, payable out of the appropriation hereinafter apportioned to the Smithsonian Institution. The members of said board, with the exception of the three members appointed by the President, shall serve as such only during their incumbency in their respective and official positions, and any vacancy on the board shall be filled in the same manner as the original appointment. A chairman and a secretary of the board shall be elected annually by the board from its members.

All formal action taken and all expenditures made or authorized by the board shall be reported to the President of the United States, and shall be by him transmitted to Congress annually, or at such more frequent times as may appear to him desirable, or at such times as Congress may require.

COOPERATION WITH STATES, MUNICIPALITIES, AND OTHER AGENCIES.

SEC. 3. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to an extent at least equal in amount to the sum expended by the United States; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

The board may receive and use any funds or property donated or subscribed to it or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation until the funds to be provided by all parties to such arrangement shall have been made available for disbursement.

ENCOURAGEMENT OF INDEPENDENT INITIATIVE AND CONSTRUCTION.

SEC. 4. That all things done under this act shall be done with a view not only to constructive cooperation, as herein provided, but also with the definite and specific object of enlarging the field of accomplishment contemplated by the act through promoting and encouraging independent initiative and construction by States, municipalities, districts, and other local agencies and organizations, and creating object lessons and building models and making demonstrations that will have that effect and influence, and induce such supplemental and independent action and construction.

CONFERENCE AND COOPERATION OF BUREAUS AND STATES.

SEC. 5. That it shall be the duty of said board to coordinate and bring into conference and cooperation the various scientific and constructive bureaus of the United States with each other and with the representatives of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, and associations in the carrying out and accomplishment of all the provisions, purposes, and objects of this act.

The board shall have authority to call upon and to bring into cooperation any other Federal department or bureau whose investigations or assistance may be found necessary to the carrying out of the provisions of this act, and the board is hereby authorized to defray the expenses of such investigations or assistance through a transfer of so much of its appropriation as may be necessary to the Federal department or bureau thus brought into cooperation.

CORRELATION, COORDINATION, AND ADMINISTRATIVE ECONOMY.

SEC. 6. That the board shall harmonize and unify and bring into correlation and coordination the investigations made, and information, data, and facts collected and obtained by the various bureaus or offices of the Government relating to or connected with the matters and subjects referred to and the questions involved in this act, and to print, publish, and disseminate the same, and it shall exercise such general supervision as may be necessary to provide against duplication or unnecessary, inadequate, unrelated, or incomplete work in connection therewith, and shall make such recommendations to the President as it may deem advisable at any time for the accomplishment of that end or in the interest of harmonious cooperation, efficiency, and economy in carrying out the purposes of this act. The special function of the board at all times shall be to promote the adoption of the best and most approved methods and systems of investigation, administration, construction, and operation, in carrying out such specific improvements, works, and projects as are authorized by this act, or which may be from time to time authorized by Congress, if within the scope of the work of the said board as herein set forth; and it shall further be the special function of the board to effect the largest possible saving as the result of the unification, correlation, and coordination of the work of the various bureaus in the investigations and administrative and constructive work provided for in this act in accordance with existing law or with such provisions as Congress shall from time to time impose.

REPORTS, PLANS, AND ESTIMATES BY THE BOARD.

SEC. 7. That the functions of the board shall be to obtain full information through its members concerning all proposed expenditures provided for within the scope of this act. Each bureau chief member shall report to the board the work proposed by the bureau or organization which he represents, and shall present full plans and estimates covering such proposed construction or action. The findings and conclusions of the board and plans adopted by it for construction and action shall be binding upon the members thereof in so far as may be consistent with existing laws.

REFERENCES TO AND INSTRUCTIONS FROM THE PRESIDENT.

SEC. 8. That all matters involving apparent conflict with departmental authority, jurisdiction, or procedure, or as to which the board may desire suggestions or advice, shall be laid before the President, who may thereupon call into conference the Secretaries of the departments represented on said board, and thereafter suitable instructions shall be issued by him to heads of departments with a view to securing unity of action along the lines approved by the President.

EXECUTION OF PLANS AND WORK BY THE SEVERAL BUREAUS.

SEC. 9. That in the execution of all plans and duties intrusted or delegated to the several bureaus the respective chiefs thereof, acting under departmental regulations and procedure, shall execute the work according to the methods prescribed by law, the functions of the board being those of a consulting and advisory body with power to make recommendations to the President, and through the President to the heads of departments, with a view to effective coordination and cooperation as to all things proposed by this act, and to carry out such work as Congress shall from time to time prescribe or has prescribed in this act.

COMPREHENSIVE PLANS FOR RIVER REGULATION.

SEC. 10. That the board shall develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of source streams and navigable rivers, and embracing, with that object, flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of waters in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, bypasses, and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of river channels from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth, and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works for irrigation and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; and the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of streams and reenforce such flow during drought and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of navigable rivers and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other local agencies and organizations.

SMITHSONIAN INSTITUTION.

SEC. 11. That it shall be the duty of the Secretary of the Smithsonian Institution to give especial attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a Museum of Conservation in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the failure of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land, and in connection with all other industries.

BUREAU OF PLANT INDUSTRY.

SEC. 12. That it shall be the duty of the Chief of the Bureau of Plant Industry to collate and bring together for the information of the board the results of all investigations with reference to soil and the production of crops through the use of water as a fertilizer and stimulant to plant growth, and of the relation of water in excess or deficiency to successful crop production. He shall recommend for the consideration of the board such further investigations as may properly be conducted in connection with the purposes for which the board is created and which shall lead to the largest and most valuable results being obtained through the use of water in connection with successful plant growth and increased crop production, and the establishment of a national system for the information of the people in the intensive cultivation of small tracts of land, with a view to increasing food production and thereby reducing the cost of living and encouraging suburban and rural settlement and homemaking, and the beneficial use of water in connection therewith.

FOREST SERVICE.

SEC. 13. That it shall be the duty of the Forester of the Department of Agriculture to present to the board all essential facts bearing upon the relation of forests to the various problems under consideration and the value and importance of forests and woodland and other growth upon the headwaters of streams and their proper control and extension and protection from fire as regulators of stream flow; also such facts as may be essential to the proper enlargement of forested areas for the protection of watersheds and the maintenance of the flow of rivers during the low-water season and the prevention of denudation and erosion, with consequent silting up of channels, and to prepare and present to the board comprehensive plans for the protection of the forests from fire and other destructive agencies.

GEOLOGICAL SURVEY.

SEC. 14. That it shall be the duty of the Director of the Geological Survey to recommend to the board appropriate surveys and examinations, and upon proper approval cause to be executed topographic surveys of each drainage basin, these being planned with reference to the work contemplated by the board and the immediate demands and needs of the board. Such surveys shall include and show, in addition to the topography, the character of all lands embraced therein, and it shall be his duty to classify the same and designate the best use to which said lands may be devoted in carrying out the provisions of this act. The topographic maps shall be of such scale as will bring out the existence of feasible storage or reservoir sites, and he shall make such additional surveys of specific localities as may be required by the constructing engineers, and in such surveys he shall establish monuments based on geodetic horizontal and vertical control. And the surveys shall be of such nature as to provide adequate bases for geologic investigation and engineering works. He shall also cause measurements to be made of the flow of streams at such places as may be designated by the board as yielding results of largest importance in the discussion of the problems in hand and the execution of proposed engineering works, and shall carry on such studies in river pollution and purification, in water-power possibilities, and other stream investigations as the board may designate. It shall be his further duty to examine all forested lands or lands intended to be afforested or reforested which it is proposed to purchase under this act, and to report upon whether the control and use of such lands will influence the preservation of water supplies or stream flow or tend to regulate the flow of navigable rivers on whose watersheds they are located.

RECLAMATION SERVICE.

SEC. 15. That it shall be the duty of the Director of the Reclamation Service to bring before the board the results attained in the construction of works of irrigation and reclamation throughout the arid and semiarid regions of the United States and the application of the experience thus obtained to the conditions existing in the more humid sections of the United States. He shall extend the surveys and investigations and construction of irrigation works such as are authorized in the act of June 17, 1902, known as the National Irrigation Act, throughout the United States and including reclamation of land by drainage as well as by irrigation: *Provided, however,* That no part of the fund created by the act of June 17, 1902, shall be expended for this purpose. Such further investigations and construction and operations in States other than those covered by the original act above referred to shall be subject to the terms, provisions, and requirements of the said National Irrigation Act that may be applicable thereto, but shall be at the expense of the River Regulation Fund created by this act, and expenditures from said last-mentioned fund may be made in any State or Territory. He shall construct, operate, and maintain, until otherwise provided by law, such irrigation works and systems as the board may determine are needed for the regulation of the streams and rivers and the improvement of agricultural conditions, or for the proper control, disposition, and utilization of sewage or other waste waters which, without such regulation, would pollute the streams or injuriously affect the health or prosperity of the community. He shall also present to the board proposed plans for cooperation with irrigation or drainage projects or enterprises constructed, initiated, or contemplated by States, districts, municipalities, corporations, associations, or individuals, and shall negotiate agreements for coordinating and making more useful works already in existence or proposed through their incorporation into more effective systems.

CORPS OF ENGINEERS, UNITED STATES ARMY.

SEC. 16. That the Chief of Engineers of the United States Army shall present to the board all proposed plans for levees, dikes, revetments, bank-protective and drainage works, and other works for river improvement which are proposed to be built under this act, and also all plans for the construction of reservoirs for the storage of flood waters, for flood prevention and river control which may be proposed to be built under this act, or for which examinations and surveys have been made by or with the cooperation of States, municipalities, or districts, and which it is sought to have constructed under this act, together with such facts and data as may be required for the construction of such works, or any of them, for the regulation of the flow of rivers. He shall also construct, operate, and maintain such levees, flood protection and drainage works and reservoirs as are built in accordance with this act for the storage of water to control and regulate the flow of rivers, and to reenforce such flow in seasons of low water and to prevent floods and protect lands and communities from overflow: *Provided, however,* That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

ENGINEER APPOINTEES OF THE PRESIDENT.

SEC. 17. That it shall be the duty of the three engineers appointed by the President under the direction of the board to consider and present comprehensive plans for the best utilization of the water resources of the United States in connection with river regulation along their respective lines, namely: Questions relating to general construction work; to water polution, water purification, health, and sanitation; and to water-power problems; and to adjust all the plans contemplated for the projects constructed under this act to the central controlling purpose of regulating and standardizing the flow of the rivers of the United States, and to further give expert advice to the board in its consideration of details, problems, and projects; and it shall be their special duty to constantly promote and stimulate harmonious and effective cooperation between the Nation and States, municipalities, and other local agencies in working out constructive plans under this act. And it shall further be their special duty to carefully scrutinize and study the plans presented to the board for consideration, with the view of promoting the fullest possible measure of efficiency and economy in administration and construction, and avoiding all duplication in the work of the respective bureaus.

EQUITABLE APPORTIONMENT AMONG WATERWAY SYSTEMS.

SEC. 18. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the works and projects contemplated under this act among the several waterway systems of the United States.

REPLENISHMENT OF RIVER REGULATION FUND BY BOND ISSUE.

SEC. 19. That the President is authorized, whenever the current revenues are insufficient to provide the $50,000,000 appropriated for the river regulation fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually, and running for a period not exceeding 30 years.

APPROPRIATIONS AND APPORTIONMENT.

SEC. 20. That the moneys hereby annually appropriated in section 1 of this act shall be apportioned and expended by the services and bureaus herein named in carrying out the purposes and provisions of this act and under the direction of the heads of the respective departments and in accordance with existing laws and regulations or such modifications thereof as may be made from time to time in accordance with the general system proposed by the board and approved by the President of the United States, in the following sums annually, which shall be available until expended:

For the Smithsonian Institution, for obtaining information and material relating to the subjects covered by this act in the United States and foreign countries, and publishing and distributing the same to the people of the United States, and for the establishment and maintenance of a Museum of Conservation of Forest and Water Resources, and for any other purposes mentioned or referred to in section 11 of this act, $1,000,000.

For the Bureau of Plant Industry, for the establishment and maintenance of garden schools and demonstration garden farms, and instruction in irrigation in model rural industrial communities and for investigations and instruction with reference to terracing and methods of cultivation on hillside slopes adapted to preventing erosion, and with reference to the use of water as a fertilizer and stimulant to plant growth, and for the acquisition of lands that may be required for such purposes, and for any other purposes mentioned or referred to in section 12 of this act, $2,000,000.

For the Geological Survey, for topographic surveys and the measurement of streams and other hydrographic and hydrologic works, and for the examination of lands intended to be purchased under this act, and for any other things required by the board to be done in connection with any investigation or construction done under this act, $3,000,000.

For the Reclamation Service, for the building of irrigation systems to aid in the regulation of the flow of source streams or navigable rivers through the conservation, utilization, and ground storage of waters in irrigated lands, and for the acquisition and reclamation by irrigation or drainage of specific tracts of lands for intensive cultivation and settlement, and for the building of canals and ditches, and carrying to completion any and all methods of utilizing water for irrigation as a means for river regulation, and for any other purpose mentioned or referred to in section 15 of this act, $10,000,000.

For the Forest Service (*a*) for the protection from fire and insect infestation of national forests, where such protection is essential to the preservation and maintenance of water supplies, and for the acquisition of lands within or near existing national forests or other lands which are necessary to the adequate protection of water supplies, and for building the necessary roads, trails, fire lines, fire-protection stations, telephone lines, and for any and all other things required for such fire protection, including the fighting of fires and the employment of forest guards and rangers, $3,000,000.

(*b*) For the protection from fire of the forested watersheds of navigable streams, for the organization and maintenance of a system of fire protection on any private or State forest lands situated upon the watershed of a navigable river, in cooperation with any State or group of States, as provided for in an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of rivers," known as the Appalachian National Forest Act, and also in direct cooperation with cities, counties, towns, villages, and other owners of woodlands and forested areas on watersheds, and wherever essential to the preservation of water supplies and for the protection of such forested watersheds and areas from insect infestation, $1,000,000.

(*c*) For the protection, perpetuation, enlargement, maintenance, regulation, and control of water supplies by the establishment and maintenance of forest nurseries, the planting or replanting of forests, the reforestation of denuded areas, the carrying out of silvicultural improvements in the national forests, and the establishment and maintenance of forest plantations and parks and the acquisition of lands therefor to provide instruction in the planting and care of trees and forests for the purpose of awakening and maintaining a local interest in and knowledge of the relation of forests to the preservation of water supplies and stream flow, $1,000,000.

(*d*) For the acquisition of forest lands by and through the National Forest Reservation Commission as and in the manner provided for in

the Appalachian National Forest Act above referred to, subject to all the conditions and requirements contained in said act, $5,000,000.

Provided, That the provisions of the said Appalachian National Forest Act shall, after the expiration thereof by limitation, still continue and be in force with reference to all moneys made available for expenditure thereunder by this act, either for fire protection or for the acquisition of forest lands.

For the Corps of Engineers, United States Army, for building and maintaining revetments, dikes, walls, levees, embankments, gates, waste-ways, by-passes, flood-water canals, restraining dams, impounding basins, and bank-protective works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams and navigable rivers, and reenforce such flow during drought and low-water periods, and for the operation and maintenance of the same, $24,000,000.

Mr. BRANDEGEE. Mr. President, I was about to ask if we could not now agree upon an hour at which the vote might be taken; but I do not see the Senator from Ohio [Mr. BURTON], and I shall wait until he enters the Chamber.

Mr. SIMMONS. Mr. President, I am very reluctant at this late hour in the evening to inflict a speech upon the Senate, but the importance of this question and the great interest of my State and the section from which I come, as well as the country at large, in this bill impel me, notwithstanding the evident desire of the Senate to reach a vote, to ask its indulgence. I promise to be as brief as possible.

In connection with the nation-wide movement for the conservation of our natural resources, it has been said, and I think truthfully, that no measure which has been evolved out of this agitation and presented in concrete form to the country is of equal importance with the measure now under consideration. In fact, I doubt whether there is any measure of any kind now pending before Congress or the country which has received such universal approval from public men, from great commercial, educational, political, and scientific associations, and educational, technical, and scientific periodicals and journals as has this measure. Most of the leading journals and great organizations of the country, such as the National Conservation Congress, the American Society of Civil Engineers, and so forth, have indorsed this bill in specific terms, showing not only the general approval of the project, but of this bill as a fit instrument for carrying it into effect. Not only this, but many State legislatures have given it their specific indorsement, while the remarkable spectacle was presented in the hearings before the House of governors of great States appearing to give personal testimony in its behalf.

The opposition to the measure, as compared with the approval it has received, is almost negligible. Even Col. Chittenden, of the Corps of Army Engineers, who has written a lengthy and exhaustive paper which is supposed to represent the opposition views in the strongest light, whose paper was largely relied upon by the minority of the House committee in their report against the bill and which has been extensively quoted by the Senator from Ohio [Mr. BURTON] in his elaborate and able argument against the bill to-day, in a footnote to his paper which I find printed in the Transactions of the American Society of Civil Engineers, volume 62, page 505, shows that, whatever may be his views with respect to forestation, upon rainfall and the flow of water under certain conditions he does not doubt either the authority of Congress to enact this legislation or its wisdom. Here is what Col. Chittenden says in the footnote to which I have referred:

> The writer is glad to note a desire on the part of Congress to enter upon this work on broad lines, without restricting it to any particular section of the country. The Weeks bill, favorably reported on January 26, is a step in the right direction. It is to be hoped that this, or some equally comprehensive measure, will become a law.

Mr. President, if Congress has not the authority to pass this measure, and if it is not a wise measure, then it would seem that out of all this agitation for the conservation of our natural resources but little of practical value can be expected through the National Government.

I do not believe myself that the powers of the Government are so limited that we can not do this most necessary thing in the work of conserving our natural resources; nor do I believe that the judgment of the Nation, after mature discussion of a practical proposition like this, is so unreliable that Congress can not safely rely upon the practically universal verdict of the people.

This measure involves three propositions: First, it authorizes and empowers the States to enter into contracts with each other to protect the watersheds of navigable streams; second, it appropriates $200,000 to enable the Secretary of Agriculture to cooperate with the States and individual landowners to provide adequate fire protection upon the watersheds of navigable streams; and, finally, it provides for the acquisition by the Government, under certain conditions, of land constituting the watersheds of navigable streams.

Nobody, so far as I have heard, objects to the first two propositions. The objection is to the last proposition, and it is based upon two grounds: First, that it embarks the Government upon a new and untried policy that will probably ultimately involve a very large expenditure of money; second, that the Government has no constitutional power to purchase land for forest reserves, unless the control of such lands is necessary to promote or protect navigation, and that forestation has no connection with navigation.

Mr. President, I want to direct my attention briefly, first, to the discussion of the first objection. It is an objection that has been made every time this bill has been before the Senate. The bill has been before us three times, I believe, and three several times we have passed it; once, I think, unanimously, but always by a large majority.

The first time this bill was here there was considerable discussion; but as I now recall, Mr. President, at that time the only objection made against the bill was that it embarked the Government upon a new policy. At that time nobody questioned its constitutionality, so far as I recall. Certainly nobody then pressed the argument before Congress that it would be an unconstitutional exercise of power. That argument seems to be only of recent origin.

Mr. President, upon the question of whether this is a new policy, and whether it is or is not true that the Government ought to embark upon the purchase of lands for the establishment of reserves for the purpose of protecting navigation or for any other purpose, I want to call the attention of the Senate to the fact that during the last two decades—I think I will be safe in saying two—during the last 20 years the Government has established somewhere between 40 and 50 national forest reserves. I do not know the exact number. These reserves are located, I think, in about 15 different States. They comprise altogether about 165,000,000 acres. The smallest one of them, I think, is 14,000 acres and the largest one about 3,000,000 acres. Of these forty-odd forest reservations that have been established within this short period of years, with the exception of three small reserves—one, I think, in the State of Michigan and two in the State of Florida—every one of them is located west of the Mississippi River.

The establishment of these numerous reservations embracing this enormous area would ordinarily be accepted as an answer to the argument that this bill proposes to embark the Government upon a new and untried policy; and it would be, I take it, so accepted in this case but for the fact that the lands out of which these western reserves were established were carved out of the national domain, while it is proposed in this bill that the Government shall go into the open market and purchase the lands required. I concede, Mr. President, that there is a distinction between the proposition involved in the establishment of the western forest reserves and the one involved in this bill, but when you get at the marrow of the matter it is a distinction largely without a difference. In one case the Government has appropriated the property of the people to the purposes of forest reservations, and in the other it is proposed that the money of the people shall be appropriated for that purpose. The 165,000,000 acres which go to constitute the forty-odd western forest reserves belong to the people of this country. If the Government had not sequestered them into forest reservations they would have been put upon the open market and sold, and the proceeds arising therefrom would have gone into the Treasury and formed a part of the general assets of the Government in which all the people would have been interested. What is the difference in withholding this money of the people from the Treasury for the purpose of establishing parks and taking the people's money out of the Treasury for the purpose of establishing parks? In principle there would seem to be no difference.

I do not know how much money has been withdrawn from the Treasury by the sequestration of this enormous amount of land, but I am told by a scientist, who is connected with one of the departments and who has knowledge of the matter, that the lands thus set aside by the Government for forest reserves and parks, including all the assets in connection with them, represent a money value to-day of probably $2,000,000,000. Whatever the value of this property may actually be, it represents the value of an investment in forest reserves which is the property of the people of the United States.

Mr. President, what was the purpose of the establishment of these reserves by the Government? Partly the conservation of timber supply, partly the conservation of water power, and partly the protection of the navigability of streams—the identical purposes for which the people of the East, the Appa-

lachian and White Mountain sections, now appeal to the Government for aid in doing what they can not themselves do.

In the establishment of these western parks the Government acted in anticipation of a condition which has already become a reality in the section of the country to which this bill applies, and therefore there is the same motive for action on the part of the Government, while the justification is stronger for it, as it is based upon an actual instead of an anticipated condition.

The Senator from Ohio [Mr. BURTON] in his speech argued that once the Government is committed to the policy of this bill the doors of the Treasury would be open to an enormous expenditure of money. Mr. President, the commission created by this bill can not spend for this purpose one cent more than is now appropriated. When that amount is expended I take it that unless the results justify it there will be no further appropriation. If the results do justify it, there will be further appropriation, and if the results attained continue to justify these expenditures they will go on as long as the sentiment of the people is behind this method of protecting and conserving the natural resources of the country from destruction and exploitation. No additional money will be spent for this purpose unless it is warranted by results and continued public approval.

Sir, I am against extravagance, but I do not regard large expenditures for those things for which money should be liberally spent and which are in the interest of the people, which help to promote commerce or to conserve the great resources of the country as extravagance; on the other hand, I think it is wise economy. It is as wise economy as money liberally spent in the improvement of our highways and the development of our waterways.

So, Mr. President, I submit that the setting aside of these lands for forest reserves and park purposes and the appropriation annually out of the Treasury of moneys for their management have already established a policy on the part of this Government along these lines; and the friends of the measure now under consideration insist that this measure is not in fact committing the Government to a new policy, but simply a modification of the policy already established, which will extend the benefits of that policy to other eastern portions of the country where these benefits are greatly needed.

This modification and extension of the policy already adopted are, in my judgment, eminently proper and wise, and the sooner the modification and extension are entered upon the better for the country at large.

There is hardly a European Government, Mr. President, which has not realized the importance and necessity of bringing its mountain forests under government control and ownership. In a number of European countries, notably France and Italy, where deforestation has resulted in the destruction of immense tracts of agricultural lands, impoverishing a great number of farmers and peasants, the Government has entered upon the more costly and the more difficult scheme of reforestation.

I shall not discuss that feature of the subject further than to say that in the last 30 years France has spent more than $40,000,000 in an attempt to restore conditions to where they were before the mountain side deforestation began, and Italy, comparatively a poor country, has spent more than $12,000,000 in attempting the same thing in order to save the valley lands that are being destroyed by reason of the deforestation of her mountains.

Now, what are the great national purposes to be subserved by the creation of the forest reserves as authorized by the bill under consideration?

Many of the friends of this movement are interested in the proposed forest reserves because they are interested in perpetuating the scenic beauty of this country as it exists in the White Mountain and Appalachian regions.

Others are interested in these reserves because they expect them to become the great health resorts and recreation grounds where the sick, or the nervous, or the tired among the millions of our people living east of the Mississippi River will find new health and new vigor and new strength for their work as citizens of the Nation, since every year the strain and intensity of the life of the individual citizen is increasing and the need for recreation becoming greater.

Other friends of this movement have been pushing it because it represented to them the only possibility of maintaining a hardwood timber supply to meet the increasing needs of the country; and still others are interested in this movement because of its recognized importance in connection with the perpetuation of the available water powers on streams having their sources in the White Mountains and the Appalachian Mountains. The New England States and the States bordering the Appalachian Mountains on the east have no supplies of coal from which to develop power for manufacturing purposes. Their factories are, therefore, largely dependent upon the development and perpetuation of water powers.

In all the Eastern States water power is an important industrial asset, and usually the more available of these water powers are in States other than those in which lie the important sources of these streams. On the streams having headwaters in the White Mountain and Appalachian regions the power already developed represents an annual asset of from two and one-half to more than three million dollars and operates manufacturing enterprises valued at more than $30,000,000.

The remaining undeveloped or partially developed water powers on the streams having their sources in these regions would represent an annual asset of more than $20,000,000 additional, and would operate manufacturing plants having a value approximating $300,000,000. The engineers, as well as the manufacturers, recognize the fact that the preservation of the forests about the headwaters of these streams is absolutely essential to the perpetuation of these water powers.

Still others of the friends of this movement are interested in it because they believe that the preservation and the improvement of these forests is one of the necessary steps, among the others to be adopted, looking to the lessening of the flood damages which are of late becoming more and more frequent and which are reaching larger and larger financial figures.

I say, Mr. President, some are interested in this bill for reasons connected with the preservation of the scenic beauty of our mountains, some for reasons connected with their preservation as health resorts, and some for reasons connected with the conservation of water power. The right of the Government to control lands for these purposes is subject to serious question, and we do not demand this legislation upon any of these grounds, but upon the ground that it is necessary to control these lands in order to protect the navigability of navigable streams, a subject over which the Government has undoubted control, but, if from the exercise of this constitutional power these other results incidentally flow, their importance may reasonably be urged upon the consideration of Congress in determining the question of whether it will exercise that power.

Congress can not, of course, act without power, but Congress may, and does, and always will, in the exercise of its constitutional functions, consider the incidental as well as the direct benefits to the people and the country which will reasonably result from that exercise of power.

Nearly 10 years ago I made a personal and careful investigation of conditions in the Southern Appalachian region in western North Carolina. During a comparatively recent period that region was but sparsely settled, and its settlements were confined largely to the valleys.

The advent of railroads in this section has brought about a change in these conditions. The population has greatly increased and is rapidly increasing. The valley lands have nearly all been cleared and brought into cultivation; the farmer and the lumberman have begun to encroach upon the mountain sides in search of more land and timber. It is estimated that now 24 per cent of the lands in this area have been either cleared for agricultural purposes or denuded of timber. As a result of this deforestation already the effects are beginning to be seen and seriously felt.

I have traveled several hundred miles, partly by private conveyance, across these mountains and through these valleys. All along the route, here and there, far up on the mountain sides, with slopes ranging from 20 to 40 degrees, often so steep that cultivation was limited to the hoe, there were farm clearings. Everywhere on these slopes and in the mountain coves was the débris of the lumberman or of the bark hunter—for the bark hunter in that section has been about as destructive to the timber interests as the lumberman himself.

Some of these mountain-side farms were in cultivation, but many of them had been abandoned as worthless, and stood there barren and bleak, furnishing a water slope filled with gulleys and gorges, too poor for further cultivation, too poor and being washed away too rapidly to permit of its reproducing forest growth. The agricultural life of one of these clearings is, under varying conditions, from three to 10 years. In that time the fertility of the soil has all been leached away, and it has become worthless and been abandoned.

Some years ago I stood upon Whiteside Mountain, one of the finest summits in the southern Appalachian region. It rises nearly 2,000 feet from the valley below. From the summit of this mountain I saw on the slopes of the nearest mountains about 25 of these mountain-side farms. Only about half a dozen of them, however, were in cultivation. Most of the balance had been worn out and abandoned, and stood there desolate and bare, as they will probably stand until the end of time. The valleys through which I traveled were fertile, but the floods

of that year had washed away the surface soil of many of those farms, rendering them almost valueless; and in other instances these rich bottoms were covered with a white sand, as dry and lifeless as the sands of the desert, the deposit of the floods. At one place I passed, while on this trip, for nearly a mile down the valley of the Catawba, and on either side of this stream at this point the valley was covered with a sand bank from 3 to 7 feet deep.

I was told before the flood which left this deposit these valley lands were worth $100 an acre. After the flood they were not worth 100 cents. In one of the near-by counties to the section I visited the very freshet which had deposited this sand bank in the rich valley of the Catawba had left hundreds of people desolate, had swept away their stock, their fences, their houses, and destroyed their crops. In another county a later flood came near sweeping away the whole town of Marshall.

The damage done to agricultural lands and other property along the streams rising in the southern Appalachian region by floods in the summer of 1901 is estimated by the Secretary of Agriculture to have been not less than $10,000,000. Along one river in North Carolina, the Catawba, to which I have before referred, bridges, mills, crops, and farm lands for 200 miles, valued at $1,500,000, were swept away by the storms of May and August, 1901.

In one valley in Mitchell County, to which I have before referred in general terms, a valley largely cleared of forests, the storm of May, 1901, wrought damages estimated at more than $500,000. The damage to the property of the Southern Railway, which penetrates these mountains in various directions, by these storms during a single year was estimated 10 years ago at more than $1,000,000, while its loss in traffic was also large. It is estimated by competent authority that the total damages of all kinds along these mountain streams during a single year following April, 1901, was $18,000,000. I give below a detailed statement of this estimate, which will show how widespread and extensive were these damages, affecting the people of more than half a dozen States. These estimates have been made with great care by men who are familiar with each of these regions and who have investigated this matter with considerable thoroughness.

Storm damages on streams rising in the proposed Appalachian Forest Reserve between April, 1901, and April, 1902.

Kanawha, adjacent streams (in Virginia and West Virginia)	$1,500,000
Roanoke, James, etc. (in Virginia)	1,000,000
Watauga (in North Carolina and Tennessee)	2,000,000
Nolichucky (in North Carolina and Tennessee)	2,000,000
French Broad (in North Carolina and Tennessee)	1,500,000
Tuckaseegee and Hiawassee	1,500,000
Broad, Saluda, and Catawba (in South Carolina)	1,000,000
Yadkin, Dan, and Roanoke (in North Carolina)	1,000,000
Catawba (in North Carolina)	2,000,000
Savannah and Chattahoochee (in Georgia)	1,500,000
Coosa (in Georgia and Alabama)	2,000,000
Tennessee and other tributaries	1,000,000
Total	18,000,000

Both tradition and records show that there have been storms in this southern Appalachian region at intervals during the past 100 years perhaps as violent as those which occur now, but never before have such floods and such damages resulted. During the past few decades, and even during the past few years, the floods have been increasing in violence and destructiveness, and almost in proportion as the forest destruction has progressed; and these have been greater in those regions where the cleared land was in largest proportion.

As this deforestation progresses, as it will progress with the increase of population and the lumbering in this section, the loss from these floods will also increase. The fact that these disastrous floods are the direct result of deforestation is supported both by theory and ample and indisputable data. Until recent years no such results have followed even the heaviest and longest continued rainfall.

In the city of Pittsburg a single flood during 1907 resulted in a loss in that city alone of more than $8,000,000. The following table, taken from the report of the National Conservation Commission, shows something of the aggregate of the damages resulting from floods throughout the United States:

Estimated total damages caused by floods in the United States during the years 1900 to 1908.

1900	$45,675,000
1901	45,438,000
1902	55,201,000
1903	97,220,000
1904	78,841,000
1905	98,589,720
1906	73,124,000
1907	118,238,000
1908	237,860,000

And yet, Mr. President, in the face of these facts it is gravely contended by the authorities cited to support the views of the opposition to this measure that there have been no more floods in recent than in former years. If there had been no greater floods there would have been no greater damage from floods.

It is said that, admitting the necessity from the standpoint of conservation of timber supply and water power of a measure of this character, there is no constitutional power for Congress to appropriate money to buy lands for these purposes.

While not conceding this proposition I shall not contest it, because it is not necessary to sustain the proposed legislation.

There can be no question about the proposition that under its constitutional powers over navigation the Federal Government may appropriate money for the purchase of lands and forest reserves in a State, provided it is shown that the control of such lands will promote or protect the navigation of streams on whose waters they lie.

To meet this requirement of the law the present bill expressly prohibits the purchase of any lands by the board it creates until they have been examined and located by the Secretary of Agriculture, with the aid of the experts of his department, and until the Geological Survey with its experts have examined and reported that the control of the lands proposed for purchase is necessary to promote or protect the navigability of rivers lying on them.

So that before action can be taken by the board this question of fact upon which the constitutional power of the Government rests must be affirmatively found and reported. I think there need be no apprehension under these circumstances of the Constitution suffering any violence by the passage of this legislation.

The Constitution is an admirable thing, but when it is used as a bugbear to defeat what the people demand and what the highest public interest requires, it is put to a use never contemplated by its framers, and which will not be sanctioned by the people.

It is contended by the Senator from Ohio [Mr. BURTON] that the Army engineers, instead of the Geological Survey, should be vested with the power of determining this fact, and he will submit an amendment to the bill, as I understand, to substitute the Army engineers for the Geological Survey.

Mr. President, I am not prepared to admit, as the Senator from Ohio contends, that the Army engineers are any more competent, if indeed they are as competent, to pass upon this question as the Geological Survey. What connection have the Army engineers with the question of the effect of forestation upon rainfall, the effect of forestation upon the regularity of the flow of streams, the effect of forestation upon land erosion? Their activities in connection with our river and harbor work is confined, as the Senator from New Hampshire [Mr. GALLINGER] has aptly said, to the intermediate stretches of our waterways. They begin at those points where navigation begins.

In the first instance, they investigate, under the order of survey in our river and harbor bills, the question whether the stream is capable of being made navigable, and whether the commerce upon that stream is sufficient to justify the Government in making the expenditure. Then, after the appropriation is made, their duties are connected with dredging, jettying, and other means known to science for improving the navigation of streams. They have no direct connection, by virtue of their duties in connection with river and harbor work, with the higher ranges of these rivers, the sources of these rivers; but, on the other hand, the Department of Agriculture—and this bill provides that no land shall be bought until the Secretary of Agriculture has examined and mapped and located it—and the Geological Survey have been dealing for years directly with the very problems involved in this inquiry.

Sir, in the last few years we have placed upon our agricultural bills appropriations to enable the Secretary of Agriculture to thoroughly study, examine, and survey the headwaters of the streams rising in the Appalachian and White Mountains, and he has been employing under him a large force of experts whose training and education especially qualify them, in order to determine these very questions.

On the other hand, the Geological Survey deals largely with questions of this character. They study the topography of the country, the geology of the country, the effect of water upon soils, and they are especially qualified, I take it, by reason of the line of work which they are required to perform, to pass upon and determine this very class of questions.

The question of fact thus raised and upon which the power of the Government to pass this legislation depends may be discussed under three general propositions.

First, that a forest cover is of great value in retarding run-off, and in mountain regions contributes more directly and in a

more beneficial manner to the underground waters than any other single agency.

No one who has actually made a comparative study on the ground in the Appalachian Mountain region of the water conditions on forested and cleared areas would doubt the beneficial influence of the forest cover in regulating the flow of water. I have myself examined certain cleared areas on these mountain slopes on which the small stream beds were dry and the springs which had once fed them had disappeared, while on the adjacent areas, apparently similar in every other respect except that they were still under forest cover, the springs were still present and small clear streams of water were running steadily from them.

The following experiment in Switzerland throws definite light upon this subject, and is the only actual experiment of the kind, with accompanying accurate measurements, of which I have been able to find a record:

The Swiss Government, in order to settle once for all the question of the relation of forest cover to stream flow, inaugurated 11 years ago an experiment which is considered the most scientifically arranged experiment that has ever been undertaken in any country.

Two small streams were chosen in the famous valley of the river Emme for observation. Small streams were purposely chosen in order to eliminate many counteracting factors which are found in large drainage basins. One of these streams has a drainage basin nearly completely wooded—98 per cent—and the other drains an area only partially wooded—30 per cent. In every other respect the drainage basins are as similar as could be possibly found, and every precaution was taken to make the measurements as thorough and accurate as possible.

The results of these observations have shown that run-off from the forested drainage area within a given period after a rain is 40 per cent less than from the deforested area; that the flow of water in the stream in the forested basin is more regular throughout the year than in the stream that flows through the denuded area. It has been computed that the highest water level in the stream of the forested basin is at least from 30 to 50 per cent less than in the unforested region. On the other hand, the water stage in the spring and summer during the flowing through the forested area is never as low as that in the stream which drains the partially wooded area. While the latter in exceptionally dry summers entirely drys out in its lower stretches, the former maintains a flow of water throughout the entire summer.

A point, however, which is of the greatest moment is this: The forest performs its beneficial function of equalizing the flow throughout the year and dry and wet periods without diminishing the total yearly run-off. Many engineers and foresters, while recognizing the equalizing function of the forest, were often inclined to believe that the total amount of water during the whole year that comes from wooded watersheds is less than the amount supplied by bare watersheds. The results at the Swiss experiment station do not bear out this assumption, and while the behavior of the two streams is different, the amount of water which flows through them during the entire year is about the same.

A German investigator of high standing places the amount which the forest cover saves to the soil by reducing the surface run-off and changing it to underground seepage, for forests at lower altitudes where the rains are not heavy and the soil is less subject to freezing, at 20 per cent; for forests of moderate altitudes, at 35 per cent; and in mountain forests, at 50 per cent of the precipitation. Measurements of the surface run-off, carried on in 1860 by Jeandel Contequil and Ballard in the Vosges, have shown that the surface run-off from wooded slopes is nearly two times less than that from deforested slopes, while the underground seepage is greater and the flow of the streams more regular than from the deforested slopes.

The second proposition, that a forested watershed tends to maintain longer average of conditions of flow, rests upon its influence in reducing the tendency toward extremely low waters on one hand and extremely high waters on the other. There are many cases which prove this proposition to be true in the United States; no case that proves the contrary. Especially it is true for those streams whose headwaters are chiefly in the uplands. The clearest proof of it is the fact that where the mountain watersheds of streams have been cleared of forest at a rapid rate, the tendency has been strongly toward increased floods and prolonging low waters. This is especially true on the larger streams of the southern Appalachians; for instance, on the Cumberland River, where accurate records have been kept during the past 18 years. During the first half of that period there were 32 floods; during the second half, 43. The number of days of flood during the first half was 89; during the second half, 102. Again, on the Savannah River, where records have been kept for 18 years, we find that during the first half of the period the number of floods was 47; during the second half, 58. The number of days of flood during the first half was 116; during the second half, 170. Other streams of the Southern Appalachians tell the same story, but I would refer to only one other case, that of the Tennessee River.

Mr. M. O. Leighton, chief hydrographer of the United States Geological Survey, has during the past year made an elaborate study of the floods in the Tennessee River. In this study Mr. Leighton has isolated, so far as possible, the days of rainstorm of sufficient magnitude to produce floods, and on this basis has made a comparison of the floods of the two halves of the period. Although the number of days of flood was less during the last half of the period than during the first half, Mr. Leighton shows that the precipitation decreased in an even greater degree. The results of this close analysis show that the diminution of the precipitation has been more than sufficient to account for the diminution of the floods. The natural result is that in proportion to the rainfall floods have increased, the percentage of increase being 18.75 in the last half of the period as compared with the first half. This study is undoubtedly the most complete and authoritative that has ever been made of any American river, and it seems conclusive.

I want especially to call attention of the Senate in connection with these tests and measurements to the testimony of Dr. Van Hise, of the University of Michigan, recognized as one of the best authorities in this country; in fact, Chairman SCOTT, of the House Committee, though earnestly opposed to this legislation, admitted that Dr. Van Hise was an eminent authority and expert upon this subject.

Dr. Van Hise, in speaking of these tests of Mr. Leighton on the Tennessee River, characterized them as the best and most reliable that had been made in this country, and as conclusively demonstrating the effect of forestation upon waterflow.

It will not be denied that probably more than any other stream that has been under examination the watershed of the Tennessee River has been extensively denuded of its forest, and that the low-water periods of that stream in 10 years has increased nearly 20 per cent.

Mr. President, in connection with this question of navigation, the low-water stage is probably a more important factor than the high-water stage. The question is, how to maintain a sufficient reserve of water to maintain the navigability of the stream during the low water of the summer months, when there is but very little rainfall, and that is the chief question in protecting the navigability of streams. Now, I have a stream in my own State that illustrates this matter admirably.

Eighty years ago the city of Fayetteville, which is about 115 miles in the interior, located upon the Cape Fear River, was the common distribution point of our coastwise and our West Indian commerce, by means of the Cape Fear River. There was up to that town at that time, when the watersheds were covered with forests (and that river rises in the hill country of North Carolina), during the whole year, during the dry months as well as the wet months, a governing depth of 5½ feet of water.

The forests at the headwaters of this stream during these 80 years have been cleared, and now, for the past 10 years, the governing depth during five months in the summer in that stream is only between 18 and 20 inches.

Engineers who have recently, under the authority of the river and harbor bill, made a survey for the purpose of ascertaining how much it would cost to restore the depth of that river to its depth 80 years ago, have reported, and the Congress has acted upon that report, that it would cost $615,000 to do it, and the Government at this cost is now engaged in this work of restoration.

In further answer to the contention of the opponents of this bill that there is no reliable data and measurements showing the effect of deforestation and establishing the proposition that floods are more frequent and disastrous to navigation than formerly, I wish to quote from the testimony in the hearings before the House committee of Congressman FRANK D. CURRIER with reference to the experiments on the Pemigewassett, a tributary of the Merrimac River. To my mind nothing could be stronger, because it shows that the low-water period of that stream had increased 400 days during the last 10 years over the former 10; and, as I said, the trouble with navigation is chiefly during the low stages, and therefore the greater the necessity to protect where possible against the increase in the period of low stages during dry weather. Congressman CURRIER says:

For 20 years the Government has been conducting stream measurements at Plymouth, on the Pemigewassett River, which is a main branch of the Merrimac, and I have here a chart made for me by the Geological Survey showing the result of those measurements; and, by

the way, the measurements began in 1886 and cover the 20-year period down to 1906. It was about that time that the great cuttings began in the White Mountains, particularly on the southern slopes, the Pemigewassett rising on the southern slopes of the mountains. You will see from that chart, Mr. Chairman, that the low-water period has increased from 900 days in a 10-year period to 1,300 days, or 400 days in a 10-year period, running up sharply from the 900 period to the 1,300, while the rainfall has remained almost the same, this line here indicating the rainfall.

Again I wish to call attention to the testimony of Prof. Swain, of the Massachusetts Institute of Technology, a recognized authority on this question, in which he calls attention to and discusses the conclusions of the Mississippi Flood Commission in their report to Congress in 1898.

Prof. SWAIN. And if those can be protected the floods will be diminished. We can not, however, obviate floods. There will always be floods, and I will explain that presently. In 1898 there was a report of a committee on floods of the Mississippi River, and of that committee Senator NELSON was chairman. In the report they stated that they were unable to find any relation between the cutting down of the woods on the upper Mississippi River and the floods of the Mississippi. The explanation is perfectly reasonable. I presume that committee did not go into any very elaborate study of the phenomena, as they did not have time to do it, and yet I am perfectly ready to admit the general truth of that conclusion. The reason is that that is a flat country, and there could be no relation traced between the floods and the cutting down of timber. That same report states that all of the great floods of the Mississippi come from the Ohio. There you have the thing in a nutshell. The Ohio drains the western slope of the Alleghenies Mountains. I think it might have been said that the floods come from the upper portions of the Ohio in the mountain regions. That is the birthplace of the floods, where they gather, in the steep mountain sides and are carried down to the streams.

The CHAIRMAN. Does not the watershed increase in area as you approach the navigable portions of the stream?

Prof. SWAIN. Certainly.

The CHAIRMAN. And is it not likely, therefore, as a matter of fact, that the greater portion of the water which causes the flood falls upon that part of the watershed immediately tributary to the navigable portion, and not on the comparatively restricted area of the upper tributaries?

Prof. SWAIN. I think not. I think the birthplace of the floods is in the high mountain slopes, and that the control there will have a great deal more efficacy than the control anywhere else.

The facts to be noted concerning American streams are fully borne out by the observations which have been made in Europe. Cipolletti, a noted Italian engineer, in reviewing the opinions presented at the International Congress of Navigation, held at Milan, Italy, in 1905, of which congress he was the official secretary, says:

All the writers agree that forests exert a moderating influence on the run-off of surface waters, owing to a large proportion of the water being retained by the leaves and other parts of the plants, also on account of the quantity of it being absorbed by the layers of dead leaves, moss, and humus, which form the top covering of the forest ground, and partly also to the obstruction which roots above ground form to the rapid flow-off of the surface water, by forcing it to remain stagnant in a thin sheet, instead of accumulating in a mass and running off quickly in the shape of brooks, which is what happens where the surface water finds little obstruction and is apt to produce erosion. To this may be added, in the case of cold climates, the additional advantage that the snow lies longer in the forest and melts here more slowly than in the open country. To conclude, forests act as real regulators, obliging the rain water to flow much more slowly to the bottom of the valley than it would do otherwise and by this means insuring a more uniform and continuous flow in the lower reaches of rivers.

Cipolletti, writing the report of the Milan Congress on Navigation, also expresses the opinion as that generally held, that forests were decidedly beneficial in relation to the formation and permanency of springs.

Every person who has carefully examined the southern Appalachian region can testify to the correctness of this assertion in so far as that region is concerned. In hundreds of cases on the mountain slopes where the forests have been removed and the land cleared springs have disappeared with the forests, and in the drier seasons small mountain streams which were once appreciable and constant in their flow, as indicated by the position of the small abandoned mills and otherwise, have disappeared, owing to the removal of the forests. In adjacent forest-covered regions both the springs and the small streams continue.

It is these springs and these small streams, gathering into continually larger streams, that keep up the flow of the rivers—the navigable rivers—during considerable periods of the summer and autumn seasons.

It is therefore the forest, and the forest alone, which can hold mountain soils in place; and it is the forest cover plus the underlying deep mountain soil which will together receive and store the rainfall and gradually give out through the mountain springs this supply of water to feed and regulate the flow of the streams during the later dry seasons.

No one who carefully studies the actual conditions throughout the southern Appalachian region can seriously question the fact that the forest cover in these mountains, together with the underlying soil which these forests protect and hold in place, do exercise a most important influence in regulating the flow of the navigable streams that have their sources in that region—such streams as the Monongahela and Kanawha, the Ohio, the Tennessee, and others lying to the south and east of this region.

Whatever the differences of opinion may be concerning the influence of forests upon rainfall and floods and the regularity of the flow of streams, there seems to be no difference of opinion among competent observers concerning the value of forests in preventing land erosion on the slopes of hills and mountains.

No one who has studied the conditions among the Appalachian Mountains will raise any question or express any doubt as to the value of forests in this regard.

Eminent engineers like Prof. Swain, of Harvard University; eminent geologists like President Van Hise, of the University of Wisconsin; Mr. Bailey Willis and Dr. George Otis Smith, of the Geological Survey; L. C. Glenn, of Vanderbilt University; and a number of others who have made extended examinations through the Appalachian Mountain region are unanimous in their testimony on this point.

Probably more than 25 per cent of the total area in the Appalachian region has been cleared and put in cultivation at some time during the past 30 years.

Over at least one-half of this cleared area the lands are comparatively level and should remain in cultivation. The rapidly increasing percentage of the cleared area, however, is on the steeper mountain slopes—both the lower slopes and higher slopes.

As a rule, within 10 years after these steep sloping lands have been cleared the erosion is so rapid and so extensive that their cultivation is abandoned and their condition proceeds from bad to worse and ruin. In many cases the erosion is so rapid that reforestation is impossible. Year after year millions of cubic yards of soil are carried down these mountain slopes into the tributary streams and finally into the navigable streams beyond.

Erosion is more extensive on the lower slopes of the mountains only because these slopes have been longer cleared.

The extent of the erosions depends upon the steepness of the slope, the amount of water falling as rain, and the character of the soil. The steeper the slope the more rapid the current of water and the more rapid the erosion.

Erosion is not confined to the lower slopes. It is just as extensive in proportion to the area cleared on the higher mountain slopes as it is on the lower.

Grass will not prevent erosion on the mountain slopes in the southern Appalachians. Owing to the climatic conditions in that region grass does not have a dense sod except above 5,000 feet or on the tops of the highest mountains. Therefore the forest, and the forest alone, can be depended upon to prevent erosion and to conserve the water supplies.

The Geological Survey has just published an extensive report concerning the erosion of soils on the mountain slopes in the Appalachian region. The facts brought out in this report are in confirmation of the testimony of every experienced geologist who has examined that region, to the effect that the millions of cubic yards of soil that are yearly eroded from these mountain slopes are carried down into the mountain streams and by these mountain streams are carried farther down into the navigable rivers. These facts have not been and can not be denied.

Take the Tennessee River, for example, which has been thoroughly examined by Prof. Glenn and experts of the Geological Survey from the sources of this river throughout its entire length. Their reports, and also the reports of the Army engineers, show the enormous quantities of silt and gravel to be found in this river. (See Prof. L. C. Glenn, in American Forestry, July, 1910, p. 420.)

There is no denying the fact that enormous quantities of sand and gravel and soil are yearly being carried into the navigable portions of the Tennessee River; enormous quantities of this material are accumulating in the Tennessee River, to be dredged out; and also that enormous quantities of this material are being transported farther downstream into the Ohio and Mississippi Rivers. It should be remembered that the areas about the headwaters of the Tennessee River are more largely cleared of the forests than that, perhaps, of any other of the southern Appalachian streams.

Investigations by Prof. Glenn and others show that on many other navigable streams having their headwaters in this region, such as the Chattahoochee and Savannah, and others, enormous quantities of sands and gravels are being carried down from the mountain slopes and deposited yearly in the navigable portions of these streams. The Coosa River, on the other hand, as indicated by investigations of Prof. Glenn, has its headwaters in a portion of this mountain region from which the forests have been but little cleared, and the navigable portions of this river contain correspondingly but small quantities of sands and gravels brought down from the mountains.

If anyone doubts that the navigable portions of rivers are shoaling because of the deposit in them of sediment brought down from slopes of the hills and mountains about the headwaters of these streams, if he will examine the reports of the Chief Engineer of the Army he will find ample evidence to the contrary. The dredging in the Ohio River shows a fairly constant increase since 1875, and facts will be found in those reports concerning similar conditions in many other rivers.

Says Col. Chittenden in his paper referred to above (p. 276):

> It must be clear from the foregoing that the bottom lands of the Missouri add nothing whatever to the total quantity of sediment that passes out of the mouth of the stream. Likewise, the Mississippi bottoms contribute nothing to the volume of sediment that is carried into the Gulf of Mexico. It all comes from the uplands far and near, but principally from the more remote and hilly regions. (Paper before the Society of Civil Engineers, p. 16.)

As to conditions in the Mississippi River, Col. Bixby, Chief of Engineers, United States Army, in the House hearing, page 134, gives some interesting data to the effect that in the Mississippi, from the Red River up to Cairo, effort is being made to maintain a 9-foot channel, whereas below the Red River, especially between Baton Rouge and New Orleans, no depth less than 30 feet is known, and the depth in places is as great as 150 feet. Doubtless the great mass of sediments, whether coming from adjacent banks or from the hills and mountains beyond, are gradually moving down the river from shoal to shoal, and ultimately will silt up also this lower portion of the river.

No further argument seems to be needed on this question. Anyone who studies the reports of the engineers themselves, and with these the reports of the geologists who examine the erosion of the hills about the headwaters of these streams, can have no question as to the relation between the forest about the headwaters and the navigability of the rivers below.

Mr. President, there is much more that I wanted to say upon this subject, and I have here other authorities which I have not read in answer to the contention made by the Senator from Ohio and by the opponents of this bill that there is no appreciable or direct connection between deforestation and the navigability of streams, but I realize the fact that it is late and that the Senate wants to vote, and in view of that situation I desist from further discussion of the matter.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

Mr. BRANDEGEE. I was about to ask for a vote, if Senators are ready——

Mr. HEYBURN. Mr. President——

Mr. BRANDEGEE. Of course, if other Senators desire to speak, I will withhold the request.

Mr. HEYBURN. It will require but a very few minutes to say what I wish to say.

Mr. BRANDEGEE. Very well.

Mr. HEYBURN. Mr. President, the provisions of this bill are so astounding as to make it difficult to know where to strike it in a minute. It proposes to authorize the purchase by the United States, in solid block, of the counties in New Hampshire of Carroll, Coos, and Grafton. The territory proposed to be purchased as a solitude cast 17,500 votes at the last election. It is proposed to purchase that territory and convert it into a solitude; that is the avowed purpose of the bill.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I wish to ask the Senator who proposes to purchase that entire territory.

Mr. HEYBURN. The terms of the bill.

Mr. GALLINGER. Not at all. It is a mere suggestion on the part of the Secretary of Agriculture.

Mr. HEYBURN. It is presumed when you give authority to do it that the authority will be exercised.

Mr. GALLINGER. Somebody has made a map, of which the Senator has obtained possession, which has no more actual bearing on this bill than last year's almanac.

Mr. HEYBURN. It is Senate Document No. 91, a report of the Secretary of Agriculture upon this question. I do not know whether it is correct, but it is a part of the information that comes in here.

Now, in North Carolina it is proposed to purchase 10 counties, solid territory, and allotted portions in addition to it. Those counties are Buncombe, Cherokee, Graham, Haywood, Jackson, Macon, Madison, Mitchell, Swain, and Yancey.

Mr. OVERMAN. They can not buy those counties.

Mr. HEYBURN. I am not going to occupy much time, and if the Senator will be patient I will develop the point I am suggesting. That is the power which it is proposed to confer. The presumption is, I repeat, that when power is given to the executive officers of the Government, or a special board, they will exercise it to the limit.

Now, those counties cast 27,000 votes at the last election. There can not be any solitude there. They have a population of 135,000 people. There is not much evidence of solitude there. And why you should propose to convert it, or give anyone power to convert it, into a solitude is past understanding.

Now, I come to West Virginia, and I take only the solid counties as shown upon this map in the report that is brought in here to accompany and support and sustain this bill. It is proposed to convert McDowell, Logan, Mingo, and Wyoming entirely to this purpose, and they cast 15,000 votes and have a population of over 75,000 people. It is because these conditions, brought in by the committee, I think I am correct in saying, are so astounding that they compel me to call the attention of the Senate to what we are doing.

As to the State of Maine, I have not had time to figure up the counties that are to be bought by the Government. I say they are to be bought. I agree with the Senator from New Hampshire that they never will be purchased. The bill is a farce. Why should we be expending a lot of time—having carried it over by unanimous consent from away last summer—why should it be considered here and occupy a whole day of the time of the Senate if it is a farce?

Mr. GALLINGER. Let us vote, then.

Mr. HEYBURN. Yes; we will vote all right; but I am going to vote only after giving those who shall look over our work in the years to come an opportunity of knowing what we did. There is one, the northwest corner—I say "corner;" it is a very large portion of the State of Maine—that is also subject to be made a victim of this bill.

Kentucky has a strip through it as big as some of the States, and they go in and purchase this. I heard read from the report by the Senator from Ohio this afternoon the response of one of the witnesses, an officer of the Government, who was examined by the committee as to what the probable or possible expenditure might amount to, and he said it might amount to $500,000,000. This proposition is a bigger one than the building of the Panama Canal.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. I do.

Mr. PAYNTER. I do not quite understand the Senator from Idaho. Why do he and the Senator from New Hampshire say when the money is immediately made available for that purpose——

Mr. HEYBURN. I thank the Senator for that suggestion.

Mr. PAYNTER. I can not understand why this is an idle proposition. If I thought it was an idle proposition, I would not have any concern about it.

Mr. GALLINGER. If the Senator will permit me, I did not say none of it would be bought under the terms of the bill. I do say that the man who made the map, whoever he may have been, might just as well have included the entire State of New Hampshire and the entire State of Maine, and the Senator would have contended that we were going to purchase those entire States for forest reserves. The appropriation is limited, and it is not at all probable that any such investment as the Senator suggests is contemplated by anybody.

Mr. BURTON. I should like to ask the Senator from New Hampshire a question. Does not the Senator think it is an entering wedge, a mere beginning for purchases all over the country in just the same manner, amounting to hundreds of millions of dollars?

Mr. GALLINGER. I am not going to enter the field of speculation, Mr. President. I am dealing with the bill as it is before us.

Mr. HEYBURN. Mr. President, I do not think it is necessary to arrive at a definite conclusion as to how much money will be expended. It is the system, the theory, or policy that I object to entering upon. I object to entering upon a policy which provides for the expenditure of a limited sum of money when in the very report upon which we act it appears that we will probably have to expend multiplied figures.

Mr. LODGE. Is not the life of the law limited?

Mr. HEYBURN. But the life of Congress is not limited.

Mr. LODGE. But would not Congress have to renew it?

Mr. HEYBURN. Yes; and if you had bought half of the property which, in the judgment of these foresters, is necessary to conserve the water, some one would represent that unless you purchased another $5,000,000 worth you would have wasted the money already expended. We have seen these things grow up here. They grow up on a small foundation and then expand.

In other words, here we find a condition. Two or three hundred years ago a few people landed upon these lands along the Atlantic coast. They found them forests, uninhabited, took possession of them, and to the extent of the growth of the human family they have been populated. The growth of the human family is not a finished condition as yet. These lands are inhabited by several hundred thousand people, and it is fair to presume that conditions which attract that many will in the future, if the conditions are not changed, attract a great many more. You can not say that these lands are uninhabited or useless or that many people could not be living upon them. Millions of dollars of taxes are being collected every year from people who live on these lands. I am speaking with the figures before me.

Mr. SMITH of South Carolina. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. SMITH of South Carolina. We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina—we have not so much as North Carolina—there was an unusual rainfall. In that territory which the Senator speaks of as not being desolate, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina, the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee, destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited on the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government, where the divergence is so wide in comparison with the lower lands, to make such an appropriation as will forestall any future flood.

Mr. HEYBURN. Mr. President, I will cover that proposition in as few words as possible. Every fertile valley in this land or any other is due to the erosion of the hillsides and the bringing down from inaccessible places of that which makes the soil of the valley.

Mr. SMITH of South Carolina. Will the Senator allow me to say right here—where it percolates through the leaves and where it goes through the sand such as a forest would give; but no one will deny what I said who will come into my State and see the practical result on the great hillsides. The Senator must know that the carrying power of water is exactly according to the square of its velocity. The smaller rivers in the foothills carry down the water, and the minute it strikes the lower plain the velocity of the water is checked. It is not silt but sand and small stones that are deposited, to the destruction not only of the navigation of headwaters, so far as navigation would go, but covering valuable lands.

Mr. HEYBURN. Mr. President, there are sand and gravel and rocks under the surface of the soil upon which the crops grow in all the great Mississippi Valley or any other valley. Who ever heard of the filling up of the ocean? Through untold centuries the mountain sides have been sending down through the aid of floods their deposits. They lodge in the valleys. It has been going on always. It did not commence with this Congress. The great plateau to-day at the mouth of the Euphrates, 200 miles in length and 60 in extent, has been created since our written history began. Those rivers that used to flow separately into the sea have united by reason of it, and to-day American capital and English capital is undertaking to purchase those lands and reduce them to productive conditions. The Mississippi Valley was once rock bottom, without any soil upon it. The soil came down from all the States where the headwaters of the stream and its tributaries flow into the Mississippi.

What would you keep the soil up on the mountain side for? To raise pasture for goats? That is the only practical use to which it could be put. Bring it down where people live and enterprise exists. Suppose, for instance, in the few valleys here and there damage is done to some person or some thing by the rain that falls to replenish the earth that crops may grow. No blessing is uniform in its application in the world. Do not be afraid of the storm that brings down to you the soil from the mountain sides. On the mountain sides it may be ornamental, but it is not useful. In the valley it produces the wealth of this country.

Twenty county seats are included within the territory that is proposed to be taken into this reserve. The conditions that the earlier emigrants to this country found are sought to be repeated. Return to solitude, release these three or four hundred thousand people from their homes, and you have a choice between two things in disposing of them: Either put uniforms on them—a little cock feather in their hats—and pay them their wages out of the Public Treasury, or send them out to what is left of our western country to settle on new farms and become citizens of the new civilization. That is about all you can do with them, or send them to your cities.

Mr. BRANDEGEE. To Canada?

Mr. HEYBURN. It is suggested that we send them to Canada. I suppose they could find occupation there, entering into competition with people who were left on this side outside of these solitudes, and they would sell to us as long as we had any money, and when we have run out of money we will all go to Canada.

Mr. President, I do not intend to enter into any lengthy discussion. The bill, in my judgment, is so extraordinary that it should not receive the support of this body or become a law. It is the most radical piece of fancy legislation that has ever been proposed in the Congress of the United States. I say this without any disrespect for any individual or any discredit to any individual. I doubt whether down in the heart of any man there appears a grain of wisdom in this measure.

The bill was reported to the Senate without amendment.

Mr. BURTON. I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, lines 6 and 7, strike out the words "the Geological Survey" and in lieu thereof insert the words "the Engineer Corps of the United States Army."

Mr. BURTON. Just one word in explanation, Mr. President. The proviso reads:

Provided, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

The question of reporting in regard to navigation rests with the Engineer Corps. This would lead to a most vicious piece of administration in that one bureau of the Government of the United States having control in a certain branch of work would be displaced and another having no connection with it would take its place.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LODGE. Mr. President, I hope the amendment will not be adopted, because at this stage of the session, with the crowd of business that is now being dealt with, an amendment would endanger the bill, if not defeat it. It is perfectly easy to make that change. If it is found necessary it can be made by an amendment to an appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio. [Putting the question.] The noes have it, and the amendment is rejected.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BURTON. It seems to me we ought to have the yeas and nays on the amendment. May I ask what number is required to obtain them?

The PRESIDENT pro tempore. One-fifth of the Senators present.

Mr. BURTON. I know; but what number would that mean?

The PRESIDENT pro tempore. Only three rose to second the demand.

Mr. BURTON. I must enter the statement that not by rising but raising the hand there was a considerable larger number than that.

The PRESIDENT pro tempore. Only three raised their hands.

Mr. GALLINGER. Mr. President, I am not going to speak to the matter of the yeas and nays. I understood that the yeas and nays were denied, and that ought to end it.

I rise, Mr. President, to say that I had intended to submit some observations on this bill, but as Senators are getting impatient and many of them have engagements for the evening I shall not do so. For one, I am ready to vote on the bill, and I trust the Senate will soon be in the same frame of mind. Feeling sure that the bill will pass by a large majority, further discussion seems unnecessary.

Mr. BURTON. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated by the Secretary.

The SECRETARY. On page 5, line 14, after the word "expressed," insert the following proviso:

Provided, That on lands acquired by the commission timber shall be sold and water power shall be granted only at prices and on terms approved by the National Forest Reservation Commission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. BURTON. The bill, Mr. President, seems to make no provision for any payment whatever for water-power privileges, although they may be of the very highest value, and only makes provision for paying for timber.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BURTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I desire to announce on behalf of the Senator from Texas [Mr. BAILEY] that I have arranged for him a pair on all matters for this day with my colleague, the senior Senator from Connecticut [Mr. BULKELEY].

Mr. BROWN (when Mr. BURKETT's name was called). My colleague [Mr. BURKETT] is unavoidably detained. If he were present, he would vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He is paired with the junior Senator from Mississippi [Mr. PERCY].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON], who seems to be absent from the Chamber at this time; but I will transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the junior Senator from Louisiana [Mr. THORNTON]. If I were not paired and at liberty to vote, I should vote "nay."

Mr. JOHNSTON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN]. I transfer my pair to the Senator from Nebraska [Mr. BURKETT] and vote. I vote "yea."

Mr. OVERMAN (when Mr. RAYNER's name was called). I am requested to announce that the Senator from Maryland [Mr. RAYNER] is unavoidably detained. He is paired with the Senator from Arkansas [Mr. CLARKE]. If the Senator from Maryland were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], but I am advised that if present he would vote for this bill. I will therefore vote. I vote "yea."

Mr. STONE (when his name was called). I have a pair for this day with the senior Senator from Mississippi [Mr. MONEY]. If he were present, he would vote "yea," and I should vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is detained from the Chamber by illness. On this question he is paired with the Senator from Alabama [Mr. BANKHEAD]. If my colleague were present, he would vote "yea," and the Senator from Alabama would vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is necessarily absent from the Senate. He is paired with the senior Senator from Idaho [Mr. HEYBURN]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. PERCY. I wish to announce that I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "nay."

Mr. JOHNSTON. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Connecticut [Mr. BULKELEY], and that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from New York [Mr. DEPEW].

The result was announced—yeas 57, nays 9, as follows:

YEAS—57.

Bacon	Burnham	Dixon	Gamble
Beveridge	Burrows	du Pont	Guggenheim
Borah	Carter	Fletcher	Jones
Bourne	Chamberlain	Flint	Kean
Bradley	Crane	Foster	La Follette
Brandegee	Crawford	Frazier	Lodge
Briggs	Cummins	Frye	Martin
Brown	Curtis	Gallinger	Newlands
Nixon	Richardson	Smoot	Warren
Oliver	Root	Stephenson	Watson
Overman	Scott	Sutherland	Wetmore
Page	Simmons	Swanson	Young
Penrose	Smith, Md.	Taliaferro	
Perkins	Smith, Mich.	Taylor	
Piles	Smith, S. C.	Warner	

NAYS—9.

Bristow	Cullom	Gronna	Paynter
Burton	Davis	McCumber	Shively
Clark, Wyo.			

NOT VOTING—25.

Aldrich	Culberson	Johnston	Stone
Bailey	Depew	Lorimer	Terrell
Bankhead	Dick	Money	Thornton
Bulkeley	Dillingham	Nelson	Tillman
Burkett	Gore	Owen	
Clapp	Hale	Percy	
Clarke, Ark.	Heyburn	Rayner	

So the bill was passed.

ENTRIES UPON LANDS RESERVED FOR IRRIGATION PURPOSES.

Mr. BORAH submitted the following resolution (S. Res. 349), which was considered by unanimous consent and agreed to.

Resolved, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 16, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1911.

RECEIVER OF PUBLIC MONEYS.

Harold Hurd, of New Mexico, to be receiver of public moneys at Roswell, N. Mex., his term expiring March 11, 1911. (Reappointment.)

REGISTER OF LAND OFFICE.

Lee Fairbanks, of Colorado, to be register of the land office at Del Norte, Colo., his term expiring March 3, 1911. (Reappointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Brig. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of brigadier general, for the period of four years, beginning July 1, 1911, with rank from July 1, 1907. His present appointment will expire by limitation June 30, 1911.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lieut. Col. John A. Hull, judge advocate, to be judge advocate with the rank of colonel from February 15, 1911, vice Col. Enoch H. Crowder, who accepted an appointment as judge advocate general, with the rank of brigadier general, on that date.

Maj. John Biddle Porter, judge advocate, to be judge advocate with the rank of lieutenant colonel from February 15, 1911, vice Lieut. Col. John A. Hull, promoted.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Samuel S. Bryant, Porto Rico Regiment of Infantry, to be captain from January 15, 1911, vice Capt. Frank L. Graham, retired from active service January 14, 1911.

Second Lieut. Louis S. Emmanuelli, Porto Rico Regiment of Infantry, to be first lieutenant from January 15, 1911, vice First Lieut. Samuel S. Bryant, promoted.

APPOINTMENT IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

First Lieut. Edward A. Kreger, Twenty-eighth Infantry, to be judge advocate with the rank of major from February 15, 1911, vice Maj. John Biddle Porter, promoted.

INFANTRY ARM.

To be second lieutenants with rank from February 11, 1911.

Frederick Rodman Palmer, of Wisconsin.
Stanley Willis Wood, of Missouri.
Alexander Wilson, of Missouri.
Xavier Francis Blauvelt, of the District of Columbia.
Frank Dorwin Lackland, of the District of Columbia.

Mason Wilbur Gray, jr., of Michigan.
Joseph Andrews, of Oklahoma.
Albert Samuel Peake, of California.
Floyd D. Carlock, of Ohio.
Cushman Hartwell, of Pennsylvania.
Arthur Boettcher, at large.
Elisha Francis Riggs, of the District of Columbia.
Horace Thurber Aplington, of New York.
Henry Burnet Post, of New York.
Fred Livingood Walker, of Ohio.
Alvan Cullom Gillem, jr., at large.
Rapp Brush, of Illinois.
James Edward O'Phelan, of Minnesota.
John O'Keefe Taussig, of Missouri.
Bert Milton Atkinson, of Georgia.
Edward George McCormick, of New York.

PROMOTIONS IN THE NAVY.

The following-named assistant paymasters with the rank of ensign to be assistant paymasters in the Navy with the rank of lieutenant (junior grade) from the 13th day of February, 1911:

William R. Van Buren,
Raymond E. Corcoran,
Elwood A. Cobey,
Spencer E. Dickinson,
Robert S. Chew, jr., and
Russell Van de W. Bleecker.

Asst. Naval Constructor John W. Woodruff to be a naval constructor in the Navy from the 12th day of February, 1911, upon the completion of eight years' service as an assistant naval constructor.

POSTMASTERS.

CALIFORNIA.

Clyde F. Baldwin to be postmaster at Whittier, Cal., in place of Clyde F. Baldwin. Incumbent's commission expires March 2, 1911.

Sheridan G. Berger to be postmaster at Ontario, Cal., in place of Sheridan G. Berger. Incumbent's commission expired January 23, 1911.

Oliver H. Duvall to be postmaster at Claremont, Cal., in place of Oliver H. Duvall. Incumbent's commission expires March 2, 1911.

George F. Hirsch to be postmaster at Longbeach, Cal., in place of George F. Hirsch. Incumbent's commission expires March 1, 1911.

Frank B. Mackinder to be postmaster at St. Helena, Cal., in place of Frank B. Mackinder. Incumbent's commission expires February 28, 1911.

Ada Mayes to be postmaster at El Monte, Cal. Office became presidential January 1, 1911.

James Mitchell to be postmaster at Dos Palos, Cal., in place of E. S. Davis, removed.

Samuel S. Wood to be postmaster at Rialto, Cal., in place of Samuel S. Wood. Incumbent's commission expires March 2, 1911.

Renaldo E. Taylor to be postmaster at Gridley, Cal., in place of Renaldo E. Taylor. Incumbent's commission expired February 12, 1911.

COLORADO.

Harry A. Cobbett to be postmaster at Cedaredge, Colo. Office became presidential January 1, 1911.

Judson E. Sipprelle to be postmaster at Grand Valley, Colo. Office became presidential January 1, 1911.

CONNECTICUT.

Jessie S. Rose to be postmaster at Manchester, Conn., in place of Jessie S. Rose. Incumbent's commission expires February 18, 1911.

FLORIDA.

Joseph P. Schell to be postmaster at Chipley, Fla., in place of Joseph P. Schell. Incumbent's commission expired February 6, 1911.

GEORGIA.

Willie Mishoe to be postmaster at Soperton, Ga. Office became presidential January 1, 1911.

IDAHO.

Rhese P. Harmon to be postmaster at Mountain Home, Idaho, in place of Millie E. Longfellow. Incumbent's commission expired January 28, 1911.

ILLINOIS.

Charles L. Blandin to be postmaster at Blandinsville, Ill., in place of Frank M. Herzog. Incumbent's commission expired February 7, 1911.

Henry K. Brockway to be postmaster at Barrington, Ill., in place of Henry K. Brockway. Incumbent's commission expires February 18, 1911.

Ira M. White to be postmaster at Walnut, Ill., in place of Harry Whitver, resigned.

INDIANA.

William V. Barr to be postmaster at Bicknell, Ind., in place of Winfield S. Kieth. Incumbent's commission expired December 13, 1910.

Walter Bradfute to be postmaster at Bloomington, Ind., in place of Walter Bradfute. Incumbent's commission expired January 23, 1911.

John M. Davis to be postmaster at Columbus, Ind., in place of William F. Coats. Incumbent's commission expired December 13, 1909.

Harvey H. Harshman to be postmaster at Dunkirk, Ind., in place of John C. Fudge. Incumbent's commission expired December 13, 1910.

William H. Mote to be postmaster at Union City, Ind., in place of George W. Patchell. Incumbent's commission expired January 30, 1911.

Charles T. O'Haver to be postmaster at Lyons, Ind. Office became presidential January 1, 1911.

William C. Porter to be postmaster at Red Key, Ind., in place of Joseph C. Andrew. Incumbent's commission expired February 12, 1911.

IOWA.

William N. Oursler to be postmaster at Odebolt, Iowa, in place of William N. Oursler. Incumbent's commission expires February 28, 1911.

KANSAS.

C. E. Ingalls to be postmaster at Washington, Kans., in place of Charles Smith, resigned.

LOUISIANA.

Elizabeth Reiley to be postmaster at Clinton, La., in place of Amy C. Reiley, resigned.

MARYLAND.

Clarence H. Oldfield to be postmaster at Ellicott City, Md., in place of Hamilton Oldfield, deceased.

Fred W. Wilson to be postmaster at Upper Marlboro, Md., in place of Charlton Sassacer, resigned.

MINNESOTA.

Thomas M. Paine to be postmaster at Glencoe, Minn., in place of Thomas M. Paine. Incumbent's commission expires March 2, 1911.

Caroline E. Smith to be postmaster at Morton, Minn. Office became presidential January 1, 1909.

Edward Yanish to be postmaster at St. Paul, Minn., in place of Edward Yanish. Incumbent's commission expires February 16, 1911.

MISSOURI.

A. G. Baker to be postmaster at Versailles, Mo., in place of James W. Mills. Incumbent's commission expired June 11, 1910.

John D. Kerr to be postmaster at Savannah, Mo., in place of Ida Blackburn. Incumbent's commission expired April 3, 1910.

Charles E. Rinehart to be postmaster at Browning, Mo., in place of Benjamin F. Carter, deceased.

NEBRASKA.

A. F. Buechler to be postmaster at Grand Island, Nebr., in place of Howard C. Miller. Incumbent's commission expired April 19, 1910.

Wesley Tressler to be postmaster at Ogallala, Nebr., in place of Wesley Tressler. Incumbent's commission expires February 20, 1911.

NEW YORK.

William H. Clark to be postmaster at Cortland, N. Y., in place of George H. Kennedy. Incumbent's commission expired January 18, 1911.

Samuel T. Dusenberry to be postmaster at Tuxedo Park, N. Y., in place of Gilmore O. Bush, resigned.

Frank N. Webster to be postmaster at Spencerport, N. Y., in place of Frank N. Webster. Incumbent's commission expired May 2, 1910.

NORTH CAROLINA.

Barnabas A. Baber to be postmaster at Shelby, N. C., in place of Barnabas A. Baber. Incumbent's commission expired December 10, 1910.

William J. Flowers to be postmaster at Mount Olive, N. C., in place of William J. Flowers. Incumbent's commission expired January 23, 1911.

Neill McFayden to be postmaster at Raeford, N. C., in place of Daniel J. Curry, deceased.

NORTH DAKOTA.

Herbert B. Grover to be postmaster at Grafton, N. Dak., in place of E. H. Pierce, resigned.

William J. Hoskins to be postmaster at Rolla, N. Dak., in place of William J. Hoskins. Incumbent's commission expires February 20, 1911.

C. E. Shepard to be postmaster at White Earth, N. Dak. Office became presidential July 1, 1907.

OHIO.

Hugh A. McLaughlin to be postmaster at Adena, Ohio. Office became presidential January 1, 1910.

PENNSYLVANIA.

Newton S. Brittain, jr., to be postmaster at East Stroudsburg, Pa., in place of Jesse Ransberry. Incumbent's commission expired February 13, 1911.

Fred G. Brown to be postmaster at Knoxville, Pa., in place of John C. White. Incumbent's commission expired April 9, 1908.

Henry M. Brownback to be postmaster at Norristown, Pa., in place of Henry M. Brownback. Incumbent's commission expired February 13, 1911.

Charles G. Gill to be postmaster at Madera, Pa. Office became presidential January 1, 1911.

H. C. Gordon to be postmaster at Waynesboro, Pa., in place of Silas E. Dubbel. Incumbent's commission expired January 22, 1911.

Harry B. Heywood to be postmaster at Conshohocken, Pa., in place of Harry B. Heywood. Incumbent's commission expires February 18, 1911.

Oscar D. Schaeffer to be postmaster at Nazareth, Pa., in place of William M. Bennett. Incumbent's commission expired February 13, 1911.

William W. Scott to be postmaster at Sewickley, Pa., in place of William W. Scott. Incumbent's commission expires February 18, 1911.

George F. P. Wanger to be postmaster at Pottstown, Pa., in place of William P. Bach. Incumbent's commission expired February 4, 1911.

UTAH.

Thomas Braby to be postmaster at Mount Pleasant, Utah, in place of Thomas Braby. Incumbent's commission expired February 4, 1907.

VIRGINIA.

E. B. Travis to be postmaster at Bowling Green, Va. Office became presidential October 1, 1910.

WASHINGTON.

F. L. Stocking to be postmaster at Tacoma, Wash., in place of Henry L. Votaw, deceased.

WEST VIRGINIA.

Isaac I. Riley to be postmaster at Spencer, W. Va., in place of Edwin H. Flynn, resigned.

William F. Squires to be postmaster at Parsons, W. Va., in place of William F. Squires. Incumbent's commission expires February 28, 1911.

WISCONSIN.

John W. Bell to be postmaster at Chetek, Wis., in place of John W. Bell. Incumbent's commission expired January 10, 1911.

Charles F. Henrizi to be postmaster at Menominee Falls, Wis., in place of Charles F. Henrizi. Incumbent's commission expired February 22, 1910.

George A. Packard to be postmaster at Bayfield, Wis., in place of George A. Packard. Incumbent's commission expired January 10, 1911.

John H. Snyder, jr., to be postmaster at Elkhorn, Wis., in place of Thomas W. Morefield. Incumbent's commission expires March 2, 1911.

David B. Worthington to be postmaster at Beloit, Wis., in place of David B. Worthington. Incumbent's commission expires March 2, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1911.

UNITED STATES MARSHALS.

William S. Cade to be United States marshal for the western district of Oklahoma.

Thomas F. McGourin to be United States marshal for the northern district of Florida.

W. A. Halteman to be United States marshal for the eastern district of Washington.

Joseph R. H. Jacoby to be United States marshal for the western district of Washington.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Samuel E. Allen to be colonel.
Maj. John W. Ruckman to be lieutenant colonel.
Capt. James M. Williams to be major.
First Lieut. William E. Murray to be captain.
Second Lieut. Abney Payne to be first lieutenant.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

John Emmitt Sloan to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 6, 1911.

Omar Heinrich Quade, of Missouri.
Guy Logan Qualls, of Missouri.
Leopold Mitchell, of Louisiana.
Philip Barry Connolly, of New York.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Harry A. Badt,
Walter L. Heiberg, and
Martin J. Peterson.

POSTMASTERS.

GEORGIA.

Frank P. Mitchell, Americus.

ILLINOIS.

James Porter, Martinsville.

SOUTH DAKOTA.

Frank E. Saltmarsh, Miller.

TENNESSEE.

John T. Hale, Trenton.
Grover S. McNabb, Erwin.
William A. Pamplin, Fayetteville.
William Spellings, McKenzie.
Oscar N. Vaughn, Pikeville.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following:

A convention concerning literary and artistic copyrights, signed on August 11, 1910. (Ex. E, 61st Cong., 3d sess.)

A convention relative to the creation of an international prize court (Ex. Q, 60th Cong., 1st sess.) and a protocol thereto (Ex. H, 61st Cong., 3d sess.).

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 15, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

FAMINE IN CHINA.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (H. R. 32473) for the relief of the sufferers from famine in China.

Mr. PEARRE rose.

The SPEAKER. Does the gentleman from Maryland desire to correct the RECORD or Journal?

Mr. PEARRE. I rise to a question of personal privilege.

The SPEAKER. The Chair will recognize the gentleman a little later. The gentleman from Iowa asks unanimous consent to call up a short conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China having met, after full and free conference have agreed to recom-

mend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent to dispose of this conference report at this time. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, I move that the conference report be adopted.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. PEARRE rose.

The SPEAKER. The gentleman from Maryland rises. Does he rise to a question of personal privilege?

Mr. PEARRE. Yes, sir.

The SPEAKER. And asks unanimous consent?

Mr. PEARRE. Yes, sir. Mr. Speaker, the question of personal privilege to which I rise is a misstatement, not an intentional one, I am sure, in a Baltimore newspaper as to my attitude toward the reciprocity treaty. Inasmuch as this was an important matter and an occasion where no man should dodge, I desire to correct the statement and say that I was called away by illness at home and was compelled to pair; and on page 2562 of the RECORD of yesterday's proceedings it will be seen that I was paired with Mr. LIVINGSTON, of Georgia, I being in favor of the reciprocity agreement, for which I would have voted. I simply want to make that statement, Mr. Speaker.

BREACH OF PRIVILEGES OF THE HOUSE.

Mr. PARKER. Mr. Speaker, I rise to report a resolution from the Committee on the Judiciary, which is privileged under the Constitution.

The SPEAKER. The gentleman from New Jersey [Mr. PARKER] presents, as he says, a privileged question under the Constitution.

Mr. FITZGERALD. I submit, Mr. Speaker, that the gentleman can do that only by unanimous consent.

The SPEAKER. It might be such a high privilege, from all that the Chair knows, that possibly it might not require unanimous consent. The Clerk will read it.

The Clerk read as follows:

House resolution 975.

Resolved, That Walter J. Fahy did, on the 4th day of February, 1911, commit a breach of the privileges of the House of Representatives, and that he be excluded from the House of Representatives and from all privileges therein for 10 days.

Mr. PARKER. That is for 10 days.

The SPEAKER. While the opinion of the Chair was and still is that this is a question of privilege, and of high privilege, touching the conduct of business of the House, yet as the House has settled this matter by overruling the Chair, in harmony with that sentiment the Chair would hold that it would require unanimous consent. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER. Mr. Speaker, I ask that the Clerk now read the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

[House Report No. 2167, Sixty-first Congress, third session.]

The Committee on the Judiciary, having had under consideration House resolution 950, in the following words—

"*Resolved*, That the matter brought to the attention of the House by the gentleman from Arkansas [Mr. MACON] be referred to the Committee on the Judiciary, with authority to send for persons and papers and to proceed, by subcommittee or committee, to examine witnesses upon oath, and with instructions to report not later than February 18, 1911"—

proceeded to take testimony as to the facts and occurrences upon the floor of the House on the 4th day of February, 1911, which were brought to the attention of the House by Mr. MACON, a Representative from the State of Arkansas, on the 6th day of February, 1911, in order that the House should determine what in its judgment would be best to do in regard to it. Your committee find that none of the newspaper correspondents except Walter J. Fahy were at that time guilty of any invasion of the privileges of the House.

Mr. Walter J. Fahy, in a letter of apology to the House, printed on page 2201 of the CONGRESSIONAL RECORD, says that he realizes that his attempted assault upon a Member of the House on Saturday afternoon, February 4, was a violation of the rules of the House and of the Constitution of the United States, and desires, through the Speaker, to apologize to the House. His words are as follows in this connection:

"Realizing that my attempted assault on a Member of this House Saturday evening, February 4, was a violation of the rules of the House and of the Constitution of the United States, I desire, through you, to apologize to the House of Representatives."

His brief, handed to the committee and printed in the hearings, again makes the following admission:

"First. I admit that I violated the rules and privileges of the House by attempting to call Mr. MACON to account for his insulting attack upon me in a speech."

Your committee find from the admissions of Mr. Fahy and from the testimony that he did violate the rules of the House and the Constitution of the United States. In view of the apology that has been tendered by Mr. Fahy, your committee is of the opinion that no greater punishment should be imposed than a withdrawal of the privileges of the House as a newspaper reporter, and recommend the adoption of the following resolution:

"*Resolved*, That Walter J. Fahy did, on the 4th day of February, 1911, commit a breach of the privileges of the House of Representatives and that he be excluded from the House of Representatives and from all privileges therein for 10 days."

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 423. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau;

S. 10224. An act to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service;

S. 9892. An act providing for the disposition of moneys recovered on account of injury or damage to lighthouse property;

S. 9891. An act relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis.;

S. 9822. An act directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C.;

S. 9819. An act granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California; and

S. 5583. An act to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel Forest Reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8699. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War; and

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River;

H. R. 31353. An act for the relief of F. W. Mueller; and

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain.

THE LUMBER INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 818),

which was read and, with the accompanying report, was referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

In response to the resolution of the House of Representatives, dated December 13, 1906, and to the resolution of the Senate, dated January 18, 1907, I transmit herewith Part I of the report of the Commissioner of Corporations on the lumber industry of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1911.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths; and

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9819. An act granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California; to the Committee on the Public Lands.

S. 9822. An act directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C.; to the Committee on the District of Columbia.

S. 10224. An act to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 423. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau; to the Committee on Expenditures in the Department of Commerce and Labor.

S. 5583. An act to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel Forest Reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act; to the Committee on the Public Lands.

S. 9892. An act providing for the disposition of moneys recovered on account of injury or damage to lighthouse property; to the Committee on Interstate and Foreign Commerce.

S. 9891. An act relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis.; to the Committee on Interstate and Foreign Commerce.

CODIFICATION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I desire to call up the bill H. R. 23337, known as the codification bill, as the unfinished business of the day.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The point of order is sustained.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York [Mr. DWIGHT] moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alexander, N. Y.	Capron	Elvins	Gill, Md.
Allen	Cassidy	Estopinal	Gill, Mo.
Andrus	Clark, Fla.	Fassett	Goebel
Anthony	Coudrey	Finley	Hamer
Barchfeld	Davis	Fish	Hamilton
Barclay	Denby	Foelker	Hanna
Barnard	Diekema	Fordney	Haugen
Bates	Driscoll, M. E.	Fowler	Havens
Bennett, Ky.	Durey	Gardner, Mich.	Hawley
Bradley	Edwards, Ky.	Garner, Pa.	Hayes
Hill	McCredie	Payne	Sperry
Hinshaw	McGuire, Okla.	Pou	Stanley
Hobson	McKinley, Ill.	Ransdell, La.	Stevens, Minn.
Howard	McMorran	Reeder	Sturgiss
Hubbard, W. Va.	Madden	Reid	Talbott
Huff	Maynard	Rhinock	Taylor, Ohio
Hughes, W. Va.	Miller, Minn.	Roberts	Thomas, Ohio
Joyce	Millington	Rothermel	Townsend
Kahn	Moore, Tex.	Sabath	Turnbull
Kelfer	Morehead	Saunders	Vreeland
Kennedy, Ohio	Mudd	Sherley	Wanger
Knapp	Murdock	Sisson	Wheeler
Korbly	Murphy	Slemp	Willett
Lawrence	Nicholls	Smith, Cal.	Wilson, Pa.
Lindsay	O'Connell	Smith, Mich.	Wood, N. J.
Livingston	Olcott	Smith, Tex.	
Lowden	Palmer, A. M.	Snapp	
Lundin	Patterson	Sparkman	

The SPEAKER pro tempore (Mr. LANGLEY). Two hundred and seventy-five Members—a quorum—have answered to their names. The Chair will entertain a motion to dispense with further proceedings under the call.

Mr. MANN. I move to dispense with further proceedings under the call.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KNAPP, for one day, on account of sickness.

CODIFICATION OF THE LAWS.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] will take the chair as Speaker pro tempore.

The SPEAKER pro tempore. The business before the House, this being calendar Wednesday, is the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that we proceed with the consideration of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore. That motion is not necessary, as it is the unfinished business. The Clerk will read.

The Clerk read as follows:

SEC. 168. The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD in order that I may print two petitions which I hold in my hand.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Resolution petitioning Congress to enact the illiteracy test and other measures for excluding undesirable immigration.

Whereas the Immigration Commission, which was created four years ago to determine the feasibility of the illiteracy test, has made its final report, consisting of 40 volumes, and in a 40-page summary, Senate Document No. 680, unanimously report the need of restrictive legislation, and eight of the nine members recommend the illiteracy test as "the most feasible single method of restricting undesirable immigration;" and

Whereas the said commission reports that "substantial restriction" is demanded by economic, moral, and social considerations, furnishes in its report the reasons and suggests methods by which the United States will have some such rational immigration legislation as other countries, and would not continue to be the only country with any considerable net foreign immigration—in truth, the world's dumping ground: Therefore be it

Resolved by 30 Junior Order United American Mechanics, located at Purcellville, State of Virginia, That we respectfully urge upon Congress the immediate enactment of H. R. 15413 and other measures proposed by the Immigration Commission.

Adopted, 1911.

[SEAL.]

A. F. SEATON, *Councilor.*
W. N. BEMDUM, *Recording Secretary.*

THE TRAVELERS' PROTECTIVE ASSOCIATION OF AMERICA,
Alexandria, February 11, 1911.

The House of Representatives, Washington, D. C.

GENTLEMEN: The national board of directors of the Travelers' Protective Association unanimously remonstrates against the passage of any parcels-post bill by this Congress. This organization, representing 4,200 manufacturers, importers, jobbers, commission merchants, buyers, and sellers, does not ask for protection of its business, but objects to legislative annihilation.

The rapid changes and policy of elimination now pursued by large corporate interests, known as trusts, reasonably points to the fact that their interests would be enhanced by the proposed legislation over the interests of the small local dealers, more especially where a branch house is now maintained or where advantageous distribution would make one essential to their continued growth in power of absorption and stifiement of competition. Through independent competition in price and in delivery comes universal advantage—the merchant making the lowest price and quickest delivery is by far the greater seller.

It has been stated that the increased postage cancellations would automatically increase the salaries of postmasters of the fourth class. This statement strongly sets forth that Government employees would at once become the direct competitors of the merchants of all distributing points, whether large or small. We can not concede that the Government should become our competitor.

We enter our protest against the local rural parcels-post bill because of apparent conditions herein expressed and further because we believe that this compromise measure means the adoption of a broader bill. If the proposed discrimination, the local rural parcels post, should pass, then it is natural to assume that the large corporate interests, or trusts, through the agency of large mail-order houses, would seek equitable and just legislation. The passage of this proposed measure will in time totally eliminate the jobber and destroy the business of the retailer. If our farm families send cash to the larger stores of the city, then the near-by and indulgent creditor must suffer a final loss of credits given and future business.

If the regulation of express rates is the object of these bills, then we ask, Why do you not correct the abuses legislatively and not through governmental competition?

Very respectfully,

J. Y. WILLIAMS,
National Chairman Legislative Committee.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTER. Mr. Speaker, under permission to extend my remarks in the CONGRESSIONAL RECORD, I beg leave to submit the following statement concerning the segregated mineral land in the fourth congressional district of Oklahoma, which statement has been prepared by W. H. Fuller, of McAlester, Okla., and Philas S. Jones, of Wilburton, Okla.:

"STATEMENT AS TO THE SEGREGATED COAL LANDS IN THAT PART OF OKLAHOMA FORMERLY KNOWN AS THE INDIAN TERRITORY.

"The act of Congress approved July 1, 1902, section 58, provided that the Secretary of the Interior should cause to be segregated coal lands in the Choctaw and Chickasaw Nations not to exceed in extent 500,000 acres, the same to be sold within three years under terms and conditions as provided in section 59 of said act.

"Under this provision there was segregated from allotment about 450,000 acres.

"There are located on this segregated land some thirty-odd towns, varying in size from McAlester, a town of about 14,000 people, to smaller villages. Owing to the fact of this segregation, of course, the land could not be sold or disposed of to actual settlers, and no one has a right to live upon the land or to cultivate the same, with the exception of the miners engaged in actual mining or lessees of the surface for agricultural purposes.

"Prior to this segregation there were a great many Indians occupying the land, who made considerable improvements thereon, which the law provided should be appraised and the Indian paid the value of his improvements. The appraisements have been made, all according to the above-mentioned act.

"Since statehood this tract, together with the balance of the State, has been laid off into counties and is distributed as follows:

County.	Unleased.	Leased.	Total.
	Acres.	*Acres.*	*Acres.*
Atoka	24,491.70	920	25,411.70
Carter	600.00	960	1,560.00
Coal	36,039.57	17,900	53,939.57
Haskell	39,720.64	5,760	45,480.54
Latimer	41,227.52	13,770	54,997.52
Le Flore	129,345.52	15,120	144,465.52
Pittsburg	66,305.79	46,970	113,275.79

"An inspection of the map shows that this segregated coal land surrounds and hems in a number of the most important towns in the eastern portion of the new State, such as McAlester, Haileyville, Hartshorne, Coalgate, Lehigh, Wilburton, McCurtain, and Poteau.

"There is no law now on the statute books providing for the disposition of this land. All of the people of these counties desire to have this land sold, especially the surface, and at a conference held at McAlester, in which all of the towns in the segregated district were represented, the following resolution was unanimously adopted:

"'*To the Senate and House of Representatives of the United States:*

"'We, the people of the segregated coal belt of the Choctaw and Chickasaw Nations, of the State of Oklahoma, acting in convention through duly chosen delegates from six of the seven counties of such district and 30 towns therein, respectfully memorialize the Congress of the United States to provide by law for the immediate sale of the surface of the segregated coal lands of such nations, separate and apart from the underlying mineral, to actual settlers in tracts of not to exceed 160 acres of agricultural land to each purchaser, under rules and regulations to be provided by the Secretary of the Interior, said rules to protect the value of the underlying mineral by prescribing in advance of such sale the method of acquiring any part of the surface for use in mining operations. We further recommend that said surface be sold on partial payments, but that the land be made taxable immediately after the first payment.

"'In view of the fact that such sale was unanimously recommended by a special committee of the Senate appointed by the Fifty-ninth Congress, and composed of Senators CLARK of Wyoming, Clark of Montana, Teller of Colorado, Long of Kansas, and BRANDEGEE of Connecticut, after an exhaustive hearing of the matter, held in what was the then Indian Territory, and in further view of the fact that such sale was recommended in the annual report of the Secretary of the Interior in 1908 and renewed in 1909, we do not reiterate the numerous reasons set forth by previous conventions for a number of years why such sale would not only result in the Indians, the lawful owners, realizing the largest amount for their property, but would be also of vast benefit to the general development of the country; but we would respectfully urge upon the Congress the necessity for immediate action.

"'HENRY P. ROBBINS, *Pittsburg County.*
"'J. H. MITCHELL, *Coal County.*
"'W. H. REYNOLDS, *Atoka County.*
"'J. W. REDPATH, *Latimer County.*
"'J. F. CARTER, *Le Flore County.*
"'H. G. SPAULDING, *Carter County.*'

"The Senate committee, referred to in the above resolution, in their report, which is found in report of the select committee to investigate matters connected with the affairs in the Indian Territory, on page 4, which report is known as report No. 5013, Part I, makes the following recommendation:

"'Upon consideration of the whole matter the committee recommends that immediate steps be taken to provide for the sale of the surface of said segregation for the best price obtainable, in tracts not exceeding 160 acres each to actual bona fide settlers, reserving from sale a sufficient amount of surface for the necessary outside works, buildings, and operation of mines. The committee is convinced that by dealing thus separately with the surface and the mineral the best prices can be obtained for the owners and the best results will accrue to the State and its people.'

"The Secretary of the Interior in his annual report of 1907, volume 1, pages 27 and 28, makes the following recommendation:

"'COAL LAND.

"'There has been no change in the condition of the segregated coal lands belonging to the Choctaws and Chickasaws. About 106,760 acres are under lease, and careful examination is being made of the remaining 338,352 acres to determine the locality and character of the underlying coal. This examination will make it possible to more closely estimate the value of the coal and to determine how best to dispose of it. Immediate action should be taken relative to the disposal of the surface. The improvements on the surface have been appraised and should be sold. At present it is not possible to give title, and should the occupant leave the improvements would soon be destroyed, the Government having no right whatever to lease or otherwise use them. But, quite apart from the question of improvements, legislation should be enacted which will make it possible to dispose of the surface separate from the underlying coal. By that separation the surface could be immediately disposed of for purposes to which it is best adapted and the proceeds turned over to the owners, reserving, of course, the necessary right to occupy so much of the surface as may be necessary for the opening and operation of mines.'

"Secretary Garfield, in his annual report for the year 1908, made a like recommendation, and called attention to his report of 1907, as setting forth his position at that time.

"Secretary Ballinger, in his annual report for the year ending June 30, 1910, on page 48, refers to this matter as follows:

"'I therefore recommend legislation as follows: 5. That the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, aggregating approximately 445,000 acres, be authorized to be made under rules and regulations of the department, and that the minerals thereunder be disposed of separately, as may be deemed advisable to the best interest of the Indian.'

"At the present time this land is bearing no share of the burden of taxation, and is bringing in no revenue whatsoever, so far as the surface is concerned, to the Indians, and it is clearly desired, on behalf of the great masses of the Indians, that this

land be sold and the money prorated among the Choctaw and Chickasaw Indians according to the treaty ratified September, 1902, and all the people residing in the counties mentioned above are desirous of having the land sold in order that it may bear its just portion of the burden of maintaining schools and county and State government.

"In several of the counties in the segregated coal belt a small amount of the real estate is subject to taxation. Much of the land in these counties is restricted land and not subject to taxation. These restricted lands, together with the segregated coal lands, leave a small amount of real estate only in these counties subject to taxation; for these reasons the personal property in these counties bears a very high rate of taxation.

"No steps whatever have been taken by any of these counties toward the erection of any courthouse or county jail or any other county buildings, because the counties are not able even to begin the erection of any public building until more real estate in these counties becomes taxable.

"The sale of the surface of the segregated coal lands will add at least $5,000,000 to the tax duplicate of these seven counties which include this district. Owing to the conditions mentioned above there are hundreds of school children, residing outside of the towns on this coal land, that have very inferior school privileges. There can be no bonds issued for the erection of school buildings, and the personal property subject to taxation is insufficient to maintain schools. This condition will be immediately relieved by the sale of the surface of these coal lands.

"A very considerable portion of the surface of these segregated lands is now rented and leased for the short period of one year at a time by the Interior Department. The system of cultivation now in vogue on these coal lands is very inferior and quite destructive to the soil, and in a few more years the washing of the soil, now going on under this method of short-term leasing, will so depreciate the value of the surface as to make it worthless."

The Legislature of the State of Oklahoma recently passed the following resolution:

Senate concurrent resolution 17.—By Redwine.

A resolution memorializing Congress to pass an act providing for the sale of the coal and asphalt lands of the Choctaw and Chickasaw Nations.

Whereas there has been introduced in the Congress of the United States a bill providing for the sale of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all interests affected, Indians and white people alike, thereby removing the objections to said legislation that have heretofore existed, and all interests affected are now urging its passage, the Indians because it will carry out the solemn treaty stipulations contained in the supplementary agreement of 1902 for the sale of their coal and asphalt lands and the distribution per capita of the proceeds, and the white people because it would result in the development and taxation of a large area of land now wholly undeveloped and untaxable, thereby lightening the burden of taxation and resulting in great good to the whole people of the State of Oklahoma: Therefore be it

Resolved by the senate (the house of representatives concurring therein), That the Congress of the United States be, and the same is hereby, memorialized to pass an act at the present session of Congress that will result in the early sales of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations and the distribution of the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon. T. P. GORE and the Hon. ROBERT L. OWEN and to the Members of Congress of Oklahoma, and that they be requested to present the same to Congress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of Senate.

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of House of Representatives.

The Clerk read as follows:

SEC. 189. [No person shall be excluded as a witness in the Court of Claims on account of color, or because he or she is a party to or interested in the *cause or proceeding;* and any plaintiff or party in interest may be examined as a witness on the part of the Government.]

Mr. MANN. Mr. Speaker, I move to strike out the last word. This section provides, in reference to the testimony in the Court of Claims:

No person shall be excluded as a witness in the Court of Claims on account of color, or because he or she is a party to or interested in the cause or proceeding.

I apprehend that the provision on account of color must have been inserted in the original law before the constitutional amendments were agreed to, and I doubt the advisability of carrying it in the existing law, because I think that Congress could not exclude them on account of color. I move to strike out in line 15, page 151, the words "on account of color or," so that it will read:

No person shall be excluded as a witness in the Court of Claims because he or she is a party to or interested in the cause, etc.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 151, line 15, strike out the words "on account of color or," so that the section will read: "No person shall be excluded as a witness in the Court of Claims because he or she is a party to or interested in, etc."

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Speaker, I move to strike out the last word. I desire to ask the chairman a question concerning this section with reference to the last clause:

And any plaintiff or party in interest may be examined as a witness on the part of the Government.

Does that exclude a party from being examined in his own behalf?

Mr. MOON of Pennsylvania. I think if the gentleman will observe the language in the preceding clause—"no person shall be excluded as a witness because he or she is a party to or interested in the cause or proceeding"—he will see that it does not. That clause only means that the Government may call the party in interest to testify, I suppose for cross-examination, as in ordinary cases.

Mr. CULLOP. Could not the Government, without this provision, call the party as a witness anyhow?

Mr. MOON of Pennsylvania. I will say in reply that while that is the practice in all the States there may be some doubt about it in the Federal courts. This is carried as a provision in the Bowman Act of 1883 and the Tucker Act of 1887, and I believe the question has been raised at times as to whether, in the Federal procedure, the Government has that right.

Mr. CULLOP. It seems to me the provision is altogether superfluous.

Mr. MOON of Pennsylvania. I do not think so; and, at any rate, it can do no harm.

Mr. CULLOP. I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 191. There is hereby created a United States Court of Customs Appeals, which shall *be presided over* by a presiding judge and four associate judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $7,000 a year. The presiding judge shall be so designated in the order of appointment and in the commission issued to him by the President; and the associate judges shall have precedence according to the date of their commissions. The said court shall organize and open for the transaction of business in the city of Washington, D. C., within 90 days after the judges, or a majority of them, shall have qualified. Any three members of said court shall constitute a quorum, and the concurrence of three members shall be necessary to any decision thereof. In case of a vacancy or of the temporary inability or disqualification, for any reason, of one or two of the judges of said court, the President may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place; and such *circuit or district* judges shall be duly qualified to so act.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to amend, on page 152, line 3, by striking out the words "is hereby created" and insert the words "shall be." That was the language in the original act, but it is not proper for this revision.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 152, line 3, strike out the words "is hereby created" and insert the words "shall be."

The amendment was agreed to.

Mr. MOON of Pennsylvania. Now, Mr. Speaker, on line 4, page 152, I move to strike out the words "be presided over" and insert in lieu thereof the words "consist of."

The Clerk read the proposed amendment, as follows:

On page 152, line 4, strike out the words "be presided over" and insert the words "consist of."

Mr. CULLOP. Mr. Chairman, one suggestion. That amendment to strike out should include the word "by."

Mr. MOON of Pennsylvania. The gentleman is right about that. The word "by" should be stricken out.

The SPEAKER pro tempore. Without objection, the amendment will be modified as suggested.

There was no objection.

The amendment was considered and agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I suggest to the gentleman from Pennsylvania that he also ought to move to strike out, in line 12, the language:

The said court shall organize and open for the transaction of business in the city of Washington, D. C., when the judges, or a majority of them, shall have qualified.

Mr. MOON of Pennsylvania. Mr. Speaker, I think the gentleman is entirely correct about that. The court has already been organized, and this language was useful when we reported the bill. If the gentleman will offer that amendment, I will agree to it.

Mr. MANN. Mr. Speaker, I offer that amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 52, lines 12 to 15, strike out all after the word "commissions" down to and including the word "qualified."

The SPEAKER pro tempore. The question is now upon the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 195. In addition to the clerk, the court may appoint an assistant clerk at a salary of $2,000 per annum, five stenographic clerks at a salary of $1,600 per annum each, one stenographic reporter at a salary of $2,500 per annum, and a messenger at a salary of $840 per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct.

Mr. CULLOP. Mr. Speaker, I move to strike out the last word. It seems to me this provision ought to be amended in regard to the report by including the remission of punishment and the assessment of fines or compromises made by the Treasury Department in all custom cases. I noticed the other day in the newspapers of this city where some one had been trying to interview one of the officials of the Treasury Department as to the amount of fines and the punishments that had been remitted and also the names of the parties involved, and the Treasury Department refused to give out such facts. It seems to me that that matter ought to go upon the records of the court. Whenever the Treasury Department undertakes to settle one of these cases outside of court it ought to report it to court with the name of the party and the amount collected. In fact, it should report for the approval of the Customs Court with all the facts and circumstances connected with the same. That would be only fair to the Government, fair to the people of the country, and would prevent a violation of the customs laws in regard to importations into this country. It would have a wholesome effect and prevent collusion in all such cases. I would therefore offer an amendment which would include in this report of the Treasury Department all such cases.

Mr. MANN. Which section is it that the gentleman refers to?

Mr. CULLOP. Section 195, the one that has just been read. I would like to ask the chairman if he would not have that section amended, so as to meet cases of this kind.

Mr. MANN. Mr. Speaker, these settlements are usually made in cases that have not gone to the court at all, are they not?

Mr. CULLOP. Yes.

Mr. MANN. What object is there in reporting them to the court?

Mr. CULLOP. A very good object—so that the public will know the party and will know the amount of the compromise made. The Treasury Department ought not to be compromising violations of the law. It is against public policy for the department to do so, and if such cases are settled with the Treasury Department they ought to be referred to the Court of Claims for approval and a judgment rendered in the matter.

Mr. MANN. Yes; but this is not the Court of Claims at all.

Mr. CULLOP. I should have said the Court of Customs.

Mr. MANN. But the Court of Customs has no jurisdiction in those cases.

Mr. CULLOP. Certainly, it has jurisdiction to hear and determine the amount and settle the question as to what the duties are.

Mr. MANN. Has the Court of Customs any jurisdiction over criminal cases?

Mr. CULLOP. No; but they are doing this in the line of a civil procedure, and the department settles it and determines the amount of the customs that are to be collected, and whenever they do that they ought to report the fact to the Court of Customs and have a judgment rendered approving same.

Mr. MANN. I do not see where the Court of Customs would have anything to do with the question. The Court of Customs does not deal with that class of business.

Mr. CULLOP. It does determine questions under the revenue law.

Mr. MANN. Yes.

Mr. CULLOP. These are questions that come under the revenue law, and that is the purpose of it. The Treasury Department in such settlements constitutes itself into a court and performs the office of the Customs Court, and its procedure in this respect is the matter to which I object and seek to have remedied. The practice is objectionable and should be abandoned. It has no authority of law for such action. It might lead to great abuse.

Mr. MANN. But if the case is not in the court the court has nothing to do with it. Now, I quite agree with the gentleman from Indiana that information ought to be given out from the Treasury Department, but to require a lot of information to be reported from the Treasury Department to the Court of Customs with which the court has nothing to do, only distracts the attention of the court from those things which it has to do.

Mr. CULLOP. But it does have to do with the determination of revenue that has to be paid, what the amount of customs are that are to be paid, and who are to pay them.

Mr. MANN. It has nothing to do with the collection of revenue in those cases that are compromised, and if it has in any case that is before the Court of Customs the Treasury Department can not compromise it without the consent of the court. The Treasury Department, for instance, compromises matters growing out of internal-revenue laws where criminal proceedings have been commenced, but all they can do is to recommend to the district attorneys that the compromise be accepted, and the district attorney can not accept the compromise unless the court agrees to it.

Mr. CULLOP. I understand that these are not cases where criminal prosecutions are begun, but where the party has taken them up with the Treasury Department and effected a compromise or settlement, and in such cases as those it would certainly be a good policy that all such should be submitted to the Customs Court and a judgment rendered giving the name of the party and the amount of customs collected and a judgment spread of record. This course would safeguard the matter.

Mr. SHERLEY. Will the gentleman yield?

Mr. CULLOP. I will.

Mr. SHERLEY. Is it the gentleman's idea to take away the power of compromise, or is it his idea that after compromise a report should be made to the court?

Mr. CULLOP. It is to give the court control over these settlements whenever made to prevent collusion, and that in every case where a settlement is made and is reported to the court upon petition by the party or the department and have the court enter it of record, so that any party may come into court and may have it set aside upon proper notice if he believes it is unjust to the public.

Mr. SHERLEY. Then has not the gentleman done away with the very purpose of compromise? The reason of the Government compromising cases is either because there is some equity warranting the compromise or because the Government has reason to believe that a compromise would be better than through the long medium of litigation. Now, if the compromise is bound to be put into the court and approved by the court, the very purpose and reason and nature of compromise ceases to exist. I thoroughly agree with the gentleman——

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SHERLEY. I thoroughly agree with the gentleman that there ought to be publicity, and where you will find more to criticize than in customs compromises is in internal-revenue compromises, where it has been very outrageous, but the remedy does not seem to me to lie in submitting the matter to the court.

Mr. CULLOP. The Treasury Department in this matter is executing a public trust. It is the same as the settlement of an estate, guardianship, or a receivership in court. Wherever a guardian, an administrator, or receiver of an estate makes a sale, settlement, or compromise, he must first report it to the court for approval. Now, it would be no trouble for the Treasury Department, after it has arranged for a settlement, to report the fact to the Customs Court and let the Customs Court pass upon it and, if right, approve it, and, if otherwise, reject it.

Mr. SHERLEY. If the gentleman will permit, there is a manifest distinction between the position of the Government and the position of an administrator. The settlement of every estate by an administrator or executor requires a court procedure, and therefore you will not necessarily add to court litigation; but it does not follow that the collection of customs shall always require a lawsuit.

Mr. CULLOP. This would avoid lawsuits, but it is for the approval of the court in order that the public may know what is going on in the public business and have authentic knowledge of the administration of this great department of the Government.

Mr. SHERLEY. The gentleman is assuming that is the only method by which the public can know, an assumption not warranted.

Mr. CARLIN. What objection can the gentleman have to reducing a matter of compromise to judgment?

Mr. CULLOP. Yes. Not only reducing it to judgment, but having the courts informed in order that litigation might be avoided in many cases. The very purpose of the compromise is frequently to prevent litigation. It is a public matter, and should be confirmed by the court and spread of record.

Mr. MANN. Will the gentleman yield for a question? Does the gentleman from Indiana [Mr. CULLOP] understand that the Treasury Department has authority to compromise as to the amount of duties to be collected?

Mr. CULLOP. I understand from the public press that it has been not only compromising as to the amount of duties, but also as to the remission of punishment—a thing that it has not a right to do.

Mr. MANN. Now, the gentleman will pardon me. This court has nothing to do with punishment, and the Treasury Department has no authority to compromise as to the payment of duties. The law is as specific as it can be made, as the gentleman has found if he has ever had occasion to deal with that question. The Secretary of the Treasury can only come to any reduction of a duty where the entry has been made through a manifest clerical mistake, and he can not remit duties; he can not compromise them; he can not, although the parties themselves have entered their goods at a wrong valuation, remit the amount of the duty to be paid in any case.

Mr. CULLOP. Now, that is exactly what I am seeking here to have done, namely, to prevent the Secretary of the Treasury from privately compromising these matters and keeping them a secret.

Mr. MANN. But he does not do it, and can not do it.

Mr. CULLOP. But if the reports are true the department is doing it.

Mr. MANN. I think the gentleman has possibly confused either proceedings under the internal-revenue law or the possibility of criminal proceedings under the customs laws.

Mr. CULLOP. No; I have not done that at all. Wherever the Secretary of the Treasury makes a settlement, or any of the officers under him, I think that should be reported to the Court of Customs, and the entry upon the docket of the court be made which would disclose the amount, the terms of the settlement, and the name of the party with whom the settlement was made.

Mr. MANN. Now, if the gentleman will pardon me, there is a board of appraisers, in the first instance, that fixes valuations on imported property. The law fixes the rate of duty to be collected. The Secretary of the Treasury can not control the fixing of the appraised value, nor can he waive in the smallest degree the amount to be collected as fixed by the law on importations. The Secretary of the Treasury may make a compromise, with the consent of the Department of Justice, in reference to prosecutions criminally, but this court has nothing to do with it.

Mr. CULLOP. The fallacy of the gentleman's position is this: He has taken for illustration a case that goes through the proper channels of the law. These are cases that have avoided going through the channels of the law and have been sequestered by the officials, and when discovered settle with the department. All such cases are the ones which give rise to the complaints covered by this proposition.

Mr. MANN. They all go through the channels of the law.

Mr. CULLOP. No; they do not all go through the channels of the law. If they did, there would be no trouble about the enforcement of the customs law. It is these cases that have not gone through the channels of the law which produce this complaint. There would be no punishment, no prosecution, no litigation if they went through the channels of the law, as a rule, but it is where property has been smuggled through and has escaped going through the channels of the law in which these settlements are made. I am going to ask, Mr. Speaker, time in which to prepare an amendment to this provision in order to cover it sometime before we get through the bill.

The SPEAKER pro tempore. Does the gentleman from Indiana ask unanimous consent that this section be passed without prejudice for the present?

Mr. CULLOP. Yes, sir.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that this section may be passed without prejudice, so that he may at a later period recur to it for the purpose of amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 197. The said Court of Customs Appeals shall be a court of record, with jurisdiction as *in this chapter* established and limited. It shall prescribe the form and style of its seal, and the form of its writs and other process and procedure, and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have power to establish all rules and regulations for the conduct of the business of the court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law. It shall have power to review any decision or matter within its jurisdiction, and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from New York [Mr. BENNET] moves to strike out the last word.

Mr. BENNET of New York. I do so for the purpose of saying that no case can come either from the Department of Justice or the Secretary of the Treasury in which there is any change in the amount without going through the regular channels of law, which are these: First, not less than 10 per cent of the article imported shall be sent to the appraiser's stores for appraisal, and if there is disagreement between the importer and the collector the case is referred to one of the general appraisers for decision. If either side is dissatisfied with that, there is an appeal to the Board of General Appraisers. That appeal proceeds as to two matters—classification and value, and the question of value as fixed by the Board of General Appraisers is final. The question of classification can be taken from the Board of General Appraisers to the Customs Court. All the way up to the Board of General Appraisers the matter is open for adjustment as to the question of value, as to which reasonable men may very well differ, and at times the collector of customs and an importer may agree upon the value, and on that agreement the duty as fixed by law is assessed. That is where these settlements come in that we hear about from time to time in the newspapers.

Mr. MANN. The Secretary of the Treasury has no control over it?

Mr. BENNET of New York. None whatever; and so far as criminal prosecutions are concerned I have to say this: Something like 75 per cent of the total amount of customs revenue collected comes through the port of New York. I am advised by the district attorney for the southern district of New York, recently, that since he had been in office, now for about two years, there had not been one single remission in which a criminal prosecution could be brought—not one single settlement, not one single compromise—and that where he had thought that he could maintain a criminal prosecution he had gone on and tried to get an indictment and had tried to get a conviction; and therefore there has been no escape of criminals under the law. Last week, as gentlemen may remember from reading of the case, they sent a woman to jail for smuggling, although for years past smuggling has become almost a conventional offense.

Mr. GOULDEN. How many prosecutions of this character have there been in the last two years, since the present district attorney for the southern district of New York has been in charge?

Mr. BENNET of New York. At a rough guess, I should say over 100.

Mr. GOULDEN. That speaks very well, indeed, for the district attorney. He is a splendid man.

Mr. SLAYDEN. Does the gentleman from New York mean to say that in the numerous instances that have been reported in the press of distinguished members of society coming into this country and bringing with them large quantities of goods which they forgot to declare there have been no compromises, and that those people have been compelled to pay the full penalty of the law that they broke?

Mr. BENNET of New York. The gentleman means exactly that; and he means in every instance that where these wealthy people, and poorer people as well, have been caught smuggling they have been brought up in the court and either stood trial or pleaded guilty.

In most instances they have pleaded guilty and in the majority of such cases the judge has imposed a penalty. Just about six weeks ago the United States district court judge gave notice that in the very next case where anyone came up charged with smuggling there would be imposed, upon conviction, in addition to fine, imprisonment.

Mr. SLAYDEN. That is exactly what I wanted to ask the gentleman about. I understood the judge had given notice that thereafter no one could expect mercy. I wanted to know whether that announcement of the judge had been adhered to, or if he had kindly overlooked it in the case of some prominent people and had enforced the penalty of the law against some people who were less prominent.

Mr. BENNET of New York. No; there was a case since that, the one I just referred to, where a woman was accused of smuggling. She was fined rather heavily—I forget the amount of the fine—and in addition to that was sent to jail for three days; and all smugglers hereafter will be sent to jail.

Mr. SLAYDEN. There have been no cases since then, because this woman has just come out of prison, as I understand. She came out a couple of days ago.

Mr. BENNET of New York. Yes; and the rule has been announced that anyone caught smuggling in the port of New York will go to jail.

Mr. CULLOP. What was the need of a court at this late day announcing the rule, when the law written by Congress already prescribes what the punishment shall be?

Mr. BENNET of New York. The law written by Congress prescribes that the punishment shall be either a fine or imprisonment, or both. Up until recently every judge in the United States, I think, where women have been caught smuggling, has been imposing simply a fine. Our judges in the southern district of New York have now announced that all persons, including women, caught smuggling in that jurisdiction will be sent to jail. [Applause.]

Mr. MANN. The gentleman did not state, but I think it ought to be stated, that in these cases not only are the customs dues collected, but there is a penalty collected besides, and that penalty is usually greater than the import duty; and in addition to the collection of the customs dues and the penalty, there are criminal proceedings which may involve a fine or imprisonment or a fine and imprisonment.

Mr. COX of Indiana. My understanding is that during the last year or two the customs laws have been much more strictly enforced than they were prior to that time. At least, I gather that by reading the reports in the newspapers.

Mr. MANN. I have not doubt of it, and I am inclined to think that at times some of the customs laws are enforced too strictly.

Mr. COX of Indiana. Has the gentleman, or any other gentleman, any statistics showing the extra amount of revenue that the Government has received by the rigid enforcement of the customs laws over what it received prior to that rigid enforcement?

Mr. MANN. I have no statistics, but, of course, if we include the duties collected on sugar and things of that sort, it amounts to millions of dollars.

Mr. BENNET of New York. Will the gentleman from Indiana take a horseback recollection of the amount?

Mr. COX of Indiana. Certainly. I want information.

Mr. BENNET of New York. My recollection is that the increase in collections on passengers' baggage alone in the last two years, in the ports of New York and Boston, has been somewhere in the neighborhood of $2,000,000.

Mr. COX of Indiana. Over what it was for the corresponding period prior to that time?

Mr. BENNET of New York. Yes.

Mr. PARSONS. I can give the figures taken from the Attorney General's report for the year ending June 30, 1909, which was prior to these large collections.

Mr. COX of Indiana. Will the gentleman kindly do that?

Mr. PARSONS. The amount for that year was $136,420 in the southern district of New York, and the fines in customs cases were $8,160.

Mr. MANN. Those figures only refer to the cases that went into court. Most of the cases did not go into court.

Mr. BENNET of New York. I understood the gentleman from Indiana [Mr. Cox] to refer to the increase in customs dues collected, and not to refer simply to the cases in court.

Mr. COX of Indiana. The gentleman is correct. My inquiry related to the increase in the customs dues collected.

Mr. BENNET of New York. That is somewhere in the neighborhood of $2,000,000.

Mr. COX of Indiana. I think these officials should be commended, notwithstanding the opinion of my friend from Illinois [Mr. MANN] that the customs laws are sometimes enforced too rigidly.

Mr. GOULDEN. My colleague from New York might have said that it was largely due to the efficient and rigid manner in which the present collector of customs at the port of New York has enforced the law.

Mr. MANN. Yes; and we ought not to be afraid to give his name. He is Mr. Loeb, formerly secretary to President Roosevelt.

Mr. GOULDEN. Yes; Mr. Loeb. I would have given his name, only that I knew my friend from Illinois would do so.

The Clerk read as follows:

SEC. 198. The Court of Customs Appeals established by this *chapter* shall exercise exclusive appellate jurisdiction to review by appeal, as *herein* provided, final decisions by a Board of General Appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgment or decrees of said Court of Customs Appeals shall be final in all such cases.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I had hoped when we passed section 181 that I would have an opportunity to say a word in regard to the payment of interest on judgments found by the Court of Claims. Section 181 provides:

No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

I have lost my opportunity because of calls outside of the House, but I desire at this time to have read in my time a bill introduced by me providing for the payment of interest on judgments rendered by the Court of Claims against the United States.

The SPEAKER pro tempore. The bill will be read in the time of the gentleman from Pennsylvania.

The Clerk read as follows:

A bill (H. R. 9138) to provide for payment of interest on judgments rendered against the United States.

Be it enacted, etc., That in all cases where judgment is rendered for money due by the United States on account of any contract or otherwise, the court shall include interest at the rate of 5 per cent per annum on any sum which became due and payable at any particular date from the date the amount became due and payable to the date of actual payment.

Mr. MOON of Pennsylvania. I do not understand that the gentleman from Pennsylvania has offered this as an amendment.

Mr. MOORE of Pennsylvania. Oh, no. I wanted it read at this time so that I might give notice that in the next session I shall present this bill with a view of doing justice to claimants against the United States whose claims are found to be due and upon which payment is delayed. It seems to me, a fair proposition that whereas the Government levies interest on claims due it, by the same token, where the claims against it have been ascertained to be due, interest should be allowed to those who have judgments against the Government.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. The gentleman speaks of section 181?

Mr. MOORE of Pennsylvania. Yes; page 148.

Mr. MANN. That has nothing to do with interest upon judgments.

Mr. MOORE of Pennsylvania. It seemed to me that was the proper place to emphasize what I wanted to lay before the House.

Mr. MANN. The gentleman understands that certain judgments against the United States do now draw interest?

Mr. MOORE of Pennsylvania. Some do and others do not; but it seems to me that if interest did run against the Government in certain cases it would facilitate the collection of claims found to be properly due.

Mr. MANN. The gentleman understands that all these judgments against the Government are paid promptly every year, I suppose.

Mr. MOORE of Pennsylvania. The purpose of the bill which I have just had read, so that it may be inserted in the RECORD, is to have interest allowed on claims approved in the Court of Claims from the date of the debt as ascertained and found to be due.

Mr. MANN. Would the gentleman from Pennsylvania allow interest on war claims and on the French spoliation claims?

Mr. MOORE of Pennsylvania. I think, Mr. Speaker, if a claim is found to be due from the Government of the United States and it is held up until the claimant is dead and his heirs are obliged to come in, that there ought to be some penalty on the Government for that long and barbarous delay.

Mr. MANN. I ask the gentleman, and I think it is a fair question—the gentleman is familiar with the French spoliation claims, now over 100 years old—does the gentleman think we ought to allow interest on those French spoliation claims; and if he does, would he go so far as to allow compound interest?

Mr. MOORE of Pennsylvania. If interest had been allowed by law the French spoilation claims doubtless would have been paid long ago.

Mr. MANN. I would like to suggest that if interest had been allowed on the French spoliation claims they never would be paid, not one, because Congress has refused to pay them, and the present Congress never would pay them.

Mr. MOORE of Pennsylvania. I do not think the gentleman would dispute the propriety of allowing interest on claims found to be legally due.

Mr. MANN. No. Claims legally due from the Government now draw interest if it is provided for in the contract, or it carries interest after judgment is rendered.

Mr. MOORE of Pennsylvania. Let us take claims equitably due.

Mr. MANN. The French spoliation claims is a fair example, and the gentleman has not answered the question.

Mr. MOORE of Pennsylvania. The gentleman mentions a special case. There are other claims apart from the French spoliation claims; there are individual claims. The gentleman has picked out a special case, and perhaps I am not prepared to say that interest ought to be allowed on those claims. I believe that interest is not claimed on the French spoliation claims.

Mr. MANN. Well, there is no possibility of getting it. The law does not permit it.

Mr. MOORE of Pennsylvania. I know of individuals who have claims against the Government who have spent their lives in litigation before the Court of Claims and otherwise in order to obtain justice, and it seems to me there ought to be a limitation upon the Government in the matter of beginning proceedings and in the matter of making payments when the debt is ascertained and found due.

Mr. MANN. Does the gentleman know or can he find a single claim against the Government that could be brought against a private individual which is not promptly taken care of?

Mr. MOORE of Pennsylvania. I can cite to the gentleman cases where the Government had claims against an individual and where, by reason of lapse of time, interest accruing to the Government against the individual has actually exceeded the principal amount of the Government's claim. In such cases as that, where a receiver or a trustee is responsible, the Government's preference, as I understand it, would practically absorb any estate.

Mr. MANN. I was seeking to call the gentleman's attention to this fact: We are told all the time that the Government is slow about paying its debts. The Government is not slow about paying its debts that could be collected against the Government if the Government were a private individual. It is the other claims that no one would endeavor to collect against an individual that are constantly taking the attention of the Court of Claims and of the Committees on Claims and War Claims in the House and corresponding committees in the Senate; claims that never would be presented against an individual or would have no standing in court as against an individual.

Mr. MOORE of Pennsylvania. I am sure I would much rather have a court determine these questions than have to go to Congress.

Mr. MANN. The court can now settle any claim against the Government where there is any legal liability upon the part of the Government.

Mr. MOORE of Pennsylvania. I am obliged to the gentleman. I wanted to get the opportunity to introduce this subject, because it seems to me that an allowance of interest ought to be made in cases where there is Federal liability from the time the debt is actually ascertained to be due until the time of payment.

Mr. KEIFER. Mr. Speaker, I do not know that this is very pertinent to the pending question, and I do not want to take up the time of the House but just for a moment, if I may be indulged a moment. I do not think the colloquy shows a completely accurate statement about the right to recover on claims. I do not understand that this is a bill in which we are called upon to fix a measure of damages. It is a bill of an entirely different character, and the discussion is foreign to the suggested amendment.

There was once a celebrated case where the question of interest came up. It was before the great Geneva Arbitration, where, after the case had been submitted to the court of arbitration and a majority of the arbitrators had reached the conclusion that the United States should recover against Great Britain for losses occasioned through inculpated cruisers that went out from English harbors and shipyards, etc., during the Civil War, the question was asked as to whether, having ascertained the damage thus sustained, interest should not be added. The majority of the arbitrators, I believe, if not all of them, on a reargument, were agreed that it was a proper measure of damages.

But the rule is not so as to general damages that are sought to be recovered in the courts of the United States; but the courts have established a rule rather than Congress that interest in general shall not be allowed, and that is where the matter stands, although there have been one or two exceptions, even in the Supreme Court of the United States, to that rule, that court finding some excuse for adding interest in order that an adequate recovery should be allowed.

The Clerk read as follows:

SEC. 202. Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every 60 days.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 160, in line 23, substitute a colon for the period and add the following: "*Provided*, That such calendar need not be called during the months of July and August of any year."

Mr. MANN. Mr. Speaker, I hope the gentleman from Massachusetts will agree to that amendment. The customs law requires the calendar to be called at least once every 60 days. The court is held in Washington, and it does not expedite the business by requiring the court to sit here during July, August, and September of every year to hold court, and I think it would be in the interest of expedition to dispense with the requirement that the calendar shall be called during July and August.

Mr. COX of Indiana. If the gentleman will permit, the organic act creating the Customs Court gives to one judge the power of calling the calendar.

Mr. MANN. It requires a quorum of three; they can not do business without having three here, and it requires them to stay here and call the calendar every 60 days. It probably was an inadvertence.

Mr. MOON of Pennsylvania. That is an amendment that ought to be carried in.

Mr. BENNET of New York. Mr. Speaker, I would like to ask the gentleman from Illinois if this amendment ought not to be made discretionary instead of mandatory.

Mr. MANN. Well, I think the gentleman is right. How would the gentleman want the amendment to read?

Mr. BENNET of New York. So as to make it discretionary. It may be discretionary, as I did not hear the language read very closely.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask to have the amendment again reported.

The amendment was again reported.

Mr. BENNET of New York. That leaves it in the power of the judges.

Mr. MANN. Absolutely.

The question was taken, and the amendment was agreed to.

Mr. MOON of Pennsylvania. Now, Mr. Speaker, since the reporting of this bill the Mann bill, creating a new court known as the Commerce Court, has been passed, and I therefore propose an amendment to the bill by the insertion under title, chapter 9, the following, which I send to the Clerk's desk to be read. I want to say to the House this is exactly the language of the act of June 18, 1910, entitled "An act to create a Commerce Court," and so forth.

The Clerk read as follows:

CHAPTER 9.—THE COMMERCE COURT.

Sec.
202*a*. Commerce Court created; judges of, appointment and designation; expense allowance to judges.
202*b*. Additional circuit judges; appointment and assignment.
202*c*. Officers of the court; clerk, marshal, etc.; salaries, etc.
202*d*. Court to be always open for business; sessions of, to be held in Washington and elsewhere.
202*e*. Marshals to provide rooms for holding court outside of Washington.
202*f*. Assignment of judges to other duty; vacancies, how filled.
202*g*. Powers of court and judges; writs, process, procedure, etc.
202*h*. Jurisdiction of the court.
202*i*. Suits to enjoin, etc., orders of Interstate Commerce Commission to be against United States; restraining orders, when granted without notice.
202*j*. Jurisdiction of the court, how invoked; practice and procedure.
202*k*. Final judgments and decrees reviewable in Supreme Court.
202*l*. Suits to be against United States; when United States may intervene.
202*m*. Attorney General to control all cases; Interstate Commerce Commission may appear as of right; parties interested may intervene, etc.
202*n*. Complainants may appear and be made parties to case.
202*o*. Pending cases to be transferred to Commerce Court; exception; status of transferred cases.

SEC. 202*a*. There shall be a court of the United States to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years, except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as provided *in the next succeeding section*, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated, the Chief Justice shall designate a circuit judge to fill the vacancy so caused and to serve during the unexpired period for which the original designation was made. After the year 1914 no circuit judge shall be re-

designated to serve in the Commerce Court until the expiration of at least one year after the expiration of the period of his last previous designation. The judge first designated for the five-year period shall be the presiding judge of said court, and thereafter the judge senior in designation shall be the presiding judge. The associate judges shall have precedence and shall succeed to the place and powers of the presiding judge whenever he may be absent or incapable of acting in the order of the date of their designations. Four of said judges shall constitute a quorum, and at least a majority of the court shall concur in all decisions. Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of $1,500 per annum.

SEC. 202b. The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who, from time to time, shall be designated and assigned by the Chief Justice of the United States for service in the *district* court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

Mr. MANN. Mr. Speaker, it just occurs——

The SPEAKER pro tempore. The Clerk has not concluded the reading of the amendment.

Mr. MANN. But he has concluded the reading of that section. It is intended to offer this amendment in sections.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that amendments may be in order as each section is read.

Mr. MOON of Pennsylvania. This amendment is intended to be offered in sections in the way it has been read as though it was originally reported as a part of the bill.

The SPEAKER pro tempore. The Chair will state it was offered as one amendment, but without objection the sections may be treated separately as if they were in the bill originally. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to strike out the last word. It just occurred to me this language of course is taken from the law of the last session of Congress. Now, it says in this section the President shall appoint five additional circuit court judges, and so forth. Of course the judges of the Commerce Court have already been appointed. Would this appoint five new circuit judges or authorize their appointment? It absolutely says so.

Mr. MOON of Pennsylvania. I catch the gentleman's point. The language of the act at the time it was passed was necessary.

Mr. MANN. It was absolutely necessary then.

Mr. MOON of Pennsylvania. Now, they have been appointed and are in the field and in operation, and I certainly feel that the language is not any longer necessary; and it may have the effect that the gentleman anticipates and states.

Mr. MANN. It seems to me——

Mr. KEIFER. It ought not to go out, though.

Mr. MOON of Pennsylvania. I want to say to the gentleman from Illinois that we have a provision in this bill, section 279, which is as follows:

SEC. 279. That the provisions of this act, so far as they are substantially the same as existing statutes, shall be construed as continuations thereof, and not as new enactments, and there shall be no implication of a change of intent by reason of a change of words in such statute, unless such change of intent shall be clearly manifest.

I think this covers the point raised by the gentleman.

Mr. MANN. I was going to ask this question. Of course this bill or the Senate bill, as already passed and now on the Speaker's table, to get enacted will have to go into conference. The whole bill will be in conference, of course, and the conferees can make any change they want to make in it, and yet it is not customary for conferees to change language which has been agreed upon in both Houses, although they have that power if the whole bill goes into conference. I was wondering whether if we struck this out it would leave the conferees in a little better shape to consider it. If necessary, it could be left in, and if it is not necessary it could be stricken out.

Mr. MOON of Pennsylvania. Being already carried in the Senate bill?

Mr. MANN. Yes. It would be before the conferees, as I assume this provision was inserted in the bill in the Senate.

Mr. MOON of Pennsylvania. It was. That suggestion seems to me to be a wise one. It gives us more time to consider it.

Mr. BENNET of New York. May I ask the gentleman from Pennsylvania [Mr. MOON], or the gentleman from Illinois [Mr. MANN], if there is a further provision either in this section or subsequent sections providing for the appointment of the successors to these five circuit court judges?

Mr. MANN. Oh, yes.

Mr. KEIFER. Is it proposed to leave out the whole provision as to commerce courts?

Mr. MANN. No; just this section as to the appointment of five new circuit judges. They have already been appointed. I will not move to strike it out. I think the conferees will take care of that in any event, and, of course, it is understood that there is no intention to create five new judges.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the gentleman from Pennsylvania [Mr. MOON] and the gentleman from Illinois [Mr. MANN], the latter of whom had a great deal to do with the Commerce Court, whether—not, of course, at this time, but at some subsequent time—it would not be practicable and economical to combine these two courts?

Mr. MANN. Which two courts?

Mr. BENNET of New York. Combine the Commerce Court and the Customs Court. As I understand it, they both grew out of the desire for uniformity, and I am also of the opinion, although I may be wrong, so far as the Customs Court is concerned, it is not overburdened with business, and I would like to know if the object sought to be attained by the creation of these two courts can not be attained by combining them, so that there would be one court whose decisions would have uniformity and there would not be, possibly, an unnecessary number of judges and, therefore, unnecessary expenditure of money.

Mr. MOON of Pennsylvania. I understand the gentleman is only suggesting that as to the advisability of new legislation in the future and not as an amendment here.

Mr. BENNET of New York. Of course I know nothing of the kind could be done on this bill.

Mr. MANN. I would like to say this, Mr. Speaker: It is well known in the House, and in the administrative circles, at least, that the creation of the Commerce Court never came to me with any very appealing force. I should doubt, however, the desirability of endeavoring to combine the Customs Court and the Commerce Court. But we have before us a proposition to create a patent court, a court of patent appeals, and a proposition to transfer to some kind of a court of appeals land cases. I do not know that any member of the Committee on Patents is here on the floor at this time, but it has occurred to me that patent appeals might well be made to the Commerce Court. That would give a uniform jurisdiction throughout the United States and would answer all the requirements of the creation of a new court of patent appeals. And I think, if there are to be any appeals in land cases, possibly those might go to the Commerce Court. We do not want to create a half dozen different principal or appellate courts between our United States Supreme Court and our courts of appeals. We have two now, in a way, that take the place of the court of appeals, and if we propose to have this jurisdiction exercised by a central court it might well be conferred, I think, upon these two courts that have recently been created.

Mr. BENNET of New York. The gentleman rather agrees and sympathizes, then, with my view that there ought to be a curtailment of additional courts, of this character at least.

Mr. MANN. Well, with the knowledge that I have had up to the present time, I should never have voted for the Customs Court if I had had an opportunity to vote against it, but as long as I had an opportunity in committee to vote against the Commerce Court I did.

Mr. BENNET of New York. The gentleman did vote against the Customs Court, that provision being incorporated in the tariff bill?

Mr. MANN. I did that, but not the other time.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Chapter 9——

Mr. MANN. Mr. Speaker, I move to strike out the last word. I spoke the other day, when this bill was under consideration, about the power and jurisdiction of these Commerce Court judges, when they are transferred out into the districts or the circuits, and I made a suggestion as to that. I did that because one of the new judges came to me and suggested that the law does not cover the case. Now, I would like to ask, Does not the gentleman from Pennsylvania [Mr. MOON] think it would be advisable to put an amendment in here so that the matter could be thrown into conference, so that if it is necessary to have legislation on this point to authorize this class of Commerce Court cases to be tried in the country it could be done?

Mr. MOON of Pennsylvania. Mr. Speaker, I will admit to the gentleman from New York [Mr. PARSONS] that that was an omission in the original bill, that judges whose labors for a limited period of time will be devoted to serving in that court and whose appointment—because they are appointed for life—will of necessity be added to the judicial machinery of the country. And there does not seem to be any provisions as to where those judges shall go when their service on this court

terminates. The only provision as to their creation was that no two of them should be taken from the same circuit. The suggestion may be a very wise one. It seems to me, when we are revising the laws, this is the time to take care of the situation that has developed. I therefore shall welcome any amendment that may be offered by the gentleman, and would suggest that we do not attempt to perfect the phraseology now, but carry it into conference, where we may be able to give it more careful consideration than we can give to it here on the floor.

Mr. MANN. I understood during the debate the other day that one member of the committee would prepare or had prepared an amendment that would cover it.

Mr. PARSONS. I will say to the gentleman from Illinois [Mr. MANN] that I think this section could very readily be amended so as to cover both his points. I see no harm in amending it, and if that phraseology is imperfect it could be amended in conference. I will offer an amendment.

Mr. MANN. Yes; let the gentleman offer an amendment, so as to put it in conference.

Mr. PARSONS. Mr. Speaker, I move to strike out section 202b, and insert in lieu thereof the following:

The five additional circuit judges authorized by the "Act to create a Commerce Court, and for other purposes," approved June 25, 1910, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States Supreme Court for service in the district court of any district, or the circuit court of appeals of any circuit, or in the Commerce Court, and when so designated or assigned for service in the district court or in the circuit court of appeals shall have the power and jurisdiction in this act conferred upon the circuit judge in his circuit.

The SPEAKER pro tempore. The Chair would suggest that the gentleman from New York send his amendment to the Clerk's desk.

Mr. MANN. I am not sure, even under that amendment, what would be the situation in case the Customs Court judge from the New York circuit is assigned to hear cases at Savannah.

Mr. MOON of Pennsylvania. Or in the fourth district, where they have two.

Mr. MANN. Yes; or in the fourth district, where they have two, as to his compensation or his traveling expenses. A judge of the court of appeals is allowed his traveling expenses and per diem if he holds court at any place away from his home, but he can only hold court in the circuit. A circuit judge is not allowed that and a district judge is not allowed that. Now, it is manifestly improper to expect that a judge in New York shall be sent to some other part of the country to hold court unless he receives his traveling expenses, and I think it would be very difficult to get him to go.

Mr. MOON of Pennsylvania. We will take care of that.

Mr. STAFFORD. Does not the gentleman believe that there should be some general provision covering the traveling expenses of all the judges, not only the circuit judges but the district judges as well? The gentleman has pointed out an embarrassing feature in connection with the traveling of these judges to places in the different circuits or districts, which would undoubtedly prevent their going to places where they should go.

Mr. MANN. I have a bill pending which I introduced, prepared by the Attorney General, to cover the question. I had thought possibly the Judiciary Committee would report it before this. I think it could be passed by unanimous consent. I have been carrying it in my pocket for several days to call it to the attention of the proper member of the Judiciary Committee.

Mr. STAFFORD. As I understand, the Senate committee has reported, and the Senate has passed a similar bill.

Mr. MANN. They have reported this same bill, which was introduced in the Senate after I introduced it in the House.

Mr. STAFFORD. And it has passed the Senate, as I understand.

Mr. MANN. It has been reported in the Senate, but I think it has not passed that body. My bill provides:

That hereafter the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be allowed and paid their actual and necessary expenses of travel and maintenance consequent upon their attending court in pursuance of law at any place other than their official place of residence, said expenses to be paid by the marshal of the district in which such court is held, upon the judge's written certificate: *Provided*, That for the purposes of this act each judge shall be deemed to have his official residence at the regular place appointed by law for holding the court of which he is commissioned a judge at or nearest to his place of actual residence. Every such judge shall, upon his appointment, and from time to time thereafter, whenever he may change such official residence, in writing, notify the Department of Justice of the place of his official residence for the purposes of this act.

Mr. COX of Indiana. We have some kind of a law, have we not, under which a judge is allowed traveling expenses to the amount of $10 per day when holding court away from his place of residence?

Mr. MOON of Pennsylvania. Out of his district.

Mr. MANN. If a district judge is sent out of his district to hold court, he is allowed traveling expenses and per diem not to exceed $10 a day. But this situation arises in the State of the gentleman from Indiana: We have provided for holding court in a number of places in that State, and the district judge does not hold the court. Why should he? Every time he goes to hold court at some place away from his home he pays his expense out of his own pocket, including his traveling expenses.

The circuit court in Indianapolis frequently would like to have one of the circuit judges at Chicago come down and hold court, but why should he? If he goes, he has to pay his expenses out of his own pocket. I do not say that he should not do it. Some of the judges do it; but anyone can see very readily that judges will not be jumping over themselves in their haste to go to some other place to hold court when it is done at their own expense, and they get neither money return nor thanks.

Mr. COX of Indiana. If the gentleman's bill should become a law, what conflict would there be between it and the existing law?

Mr. MANN. There would be no conflict. It would change the $10 a day business.

Mr. COX of Indiana. That is what I am trying to get at. It only provides for actual expenses?

Mr. MANN. Yes.

Mr. MOON of Pennsylvania. The existing law provides for actual expenses not exceeding $10 a day.

Mr. COX of Indiana. As a rule, do they not collect the $10?

Mr. STAFFORD. Oh, no.

Mr. MANN. As a rule, they did take the $10 without question until there were some impeachment proceedings a few years ago. Since that time I think the judges have been a little more particular. Up to that time it was considered to mean $10 a day.

Mr. COX of Indiana. I have always been of the opinion that all Government employees, I care not whether post-office inspectors or Agricultural Department inspectors or Government employees under the Department of Justice, should be put squarely upon the expense basis, cutting out this question of per diem. I do not believe it is proper. I do not think it is right at all.

Mr. MOON of Pennsylvania. The judges complain very seriously of being obliged to keep an account of every little expenditure. They think it is humiliating.

Mr. COX of Indiana. Well, many things are humiliating, but nevertheless are right.

Mr. MOON of Pennsylvania. I think they would agree with the gentleman from Indiana to limit it to an absolute figure.

Mr. COX of Indiana. No; that is not my proposition. I would put it on an actual expense account, whatever they have expended.

Mr. MOON of Pennsylvania. But that is what it is now.

Mr. STAFFORD. What objection would there be to offering the bill of the gentleman from Illinois as an amendment to one of the sections now under consideration, so as to bring the subject into conference?

Mr. MANN. If the gentleman in charge of the bill can name any place where it would be applicable, I would be glad to offer it.

Mr. MOON of Pennsylvania. It seems to me that it might be made applicable here almost anywhere if it was coupled with an instruction to this committee that the committee of conference can put it in where it ought to go, under the head of circuit judges or district judges. If that can be understood, I would welcome it.

Mr. MANN. With that understanding, I will offer it.

Mr. STAFFORD. I think it should be offered at this point with that understanding.

The SPEAKER pro tempore. The Clerk will first report the amendment offered by the gentleman from New York [Mr. PARSONS].

The Clerk read as follows:

Strike out section 202b and insert in lieu thereof the following:

"SEC. 202b. The five additional circuit judges authorized by the act to create a Commerce Court, and for other purposes, approved June 25, 1910, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court, and when so designated and assigned for service in a district court or circuit court of appeals shall have the powers and jurisdiction in this act conferred upon a circuit judge in his circuit."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was considered and agreed to.

Mr. MANN. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Insert a new section, as follows:

"That hereafter the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be allowed and paid their actual and necessary expenses of travel and maintenance consequent upon their attending court in pursuance of law at any place other than their official place of residence, said expenses to be paid by the marshal of the district in which such court is held, upon the judge's written certificate: *Provided*, That for the purposes of this act each judge shall be deemed to have his official residence at the regular place appointed by law for holding the court of which he is commissioned a judge at or nearest to his place of actual residence. Every such judge shall, upon his appointment, and from time to time thereafter, whenever he may change such official residence, in writing, notify the Department of Justice of the place of his official residence for the purposes of this act."

DISPOSITION OF WATERS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, I ask unanimous consent that I may present at this point a conference report on the bill S. 6953, authorizing contracts for disposition of waters under the reclamation act, for printing in the RECORD.

The SPEAKER pro tempore. The gentleman from Kansas reports a conference report for printing in the RECORD.

The conference report (No. 2168) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 9, 12, and 13, and agree to the same.

Amendments numbered 1, 2, 3, 4, 5, and 6: That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with amendments as follows: Strike out all of the matter in section 1 of the bill, and all of the matter proposed to be inserted in said section, and insert in lieu thereof the following:

That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works.

And the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Strike out the apostrophe which appears in said amendment; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In the matter proposed to be inserted strike out the apostrophe which appears after the word "corporations" and insert in lieu thereof a comma; and the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Strike out the apostrophe which appears in said amendment; and the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the matter proposed to be inserted strike out the apostrophe which appears after the word "corporations" and insert in lieu thereof a comma; and the House agree to the same.

Amendment as to title: That the Senate recede from its disagreement to the amendment of the House as to the title, and agree to the same with an amendment as follows: In lieu of the title proposed in said amendment insert the following: "An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes;" and the House agree to the same.

W. A. REEDER,
RALPH D. COLE,
W. R. SMITH,
Managers on the part of the House.

F. E. WARREN,
W. L. JONES,
J. W. BAILEY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 6953, authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report, as to each of the amendments of the House, viz:

On amendments Nos. 1, 2, 3, 4, 5, and 6: Provide for carrying and impounding water, as proposed by the House, instead of disposing of water, as proposed by the Senate.

On amendments Nos. 7 and 8: Make verbal correction in the text of the bill.

On amendment No. 9: Provides that the use of reservoirs as well as the construction of reservoirs may be contracted for, as proposed by the House.

On amendments Nos. 10, 11, 12, and 13: Make verbal corrections in the text of the bill.

On amendment No. 14: Gives to the bill the title proposed by the House.

W. A. REEDER,
RALPH D. COLE,
W. R. SMITH,
Managers on the part of the House.

CODIFICATION OF THE LAWS.

The Clerk, continuing the reading of the amendment, read as follows:

SEC. 202*c*. The court shall also have a clerk and a marshal, with the same duties and powers, so far as they may be appropriate and are not altered by rule of the court, as are now possessed by the clerk and marshal, respectively, of the Supreme Court of the United States. The offices of the clerk and marshal of the court shall be in the city of Washington, in the District of Columbia. The judges of the court shall appoint the clerk and marshal, and may also appoint, if they find it necessary, a deputy clerk and deputy marshal; and such clerk, marshal, deputy clerk, and deputy marshal shall hold office during the pleasure of the court. The salary of the clerk shall be $4,000 per annum; the salary of the marshal $3,000 per annum; the salary of the deputy clerk $2,500 per annum; and the salary of the deputy marshal $2,500 per annum. The said clerk and marshal may, with the approval of the court, employ all requisite assistance. The costs and fees in said court shall be established by the court in a table thereof, approved by the Supreme Court of the United States, within four months after the organization of the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the United States, and shall be accounted for and paid into the Treasury of the United States.

SEC. 202*d*. The Commerce Court shall be always open for the transaction of business. Its regular sessions shall be held in the city of Washington, in the District of Columbia; but the powers of the court or of any judge thereof, or of the clerk, marshal, deputy clerk, or deputy marshal may be exercised anywhere in the United States; and for expedition of the work of the court and the avoidance of undue expense on inconvenience to suitors the court shall hold sessions in different parts of the United States as may be found desirable. The actual and necessary expenses of the judges, clerk, marshal, deputy clerk, and deputy marshal of the court incurred for travel and attendance elsewhere than in the city of Washington shall be paid upon the written and itemized certificate of such judge, clerk, marshal, deputy clerk, or deputy marshal, by the marshal of the court, and shall be allowed to him in the *settlement* of his accounts with the United States.

SEC. 202*e*. The United States marshals of the several districts outside of the city of Washington in which the Commerce Court may hold its sessions shall provide, under the direction and with the approval of the Attorney General, such rooms in the public buildings of the United States as may be necessary for the court's use; but in case proper rooms can not be provided in such public buildings said marshals, with the

approval of the Attorney General, may then lease from time to time other necessary rooms for the court.

SEC. 202*f*. If at any time the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any *district* court or circuit court of appeals. In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence therefor shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

SEC. 202*g*. In all cases within its jurisdiction the Commerce Court, and each of the judges assigned thereto, shall, respectively, have and may exercise any and all of the powers of a *district* court of the United States and of the judges of said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction hereby conferred. The Commerce Court may issue all writs and process appropriate to the full exercise of its jurisdiction and powers and may prescribe the form thereof. It may also from time to time establish such rules and regulations concerning pleading, practice, or procedure in cases or matters within its jurisdiction as to the court shall seem wise and proper. Its orders, writs, and process may run, be served, and be returnable anywhere in the United States; and the marshal and deputy marshal of said court and also the United States marshals and deputy marshals in the several districts of the United States shall have like powers and be under like duties to act for and in behalf of said court as pertain to United States marshals and deputy marshals generally when acting under like conditions concerning suits or matters in the *district courts* of the United States.

SEC. 202*h*. The Commerce Court shall have the jurisdiction now possessed by circuit courts of the United States and the judges thereof over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section 3 of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section 20 or section 23 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States.

Nothing contained in this *chapter* shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, that is hereby transferred to and vested in the Commerce Court.

The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive; but this *chapter* shall not affect the jurisdiction now possessed by any circuit or district court of the United States over cases or proceedings of a kind not within the above-enumerated classes.

SEC. 202*i*. Suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the Commerce Court otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof may, on hearing after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than 60 days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application.

SEC. 202*j*. The jurisdiction of the Commerce Court shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action, and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the Commerce Court or by the proper United States marshal or deputy marshal upon every defendant therein named, and when the United States is a party defendant, the service shall be made by filing a copy of said petition in the office of the secretary of the Interstate Commerce Commission and in the Department of Justice. Within 30 days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein, the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court; and may prescribe that the evidence be taken before a single judge of the court, with power to rule upon the admission of evidence. Except as may be otherwise provided in this *chapter*, or by rule of the court, the practice and procedure in the Commerce Court shall conform as nearly as may be to that in like cases in a *district* court of the United States.

SEC. 202*k*. A final judgment or decree of the Commerce Court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a *district* court of the United States to the Supreme Court, and the Commerce Court may direct the original record to be transmitted on appeal instead of a transcript thereof. The Supreme Court may affirm, reverse, or modify the final judgment or decree of the Commerce Court as the case may require. Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the Commerce Court appealed from, unless the Supreme Court or a justice thereof shall so direct; and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require. An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of the Commerce Court granting or continuing an injunction restraining the enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within 30 days from the entry of such order or decree. Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes, except criminal causes in that court.

SEC. 202*l*. All cases and proceedings in the Commerce Court which but for this *chapter* would be brought by or against the Interstate Commerce Commission shall be brought by or against the United States, and the United States may intervene in any case or proceeding in the Commerce Court whenever, though it has not been made a party, public interests are involved.

SEC. 202*m*. The Attorney General shall have charge and control of the interests of the Government in all cases and proceedings in the Commerce Court, and in the Supreme Court of the United States upon appeal from the Commerce Court. If in his opinion the public interest requires it, he may retain and employ in the name of the United States, within the appropriations from time to time made by the Congress for such purposes, such special attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney General shall stipulate with such special attorneys and counsel the amount of their compensation, which shall not be in excess of the sums appropriated therefor by Congress for such purposes, and shall have supervision of their action: *Provided*, That the Interstate Commerce Commission and any party or parties in interest to the proceeding before the commission, in which an order or requirement is made, may appear as parties thereto of their own motion and as of right, and be represented by their counsel, in any suit wherein is involved the validity of such order or requirement or any part thereof, and the interest of such party; and the court wherein is pending such suit may make all such rules and orders as to such appearances and representations, the number of counsel, and all matters of procedure, and otherwise, as to subserve the ends of justice and speed the determination of such suits: *Provided further*, That communities, associations, corporations, firms, and individuals who are interested in the controversy or question before the Interstate Commerce Commission, or in any suit which may be brought by anyone under the *provisions* of this *chapter*, or the acts of which it is amendatory or which are amendatory of it, relating to action of the Interstate Commerce Commission, may intervene in said suit or proceedings at any time after the institution thereof; and the Attorney General shall not dispose of or discontinue said suit or proceeding over the objection of such party or intervenor aforesaid, but said intervenor or intervenors may prosecute, defend, or continue said suit or proceeding unaffected by the action or nonaction of the Attorney General therein.

SEC. 202*n*. Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

SEC. 202*o*. Until the opening of the Commerce Court, all cases and proceedings of which from that time the Commerce Court is hereby given exclusive jurisdiction may be brought in the same courts and conducted in like manner and with like effect as is now provided by law; and if any such case or proceeding shall have gone to final judgment or decree before the opening of the Commerce Court, appeal may be taken from such final judgment or decree in like manner and with like effect as is now provided by law. Any such case or proceeding within the jurisdiction of the Commerce Court which may have been begun in any other court as hereby allowed, before the said date, shall be forthwith transferred to the Commerce Court, if it has not yet proceeded to final judgment or decree in such other court unless it has been finally submitted for the decision of such court, in which case the cause shall proceed in such court to final judgment or decree and further proceeding thereafter, and appeal may be taken direct to the Supreme Court; and if remanded, such cause may be sent back to the court from which the appeal was taken or to the Commerce Court for further proceeding, as the Supreme Court shall direct. All previous proceedings in such transferred case shall stand and operate notwithstanding the transfer, subject to the same control over them by the Commerce Court and to the same right of subsequent action in the case or proceeding as if the transferred case or proceeding had been originally begun in the Commerce Court. The clerk of the court from which any case or proceeding is so transferred to the Commerce Court shall transmit to and file in the Commerce Court the originals of all papers filed in such case or proceeding and a certified transcript of all record entries in the case or proceeding up to the time of transfer.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. MANN. Does that include the amendment that I offered as an amendment to the amendment?

The SPEAKER pro tempore. The Chair will put the question again. The question is on the amendment offered by the gentleman from Pennsylvania as amended by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the numbering of the chapters, when necessary by the addition of a new chapter, be made by the Clerk.

Mr. MANN. Of course it is understood that the Clerk renumbers these sections.

Mr. MOON of Pennsylvania. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

SEC. 206. The Chief Justice of the Supreme Court of the United States shall receive the sum of $13,000 a year, and the Justices thereof shall receive the sum of $12,500 a year each, to be paid monthly.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 162, line 6, strike out the word "thirteen" and insert the word "fifteen."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 162, line 8, strike out the word "twelve" and insert the word "fourteen."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 214. The reporter shall be entitled to receive from the Treasury an annual salary of $4,500 when his report of said decisions constitutes one volume, and an additional sum of $1,200 when, by direction of the court, he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of $1,200, and to office rent, stationery, and contingent expenses in the sum of $600: *Provided*, That the volumes of the decisions of the court *after the 5th of August, 1882*, shall be furnished by the reporter to the public at a sum not exceeding $2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor. Said salary and compensation, respectively, shall be paid only when he causes such decisions to be priated, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding $2 a volume.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I wish to inquire of the chairman of the committee whether he has any information as to the emoluments that accrue to the reporter by reason of the sale of the reports of the Supreme Court decisions.

Mr. MOON of Pennsylvania. Mr. Speaker, I will say in reply to that, that I have no information whatever on that subject.

Mr. STAFFORD. Can the gentleman inform the House as to what the present price of the Supreme Court Reports is?

Mr. MOON of Pennsylvania. Two dollars a volume.

Mr. STAFFORD. The amount stated here is $2; but in many of the States by reason of the diminished cost of printing and binding the original price has been diminished. I assume that the demand for the Supreme Court Reports has increased considerably during the past several years, and yet under this provision we grant him virtually a monopoly in the control of the disposition of them, and allow him to take all of the profits resulting from the diminished cost of printing.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. BARTLETT of Georgia. I think that the law is that the reporter is required to sell them at what they cost; and I know this, that in purchasing these reports from Little, Brown & Co., in Boston, you pay $2.50. That includes the postage.

Mr. STAFFORD. Are not the publishers Banks & Co., of New York City?

Mr. BARTLETT of Georgia. Little, Brown & Co., are the ones I get mine from in Boston, and I think the lawyers in my section, in Macon, Ga., do the same. We pay $2.50, which includes the postage, but my understanding is that you can get them from the clerk by the payment of their cost.

Mr. STAFFORD. Does the gentleman understand that they can be purchased from the clerk of the Supreme Court at cost?

Mr. BARTLETT of Georgia. I understand so.

Mr. STAFFORD. I would like to say to the gentleman that that is not the practice if it is the law.

Mr. BARTLETT of Georgia. In any event, I stated to the gentleman what the price is that we pay in my section.

Mr. STAFFORD. Can the gentleman refer us to any provision of law that authorizes us to purchase them at cost from the clerk of the Supreme Court?

Mr. BARTLETT of Georgia. I can not; but that was my understanding. I know it generally costs us about $2.50 a volume, including the postage from Boston.

Mr. STAFFORD. The gentleman is also aware of the reduced price of reports in various States by reason of the diminished cost of printing.

Mr. BARTLETT of Georgia. My own State of Georgia requires that the cost of the reports of the court of appeals and supreme court shall be sold at cost. A statute of the Georgia Legislature requires that, and we get them at cost.

Mr. STAFFORD. My idea was there should be a similar provision here, so far as the Supreme Court Reports are concerned——

Mr. CULLOP. I will join the gentleman on that.

Mr. BARTLETT of Georgia. I think that is proper——

Mr. STAFFORD. But I have not prepared any amendment.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. MANN. Mr. Speaker, I do not know whether there is any way of getting a statement that you get reports at cost. The reporter or publishers are now required to furnish, as I remember, 300 volumes of reports to the Government free of cost.

The reporter now gets a salary of $4,500, based upon one volume of reports, and $1,200 additional for a second volume. There are now four or five volumes of the reports—I do not recall exactly the number—every year. Does the gentleman happen to know whether the reporter gets paid $1,200 for each of the succeeding volumes after the first or only $1,200?

Mr. MOON of Pennsylvania. Mr. Speaker, I will say in response to the gentleman from Illinois personally I have no definite knowledge that I feel justified in giving to the House. The information I got—but it is not that upon which I would ask the House to rely—is that he gets only $1,200 for the additional volumes, but I am not sure of that.

Mr. MANN. I think when this law was originally passed it was calculated when the reporter furnished volumes at $2 a copy he would make a reasonable profit on it, to which he is entitled. There is a lot of work in connection with it that exhausts the salary which is paid to him, and at that time the 300 volumes were expected to cover the volumes necessary for distribution throughout the United States. My recollection is that I have seen the statement somewhere that the Government now furnishes 800 copies.

Mr. MOON of Pennsylvania. Fully; and we have an amendment here to furnish even more.

Mr. MANN. And the question with me was whether the reporter now, or the publishers now, owing to the increased number of volumes and also the increase in printing owing to the increased editions of each volume, might not properly be required to furnish a larger number to the Government free of cost than 300 copies, as is now provided. It would seem a reasonable proposition.

Mr. MOON of Pennsylvania. It would; it would seem a reasonable proposition, and I shall not oppose any amendment.

Mr. STAFFORD. Mr. Speaker, I offer an amendment to strike out, in line 10, page 165, the words "two dollars" and insert the words "one dollar and fifty cents," and also in line 18, same page, the words "two dollars" and insert "one dollar and fifty cents."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 10, page 165, strike out the words "two dollars" and insert in lieu thereof the words "one dollar and fifty cents." Also, in line 18, strike out the words "two dollars" and insert in lieu thereof the words "one dollar and fifty cents."

Mr. PARSONS. I wish to ask the gentleman on what facts he bases that change.

Mr. STAFFORD. In reply to the gentleman I wish to say that I have no actual knowledge as to the cost of printing and binding these respective volumes, but I have some general information that the cost of printing and binding has diminished considerably in the past several years. We all know, no matter how meager our practice may have been, that the demand for reports of the Supreme Court of the United States has increased considerably. If it has, the profit accruing to the reporter has increased proportionately. I recall the agitation in my State some years ago for reducing the price of the reports of the supreme court decisions of that State and I do not think this is any rash amendment to reduce the cost of these volumes 50 cents per volume.

The gentleman is also acquainted with the fact that the tendency of recent years, particularly the last two or three years, has been, instead of binding these in sheep, to bind them in buckram, which is a cheaper method, although the Supreme Court Reports have continued to be bound in law sheep. I think if we adopt this amendment of $1.50, which would place the matter in conference, if there is any conflicting testimony which shows that the cut has been too great, there might be some adjustment in conference to meet the condition. But personally, from my knowledge of the printing and binding trade, I do not think this is any radical reduction.

Mr. MOON of Pennsylvania. I suppose the gentleman would have no objection, and would expect, if this went into confer-

ence, the committee would then be put upon inquiry as to what the real cost was, or whether it was reasonable or not.

Mr. STAFFORD. That was my purpose in making the preliminary inquiry, namely, to know whether he or any other Member of the House had any information, and in adopting this amendment we place it upon the committee to acquire this information.

Mr. PARSONS. If the gentleman will permit me, when did this reduction in the cost of your State reports occur?

Mr. STAFFORD. The agitation began about 10 years ago, but the reduction took place, I believe, about four or five years ago. I think that has been the case in other States.

Mr. PARSONS. It is not my experience in New York.

Mr. MOON of Pennsylvania. It is in Philadelphia. We have a reporter appointed there, and the limitation fixed by the law is that he can charge only $1.17 a volume for the reports to Pennsylvania lawyers. Of course, if he sells the reports outside of the State, he gets more, but every Pennsylvania lawyer buys them for $1.17.

Mr. KENDALL. How recent has that been?

Mr. MOON of Pennsylvania. Four or five years.

Mr. KENDALL. Has there been any complaint from the bar as to this price?

Mr. MOON of Pennsylvania. No; not at all. I suppose the spirit of this is that it would be wise for us to look into it.

Mr. STAFFORD. Under this provision the reporter receives the profit between the selling price and the cost of production. I assume the profits have been increased by reason of the diminished increase in the cost of printing and binding, and we do not wish to levy on the practitioners that need these reports at the price of $2 when the cost has been materially reduced.

Mr. ALEXANDER of Missouri. I wish to state that the decisions of the supreme court and of the court of appeals in Missouri are published under contract and delivered at $1.50 a volume, and that has been true for at least 10 years past. Now, so far as the decisions of the Supreme Court of the United States are concerned, of course there are a great many lawyers who use the lawyers' annotated revisions and do not use the original reports, and that may have an effect on the price of the volumes here. There is no reason why the cost should not be reduced to the profession.

Mr. STAFFORD. I assume the reason for the Lawyers' Cooperative Society publishing an edition of Supreme Court Reports and the West Publishing Co. publishing the Supreme Court Reporter was because of the high price which the bar generally was obliged to pay for the regular edition.

Mr. ALEXANDER of Missouri. There is no question about that.

Mr. TILSON. Mr. Speaker, may I ask the gentleman of the committee in regard to the volumes issued since the 10 of August, 1882, as to whether those are all to be included in this reduction, or whether only such volumes as are issued hereafter? The proviso in the paragraph states that the volumes of the decisions of the courts after the 10th of August, 1882, shall be furnished by the reporter to the public at a sum not exceeding $2 per volume. Now, would it be entirely fair to require that these volumes, of which he may already have had a supply printed, should be sold at a reduced price, or is it intended that he shall be required to sell at a reduced price only those issued hereafter?

Mr. PARSONS. The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] applies in both cases, but it is understood that he is not certain whether the facts warrant that, and that in conference the conferees shall ascertain what is a reasonable amount.

Mr. TILSON. It seems there might be a difference made between those that have already been published and on hand and those that may be hereafter published. He might be able to print them at a cheaper rate.

Mr. PARSONS. That would be for the conference to consider.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 215. The Secretary of the Interior shall distribute copies of the Supreme Court reports *hereafter published*, as follows: To the President, the justices of the Supreme Court, the judges of the circuit courts *of appeals*, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, *the Secretary of Commerce and Labor*, the Solicitor General, *the Assistant to the Attorney General*, each Assistant Attorney General, *each Assistant Secretary of each Executive Department, the Assistant Postmasters General*, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Commissioner of Internal Revenue, *the Director of the Mint*, each of the six Auditors in the Treasury Department, *the Judge Advocate General, War Department*, the Paymaster General, War Department, the Judge Advocate General, Navy Department, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, *the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester, Department of Agriculture, the Purchasing Agent, Post Office Department*, the Interstate Commerce Commission, the Clerk of the Supreme Court of the United States, the Marshal of the Supreme Court of the United States, the Attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 2 copies; to the Secretary of the Senate for the use of the committees of the Senate, 20 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 22 copies; to the Marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, 12 copies; and to each of the places where district courts of the United States are now holden, including Hawaii, and Porto Rico, 1 copy. He shall also distribute to each additional United States judge hereafter appointed, and to each place where a new district court may hereafter be established, 1 complete set of said reports, the judge holding such courts to select the edition of said reports. He shall also distribute to each United States judge hereafter appointed, to each place where a new district court may hereafter be established, and to each office hereafter created, to which the decisions of the Supreme Court are sent under the provisions of this section, a copy of such digest of such reports as the several judges and officers shall respectively select. No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, *unless* there be at such place a United States officer to whose responsible custody they can be committed. The clerks of said courts (except the Supreme Court) shall in all cases keep said reports and digests for the use of the courts and of the officers thereof. Such reports and digests shall remain the property of the United States, and shall be preserved by the officers above named and by them turned over to their successors in office.

Mr. MOON of Pennsylvania. Mr. Speaker, I send to the Clerk's desk the following committee amendment, which I move to section 215.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 215: On page 165, in line 20, strike out the words "hereafter published."

On page 167, in line 24, strike out all after the period and to and including the word "select," in line 9, page 168, and insert in lieu thereof the following:

"He shall also distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them, to each of the places where district courts are now held to which said reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, do I understand that the gentleman is to offer a further amendment providing for the distribution of copies to the Commerce Court and the Court of Customs Appeals? I notice from the reading of this section that there is provided a set of Supreme Court Reports and the digests to the courts and also to the judges thereof, but I do not see any reference in the paragraph to the new Commerce Court and the Court of Customs Appeals.

Mr. MOON of Pennsylvania. Since the gentleman calls the attention of the committee to it, I am rather convinced that that was an omission that ought to be included here.

Mr. STAFFORD. I thought it had not been called to the chairman's attention.

Mr. PARSONS. The judge gets them all right.

Mr. MANN. Who gets them?

Mr. PARSONS. The judge gets them.

Mr. MOON of Pennsylvania. That is the district judge.

Mr. STAFFORD. The section also embodies the idea to have a set of reports given to the court itself.

Mr. MOON of Pennsylvania. There ought not to be left any doubt about it at all.

Mr. MANN. Why not insert it in the proper place? The proper place to insert it is after the circuit court of appeals or after "the Supreme Court," in line 31, page 165. I suggest that there should be inserted there the words "the judges of the Commerce Court and the judges of the Court of Customs Appeals."

Mr. MOON of Pennsylvania. I think it would be better to insert it in line 22, after the "circuit courts of appeals." So far as the rank is concerned, it will probably rank less than the circuit court of appeals.

Mr. MANN. I think not. It is a question of opinion. These two courts are centralized in Washington, and they are supposed to rank above the circuit courts of appeals, of which there are nine scattered throughout the country.

Mr. STAFFORD. Does the gentleman maintain that position because the Commerce Court and the Court of Customs Appeals are located here in Washington while the others are scattered over the country?

Mr. MANN. The Supreme Court and the Court of Customs Appeals and the Commerce Court are the only three courts in the land that have jurisdiction throughout the entire country.

Mr. STAFFORD. Is it not more a question of jurisdiction of the respective courts rather than the extent of their jurisdiction?

Mr. MOON of Pennsylvania. I do not think that is important, but I will move an amendment, on line 21, at the end of the line, insert the words:

To the judges of the Commerce Court and the judges of the Customs Court."

The SPEAKER pro tempore. Does the gentleman from Pennsylvania offer that as an amendment or as an amendment to the amendment?

Mr. MOON of Pennsylvania. This is an amendment to the section.

Mr. MANN. Add on line 21 the words "the judges," and so forth.

Mr. TILSON. Mr. Speaker, before that amendment is acted on I would like to ask the gentleman in charge of the bill [Mr. MOON] in regard to that amendment. As I understood the reading of it from the Clerk's desk, the words "hereafter published" are to be stricken out by the amendment. Is that correct?

Mr. MOON of Pennsylvania. Yes. I will explain that. There is a provision of law that all these reports shall be furnished to the courts and the various executive departments, and in some of them they have never yet received them. The words "hereafter published" would, if left standing, confine the distribution to those hereafter published.

Mr. TILSON. Is there any provision made for any reprint of the volumes of the reports previously issued? As I read the paragraph, it seems there are quite a number of new sets to be furnished.

Mr. MOON of Pennsylvania. There are.

Mr. TILSON. Is the reporter required to go back and furnish complete sets of these reports from the beginning; and if so, how is he to be remunerated?

Mr. MOON of Pennsylvania. They do not republish them, but they go into the market and buy them.

Mr. MANN. I was going to suggest to the gentleman from Pennsylvania that instead of the words "hereafter published" it would cover the case better if he should say "as they are published."

Mr. MOON of Pennsylvania. We strike out the words "hereafter published."

Mr. TILSON. And the effect of that is to require the furnishing of complete sets from the beginning.

Mr. MOON of Pennsylvania. Under the system they are required to furnish these reports, but they have not yet furnished them. The provision respecting these sets that these executive departments and these courts shall receive them, is already existing law, but they have never yet been furnished by the reporter.

Mr. MANN. By the Secretary of the Interior.

Mr. MOON of Pennsylvania. The Secretary of the Interior goes out into the market and buys these reports as they are required.

Mr. BORLAND. I should like to ask the chairman of the committee a question. These reports that are spoken of in this section are not the national reporter system of the district and circuit courts, are they?

Mr. MOON of Pennsylvania. No; they are the published United States Supreme Court Reports.

Mr. BORLAND. Is there anything in this bill referring to the national reporter system?

Mr. MOON of Pennsylvania. None at all; or to any other system.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. MANN. I offer an amendment to insert after the word "court," in line 21, page 165, the words:

The judges of the Commerce Court, the judges of the Court of Customs Appeals.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 21, after the word "court," insert "judges of the Commerce Court, judges of the Court of Customs Appeals."

The amendment was agreed to.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word. Has the attention of the gentleman from Pennsylvania [Mr. MOON] been called to the bill (H. R. 22469) which was drafted by the Attorney General of the United States and which had the approval of the subcommittee of the Committee on the Judiciary, relating to the distribution of reports? I have it here.

Mr. MOON of Pennsylvania. I am familiar with the bill. We have had it before us. It relates to the distribution of the Federal Reporter.

Mr. MANN. It is the same as Senate bill 179.

Mr. BENNET of New York. What I was going to suggest was that the officers named in the bill H. R. 22469 should also be inserted, so that that matter would be before the conferees.

Mr. MOON of Pennsylvania. Who are these officers?

Mr. BENNET of New York. Each additional United States attorney hereafter appointed.

Mr. MANN. Let me ask the gentleman a question. I notice that in Senate bill 179 the United States district attorneys are not covered. Certainly they get these United States reports now in some shape. Does the gentleman know how they obtain them?

Mr. BENNET of New York. The Attorney General, as I recall it, states in his report that if they get them they have to go out and buy them themselves. There is no provision of law for distributing the reports of the Supreme Court of the United States to the United States district attorneys, and I think that the United States district attorneys ought to be added.

Mr. MANN. There is no question that they ought to have the United States court reports. I went before the Committee on Appropriations a year or two ago and tried to get them to authorize the United States attorney at Chicago to have a library. He had to try cases against lawyers who had large libraries, and the Government declined to furnish him a library.

Mr. BENNET of New York. I may say to the gentleman from Illinois that at a time when the United States district attorney for the southern district of New York had sent in $35,000 or $40,000 in fines he made a requisition on the Department of Justice for $68 worth of law books, and it was refused on the ground that they had no money to buy them.

Mr. STAFFORD. Could not the district attorney of the United States use those books that are in the chambers of the district and circuit courts?

Mr. MANN. No; he could not go in there every time he wanted to consult a law book, and the district and circuit court judges are using them a great deal.

Mr. STAFFORD. In Milwaukee there is a library which is under the control of the district judge, but it is at the disposal of the district attorney.

Mr. MOON of Pennsylvania. The district attorney could not go in there and prepare his cases.

Mr. BENNET of New York. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The question first is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Now, Mr. Speaker, I offer the following amendment: After the word "court," in line 25, page 165, insert the words "each United States attorney and each additional United States attorney hereafter appointed."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 25, page 165, after the word "court," insert "each United States attorney and each additional United States attorney hereafter appointed."

Mr. MANN. Mr. Speaker, I suggest that the gentleman does not need that latter part of the language. "Each United States attorney" covers all that is needed.

Mr. BENNET of New York. I ask unanimous consent to modify the amendment.

Mr. MOON of Pennsylvania. Mr. Speaker, while I do not think this is the best place for the amendment, yet with the consent of the gentleman from New York that the committee in conference may put it in the proper place, I will not object.

Mr. BENNET of New York. Oh, yes.

Mr. PARSONS. I suggest to the gentleman that he offer as an amendment his bill at the end of section 215, because now the part that he puts in only gives to the United States district attorneys the current volumes.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Unanimous consent is not needed, and the gentleman from New York withdraws his amendment.

Mr. STAFFORD. Before withdrawing the amendment, I would like to direct the gentleman's attention to the fact that, as I understand the proposed amendment, it extends to the Federal reporters, whereas the provision we are now considering refers only to the Supreme Court reports.

Mr. MOON of Pennsylvania. Oh, no.

Mr. BENNET of New York. My bill does not. Mr. Speaker, I offer the following amendment to line 19, page 168.

The Clerk read as follows:

Insert, at the end of line 19, page 168, the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each United States attorney, and to each additional United States attorney hereafter appointed, one copy of each volume of the official reports of the Supreme Court of the United States, including those already published and those hereafter to be published, or a reprint of the same, and a copy of the digest now published of the Supreme Court Reports, in six volumes, covering the decisions of said court to the end of the October term, 1906, which shall in all cases be transmitted to their successors in office."

Mr. MANN. Mr. Speaker, there is no exception in the amendment as affored in regard to the reports which may now be in possession of the United States district attorney. Of course it is not the intention of the gentleman to furnish a duplicate set or duplicate copies.

Mr. BENNET of New York. Certainly not.

Mr. MANN. That is the direction in the amendment offered.

Mr. BENNET of New York. The understanding with the chairman is that when it gets into conference it shall be modified to make it fit with the rest of the section.

Mr. MANN. This has nothing to do with the rest of the section.

Mr. BENNET of New York. I think so. My colleague suggested that the bill go in so that the conference committee can have the whole thing before them.

Mr. MOON of Pennsylvania. The gentleman's remarks will go in the RECORD, and that shows the understanding and intention to exclude all persons who now have the reports.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, on page 167, line 15, by striking out the word "twenty-two" and inserting the word "thirty."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 167, line 15, strike out "twenty-two" and insert "thirty," so so as to read "30 copies."

Mr. MANN. Mr. Speaker, that is in reference to the copies for the use of the House. There are a number of committees of the House that have been unable to obtain Supreme Court Reports. I will not undertake to say whether it is because there are not enough reports or because the committees have not been active enough. The committee I preside over at present, the Committee on Interstate and Foreign Commerce, until I presided over it did not have a copy of the Supreme Court Reports, but I transferred from the Committee on Elections, of which I was formerly the chairman, the Supreme Court reports to the Committee on Interstate and Foreign Commerce.

A gentleman here asks by what authority I did that. I did not ask anybody's authority; I simply moved the books over. Both of those committees ought to have the Supreme Court Reports on their shelves, available for the use of the committees, because they are both called upon to use those reports, and while theoretically you can send down to the law library and get a Federal Court Reporter, practically you can not do it when you are considering matters in committee.

Mr. HUGHES of New Jersey. Mr. Speaker, which committee is it the gentleman thinks should have a copy of these reports?

Mr. MANN. I stated that the Committee on Elections No. 1, of which I was formerly the chairman, did have a copy of the reports, and when I became the chairman of the Committee on Interstate and Foreign Commerce these reports were brought over and installed in the rooms of the Committee on Interstate and Foreign Commerce, which up to that time did not have a copy of the reports, and I would be very glad to have the gentleman from New Jersey come up and consult the reports at any time.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say in that connection what may be of interest to this House. When I was appointed chairman of the Committee on the Revision of the Laws that committee did not have a copy of the Revised Statutes which it was called upon to revise. There was not in the committee room a single legal volume. One of the first acts of that committee was to induce Congress to purchase a complete set of the Supreme Court Reports and the Federal Reporter, and then afterwards, when provisions were made by law that a considerable portion of this work was done by the joint committee, I did not come before Congress to ask for an appropriation for another set, but the publishers kindly loaned to me as the chairman of the House committee a full set of the Federal Reporter and the Digest. I got the Supreme Court Reports from the library here, where they happened to have an extra copy, and probably they exceeded their authority in putting them over in the committee room.

I therefore think the amendment offered by the gentleman from Illinois is one that ought not to be objected to.

Mr. HUGHES of New Jersey. Mr. Speaker, I was moved to ask the gentleman from Illinois the question I did because so far as I have been able to observe if he was not already in possession of a copy of the reports he certainly does not need them. That is the only observation I have to make on the subject.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Pennsylvania whether there is any place in the bill where we could put in if we wanted to, or whether in his judgment we ought not to put in now a provision for furnishing the Federal Reporter to these same officials, or at least to the judges. The Senate has passed the bill (S. 179), which has been reported from the Committee on the Judiciary and is now on the House calendar, in reference to this matter. As long as we have the matter up I can see no reason why, if it is the proper thing to do, as it seems to me it is, we should not incorporate it in the law now. Of course the Federal Reporter covers the court of appeals, and so forth, and no judge or district attorney can get along to-day without consulting the Federal Reporter.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say in response to that that as a member of the Committee on the Judiciary I investigated this bill very thoroughly and joined in the report, which I think was unanimous, from the committee. As the gentleman says, the bill has passed the Senate and is now on the House calendar. It was carefully considered in committee and it is undoubtedly true that wherever a United States court is held in this country, and they are held at now upward of 250 places, there ought to be a complete set of the Federal Reporter.

Mr. COX of Indiana. How do these judges get along without them?

Mr. MOON of Pennsylvania. They are obliged to buy them out of their pockets and one judge told me on the floor of this House, because he was formerly a Member of Congress, that he set aside $800 a year out of his salary to keep his library complete; and, in addition to that, these judges are necessarily obliged to travel and hold court in divisions, and they are obliged really to borrow books from the practicing attorney's office in the division, if he happens to have them.

Mr. MANN. And in some cases they do not have them.

Mr. MOON of Pennsylvania. In some cases they do not have them.

Mr. MANN. And then he has to guess at the law.

Mr. MOON of Pennsylvania. It is a most embarrassing situation, and the facts offered before the committee warrant me in assenting to the proposition that it ought to be put upon this bill. It is the only medium for the publication of the opinions of the circuit court of appeals. There was another publication, covering in part the same ground, which was discontinued, as I understand.

Mr. MANN. I at one time edited the Bissell reports, which were the reports of the circuit court in the old days in the seventh circuit.

Mr. MOON of Pennsylvania. And they are discontinued.

Mr. MANN. Long ago discontinued by these other publications.

Mr. MOON of Pennsylvania. These publications are the only ones that carry the decisions not only of the circuit court of appeals, but decisions of the circuit courts and district courts on important cases. They are, in other words, the depository of adjudicated cases in all the courts except the Supreme Court of the United States.

Mr. MANN. It is absolutely impossible to transact law business or dispose of it without constant reference to these reports. I see the amendment that the Committee on the Judiciary report would provide only one set of these reports at a place like Chicago or New York, which I think is a mistake.

Mr. STAFFORD. Will the gentleman permit at that place? I believe in the Senate bill to which the gentleman referred is named a certain publication, the Federal Reporter, which is published by a private concern. Would the gentleman have any objection to inserting after "Federal Reporter" words providing for a similar publication or other publication containing the decisions of these courts? We are now providing for years in the future, and if some publication should be published which would be as serviceable or more serviceable to the judges and district attorneys than the Federal Reporter, such reports should, in the discretion of the Secretary, be open to be purchased.

Mr. MANN. I think the gentleman is correct and that it ought to cover that contingency.

Mr. MOON of Pennsylvania. Well, I have no objection to it, because I am not interested in the publication of the Federal Reporter; but, of course, they are limited to a certain price——

Mr. COX of Indiana. What is the price?

Mr. MOON of Pennsylvania. Two dollars is the price provided for in the bill now, and $2.50 is the regular price. Now, in reply to the inquiry of the gentleman from Illinois as to the proper place, I suggest, without taking the time now to select the proper place, if it is the sense of this House that it should go on, that it go on, with the general instructions that the committee in conference would insert it at its proper place, without naming any particular place.

Mr. MANN. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new section the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to procure complete sets of the Federal Reporter and digests thereof and the current volumes of the same as issued, containing reports of the decisions of the circuit courts of appeals and of the circuit and district courts of the United States, and distribute the same *to each of the places where a circuit court of appeals, a circuit court, or a district court of the United States is regularly held, and to each and every place where a new circuit or district court may be hereafter established: Provided, That where a circuit court and a district court are holden at the same place only one such set shall be distributed to that place; and one set each shall be distributed to the Supreme Court of the United States, the Court of Claims, the court of customs appeals, the commerce court, the court of appeals of the District of Columbia, and the supreme court of the District of Columbia; such reports shall be kept by the clerks of said courts and their successors in office for the use of said courts and the officers thereof.*

"*And the Secretary of the Interior shall distribute one set each to the Attorney General of the United States, the Solicitor General of the United States, the Solicitor of the Treasury, the Assistant Attorney General of the Interior Department, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, not more than three sets; and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets.*

"That whenever any of such officers, office, or court room shall have a partial *or complete* set of the Federal Reporter or digest already purchased or owned by the United States, in such case the Secretary of the Interior be, and he is hereby, authorized to procure and distribute to such officers, office, or court room sufficient volumes *only* to make a complete set for such officer, office, or court room.

"That the volumes of the Federal Reporter distributed under the provisions of this *act* shall be and remain the property of the United States, and before distribution shall be plainly marked on their covers 'The property of the United States,' and shall be transmitted by the officers receiving the same to their successors in office.

"That not to exceed $2 per volume shall be paid for the back volumes of such reports and for the current volumes of the Federal Reporter, and $5 per volume for the digest, the said money to be disbursed under the direction of the Secretary of the Interior; and the Secretary of the Interior shall *hereafter* include in his annual estimates submitted to Congress an estimate for the current volumes of reports *and digests* the distribution of which is provided for in this act."

Mr. COX of Indiana. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman from Illinois this question. As I gathered from the reading of the bill it provides for the distribution of these books to the circuit and district judges at places where court is held. Now, take my own State, for instance. While the law requires a district court judge to hold court at some four or five different places in a year, yet in truth and in fact, as far as I know, he only holds court at one place, at Indianapolis, and occasionally at Evansville, Ind. When parties litigant living in the southern part of the State petition him, stating in their petition it would lessen the cost to have the case transferred to Evansville, I have known him to go over to Evansville and hold court.

Now, under the gentleman's amendment, does he believe that would supply the office at Evansville, Ind., with these reports?

Mr. MANN. Undoubtedly it would authorize the supply at Evansville. I will say to the gentleman that I instanced awhile ago the reason why the district judge in Indiana did not hold court at Evansville and at other places. We have obviated that in this bill. He does not hold court at these places where the law requires him to do so because, if he does, he has to pay his railroad fare and hotel expenses out of his own pocket.

Mr. COX of Indiana. We have been trying to get him to hold his court over at Evansville, but so far we have not been able to accomplish it.

Mr. MANN. But we have just passed a provision that will not require him, but under which he will do it, because we pay his expenses.

Mr. COX of Indiana. The practice over there is so extremely light that it would be a needless waste of money, it seems to me.

Mr. MANN. If it is a needless waste of money, and I will not say it is not, to provide the reports of the United States where the judge holds the court, I would suggest it is a needless holding of court there, and the gentleman ought to abolish the holding of the court at that place. Certainly, if a judge goes there to hold court he ought to be able in some way to have access to the United States reports.

Mr. COX of Indiana. As I said a moment ago, the number of cases over at Evansville, Ind., is small and are tried only on a petition filed in the first instance to the court asking that the cases be transferred from Indianapolis to Evansville, as cheaper to the parties litigant.

Mr. MANN. I will say to the gentleman, however, in the bill which I offer as an amendment now there was originally a provision authorizing the Secretary of the Interior to expend this money by making an indefinite appropriation out of the Treasury out of which he could do it. I struck it out of the amendment as I offered it, so that hereafter if they wished to do this they have first to present an estimate, which goes to the Committee on Appropriations and comes before the House. My understanding is that, although the law now provides that the Secretary of the Interior shall provide the Supreme Court reports at all these places, it never has been done, owing to the lack of appropriations in some cases, and in some cases it not being considered necessary, and a sufficiently large appropriation never has been made to cover, and I have no doubt the same thing will occur in reference to this.

Mr. COX of Indiana. I think probably that will be true. It is so apparent in my own State, as an illustration, and I use it because I am acquainted with the facts there. There will be no necessity to supply a complete library in the four or five places, where, of course, the practice before the Federal court is exceedingly and nominally small at the present time.

Mr. MANN. Yes; but if it is large enough the people will have to consult the reports. I suppose very likely in most of those cases there are no large libraries to cover all this.

Mr. COX of Indiana. There is a very good library at Evansville.

Mr. MANN. That may be.

Mr. PARSONS. May I ask the gentleman why he does not make a provision that the Attorney General shall make the distribution rather than the Secretary of the Interior? The Attorney General must be more familiar with the need of these volumes where the court is held than the Secretary of the Interior.

Mr. MANN. I can see no difference, myself, whether it is the Attorney General or the Secretary of the Interior. If I were drafting the provision originally I should say it should be the Attorney General. I quite agree with the gentleman. Of course, the provision in the bill which has already been agreed to, in reference to the United States Supreme Court reports, provides that the Secretary of the Interior shall make the distribution.

Mr. PARSONS. That is true; and the committee, following existing law, did not desire to suggest any change, but, as the gentleman is suggesting changes now, I wondered why he had not suggested that.

Mr. MANN. The Secretary of the Interior on this bill stated he ought to have allowance for packing these reports, and in the amendment I offered I struck that out. I can see no reason why these reports should be sent from where they are published to Washington, and repacked in Washington to be distributed throughout the country. It is certainly perfectly easy to require the publishers, or the persons from whom they purchase the books, to pack them.

Mr. PARSONS. Where are they published now?

Mr. MANN. I think the Federal Reporter is published at St. Paul by the West Publishing Co. The same thing is true of the Supreme Court Reports.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the amendment:

Wherever the words "Federal Reporter" occur insert "or other publications containing the decisions of the court of appeals, circuit courts, and district courts."

Mr. MANN. I would suggest to the gentleman that I think his language ought to be, "in the discretion of the Secretary of the Interior," so that it will not require him to furnish both.

Mr. STAFFORD. I was not acquainted with the exact phraseology as embodied in the gentleman's amendment. I thought the proposed amendment would still leave it in the discretion of the Secretary of the Interior.

Mr. MANN. Perhaps that is so.

Mr. MOON of Pennsylvania. If there is any doubt about that I think the gentleman had better change that.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from New York [Mr. PARSONS].

The Clerk read as follows:

Insert in the amendment, after the words "Federal Reporter" wherever they occur, the words, "or, in his discretion, other publication containing the decision of the court of appeals, circuit court, and district court."

Mr. MANN. Or just insert there the words "in his discretion."

Mr. STAFFORD. After the word "or" I ask the privilege of inserting the words "in his discretion."

The SPEAKER pro tempore. Without objection, the amendment will be considered so amended. The question now is on agreeing to the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the amendment offered by the gentleman from New York as amended.

The question was taken, and the amendment as amended was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 216. The publishers of the decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the 300 copies delivered by the reporter, *such number* of copies of each report *heretofore or* hereafter published as the Secretary may require, for which he shall pay not more than $2 per volume. Not more than $26 per set shall be paid for the digest required for distribution under the section last preceding. The Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for the current volumes of such reports, and also for the additional sets of reports and digests required for distribution under the section last preceding.

Mr. MOON of Pennsylvania. Now, Mr. Speaker, I move the following amendment, which the Clerk will report.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOON] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Section 216, on page 169, strike out lines 1 and 2 and the word "preceding" in line 3.

Mr. MOON of Pennsylvania. Mr. Speaker, the object of that is to remedy a condition which the Secretary of the Interior reports to us. He says it is now impossible to purchase this digest for $26. Those words mean and imply that under the section last preceding the rate or limitation of $26 per set for the purchase of the digest is omitted because at present the digest can not be purchased at this price. This limitation was made in 1902, when the Russell and Winslow and the Lawyers' Cooperative Digests were each in four volumes. The Lawyers' Cooperative Digest now comprises six volumes and sells for $45.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOON].

The question was taken, and the amendment was agreed to.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that we may go back to page 150, in line 17, and insert the word "civil," and strike out in line 18 the words "for the suppression of the rebellion." That is in accordance with other amendments in the bill heretofore made. This was overlooked.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to go back to page 150 and amend lines 17 and 18. Is there objection?

There was no objection.

Mr. HOUSTON. I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the amendment.

The Clerk read as follows:

On page 150, line 17, before the word "war," insert the word "civil," and in line 18 strike out the words "for the suppression of the rebellion."

Mr. HOUSTON. This amendment is in perfect accord with other amendments that were adopted on this subject, and I trust there will be no opposition to it.

The SPEAKER pro tempore. Without objection, the amendments will be considered together as one. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to go back to page 150 and offer an amendment to go between sections 185 and 186, on that page, which amendment I will ask to have read for the information of the committee.

Mr. PARSONS. Will the gentleman withhold that for a moment? We can go back right after the section.

Mr. BENNET of New York. Very well; that will be satisfactory.

Mr. STAFFORD. Mr. Speaker, I offer the following amendments to section 216, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 168, in line 21, strike out the words "Secretary of the Interior" and insert "Attorney General."
In line 24, strike out "Secretary" and insert "Attorney General."
In line 25, strike out "$2" and insert "$1.50."
On page 169, line 3, strike out the words "Secretary of the Interior" and insert "Attorney General."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I also offer an amendment to strike out, in line 21, on the same page, the words "Secretary of the Interior" and insert "Attorney General," and in line 24, of the same page, strike out "Secretary" and insert "Attorney General."

The SPEAKER pro tempore. The gentleman from Wisconsin offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 168, line 21, strike out "Secretary of the Interior" and insert "Attorney General."
In line 24 strike out "Secretary" and insert "Attorney General."

Mr. STAFFORD. Also, in line 3, page 169, strike out "Secretary of the Interior" and insert "Attorney General."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 169, line 3, strike out "Secretary of the Interior" and insert "Attorney General."

Mr. STAFFORD. Mr. Speaker, the purpose of this amendment has been already referred to in the colloquy that took place a few moments ago as to which department should have charge of the purchase and disposition of these reports and reporters. It is the general opinion that the Attorney General would be the better custodian to have charge of this work, because he would know better the places where they should be distributed. Even if there were some question about it, it would be better to put this matter into conference. Therefore I propose these amendments; and if they are adopted, then I will ask to return to the other places in the preceding sections where the Secretary of the Interior is similarly authorized for the purpose of offering similar amendments.

Mr. MANN. I should like to suggest to the gentleman from Wisconsin that while the House can adopt this amendment, the House can not return to the preceding section except by unanimous consent; and if the amendment should be agreed to and then some one should object to returning to the other sections, we would be in the anomalous position of providing that the Secretary of the Interior should furnish all of these officers with the books that are to be supplied and the 300 copies of them should be in the hands of the Attorney General.

Mr. STAFFORD. Mr. Speaker, to obviate that embarrassing situation I will couple with my amendments the request for unanimous consent to return to section 213, and in line 18, page 164, to strike out "Secretary of the Interior" and insert "Attorney General;" also to return to section 215, and in line 19, on page 165, to strike out "Secretary of the Interior" and insert "Attorney General."

The SPEAKER pro tempore. Will the gentleman state again the number of the section to which he desires to return?

Mr. STAFFORD. First, section 213.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to section 213 for the purpose of offering an amendment.

Mr. STAFFORD. I wish to make an omnibus request for unanimous consent, so as to meet the possible objection of the gentleman from Illinois, to return to section 213 and to offer an amendment to strike out the words "Secretary of the Interior," in line 18, and substitute Attorney General;" also to return to section 214, and in line 11, page 165, strike out "Secretary of the Interior" and insert "Attorney General."

Mr. MANN. And also in the amendment which I offered a while ago.

Mr. STAFFORD. And in section 215, line 19, page 165, strike out "Secretary of the Interior" and insert "Attorney General."

Mr. BENNET of New York. And also in the amendment which I had the honor to offer.

Mr. STAFFORD. Also——

Mr. MANN. Wherever it occurs in those sections.

Mr. STAFFORD. Also in section 215, and in the same section on page 168.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to sections 213, 214, and 215 for the purpose of offering the amendments suggested. Is there objection?

Mr. STAFFORD. And also in the amendment of the gentleman from Illinois [Mr. MANN].

Mr. MOON of Pennsylvania. Mr. Speaker, reserving the right to object, I want to make this statement: I do not want the consideration of the bill to be delayed by what may be a very unimportant change; but in view of the fact that this distribution has been in the Department of the Interior for so many years, they in all probability have the machinery for making the distribution, and the House and the committee I assume have never inquired of that department or the Department of Justice as to whether this change would embarrass them. I want the conditions specified that if upon inquiry by the committee we find that under existing conditions it should not be done we shall keep it where it is. I do not like this kind of legislation. I do not want a change made that I can not measure. No complaint has come that the Interior Department has not the facilities for distribution. I have no knowledge that the law department is any better equipped or qualified to make this distribution than the Interior Department, and it may turn out that we are making a mistake.

Mr. MANN. Will the gentleman allow me to suggest that connected with the Public Printing Office is a superintendent of documents? That bureau is under the Secretary of the Interior. The Secretary makes the distribution of the volumes. Of course the volumes as they come out currently, I suppose, are sent to Washington in a greater or less degree. They have the facilities for doing it, and I presume the Attorney General has no facilities at all for doing it.

Mr. PARSONS. Does the gentleman from Illinois know that they are distributed by the superintendent of documents now?

Mr. MANN. I can not inform the gentleman. If the distribution is not under the superintendent of documents it ought to be.

Mr. STAFFORD. The gentleman is aware that in many places they are not supplied with the reports, where if the jurisdiction was vested in the Attorney General they would be supplied, and it is the purpose of the amendment to put it into the hands of better-posted officials.

Mr. MOON of Pennsylvania. With that statement and qualification, Mr. Speaker, I shall not object.

Mr. STAFFORD. I only want to place it in conference so that the conferees can adopt the best course that they deem advisable.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Section 213, strike out, in line 18, page 164, the words "Secretary of the Interior" and insert the words "Attorney General."

The amendment was agreed to.

The Clerk read as follows:

Section 214, page 165, line 11, strike out the words "Secretary of the Interior" and insert the words "Attorney General."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 17, noes 0.

So the amendment was agreed to.

The Clerk read as follows:

Page 165, line 19, strike out the words "Secretary of the Interior" and insert the words "Attorney General."

The amendment was agreed to.

The Clerk read as follows:

Page 168, line 21, strike out the words "Secretary of the Interior" and insert the words "Attorney General."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 168, line 24, strike out the word "Secretary" and insert the words "Attorney General."

The amendment was agreed to.

The Clerk read as follows:

Page 169, line 3, strike out the words "Secretary of the Interior" and insert the words "Attorney General."

The amendment was agreed to.

Mr. STAFFORD. Now, Mr. Speaker, in the amendment offered by the gentleman from Illinois [Mr. MANN] I move to strike out of the amendment wherever they occur the words "Secretary of the Interior" and insert the words "Attorney General."

The amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I ask that we now return to sections 148 and 155, the Court of Claims chapter, that we passed without prejudice the other day.

The SPEAKER pro tempore. The gentleman from New York moves to return to sections that were passed without prejudice. Without objection, the committee will return to those sections.

There was no objection.

Mr. PARSONS. Mr. Speaker, I move to strike out section 148 and insert in lieu thereof the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of section 148 and insert as section 148 the following:

"SEC. 148. When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents, and proofs pertaining thereto, to the Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action: *Provided, however*, That if it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this act it has jurisdiction to render judgment or decree thereon it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of any auditor or of the Comptroller of the Treasury, direct any claim or matter of which, by reason of the subject matter or character, the said court might, under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication."

Mr. PARSONS. Mr. Speaker, when we were considering these questions, complaint was made that sections 148, 151, and 152 all referred to the same matter, and suggestion was made that we should have combined them into one section. That the committee has now done. I will say, incidentally, that the amendment proposed was submitted informally to the judges of the Court of Claims to have any criticism they might have to pass upon it, and they stated, of course informally, that in their opinion it correctly codified those three provisions.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. PARSONS. Certainly.

Mr. COX of Indiana. The language of the proposed amendment, as I heard it read, seems to be very broad.

Mr. PARSONS. I will explain to the gentleman the history of these sections. My amendment is drafted on section 151, which was the Tucker Act, and that was the most recent of the provisions. Section 148 is an old provision which occurs in the Revised Statutes as section 1063. Section 152 was section 2 of the Bowman Act, passed in 1883, and section 151 was section 12 of the Tucker Act, passed in 1887. The Tucker Act was a codification and an enlargement of the prior acts, but it did not, in so many words, repeal any of the prior acts, and, in fact, there were some things in the prior acts, some contingencies, that it turned out were not covered by the Tucker Act. This amendment is drafted on section 151, which is section 12 of the Tucker Act, but incorporates into it the provisions of the Bowman Act and section 1063 of the Revised Statutes, that it was considered had not been repealed, in effect, by the Tucker Act.

Mr. COX of Indiana. The language of the proposed amendment is—

When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of the department may transfer it to the Court of Claims.

Now, let me ask the gentleman this question: Whether or not under the language used in this proposed amendment questions involving the nature of the Cunningham coal claims, about

which we have heard so much in this country, could be sent to the Court of Claims from the Interior Department or any other department in which a controversy of a similar nature may arise?

Mr. PARSONS. Not for adjudication.

Mr. COX of Indiana. Would it be possible to have them transferred with a view to finding the facts?

Mr. PARSONS. Only if that could be done under the law as it now is. There is absolutely no change in the law.

Mr. COX of Indiana. Does the gentleman say that under the law as it now exists controversies involving the nature of the controversies that are involved in the Cunningham coal claims could now be transferred by the head of a department to the Court of Claims for findings of fact?

Mr. PARSONS. That would be my understanding of the law if those so-called claims were other than requests for the grant of privileges. I have given considerable study to the matter since we had this up two weeks ago, and I should say it could be done, if it were a cognizable matter instead of a mere complaint for failure to be awarded a privilege; but even then simply so that the court could report to the department for its guidance. It would have no binding effect at all.

Mr. COX of Indiana. That has never been done, however, in the Cunningham coal claims.

Mr. PARSONS. No; it has not.

Mr. COX of Indiana. As long as this controversy has raged for a year or more, does the gentleman know why it has not, if it could have been done under the law as it now exists?

Mr. PARSONS. I have no idea; I do not know, but I imagine that really these sections have not been made much use of by the departments, or else because it is a noncognizable matter, being merely a failure to be awarded a privilege.

Mr. MANN. I think it was intended only to refer even where it says "matter" practically to claims of some sort against the departments of the Government. That is the only case where it has ever been used.

Mr. COX of Indiana. But the language involved in this proposed amendment is wherever there is a controversy in any matter in any of the executive departments of the Government either on a question of law or a question of fact.

Mr. MANN. That is existing law.

Mr. COX of Indiana. This is intended to take the place of section 148.

Mr. MANN. It is intended to take the place of section 148, section 151, section 152, and section 154.

Mr. COX of Indiana. Section 148 had a limitation upon it where the amount of property exceeds $3,000.

Mr. MANN. Was the gentleman here the other day when we discussed that?

Mr. COX of Indiana. I was here most of the time, but I do not know whether I was here all of the time or not.

Mr. MANN. It was ascertained then, clearly, that there are three sections in there which are taken from different laws, each upon a different subject, overlapping each other, one going a little further and one not quite so far, and the committee offers this as an amendment to put in concrete shape all in one section.

Mr. COX of Indiana. I will ask the gentleman from Illinois, in whom I have implicit confidence, and in this case I say that without any sense of flattery, if he has given it some study before it was offered here to-day?

Mr. MANN. I will say to the gentleman, frankly, I have not.

Mr. COX of Indiana. I wish he had.

Mr. MANN. I read the amendment over and the gentleman from New York [Mr. PARSONS] undertook to put this in proper shape, and, as I understood the gentleman from New York, the other day he consulted the judges of the Court of Claims in regard to it, so that it would be sure to cover the existing law without quesiton.

Mr. COX of Indiana. I would rather have the opinion of the gentleman than that of the judges of the Court of Claims.

Mr. FLOYD of Arkansas. Mr. Speaker, I would like to ask the gentleman from New York a question. If I understand the gentleman from New York, he has redrafted sections 148, 151, 152, and 154.

Mr. PARSONS. Yes; part of section 154. One part of section 154 applies to cases referred by Congress; and it is the other part of it that is embodied in the amendment I have offered.

Mr. FLOYD of Arkansas. And you have made another amendment to cover that. Now, I will ask the gentleman from New York—I have not had time to study the amendment, because it would take considerable time to compare—do you cover in that amendment the different cases embodied in those three sections?

Mr. PARSONS. All of them. That was my endeavor, and I took the amendment down to the Court of Claims and left it there this last week, and I understood from the judges that in their opinion it covered them.

Mr. FLOYD of Arkansas. I think it is perfectly satisfactory if this has been accomplished, and I trust the gentleman from New York. I understand it is his purpose to cover everything embodied in this section so as to leave the existing law the same as heretofore, but in a more condensed form.

Mr. PARSONS. Yes.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I move to strike out section 151.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out section 151.

Mr. PARSONS. Mr. Speaker, that is already covered by an amendment which we have adopted.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I move to strike out section 152.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out section 152.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Now, Mr. Speaker, I move to strike out section 153.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out section 153.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I move to strike out section 154.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out section 154.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Now, in section 155, I move to strike out the language of that section and in lieu thereof to insert the amendment which I send to the Clerk's desk.

The Clerk read, as follows:

Strike out section 155 and insert in lieu thereof the following:

"SEC. 155. Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, or the committee thereof to which it shall have been referred also may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House or such committee the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant: *Provided, however*, That if it shall appear to the satisfaction of the court, upon the facts established, that under existing laws or the provisions of this act the subject-matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress or committee thereof by which the same was referred to said court."

Mr. PARSONS. The Court of Claims was established in 1855. At the commencement of each session of Congress and of each month during the session it was to report the cases upon which it had finally acted, stating in each the material facts which it had found established by the evidence, with its opinion and the reasons for it. It was to prepare a bill in each case which received favorable decision in such form as, if enacted, would carry the decision into effect. It was to transmit with its reports the briefs and the testimony.

This placed an immense burden upon the Committee on Claims, which had to examine the briefs of both sides and the evidence. The result was that few cases were reported from the committee, and few of the reports were enacted into law. This was the direct opposite of the effect that had been expected from transmitting these cases to the court. In 1863 changes were made in the law, so that judgments would be paid, and the evidence did not have to be transmitted to Congress or bills drawn.

There were still, however, numerous claims pressing upon Congress wherein the petitioners appealed for special relief, which the strict rules of law could not afford them. Uncer-

tainty as to the real facts it was that gave rise to most of the difficulty.

All of such appear in an historical article in regard to the court, written by Judge Richardson, of the court, and to be found on pages 8 to 10 of volume 17 of its reports. Immediately succeeding that article, which was written in January, 1882, the Bowman Act of 1883 was passed. Section 1 gave authority to either House or a committee of it to transmit to the Court of Claims any claim or matter for the investigation and determination of facts. The court was not to enter judgment, but to report its findings of fact to the committee. (Ford *v.* United States, 19 Ct. Cls., 598, 599.) The Bowman Act did not repeal the Revised Statutes which cover the Court of Claims' rights of adjudication. It was an act to afford assistance and relief to Congress by the finding of facts. (Webb *v.* United States, 20 Ct. Cls., 494–497.)

With the Tucker Act, passed in 1887, it was different. Section 1 was "largely a codification of existing law." The clause "except pensions," though new in statutory terms, was not new law, for that had already been declared to be the law by the courts. (Daly's case, 17 Ct. Cls., 144.) The statute was intended to be an enlargement and not in restriction of jurisdiction. It added to the jurisdiction of the court "all claims founded upon the Constitution of the United States or for damages liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States was suable." (Ingram *v.* United States, 32 Ct. Cls., 161, 162.) The jurisdiction of the Court of Claims, made by the Revised Statutes and the Tucker Act, was so broad and general in terms that it at first sight seemed to include every claim created by statute, but at an early day it was held that this grant of jurisdiction did not extend to cases for which a specific jurisdiction had been provided by an earlier statute, such as customs cases, internal-revenue cases, and pension cases. (Foster *v.* United States, 32 Ct. Cls., 185.)

Referring now to the amendments proposed:

1. Sections 148, 151, and 152 are combined, using as the basis section 151, which was section 12 of the Tucker Act, the most recent of the acts. That part of section 154 (section 13 of the Tucker Act) which bears upon these sections is also included. The effect of the section as drawn is that the finding of facts and conclusions of law are for the guidance of the executive department, unless the claimant has consented to the reference or the matter is one as to which the claimant could have gone into the Court of Claims, and in these two classes of cases the court is to proceed to an adjudication. It is also to adjudicate in the case provided for in section 148, which was section 1063 of the Revised Statutes, where the Secretary of the Treasury, upon the certificate of an auditor or of the Comptroller of the Treasury, transmits the matter to the court, and it is one in which it would have jurisdiction upon the voluntary act of the claimant.

The possibility of thus harmonizing sections 148, 151, and 152 is indicated in United States *v.* New York (160 U. S., 609, 610, 613, 614, 615), although, on page 615, Mr. Justice Harlan's opinion would seem to indicate that even though the claimant consented to the reference, the decision of the court was to be merely advisory in its character, and such is the law as understood by the Court of Claims. It seems only fair, however, that if the claimant consents to the reference, the court should be allowed to adjudicate the matter, and such is the informal opinion of the judges of the Court of Claims. It is clear, however, that if the case, whether under the Revised Statutes or the Bowman Act or the Tucker Act, is one which might have been brought in a legal tribunal, the Court of Claims should adjudicate it, because the claimant could have asserted his legal rights in a court and Congress should not be further troubled with the claim. (Stovall *v.* United States, 26 Ct. Cls., 232, 233.)

The words "pending in an executive department," the language used in sections 151 and 152, cover what is meant by the language, "whenever a claim is made against any executive department," the language used in section 148. (Armstrong *v.* United States, 29 Ct. Cls., 167, 168.)

2. While sections 153 and 155 seem very much the same, it is necessary to maintain the distinction which exists between them. Section 14 of the Tucker Act, which is section 155, is generally broader, but it does not cover the case provided for in section 153, where only the investigation and determination of facts is desired, nor does it allow reference by a committee of Congress in such cases. That there is a distinction between the two sections is maintained by the Court of Claims. (Dowdy *v.* United States, 26 Ct. Cls., 223, 224.) The distinction above referred to is attempted to be met by providing that the committee of Congress to which bills shall have been referred also may "for the investigation and determination of facts" send the cases to the Court of Claims.

It was the intention of the Tucker Act, however, that final judgment should be entered wherever possible, whether the claim be under the Bowman or the Tucker Acts. Provision is accordingly specifically made to accomplish that purpose, for the reasons stated in the reference to the Stovall case, supra.

Mr. Speaker, this combines section 153, which was section 1 of the Bowman Act; section 55, which was section 14 of the Tucker Act; and so much of section 154, which was section 13 of the Tucker Act, as referred to those sections of the Bowman and Tucker Acts, and also includes the amendment to the Tucker Act that was enacted into law by Congress last year, introduced by my colleague from New York [Mr. BENNET].

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. PARSONS. I will be glad to do so.

Mr. FLOYD of Arkansas. Mr. Chairman, it does not seem to me that in the proposed amendment you preserve the force of those statutes precisely as they exist now. In other words, it seems that your amendment provides, if I understand it correctly, that these claims may be referred to the Court of Claims by the action of either House or the proper committee of either House. Now, under the existing law, as I understand it, there are certain classes of claims that may be referred by the action of the committees, and other classes require action by the House or Senate. Claims that have heretofore been presented to the Southern Claims Commission, and dismissed or rejected by that commission, may be certified by the committee without the action of the House; but claims never heretofore presented to the Southern Claims Commission or any other tribunal authorized to adjudicate such claims can not now be referred to the Court of Claims on a certificate of the committee alone, but must be passed through the House or the Senate. It seems to me your amendment fails to carry out that distinction in the present law and gives the right to the committee or to the House, or either House, to certify all claims. I do not know that that change would be objectionable, but it seems to me to be a modification of existing law upon the subject.

Mr. PARSONS. I can not turn to it, but there is another section in the chapter which practically reduces the claims and the claims the committee can now refer.

Mr. FLOYD of Arkansas. I wanted to call attention to the difference between the proposed amendment and the existing law.

Mr. PARSONS. I call the gentleman's attention to the fact that section 153, as we had it, which was section 1 of the Bowman Act, did not have in it the limitation to which he now refers. That limitation is in some other section of the chapter, I am sure.

Mr. MANN. Is this section 153 now?

Mr. PARSONS. Section 155.

Mr. MANN. Does the gentleman cover in this the amendment as to the amount legally or equitably due?

Mr. PARSONS. I do.

Mr. MANN. What part of that is it in?

Mr. PARSONS. You will find that just before the proviso.

Mr. MANN. Might I ask the gentleman whether he has noticed the bill just reported from the Committee on War Claims, the omnibus bill, that contains some general provisions of legislation on this subject.

Mr. PARSONS. No; I have not.

Mr. MANN. I suppose there is no member of the Committee on War Claims here who happens to be familiar with that.

Mr. PARSONS. We had no suggestions at the time or before we had up this chapter from any member of the Committee on War Claims.

Mr. FLOYD of Arkansas. What are the amendments that you refer to, I will ask the gentleman from Illinois [Mr. MANN]?

Mr. MANN. There are some provisions on the omnibus war claims bill just reported into the House in the way of general legislation for the purpose of amending certain sections in the Bowman and Tucker Acts. Just what those amendments are I will not undertake to say, because I have not even read the language. It is an omnibus bill and a very long one.

Mr. FLOYD of Arkansas. The bill as reported from the Senate had certain amendments in it proposing new legislation, but that bill has not been considered by the War Claims Committee. It was referred to the Committee on Claims.

Mr. MANN. I do not have reference to that bill. I understand the Committee on War Claims has just reported to the House a bill for the payment of claims arising under the Bowman and Tucker Acts.

Mr. BENNET of New York. May I say to the gentleman from Illinois it is H. R. 2766. I have sent for the bill. As I understand it, the provisions as to legislation in the bill as reported by my colleague from New York [Mr. LAW] are substantially the same legislative provisions as were contained in the omnibus bill which was some time since referred to the Claims Committee, and, so far as I have been informed, is still there.

Mr. MOON of Pennsylvania. It materially affects the jurisdiction of the Court of Claims?

Mr. BENNET of New York. That bill, as I recall it—and this is merely recollection—carried a step further the amendment similar to those in the bill which I introduced last session, and which were passed, providing for a fuller report by the Court of Claims to this Congress. I know my colleague, Mr. LAW, has given a great deal of attention to the subject, and that his views upon it are the same as those of the gentleman himself, I think, and those of the gentleman from Illinois [Mr. MANN.]

Mr. MANN. I would like to read what the proposition is and have somebody follow along and compare the original proposition in the bill and the amendment of the gentleman to see if everything is covered.

Mr. BENNET of New York. If my colleague will follow the amendment, I will follow the original text.

Mr. MANN. This is for the purpose of amending section 1 of the Bowman Act. That is the act of 1873.

Mr. BENNET of New York. What section would that be?

Mr. MANN. This is on page 102 of the war claims bill, H. R. 32767. It reads:

SEC. 1. That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

Mr. BENNET of New York. That corresponds with section 153 of the codification bill.

Mr. PARSONS. I will say to the gentleman that that is completely covered by the amendment I have offered. The point is just this: The amendment which my colleague offered last year, which the House passed, was an amendment to the Tucker Act, which was passed in 1887. This provision in the omnibus bill incorporates that amendment into the Bowman Act.

Mr. MANN. I see. There is another section in this omnibus bill to amend section 2 of the Bowman Act, and I see that is the same amendment.

Mr. BENNET of New York. I would say to the gentleman from Illinois that the language that he read down to where the word "together" occurs, in line 23, is exactly the same as the text of the Bowman Act, except that the words "of the United States" are added after the words "Court of Claims," and except also that the amendment on page 138, lines 21 and 22, reading "except in the cases mentioned in the next succeeding section," are not in there. As I recall it, the language after the word "together" is almost exactly the language of my amendment.

Mr. FLOYD of Arkansas. In explanation of the amendment in this bill I will state that there is substantive legislation in the Senate bill, and we incorporated this into our bill in substantially the same shape as it appears in the current law.

Mr. MANN. Gentlemen should not understand that I am criticizing the committee for reporting this. On the contrary, I think the committee should be commended for doing it. But inasmuch as we have the matter now before us and inasmuch as we are now legislating upon this subject I was desirous to know if the committee had included anything else.

Mr. FLOYD of Arkansas. No; the intention was to leave it substantially as it was.

Mr. MANN. I was interested in the wording as to the "legal and equitable claim" proposition, on which I worked a good while in an endeavor to get it into the law.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting there a brief memorandum which I prepared, giving the history of the legislation regarding the Court of Claims and the effect of these amendments.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks for the purpose indicated.

There was no objection.

Mr. CULLOP. Mr. Speaker, I ask now that we recur to——

Mr. MANN. Before we pass from this section, if the gentleman from Indiana will pardon me, may I ask unanimous consent, in order to ascertain if we have taken in everything, to be informed as to the different sections as to which there has been question? Sections 148, 149, 151, and 152 are disposed of.

Mr. PARSONS. Sections 149 and 150 are not changed.

Mr. MANN. Of what good is 149 now?

Mr. PARSONS. That simply is a provision in regard to procedure.

Mr. MANN. These amendments that the gentleman has offered provide, however, that the procedure shall be under rules, of course, adopted by the court.

Mr. PARSONS. In certain cases they grant leave to introduce more testimony; but section 149 has been in operation all along, despite the Bowman and Tucker Acts, and the effect of it is not changed.

Mr. MANN. I am not speaking of the Bowman and Tucker Acts. Now, the gentleman's amendment, 148, would seem to cover that. It is nothing to me.

Mr. PARSONS. No; I do not think it covers that. Section 149 refers to the last provision of section 148 as it was printed in the bill.

Mr. MANN. All right.

Mr. PARSONS. It commences at section 16, and we carried that into section 169 verbatim, so it was necessary to follow it up with section 149.

Mr. CULLOP. I ask unanimous consent to recur to section 20 on page 10 of the bill and to dispose of the amendment pending there, which has been pending since December 14.

The SPEAKER pro tempore. Was it passed without prejudice?

Mr. CULLOP. Yes.

The SPEAKER pro tempore. The gentleman from Indiana asks that the House do now recur to section 20, for the purpose of considering that section, which was passed over without prejudice on a former occasion.

Mr. CULLOP. I ask to withdraw the amendment that I submitted on the 14th of December to that section, and move in lieu thereof the following.

The SPEAKER pro tempore. The amendment heretofore offered by the gentleman from Indiana is now withdrawn by him, and he offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 10, in line 2, after the word "counsel," insert "or is a material witness."

On page 10 insert between sections 20 and 21 the following section: "SEC. 20a. Whenever a party to any action or proceeding, civil or criminal, shall file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall set forth reasons for the belief that such bias or prejudice exists, and shall be filed not less than 10 days before the time set for the trial or hearing of the case, or good cause be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit."

Mr. CULLOP. Mr. Speaker, this is an amendment which the committee have approved. You will observe that on page 10, in line 2, the section is amended by inserting the words "or a material witness."

In the law as it stands now there is no provision to cover the case of a judge who is a material witness in a case. Some provision ought to be had in the statute for a change in such a case as that, and this amendment obviates that defect in the bill as it now stands. It often happens the judge is a material witness in a case pending before him, and in such case a provision for a change from the judge should be afforded. The section that is proposed as section 20a provides that, on the litigant filing the proper affidavit stating the fact that the judge is biased or prejudiced in the case, he shall proceed no further and another judge shall be called under the provisions of the act, as provided in other cases, who shall hear and determine the case. The affidavit shall state the reasons for the belief that the applicant has for the bias or prejudice of the judge.

Mr. COX of Indiana. Will my colleague yield?

Mr. CULLOP. Certainly.

Mr. COX of Indiana. I am partly in favor of the gentleman's amendment, but does he believe that his amendment will accomplish what he is driving at? In other words, if the amendment

is adopted, does the gentleman believe that it will leave it discretionary with the court?

Mr. CULLOP. No; it provides that the judge shall proceed no further with the case. The filing of the affidavit deprives him of further jurisdiction in the case.

Mr. COX of Indiana. But the gentleman says in his amendment that every affidavit shall set forth the reasons why. These are mental reasons and exist in the mind of the individual who files the affidavit. Suppose the affidavit sets out certain reasons which may exist in the mind of the party making the affidavit; suppose the judge to whom the affidavit is submitted says that it is not a statutory reason? In other words, does it not leave it to the discretion of the judge?

Mr. CULLOP. No; it expressly provides that the judge shall proceed no further. If this affidavit is to be reviewed, it would be by the judge who is called in to succeed him. It does not say that he shall state the facts, but the reasons for the belief that he has that the judge is biased or prejudiced in the case.

Now, this amendment is very essential, in my judgment, for the protection of the courts from criticism. As the matter now stands, a litigant in court has no recourse for relief from the trial judge, but he must submit his case, sometimes feeling, as he may, that the judge is biased and prejudiced and not qualified to sit in the case, but he has no relief whatever. That has provoked, and will continue to provoke as long as the law stands as now, criticism on the court; some of it may be just, some of it may be unjust.

This amendment seeks to remove from the court that criticism, that parties may have relief from judges in whom they have not confidence in their impartiality and freedom from prejudice, so that others may be called to hear and determine the case and avoid the criticism that now exists on the part of litigants in courts in many instances.

Mr. BENNET of New York. Mr. Speaker, I sympathize with the purpose of the gentleman's amendment, and if nothing more that completely covers the case is offered, I shall vote for it. But I would like, with all candor, to submit one or two questions to him.

Mr. CULLOP. Very well.

Mr. BENNET of New York. In the district in which I live it sometimes happens that a man with large wealth is arrested, charged with a criminal offense. I understand that this amendment covers criminal offenses. I have observed that the defendant in a criminal action usually seeks delay; quite natural, I assume, but it is the usual course. Would it not be possible for such a man, or for any criminal, to get a lawyer whose idea of ethics is not as high as is the gentleman's from Indiana to file affidavits alleging cause and vacate the bench so far as the judge is concerned, and then, with the difficulty that there always is in getting another United States judge to sit, might it not result in a delay which would be not only an interference with justice but in some cases a substantial denial of justice?

Mr. CULLOP. Now, Mr Speaker, I want to answer that under my own experience under a statute more drastic than this. For 30 years I have practiced law under such a statute and no such condition as that arises, or if it does it is very seldom. In my State we have had a statute more sweeping than this as long as we have had a statute in that State. It may occasionally be subject to some abuse, but very rarely, if ever. Whenever a change from a judge is taken, very quickly some other judge can be called upon to try the case, and the trial proceeds. This amendment provides that this affidavit must be filed 10 days before the day set for trial, or if not, then a reason must be shown why it was not filed sooner. This will avoid delays and expedite business.

That gives ample opportunity to procure a judge in the case and avoid delays. Either party shall have but one change. Now, if sometimes abuses do creep in under this statute, they will not be as numerous as the abuses which now creep in in the trial of cases under the present procedure, so that the abuses under this statute would be far less than the abuses which occur for the want of such a statute. For that reason the objection which the gentleman suggests is obviated. This amendment is approved by the committee, and I hope it will be adopted.

Mr. BENNET of New York. Mr. Speaker, I desire to offer an additional amendment, to follow the gentleman's amendment, along the line of the remarks I made when his amendment was under discussion before.

Mr. MANN. Is this an amendment to the amendment?

Mr. BENNET of New York. Yes.

Mr. CULLOP. Oh, no; put it in as a separate amendment.

Mr. BENNET of New York. Very well; I will offer it as a separate amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana.

Mr. MANN. Mr. Speaker, I am in sympathy with the general purpose of the gentleman from Indiana; but I happen to live in a city where there are a number of judges, not merely one judge, and where there are a great many criminal cases, and where they have very astute lawyers and sometimes not very scrupulous ones.

Under our State law I have known of cases where counsel in a criminal case when a criminal case was called for trial in the State court presented two affidavits of men probably picked up on the street, possibly hired to sign the affidavits, although I do not say that, but they could not be discovered after that time, stating the facts that are proposed to be stated in this amendment by one affidavit. Thereupon the case was adjourned over. Here is a proposition that does not require the affidavits to be made by the party in interest or by his counsel. Any old person can make the affidavit required under the gentleman's amendment and when it is presented the case stops.

Mr. HUGHES of New Jersey. Is the gentleman correct about that? I understood that any party to the proceeding could make the affidavit.

Mr. CULLOP. It applies only to parties to the proceeding; not to outside parties.

Mr. MANN. Let us see what it says:

> Whenever a party to an action or proceeding, civil or criminal, shall file an affidavit, etc.

Would the gentleman be satisfied to say "his affidavit?"

Mr. HUGHES of New Jersey. Certainly.

Mr. MANN. I presume that is not what he wants. In some cases he would want the counsel to make an affidavit and it might be a proceeding against a corporation, and then how would "his" affidavit go?

Mr. CULLOP. I have no objection, if it is not explicit now, to changing it. It is intended to confine it solely to the party to the action.

Mr. SISSON. Or his attorney?

Mr. CULLOP. No; not his attorney.

Mr. MANN. This plainly does not confine it to that.

Mr. CULLOP. Oh, yes, it does.

Mr. MANN. Oh, no.

Mr. CULLOP. I think it does, under decisions which have construed similar statutes.

Mr. MANN. There are similar statutes to this all over the United States, and I do not believe any one of them has ever been construed to require the defendant or the accused to make the affidavit in preference to somebody else making it.

Mr. BENNET of New York. Is there such a statute in Illinois?

Mr. MANN. Yes.

Mr. BENNET of New York. How is it construed?

Mr. MANN. Anybody can make the affidavit. As I said, they take men off the street to make the affidavit.

Mr. COX of Indiana. Is it not required that the affidavit shall show it is made by the agent of the party?

Mr. MANN. Not at all. It only requires the party to file an affidavit.

Mr. COX of Indiana. I want to say to the gentleman from Illinois that under the language of the statute of the State of Indiana, while it provides that any party to a suit may file an affidavit, our supreme court has held that the party's attorney may make and file that affidavit, but he does it as the agent of the party to the suit.

Mr. MANN. I understand that is where it requires the party to make the affidavit, but this does not require the party to make the affidavit. This only requires the party to file an affidavit, and, of course, the attorney could file the affidavit as the agent of the party.

Now, another suggestion to the gentleman. This requires that the affidavit shall be filed 10 days before his case is called for trial. Well, in our city and in New York you may not know two days before the case is called for trial what judge will be assigned to try the case, and a man can not very well make an affidavit that the judge who is going to try his case is prejudiced against him. He might think two judges are prejudiced against him. He can not make an affidavit 10 days before if he does not know which one of them is going to try the case. This does not allow him, if he fails to make such affidavit 10 days before it is called, to get out of being tried before a prejudiced judge. It seems to me well, while we are fixing it up, we ought to cover the case.

Mr. COX of Indiana. Well, I think the gentleman is wrong, if I am able to construe the language of this proposed amendment. It says, "shall file an affidavit that the judge before whom the action or procedure is to be tried or heard."

Mr. MANN. That is, supposing Judge Jones and Judge Smith in Chicago, both in the district court, may either one try the case. When can you file an affidavit against them, or suppose you have three judges?

Mr. BENNET of New York. Four in New York.

Mr. MANN. And you have a prejudice running to one man and file an affidavit——

Mr. HUGHES of New Jersey. The language is "10 days before."

Mr. MANN. But he will be assigned 10 days before it is called for trial——

Mr. HUGHES of New Jersey. But suppose the affidavit is filed, the trial will be put off for 10 days.

Mr. MANN. But it says you must file an affidavit 10 days before it is called for trial.

Mr. HUGHES of New Jersey. Then it will not have to be called for trial until 10 days have elapsed.

Mr. MANN. Then called for trial within 10 days does not mean anything.

Mr. CULLOP. The gentleman is certainly aware that in the Federal court they make out a docket setting the cases for trial and giving the dates of the trial running through the term.

Mr. MANN. Well, I am not asking the gentleman from Indiana to instruct me about the practice in the Federal courts of Chicago. I yield to the gentleman as to the practice of the Federal courts in Indiana, but the gentleman is entirely mistaken about the practice in my city.

Mr. CULLOP. I do intend to make one amendment to it, and that is, after the word "shall," in line 2, insert "make and."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "shall," in line 2, insert the words "make and," so as to read "shall make and file an affidavit."

The SPEAKER pro tempore. Without objection, the amendment will be considered as so modified.

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I would ask the gentleman from Indiana, How would that apply in the case of a corporation, either plaintiff or defendant? A corporation, of course, can not make an affidavit.

Mr. CULLOP. No; but its proper officer appointed for that purpose can—the president or the secretary or the treasurer.

Mr. BENNET of New York. Well, in the statutes of my State, with which I am somewhat familiar, we always say in case the party is a corporation, "its proper officer" should make such an affidavit.

Mr. MANN. Why does not the gentleman think he might put it more fairly by stating "the party or his counsel?"

Mr. CULLOP. I thought that might provoke debate and discussion and an objection to it, for the reason that it has been stated that an unscrupulous counsel might do this or that, but I am perfectly willing to have it, if it will make it stronger and better.

Mr. MANN. The original objection was that you would authorize anybody to make affidavit. Now you propose to confine it to the party, but if it is a corporation the corporation can only make the affidavit through some one else, and its counsel, I think, would be the natural person.

Mr. CULLOP. "A party or his counsel." I will accept that amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after "party," the words "or his counsel."

Mr. CULLOP. You mean that he should be his counsel of record?

Mr. MANN. The court recognizes who the counsel are.

Mr. BENNET of New York. Will the gentleman accept this further modification, "or in the case of a corporation?"

Mr. CULLOP. The words "a party or his counsel" cover it.

Mr. BENNET of New York. Suppose the facts are not within the knowledge of the counsel, but are within the knowledge of the officers of the corporation?

Mr. MANN. He makes it on his information and belief.

The SPEAKER pro tempore. Without objection, the amendment as modified will be reported.

The Clerk read as follows:

On page 10, in line 2, after the word "counsel," insert "or is a material witness."

On page 10 insert, between section 20 and 21, the following section:

"SEC. 20a. Whenever a party, or his counsel, to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall set forth reasons for the belief that such bias or prejudice exists, and shall be filed not less than 10 days before the time set for the trial or hearing of the case, or good cause be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit."

Mr. BENNET of New York. I want to say frankly to the gentleman from Indiana [Mr. CULLOP], before this section is adopted, that in a district like the southern district of New York, or the eastern district of New York, and, I assume, the northern district of Illinois, this would never be applicable because of the fact that you never know, and you can not be sure of, the 10-day period, and if the gentleman wants to make it applicable to those three districts, and others similarly situated, he ought to add in the appropriate place, "or 10 days before the beginning of the term in which the case is to be called."

Mr. CULLOP. That would be open, Mr. Speaker, to very serious objection, because the applicant could not make the affidavit until he knew the judge before whom his case was to be tried.

Mr. BENNET of New York. I will say to my friend from Indiana that in the districts to which I refer they print at the beginning of the year the assignments of the judges, so that you know tentatively that in the month of October Judge Smith, for instance—not our distinguished colleague—will hold the criminal term of the United States circuit court in the southern district of New York, and you have the right to assume he is the judge who will sit in your case. If for any reason he comes within the inhibition of this section, an affidavit could be filed 10 days before the beginning of the term, but you never would know when the 10-day period would commence as to your particular case, because there may be 70 or 80 cases on the calendar, and one case may take half an hour, and the next case may take 10 days, and so on.

Mr. CULLOP. You are proceeding upon the theory that it must be filed 10 days before the trial. That is not what it says.

Mr. BENNET of New York. Before the day set for trial.

Mr. CULLOP. Before the day set for trial. Now, if he did not know 10 days before the time it was set for trial, then it provides how he shall file the affidavit and what he shall state in it.

Mr. BENNET of New York. What does it state as to that?

Mr. CULLOP. That he shall state that he filed it as soon as a cause for the change became known to him.

Mr. BENNET of New York. We do not have it before us, and I had to ask.

Mr. CULLOP. It takes care of the very objections you make.

Mr. HOUSTON. I would like to call the attention of the gentleman from New York to the provision which says it shall be filed in 10 days before the time set for trial or the hearing of the case or good cause shown for failure. Now, if there is a mistake or misapprehension as to whom the trial judge shall be, then there is time to file it still.

Mr. BENNET of New York. That might cover it; but what is the objection to further modifying the amendment by providing 10 days before the beginning of the term in which the case is to be called for trial? Then you will give him three chances.

Mr. HOUSTON. The effect of that would be to lengthen the time.

Mr. BENNET of New York. Yes; but who is to say "for good cause shown?" The other case you give him is absolute. If in 10 days before the date when the case is to be called for trial he files his affidavit, the judge has to go off the bench. If he does not file it prior to that 10 days and files it two days before the trial, who is to say whether it is good cause shown or not? The very judge whom he wants to get off the bench because he thinks he is prejudiced?

Mr. CULLOP. He must state in his affidavit that the reason for the change was unknown to him before the time that he files it.

Mr. BENNET of New York. That is true, but who is to construe the language "for good cause shown?" Suppose the judge says it is not a good cause.

Mr. CULLOP. That judge can not pass upon that question. What judge could say that it was not good cause when a man said he did not know of the existence of the cause before the time he filed his affidavit?

Mr. BENNET of New York. Why put the language in at all? Whenever you put language in like that it is open to construction. You make it discretionary, and discretionary to whom? To the very judge whom you want to take off the bench.

Mr. CULLOP. Then, if the judge hesitated upon that, it would be the amplest and best reason in the world why he should be considered as not qualified to sit. Nothing could show the disqualification of a judge more than his action in passing upon some question of that kind in order to hold jurisdiction of a suit. His sense of duty would require him to refuse to pass on it.

Mr. BENNET of New York. The gentleman may be quite correct with relation to the abstract proposition, but I assume that what he is aiming at is to give a man an absolute right to take off the bench a judge whom he does not think qualified to try his particular case. Now, I have pointed out that, so far as the district in which I have the honor to live and the adjacent district, and the northern district of Illinois, are concerned, his amendment does not apply, and a very considerable proportion of all the trials in the district and circuit courts of the United States take place in those three districts.

Mr. CULLOP. But when he states that he did not know the existence of the cause sooner, that settles it. That is done, then. There is no review of that cause. That man alone is the arbiter of that question.

Mr. MANN. Will the gentleman from Indiana yield for a question?

Mr. CULLOP. Certainly.

Mr. MANN. What is the purpose that the gentleman has in mind in requiring that the affidavit shall state the reason?

Mr. CULLOP. The reason for the belief that he entertains?

Mr. MANN. What is the reason for putting that in, I mean?

Mr. CULLOP. I have done that at the suggestion of the committee. It was not my own purpose to do that.

Mr. MANN. That is what I wanted to get at.

Mr. CULLOP. It was the suggestion of the committee, that it might correct any abuses that might grow up under this provision.

Mr. MANN. It has been suggested here by Members that, under this amendment offered by the gentleman, the judge would have a discretion in passing upon the matter, and he would have the right to examine and ascertain whether the reasons were sufficient. Now, that is plainly not the purpose of the gentleman from Indiana. Is there any reason why it should be left in uncertainty?

Mr. BENNET of New York. Not at all.

Mr. MANN. When you undertake to say that a man shall file an affidavit of prejudice, and give the reason for his prejudice, is there not some question as to whether that does not permit the judge to pass upon the reasons? Otherwise, what is the object of giving the reason?

Mr. CULLOP. No; because the very provision of the statute is that he shall proceed no further. I have no objection to the amendment, but——

Mr. HOUSTON. Mr. Speaker, I suggest to the gentleman from Pennsylvania that the amendment offered by the gentleman from New York [Mr. BENNET] will improve the language, and that therefore it should be accepted. And it will give more opportunity.

Mr. CULLOP. I will accept the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. If Judge Houston will frame the amendment in accordance with the idea that is in his mind it would be well. He is one of the best lawyers in the House.

Mr. HOUSTON. It shall be filed 10 days before the meeting of the court.

Mr. BENNET of New York. Ten days before the beginning of the court.

Mr. MANN. Suppose a man is indicted at the beginning of the court, and the trial lasts five days, then what?

Mr. HOUSTON. He need not meet the requirements.

Mr. BENNET of New York. If Judge Houston's suggestion and mine are adopted the result would be that it would simply give a man one more opportunity, and it strengthens the amendment instead of weakening it.

Mr. CULLOP. I will accept that amendment.

Mr. MANN. Mr. Speaker, I have a law office in Chicago which I occasionally visit [laughter], and I have a law partner who is one of the best trial lawyers, in my judgment, in the country. He said to me some time ago that there ought to be a method of obtaining a change of venue in the Federal courts. I said to him that my observation had been—having had very little practice in the criminal courts in Chicago, where changes of venue are more likely to be taken—my observation had been that changes of venue were the most prolific causes of postponing justice that there were. I doubted the advisability of applying that source of procrastination in the Federal courts. The President has been urging Congress and the country to reform the laws relating to the courts in such a way as to expedite the obtaining of justice. Under the amendment offered by the gentleman any criminal or any accused in any of the country districts of the United States can have his trial delayed from two to six months; and everybody who tries lawsuits knows that one of the methods of defeating justice is to put off the trial of the case in the hope of getting rid of the witnesses on the other side or of producing more witnesses on your own side, or to delay the desire of the prosecuting officer for speedy justice. Under this amendment when a man in Indiana is called for trial he will file an affidavit, if he wants delay, as he usually will, alleging prejudice on the part of the judge. There is no punishment for filing such an affidavit.

The gentleman says it is an affidavit. He might just as well say a statement of the counsel. There is absolutely no way of punishing a man for making an affidavit, whether it is true or false. He makes the affidavit. The case goes over. Who is going to try it? There is only one district judge down there. They can not get the district judge there now to go to different places in Indiana where the law requires him to hold court. They send up to Chicago every once in a while and ask a Chicago judge to come down, and the judge is not anxious to do it and, as a rule, does not.

Mr. COX of Indiana. The trouble is that you seem all the time to be taking our Federal judge up to Chicago to try your cases.

Mr. MANN. I am not criticizing the Federal judge in Indiana; not in the slightest degree. He is a man of high repute. But I am stating the result of the proposition to let every criminal postpone the trial of his case by simply filing an affidavit that he does not want to be tried before that court; and the man who thinks that a court is going to help to convict him has the right to say that the court is prejudiced against him. He is at least prejudiced against the court.

The House may adopt this proposition. I said I was in sympathy with the purposes which the gentleman sought to accomplish a while ago. I am not sure whether I am or not, but I am sure of one thing. While there may be evils under the present law, if this amendment goes into operation, after it has been in operation a short time there will be more evils growing up under it than we can think of. It is almost impossible in the large cities of the country, under the existing laws, to obtain the speedy conviction of well-known criminals. It is much easier to dispatch the business in the Federal courts, because there is no prolific source of procrastination by changes of venue. This proposes to give one more source. In the State courts in the country it is very much easier to get a judge from nearby than it will be to get a Federal judge from Illinois to go down to Indianapolis or Evansville to hear a criminal case. A man will stay in jail, where possibly he prefers to stay rather than go to trial, until he can manage to get rid of the witnesses against him.

Mr. BENNET of New York. Or he will stay out on bail.

Mr. MANN. Yes; or he will stay out on bail or run away.

Mr. CULLOP. None of the numerous objections that the gentleman from Illinois makes are found by experience to exist in the places where this statute has been in use. They are only surmises of the gentleman. There would be no more delay under this statute, or even as much delay, as there is now under the present statute. The present statute is the very reason why parties in suits file applications for continuances and put off the day of trial. Under the present law an unscrupulous litigant can obtain a continuance without any trouble and defer the day of trial. This would be a means to prevent continuances and to expedite the business of the court instead of delaying it, because the man who felt himself dissatisfied with the judge could file his application and be relieved from the jurisdiction of that judge. As it is now, he is driven to file an affidavit for continuance, hoping that perhaps Providence will grant him a change of venue and give him that which the law of his country does not afford, a fair judge before whom to try his case. This will afford him facilities to get another judge, and there will be no trouble, as experience has taught, in procuring another judge to sit in the cause and try the case. I hope the amendment will be adopted.

Mr. BENNET of New York. I understood the gentleman to accept the amendment suggested by the gentleman from Tennessee [Mr. HOUSTON] and myself.

Mr. CULLOP. Yes.

Mr. BENNET of New York. After the word "trial."

Mr. MANN. Let us have it reported.

The SPEAKER pro tempore. The Chair will suggest that the modification of the proposed amendment be sent to the

Clerk's desk. The Chair will state to the gentleman that the gentleman from New York sent to the desk an amendment to the amendment offered by the gentleman from Indiana.

Mr. BENNET of New York. It is a modification which I understand the gentleman from Indiana consents to; that is, to insert after the word "trial" the words "or 10 days before the beginning of the term." As I understand it, this proposition is a modification of the amendment offered by the gentleman from Indiana, which he will accept.

The SPEAKER pro tempore. The Clerk will read the modification.

The Clerk read as follows:

Modify the amendment so that it will read "shall be filed not less than 10 days before the beginning of the term of the court."

The SPEAKER pro tempore. Without objection, the amendment will be considered as modified.

There was no objection.

Mr. BENNET of New York. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Add to the amendment the following words: "The same proceedings shall be had when the presiding judge shall file with the clerk of the court a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action."

Mr. MANN. Mr. Speaker, we have not had the amendment as changed reported.

The SPEAKER pro tempore. The Clerk will now report the amendment offered by the gentleman from Indiana with the modifications which have been made thereto.

The Clerk read as follows:

On page 10 insert between sections 20 and 21 the following section: "SEC. 20a. Whenever a party or his counsel to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice, either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, and another judge shall be designated in the manner prescribed in the section last preceding or chosen in the manner prescribed in section 23, to hear such matter. Every affidavit shall state the reason for the belief that such bias or prejudice exists, and shall be filed not less than 10 days before the beginning of the term of the court, or good cause be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit."

The SPEAKER pro tempore. The first question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the amendment offered by the gentleman from Indiana as amended.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say a word as to that amendment. It has been discussed and amended. In conversation with the gentleman from Indiana I have told him that I should not oppose the amendment proposed by him. I think it has been materially improved by the amendments put upon it. I did feel at first that it might be made the instrument for practicing delays on the court; that there would be no responsibility for truthfulness, and the filing of an affidavit would not add anything to the objections made by counsel; that when counsel failed to obtain a continuance upon legal grounds they might resort to affidavits of this kind. But, as I told the gentleman from Indiana, I was anxious to get on with this matter and I would leave it to the House.

The SPEAKER pro tempore. The question is on the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Speaker, I move to recur to section 81, page 69, of the bill, which was passed without prejudice.

The SPEAKER pro tempore. The gentleman from Kentucky moves to recur to section 81, page 69, of the bill, which was passed without prejudice. Without objection, it will be so ordered.

There was no objection.

Mr. SHERLEY. Now, Mr. Speaker, on page 70, I offer the following amendment: Line 18, strike out all after the word "thereof" down to and including the word "division," in line 22 on said page.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 70, line 18, strike out all after the word "thereof" down to and including the word "division," in line 22.

Mr. MANN. I would like to ask the gentleman if he did not amend that before.

Mr. SHERLEY. It was amended partially during my absence by taking out certain counties that constituted the Owensboro division. During my visit to Kentucky I ascertained, what I had already suspected, that there was no longer any reason for this division known as the Owensboro division, and the purpose of this amendment is to make the law relate to the places where the cases shall be tried, the same as in other States. It is an amendment that I am satisfied will meet with the concurrence of the bar, as I know it does of the court and the officials.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky.

Mr. THOMAS of Kentucky. Mr. Speaker, as I understand the gentleman's amendment, it will leave Butler, Todd, and Logan Counties in the Bowling Green district, or, rather, cases arising in those counties will go to the Bowling Green court.

Mr. SHERLEY. They will go to the Bowling Green court by virtue of the general rule sending them to the court nearest the county in which they arise.

Mr. THOMAS of Kentucky. I have no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Speaker, in furtherance of that purpose, I move to amend, on page 71, line 22, by striking out the following words:

But these provisions are subject to the provisions heretofore contained constituting the Owensboro division.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 22, strike out all after the semicolon.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. MANN. Does not the gentleman need to strike out the fixing of the terms of court at Owensboro?

Mr. SHERLEY. No; it is all right. It is proper that the court should be held there, and I want to do away with the arbitrary requirement that cases coming from certain counties in the State shall be tried at the Owensboro court.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to recur to the first section of the bill for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to recur to the first section of the bill. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Mr. Speaker, the first section of this bill is that establishing district courts and the appointment and residences of the judges, and I ask to strike out that section as it now exists and substitute in lieu thereof the following.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 1 and insert a new section, to read as follows:

"SEC. 1. In each of the districts described in chapter 5 there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be an additional district judge in each; and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district, or one of the districts, for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Mr. MOON of Pennsylvania. Mr. Speaker, the only alteration provided by this amendment is respecting the district judge for the middle district of Alabama, still constituting him, as heretofore, a district judge for the northern district thereof. It is really existing law, and the Alabama delegation have requested that this change be made in order to conform it to the existing customs and practice of the court.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. MOON of Pennsylvania. I now ask unanimous consent, Mr. Speaker, to return to section 29 for the purpose of offering an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, lines 18 and 19, strike out the words "in such cases as are provided for in the last clause of said section" and in lieu thereof insert the words "suits removable on the ground of prejudice or local influence."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOON of Pennsylvania. I now ask unanimous consent to return to page 38, line 22, section 5, for the purpose of offering an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Section 51, amend as follows:
Page 38, line 22, strike out "three" and insert "four;" line 25, strike out "four" and insert "five."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADISON. Mr. Speaker, I rise for the purpose of asking unanimous consent to recur to section 1 for the purpose of offering an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. For the purpose of offering an amendment which the gentleman will send to the desk. I would suggest that we do not want to open this too wide.

Mr. MADISON. Certainly not. The amendment I wish to offer is in line 9, after the word "Illinois," to insert the words "the district of Kansas."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Section 1, in line 5, after the word "Illinois," insert the words "the district of Kansas."

Mr. MADISON. Is line 5 the right place?

Mr. MANN. I will inform the gentleman that a new section in the way of an amendment was offered to take the place of the entire original section.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Section 1, in line 5, after the word "Illinois," insert the words "the district of Kansas," so it will read "the northern district of Illinois, the district of Kansas, the district of Maryland," etc.

Mr. MOON of Pennsylvania. That is the way the gentleman wants it to read?

Mr. MADISON. Yes. Now, I want to state to the House that this amendment gives to Kansas an additional judge, not an additional district with another corps of Federal court officers, because that would be unnecessary, but this is to give to the district an additional judge. I wish to say that I would not have offered this amendment to this bill if the matter had not been first taken before the Committee on the Judiciary on a bill introduced by Mr. MURDOCK. That committee has considered the matter and has reported an amended bill for passage, giving to the State of Kansas an additional judge. There is a population in the State now of 1,700,000, in round numbers—I think 1,690,000 are the exact figures. It is estimated that 1,000,000 of inhabitants will furnish about all the work one judge can do. The State of Oklahoma, to the south of us, with just about the same population, has two districts and, of course, two judges. The State of Nebraska, to the north of us, with a much smaller population, has two judges. Now, as to the necessity for an additional judge in Kansas, the members of our bar association, at their last annual meeting, which was held in Topeka on Januray 11, and which was largely attended by lawyers from all over the State, unanimously requested the Senators and the Members of the House of Representatives in Congress from Kansas to present this matter to Congress, alleging that there was a real need for an additional judge.

The records in the office of the Attorney General show a congested condition of the court docket and that the one judge is not able to dispose of the business as fast as it accumulates upon the docket. I have numerous letters, which I shall not take the time to read now, from members of our bar all over the State saying that it takes from about six months to two years to bring a case to trial in that district of Kansas, because of the congested docket. The president of the State Bar Association, in behalf of that body, has written a letter setting out many good reasons why another judge is needed. Court is held principally at Kansas City, Kans., and Topeka, in the northeastern part of the State, and much expense is caused to litigants and witnesses in traveling long distances and remaining in attendance at court at those cities. Court should be held at places in the central and western parts of the State, and that could be done if another judge was provided. I do not criticize the present judge, who is able and efficient; but from the experience of the members of the bar and taking into consideration the population of the State and the condition of the docket, it is apparent that another judge should be granted to the district of Kansas. There is no other office created by the bill that is recommended for passage by the Committee on the Judiciary, not a single one. There will be no additional expense incurred except the salary of the judge, and I earnestly hope that that State will be conceded this additional judicial officer.

Mr. BENNET of New York. Is it a unanimous report of the Committee on the Judiciary?

Mr. MADISON. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. MADISON. With pleasure.

Mr. MANN. For a little more than a question?

Mr. MADISON. Yes.

Mr. MANN. Mr. Speaker, I think under existing conditions that the business of Kansas would require an additional judge, but we have inserted in this bill various amendments for the purpose of restricting the jurisdiction of the Federal courts, one raising the amount in controversy from $2,000 to $5,000, one prohibiting the removal of cases by corporations where they are doing business in the State, and so forth. There is one amendment, I think, presented by the gentleman himself, to prohibit Federal courts interfering with the enforcement of State laws or State officials. If those propositions should be incorporated in the bill as it becomes a law, does not the gentleman think that instead of having a scarcity of judges we will have a plethora of Federal judges throughout the country?

Mr. MADISON. Now, I am going to answer the gentleman in the way he answered the chairman of this committee in regard to my amendment a few days ago, and that is, those things have not as yet become law.

Mr. MANN. No; but I was going to ask the gentleman whether, in view of the probability of these things becoming a law, he did not think it would be wiser to bear the troubles of the present until the next Congress, rather than inflict upon us an unnecessary Federal judge for the balance of that judge's life.

Mr. MADISON. Well, I will reply to the gentleman in this way, that, so far as the State of Kansas is concerned, the congested condition of the docket arises largely from a class of cases which are not of the character to which the gentleman refers.

Mr. MANN. If the gentleman will permit me to give an illustration, I will say that up to last year, and for every year since I have been here, the Lighthouse Service was praying on bended knees for more lighthouse tenders, stating that it was impossible for them to transact the business that was required of them without additional tenders. Last year we passed a bill dispensing with the Lighthouse Board and appointed a Commissioner of Lighthouses, and dispensing with some of the extra inspectors, and the other day we passed a bill to give away to one of the other departments of the Government one of the present tenders that they already have, and have given orders to stop the building of three more tenders which we had already authorized, and they say they have more tenders to give away. Now, might not the same thing be true as to judges, except we could not give them away? [Laughter.]

Mr. MADISON. I can only reply that I do not think so.

Mr. PARSONS. I would like to ask what statistics the gentleman from Kansas has to show the need of an additional judge. Take civil suits, and I find for the fiscal year ending June 30, 1909, there were commenced 154 and disposed of 127 civil suits, except bankruptcy suits, and that left pending at the end of the year 329, which was 27 more than were pending at the beginning of the year. On the next page I find in the eastern district of Kentucky, where, I think, they only have one judge, there were commenced 153 cases, one less than were commenced in Kansas, and there were terminated 162, which was 35 more than in Kansas. So they are apparently getting along——

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Kansas be extended for five minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. Apparently in Kentucky one judge can dispose of more business than one judge in Kansas, and is cutting down the accumulation of business there instead of allowing it to increase.

Mr. MADISON. Well, I will reply to the gentleman that the gentleman understands that we do not know the character of the cases in Kentucky and the length of time that it takes to try them. They may be principally trivial suits. Now, I want to say to the gentleman and to the Members——

Mr. PARSONS. May I say in that connection that in Kentucky they do 20 times as much criminal work as they do in Kansas, and he has all that in addition to the civil work?

Mr. COX of Indiana. Will the gentleman from New York compare the business in Indiana to the business done in Kansas, as we have only one Federal judge in Indiana, a State with a population of 2,700,000?

Mr. MADISON. Do you only have one district in Indiana?

Mr. COX of Indiana. Just one.

Mr. MANN. And he spends a good deal of time trying cases for us in Chicago.

Mr. PARSONS. In answer to the request of the gentleman from Indiana [Mr. Cox] I will say in that same fiscal year there were commenced in the district of Indiana 126 cases as against 154 commenced in Kansas. There were disposed of in Indiana 114 as against 127 in Kansas. I understand that the Indiana judge is able to do considerable of the work in Chicago, also.

Mr. COX of Indiana. To my knowledge he has been there weeks and months at a time.

Mr. MADISON. Just a moment. Mr. Speaker, the gentleman is giving figures for the year 1909.

Mr. PARSONS. Those for 1910 are not available.

Mr. MADISON. I understand that they are now available in the Attorney General's office, and they show a greater number of cases begun in Kansas than in the year 1909.

Mr. McGUIRE of Oklahoma. Mr. Speaker, if the gentleman will yield for a statement, I will say that reference has been made to the condition of the Federal docket in Oklahoma. It it now estimated that in the eastern district of Oklahoma—and the western district is not in very much better condition—that if there was not another case filed it would take six years, in view of the number of cases which have been disposed of the last year and taking that as a criterion, to dispose of the cases in eastern Oklahoma now on the Federal docket. I do not know how many cases there are. The gentleman from New York may have the figures.

Mr. MANN. They indicted everybody out there, did they not? [Laughter.]

Mr. McGUIRE of Oklahoma. Well, there were some who were not indicted. [Laughter.]

Mr. MANN. I did not mean to say that they were properly indicted.

Mr. McGUIRE of Oklahoma. Yes; I understand. The gentleman meant simply to say that they were indicted. But the cases now on the docket are sufficient, as it is now estimated, to take six years to dispose of them, even if there is not another case filed. The Oklahoma delegation at the next session of Congress will probably ask for the enactment of a bill to establish an additional district, to be discontinued on the death or resignation of either of the judges. I simply know as a practitioner in Oklahoma and in the adjacent State of Kansas that the Federal docket is a long way behind in the State of Kansas.

Mr. HUGHES of New Jersey. Is there any demand on the part of those indicted people for an additional judge? [Laughter.]

Mr. McGUIRE of Oklahoma. Well, as a rule, I do not think there is much of a demand, but occasionally there is.

Mr. MANN. Not often.

Mr. McGUIRE of Oklahoma. No; not often, but sometimes.

Mr. PARSONS. I do not know that these figures as to Oklahoma explain very much. Apparently in that fiscal year there were commenced in the eastern district only five civil cases. There were pending six, and there was disposed of during the year one.

Mr. McGUIRE of Oklahoma. Those are the civil cases?

Mr. PARSONS. Yes; those are the civil cases.

Mr. McGUIRE of Oklahoma. I do not know where the gentleman gets those figures.

Mr. PARSONS. I get them from the appendix to the Attorney General's report.

Mr. McGUIRE of Oklahoma. I may say that if the figures which the gentleman has there are no better or more accurate with respect to other States than they are for Oklahoma they can not be relied upon.

Mr. PARSONS. There were pending six civil cases, and undisposed of——

Mr. CALDERHEAD. I suppose that is a Government document that you are reading from?

Mr. PARSONS. In the eastern district the internal-revenue cases disposed of during the year were 26; post-office cases, 52; land and timber trespass cases, 25.

Mr. McGUIRE of Oklahoma. It does not show the number on the docket?

Mr. PARSONS. Yes. It shows pending, internal revenue, 35; post office, 33; under the banking act, 6; under the land law and timber trespass act, 68; miscellaneous, 25; bankruptcy, 19; a total of 186.

Mr. SIMS. I do not see how it should take six years to clean up a docket with nothing on it.

Mr. McGUIRE of Oklahoma. That does not show the facts.

Mr. CALDERHEAD. I have had considerable correspondence within the last two years with lawyers in my district, in the northern part of the State, and with attorneys and leading citizens of the northwestern part of the State, asking that an effort be made here to obtain an additional judge. One of the reasons urged for it is the fact that court is now held in Leavenworth, Kansas City, Topeka, Fort Scott, and Wichita, all of those places being in the eastern part of the State except Wichita, which is near the southern boundary. It is nearly 200 miles straight north from Wichita to the northern line, and from Topeka to the western line of the State the distance is nearly 300 miles.

All that area has been settled up within the last few years with a good population. A new system of cultivation of crops has come in, and nearly every quarter-section of land is occupied by a family. All the business that arises in the northwestern part of the State must come to Topeka or Leavenworth or Kansas City for a hearing. The distance by rail is from 300 to 400 miles often, and parties and witnesses must go down to the court and wait in expectation of trial. When the day comes there may be a continuance, and they are sent home again. Trips of that kind are made two or three times a year, and by that time the burden of expense is too great for the ordinary case pending from that part of the country.

There is a United States courthouse at the city of Salina. There is a law somewhere that requires the court to sit there, I think, three times a year. The practice has been heretofore for the judge, clerk, and marshal to go up and open court, and continue the cases to the next term at Topeka or Leavenworth or Kansas City, largely because the records are in the offices in the Federal buildings at those cities. The whole thing has become a burden to a portion of the State that is about equal to three-fourths of its area and to nearly one-half the population.

The best lawyers in my district have been writing to me ever since the beginning of this session, urging that we obtain an additional judge. I am not asking that a new district shall be created, though I think that might be done properly, for I have some ideas of liberality concerning the number of judges and the salaries that ought to be paid them. I think the people ought always to be supplied with sufficient courts to have a hearing of their cases within a reasonable time, and that there ought to be no Federal district court in such a condition that the docket is three years behind.

Two or three of the letters that I have received recently state that if there should be no new business begun it would take three years to clear up the docket of that district at the present rate of proceeding, and I know we have a faithful and diligent judge. There is no good reason for a continuation of that condition of things. An additional judge should be provided.

The gentleman from Illinois [Mr. MANN] has suggested that we may be legislating upon a probability. I have sometimes heard him reprove us for attempting to legislate upon an apprehension. I wish he would listen now to the reasons why we should legislate upon a condition of facts.

Mr. SIMS. Has the gentleman ever known an application for a new judge which was not favored by all the lawyers in the locality affected?

Mr. CALDERHEAD. I have not had much experience in that direction.

Mr. SIMS. That has been my experience.

Mr. CALDERHEAD. We might very naturally expect that to be so. I do not want to be unfair, but it seems to me that most of the applications for new judges and new district courts have come from the gentleman's locality.

Mr. SIMS. There came a demand for a new judge in Tennessee some time ago, but Congress did not grant the request, and yet they have been getting along very well ever since.

Mr. CALDERHEAD. Perhaps they have been behaving themselves better than they did a few years ago.

Mr. HUGHES of New Jersey. Mr. Speaker, I am opposed to this amendment. If it passes, it will be an illustration of the facility with which important legislation can be put through this House when the ways have been properly greased. We see here this afternoon the spectacle of the leading standpatter and the leading insurgent of the State of Kansas absolutely agreed that a Federal judge there is necessary. It may be true that they even have agreed, or are in a position to agree, as to just who that Federal judge should be.

I would be the last man to put a stone in the way of this peaceful condition which seems to be about to settle down upon the State of Kansas; but since I have been in this House I have heard arguments made by gentlemen on both sides against attempting to legislate upon matters coming within the jurisdiction of the great Judiciary Committee without giving to those matters the calmest and most careful consideration. Yet here this afternoon, when we have been conducting a sham battle in the interests of delay, because there were not enough men in the House to consider the legislation which the gentleman in charge of the bill considers important, with 40 or 50 Members in the House, it is proposed that we shall add a new district judge, and place a man upon the pay roll at $6,000 a year for the balance of his life. There is nothing in the bill any more important than that legislation that I know of, Mr. Speaker.

There must be 50 gentlemen in the House who can make as good an argument to have another Federal judge appointed in their district as the gentleman from Kansas has made here to-day. They need a great many things in Kansas; they have raised lots of things in Kansas; but I do not think there is a crying need in the State of Kansas to-day for another Federal judge.

I do not see what anybody can do to compel the gentleman in charge of the bill to go on and take up the really important pressing matters that are to be considered by this House if this bill is to be finished at this session of Congress. I do not know what the plan or program or scheme is. I only know that I and other Members of Congress have been sitting around patiently waiting for the particular propositions in which we are all interested to be reached in order that we may debate them and have the House pass upon them. But gentlemen have wasted the afternoon conducting an Alphonse and Gaston burlesque across the aisle. I have seen three-quarters of an hour wasted this afternoon debating an amendment which everybody agreed to and nobody opposed. It seems that the more unanimity there was regarding an amendment the more time was taken up in discussing it. I confess that, for one, I do not know what is going on. [Laughter.] I would like to find out, and I propose, if the gentleman in charge of the bill does not do it himself, to move that the House adjourn and put an end to this farce. Mr. Speaker, I am opposed to the amendment.

Mr. MOON of Pennsylvania. Mr. Speaker, I do not think I shall occupy much time in replying to the lecture by the gentleman from New Jersey. I do not think the chairman of this committee needs any defense as to his conduct in the management of this bill or need pay much attention to the assault made by the gentleman. The chairman of the committee has been ambitious and anxious at all times to secure the passage of this bill. The gentleman's discontent arises from the fact that he has an amendment pending which has not yet been reached, and he is impatient because of our delay in reaching it. It is possible that the gentleman from Kansas may feel that his amendment is as important as that of the gentleman from New Jersey. It is not the office or the duty, as I conceive it, of the chairman of the committee to cut off debate by motion or resolution when measures that are regarded as important by those that move them are pending unless an unreasonable amount of time is consumed in their consideration. The pending amendment is one of great importance—it is made by the gentleman from Kansas in good faith—and in his judgment is a salutary one, and one that tends to perfect this bill.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MOON of Pennsylvania. Yes.

Mr. HUGHES of New Jersey. Does the gentleman regard the creation of a new judge in Kansas as necessary to the revision of these laws?

Mr. MOON of Pennsylvania. "The gentleman from Pennsylvania" does not arrogate to himself the right to decide what is important. This bill is before the House, and if the gentleman from Kansas or the gentleman from New Jersey, under the rule or under the permission of the House, moves an amendment, it is not for the chairman of the committee but for the House to say whether or not it is important. I have in the past—and I shall as long as I continue chairman of this committee—endeavored to expedite, to the best of my ability, the transaction of the business respecting this revision.

Mr. HUGHES of New Jersey. Mr. Speaker, I make the point that all debate on this amendment has been exhausted. Three gentlemen have been heard upon it.

The SPEAKER pro tempore. Debate on the pending amendment is exhausted.

Mr. MANN. Mr. Speaker, I move to strike out the last word of the amendment. I think the gentleman from Pennsylvania, the chairman of the committee in charge of the bill, made a mistake just now; he took the gentleman from New Jersey seriously. I have retained in my memory the remarks of the gentleman from New Jersey and will frequently indulge myself in repeating them in the next House. I am not surprised that the gentleman from New Jersey is not in touch with what is going on in the House. He is not entitled to know what is going on on this side of the House, and he has not been in his seat to-day to know what has been going on on that side of the House.

Mr. HUGHES of New Jersey. I do not think the gentleman from Illinois means to make an absolute misstatement.

Mr. MANN. I do not. If the gentleman has been in his seat, I apologize to him.

Mr. HUGHES of New Jersey. I have been in my seat whenever I could get in. It has usually been occupied by somebody else. [Laughter.]

Mr. MANN. I have no doubt, Mr. Speaker, that in the next Congress the gentleman from New Jersey, who will be one of the leaders, and very properly so, will not only know what is going on, but will constantly keep us in wonderment as to what is going to take place, as he is now wondering what is going to take place. But the gentleman says we have been wasting time in the House simply because we have not been listening to the gentleman. The gentleman from New Jersey and I are alike in one respect—we like to hear ourselves talk. [Laughter.]

Mr. HUGHES of New Jersey. The gentleman will admit that he indulges his liking much more than I do.

Mr. MANN. I admit that the other gentlemen are much more pleased to have me talk than to have the gentleman from New Jersey talk.

Mr. HUGHES of New Jersey. Oh, I subscribe to that.

Mr. MANN. Although myself I prefer to hear the gentleman from New Jersey make his facetious remarks, such as he made just now concerning the conduct of the House, rather than to talk myself. Therefore I did not interrupt the gentleman. The gentleman will have great opportunities in the next House, and he ought to be willing to possess his soul in patience in this House. No doubt he will be on a pinnacle there and will be able to run the House without debate, pass measures without consideration, to do as we did yesterday—— [Laughter.]

Mr. COX of Indiana. We; who?

Mr. MANN. We, us, and company—apply the steam roller to a majority on this side of the House, largely for the purpose, so far as we on this side of the House who joined in the movement were concerned, of demonstrating what that side of the House will be perpetually endeavoring to do when they are in power; although when they they are out they cry louder and longer about the terrors of such a thing than anybody else, and the moment they get any encouragement they run the steam roller over everybody.

Mr. BUTLER. Does not the gentleman think that some of the innocent ones got under the roller yesterday?

Mr. MANN. Oh, the gentleman from Pennsylvania and I have been here too long to be classed as innocents.

Mr. KENDALL. Mr. Speaker, I deprecate a discussion of this kind very much. It is too painful a subject. [Laughter.]

Mr. MANN. Out of deference to the gentleman, I shall cease.

Mr. NYE. Mr. Speaker, I did not know that the amendment was coming up, but it embodies the provisions of a bill that was acted upon by the Committee on the Judiciary, and I chanced to be a member of the subcommittee that gave considerable attention to it. We went over it very carefully and it was the unanimous view of the subcommittee—I was not present when it was acted upon by the full committee—that the State of Kansas really needed another judge. We compared it with other States. I know I compared it with my own State, in which there are two judges and in which the population does not widely differ from that of Kansas, and perhaps its territory does not differ very widely. The records show no great disparity as to the amount of business. The State of Kansas is a very large State, rapidly developing, and the court business is rapidly increasing. While it is very plain that there is too much

business for one judge, and perhaps two judges at present would not be overworked, yet it will not be more than a year or two, I think, before they will have all that they can do. I believe the bill is deserving and meritorious. I gave it very careful consideration at the time, and the committee generally were so impressed. I hope the amendment will pass.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be considered withdrawn. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. Cox of Indiana) there were—ayes 36, noes 38.

Mr. MADISON. Tellers, Mr. Speaker.

The question was taken, and tellers were ordered.

Mr. FINLEY. Mr. Speaker, I make the point of no quorum present.

Mr. HUGHES of New Jersey. Mr. Speaker, I would suggest to the gentleman that he withhold his motion until we hear what the tellers have to report. I ask the gentleman if he will withhold his motion.

Mr. FINLEY. Mr. Speaker, I make the point of no quorum present.

The SPEAKER pro tempore. Will the gentleman from South Carolina withhold his motion for a moment?

Mr. FINLEY. I will.

The SPEAKER pro tempore. The Chair submits to the House the following request from the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The SPEAKER pro tempore. The Chair desires to state to the House that the bill referred to in this resolution of the Senate, H. R. 31538, has been the subject of a report by the Committee on Enrolled Bills, which report was submitted to the House and the bill signed by the Speaker. Without objection, it will be considered as ordered that the Speaker be authorized——

Mr. MANN. One moment, Mr. Speaker; let us see whether that is the one or not.

The SPEAKER pro tempore. It is the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railroad Co. to construct a bridge across the Mobile River.

Mr. MANN. But there are two bills, one a Senate bill and one a House bill.

The SPEAKER pro tempore. The Senate requests the return of the House bill No. 31538. That House bill, having been passed and sent back by the Senate, has been enrolled, signed by the Speaker, and submitted to the House. That signature should be canceled before the bill is returned to the Senate. Without objection, it will be considered as ordered that the Speaker be authorized and directed to cancel his signature and return the bill to the Senate. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from South Carolina insist upon his point of no quorum present?

Mr. FINLEY. I do.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 213. Joint resolution authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 16, 1911, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KENNEDY of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the House (H. J. Res. 282) to investigate the causes of the explosion at Cummunipaw, N. J., and to report the results of such investigation, with recommendations regarding such legislation as will tend to prevent a recurrence of same, reported the same with amendment, accompanied by a report (No. 2169), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10011) for establishing a light and fog-signal station on the San Pedro Breakwater, Cal., reported the same with amendment, accompanied by a report (No. 2170), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 10015) for rebuilding and improving the present light and for signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by, reported the same with amendment, accompanied by a report (No. 2171), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, reported the same with amendment, accompanied by a report (No. 2172), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 10690) providing for aids to navigation along the Livingstone Channel, Detroit River, Mich., reported the same without amendment, accompanied by a report (No. 2173), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7713) relating to rights of way through certain reservations and other public lands, reported the same with amendment, accompanied by a report (No. 2177), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., reported the same with amendment, accompanied by a report (No. 2174), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, reported the same without amendment, accompanied by a report (No. 2175), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25502) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin, reported the same without amendment, accompanied by a report (No. 2176), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 31506) granting a pension to William Feavel, and thesame was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MITCHELL: A bill (H. R. 32798) for the purchase of a site and the erection thereon of a public building at Framingham, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. RODDENBERY: Joint resolution (H. J. Res. 286) authorizing the printing of 100,000 copies of the Special Report on the Diseases of the Horse; to the Committee on Printing.

Also, joint resolution (H. J. Res. 287) authorizing the printing of 100,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

By Mr. SMITH of Michigan: Joint resolution (H. J. Res. 288) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia; to the Committee on Printing.

By Mr. HARRISON: Resolution (H. Res. 976) requesting the President to convene the Sixty-second Congress in extraordinary session for the purpose of revising downward the schedules of the Payne-Aldrich Tariff Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STAFFORD: A bill (H. R. 32796) granting an increase of pension to William Hammond; to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 32797) granting an increase of pension to Mary Bolling; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 32799) granting an increase of pension to Fred J. Reiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32800) granting an increase of pension to Alex Van Gorder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32801) granting a pension to James A. Dickinson; to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 32802) granting an increase of pension to George W. Dart; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32803) granting a pension to Dominic N. Brown; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 32804) granting an increase of pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32805) granting an increase of pension to Lot D. Hull; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 32806) granting a pension to Lucretia J. Allen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Local No. 1167, of Fremont, Ohio, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of Darwin Thompson, Collin King, Isaac Jump, Martin Barnhart, John Henderson, Emogene Marshall, Alex Aungst, Samuel Dale, Mary Hurst, Edwin F. Spink, Markus Wolf, Charles F. Collins, Henry H. Overmeyer, Charles F. Collins, James Steible, Mathew Park; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lieut. Col. William O. Bulger; to the Committee on Pensions.

Also, petition of Commercial Club of Galion, Ohio, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of H. W. Vollmyer, of Napoleon, Ohio, and Garnett Cory Hardware Co., Medford, Oreg., against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Ohio State Grange, Zanesville, Ohio, for a parcels post, and favoring other legislative measures; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Memorial of American Council, No. 20, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Owen McElroy, of Metal Trades Department of American Federation of Labor, for the eight-hour clause in naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Harry W. Deming, Canal Dover, Ohio, against Senate bill 5122, parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Lewis J. Kinsey and 15 other ladies of Dennison, Ohio, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

By Mr. BURLEIGH: Protest of granges of the State of Maine against the Canadian reciprocity measure; to the Committee on Ways and Means.

By Mr. CALDER: Petition of the De Laval Separator Co., against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

By Mr. COX of Ohio: Petition of citizens of Ohio, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Chamber of Commerce, Hamilton, Ohio, for reciprocity with Canada; to the Committee on Ways and Means.

By Mr. CROW: Petition of citizens of Poplar Bluff, Mo., urging neutrality of this Government between insurgents and federal troops in Mexico; to the Committee on Foreign Affairs.

By Mr. DICKINSON: Petition of Local Union No. 2669, Bowen, Mo., United Mine Workers of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of the Brooklyn League, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. EDWARDS of Kentucky: Resolutions of Cumberland Council, No. 73, Burnside; G. J. Hand Council, No. 179, Hart; Level Green Council, Keavy; Bennetts Fork Council, Gravity; London Council, London; and Williamsburg Council, Williamsburg, Junior Order United American Mechanics, all in the State of Kentucky, favoring the enactment of more stringent immigration laws; to the Committee on Immigration and Naturalization.

Also, resolutions of Laurel Council, No. 353, United Commercial Travelers of America, London, Ky., and petition of 22 retail merchants of the eleventh congressional district of Kentucky, protesting against the enactment of any legislation for the extension of the parcels-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of citizens of Wisconsin, against parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petitions of citizens of New York, the Atlas Engraving Co., and the Printing Trades Council of Greater New York, against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of George W. Brush, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Valdez, Marshall Pass & Northern Railway Co., favoring Senate bill 10436 and House bill 32318; to the Committee on the Territories.

By Mr. FULLER: Petition of William Hamilton, jr., of Chicago, Ill., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of A. P. Wylie, of Troy Grove, Ill., for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Hibbard, Spencer, Bartlett & Co., Chicago, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of American Paper and Pulp Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the American National Live Stock Association, against increase of freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Streator, Ill., for building battleship *New York* in Government navy yard; to the Committee on Naval Affairs.

By Mr. GILLESPIE: Petition of the Neeley-Harris-Cunningham Co. and 93 other firms, of Comanche, Tex.; Baker Hardware & Implement Co. and 33 others, of Hood County, Tex.; and seven firms of Dublin, Tex., against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GOULDEN: Petition of citizens of New York City, against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Junior Order United American Mechanics of New York, for the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRAHAM of Pennsylvania: Petition of Metal Trades Department, Washington, D. C., for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Nineteenth Annual Meeting of Association of Military Surgeons of the United States, favoring the passage of Senate bill 6049; to the Committee on Military Affairs.

By Mr. GRIEST: Petition of Dr. Samuel R. Nissley, post commander, Post No. 502, Grand Army of the Republic, of Elizabethtown, Pa., favoring the enactment of legislation authorizing the construction of the Lincoln Memorial Road from Washington to Gettysburg; to the Committee on the Library.

By Mr. HAYES: Petition of San Francisco Lodge, No. 68, International Association of Machinists, favoring the illiteracy test in immigration law; to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Lodge, No. 68, International Association of Machinists, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910, and for the eight-hour clause in naval appropriation bill; to the Committee on Naval Affairs.

By Mr. KNAPP: Protest of Board of Trade of Alexandria Bay, N. Y., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of the Business Man's Publishing Co. and the Sprague Publishing Co., of Detroit, Mich., protesting against the bill to increase postal rates on magazines and periodicals; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Pawnee City, Humboldt, Crab Orchard, Hickman, Firth, Raca, and Kramer, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers from various organizations, favoring House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Protests of James McQuaide, F. H. Krewson, H. L. Gardner, The C. M. Wessels Co., Lowrie D. Coleman, Robert F. Salade, Peter E. Kelly, James Kerney, J. B. McMasters, Samuel Fisher, Ernest Veeck, and H. T. Paiste Co., against increase of magazine postal rates; to the Committee on the Post Office and Post Roads.

Also, petitions of District Lodge, No. 1, and George Chance Lodge, No. 361, International Association of Machinists, favoring eight-hour law and battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, protests of J. O. Weedon, A. B. Furner, Kenton Warne, Carl W. Kimpton, Ray M. Vanderherchen, W. D. Lumis, J. C. Huntington & Co., and Miller Lock Co., against increase of magazine postal rates; to the Committee on the Post Office and Post Roads.

Also, resolutions of State Council of Pennsylvania, Washington Camps Nos. 1, 83, 465, 488, 136, 343, 535, 624, and 457, all of Patriotic Order Sons of America, and Crystal Council, No. 300, Junior Order United American Mechanics, favoring the passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of New England German-American National Alliance, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of International Association of Machinists, favoring the building of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PAYNE: Petitions of Marion and Dresden (N. Y.) Granges, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. PEARRE: Petition of Friends of Sandy Spring, Montgomery County, Md., against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, petition of United Hebrew Charities of Baltimore, Md., against violation of a treaty by the Russian Government by refusing to accept passports issued to Hebrews; to the Committee on Foreign Affairs.

Also, petitions of Local Camp No. 18, Patriotic Order Sons of America, of Hancock, Md., and Washington Camp No. 43, of Doubs, Md., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Montgomery County (Md.) Anti-Saloon League, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Swanton Grange, No. 194, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Washington Camp No. 31, Patriotic Order Sons of America, of Raspeburg, Md., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of citizens of Illinois, against House joint resolution 17; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Housatonic (Conn.) Grange and Northfield Grange, for a full and complete parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. WEISSE: Petition of citizens of Wisconsin, favoring construction of battleship *New York* at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of American Federation of Labor, Local No. 657, of Sheboygan, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of Charles O. Morley and other citizens of Brooklyn, N. Y., for the eight-hour clause with reference to construction of battleships; to the Committee on Naval Affairs.

SENATE.

THURSDAY, *February 16, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10583) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, D. C.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24123) for the relief of the legal representatives of William M. Wightman, deceased.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, to $2 a day, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes; recedes from its disagreement to the amendment of the Senate No. 203 and agrees to the same; further insists upon its disagreement to the amendments of the Senate upon which the committee of conference have been unable to agree; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and has appointed Mr. GILLETT, Mr. GRAFF, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;"

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31353. An act for the relief of F. W. Mueller;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to construct a dam across New River; and

H. R. 32473. An act for the relief of the sufferers from famine in China.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Live Oak Camp, No. 2037, Woodmen of the World, of Chalkbluff, Tex., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Religious Society of Friends, of Chappaqua, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Trades and Labor Council of Danville, Ill., praying for the construction of all battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER. Mr. President, I have had a deluge of telegrams during the last few days asking me to support the so-called Sulloway pension bill. This morning I received a letter which I think I will take the liberty of reading—it is very brief—from a well-known resident of a town in New Hampshire. It is as follows:

The National Tribune telegraphs commander of Grand Army of the Republic post here: "GALLINGER not as earnest as wished for. Can you bring some influence to bear on him? His vote and attention quite important. This in relation to the Sulloway bill before the Senate."

Mr. President, I have been a reasonably consistent friend of the soldiers in all matters of pension legislation, and I am giving very careful consideration both to the so-called Sulloway bill and the substitute bill reported by the Senator from North Dakota [Mr. MCCUMBER], the chairman of the Committee on Pensions. When the matter comes up for vote I shall vote as my intelligence and conscience dictate and not because somebody in Washington has telegraphed somebody in New Hampshire to line me up on the question.

The PRESIDENT pro tempore. The telegrams will lie on the table, the bill having been reported.

Mr. GALLINGER presented a petition of the proprietor of the Gazette-Times-Press, of Lancaster, N. H., and a petition of the Emerson Paper Co., of Sunapee, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the editor of the Dublin News, of Dublin, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation providing for an increase in the salaries of Government employees, which was referred to the Committee on the District of Columbia.

He also presented memorials of Local Union No. 15, Brotherhood of Paper Makers, of Lisbon Falls, Me.; of the Emerson Paper Co., of Sunapee, N. H.; of Local Grange of Campton; of Mountain Grange of Ossipee; of Local Grange No. 160, of Carroll; and of Local Grange No. 230, of Unity, Patrons of Husbandry; and of sundry citizens of Berlin and Dover, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of Local Division No. 125, Amalgamated Association of Street Railway Employees of America, of Belleville, Ill., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 1675, United Brotherhood of Carpenters and Joiners of America, of Breese, Ill., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Charter Oak Grange, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Wabash Lodge, No. 237, International Association of Machinists, of Mount Carmel, Ill., remonstrating against the repeal of the so-called eight-hour law relative to the building of battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Local Business Club of Chester, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented a petition of Holland Post, No. 78, Grand Army of the Republic, Department of Nebraska, of Crete, Nebr., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

Mr. BOURNE. I present a telegram which I have received from the Oregon & Washington Lumber Manufacturers' Association, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

PORTLAND, OREG., *February 14, 1911.*

Hon. JONATHAN BOURNE, Jr.,
United States Senate, Washington, D. C.:

The senate to-day passed house joint resolution No. 60, as follows:

"Whereas the Canadian reciprocal agreement opposing the removal of duties upon farm and timber products is now under consideration by Congress; and

"Whereas the removal of these existing tariffs upon its products will work inestimable damage to the welfare of the State; and

"Whereas by reason of the shipping laws of the United States foreign vessels can not be used between domestic ports, while vessels under any flag can be used between Canadian ports and those of the United States, thereby securing very much lower rates and making the competition more difficult to meet; and

"Whereas a Tariff Commission has been appointed by the President of the United States to examine into and report on the necessity of changes in our present tariffs on all commodities, both raw and manufactured: Now therefore be it

"*Resolved*, That the Legislature of the State of Oregon requests its Senators and Representatives in Congress to oppose the ratification or consent of or to said Canadian reciprocal agreement at this time and until said Tariff Commission has reported and the country is more fully advised as to the effect of such agreement will have upon the industries and development of the United States."

L. J. WENTWORTH,
President Oregon & Washington Lumber Manufacturers' Association.

Mr. BOURNE. I present a telegram from the Legislature of the State of Oregon, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

SALEM, OREG., *February 15, 1911.*

Hon. JONATHAN BOURNE, Jr.,
Washington, D. C.:

To the honorable Senate and House of Representatives, Congress of the United States.

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pensions now granted under existing laws to the veterans of the Civil War are, by reason of advancing age and increasing infirmities, inadequate to the deserts and need of those old soldiers who are so rapidly passing away. We therefore urge upon your honorable body the passage of House bill 29346 (the Sulloway bill), granting increased pensions to the survivors of the Civil War commensurate with their increasing age and infirmities. The number of survivors of the Civil War is rapidly growing smaller and their ranks are fast becoming depleted, and we feel that their services to the Nation have been sufficient to warrant the payment to them of the pension provided for in this bill. It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be immediately forwarded to each of the Oregon Senators and Representatives in Congress.

Adopted by the house February 13, 1911; concurred in by the senate February 14, 1911.

JOHN P. RUSK, *Speaker of the House.*
BEN SNELLING, *President of Senate.*
W. F. DRAGER, *Chief Clerk of House.*
F. H. FLAGG, *Chief Clerk of Senate.*

Mr. DILLINGHAM presented a petition of Local Chapter, American Federation of Labor, of Bennington; of General Stark Council, of Springfield; and of Rising Sun Council, of St. Johnsburg, Junior Order United American Mechanics, in the State of Vermont; and of Enterprise Council, Junior Order United American Mechanics, of Keyser, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Prospect Grange, No. 331; Coldspring Grange, No. 427; Willoughby Lake Grange; Local Grange of Chester; and of Local Grange of Brandon, Patrons of Husbandry, all in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SCOTT presented a memorial of Richlands Grange, No. 76, Patrons of Husbandry, of Greenbrier County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Parkersburg, W. Va., remonstrating against the proposed increase in the postal rates on magazines and periodicals, which was ordered to lie on the table.

Mr. YOUNG presented petitions of the Trades and Labor Assembly of Muscatine; of Local Union No. 1112, United Brotherhood of Carpenters and Joiners of America, of Marshalltown; and of Local Union No. 18, United Association Journeymen Plumbers, Gas and Steam Fitters, and Steam Fitters' Helpers, of Sioux City, all in the State of Iowa, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW. I present a concurrent resolution of the Legislature of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, *January 23, 1911.*

Mr. Ahern offered for the consideration of the house a resolution in the words following:

Whereas the United States possesses one of the finest navy yards in the world, situate in the borough of Brooklyn, city and State of New York, and comprising 144 acres of land and 3 miles of water front; and

Whereas said navy yard is sufficiently equipped to economically and expeditiously construct the largest class of battleships, as has been demonstrated by the building of the U. S. battleships *Connecticut* and *Florida;* and

Whereas the maintenance of the well-organized and efficient mechanical force in said yard, ready to meet any emergency, is demanded; and

Whereas battleships should be built in the Government navy yards, in order that competition between the private yards shall not be lost in a combination to overcharge the Government; and

Whereas arrangements have been made for the building of the battleship *New York* at the New York Navy Yard, and a movement is now on foot to build this vessel at a private yard: Now therefore be it

Resolved (if the senate concur), That the President of the United States, the Secretary of the Navy, and the Representatives in Congress from this State be, and they hereby are, requested to strenuously oppose the effort which is being made to have the battleship *New York* built in a private yard; and they are requested to see that this battleship is built in the New York Navy Yard, where such successful work has been heretofore done.

Said resolution giving rise to debate, ordered that the same be laid on the table.

—

JANUARY 30, 1911.

By unanimous consent, Mr. Ahern called up his resolution in relation to the construction of battleships at the Brooklyn Navy Yard introduced January 23.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate and request their concurrence therein.

The senate returned the concurrent resolution introduced by Mr. Ahern in relation to the construction of battleships at the Brooklyn Navy Yard with a message that they have concurred in the passage of the same without amendment.

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OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, *County of Albany, ss:*

I, Luke McHenry, clerk of the assembly, do hereby certify that I have compared the foregoing resolution and record of proceedings of the assembly had thereon with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York of the 23d and 30th days of January, 1911, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and record of the proceedings of the assembly had thereon on the said dates and of the whole thereof.

In witness whereof I have hereunto affixed my hand and official seal this 7th day of February, 1911.

LUKE MCHENRY,
Clerk of the Assembly.

Mr. DEPEW presented a petition of Local Union No. 103, Brotherhood of Painters, Decorators, and Paperhangers, of Binghamton, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union of Ithaca; of Local Union No. 1741, United Brotherhood of Carpenters and Joiners, of Lake Placid; of Washington Camp No. 32, Patriotic Order Sons of America, of Warwick; of Charles De Witt Council, No. 91, Junior Order United American Mechanics, of Kingston; and of Local Union No. 31, Brotherhood of Painters, of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Admiral Cook Camp, No. 69, United Spanish War Veterans, of Haverstraw; of Local Lodge No. 330, International Association of Machinists, of Buffalo; and of sundry citizens of Lancaster, all in the State of New York, praying for the enactment of legislation providing for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Union of Ithaca, N. Y., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, and checks, which was referred to the Committee on Printing.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Granges No. 833, of Bernhards Bay; No. 841, of Putnam Valley; No. 613, of Mapletown; No. 43, of Lenox; No. 6, of Honeoye Falls; and of Shawangunk Grange, No. 1018, of Greenville, all of the Patrons of Husbandry; and of sundry citizens of Willink and Niagara Falls, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Boone and Crockett Club, of New York City, N. Y., praying for the enactment of legislation providing for the establishment of the Appalachian Forest Reserve, which was ordered to lie on the table.

He also presented a petition of Root Post, No. 151, Grand Army of the Republic, Department of New York, of Syracuse, N. Y., and a petition of James Hall Camp, No. 111, Sons of Veterans, of Jamestown, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 17.

A resolution memorializing Congress to pass an act providing for the sale of the coal and asphalt lands of the Choctaw and Chickasaw Nations.

Whereas there has been introduced in the Congress of the United States a bill providing for the sale of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all interests affected, Indians and white people alike, thereby removing the objections to said legislation that have heretofore existed, and all interests affected are now urging its passage, the Indians because it will carry out the solemn treaty stipulations contained in the supplementary agreement of 1902, for the sale of their coal and asphalt lands and the distribution per capita of the proceeds, and the white people because it would result in the development and taxation of a large area of land now wholly undeveloped and untaxable, thereby lightening the burden of taxation and resulting in great good to the whole people of the State of Oklahoma: Therefore be it

Resolved by the senate (the house of representatives concurring therein), That the Congress of the United States be, and the same is hereby, memorialized to pass an act at the present session of Congress that will result in the early sales of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations and the distribution of the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon. T. P. GORE and the Hon. ROBERT L. OWEN and to the Members of Congress of Oklahoma, and that they be requested to present the same to Congress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of Senate.

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of House of Representatives.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

House concurrent resolution 19.

Whereas by act of Congress approved June 28, 1906, the mineral interests then belonging to the Osage Tribe of Indians were retained by the tribe for the period of 25 years, unless otherwise provided by act of Congress; and

Whereas the said act of Congress also provides for the allotment in severalty of the lands of the Osage Tribe of Indians, among the members of said tribe without any right or ownership in the minerals underneath the surface; and

Whereas the said reservation of mineral interest to said tribe is operating to the great detriment to the individual members of the tribe, and is retarding the growth and development of Osage County because of the fact that it makes land sales difficult and because of the fact that it prevents the members of said tribes from receiving a fair and reasonable price for their land.

Therefore we respectfully petition that the Congress of the United States, in a legislation, provide that the minerals now reserved to the Osage Tribe of Indians be individualized and placed to the allottees so that each allottee will receive the minerals underlying the surface allotted to him.

Passed the house of representatives January 24, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 7, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

I certify that the above and foregoing is a true and correct copy of house concurrent resolution No. 19.

G. A. CROYETT, *Chief Clerk.*

Mr. BURNHAM presented a petition of the editor of the Gazette-Times-Press, of Lancaster, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WATSON presented the memorial of L. J. R. Drysard and H. T. Watts, of St. Marys, W. Va., remonstrating against the passage of the so-called rural parcels post bill, which was ordered to lie on the table.

He also presented a petition of the National American Alliance, of Wheeling, W. Va., praying that an appropriation of $30,000 be made toward the erection of a monument at Germantown, Philadelphia, Pa., in commemoration of the founding of the first permanent German settlement in America, which was referred to the Committee on the Library.

Mr. OLIVER presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people, which was ordered to lie on the table.

He also presented a memorial of the Pennsylvania State Grange, Patrons of Husbandry, remonstrating against any change being made in the postal rates on periodicals and magazines, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of Local Councils No. 51, of North Wilkesboro; No. 294, of Ophir; No. 208, of Mebane; No. 139, of Cliffside; No. 325, of Lowes Grove; No. 101, of Copeland; No. 111, of Sanford; No. 272, of Powells Point; No. 275, of Rougemont; Smith River Council, No. 71, of Spray; and of Fred Green Council, No. 99, of East Durham, Junior Order United American Mechanics; and of Washington Camps No. 23, of Angier; No. 4, of East Spencer; No. 22, of Raleigh; No. 18, of Marion; No. 35, of East Durham; and No. 1, of Winston Salem, Patriotic Order Sons of America; and of sundry citizens of China Grove, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. PAGE presented a petition of Rising Sun Council, No. 34, Junior Order United American Mechanics, of North Danville, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SMITH of South Carolina presented a memorial of sundry citizens of Heath Spring, S. C., remonstrating against any change being made in the postal rates on periodicals and magazines, which was ordered to lie on the table.

He also presented memorials of Charles Ellis, of Columbia; K. H. Morgan, of Greenville; Rogers, McCabe & Co., of Charleston; W. E. Smith, of Columbia; the Camperdown Mills, of Greenville; the People's Bank of Greenville; the Fountain Inn Manufacturing Co.; the Simpsonville Cotton Mills, of Greenville; of Wade Stackhouse, of Dillon; of C. S. Webb, of Greenville; of S. M. Jones & Co., of Chester; O'Donnell & Co., of Sumter; and of the Woodside Cotton Mills, of Greenville, all in the State of South Carolina, remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

Mr. PAYNTER presented the petition of Mary E. Goodwin, of Maysville, Ky., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. KEAN presented memorials of sundry citizens of Morristown, Elizabeth, Orange, and Millburn, all in the State of New Jersey, remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented the petition of Joseph D. Holmes, of Orange, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Business League of Atlantic City, N. J., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens and business firms of Jersey City, Orange, East Orange, Riverton, New Brunswick, Bloomfield, Boonton, Hasbrouck Heights, and Paterson, all in the State of New Jersey, and of sundry citizens of New York City, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. SHIVELY presented telegrams in the nature of memorials from the American Metal Co., of Indianapolis; the Indianapolis Saddlery, of Indianapolis; the Mooney-Meuller Drug Co., of Indianapolis; the Trotter Henry Co., of Indianapolis; the American Valve Co., of Indianapolis; of G. A. Schnull, of Indianapolis; the Standard Metal Co., of Indianapolis; of James R. Ross & Co., of Indianapolis; the Havens & Geddes Co., of Indianapolis; the Indianapolis Book & Stationery Co., of Indianapolis; of William Fogarty, of Indianapolis; the Apperson Bros. Auto Co., of Kokomo; of Ekin Wallick, of Indianapolis; of Juliett V. Strouse, of Terre Haute; of J. A. Everitt, editor Up-to-date Farmer, of Indianapolis; of Ed. Noris, treasurer Tribe of Ben Hur, of Indianapolis; of the Climax Coffee & Baking Powder Co., of Indianapolis; the National Press Association, of Indianapolis; the Adsell League, of South Bend; of A. M. Reed, of Muncie; of the Crawfordsville Typographical Union, of Crawfordsville, all in the State of Indiana; of Leo Rae Axtell, of New Orleans, La.; of the Priscilla Publishing Co., of Boston, Mass., and of Norman E. Mack, of Buffalo, N. Y., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented memorials of the Sparks Milling Co., of Terre Haute; F. A. Mosher & Co., of Terre Haute; Otterbein Grain Co., of Otterbein; and W. H. Evans & Sons, of Otterbein, all in the State of Indiana, remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Lake View Post, No. 276, Department of Indiana, Grand Army of the Republic, of Syracuse, Ind., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Stone Sawyers' Union, No. 12884, American Federation of Labor, of Bedford, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Porter Local Union No. 74, Farmers' Cooperative Educational Union, of Montgomery, Ind., and a petition of Thompson Local Union No. 147, Farmers' Cooperative Educational Union, of Alfordsville, Ind., praying for the adoption of an amendment to the Constitution providing for the election of Senators by direct vote, which were ordered to lie on the table.

He also presented memorials of Lee B. Nusbaum, president of the Merchants' Association, of Richmond; of Charles W. Jordan, of Richmond; of the Havens & Geddes Co., of Indianapolis; of the Hinkle Shoe Co., of Evansville; of the Jones Hardware Co., of Richmond; of the Indiana Retail Hardware Association, of Richmond, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of Washington Camp No. 60, Patriotic Order Sons of America, of Boonsboro; of Banner Council, Junior Order United American Mechanics, of Keedysville; and of Local Council, Junior Order United American Mechanics, of Chester, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WARREN. I present resolutions adopted by the executive committee of the Home Market Club, of Boston, Mass., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

HOME MARKET CLUB OPPOSED—ASKS DEFEAT OF RECIPROCITY AS "PERIL TO INDUSTRIES."

"In behalf of our imperiled industries," the executive committee of the Home Market Club yesterday adopted a resolution asking "our Senators in Congress" to do what they can to prevent the ratification of the proposed reciprocity agreement between the United States and Canada.

The resolutions, which were, it is announced, unanimously adopted, are as follows:

"*Resolved*, That in behalf of our imperiled industries the executive committee of the Home Market Club, after consulting many members, respectfully asks our Senators in Congress to do what they can to prevent the ratification of the Canadian compact at this session, in order that the people of the three countries most concerned may have more time to study the many questions involved.

"*Resolved*, That while mutual benefits may be possible under some reciprocal trade arrangement with Canada, the more the pending compact is studied the more difficult it is to approve it as a whole. It seems to us contrary to the protective principle, which should treat all sections, all interests, and all countries alike. It not only discriminates against our farmers, fishermen, lumbermen, pulp and paper makers, and some other industries, but it is accompanied by intimation that further reductions are contemplated. It is not likely to reduce the cost of living, because the Canadians and the middlemen will advance prices according to their enlarged opportunity. It will provoke international jealousies, and probably cause demands for equal concessions under the 'most-favored-nation' clause in our commercial treaties.

"*Resolved*, That with due respect for the rights and powers of the executive in negotiating treaties, and with high respect for President

Taft personally, we yet think that a fiscal and trade arrangement of such a sweeping character as this, which is not a treaty, should have first received the joint consideration of the tariff committees of Congress.

"*Resolved*, That we think it is a mistake to base a change of this character upon the assumption that the conditions and costs of production are so nearly alike in the two countries that no serious dislocation can result from it, for it is in evidence that in some competing sections the value of land, the cost of fertilizers, the expense of shipbuilding, and the wages of labor are from one-quarter to one-third lower in Canada than in this country.

"*Resolved*, That while it was to be expected that commercial bodies, transportation companies, and 'tariff-reform' legislatures would favor the agreement, there is no warrant for believing that the American people are desirous of abandoning the policy of protection, or of making so large an invasion upon it as this agreement involves, and we believe that every protectionist should resist the encroachment as a menace to the best interests of his country.

"*Resolved*, That we entertain such friendship for our Canadian neighbors that we greatly rejoice over their prosperity under protection, but if we are to give them the benefit of our great market without a fair equivalent in exchange, the British preferential, which has not been reciprocated by the United Kingdom, should, in fairness to the United States, be discontinued."

Mr. WARREN presented the memorials of Henry Deck, of New York City, and of Arthur S. Michel, of Brooklyn, and of the Leader Printing Co., of New York City, all in the State of New York, remonstrating against any change being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the De Laval Separator Co., of New York City, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. FRYE presented a memorial of Local Grange No. 99, Patrons of Husbandry, of Leeds, Me., and a memorial of North Haven Grange, Patrons of Husbandry, of North Haven, Me., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to which were referred certain telegrams and memorials relating to the ratification of the proposed reciprocal agreement between the United States and Canada, to ask that the committee be discharged from their further consideration, and that they be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the Committee on Foreign Relations will be discharged and the papers will be referred to the Committee on Finance.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (H. R. 16268) for the relief of Thomas Seals, reported it with an amendment and submitted a report (No. 1169) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry, reported it without amendment and submitted a report (No. 1166) thereon.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32128) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1170) thereon.

He also, from the same committee, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1167), accompanied by a bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 3968. Charles B. Flynn.
S. 6710. George N. Holden.
S. 8616. Humphrey L. Carter.
S. 8833. John Kenney.
S. 9151. Duncan A. Gray.
S. 9868. William P. Armstrong.
S. 10043. Christopher J. Rollis.
S. 10137. Samuel S. Householder.
S. 10285. Jesse P. Steele.
S. 10343. Lillian A. Wilmot.
S. 10403. George E. Seneff.
S. 10480. William L. Parks.
S. 10588. John A. West.
S. 10686. Jen Rody Chauncey.
S. 10708. Gilford Ratliff.
S. 10709. Polk R. Kyle.
S. 10814. John D. Smith.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 2737) authorizing the purchase of 13 historical paintings, submitted an adverese report (No. 1171) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 15566) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Co., and D. L. Boyd, reported it without amendment and submitted a report (No. 1173) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1168), accompanied by a bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 49. James R. Vassar.
S. 150. Charles L. Randall.
S. 361. Amos Stewart.
S. 689. Armstead Fletcher.
S. 1431. George W. Spray.
S. 2463. David C. Nigh.
S. 2532. Josephus Clark.
S. 2770. Charles Maxwell Waterman.
S. 3883. Eli F. Holland.
S. 4168. David E. Fisher.
S. 4177. George F. Woods.
S. 4469. Olive C. Dodge.
S. 4543. William Carpenter.
S. 4643. Elvira E. Chase.
S. 4883. Joseph D. Power.
S. 4979. Lydia J. Taylor.
S. 4994. George H. Wallace.
S. 5209. Richard M. Capen.
S. 5231. John D. Trevallee.
S. 5241. Margaret H. Flint.
S. 5347. Francis M. Webb.
S. 5590. George F. Cooper.
S. 5772. Anton Zwinge.
S. 6025. James W. Ward.
S. 7079. Frank W. Sencebaugh.
S. 7214. William N. Johnson.
S. 7236. Thomas H. Morris.
S. 7345. William C. Knox.
S. 7391. Elijah C. Davey.
S. 7439. Robert H. Johnson.
S. 7581. James W. Broom.
S. 7613. Annie G. Long.
S. 7754. George W. Rauch.
S. 7881. Alfred Anderson.
S. 7979. John H. Iott.
S. 8012. Francis M. Ross.
S. 8034. General L. Boso.
S. 8078. Harvey W. Hewitt.
S. 8079. Francis M. Truax.
S. 8204. Patrick H. Conarty.
S. 8212. Patrick J. Conway.
S. 8271. John Richardson.
S. 8288. Joseph M. Alexander.
S. 8291. John E. Moon.
S. 8350. David Riel.
S. 8372. William H. Meece.
S. 8374. Chesley Payne.
S. 8377. Elizabeth Lucas.
S. 8378. Robert Bell.
S. 8420. Joseph Hiler.
S. 8441. Andrew Pea.
S. 8448. Oliver Yake.
S. 8476. Charles Nobles.
S. 8495. Stephen E. Taylor.
S. 8496. Benjamin F. Johnston.
S. 8497. Freeborn H. Price.
S. 8552. Charles H. Lamphier.
S. 8597. Patrick O'Brien.
S. 8675. Malinda Wilson.
S. 8731. Fannie Ladd.
S. 8817. Edward Tippens.
S. 8818. Kinsman Boso.
S. 8836. William Burris.
S. 8855. Charles C. Edwards.
S. 8856. Ellen M. Corsa.
S. 8858. Alexander McDonald.
S. 8859. Isaac N. Dysard.
S. 8866. William H. Hills.

S. 8889. Ira A. Kneeland.
S. 8893. Fernando S. Philbrick.
S. 8897. Chandler Swift.
S. 8925. Pleasant H. Latimer.
S. 8926. John Bigley.
S. 8975. William H. Gosset.
S. 8977. Thomas Murray.
S. 9022. William Swinburn.
S. 9209. Morris Thomas.
S. 9210. Gullien Tullion.
S. 9217. Samuel A. Sanders.
S. 9257. Winfield S. Janes.
S. 9261. William H. Fields.
S. 9265. Solomon Peck.
S. 9284. Frank J. Clark.
S. 9293. Benjamin Bortz.
S. 9294. Cyrus Wilson.
S. 9350. Perkins H. Bagley, jr.
S. 9414. Alfred L. Tucker.
S. 9444. Francis J. Trowe.
S. 9458. Melissa J. Kauffman.
S. 9545. Lewis H. Shiery.
S. 9548. Andrew Marsh.
S. 9562. William W. Fraser.
S. 9564. Joseph C. Monk.
S. 9567. Eli N. Swerdfeger.
S. 9593. David H. Frink.
S. 9609. Eli Adams.
S. 9612. Benjamin F. Fulton.
S. 9628. Frederick Shulley.
S. 9631. David Stanard.
S. 9680. Daniel Younker.
S. 9696. Benjamin Bennett.
S. 9700. Margaret J. Brownell.
S. 9703. T. Price Line.
S. 9704. Rose E. White.
S. 9735. John Hines.
S. 9741. Austin Betters.
S. 9752. Thomas Posey.
S. 9753. Henry McBrien.
S. 9792. Arthur W. Cox.
S. 9820. William H. H. Ranger.
S. 9861. James M. Chambers.
S. 9867. Mary C. Galbraith.
S. 9937. Wright T. Ellison.
S. 9939. Benjamin T. Stevens.
S. 10004. Richard Dent.
S. 10042. John Rose.
S. 10047. Mark Smith.
S. 10060. William B. Knapp.
S. 10062. Mary P. Meade.
S. 10064. William W. Edwards.
S. 10142. Essie Pursel.
S. 10150. Andrew Schoonmaker.
S. 10195. Jacob Mathews.
S. 10199. George W. Fouts.
S. 10222. George W. McAllister.
S. 10237. Charles H. McCarroll.
S. 10303. Edward J. Miller.
S. 10306. John M. Staples.
S. 10335. Harry G. Bingner.
S. 10340. Theodore Clark.
S. 10360. Michael Wiar.
S. 10393. William McGlone.
S. 10459. Alexander Wilson.
S. 10460. Calvin Buntan.
S. 10501. Lucia W. Huxford.
S. 10504. James Doyle.
S. 10511. Charles O. Chapman.
S. 10515. John S. Cilley.
S. 10587. James H. Thompson.
S. 10615. Benjamin F. B. Holmes.
S. 10639. Ida M. Elder.
S. 10645. Thomas Loughney.
S. 10650. William U. Thayer.
S. 10652. John Walsh.
S. 10654. Marcellus E. McKellup.
S. 10655. George T. Kerans.
S. 10656. Byron Rudy.
S. 10659. William A. Leech.
S. 10673. Anna H. Fitch.
S. 10674. Andrew J. Fogg.
S. 10689. Otis Johnson.
S. 10697. Joseph P. Pittman.
S. 10698. Henry G. Tuttle.
S. 10717. William Hise.
S. 10729. James H. Morley.
S. 10776. Frank N. Jameison.
S. 10797. Edward J. Moss.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 5541) granting a pension to Margaret Gately, submitted an adverse report (No. 1174) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 10707) to consolidate certain forest lands in the Kansas National Forest, reported it with amendments and submitted a report (No. 1175) thereon.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 6119) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it with an amendment and submitted a report (No. 1176) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 10770) fixing the rank of military attachés, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. SMITH of Maryland, from the Committee on Naval Affairs, to which was referred the bill (H. R. 24145) for the establishment of marine schools, and for other purposes, reported it with an amendment and submitted a report (No. 1178) thereon.

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest, reported it with amendments and submitted a report (No. 1179) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the amendment submitted by himself on the 15th instant, relative to the construction of two revenue cutters authorized by the act approved April 21, 1910, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

NIOBRARA RIVER DAM, NEBRASKA.

Mr. BROWN. From the Committee on Military Affairs, I report back favorably without amendment the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation, and I submit a report (No. 1162) thereon. The bill relates alone to the extension of time originally fixed in an act passed by Congress five years. It is very short, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASE OF SENECA INDIAN LAND.

Mr. PAGE. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 31056) to ratify a certain lease with the Seneca Nation of Indians, and I submit a report (No. 1161) thereon. It is a bill which will require no debate and its passage is very important. I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It ratifies and confirms a lease bearing date August 10, 1910, between the Seneca Nation of Indians on the Cattaraugus and Allegany Reservations, in the State of New York, and Edward Bolard, of Cattaraugus County, N. Y.; but the lessee or his assigns shall file a bond for the benefit of the lessor in the sum of $25,000 for the faithful performance of

the terms of said lease, to be approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND AT OMAK, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 10756) granting public lands to the town of Omak, State of Washington, for public-park purposes, and I submit a report (No. 1164) thereon. The bill simply authorizes the town of Omak to buy a little less than 30 acres for public-park purposes. I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It grants and conveys, for public-park purposes, to the town of Omak, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All of Government lot No. 3, section 25; and all of Government lot No. 4, section 26, both lying in township 34 north, and range 26 east of Willamette meridian, and containing 29.12 acres, more or less.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT TRINIDAD, COLO.

Mr. THORNTON. From the Committee on Public Lands I report back favorably with amendments the bill (S. 10591) to grant certain lands to the city of Trinidad, Colo., and I submit a report (No. 1163) thereon. The bill is recommended by the department and the right of the Government has been safeguarded. It seems that this city is in the semiarid region of Colorado, and it is very necessary that it should get this land as soon as possible on account of its water supply. Under the circumstances, I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 7, before the word "acres," to strike out "one hundred and sixty" and insert "forty;" in line 13, after the word "use," to strike out the words "and behoof forever;" on page 2, line 12, after the words "United States," to insert the following proviso: "*And provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted, and all necessary use of the lands for extracting the same;" and in line 12, after the words "*And provided*," to insert the word "*further*," so as to make the bill read:

Be it enacted, etc., That the following-described lands, situate in Las Animas County, Colo., namely: The southwest quarter of the northeast quarter of section 19, in township 32 south, range 68 west of the sixth principal meridian, containing 40 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Trinidad, in the county of Las Animas and State of Colorado, upon the payment of $1.25 per acre by said city to the United States. The above lands are granted and conveyed to the city of Trinidad, to have and hold for its separate use for purposes of water storage and protection of water supply; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises, and to protect its water supply from pollution and otherwise: *Provided, however*, That the grant hereby made is and the patent issued hereunder shall be subject to all legal rights heretofore acquired by any persons or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States: *And provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the lands hereby authorized to be purchased, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE INDIAN LANDS.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, and I submit a report (No. 1172) thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. I should like to ask the Senator from Oklahoma two or three questions.

Mr. OWEN. Mr. President, I ask that the report of the Secretary of the Interior be read. It is a very short explanatory account of the bill.

Mr. KEAN. I understand that this bill does not increase the enrollment of the Osage Nation.

Mr. OWEN. No.

Mr. KEAN. That it is only to allow them to allot their lands, and that it is recommended by the Secretary of the Interior.

Mr. OWEN. It is.

Mr. KEAN. And it is thought to be very necessary.

Mr. OWEN. Yes, sir.

Mr. KEAN. And it is also approved by the Osage Tribe of Indians.

Mr. OWEN. Yes, sir.

Mr. DAVIS. Mr. President, I object.

The PRESIDENT pro tempore. Objection being made, the bill goes to the calendar.

Mr. OWEN. Mr. President, notwithstanding the objection of the Senator from Arkansas, I move that the Senate proceed to the consideration of the bill. It is a departmental bill, and I ask that the report of the Secretary of the Interior be read in regard to it.

Mr. GALLINGER. Has the bill been reported to-day, Mr. President?

The PRESIDENT pro tempore. The bill has been reported to-day, and the Chair does not think the motion of the Senator from Oklahoma is in order.

Mr. GALLINGER. Under the rule the bill must go over one day, if objected to.

Mr. OWEN. Then I ask that the bill lie on the table until to-morrow.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the bill lie on the table until to-morrow. Is there objection?

Mr. DAVIS. I object.

The PRESIDENT pro tempore. The Senator from Arkansas objects. The bill will go to the calendar.

ST. ANDREW (FLA.) SUBPORT OF ENTRY.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry, which was reported favorably this morning from the Committee on Commerce by the Senator from Michigan [Mr. SMITH].

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of the bill——

Mr. CRAWFORD. Mr. President, I object. I think some of the Senators who are waiting here to make reports and then to attend to other matters ought not to be subjected to waiting for the consideration of every bill which is reported.

Mr. TALIAFERRO. This bill will not take two minutes. It is a very short bill.

Mr. CRAWFORD. I would gladly yield to the Senator from Florida, but this has been going on here for a half hour or more. I have simply been waiting for an opportunity to present a report, so that I can leave the Chamber, to attend to another matter.

Mr. TALIAFERRO. I withdraw the request, Mr. President, until the Senator from South Dakota has had an opportunity to make his report.

Mr. TALIAFERRO subsequently said: Mr. President, I renew the request for the consideration of the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of a bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to make St. Andrew, in the State of Florida, a subport of entry in the district of Pensacola, and provides that the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at that subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and that the officers shall receive such compensation as he may allow.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS ON DAUPHIN ISLAND, ALA.

Mr. JOHNSTON. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., and I submit a report (No. 1165) thereon. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to sell so much or such parts of that certain tract of land condemned and held by the United States, and situated on Dauphin Island, in Mobile County, Ala., being a tract of 900 acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes, for such consideration or upon such terms as he may find reasonable, not less than the original cost, and to execute deeds therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 10819) providing for the refund of certain duties incorrectly collected on cutch; to the Committee on Finance.

A bill (S. 10820) granting a pension to Pierce O'Connell (with an accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10821) granting an increase of pension to Chastina E. Hawley; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

A bill (S. 10823) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.; to the Committee on Commerce.

By Mr. SCOTT:

A bill (S. 10824) granting an increase of pension to Benjamin F. Reed (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10825) granting an increase of pension to John Thompson; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 10826) for the relief of the legal representatives of George Neitzey, deceased, surviving partner of Neitzey & Acker; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10827) to appropriate the sum of $100,000 for the drilling of experimental artesian wells; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 10828) for the relief of S. and W. Welsh and others; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 10829) providing for the payment of the claims of the Shawnee and Delaware Indians;

A bill (S. 10830) providing payment of the claims of the Pawnee Tribe of Indians against the United States; and

A bill (S. 10831) providing for the payment of the claims for equalization of Creek allotments; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 10832) for the relief of A. M. Williams, jr., administrator of Edward Cleve; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10833) granting an increase of pension to Albert J. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10834) for the relief of Fred Stitzel, surviving partner of the firm of Stitzel Bros.; and

A bill (S. 10835) for the relief of the estate of William W. Parrish, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 10836) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Commerce.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 144) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to increase the appropriation for the erection and completion of the post-office and customhouse building at Wilmington, N. C., to the amount of $200,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted an amendment relative to the conveyance by the United States to the Government of Porto Rico of all the rights and title to the buildings and grounds of the insane asylum, known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—A. J. G. KANE.

On motion of Mr. DEPEW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying Senate bill 6651, Sixty-first Congress, to correct the military record of A. J. G. Kane, there having been no adverse report thereon.

POSTAGE ON PERIODICALS.

Mr. PENROSE submitted the following resolution (S. Res. 351), which was referred to the Committee on Printing:

Resolved, That there be printed 25,000 copies of Senate Document No. 820, Sixty-first Congress, third session, "Letters from the Postmaster General to Hon. BOIES PENROSE relative to the section of the postal appropriation bill that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter," for the use of the Committee on Post Offices and Post Roads.

IMPROVEMENT OF THE ANACOSTIA FLATS.

Mr. GALLINGER. Mr. President, I have a letter from the Commissioners of the District of Columbia, transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River, in the District of Columbia. Mr. Taggart made a former report, which was printed as a Senate document. I move that the letter and report be referred to the Committee on Printing, with the view to having them printed as a Senate document. I submit the following resolution, which I ask may be read and referred to the Committee on Printing:

There being no objection, the resolution (S. Res. 350) was read and referred to the Committee on Printing, as follows:

Resolved, That the letter from the Commissioners of the District of Columbia transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River in the District of Columbia, be printed with accompanying illustrations as a document.

STOREKEEPERS AND GAUGERS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases to $2 a day, and for other purposes, which was, in line 4 of the amendment, after the words "compensation is," to insert "now."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LUMBER INDUSTRY OF THE UNITED STATES.

Mr. SMOOT. On February 14 the President sent a message to the Senate transmitting a report of the Commissioner of Corporations on the lumber industry of the United States, and it was ordered to be printed as a public document. I find in that report three illustrations. I ask the Senate for authority to print the illustrations.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed with Senate Document No. 818, Sixty-first Congress, third session, "Message from the President of the United States transmitting in response to Senate resolution of January 18, 1907, Part I, of a summary report of the Commissioner of Corporations, on the lumber industry of the United States," the illustrations accompanying the same.

TELEPOST CO.

Mr. GALLINGER. Mr. President, some weeks ago, at the request of the senior Senator from Connecticut [Mr. BULKELEY], I asked that the bill (H. R. 19402) to enable the Telepost Co.

to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system, be placed on the calendar under Rule IX. The Senator from Kentucky [Mr. PAYNTER] was not present on that day. He made the report on the bill, and he feels that it ought to go back under Rule VIII. I make the request that it be placed at the bottom of the first page of the calendar under Rule VII.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and it will be agreed to.

RIGHTS OF THE SENATE.

Mr. HEYBURN. Mr. President, I rise to a question of privilege. I send to the Secretary's desk a paper with a marked article to which I desire to call the attention of the Senate. It is one that reflects upon the integrity and the character of the Senate, and imputes to it motives irreconcilable with honor and dignity.

The PRESIDENT pro tempore. If there be no objection the Secretary will read as requested.

The Secretary read from the Washington Post of Thursday, February 16, 1911, as follows:

TAFT CAN PASS PACT—SENATE WILL ACT ON RECIPROCITY IF PRESIDENT INSISTS—IN FEAR OF EXTRA SESSION—REPUBLICAN LEADERS BELIEVE PRESIDENT IN POSITION TO FORCE ACTION ON AGREEMENT—CONFERS WITH CRANE AT WHITE HOUSE—MAY PICK LODGE TO CONDUCT CAMPAIGN—BURTON TELLS OF MEASURE.

The Canadian reciprocity agreement was received in the Senate yesterday in the ordinary course of business without demonstration and was formally referred to the Committee on Finance, where it will be given consideration and eventually reported back for final action. What its fate will be is problematical. The most determined standpatters freely admit there will be a majority for the agreement if a vote is reached. In the judgment of Senators who have participated in many a long-fought and hotly contested legislative battle there is but one way in which to bring this agreement to a vote.

The President can compel action if he deems it of sufficient importance to crack the whip. If the President lets the Senate know, not by intimation or suggestion, but in language so plain that the most unwilling listener must interpret his message to mean an extraordinary session if the Senate fails to act, there will be a vote. If the President declines to go to that extreme, the agreement will never get further along its legislative road than the calendar.

Left in this fashion as a discredited heritage to the next Congress, the whole battle will have to be fought over again or reciprocity laid aside for general revision of the tariff in accordance with Democratic ideas as to what constitutes revision.

Mr. HEYBURN. Mr. President, the Senate can not pass this over without some attention, unless it has so completely lost its self-respect as to be not entitled to the respect of any other person. A charge that any Member of this body is to be influenced by the crack of the whip of anybody else is a charge of cowardice which would not be received without resentment by anyone but a coward. To charge that a coordinate branch of this Government can compel another of the coordinate branches to act other than in pursuance of its judgment and conscientious duty under oath is to charge that body with corruption. They charge corruption against the coordinate body that would attempt to influence it, and they charge cowardice and corruption against the body that would be influenced by it. Are we going to sit here in silence under such charges? There is no party politics in a matter of this kind; it is one that goes to the question of the honor and the dignity of this body and of every Member of it. That it shall be stated in the public press, that sits and walks upon the floor of this Chamber by the courtesy of the Senate, that the Senate is venal and cowardly, is a thought intolerable to be contemplated. So long as the Senate retains its self-respect and its claim to the high position that it does hold in the Government of the United States and among the nations of the earth, if it fails to resent a statement of this kind made by somebody who is enjoying the courtesy of the Senate, then it will be entitled to just so much respect as is given it by those who are responsible for such statements.

I have heard it charged within a few days on another occasion that the pressure of the White House would be sufficient to swerve men in this body from the performance of their duty under their oaths. I heard it stated and saw it printed that the threat that Members of this body might be called upon for a further consideration of the measures before them in an extra session would be sufficient to make them retreat from their conscience; stamp themselves before the world as without a conscience. For that purpose I have called the attention of the Senate to this publication in order that it may not go unnoticed; that we are being charged by those who are the recipients of courtesy and favor at our hands with crimes that are blacker than those that occupy the attention of the criminal courts of the land.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I ask for the consideration of the special order.

The PRESIDENT pro tempore. The Senator from New York asks that the Senate proceed to the consideration of the special order, the title of which will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary proceeded to read the bill, and read to the end of section 5.

Mr. ROOT. I rise to inquire whether the reading of the bill is under such circumstances that there is assumed to be an assent by the Senate to the portions that are read as we go along.

The PRESIDENT pro tempore. Not at all. The bill will be open to action as in the Committee of the Whole.

Mr. ROOT. I do not wish to interfere at all with the progress of the bill, but lest it might happen that the sixth section of the bill should come up while I am out of the Chamber I wish now to say that I object to it, and that I shall ask the Senate to give it the most serious consideration upon its merits before it is passed upon.

Mr. FLETCHER. What section is that?

Mr. ROOT. It is the sixth section, which confers citizenship upon the people of Porto Rico.

The Secretary resumed and concluded the reading of the bill.

Mr. CLARKE of Arkansas. The pending bill is one of some importance, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Crane	Johnston	Root
Borah	Crawford	Jones	Scott
Bourne	Culberson	Kean	Shively
Bradley	Cullom	Lodge	Simmons
Briggs	Cummins	McCumber	Smith, Mich.
Bristow	Davis	Nelson	Smith, S. C.
Brown	Depew	Nixon	Smoot
Bulkeley	Dillingham	Oliver	Stephenson
Burkett	Fletcher	Owen	Sutherland
Burnham	Flint	Page	Warner
Burrows	Frazier	Paynter	Warren
Burton	Frye	Penrose	Watson
Carter	Gallinger	Percy	Wetmore
Chamberlain	Gamble	Perkins	Young
Clapp	Gronna	Piles	
Clark, Wyo.	Guggenheim	Rayner	
Clarke, Ark.	Heyburn	Richardson	

The PRESIDENT pro tempore. Sixty-five Senators have responded to their names. There is a quorum present.

Mr. DEPEW. Mr. President, the unfinished business will be in order in about a minute, and I therefore ask unanimous consent that this bill, having been read through, be taken up to-morrow morning immediately after the routine business.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the Porto Rican government bill immediately after the completion of morning business to-morrow.

Mr. KEAN. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. Not to interfere with appropriation bills.

Mr. SMOOT. Or the unfinished business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

Mr. SCOTT. I will say to the Senator from New York that I am sorry to object, but I want to get the pension bill up, and I shall insist to-morrow morning, if the opportunity presents itself, upon its being taken up in lieu of the bill for Porto Rico. Consequently I shall have to object.

Mr. DEPEW. Objection having been made to to-morrow morning, I make the same request for Saturday morning.

Mr. OWEN. I object.

The PRESIDENT pro tempore. The Senator makes the same request for the Porto Rican bill for Saturday morning. Is there objection?

Mr. SCOTT. I shall have to object to that as I did to the other, unless I can get the consideration of the pension bill. We have only two weeks left of the session, and that is an important bill to a great number of people. While I dislike very much to object to the request of many friend, the Senator from New York, I do not want anything to interfere to prevent getting that bill up.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the calendar.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I ask the indulgence of the Senate while I discuss for a time, as briefly as I may, the amendment offered by the Senator from Utah [Mr. SUTHERLAND]. I have spoken before upon the general proposition which is involved in the amendment proposed by the committee, and I shall not again ask the patience of the Senate to discuss the general proposition. I feel compelled to discuss the amendment offered by the Senator from Utah, first, because as yet nothing has been said as to why the joint resolution has been offered in its present form by those who brought in the report from the committee, and, secondly, because of some of the rather extraordinary statements which have been made as to the effect which will follow in case of the change proposed in Article I, section 4.

The proposed amendment to the Constitution as it was reported from the committee was not new or original with the Judiciary Committee. Those who were authorized to report a resolution of some form made considerable investigation as to the different resolutions and the forms which they have taken in the last 30 or 40 years during the time that this matter has so often been before Congress. Among other resolutions covering the general subject matter was the resolution in exact word and phrase as it was reported from the committee. It passed the House by a two-thirds vote in 1892 or 1893, and it seemed to incorporate the views of the friends of the resolution generally, although there have been differences of opinion as to details at all times, as there naturally would be as to a resolution of this kind.

I desire to say in all frankness that for myself I think that the States can best do everything which the National Government can do under Article I, section 4, other than those things which the National Government can do without Article I, section 4. If those who are opposing this amendment in its present form and supporting the proposed amendment of the Senator from Utah could show to those who are favoring it that it would have the effect which has in general terms been claimed, I doubt if it would have any support upon either side of this Chamber. But, as a matter of fact, the things which the Government may do without section 4, as has been determined by the court, is practically what it may do with section 4, with certain exceptions, which I will call attention to in a few moments.

I believe that a popular election is essentially a matter of local concern, and is one of those things which the State can best control and direct. I think that it is at all times our duty to retain to the States those matters which are essentially local and to give to the National Government those things alone which are essentially national in their scope and purpose. An election, a popular election in particular, is always a matter of local concern—the manner in which it shall be held, those who may participate in it, and the method of securing and ascertaining the result.

Very few States in the Union have election laws in all particulars similar. Indeed, there have been conditions in many States, outside of the South, where it would have been most unfortunate if any national interference had been had on the part of the National Government. Maine has her election laws as they have been worked out through the experience of her people through a hundred years; Wisconsin and Oregon and the other States have their election laws comporting and conforming to their idea of conducting a popular election; and the States in other parts of the Union have worked out, according to their experience and their wisdom, a system and a method of conducting their elections which best represent the judgment and the wisdom of the people of those particular States. They are as diversified and as well individualized as the different States of the Union themselves. It is, therefore, a matter of local concern essentially pertaining to the States as to how they shall best take and measure the judgment of their people at the polls.

In readjusting our form of government to the conditions which grow up from decade to decade and century to century we should always keep in mind the principle upon which the fathers constructed the Government, and that is, that those things which are essentially local should be left to the States, and those things which are national should be given over to the National Government.

Mr. Lincoln in a very notable address upon one occasion said:

> To maintain inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively is essential for the preservation of that balance of power on which our institutions rest.

We have not hesitated in the last 40 years to transfer powers theretofore belonging exclusively to the States to the National Government. I do not find fault with that proposition so long as those powers transferred are in their nature national and essentially of the scope of the entire country. But as this method proceeds and gradually gathers up and draws to the National Government those things which are national, if we would keep that balance of power so essential to our form of government, it is for us to see that those things which are essentially local shall also be retained to the State.

Justice Harlan, a great jurist and a great patriot, in an address delivered in New York some time ago said:

> A national government for national affairs and a State government for State affairs is the foundation rock upon which our institutions rest, and any serious departure from that principle would bring disaster upon the American system of free government.

A distinguished lawyer in New York, Mr. John R. Dos Passos, has, within the last few weeks, written an article upon this particular subject of the election of Senators by a direct vote, and while I do not agree with the brilliant author in all his conclusions, I want to read a paragraph from this notable address:

> The more we encroach upon State sovereignty the more the trend toward nationalism becomes visible, to the consequent destruction of our theory of a federation of States, and the advantages of that form of government are gradually lost sight of. The States bear the same relation to the central Government that a domestic family bear to a municipality. The family looks after its own particular foyer in its own way—it eats, drinks, lives according to its own conceptions of health and propriety, without interference by the municipality. The latter supervises the public concerns, the highways, the streets, the schools; it intrudes not into the domestic affairs of its citizens. The same relation should exist in practice as it does in theory between each individual State and the central Government. In the performance of its State duties it has no superior; its citizens understand its wants; they are alive to its interests and their State pride makes them ambitious to see their State thrive and advance. But in proportion to the weakening of State sovereignty the interests of its citizens wane, and soon State independence and individuality disappear, all power becomes vested in a central Government, the domestic interest of the citizen in his State eventually dies, and the people are governed by a national head.

I do not know how we are to keep alive that civic pride and that civic energy—that interest which all citizens should have in the great affairs of which each is a component part—if we take from them those responsibilities which should rest upon them in the discharge of those duties that pertain to matters essentially local. If there is any one proposition which may be said in every sense to be a local matter of State concern, individualized by the people, it is the manner of conducting a popular election. Mr. President, after the people have ceased to have the intelligence and the patriotism and the pride to conduct a popular election in a proper way, protected from fraud and corruption and dishonesty, how long will the National Government operate at Washington?

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Does the Senator from Idaho think that the election of a Senator of the United States in a State is purely a matter of local concern to the State which elects him?

Mr. BORAH. Not purely, but primarily. But the manner of conducting it is essentially a matter of local concern.

Mr. SUTHERLAND. Does the Senator not concede that the Federal Government is concerned in that as well as the State?

Mr. BORAH. Just as the Federal Government is concerned, in the welfare and in the proper performance of the functions of a citizen of a State in all respects. I think a particular State is far more interested in having Senators properly credited here than the General Government; we could proceed without a particular State being represented while the State would be wholly without representation.

Mr. SUTHERLAND. The Senator will concede, will he not, that the election of United States Senators is not only a matter of concern to the individual States which elect the individual Senator, but is also a matter of concern to the General Government?

Mr. BORAH. In the manner I have indicated.

Mr. SUTHERLAND. Then, upon what theory can the Senator insist that the authority to supervise those elections should be vested wholly in the hands of the State government, which

is partly concerned in the election, and that no power whatever should exist in the General Government, which is also partly interested in the election of Senators?

Mr. BORAH. I am proceeding to answer that question, because it is the question which is involved in the whole controversy. If the Senator will permit me to proceed and I do not cover the subject I shall be very glad to be interrupted after I have drawn toward the close.

Mr. SUTHERLAND. Will the Senator permit me, before he resumes, to submit another question, which he may consider in connection with it?

Mr. BORAH. Very well.

Mr. SUTHERLAND. Does the Senator think that the election of a President of the United States is purely a matter of local concern?

Mr. BORAH. Not purely so. Nevertheless, the manner of conducting it is, and the Constitution recognizes this fact by leaving it for the legislatures to control.

Mr. SUTHERLAND. And if not, does the Senator see any distinction between the election of a President of the United States in this regard and the election of those who constitute the Senate of the United States and the House of Representatives, and thereby constitute a coequal department of the Federal Government with the President?

Mr. BORAH. I will discuss that in a few moments; but I will say again that the Constitution of the United States provides that the manner of selecting electors is left to the States, and instead of the Senator's question directing the argument in his behalf it seems to me a very strong reason why the power which is intrusted to determine the manner of selecting electors may properly be trusted with the matter of selecting those who are elected to this body.

What confidence and what power do we repose in the State at this time with reference to the selection of Senators?

In the first place, the State determines, according to its judgment and its wisdom, who they will send to this body and what his qualifications shall be outside of the question of age, citizenship, and inhabitancy. We intrust to the State governments and the people within the States the sole power of judging what character and class of Representatives they shall present as their Members in this body, outside of the three limitations as to age, citizenship, and inhabitancy, all of which undoubtedly the State would have taken care of, with the possible exception that they might have had a variation as to age. Undoubtedly they would not have elected those who were not inhabitants of the State or citizens of this country.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. Will the Senator permit an inquiry? I understood the Senator to say that the States might regulate the manner of the election of electors. Was I incorrect in my understanding?

Mr. BORAH. I will read what I had in mind:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

Mr. HEYBURN. That is only a part of the story. The provision goes on to define the character, qualifications, and the manner of selecting them. The general language contained in Article II, section 1, is not all of the provision. It says, "But no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector," and then goes on to say: "The Congress may determine the time of chosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States." "The electors shall meet," and so forth. Congress has the absolute control. The general language which the Senator from Idaho read is scarcely to be considered as a part of the provision for the selection of electors.

Mr. BORAH. I have no doubt it is the view of my colleague that it ought not to be considered a part, but the process by which he eliminates it from the Constitution is not made plain. The Constitution provides that each State shall appoint in such manner as the legislature may direct. What does the word "manner" mean in Article I, section 4, and what does the word mean in Article II, section 1? It is true that as to the question of time it is reserved, but as to the manner of selecting it is left alone to the State legislatures. It has been held that a State legislature may direct that the electors in one part of the State may be appointed and in the other elected by popular vote. It is exclusively and absolutely in the control of the State legislature. There is not any more doubt about that than there is that it is in the Constitution. The question of time, I grant you, is under the control of the National Government.

Mr. HEYBURN. Well, that is a part of it.

Mr. BORAH. But the question of time is not a question of the manner, and that is the point which I am now discussing.

Not only, Mr. President, does the State select and determine who shall represent this body but we have not the power to dictate to the State any other qualifications than those which the State sees fit to assign to its Represenatives here. It was said by the Senator from New York [Mr. ROOT] a few days ago that if this section 4 were changed as it is proposed to be changed, we would be powerless to secure the election of Members of this body.

It would be interesting to know under what power of the Constitution we could control an election of Senators upon the part of a State, if the State did not see fit to exercise that privilege. As has been said by a writer well known to all upon the subject of the Constitution, the States might dissolve the National Government without revolution or rebellion simply by inaction in declining to elect Members to this Chamber. Under the great charter under which we live and have thrived we rest at last absolutely upon the patriotism and the judgment and the loyalty of the people of the respective States to send Members here and the class of men they send. We not only give them now the unqualified power to fix the qualifications, but it is for them to say, with no power upon our part to remedy it, whether they will send Representatives here at all. Yet there are those who consider it revolutionary, when the States are already intrusted with this great power, to give them the right to prescribe the manner in which they shall perform this important duty. The incident of the right, the appanage of the right, it is ruinous to take away, still leaving the great fundamental question of the selection of Senators to the people of the respective States.

I want to read here a quotation from a distinguished member of the Constitutional Convention of 1787. It is from the address of Mr. Wilson, of Pennsylvania, after he returned from the convention, in his explanation to the people of the State of Pennsylvania as to the work which they had performed. Mr. Wilson said:

> Oft have I viewed with silent pleasure and admiration the force and prevalence through the United States of this principle: That the supreme power resides in the people, and that they never part with it. It may be called the panacea in politics. There can be no disorder in the community but may here receive a radical cure. If the error be in the legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government if the people are not wanting to themselves. For a people wanting to themselves there is no remedy.

Mr. President, I ask attention to the last sentence, because there seems to be an idea that some mystic, necromantic power exists somewhere in the Government or in this Chamber to perform the functions of government after the people themselves have ceased to act in regard to it; after they have become corrupt and incompetent. It seems to be the opinion of some that after all living pride and all patriotism have departed from the people that still there would be left somewhere sufficient virtue to operate the Government successfully. The fountain never rises above its source, and the source of all power in State or National Government is the people. This is the sentence:

> From their power, as we have seen, there is no appeal. To their error there is no superior principle of correction.

I presume if that were announced to-day by someone of the present age it would be criticized as the new doctrine of the "new charmers who keep serpents." But it comes from one of the most profound and widely read and thoroughly educated of the great men who constituted the convention. They had infinitely more confidence, evidently, in the judgment of the masses of the people, than those of to-day who stand with their face from the dawn discussing the past as a thing complete and closed—as a record finished and laid away.

It is true, Mr. President, that we should proceed with these amendments with caution, but we should not hesitate to do as they did, to deal with the questions which confront us with that intelligence and wisdom which God gives to each particular age, up through which moves the great leavening power of righteous progress.

Mr. President, the doctrine of Mr. Wilson still lives in the great State which he represented, and I desire to ask the Secretary to read a telegram which I received a few moments ago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

HARRISBURG, PA., *February 15.*

Hon. WM. E. BORAH,
United States Senate, Washington, D. C.:

Pennsylvania State Grange, representing 60,000 organized farmers, pray for the passage of resolution for election of United States Senators by direct vote of the people.

WM. T. CREASY,
Master, Pennsylvania State Grange.

Mr. BORAH. Mr. President, the friends of the resolution for the election of Senators by popular vote have always found it very difficult to draw a resolution satisfactory to those who are opposed to it. It is not difficult to draw a resolution which satisfies those who are sincerely in favor of the election of Senators by popular vote, but it has always been a difficult matter for the friends of the movement to so frame a resolution that it would satisfy those who are always opposed to it.

In 1902 a resolution was offered in this Chamber containing the simple proposition of the election of Senators by popular vote. It was unmixed with any other question. It went to the committee. The Senator from New York [Mr. DEPEW], finding the resolution simple and direct, covering one proposition, immediately proceeded to amend it, and he made it a rather complex proposition. I desire to read the amendment which was offered at that time—at a time when the resolution contained but one proposition—because that amendment appears again:

> The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

I do not think that I do the Senator from New York an injustice when I say that that amendment was offered for the purpose of killing the resolution, and that it did so. The amendment was offered and accepted, and the resolution and the movement in its behalf, of course, had an abrupt end.

So when this pending joint resolution came into the Senate from the committee the Senator from Montana [Mr. CARTER] announced that he was not going to support the joint resolution freely, but rather under duress, because his legislature had commanded him so to do. But when the Sutherland amendment was offered, in the eloquent address of the Senator from Montana on the subject, he appealed to us to give him a simple proposition, one which he could support, one in which the people had been interested for years and years, and not to trouble the minds of those who were sincerely in favor of the joint resolution by mixing it up with other propositions.

So, Mr. President, this amendment offered by the Senator from Utah has been the source of great comfort and solace to all those who are opposed to the joint resolution. It has enabled them to erect bulwark behind which they can shoot to death the original joint resolution and avoid the necessity of presenting to the country some reason why this main joint resolution should not be adopted.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do very gladly, although the Senator from Kansas was very careful not to yield to the Senator from Idaho the other day.

Mr. CURTIS. The Senator from Kansas did not yield to the Senator from Idaho, because he was compelled to complete his remarks before 2 o'clock.

Mr. BORAH. Yes; the Senator from Idaho understands.

Mr. CURTIS. What I want to ask the Senator from Idaho is, Would it not be just as fair to conclude that the Senator from Idaho reported an amendment to the original joint resolution in order to kill it as to say that the Senator from New York offered the amendment a few years ago for that purpose?

Mr. BORAH. It might be true, Mr. President, if it were not for the fact that the Senator from New York is always opposed to the joint resolution in whatever form or shape it is; that he has always openly and persistently fought it in any form, as have many other Senators, while the Senator from Idaho is willing to take it with almost any trimmings in order to get the real proposition for which we contend.

Mr. YOUNG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. YOUNG. The Senator from Idaho now yields to one who is heartly in favor of his measure.

Mr. BORAH. I am glad to count one more convert.

Mr. YOUNG. While the Senator is pointing out some of the inconsistencies of those who are opposed to the joint resolution, allow me to appeal to him to regulate a legislature that is in session at Des Moines, which for a month has beeen declining to submit a senatorship to the vote of the people.

Mr. BORAH. Mr. President, if the distinguished Senator, who has resided in the State of Iowa for so many years, with his great influence and merits can not secure his own election, of course it is beyond the power of this body to help him out of that position. [Laughter.]

Mr. YOUNG. Mr. President, if the Senator from Idaho will permit me, I will say that the political uplift, which is supposed to be represented by the Senator from Idaho, has its hand upon the lid in Iowa.

Mr. BORAH. Mr. President, if there is any place where the political uplift, of which the Senator from Idaho is a very small part, "has its hand upon the lid," that is one place where justice will be finally done and the rights of the people will be finally worked out in the proper way.

Mr. YOUNG. Mr. President——

Mr. BORAH. It is evident that the Senator from Iowa——

The PRESIDENT pro tempore. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. BORAH. It is evident that the loyalty of the Senator from Iowa to the cause of the uplift is suspected by those who have their hand upon the lid. [Laughter.]

Mr. YOUNG. The only reason they give for keeping their hand on the lid is that the junior Senator from Iowa might be nominated and elected, if that is sufficient. [Laughter.]

Mr. BORAH. Of course that may be the reason which has been given to the Senator from Iowa, but possibly we are not trusting him with all our secrets. [Laughter.]

Mr. YOUNG. Mr. President, I want to make it clear that I am in favor of the election of United States Senators by the people, and I want to move in all these directions with sincerity. I believe in the good faith of the Senator from Idaho; I enjoy what he says; but I have had but one political creed, and that is that a man ought to practice what he preaches. [Laughter.]

Mr. BORAH. Mr. President, Iowa is not within my jurisdiction, but it has been practiced with very great success in the State in which I happen to live. I should not have been here if it had not been practiced [laughter], and I have great affection for the bridge which carried me over.

Mr. President, I shall be compelled to discuss with some tediousness, I presume, the law which has been so sadly misunderstood—for I do not wish to use a harsher term—in regard to the effect which will be wrought by a change in section 4 of Article I of the Constitution.

In the first place, as to the place of election, the Senator offering the amendment will, of course, agree with me that it is a wholly immaterial matter, because the question of place is now under the control of the States exclusively, and the question of place would be immaterial if we have the election by popular vote.

The next matter is the question of time. We now have practically uniformity in all of the States with reference to the question of time, and it has been worked out, not as has been suggested, under the dictation of the National Government alone, but it has been worked out largely through the States. It is quite true, and I am not unmindful of the fact, that Congress at one time provided for a uniform time with reference to the election of Congressmen, but in doing so Congress paid due heed to the fact that all States did not wish one time, a certain time, fixed; and therefore in every particular instance, as I believe, where States had a different time, Congress yielded to the States and fixed the law in harmony with the practice and custom as worked out by the States.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Was that the case except in those States where the constitution of the State provided for a different time?

Mr. BORAH. I do not know whether that was the case except where the constitution provided or not.

Mr. SUTHERLAND. Is not that the provision of the act of Congress? As I recall it, the provision of the act of Congress, first, was to fix a uniform time, namely, the Tuesday after the first Monday in November, and then by a subsequent amendment it was provided that that should not apply to those States whose constitutions provided for a different day.

Mr. BORAH. I rather think, Mr. President, that that is true, but I do not see that it is material to the proposition I am presenting, because the matter of selecting Congressmen was wholly in the control of the National Government when-

ever it saw fit to act, and any State constitution would have to yield to the law of Congress.

Mr. SUTHERLAND. As I understand it, Congress simply made that exception because it recognized the difficulty of changing the constitutional rule; but where there was no constitutional provision a uniform date was fixed, because that did not involve the change of the fundamental law of the State.

Mr. BORAH. I think the statement made by the Senator from Utah is likely correct, that it related to those States which had a constitutional provision with reference to the time of election; but that is only stating in another way the same proposition that I stated, because the constitution of the State would have to yield to any provision which Congress should make in regard to the manner of selecting Congressmen.

Mr. NELSON. Will the Senator from Idaho allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. NELSON. Why would the constitution of a State have to yield in that case? Is it not because section 4 of Article I of the Constitution places the power in the Federal Government?

Mr. BORAH. Undoubtedly.

Mr. NELSON. Now, if that power had been eliminated, as the Senator proposes in the case of Senators, the Federal Government would have been powerless.

Mr. BORAH. Well, but my good friend from Minnesota does not make progress in the argument. I said that the constitution of the State would have to yield to the provision of Congress.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me there, I understand that the reason why Congress excepted those States which had a constitutional provision was not because Congress had no power by law to set aside the constitutional provision so far as it applied to the election of Congressmen, but the election provided for by the constitution also included the election of the State officers, and it was desirable that the election of the State officers should take place upon the same day, so that there should not be two elections.

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. Just a moment, if the Senator will permit me. So Congress, recognizing that the election could not be provided for for the State officers without a change in the fundamental law, recognizing that it was not desirable that the election of State officers and Congressmen should take place upon different dates, left those constitutional provisions in effect.

Mr. BORAH. Undoubtedly. The reason why Congress yielded to the custom of the State, where it was fixed by the constitution of the State, was to avoid inconvenience to the State. That is precisely the argument that I am making here. If we take control of this matter and fix a different time for the holding of a popular election the inconvenience and the expense is just the same to the State whether they fix it in the State constitution or fix it by statute.

Mr. SUTHERLAND. But in the case of the law it simply requires the legislative action to change the law, while in the case of a constitution it is a more difficult undertaking. The constitutional amendment must be submitted to the people and be voted on by the people.

Mr. BORAH. The Senator from Utah does not contend, as I take it, that the fact that an act of Congress would change the time of holding a congressional election in a State would also change the time of holding a State election, if they were both fixed by the Constitution.

Mr. SUTHERLAND. Not at all.

Mr. BORAH. In other words, Mr. President, if Congress had seen fit to say to those States which had a constitutional provision fixing the time for holding their election, "You shall hold your congressional election upon a certain day," that would not have interfered in the least with the constitutional provision of the State that the State elections should be held upon another day.

Mr. SUTHERLAND. The Senator is quite right about that, but Congress believed that the States, where it simply required legislative action, would conform to the date fixed by Congress for the election of Congressmen, and would fix that same date for the election of State officers; but they recognized that it was a more difficult thing to do that where it involved a change in the constitution of the State. That was the reason for the exception.

Mr. BORAH. Mr. President, it did not involve the change of the constitution of the State. The moment that Congress fixed a time to hold a congressional election, if the power of Congress was operative at all, it operated, and the constitution of the State did not have to be changed. It simply became inoperative and ineffective as against the provision of Congress.

Mr. SUTHERLAND. That is true. It would be if Congress had so acted.

Mr. BORAH. Yes.

Mr. SUTHERLAND. But I was simply calling the attention of the Senator to the fact that Congress by subsequent amendment had made that exception for the reason that I have indicated, that they recognized the greater difficulty resting upon the people of the State to amend their constitution than merely to amend the law.

Mr. BORAH. I have stated, Mr. President, that the State did not have to amend its constitution. The constitution of the State became simply inoperative as to that proposition, and there was no necessity for an amendment of the constitution.

Mr. SUTHERLAND. It would have to amend its constitution in order to have the election of the State officials upon the same day.

Mr. BORAH. Not at all; for the reason that the constitutional provision fixing the date of the popular election would be operative as to State officials and inoperative as to congressional.

Mr. SUTHERLAND. The Senator misunderstands me. I say if a State desired to provide that State officials should be elected upon the same day that Congress had provided by law that Representatives in Congress should be elected, in order to accomplish that in the State of Vermont or the State of Maine it would require an amendment to their constitutions.

Mr. BORAH. That is perfectly true; but that all comes back to the same question of inconveniencing the State with reference to the manner in which the people shall hold their popular elections; the inconvenience to the State, the burden to the State, the expensiveness to the State is precisely the same whether they have been acting under a custom established by their constitution or under a law fixed by the statute itself. If the State should have to have a different election for their Representatives in Congress or an election at a different time for their Senators—if it were understood that when this joint resolution left the Senate Chamber it involved the question of the States holding two popular elections, one for their State officials and one for their Senators, it would undoubtedly meet with a great deal of opposition, and that opposition would not be confined to one section of the country either.

Certainly the question of time is one which the good judgment and the intelligence and the long-established practice and customs of the people can safely settle in view of the fact that after 122 years they have worked out this question through their own experience and through laws which they consider wise and efficient to effect their purpose. If we exercise the power to change the time, we must either have two elections or compel the States to change their time, either of which is undesirable.

But I pass from the question of time, and will come to the important question, which is the question of the manner, the way, the mode, the method of election. Is it important and essential that Congress have the power to prescribe the manner of conducting an election? After the States have drawn to themselves the great power of selecting their Senators by popular vote, the question is, Who can best prescribe the manner of performing that function, those upon whom rests the responsibility of doing the work or some others who have not the benefit of the conditions and the experience of the particular locality in which that election shall be conducted?

Under this system, Mr. President—and I will state here now my exact opposition to and my reason for opposing the Sutherland amendment—under this system, in my judgment, Congress could of its own motion interfere with our entire election machinery, our system of registration, our primary law, our ballot, and the entire mechanism of conducting elections. When you have said that, in my judgment, you have fixed the boundary line between what the Government may do under section 4 and the line beyond which they may do all that has been claimed that ought to be done without section 4.

I am not willing to concede for my own State that our system of holding elections or the manner of conducting them shall be prescribed by any others than those who are directly interested in the matter. I do not want a different time fixed; I do not want a different ballot; I do not want a different registration system; I do not want a different set of primary laws. These matters are matters of prime concern to the people who must elect all their officers and conduct all their elections and see that they are all clean, and they and they alone can best work out this matter in accordance with the local condition and situation which pertain to each individual State. This is a matter with which the people are familiar, which they are bound to take an interest in by reason of their State elections,

and which to say they can not efficiently perform is to challenge their capacity for the discharge of the ordinary duties of civil life.

If I did not believe that under this system you could interfere with the election laws of the different States as to their machinery, without any cause other than the wish of Congress, it would not make a particle of difference to me whether this amendment went in or went out.

Before going to a discussion of this feature of the law, however, I want to call attention very briefly to what we have done under section 4 and what value it has been to us in the past. For more than 70 years, Mr. President, Article I, section 4, remained a dead letter in the Constitution, so far as the election of Senators was concerned; for more than 70 years the States alone prescribed and determined the manner of selecting their Senators.

Never, until 1866, did we find any occasion for exercising the power contained in this section. Prior to that time it was left entirely to the States, and I submit that anyone who will read the history of the election of Senators from that time backward to the beginning of the Government, and from that time on will not find that the National Government has aided in any particular in the successful election of Senators.

It is a notorious fact that so long as the matter was left in the hands of the State the election was more successfully conducted and the duty more satisfactorily discharged than it has been since. It is very easy to account for that. It is for the simple reason that the States are most vitally concerned, not solely and alone, but primarily, and they worked out the system which best solved the problems presented to the individual States. If you want to know how successful the act of 1866 has been, just cast your eye quickly over history since its passage, and you will find that the result is in accordance with what John Sherman said here upon the floor, that "instead of being a success, it would be a failure." As a fine example of the effect of the act of 1866, let us look at the condition in Montana to-day; at the condition in Iowa; at the situation in Colorado, and the conditions which surround it, and particularly—although I am not honored by the presence of the Senator from New York [Mr. ROOT]—at the condition in the State of New York, whose junior Senator has eulogized this system with such wonderful power on this floor, and at the condition which is brought into the Senate Chamber as the aftermath from the election of the State of Illinois.

If we will investigate these conditions, we will find that, instead of our wisdom being superior to that of the several States, it has been proven by history to be inferior, because, as I have said, it is a matter which comes close home to each and every State. The citizens of the respective States, knowing the conditions and knowing those things with which they have to deal, can best determine as to whether they shall elect by a plurality vote or by a majority vote, in joint assembly or in the separate houses of the legislature.

I must trespass upon the patience of the Senate long enough to read a statement from Senator Sherman at the time of the passage of the act of 1866. Mr. Sherman was not the only one who opposed that act; other distinguished Senators also opposed it; but I will only read a paragraph or two from Mr. Sherman. He said:

> Practically there has been but very little difficulty in this matter since the foundation of the Government. It is always the interest of every State to elect a Member of the Senate; but where the two Houses disagree there is sometimes a vacancy until the matter can be submitted to the people. I do not think that practice has resulted in any evil. * * *
>
> I think it is much better to leave the mode and manner of electing Senators to the people of the States themselves, through their legislature; to allow the legislature, if necessary, to change the law or modify it to suit the exigency. It makes no difference to the United States; it is only a question as to the mode and manner of electing a Senator.

Mr. BEVERIDGE. Mr. President, will the Senator answer a question for information before he leaves this branch of the subject, because the question is in connection with it?

Mr. BORAH. Yes, sir.

Mr. BEVERIDGE. Why was it that the last clause of the first paragraph of section 4 of Article I was put into the Constitution? My recollection is that James Madison was its author, but I do not recall the reasons why it was inserted. The Senator, of course, has that at his fingers' ends.

Mr. BORAH. The particular reason assigned for putting that clause into the Constitution was in case the States refused to act or failed to provide any means for election that upon such refusal the National Government would not be wholly without power in the premises. That is the practical reason which was assigned.

Now, Mr. President, can we under Article I, section 4, have anything to say as to who shall vote or who shall be empowered to vote for a United States Senator? I have been greatly surprised at some of the declarations which have been made with reference to the matter, and I only want to say that if the distinguished Senators who have made those statements will specify to the Senator from Idaho in what particular we can deal with that matter and satisfy him that it can be done, he will not insist upon this proposition.

Mr. NELSON. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I will.

Mr. NELSON. I concede that the qualifications of voters are fixed by the State; but has not the Federal Government under section 4 of Article I the power to make rules and regulations to see that the voters can exercise the right of voting for United States Senators free and untrammeled, without any interference from the authorities of the State?

Mr. BORAH. Mr. President, the National Government has the right to see that a man who under its Constitution has a right to vote shall do so regardless of section 4.

Mr. SMITH of Michigan. But, Mr. President, that would require legislation by both branches of Congress.

Mr. BORAH. It requires legislation to do it now.

Mr. SMITH of Michigan. No. Let me suggest to the Senator from Idaho that under this section of the Constitution the Senate may acquire jurisdiction over frauds in elections, may it not?

Mr. BORAH. Exactly.

Mr. SMITH of Michigan. Now, I desire to put this question to the Senator as to the desirability of our still retaining certain control over the election of Senators. Take the case in the State of Mississippi to-day. Mississippi chose a Senator to succeed the Senator from Mississippi [Mr. MONEY] four years ago.

I would not for anything have you infer from that that he was not chosen properly; but suppose he were chosen improperly—that fraud and intimidation entered into the election—does the Senator from Idaho believe that the Senate could, under any provision of the Constitution that will be left after section 4 is stricken out, acquire jurisdiction over that election and the methods by which it was accomplished until the new Senator from Mississippi presented his credentials here?

Mr. BORAH. I have no doubt about it.

Mr. SMITH of Michigan. I have very grave doubt about it.

Mr. BORAH. I regret that the Senator entertains such doubt.

Mr. NELSON. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Will the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. NELSON. I call the Senator's attention to the fact that his amendment not only repeals that part of section 4 conferring the ultimate regulative power on the Federal Government, but expressly confers it on the States. In other words, it cuts off ex industria the power of the Federal Government to interfere in any manner whatever to preserve order and to see that the people have the right to exercise, free and untrammeled, the right to vote for a United States Senator as for a Congressman.

Mr. BORAH. As I am going to come to that feature in just a moment I will not now digress.

The State alone, Mr. President, fixes the qualification of the voter. Of course I would not feel like trespassing upon the time of the Senate to state that if so many propositions had not been submitted which would lead to a different inference. But the United States has no voters of its own except as it accepts the qualifications fixed by the State. In the first instance the State alone determines who shall cast a vote, and outside of the prevention of discrimination, which is guaranteed by the fifteenth amendment, we have no power to say who shall vote and who shall not vote for Congressman or, if this joint resolution should pass, for Senator.

Mr. NELSON. Will the Senator yield to me?

Mr. BORAH. I will.

Mr. NELSON. But have we not the power to see that all those who are qualified to vote and have a right to vote shall have the opportunity to exercise that right to vote under the Constitution?

Mr. BORAH. We have that right.

Mr. NELSON. And do you not propose to take that away by conferring the power absolutely on the State legislature?

Mr. RAYNER. Will the Senator allow me? When the Senator from Minnesota speaks of those who have the right to vote, does he mean the right to vote under the laws of the State?

Mr. NELSON. Certainly; there is no dispute about that. I concede that the States have a right to prescribe, as a general rule, with the limitations contained in the fifteenth amend-

ment, who are entitled to vote. But when it comes to the matter of exercising that right, whether the voter shall have the right to go up to the polls peaceably and have his vote counted, the power of regulating that is given to the Federal Government by the fourth paragraph of the first section, and it is that power which you propose to take away here and confer exclusively on the State legislature.

Mr. BORAH. The joint resolution now before the Senate does not accomplish at all what the Senator from Minnesota seems to think.

We have absolute power to protect every man in the United States when he is seeking to exercise a right guaranteed by, derived from, or dependent upon the Constitution of the United States.

Mr. CARTER. Does the Senator insist on——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Oh, yes; I yield.

Mr. CARTER. Does the Senator insist upon the correctness of that proposition as to the individual voter? I understand the Senator's proposal to be that the Government of the United States, independent of section 4 of Article I of the Constitution, which this joint resolution proposes to strike down, has ample power to protect the individual voter in the exercise of his rights at the polls. Is that the Senator's proposition?

Mr. BORAH. That is the position I take, and I find ample authority for it in the opinion which the Senator from Montana read to the Senate a few days ago.

Mr. CARTER. The Supreme Court of the United States in the Yarbrough case and the Seibold case, in most clear, specific, and unmistakable terms, declared what is obvious from the text, that the fifteenth amendment applies only to the sovereign States and the Federal Government, and that an individual can not appeal for redress under the amendment when deprived of his rights.

Mr. BORAH. If the Senator from Montana will just wait a few minutes, I will either demonstrate to the Senate that he has not read the Yarbrough case, or I will demonstrate to an absolute certainty that it has been misrepresented upon this floor.

Mr. CARTER. We will hail that with delight.

Mr. BORAH. I have no doubt the Senator will. The Senator from Montana is an anxious seeker for truth.

Mr. SUTHERLAND. Will the Senator repeat that?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. If Senators will permit me to conclude this phase of the argument, I will then gladly yield, but I would like to proceed to answer the Senator from Montana, because his anxiety is manifest.

Mr. SUTHERLAND. I have no particular anxiety, Mr. President, but I would like to understand the Senator's position, and I confess I do not.

Mr. BORAH. I will undertake to make it plain to the Senator from Utah, and if I do not make it plain to the Senator from Utah I will be glad to have him interrupt.

Mr. SUTHERLAND. Of course I do not insist upon asking the Senator a question.

Mr. BORAH. I will yield to the Senator from Utah.

Mr. SUTHERLAND. I simply want to ask the Senator whether or not it is his opinion that the enforcement act of 1870—I think it was in 1870; at any rate, passed about that time—could have been passed by Congress under a constitutional provision such as is proposed by the Senator's joint resolution.

Mr. BORAH. Part of it could and part of it could not.

Now, Mr. President, I want to read some decisions in a few moments which those who have opposed this amendment in its present form ought to have read before they commenced this debate, because it is apparent that they have simply taken a general statement. But before I do that I want to proceed with the line of argument which I had outlined by quoting very briefly, that it may go into the RECORD, from some of the decisions with reference to the power of the States and the States alone to fix the status of the voter.

In the case of Minor *v.* Happersett, the court said:

> The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. * * * The amendment (14) did not add to the privileges and immunities of the citizen. It simply furnished additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. It is clear that the Constitution has not added any right or sovereignty to the privileges and immunities of citizenship as they existed at the time it was adopted. * * * The fourteenth amendment had already provided that no State should make or enforce any law which abridged the privileges or immunities of a citizen of the United States. If sovereignty was one of these privileges and immunities why amend the Constitution to prevent its being denied on account of race, etc. Nothing is more evident than that the greater must include the less and if all were already protected, why go through with the form of amending the Constitution to protect a part?

Justice Swayne said in one of the opinions written by him:

> Until this amendment was adopted the subject to which it relates was wholly within the jurisdiction of the States. The General Government was excluded from participation.

In a late case in the Supreme Court, in One hundred and ninety-third United States, Pope *v.* Williams, it is said:

> The privilege to vote within a State is within the jurisdiction of the State itself, to be exercised as the State may direct and upon such terms as it may deem proper, provided, of course, no discrimination is between individuals. * * * The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one.

Mr. Guthrie says that—

> It has been held that the fourteenth and fifteenth amendments do not of themselves confer the right of suffrage and that the States are still at liberty to impose property or educational qualifications upon the exercise of that right.

Mr. Tucker, in his work on the Constitution, says:

> So in respect to suffrage, which is exclusively under State jurisdiction, except as affected by the fifteenth amendment. The right of suffrage is a State privilege belonging to State citizenship and is exclusively under State jurisdiction. The United States can confer no such privilege within a State.

Mr. RAYNER. Before the Senator concludes——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I do.

Mr. RAYNER. Does the Senator object to reading three or four lines more from the case of Minor *v.* Happersett, or will he permit me to read it?

Mr. BORAH. I will permit the Senator from Maryland to read it.

Mr. RAYNER. To add to what the Senator said, the Supreme Court said in that case:

> Certainly if the courts can consider any question settled this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here.

And they wind up by saying:

> Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one, etc.

That is the leading case in the United States.

Mr. NELSON. Will the Senator from Idaho kindly yield to me for a minute?

Mr. BORAH. I will.

Mr. NELSON. I want to say to the Senator from Maryland once for all that the question of suffrage is not involved in this case.

Mr. RAYNER. Yes; but the Senator from Minnesota differs from——

Mr. NELSON. We concede that the States have a right to prescribe who are qualified voters in the States, and the only limitation upon that right is the discrimination provided against in the fifteenth amendment. The right of suffrage is not involved in this case. The question involved here is whether the Federal Government shall have the power to regulate the manner of these elections so that those who are qualified to vote under State laws may have the free right to exercise it.

Mr. RAYNER. I am glad the Senator from Minnesota differs with the Senator from New York [Mr. ROOT], because the whole argument of the Senator from New York, which I shall try to answer to-day, was that the Sutherland amendment was necessary in order to confer the right of suffrage on the Federal Government. That was the proposition on which he based his argument.

Mr. BORAH. I desire to resume.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. No. I will ask the Senator from Montana to wait until I cover this proposition which is now being debated.

Mr. CARTER. I desire to cite to the Senator two authorities from the Supreme Court, which I think would direct his attention particularly to the point I undertook to impress upon his mind.

Mr. BORAH. I have no doubt that I will myself cite those authorities.

Mr. CARTER. I have no doubt the Senator is an encyclopedia of authorities.

Mr. BORAH. I may not be an encyclopedia, but I am capable of reading the decisions of the Supreme Court and of understanding them, not because of any particular legal acumen

but because of the great capacity of that court to speak in language fitted for simple minds.

Mr. President, I grant you, for the sake of the argument, that Congress could, under section 4, prescribe the manner of holding an election—take over the entire matter. But when the voter approached the ballot box he would have to carry with him the certificate of qualification made by his State. The manner in which the election should be conducted could, under section 4, be prescribed by Congress, but as to whether the party could vote at all or not and what his qualifications should be the State in which he was casting his ballot alone would determine. We could not add to or subtract from that which the State had done. We could not prescribe any qualifications which the State had not seen fit to prescribe, neither could we reject the voter if the State had qualified him to vote, provided always there had been no discrimination, which is protected by the fifteenth amendment.

Mr. NELSON. I want to say, if the Senator will allow me, that that question is not at issue, and we make no issue on that point.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator decline to yield?

Mr. BORAH. I do not decline to yield, but I should like to suggest to the Senator from Minnesota that the Senator from Idaho is not addressing his remarks exclusively to the Senator from Minnesota and that there may be others in the Senate Chamber who have a different view of the matter.

Mr. President, admitting that the State fixes the qualifications of the voter—as the Senator from Minnesota has settled the proposition by admitting it—admitting that under section 4 we may prescribe the manner, is the National Government powerless to protect the voter in the right to cast his vote, outside of the power conferred by section 4?

Here is the legal proposition briefly and succinctly stated: The Constitution provides that the qualifications of voters for Representatives shall be those prescribed by the State for electors for the most numerous branch of the State legislature thereof. In case this amendment is adopted the Constitution will provide that one having the qualifications of a voter for the most numerous branch of the State legislature shall be a voter for United States Senator. The joint resolution fixes and establishes that as it is now established with reference to the House of Representatives.

My position is that when the State legislature fixes the qualification of the voter for the most numerous branch of the legislature thereof his right to cast that vote is then a right guaranteed by the Constitution of the United States, and that that right, guaranteed by the Constitution of the United States, may be protected by any law which Congress in its wisdom sees fit to write, the same as it can protect every other right guaranteed by the Constitution of the United States.

As said by Mr. Justice Miller, while the State does not fix eo nomine the qualification of the voter for Representative in Congress, the State does fix the qualification for the voter for the most numerous branch of the legislature of the State, and that when the State has fixed that, then the Constitution adopts that, and it is a part of the qualification of the voter for Congressman. When the State has acted in fixing the qualification for voters for the most numerous branch of the State legislature, which, under the fifteenth amendment, it must do without discrimination, then the Constitution of the United States adopts that qualification as a qualification for voters for Congress, and Congress may fully and in all proper ways protect that right. This would be the rule under the Constitution for Senators if this proposed amendment should be adopted by the States.

Mr. NELSON. I dislike to interrupt the Senator, but if he will yield to me for a moment——

The PRESIDENT pro tempore. Does the Senator yield?

Mr. BORAH. Will the Senator wait until I finish this argument?

Mr. NELSON. Very well.

Mr. BORAH. I want to yield to the Senator, but I do not want to be interrupted in the midst of an argument when I am answering a question which the Senator from Minnesota has submitted.

Mr. NELSON. All right.

Mr. BORAH. And whenever this right has been fixed by the State through the process of fixing the qualification of electors for the most numerous branch of the legislature, then the Constitution of the United States accepts that as the qualification for the voter for a Federal officer; and I submit without fear of successful contradiction that that right being recognized in the Constitution, dependent upon it, and guaranteed by it, there is no limitation upon the power of Congress to protect a voter in the exercise of that right.

If a man goes to the polls in my State qualified to vote for a member of the most numerous branch of my State legislature and seeks the right to cast his vote for Congressman he is exercising a right guaranteed by the fundamental law, and if any man interferes with him, Congress may pass any law it sees fit to pass to protect him, regardless of section 4. It is a fundamental principle, as broad as the Constitution itself, that any right guaranteed by it may be protected by such statutes and in such way as the wisdom of this body sees fit to pass or adopt to protect it.

I read a quotation or two upon that before I pass on. Justice Harlan has said:

> It is no longer open to question in this court that Congress may by appropriate legislation protect any right or privilege arising from, created or secured by, or dependent upon the Constitution or laws of the United States.

Again, the Supreme Court has said in the case of Logan *v.* The United States:

> Every right created by, arising under, or dependent upon the Constitution of the United States may be protected and enforced by Congress by such means and in such manner as Congress in the exercise of the correlative duty of protection or of the legislative powers conferred upon it by the Constitution may in its discretion deem most eligible and best adapted to attain the object.

What right is there guaranteed by the Constitution of the United States beyond reach of Congress to protect? The sole and only question to be determined is whether or not, after the status of the voter has been fixed, his right to vote for Congressman or Senator is a right guaranteed by the Constitution. If it is, will any Senator here contend that we must go to section 4 and find the power to protect him?

Let us see. In a case in 179 United States, the court says:

> The right to vote for Members of Congress of the United States is not derived merely from the constitution and laws of the State in which they are chosen, but has its foundation in the Constitution of the United States.

Again it is said, and this is the Yarbrough case:

> But it is not correct to say that the right to vote for a Member of Congress does not depend upon the Constitution of the United States. The office, if it be properly called an office, is created by the Constitution, and by that alone. It also declares how it shall be filled, namely, by election. Its language is "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.
>
> The States in prescribing the qualifications of voters for the most numerous branch of their own legislature do not do this with reference to election for Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress. It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right dependent exclusively upon the law of the State.

There is nothing better settled now, Mr. President, than that the right to vote for a Member of Congress, and the right which will exist under this amendment to vote for Senator, is a right guaranteed by and dependent upon and derived from the Constitution of the United States. I should be interested to know if, in the desire to defeat this joint resolution, the Senator from New York, who told us that we were wrecking our entire system and taking away the power to protect our elections from fraud and violence and corruption, will, as a lawyer, stand before the American bar and say that Congress has not the power to protect every right guaranteed by the Constitution of the United States? It is very unfortunate, Mr. President, that these great constitutional and legal propositions should be intermingled and mixed with questions of policy, for it leads to statements upon this floor that if posterity read them it will wonder if we ever read the Constitution at all.

Mr. President, I come to the Yarbrough case.

Mr. NELSON. Will you allow me a question here before you take up another subject?

Mr. BORAH. I am not taking up another subject; I am continuing this.

Mr. NELSON. Another branch of the case.

Mr. BORAH. This is the same branch.

Mr. NELSON. Very well; if the Senator objects to a question, I will not ask it.

Mr. BORAH. I will let the Senator ask his question when I get through with this part of the subject.

Mr. NELSON. It is just a brief question.

Mr. BORAH. Very well. I will let the Senator ask it.

Mr. NELSON. It comes in right here.

Mr. BORAH. I see it does.

Mr. NELSON. A part of your amendment provides that the time and place and manner of holding elections for Senators shall be prescribed in each State by the State legislature. What does that mean? Does not that confer the exclusive power on the State legislature?

Mr. BORAH. As to the manner, it does.

Mr. NELSON. What does the term "manner" imply?

Mr. BORAH. I should not like to discuss that in all its details, but it means here the machinery of conducting the election; but it does not necessarily mean that the Government may not prescribe such rules and regulations and such provisions as will guarantee the unmolested right of every citizen to cast his vote at an election.

The manner in which the election should be held, whether under the Australian ballot system or the old system, would be determined by the State, but the right to cast a ballot in accordance with whatever system the State fixed the Congress could control.

Mr. President, if I am permitted to proceed for a few moments, I should like to discuss the Yarbrough case.

Mr. Justice Miller, who wrote this opinion, is justly referred to by the Senator from Kansas as a great jurist, and I think he would be accepted by all as a great jurist. He states the question to be determined in the case:

This, however, leaves for consideration the more important question—the one mainly relied on by counsel for petitioners—whether the law of Congress, as found in the Revised Statutes of the United States, under which the prisoners are held, is warranted by the Constitution, or being without such warrant, is null and void.

The sole question presented to the court after it disposed of some preliminary matters was whether or not sections 5508 and 5520 were constitutional; or, in other words, whether or not Congress had power to pass those provisions of the statute. I direct the particular attention of the Senator from Montana to the reading of section 5508:

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined, etc.

What does section 5508 prescribe? That anyone who intimidates or assaults or interferes with a person seeking to exercise any right guaranteed by the Constitution of the United States shall be punished. Not alone the right of suffrage, but any right guaranteed by the Constitution of the United States.

Will it be contended that this right referred to here is solely and alone a right to vote? Will it be contended that section 5508 could not have been passed without the provision in the Constitution that we may prescribe the time, place, and manner of holding an election? This section is as broad as any right guaranteed by the Constitution of the United States. It is not confined to voting, to the manner of conducting an election, to Congressmen, or to anyone else. The only limitation upon the matter is that it shall be a right guaranteed by the Constitution.

The Supreme Court has held, sir, that under section 5508 a man may be prosecuted who interferes with another who is seeking to acquire title to a homestead upon the public domain, not relating to an election or to the right of suffrage or to section 4, but any right. In the case of The United States *v.* Waddell the court says that under this same section that by us was passed—under the election provision of the Constitution—a party may be prosecuted for interfering with another in securing a right upon the public domain. Do the Senators contend that under the right to prescribe the manner of conducting an election you can pass a constitutional statute protecting entrymen upon the public domain?

Again, Mr. President, section 5520:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States.

Will it be contended that under section 4, which gives us the power to prescribe the manner of conducting an election for Representatives alone, we would have the power also to prescribe the manner of conducting the election for presidential electors, when the Constitution in another provision provides explicitly that that power to prescribe the manner of their election is in the State legislature? This provision not only protects those who vote for Representatives, wherein we may prescribe the manner, but it protects those who vote for presidential electors, wherein we may not prescribe the manner. Yet this authority has been read here and commented on as if without section 4 we could not have passed sections 5508 and 5520. Neither one of them is confined to it. One of them is entirely outside of it. It goes upon the broad proposition, as stated by Justice Harlan, that any right guaranteed by the Constitution may be protected by the laws of Congress.

Mr. President, let us read some from the body of the opinion. I dislike to trespass so long upon the patience of the Senate. This is the provision which was read by the Senator from Montana, the Senator from Utah, the Senator from Kansas, and indirectly referred to by the Senator from New York:

That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.

Under the Constitution to-day a presidential elector is elected in the manner prescribed by the State legislature. We have nothing to do with the manner whatever; it belongs alone to the State. Yet the statute which protects the voter there, the same as for Representative, is the statute upon which they rely and which they say could not have been passed without section 4. It is passed in the face of the terms of the Constitution with reference to presidential electors, if the construction of the Senators be correct.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

I concede that proposition.

If it has not this power, it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

There the reading of this decision has always abruptly ended in this Chamber. The dire calamity which would overtake the National Government in case we could not protect our Federal elections from violence and fraud is set forth in the sounding language of the great Justice. They close the volume and turn to the Senate and say that without section 4 all this would happen. If they had been content to read another single paragraph in this decision it would have answered their argument without any answer from me.

The proposition that it has no such power—

Mind you, the proposition that it has no such power—

is supported by the old argument often heard, often repeated, and in this court never assented to, that when a question of the power of Congress arises the advocate of the power must be able to place his finger on words which expressly grant it.

Justice Miller left the domain of express grants covered by the provision of conducting the manner of elections for Representative and entered into the domain of implied power. He sustained his position upon the doctrine of implied power and found sufficient power there not only to protect the election at a congressional election but also of a presidential election.

The brief of counsel before us, though directed to the authority of that body to pass criminal laws, uses the same language. Because there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted.

That was the position taken by the counsel.

Mr. Justice Miller says this argument—

destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States, more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—a difficulty which the instrument itself recognizes by conferring on Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly granted and all other powers vested in the Government or any branch of it by the Constitution. (Art. I, sec. 8, clause 18.)

We know of no express authority to pass laws to punish theft or burglary of the Treasury of the United States. Is there therefore no power in the Congress to protect the Treasury by punishing such theft and burglary?

Then the learned Justice cites a number of instances in which Congress has provided laws for the punishment of parties who have interfered with those seeking to exercise a right under the Constitution of the United States.

Mr. RAYNER. What case is that?

Mr. BORAH. It is the case of Yarbrough. Then after referring to section 4, in the opinion which is referred to in the course of the argument, the court said:

This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself—

And that applies to every Federal officer who is elected—

that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members

of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

Mr. President, how do you proceed to protect the voter for a presidential elector under section 4? You can fix a time, and that is all. The manner is exclusively in the State legislature. How do you proceed to legislate for his protection? Do you do so under section 4? Certainly not. Do you do so under Article II, section 1? Certainly not, because the Constitution expressly provides that the manner of conducting this election is in the hands of the legislature. You do so, Mr. President, under what I stated a few minutes ago, the broad power of Congress to pass all laws necessary for the protection of any right guaranteed by the Constitution, and the right to vote for a Congressman and the right to vote for presidential electors are both guaranteed by that instrument.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Yes; with pleasure.

Mr. CARTER. The Senator will admit, of course, because the text will show, that both the Siebold case and the Yarbrough case rested upon the statute of 1870, passed under authority of the Federal Government to regulate elections. There is no question about that, is there?

Mr. BORAH. Do I understand the Senator contends that section 5508 was passed under that authority?

Mr. CARTER. As to the election act, I understand the Yarbrough case to have arisen under the act of 1870. As to whether the section referred to is a part of that act I am not advised.

Mr. BORAH. It is very important to know, because that is what the court was construing.

Mr. CARTER. But the court was construing the act of 1870 precisely as that act was construed in the Siebold case, and the only difference in the two cases is that in the Siebold case the prosecution was directed against certain officers of the State——

Mr. BORAH. Permit me to ask——

Mr. CARTER. And in the Yarbrough case against certain parties other than officers for interfering with officers of the United States.

Mr. BORAH. Does the Senator from Montana claim that section 5508, on page 664, was passed alone under the authority of Article I, section 4?

Mr. CARTER. I contend that both the Yarbrough case and the Siebold case turned on the election law of 1870, and later the Supreme Court held in two distinct cases that an attempt to enforce the personal right under the fifteenth amendment was a futile attempt and the act was void in that regard.

Mr. BORAH. I will come to that. The Senator from Montana apparently declines to answer one question, which he must answer in order to deal fairly with this decision, and that is, Was section 5508 passed under and by virtue of the authority of Article I, section 4?

Mr. CARTER. Undoubtedly the act of 1870 was passed under authority——

Mr. BORAH. Was section 5508 passed under section 4?

Mr. CARTER. I have not the section before me and therefore I will not answer until I have examined it.

Mr. BORAH. I will read the section for the Senator. I think the Senator has the section.

Mr. CARTER. I desire to know whether the Senator insists that both the Siebold case and the Yarbrough case did not turn upon legislation based upon the part of the Constitution which he proposes to strike out.

Mr. BORAH. I distinctly assert that the Yarbrough case did not, and if the Senator from Montana will be frank enough and answer the "Senator from Idaho" I will convince the Senator from Montana of that fact here upon the floor.

Mr. CARTER. The Senator has attempted to do that for some time, and quite unsuccessfully.

Mr. BORAH. The reason that I am unsuccessful is because the Senator refuses to read section 5508 to the Senate and tell the Senate under what power we passed it.

Mr. CARTER. The Senator has the section and he has a chance to read it himself.

Mr. BORAH. I will read it:

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

Does the Senator from Montana claim that that was passed alone under section 4?

Mr. CARTER. It covers other crimes than those which would naturally arise in connection with an election proceeding for Senators of the United States or Members of the House of Representatives; but the Senator will certainly not contend that the Yarbrough case and the Siebold case were not determinative of certain principles of law and constitutional power arising from legislation authorized by the section of the Constitution this resolution proposes to strike out.

Mr. BORAH. Mr. President, section 5508 was not passed under and by virtue of Article I, section 4, and that is well demonstrated to the Senate, because the Supreme Court of the United States has upheld it for the protection of rights upon the public domain. Have we reached a point in the discussion of this question where we must construe section 4 to cover the right to acquire a right or title on the public domain?

Mr. NELSON. Will the Senator allow me? We all, who know anything at all, know that the right to protect the public domain is based on that paragraph of the Constitution giving Congress jurisdiction over the territory of the United States, and it is not based on section 4 of Article I.

Mr. BORAH. Precisely. I agree entirely with the Senator from Minnesota.

Mr. NELSON. What has that to do with the matter here? It is highly important, but what bearing has it on this case?

Mr. BORAH. The Senator manifests some anger, which is unfortunate. The bearing it has upon this case is this: We are told by the Senator from Montana that section 4 was the authority for passing section 5508, and we are told by his colleague [Mr. NELSON], who sits beside him, that we derived the authority from another provision of the Constitution.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Certainly.

Mr. CARTER. The Senator certainly desires to be fair. This record will justify itself. The Senator from Montana made the statement, and insists upon the accuracy of it, that the Siebold case and the Yarbrough case both construed or interpreted the power of Congress to pass certain legislation prescribing penalties under the authority of section 4 of Article I of the Constitution, which this resolution proposes to strike out.

Mr. President, the Senator has been indulgent with me, and I should like to make more clear to his mind my position in reference to this matter if he will permit me for one moment.

Mr. BORAH. I do not desire to have the Senator from Montana enter into a speech at this time.

Mr. CARTER. I should like to cite an authority which, I think, will make it clear to the Senator that the position——

Mr. BORAH. Will the Senator give me the name of the authority?

Mr. CARTER. I will be glad to do so. I cite the case of James against Bowman, in One hundred and ninetieth United States Reports.

Mr. BORAH. I have that on my table, I think, and I am going to address my attention to it in a few minutes.

Mr. CARTER. I would be glad if the Senator would do that in due season. He seems to be a little slow in getting to it. I should like also to have the Senator take into consideration certain other authorities. I presume he has them all. I will call his attention to them if he has not.

Mr. BORAH. I am a little slow in getting along. The fault is not wholly mine. [Laughter.]

Mr. President, we are told that the Yarbrough case construes provisions of the statute passed under and by virtue of Article I, section 4; and yet the statute passed under Article I, section 4, construed in the Yarbrough case, protects voters, as I have shown, for presidential electors the same as Members of Congress, and Article II, section 1, of the Constitution expressly gives the legislature the power to prescribe the manner of selecting electors.

And although we are also told, Mr. President, that section 5508 was passed alone under the authority of Article I, section 4, yet the Supreme Court of the United States has held that that section—not some other section, but that section—sustains a prosecution for a party interfering with another in acquiring rights upon the public domain.

It is evident, as I said a few moments ago, that these sections were passed under and by virtue of the implied power of Congress to protect any right guaranteed by the Constitution of the United States.

I quoted a moment ago from the opinion, and I quote a little further, because I am afraid that some Senators did not catch the language of the Justice.

Mr. RAYNER. Mr. President, will the Senator please give me the page from which he is reading?

Mr. BORAH. Page 662.

Mr. RAYNER. That is the case of Yarbrough, in One hundred and tenth United States Reports?

Mr. BORAH. Yes.

This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agents—

Not its voters, but also its agents, as the Justice gives numerous instances of—

and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

When we adopt this resolution, if we should do so, and it should go into the Constitution, we will prescribe or provide that the legislature shall do precisely with reference to the election of Senators what they now do with reference to electors, and after it is in the Constitution we would have precisely the same authority for passing section 5520 with reference to Senators that we now have with reference to presidential electors.

Is it a dangerous thing to take away the manner of electing Senators from the National Government and place it where the Government has already placed the manner of electing presidential electors, when the court in the case of Yarbrough held that both may be equally and alike protected from violence and fraud and intimidation and everything that interferes with an election?

So I say, Mr. President, that those who contend that the sections of the statute in the Yarbrough case were passed alone under and by virtue of Article I will not be able to maintain their position.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. I yield.

Mr. SMITH of Michigan. Under the resolution proposed by the Senator from Idaho, is there any power residing in the Federal Government to fix a uniform time for the election of Senators?

Mr. BORAH. There is not.

Mr. SMITH of Michigan. When I interrupted the Senator from Idaho a few moments ago and said that I disagreed with his conclusion, I disagreed with it because I felt that that phase which I have insisted upon from the first is one of the most important would not remain in the Constitution if this amendment to it is adopted.

Mr. BORAH. The question of time, I agree with the Senator from Michigan, would be solely in the power of the State to fix. I have no doubt, of course, but what that is true.

Mr. SMITH of Michigan. May I interrupt the Senator again? I do not know that I ought to interrupt him, because he has been so frank in answering my question, but it would then be in the power of the States, if they so chose, to elect their Senators at any time they may desire without let or hindrance upon the part of the Federal Government, and they may choose them 6 or 10 years in advance of the vacancy.

Mr. BORAH. Or, Mr. President, they may not choose them at all, and that they may not do now. We must trust at last the wisdom and patriotism of the people in the respective States, and in their wisdom and patriotism I have confidence.

Mr. SMITH of Michigan. I want to thank the Senator for his frankness. I want to say to him that so far as I am concerned there is nothing captious in my interruption. I am in full sympathy with the proposition to give to the people of the States the power to elect Senators directly, and I have no quarrel wih him upon that point whatever; but I dislike very much, I will say frankly, to see the power of the Federal Government taken off the election of Federal officials when I regard the question of uniformity of time as so essential.

Mr. BORAH. Mr. President, it has been urged here also that the repeal or change of section 4 would take away some of the power of Congress to pass upon the title of Members to these respective bodies. The Senator from Montana contended that without section 4 we would be greatly interfered with in protecting this body from Members who had been elected by corrupt influences. I read the statement of the Senator from Montana:

Little consolation can be drawn from paragraph 1 of section 5 of Article I of the Constitution, which provides that "each House shall be the judge of the elections, returns, and qualifications of its own Members," for it is evident that if Congress is deprived of the right to legislate on the times and manner of electing Senators the States will possess supreme power in the premises and the Senate will not be at liberty to inquire into the manner of exercising that power.

Again the Senator says:

When you deprive any elective parliamentary body of power to keep the channel between the voters and the legislative chamber free from obstruction or pollution by fraud, violence, or corruption, you condemn that body to degradation and death.

It was also suggested by the Senator from New York that he thought the change in section 4 would interfere with the power which we have under Article I, section 5; that while we would still have the power we might not have the machinery, as I understood his argument, not having read it since it was delivered and quoting only from memory.

But Article I, section 5, provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members. * * * Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member.

I am not going to detain the Senate long in discussing this proposition. I think upon reflection all will admit that there is no limitation upon the power of each body to deal with the subject of the election of Members of the Senate or of the House other than that which each sees fit in the respective bodies to exercise or to establish.

I call attention in passing to the statement of Senator Thurman, made in 1873, with reference to this power:

We have a Constitution, and the Senate exists by virtue of the Constitution; and the Constitution declares how the Senate shall be constituted and what shall be its powers, and among them is the power to judge of the elections, qualifications, and returns of its Members.

Now, Mr. President, mark it, there is no question as to what is meant by "qualifications." We know that those are the qualifications specified in the Constitution itself, and that you can superadd no other qualification. There is no difficulty, either, about the "returns." What shall be the returns is a matter to be determined by law, and the law declares what shall be the returns, what they shall contain, and what they shall show; that is all matter of law; and we decide upon their face whether they are in due form and in compliance with law. But then, sir, comes the question of the election. We are to be the judge of the "election." What is meant by that? In the first place, mark it, that the word is without limitation. It does not say you shall be the judge of the election quoad this or quoad that; you shall be the judge to the extent of finding whether the election was held on the right day, or whether it was held by a body that constituted a valid legislature, or whether there was a majority, and you shall be judge of nothing else. It puts no limitation on your power to judge of the election. It is a perfectly unlimited power to judge, and is therefore a power to hold the election void for any cause that, according to law and reason and consistency with our Constitution, makes an election void.

Is there any question, Mr. President, under this provision of the Constitution that either body may take any step it sees fit to deal with the subject of determining who is a Member? Is there any question but that each body may determine when a person is elected or has a title to a seat in the body in accordance with any rule which the body to which the Member is elected or accredited sees fit to establish?

Mr. SUTHERLAND. Will the Senator from Idaho yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Do I understand that it is the contention of the Senator from Idaho that if we eliminate from the Constitution the last clause of section 4 of Article I, namely, "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators," still the Congress of the United States would possess the same power which it now possesses to regulate the manner of elections?

Mr. BORAH. No; I do not contend that. I contend that Congress would have the power to take any measure that it deemed proper to see that the party who had a right to vote cast his vote. If that could be said to involve the question of going into and prescribing the manner, I have no doubt that Congress would have that power. It does not necessarily follow, however, that the proposition of prescribing the manner is necessary in order to guarantee a party the right to vote. So long as the State established a proper manner we could only see to the exercise of the right in the manner prescribed. For instance, if the State established the Australian ballot system, we could not establish the old system. We could only see that every voter should have a right to cast his ballot in accordance with that manner.

Mr. SUTHERLAND. Then, does the Senator concede that, if we eliminate the section to which I have directed attention, it would take away the power of Congress to regulate the manner of the election except in the particular which the Senator has stated?

Mr. BORAH. In my opinion it would take away the power of Congress, in the first place, to prescribe the time. There is no doubt about that. In my opinion it would take away the power of Congress to prescribe the manner other than such provision as was necessary to guarantee the party the right to cast his vote unmolested.

Mr. SUTHERLAND. That is, it would prevent the Government of the United States from passing a law to provide for supervisors at elections?

Mr. BORAH. I do not think so.

Mr. SUTHERLAND. You think not?

Mr. BORAH. I do not think so. The Government could very well say, We are entirely satisfied with your election laws, your form of ballot, your registry system, your style of booths, but we will place men there to see that the voter for Senator is permitted, unmolested and without fraud, to exercise his right in accordance with the manner the State has prescribed. The manner of performing a right and the right itself should be kept distinct.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Idaho to the fact that section 4 of Article I confers upon the State legislatures the agency—constitutes a delegation of power by the people of the United States to regulate the times and places and manner of holding these elections. If the language of the Constitution stops there, upon what theory can the Senator from Idaho say that the Congress of the United States, from whom the power has been withdrawa, shall still possess the power to do anything that may be embraced within the term "manner of holding elections?"

Mr. BORAH. Mr. President, this provision of the Constitution in the amendment which we have proposed is that the qualifications which the legislatures may fix as the qualifications for the most numerous branch of the legislature of the State shall be the qualifications of voters to vote for United States Senators. When those qualifications are fixed by the legislatures, then the right to cast that vote becomes a right protected by the Constitution, and we may pass any law necessary to see that that right is properly exercised. But that does not involve at all the right at the same time to say whether the vote shall be by the Australian or some other ballot. Whatever be the style or manner of performing, still the party must be guaranteed the right to perform in that way.

Mr. SUTHERLAND. Yes; but when we delegate affirmatively the power to the State legislatures to regulate the manner of the election, do we not by that very fact take away from anybody else the affirmative power to do so?

Mr. BORAH. We have delegated to the State legislatures the power to fix the manner of choosing electors for President.

Mr. SUTHERLAND. Yes.

Mr. BORAH. And the Supreme Court has upheld a statute which protects parties in the exercise of the right to vote for such electors.

Mr. SUTHERLAND. I can not quite agree with the Senator's construction of that case; but I am asking the Senator for his own view.

Mr. BORAH. That is my view.

Mr. SUTHERLAND. Is it the Senator's view that when we delegate affirmatively to one agent the power to do a thing, that another agent may do it?

Mr. BORAH. I do not concede that the manner conflicts with the proposition which I submit, and that is that the right may be guaranteed in such a way as Congress sees fit; but the manner of holding elections does not necessarily imply that proposition.

Mr. CLARK of Wyoming. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I will.

Mr. CLARK of Wyoming. I understand that section 4 of Article I confers certain definite powers upon the Congress of the United States and that the amendment now proposed withdraws those definite powers from the Congress of the United States and confers them in terms upon the legislatures. Does not that result in depriving the Congress of the United States absolutely of the powers thus withdrawn?

Mr. BORAH. It does as to the extent of the power which we have delegated; but I contend that, outside of that proposition, those things which we ought to do the Supreme Court has held that we may do, regardless of section 4 of Article I, and that is true with reference to presidential electors now.

Mr. CLARK of Wyoming. Then the Senator's contention is that section 4 of Article I, as originally in the Constitution, was then and is now surplusage?

Mr. BORAH. In my opinion, Mr. President, that is true so far as protecting the polls against fraud, intimidation, and so forth; we could have done that anyway. It has been true in history and it is largely true in fact. I ask the Senator from Wyoming under what power now do we protect voters voting for presidential electors?

Mr. CLARK of Wyoming. I am not discussing any of those matters. I simply wanted to get the view of the Senator in relation to the particular matter upon which I interrogated him.

Mr. BORAH. I understand the Senator, but it would be interesting to know under what power we protect voters voting for presidential electors if the argument of the Senator is correct. That is a proposition which needs the attention of our friends in order that their logic may have full force.

Mr. CLARK of Wyoming. But the difference, as I view it at the moment, is that we have given a special power to Congress by section 4 of Article I, and we now propose definitely to deprive Congress of that power. Does that still leave in the Constitution the idea of an implied power that we have expressly deprived Congress of?

Mr. BORAH. But we have expressly given to the State legislatures by direct terms the power to prescribe the manner of electing these electors. That is expressly delegated to the State legislatures in the same specific language that we here delegate this, and yet certainly the court has held in the Yarbrough case that they may be protected the same as are other parties.

Mr. SUTHERLAND. Then I understand that the position of the Senator from Idaho is that Congress will possess the same power to regulate the manner whether the power is affirmatively conferred or not.

Mr. BORAH. No; I did not say that, Mr. President. There are many things connected with the manner of an election that have nothing whatever to do with the proposition of denying or protecting a man in the right to cast a vote. I say that under section 4 of Article I we may, of our own desire, go out and prescribe machinery for the election, whether the question was ever raised as to the man having been denied his right in any way, shape, or form. We could proceed to prescribe the manner regardless of whether or not the question of the right to vote was involved in the controversy. It gives us a wider power and a wider range with reference to fixing the machinery by which the election is carried on.

I grant to the Senator from Utah, if it became necessary in any particular instance in order to see that the party had the right to vote, that we should prescribe a certain rule. I have no doubt that we could do so, but beyond that, under section 4 of Article I, we could go and prescribe a rule, whether the right had been denied for him to cast his vote or not.

Mr. SUTHERLAND. Will the Senator permit me one other question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Does the Senator from Idaho think, if this portion of section 4 of Article I is eliminated, that the Congress of the United States would have the power to prescribe the kind of ballot which should be used?

Mr. BORAH. I do not. Of course, conditions could be conceived where a ballot might be so arranged to deprive parties of the right to vote or work a fraud; if so, we could interfere. But ordinarily, no.

Mr. SUTHERLAND. Then, does the Senator concede that without this provision in the Constitution we could not have provided for a written or printed ballot, or for the use of machines?

Mr. BORAH. I do.

Mr. SUTHERLAND. And that any State, if it should choose to do so, could adopt the viva voce system of voting?

Mr. BORAH. I think so; and that is one of my objections to section 4 of Article I. I think the State ought to be left absolutely the power to fix the form of ballot and that form of machinery having to do with the election. When the State has done that, I think that beyond that, if the question of the right is involved, the Congress of the United States may go any distance it desires for the purpose of protecting that right.

When I was diverted from the subject I was discussing the question of our power under Article I, section 5, and I desire to quote here from the address of the Senator from New York [Mr. ROOT] in the Lorimer case. He said:

> Mr. President, we here are not a court in the discharge of this high function; we are more than a court. There exists no power in any government short of an amendment of the Constitution of the United States to limit or control the evidence we shall receive or the grounds upon which we shall act in judging the qualification and election of a Member. The sole limit is the limit imposed by our own sense of what is just and right and for the public weal. No strict rules of evidence control us, no statutes declaring what shall or shall not constitute a good election. We are not a board of canvassers counting votes; we are a body which Congress itself can not control, protecting the integrity, the purity, and the efficiency of this great representative body, in many respects the most powerful body under representative government in the world. We are charged with that duty, and our own consciences and sense of justice must determine the action we take in the performance of the duty. The question for us to determine is whether, upon the whole, taking all this testimony together, the election of WILLIAM LORIMER was brought about by corrupt practices.

In other words, the interpretation of Article I, section 5, by the Senator from New York gives us unlimited power to deal with the cleanliness and the purity of the election of Members

of this body, the same power which the House of Representatives has to deal with Members of that body.

The Senator from New York contends that there is no limitation upon our power other than our conscience and our judgment; and certainly we have never been aided by section 4, Article I. We have never undertaken to assist Article I, section 5, by legislating under Article I, section 4. We have always proceeded under the power of Congress to deal with the question of protecting the rights of the people regardless of where and in what particular place of the Constitution that right was guaranteed, and we have always proceeded to investigate the title of a Member to a seat in this body unrestrained by any other law than the conscience and the judgment of Members of this body. Section 4 of Article I does not aid us; section 4, if repealed, would not hinder us.

Mr. President, I come now to the other proposition, and that is the question of protecting the Negro vote. I regret very much that that proposition has been deemed to be necessary for a proper discussion of this subject. But, as it has been brought here for discussion, I want, before the subject passes from our consideration, so far as I am concerned, to state some things about which I have some fairly earnest convictions.

I do not know, Mr. President, how long the North is going to play the hypocrite or the moral coward on this Negro question. The North always assumes when we come to discuss the Negro question that there is in the North a superiority of wisdom and of judgment and of virtue and of tolerance with reference to dealing with that question which is not found in other parts of the country. Call the roll in this Senate Chamber of States where they have a Negro population and present the record with reference to the manner in which the North has dealt with this question, and tell me what authority any man has to stand upon the floor of the Senate and chide any part of this Union about the manner in which it deals with this question.

The Northern States have exhibited the same animosity, the same race prejudice and race hatred that has been developed in the other parts of the Union. While I know that this will grate upon the feelings of some, since the question has been raised in this Chamber, I propose to do as the Senator from New York said we should do, tell the truth in regard to this matter. We burn the Negro at the stake; our northern soil is cursed with race wars; we push the Negro to the outer edge of the industrial world; we exhibit toward him the same intolerance in proportion to his number in our part of the country as they do in every other part of the land, and in the same way. I have not a particle of doubt, Mr. President, if we had to deal with this subject in all its widespread ramifications as others have to deal with it, judging from what has happened in Colorado, in Illinois, and in numberless other States of the North, we would exhibit the same qualities, display the same weaknesses and the same intolerance that others have been chided with exhibiting or possessing.

Secondly, I want to ask my friends who have raised this question of protecting the Negro in the South, and who assert that we have the power under section 4 of Article I to deal with the subject, why we do not exercise the power if we have it? We have not only behind us in the Northern States, in proportion to the black population, the same record, but in addition to that, Mr. President, we stand before the country declaring that we have the constitutional power to deal with this question, and yet we must admit to every black man in the North and to every black man in the South that we have not had the moral courage to exercise that power. Speaking for myself, I deny that the power extends where the exigencies of this debate have sent it, and I resent the proposition that for 40 years wrongs have been committed that we have had the power to deal with and that we have cowardly refused to exercise that power. To say that under Article I, section 4, we can protect the colored voter of the South and at the same time to assert that he has been disfranchised is either to convict ourselves of deplorable moral cowardice or to wantonly libel the South.

It is a fine situation, Mr. President, in which the great Republican Party finds itself in this debate. It has been practically asserted, indeed, sir, it has been asserted upon the floor of the Senate that under section 4 of Article I we can deal with what is called the "grandfather clauses" of State constitutions. Then the question arises, When are we going to deal with them? It is my deliberate opinion that we have not an iota of power under section 4 to deal with the question of suffrage in any State of this Union so long as it complies with the fifteenth amendment to the Constitution, and whether it has or not can always be tested under the provisions of that amendment alone and of itself.

It has been asserted deliberately upon the floor of this body that the repeal of section 4 of Article I would embarrass, if not repeal, the fourteenth and fifteenth amendments to the Constitution. It was stated by the senior Senator from New York [Mr. DEPEW] the other day, by the Senator from Montana [Mr. CARTER], the Senator from Kansas [Mr. CURTIS], and, as I understood, by the junior Senator from New York [Mr. ROOT] that when that section 4 should have been repealed the fourteenth and fifteenth amendments would be rendered ineffective.

Section 4 of Article I deals alone with individuals. The fourteenth and fifteenth amendments deal alone with the States. It might be true that if section 4 were retained we could do some things which it has been contended we should do by those who are supporting the amendment of the Senator from Utah [Mr. SUTHERLAND]; but certainly it can never be contended that a provision in the Constitution which deals with individuals can impair in any respect the provision of the Constitution which deals alone with the action of the States.

Mr. HEYBURN. Mr. President, will the Senator permit me a question?

The PRESIDENT pro tempore. Does the junior Senator from Idaho yield to his colleague?

Mr. BORAH. Certainly.

Mr. HEYBURN. Is it not true that the fourteenth amendment deals with individuals when it provides that the Congress may interfere where the right to vote for a member of the State legislature or a State judge is concerned? The individual right to vote is dealt with in express terms in section 2 of the fourteenth amendment.

Mr. BORAH. It has been decided so often, Mr. President, that the fourteenth amendment relates alone to the action of the States that I did not suppose it was a subject of controversy.

Mr. HEYBURN. No; that is the exception.

Mr. BORAH. The fourteenth amendment to the Constitution provides:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

Would the repeal of section 4 destroy the citizenship of people who are born in the United States or naturalized and are subject to its jurisdiction?

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

If section 4 were repealed, would it be contended that a State could pass a law which would abridge the privileges or immunities of citizens of the United States? Would the State have any less of an inhibition upon it with section 4 eliminated than it has now?

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

If section 4, which relates to the manner of conducting elections, were repealed, would it be contended that any State could pass a law which would deprive any person of life or liberty or property without due process of law?

Nor deny to any person within its jurisdiction the equal protection of the laws.

What provision of the fourteenth amendment is dependent upon section 4 of Article I for its successful and efficient enforcement? If a State should pass any law inhibited by the fourteenth amendment would there be any question that the Supreme Court would have the power to declare it, and would declare it, in violation of that amendment, and therefore void? It is the State that is inhibited from action under the fourteenth amendment, and it has been held by the Supreme Court that the fourteenth amendment does not give us any power to deal with individuals. Section 5 of the fourteenth amendment provides:

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

There is no limitation upon the power of Congress. The fourteenth amendment is complete within itself. Every right guaranteed by it may be protected by the Congress by appropriate legislation; it derives no aid or benefit from any other provision of the Constitution. The same is true with reference to the fifteenth amendment, which provides:

ART. XV. SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Both of these amendments to the Constitution, Mr. President, relate to the action of the States as sovereignties and members of this Union, and both of the amendments provide that all appropriate legislation may be enacted for the purpose of carrying into effect or taking care of the rights guaranteed

by their different provisions. We have not been told in what respect the fourteenth and fifteenth amendments would be impaired. We have simply been advised that they would be impaired. It seems to me that, if we will reflect for a moment, those amendments and all the rights guaranteed by them are completely protected by their own provisions. Those who are seriously and earnestly in favor of electing Senators by direct vote of the people will not long hesitate upon this proposition.

The fact is, Mr. President, that this race question has been brought here in the earnest hope that it would do service in killing this resolution. It is brought forward by those who have stood in opposition to this and similar resolutions for 30 years and who have employed every argument, good or specious, and taken advantage of every parliamentary situation to defeat the measure. There is not an authority to be found in the books which holds that under section 4 we have power to deal with the question of suffrage in the States or as against the States. There is not the slightest foundation for the contention that the proposed change of section 4 will modify or weaken the provisions of the fourteenth and fifteenth amendments. Both of these amendments are complete within themselves, and each gives Congress unlimited power to pass any act appropriate to make effective their provisions.

We have used the Negro as a political football about as long as our own sense of decency or the Negro's developing intelligence will permit. If we have a constitutional power which may be used to his advantage, we ought to use it whenever and wherever he is being wronged. If we have not such power, we ought to cease to mislead him and have the courage to state to him the truth. We ought at least to cease surfeiting the Negro on these soporific applications of rhetoric, these tender and moving protestations embalmed from year to year in the CONGRESSIONAL RECORD. The colored man has advanced to a point where we can well dispense with this perennial distribution of political soothing sirup and give him the substantial food of hard facts and simple truths.

Notwithstanding it is clearly intimated—indeed, sir, essentially asserted—that during all these years we have had ample power to undo election laws which it is claimed disfranchise the Negro, notwithstanding it is asserted that we have the knowledge of the wrong and the power at our command to right it, we have during all of this time remained silent. Now that another proposition is to be served, a true reform throttled, we can no longer suffer in silence.

The Senator from New York says let the truth be told. Yes; let the truth be told. Let us conceal nothing. The truth is that the Negro is beginning to master his first great sad lesson in his upward fight in civilization. He is beginning to realize that the white man, whether in the North or in the South, is of one and the same race; that in his blood is the virus of dominion, of power. That while the slave chains have been broken the industrial chains are being forged, wrought of the same material as the old slave chains—greed and avarice, race hatred and race prejudice. That the black race will inevitably wear these chains, wear them in the North and wear them in the South unless the race is sturdy enough and strong enough and self-reliant enough to reject them of its own force. That these qualities and virtues must be acquired through self-discipline, self-help, industry, frugality, and long suffering. It is the badge of sufferance which God in His inscrutable wisdom had placed upon them, and it must be worked out by the race itself and the aid of those who truly sympathize with them and are true enough and candid enough to tell them the truth.

All in the world the Government can do in this matter is to assure the Negro the equal protection of the law and the protection of equal laws. This it can do, this it at all times ought to do. Anything more would be ruinous to the Negro and demoralizing to our whole body politic. If the time ever comes when a political party has the power and the boldness to take as its special wards and partisan vassals millions of voters and in return for their vote give them special advantages and special favors it will mark the beginning of corruption, race hatred, and race war which would make the massacres of old seem tame and uninsfructive. Sir, what we can do, what we ought to do, what we have the power unimpaired under the Constitution to do is to give him the protection of equal laws. This and no more is just and wise.

Let me say to the Negro from my place in the Senate, although I know my voice will not be heeded nor carry weight with others, but I wait for time to make good—after the exigencies of this debate are over, after this resolution has again been killed, if they should succeed, you will never again hear anything about the virtues or the power of section 4. No measure will be offered here, no bill passed under it for the substantial advantage or benefit of the Negro. Let me say to the black man of the South and to his black brother in the North, do not permit the anxious and restless and hopeful spirit to call you from the path you are pursuing of working out your own salvation.

No law will be proposed, no statute passed, no voice will be raised in this Chamber again for years. The silence of the last decade will be followed by the silence of the next decade. The Negro should turn from these political contentions and political exigencies and find the truth in reading the plain terms of the Constitution and decisions of the great tribunal that has never trifled with his cause. There he will find the exact measure of the Nation's power. Yes; let the truth be told. Let the hard facts be known that the State, and the State alone, fixes the qualifications of the voter, and that outside of the principle of no discrimination we are powerless to do otherwise. This is the great law of equality upon which all Republics are founded, and it is the great law of equality under which all races must work out their salvation, and under which we must all be content to live. The North and the South must be satisfied with the rule. [Applause in the galleries.]

INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, and 89, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fourteen thousand three hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert "and twenty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipments for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "shall" and insert the word "may"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and on page 6 of the bill, after line 10, insert a new paragraph, as follows:

"For general expenses for telegraphing and telephoning in the Indian service, $14,000: *Provided*, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In line 10 of the proposed amendment, after the word "States," strike out the balance of the amendment and insert in lieu thereof the following:

"On or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the original fund and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *Provided still further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stats L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stats. L., p. 93), is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: After the word "bridges," at the end of the proposed amendment, change the period to a comma and insert "and that the limit of cost herein fixed in no event shall be exceeded"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The first proviso in section 25 of the Indian appropriation act, approved April 21, 1904 (33 Stat., 224), is hereby amended so that the first sentence in said proviso shall read as follows: '*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands'; and there is hereby appropriated the sum of $18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year 1912: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the first two words of the proposed amendment and insert the word "The."

In line 24 of the proposed amendment, after the word "quarries," strike out the words "under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795."

In line 30, before the word "proceeds," insert the word "net."

Strike out the last two lines of the proposed amendment and insert: "That so much of the act of February 23, 1889, entitled 'An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, and for other purposes,' and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert:

"There is hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911 approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership and right of possession of said tribe of Indians in and to certain lands and premises therein described."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of $2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"*Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that 'this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "available," strike out the words "for superintendent's cottage, $5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "ninety-five thousand one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "In all, $82,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars," in line 4, strike out the balance of the proposed amendment and insert "additions to dormitories, $30,000; in all, $50,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following: "For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following: "That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Reservations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 3 of the proposed amendment strike out the words "by the Government of the United States may be made with the approval of" and insert in lieu thereof the words "may be made by."

At the end of the proposed amendment strike out the words "of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert the following:

"The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of $3,578.63, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of $3,702.74."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000: *Provided*, That the total cost of this project shall not exceed $155,000, including the sum of $35,141.59 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, $6,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, $10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "of," strike out the words "lateral distributing systems and the maintenance of existing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert:

"To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, $15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the end of the proposed amendment add the following: "to be reimbursable from the Puyallup 4 per cent school fund"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same,"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 6 of the proposed amendment, after the word "thereof," insert "not to exceed $35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "timber," insert "now."

In line 29, after the word "feet," strike out the words "in any one year."

At the end of the amendment insert a new paragraph as follows:

"The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911."

And the Senate agree to the same.

On the amendments of the Senate numbered 48, 76, and 82 the committee of conference has been unable to agree.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

Mr. CLAPP. I move that the Senate further insist upon its amendments and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE the conferees on the part of the Senate.

POSTAGE ON PERIODICALS.

Mr. SMOOT. From the Committee on Printing I report a resolution (S. Res. 351), and I ask unanimous consent for its immediate consideration.

The Secretary read the resolution submitted by Mr. PENROSE this morning, as follows:

Resolved, That there be printed 25,000 copies of Senate Document No. 820, Sixty-first Congress, third session, "Letters from the Postmaster General to Hon. BOIES PENROSE relative to the section of the postal appropriation bill that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter," for the use of the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. CULBERSON. Let the resolution go over.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

COLLECTOR OF CUSTOMS FOR MONTANA AND IDAHO.

Mr. LODGE. I am directed by the Committee on Finance, to which was referred the bill (S. 9113) fixing the salary of the collector of customs for the customs district of Montana and Idaho, to report it with an amendment, and I submit a report (No. 1180) thereon. I ask for its present consideration. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That hereafter the salary of the collector of customs for the district of Montana and Idaho shall be $4,000 per year in lieu of the present salary and all fees, commission, and perquisities of every nature allowed or permitted under the provisions of section 2648 of the Revised Statutes or other existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. RAYNER. I desire to ask the Senator from Idaho whether he proposes to ask for a vote this afternoon upon the Sutherland amendment.

Mr. BORAH. I want to continue the consideration of the joint resolution for awhile.

Mr. BEVERIDGE. Vote!

Mr. BORAH. And if we could vote on the Sutherland amendment I should like to do so.

Mr. CARTER. I understand the Senator from Idaho very much desires to proceed with the consideration of the unfinished business. In that behalf I desire to suggest that a number of Senators have requested that an executive session be held this evening, and inasmuch as to my knowledge there are three or four Senators who desire to speak briefly in the morning, I trust the Senator will yield to a motion to proceed to the consideration of executive business at this time. I can go forward with my remarks to-night, but I should like very much to trace the genesis of a certain section to which the Senator has referred, and I should prefer to go on in the morning.

The Senator from Minnesota [Mr. NELSON] desires likewise to be heard briefly before the vote is taken, and I know of other Senators. I think it quite obvious that a vote can not be reached to-night.

Mr. BORAH. I suggest the proposition of taking a recess until to-morrow morning, and then take up this matter immediately on convening to-morrow morning.

Mr. CARTER. I understand the Senator from Indiana desires to make some remarks to-morrow.

Mr. BEVERIDGE. No; I do not. I anticipated that this matter and the other matter of which notice has been given would probably consume to-day and to-morrow. I shall make some observations on Tuesday next, but not before. We ought to get through with this measure to-day and to-morrow. We ought to get through with it to-day.

Mr. CARTER. There is no objection to taking it up immediately after the close of morning business to-morrow, which is very brief in the closing days.

Mr. BORAH. I should like to proceed with this matter for a time. We had an executive session last evening, and there is nothing before the Senate in the way of executive business which is of any particular moment.

The PRESIDENT pro tempore. The joint resolution is before the Senate.

Mr. NELSON. It seems to me we have given time to others to debate it. I should like to make a few remarks, and the Senator from Utah, I know, wants to speak to-morrow, and the Senator from Montana. I do not think it is fair to crowd us to go on this evening.

Mr. BORAH. I would not want to crowd anyone if it were not for the fact that we have only about two more weeks. If I could have consent for a day to vote upon the joint resolution——

Mr. BEVERIDGE. To-morrow.

Mr. NELSON. Let me suggest that we can agree to take this up to-morrow immediately after the reading of the Journal.

Mr. BEVERIDGE. And vote on it before adjournment.

Several SENATORS. No.

Mr. NELSON. No; but take up the case.

Mr. BORAH. I ask unanimous consent that we may take up this matter to-morrow morning immediately after the reading of the Journal.

Mr. LODGE. After the routine morning business. I do not think it desirable to cut off the introduction of bills and the presentation of reports of committees.

Mr. BORAH. I will modify it and say to-morrow, immediately after the routine morning business.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the joint resolution be considered to-morrow immediately after the completion of morning business. Is there objection? The Chair hears none.

Mr. BEVERIDGE. I move that when the Senate adjourns it adjourn to meet at 11 o'clock to-morrow.

Several SENATORS. No; no.

Mr. BEVERIDGE. I submit that to the Senate.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana withdraw the motion?

Mr. BORAH. Was the other matter disposed of?

Mr. WARREN. I hope the Senator will withdraw his motion. We have committees—the Appropriations Committee, for instance—which will be in session to-morrow forenoon. Witnesses have been bidden to come; the Secretary of Agriculture, for one, has been invited to appear as a witness. At this late hour to-day to name an hour as early as 11 o'clock to-morrow would very seriously interfere with the business of the Senate.

Mr. KEAN. I hope the Senator from Indiana will not insist on his motion. The Committee on Interstate Commerce has a very important meeting to-morrow at 10 o'clock.

Mr. BEVERIDGE. Senators ask me to withhold the motion, and I do withhold it for a moment, to make this suggestion to Senators. The reason I make the motion is that I take it everyone wants to dispose of this matter, which has now so long been before the Senate. It ought to be disposed of to-morrow, and therefore I fix, as it is usual to do at this time of the session, especially a short session, 11 o'clock, so the measure may be disposed of. The Senator from Wyoming and the Senator from New Jersey make the very pertinent suggestion that there are commitee meetings scheduled for to-morrow. But the answer to that is that beyond all question the debate, before any vote can be had, will take up all of the time when the committees will be meeting, and therefore their members would be deprived not of the opportunity to vote, but merely of hearing the entertaining debates, which I observed this afternoon was not sufficient to chain Senators in their seats.

Mr. President, I make that motion.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. Very well. That takes precedence.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock

p. m.) the Senate adjourned until to-morrow, Friday, February 17, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1911.

UNITED STATES ATTORNEY.

George Du Relle, of Kentucky, to be United States attorney, western district of Kentucky. A reappointment, his term having expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Francis H. French, Eleventh Infantry, to be colonel from February 15, 1911, vice Col. Robert K. Evans, Twenty-eighth Infantry, who accepted an appointment as brigadier general on that date.

Maj. Edgar W. Howe, Twenty-seventh Infantry, to be lieutenant colonel from February 15, 1911, vice Lieut. Col. Francis H. French, Eleventh Infantry, promoted.

Capt. Edmund Wittenmyer, Sixth Infantry, to be major from February 15, 1911, vice Maj. Edgar W. Howe, Twenty-seventh Infantry, promoted.

First Lieut. Edward A. Kreger, Twenty-eighth Infantry, to be captain from February 15, 1911, vice Capt. Edmund Wittenmyer, Sixth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1911.

COLLECTOR OF CUSTOMS.

Cornelius W. Pendleton to be collector of customs, Los Angeles, Cal.

REGISTERS OF THE LAND OFFICE.

William Farre to be register of the land office at Burns, Oreg.

John C. Denny to be register of the land office at Seattle, Wash.

POSTMASTERS.

ARIZONA.

John Oscar Mullen, Tempe.
George O. Nolan, Ray.

CALIFORNIA.

William P. Taylor, San Rafael.

COLORADO.

Clayton Whiteman, Hayden.

CONNECTICUT.

William B. Bristol, Stratford.
Charles H. Dimmick, Willimantic.
Thomas Walker, Plantsville.

GEORGIA.

William W. Wade, Maysville.

ILLINOIS.

Silas H. Aldridge, Plymouth.
John C. Beever, Coulterville.
John W. Black, Brookport.
John W. Church, Marissa.
Thomas M. Crossman, Edwardsville.
Victor H. Dumbeck, Silvis.
Frank Fry, Depue.
Charles Scofield, Marengo.
William W. Taylor, Divernon.

INDIANA.

William V. Barr, Bicknell.
Walter Bradfute, Bloomington.
John M. Davis, Columbus.
Harvey H. Harshman, Dunkirk.
Norman T. Jackman, Waterloo.
Cary J. McAnally, Hymera.
William H. Mote, Union City.
Eli T. Steckel, Atlanta.
Laron E. Street, Brookston.
Fred B. Snyder, Brook.
M. Bert Thurman, New Albany.

IOWA.

Charles H. Hoyt, Fayette.

KANSAS.

Lincoln Ballou, Tonganoxie.
H. I. Dolson, McCune.

MARYLAND.

John B. Beard, Williamsport.
William C. Birely, Frederick.
Ulysses Hanna, Frostburg.
John A. Horner, Emmitsburg.
William Pearre, Cumberland.
Morris L. Smith, Woodsboro.

MASSACHUSETTS.

James F. Shea, Indian Orchard.

MICHIGAN.

Charles H. Bostick, Manton.
Charles M. Fails, Wolverine.
Henry J. Horrigan, Ionia.
Fred A. Hutty, Grand Haven.
Charles E. Kirby, Monroe.
Charles H. Pulver, Dundee.
Wesley T. Smith, Honor.

MISSOURI.

A. H. Dieterich, Wyaconda.
Henry Grass, Hermann.
Joseph Lake Sharp, Wellsville.
Rolla G. Williams, Illmo.

MONTANA.

William E. Baggs, Stevensville.
Lottie S. Kimmel, Armstead.

NEBRASKA.

William H. Hopkins, Meadow Grove.
Carelius K. Olson, Newman Grove.
Isaac S. Tyndale, Central City.

NEW JERSEY.

Emma Cafferty, Allentown.
A. H. Doughty, Haddonfield.
John H. Nevill, Chrome.
Truman T. Pierson, Metuchen.

NEW MEXICO.

John Becker, Belen.

NORTH CAROLINA.

Willis G. Briggs, Raleigh.
Vann J. McArthur, Clinton.

PENNSYLVANIA.

Abel H. Byers, Hamburg.
Jesse B. Conner, Overbrook.
Samuel V. Dreher, Stroudsburg.
J. W. Grimes, Claysville.
H. C. Gordon, Waynesboro.
Augustus M. High, Reading.
Elizabeth Hill, Everson.
William W. Latta, California.
Edwin R. Miller, Republic.
William J. Minnich, Bedford.
Joseph W. Pascoe, Easton.
Thomas Morgan Reese, Canonsburg.
James P. Shillito, Burgettstown.
William W. Scott, Sewickley.

SOUTH DAKOTA.

Fred de K. Griffin, Selby.

TENNESSEE.

Samuel L. Parker, Sparta.
Noah J. Tallent, Dayton.

TEXAS.

Samuel J. Hott, St. Jo.
Hugo J. Letzerich, Harlingen.
David H. Mitchell, Ovalo.
Arthur N. Richardson, Electra.
John B. Schmitz, Denton.
Jacob J. Utts, Canton.
Wilber H. Webber, Lampasas.

WASHINGTON.

Fred W. Miller, Oakesdale.
Emery Troxel, Connell.

WITHDRAWAL.

Executive nomination withdrawn February 16, 1911.

Philip S. Malcolm, of Oregon, to be collector of customs for the district of Portland, in the State of Oregon.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 16, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to say that there is some business upon the Speaker's table that, in the judgment of the Chair, at this stage of the session ought to be disposed of if it can be. There are several conference reports also touching the Army bill, and perhaps the legislative bill, that, in the judgment of the Chair, ought to be brought to the attention of the House. The business on the Speaker's table is the first business in order, and the Speaker will try to lay it before the House. The Speaker lays before the House from the Speaker's table the following Senate bill, with a similar bill substantially the same on the House Calendar. The Clerk will report the bil.

The Clerk read as follows:

A bill (S. 10583) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

Be it enacted, etc., That section 4 of the act of Congress approved February 7, 1857, entitled "An act to extend the charter of the president and directors of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia," is hereby amended so that authority is given the said insurance company to write fire insurance on real and personal property wherever located and being, and shall no longer be limited solely to the District of Columbia, as now.

The bill was ordered to be read a third time, was read the third time, and passed, and a similar bill, H. R. 32724, on the House Calendar was ordered to lie on the table.

BONDS FOR BUILDING OF PANAMA CANAL.

Mr. HILL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 10456, a similar House bill being on the calendar.

The SPEAKER. The Chair again lays before the House the following Senate bill, a similar bill being upon the House Calendar.

The Clerk read as follows:

A bill (S. 10456) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

Mr. HILL. Mr. Speaker, I understand there is an understanding that the bill shall not come up unless there is a quorum present. A member of the Ways and Means Committee on the other side is present, and I therefore withhold it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10452. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigable rivers.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 32473. An act for the relief of the sufferers from famine in China;

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described; and

H. R. 31065. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10452. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Interstate and Foreign Commerce.

WILLIAM M. WIGHTMAN, DECEASED.

The SPEAKER laid before the House the bill (H. R. 24123) an act for the relief of the legal representatives of William M. Wightman, deceased, with Senate amendment.

The Senate amendment was read.

Mr. PRINCE. Mr. Speaker, I move that the House agree to the Senate amendment.

The Senate amendment was agreed to.

STOREKEEPERS AND GAUGERS.

The SPEAKER also laid before the House the bill (H. R. 27837) an act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers and gaugers and storekeeper-gaugers, in certain cases, to $2 a day, and for other purposes, with Senate amendment.

The Senate amendment was read.

Mr. LANGLEY. Mr. Speaker, I move to concur in the Senate amendment with an amendment. That word "now," which the Clerk has read as a part of the Senate amendment, was a pencil memorandum which I made on it to indicate where my amendment which I now offer should be inserted.

The SPEAKER. The Clerk will read it without the pencil memorandum.

The bill was read as directed.

Mr. LANGLEY. Mr. Speaker, I move to concur in the Senate amendment with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Line 4 of the Senate amendment, after the words "compensation is," insert the word "now," so it will read:

"Where the compensation is now less than $3 a day," etc.

Mr. HUGHES of New Jersey. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. HUGHES of New Jersey. Is this one of the bills to increase the compensation of the gaugers? Is that the purpose of the bill?

Mr. LANGLEY. I will state for the information of the gentleman from New Jersey, and of the House, that this bill, which increases the salaries of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, from $2 to $3 a day, passed the House some time ago. When it was being considered in the House an amendment, suggested by the gentleman from Illinois [Mr. MANN], was accepted by the gentleman from Connecticut [Mr. HILL], chairman of the committee reporting the bill, and by myself. I learned afterwards, in talking with the Commissioner of Internal Revenue about the matter, that the phraseology agreed to by the House was such that it might be construed to exclude from the benefits of the bill the class of men whose salaries it was intended to increase, in certain cases where these men were given other assignments than those named in the bill as it passed the House, which was, of course, not the intention of the gentleman from Illinois, nor of any of us. After the bill had been reported by the Senate committee, with amendment, I discovered what I believed to be an error in the phraseology of the Senate amendment. I conferred with the Commissioner of Internal Revenue, and he agreed with me that the insertion of the word "now," as I am proposing, ought to be made in order to make the meaning perfectly clear and avoid any necessity for construction or regulation to straighten it out. I also submitted the matter to the Senate Committee on Finance, or, rather, to the Senator having the bill in charge, and he agreed that the amendment was proper and that he would arrange to have it offered on the floor as a committee amendment when the bill came up in the Senate. After the bill passed the Senate yesterday he told me that, through an oversight, the amendment was not offered; hence the necessity of this further amendment, which, I am assured, will be promptly concurred in when it is reported to the Senate.

Mr. HUGHES of New Jersey. I would like to ask the gentleman if he has any other legislation before this House than legislation to increase the salaries of gaugers in Kentucky.

Mr. LANGLEY. Of course, the gentleman is talking facetiously now. He is always most entertaining when he talks in that vein. If he will kindly read the RECORD for the past four years he will find that I have advocated and have been instru-

mental in having passed a good many measures in addition to measures for the relief of revenue men, although I have done all I could for them and have been glad of the opportunity of doing so.

Mr. HUGHES of New Jersey. But all legislation of this kind has carried amendments increasing the salaries of the gaugers.

Mr. LANGLEY. No; the gentleman is mistaken about that.

Mr. HUGHES of New Jersey. How much are the salaries of the Kentucky gaugers in excess of the salaries of the Judges of the Supreme Court?

Mr. LANGLEY. Again the gentleman seeks to be facetious. I wish it was a little nearer than this bill makes it. The Supreme Court Justices get more in a month than these men do in two years. I want to help the boys some who do the hard work and get almost nothing for it.

Mr. HUGHES of New Jersey. Ever since the gentleman has been in the House, it seems to me, and ever since I have been in the House, each session we have had a measure before the House to increase the salaries of the gaugers. How much are they actually receiving?

Mr. MANN. This is the first time it has gotten to a vote.

Mr. LANGLEY. We had some legislation at the last session that was of some slight advantage to them; but, as the gentleman from Illinois [Mr. MANN] says, this is the first increase in their salaries that has been made. In advocating this legislation I want to remind the gentleman that I am working for the interests of the whole country, not alone Kentucky employees but employees in various States will be benefited by it.

Mr. HUGHES of New Jersey. I do not propose to oppose this bill, but I would like to ask if there are any lame ducks interested in this legislation.

Mr. MANN. This only allows $3 a day.

Mr. LANGLEY. If they are interested, with a view to getting one of the places, as I infer the gentleman means, they will not get very much.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman if this is the amount that was carried by the bill when it left the House.

Mr. LANGLEY. It is the same amount, or, rather, it does not raise the $3 limit. The House bill provided not exceeding $3 a day for these men.

Mr. MANN. The bill provided not less than $3 a day, and this fixes it at $3 a day.

Mr. MACON. So it can not get below $3?

Mr. LANGLEY. It can not. The Senate amendment merely covers certain assignments which the amendment offered by the gentleman from Illinois in the House the other day did not cover—assignments which these same men sometimes get and which, but for the Senate amendment, would or might remain in the $2 class. That was not the purpose of the House in passing the bill.

Mr. MACON. What is the necessity for increasing the compensation? Simply to put more dollars in the pockets of these gaugers?

Mr. LANGLEY. This matter was fully discussed in the House a few days ago and——

Mr. SIMS. The distillers pay it, anyway.

Mr. LANGLEY. No. We are seeking to give them a rate of compensation that will enable them to live and at the same time improve the service.

Mr. MACON. In response to what the gentleman from Tennessee [Mr. SIMS] said about distillers paying——

Mr. SIMS. I asked if the compensation was not paid by the distillers and not by the Government of the United States. How is that?

Mr. LANGLEY. Oh, no; they are Government employees and are of course paid by the Government. The commissioner stated in his hearing before the committee that the amount of increase that this bill carries will be many times returned to the Government as the result of the improvement in the personnel of the service and the prevention of frauds at small distilleries, and so forth.

Mr. MACON. How do you expect to improve the service? Do not the present gaugers do their duty for the compensation they are now receiving?

Mr. HILL. Will the gentleman from Kentucky [Mr. LANGLEY] allow me to answer that question?

Mr. LANGLEY. Yes.

Mr. HILL. The Commissioner of Internal Revenue advises us that there is no economy in the employment of $2 men, because they frequently have to employ special agents at $6 and $7 a day to watch them. [Laughter.]

The trouble about the matter is that the compensation is so small that the civil-service employees who are eligible refuse to take the assignments, and they have had to make a special provision by which the civil-service regulations can be waived for all of these employees who get less than $500 a year; and they have to pick up men wherever they can get them, and they are not getting satisfactory men. I think the gentleman will appreciate the fact that this is a matter of economy. Seventy-five per cent of all the frauds on the revenue, so far as illicit distilling is concerned, is found in these small distilleries with a capacity of 20 bushels a day. Those are the ones that are watched by these men, and when the gentleman realizes that the revenue to the Government is anywhere from $100 to $150 a day from any of these distilleries in full operation he will see how utterly absurd it is to put them in charge of men at $2 a day and compel them to board themselves, and in most cases having them board with the distiller himself, in the mountains, where there is no other place to board. It is a question of economy; that is all.

Mr. LANGLEY. It will not only improve the service but the quality of the liquor also. [Laughter.]

Mr. MACON. Will the gentleman allow me to ask him if he thinks he can secure men to perform this service at $3 a day who will not require any watching? [Laughter.]

Mr. HILL. The commissioner thinks he can do a great deal better than he is doing now. He thinks he can. He thinks it is a matter of pure economy and good service.

Mr. MACON. I want to say as to that, Mr. Speaker——

The SPEAKER. This bill is before the House for consideration. The gentleman from Kentucky has the floor. Does he yield to the gentleman from Arkansas?

Mr. LANGLEY. Mr. Speaker, I yielded to the gentleman from Connecticut [Mr. HILL], at his request, to answer the question of the gentleman from Arkansas [Mr. MACON], the gentleman from Connecticut being chairman of the committee that reported the House bill.

The SPEAKER. Who is entitled to the floor now?

Mr. MANN. The gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. I think I am entitled to the floor, Mr. Speaker.

The SPEAKER. To whom does the gentleman from Kentucky yield?

Mr. LANGLEY. I yielded to the gentleman from Arkansas [Mr. MACON].

The SPEAKER. For what purpose did he yield time?

Mr. LANGLEY. I understood it was only for a question.

The SPEAKER. The gentleman from Arkansas [Mr. MACON] is recognized for a question.

Mr. GARNER of Texas. Mr. Speaker, I understand——

The SPEAKER. Now to whom does the gentleman from Kentucky yield?

Mr. LANGLEY. If the gentleman from Arkansas does not want to press his question, then I yield to the gentleman from Texas [Mr. GARNER].

Mr. MACON. Mr. Speaker, I was asking the gentleman from Connecticut [Mr. HILL], when I was interrupted, if the department believed that it would not require $5 and $6 men to watch the $3 men?

Mr. HILL. They so state in their official communication.

Mr. MACON. How many $5 or $6 men do they need to watch the $2 men?

Mr. HILL. They have to visit the distilleries very frequently, and the Commissioner of Internal Revenue says that 50 per cent or more of all the frauds on the revenue were found under these $2-a-day men, but he informed the committee that 75 per cent of all the frauds on the revenue were found there.

Mr. MACON. How many gaugers are involved in this proposition?

Mr. HILL. Probably 250. More than that, however, this is a matter of economy.

Mr. LANGLEY. The total number is less than 300 at any rate.

Mr. SIMS. May I ask the gentleman a question?

Mr. LANGLEY. I yield, Mr. Speaker, to the gentleman from Tennessee [Mr. SIMS] to ask a question.

Mr. SIMS. I want to ask the gentleman from Connecticut [Mr. HILL] this, because he has had much experience: Does the gentleman believe the increase of salary of $1 a day would make honest men out of these dishonest $2-a-day men?

Mr. HILL. I believe, myself, as a Representative in Congress and as a business man, that the wisest economy that can be exercised by the Government in this matter is to accede to the request of the Commissioner of Internal Revenue on this proposition. The present Secretary of the Treasury, and Mr.

Cortelyou before him, and the Secretary before him, Mr. Shaw, and other Secretaries, as far back as I know, have, every one of them, urged this legislation.

Mr. SIMS. I know; but do not you think $3 a day is too little to secure the object and purpose of it?

Mr. HILL. Let us try it at $3 before going any higher.

Mr. MANN. Mr. Speaker, will the gentleman from Kentucky yield for a suggestion?

Mr. LANGLEY. Certainly.

Mr. MANN. This bill passed the House the other day by unanimous consent. As it was originally brought in it covered a great deal more.

Mr. LANGLEY. There is a difference of opinion as to that.

Mr. HILL. And it has also passed the Senate.

Mr. MANN. It passed the House by unanimous consent; and in the House there was a provision making the salary not less than $3 a day, with the statement by the gentleman from Kentucky [Mr. LANGLEY] at the time that the purpose of the bill was to fix the salary at $3. That is the bill that is now before the House.

Mr. LANGLEY. That is correct.

Mr. MANN. In the form in which it comes from the Senate a word has been inadvertently left out of the amendment which directly fixes the salary at $3 a day, as the gentleman from Kentucky has already explained.

Mr. LANGLEY. The amendment makes the purpose of the bill perfectly clear, and removes an apparent contradiction, and that is the only object or effect of it.

Mr. MANN. It has already been disposed of by the House.

Mr. LANGLEY. Yes; and there was really no question before the House to provoke all this discussion. Both Houses have already passed on the only material point in the bill—the question of increase of salary.

The SPEAKER. The question is on concurring in the Senate amendment with an amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 29360), and I ask unanimous consent that the statement may be read instead of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the legislative appropriation bill, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk proceeded to read the statement of the House conferees.

[For conference report and statement of the House conferees, see CONGRESSIONAL RECORD of February 13, 1911, page 2461.]

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL of Iowa. Has this report been printed under the rule?

The SPEAKER. It has been printed in the RECORD under the rule.

Mr. GILLETT. Mr. Speaker, this is not a complete agreement. There were between 200 and 300 Senate amendments, and we have come to an agreement on all but about 12.

Of that part of the report upon which there was an agreement I think I ought to say that the conferees all signed it. Col. LIVINGSTON, the representative of the minority, is ill this morning and is not able to be here, but he was in accord with the report.

Now, I first move that the House agree to the conference report, and then afterwards the matters which were left in dispute will be taken up one by one.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield for a question?

Mr. GILLETT. I yield to the gentleman.

Mr. COX of Indiana. I have not the amendment before me, but I have in mind the Second Assistant Deputy Commissioner of Pensions. I believe that is his title. If I remember correctly when this bill was before the Committee of the Whole in the House the gentleman in charge of the bill stated that the Commissioner of Pensions had stated to the committee that there was no necessity for this officer. The bill was reported by the Appropriation Committee to the House leaving out that officer. Now I find it has been placed in the bill at the other end of the Capitol.

Mr. GILLETT. The gentleman's statement is correct.

Mr. COX of Indiana. Can the gentleman assign any reason why that officer was placed back in the bill?

Mr. GILLETT. Mr. Speaker, it is a little embarrassing to me to answer that question, because there was a contest on the floor of the House in which I took the ground that inasmuch as the Secretary had recommended that he did not need that official it ought to be left out, and the House voted in that way. The Senate put it back and the House conferees, or rather, I may state frankly, a majority of them, yielded to the Senate.

Mr. FITZGERALD. Mr. Speaker, I desire to say that my recollection is that the House had two opportunities to pass on the question when the bill was under consideration in the Committee of the Whole House on the state of the Union. Amendments in different forms were offered in order to restore to the bill the Second Deputy Commissioner of Pensions. The House refused to adopt either amendment, and showed unquestionably what the position of the House was on that question. It seems to me to be somewhat extraordinary for the conferees on the part of the House, in view of that record, to agree on that item at its first conference and bring it in in agreement with other items, particularly in view of the fact that other matters are brought back in disagreement. It seems to me that the conferees should be able to give some good reason for yielding on that amendment at this particular time.

Mr. GILLETT. As I said before, it is a little embarrassing to me because I do not know that it is improper for me to say that I was against yielding. My two colleagues were in favor of yielding, but neither of them are present.

Mr. FITZGERALD. It is unfortunate that nobody is able to give an explanation for such extraordinary conduct on the part of the members of the conference committee, who are supposed to represent the attitude of the House and not their own personal preference in this matter.

Mr. FULLER. Mr. Speaker, I am not a member of that committee and can not answer as to what influenced them, but the position that the gentleman from New York takes would be such that there never could be an agreement by a conference where there was a difference of opinion between the two Houses. One House or the other is compelled to yield. Upon this amendment which the Senate incorporated in the bill the House conferees yielded. In other matters the Senate conferees yielded. There never can be a settlement of these questions unless one side or the other does yield.

I may perhaps state, Mr. Speaker, that a reason exists for the amendment as proposed by the Senate which did not exist at the time the matter was up before the House. It was then stated that the business of the Pension Office was falling off and that they did not require as much help there as they had required before. Since that time the House has passed a general pension law that will make a vast amount of extra work if it should become a law during the next year or two. That bill has not only passed the House, but has been favorably reported by the committee of the Senate and is on the Senate calendar and undoubtedly will pass. So, if there ever was need of two deputy commissioners of pensions, that necessity still exists to a greater extent during the next year or two than ever before, and this will be the case if any new legislation is enacted.

Mr. FITZGERALD. Mr. Speaker, I doubt very much whether the gentleman from Illinois has contributed very much valuable information to this situation. His argument might properly have been addressed to this House had the item been brought back in disagreement. It seems that somebody has urged on the conferees the view that that position will be necessary because the House passed what is known as the Sulloway pension bill, which has been favorably reported to the Senate. But it is a matter of common rumor that the bill was reported to the Senate, and may possibly pass there, because of the well-known fact that if it does pass both Houses it will be vetoed by the President.

Mr. FULLER. How does the gentleman know that fact?

Mr. FITZGERALD. It seems to me that the information the gentleman from Illinois contributes has not been of any advantage to the House. This is the fact. This one position was twice voted upon in the House before the bill left the House.

Mr. FULLER. No; only once.

Mr. FITZGERALD. And the House on two occasions upon the motion of the gentleman from Illinois [Mr. FULLER] attempted to place this position in the bill. The House on both occasions declined to accept his amendment, and then, disregarding the action of the House, indifferent to what the House does, these conferees apparently accepted the arguments of the gentleman or somebody else in the conference, and by its action repudiates the action of the House taken on two occasions and brings back this item restored to the bill. As far as I am concerned, I do not propose to vote to adopt an agreement which contains this position placed in the bill in such a way. It may be possible there are good reasons for retaining this office, but certainly better reasons should be urged than those given by the gentleman from Illinois, because the press of this city and

well-informed Members of this House are repeating continually that the President of the United States has let it be known that if the bill to which he refers, which he says will necessitate the work requiring this position, passes both Houses of Congress, it will be vetoed by the Executive.

Mr. FULLER. How does the gentleman know that fact, and who authorizes him to speak for the President of the United States?

Mr. FITZGERALD. Oh, I am not attempting to speak for the President of the United States. I have more sense than to attempt to do so. I am stating what are well known facts. It is not necessary for me to speak for the President. There are certain methods by which the White House permits information about the action that will be taken on certain matters to permeate this town, and Members well know that when information of that character is permitted to leak out, it is taken as a hint not by Members of the minority, but by very prominent Members of the majority, as to the necessity of acting one way or another on matters of importance. That has been so recently demonstrated it should not be necessary to recall it to the gentleman from Illinois.

Mr. FULLER. What is the special reason that this single item should be singled out by the gentleman from New York? Why this one when there are numerous other items in the bill?

Mr. FITZGERALD. The special reason is that there is less excuse for the continuance of this particular position than of any other position in Washington, and the House on two occasions during the consideration of the bill so decided; and the least the House has the right to expect was that those representing the House would not surrender and report the provision back in agreement.

Mr. FULLER. I understand and am reasonably informed that every member of the conference committee agreed to this matter as now reported, except the gentleman having charge of the matter here, and it was a vote of 5 to 1 on the conference committee that the second deputy should be retained.

Mr. FITZGERALD. Three represented the Senate, and we expected that much, and two represented the House, and the other Member representing the House, in charge of the bill, made the statement that he was not in favor of yielding on this item.

Mr. FULLER. And he is the only one on that committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, it is true that, ordinarily, where the House or the Committee of the House votes directly upon a particular item the conferees do not yield at the first meeting of the conferees, and possibly it would have been wiser in this case to have reported a disagreement on this item. Yet it does not seem to me to be worth while to reject the conference report at this stage of the session because of a feeling of a majority of the House, perhaps, that this official should not be continued during the next fiscal year. The time of the House just now is more valuable on other matters than it is sending this whole thing back to conference, in my judgment.

Mr. FITZGERALD. Does not this bill have to go back to conference anyway, as there are a number of items reported in disagreement, and how is the time wasted?

Mr. MANN. The gentleman is partly right and partly wrong. The items in disagreement go back to the conferees.

But if we reject this conference report every item in the disagreement goes back to conference, and we are practically no nearer a solution of the problem than we were when we commenced. We have not any time to waste during the balance of this session. This item only involves the continuance of one officer in his place during one fiscal year. There is a dispute as to the necessity of that officer. When the matter was in the Committee of the Whole House in the House I voted against retaining the office, but I do not believe it to be wise now to reject the conference and take up more time of the House over this so that we will be unable to properly consider items in other appropriation bills, where the House will be able to save dollars as against cents that would be saved if this item were stricken from this bill.

Mr. COX of Indiana. Will the gentleman from Massachusetts yield me two minutes?

Mr. GILLETT. I yield the gentleman two minutes.

Mr. COX of Indiana. Mr. Speaker, I quite agree with the gentleman from Illinois in much of what he says in reference to the closing hours of this session, and too much time ought not to be occupied upon these matters, but, in my judgment, there is more involved in that than the question of a few dollars. There is a question of principle involved in it. The House was informed when this bill was under consideration and this item was left out that the Commissioner of Pensions had said that they could get along without such an officer. They say it only involves an expenditure of $3,600, and yet when the Congress is told by the head of one of the great bureaus of the Government that they can release a man who is drawing a salary, in my judgment, and in the interest of economy, we ought to heed the advice of the head of that bureau. As has been well said, Congress is drawing to a close, but, in my judgment, there is nothing to hinder us from holding night sessions and fighting all these matters out if they ought to be fought out.

Mr. MANN. If the gentleman will pardon me, it is quite certain that we will have to hold night sessions and very likely have to meet at 10 o'clock in the morning and also hold night sessions. Then we will not have time enough.

Mr. COX of Indiana. I will say to the gentleman from Illinois, we will welcome such sessions as those beginning at 10 o'clock in the morning, and holding night sessions if need be, to dispose of this business. There is a cry going up everywhere in the interest of economy, and I want to commend the gentleman in charge of the bill for opposing this item; I want to commend the gentlemen upon that side of the House who have stood for economy, but if we are honest in our demands for economy here is a chance where we have an opportunity of showing whether in reality we are for or against it.

Now, the gentleman from Illinois says that we can utilize the time in other ways and possibly save millions of dollars. Here is the place where we can begin to save a part of a million of dollars—a useless office done away with in the House after a vote twice here taken upon it, and yet at the other end they force that officer upon us, and our conferees yielded upon it. I do believe, Mr. Speaker, that this conference report ought to be voted down, and let it go back and the conferees given notice that we desire to see whether we can get any better agreement out of the bill than has been obtained heretofore. Almost $100,000 was added to this bill at the other end of the Capitol in the way of increases of salaries—$99,000, in round numbers. I ask the gentleman from Illinois whether it is in the interest of economy that we yield upon this proposition or whether or not it would be in the interest of economy to refuse to yield and let the House take a vote upon it.

Mr. GILLETT. Mr. Speaker, I now yield to the gentleman from Minnesota [Mr. TAWNEY].

COMMUNICATION FROM THE SENATE.

The SPEAKER. The Chair desires at this point to lay the following communication before the House from the Senate, which the Clerk will read.

The Clerk read as follows:

Senate resolution 349.

Resolved, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

The SPEAKER. The Chair will state that the Journal of the House shows the Speaker has already signed the enrolled bill that was referred to, but in some way the same has been lost or misplaced; and the Chair therefore has signed a duplicate which the Senate has sent here.

The Clerk will report the title.

The Clerk read as follows:

A bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker when this matter was under consideration in the House I favored dropping the office of one of the Deputy Commissioners of Pensions. But, acting within their jurisdiction and in the discharge of their duties, the conferees receded from our disagreement to the Senate amendment, restoring that office, and now it is proposed to defeat the entire report simply because the conferees have not acted in accordance with the judgment or the wish of a few Members of this House.

I want to call the attention of the House to this fact, that we are rapidly approaching the closing hours of this session; that we have up to this time passed only one-half of the appropriation bills through the House; that we have not yet considered a single conference report on any of the important appropriation bills. If we are going to waste the time of the House by defeating this report and sending all of the amendments of the Senate to the legislative bill back to conference, and they can come in here and consume several hours in the consideration of this report a second time, it will not be the fault of the Committee on Appropriations or the fault of those who

believe in disposing of this report if in the closing hours of this session we are obliged to pass under suspension of the rules important appropriation bills carrying hundreds of millions of dollars. We have six appropriation bills yet to dispose of in this House, and we have conference reports in addition to dispose of, and now we are proposing to waste more time by defeating this report. If that is done, we will waste far more than we would gain by ultimately dropping this position. I hope, therefore, the report will be adopted.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. COX of Indiana. I find in the report that the House has receded from 141 amendments, and the Senate only receded from 38 amendments. Does the gentleman think that is a fair divide?

Mr. TAWNEY. That, Mr. Speaker, is a criticism that is made of the conferees very frequently in this House, especially on the legislative bill, when the gentleman from Indiana [Mr. Cox] knows, as every other Member of this House does, that one single Member, exercising his right as a Member, may, by making points of order on this bill, prevent any change whatever as to salaries, positions, or anything covered by the bill. Does the gentleman from Indiana think for a moment that if the House had had the opportunity of considering all of the amendments taken out of the bill on points of order it would have rejected them?

Mr. COX of Indiana. I do not know.

Mr. TAWNEY. He does not know, nor does any other Member of the House know, and yet when we enter a conference the conferees must necessarily exercise their judgment as to what amendments were taken out on points of order that the House would have agreed to in the event it had had the opportunity, and they are simply exercising the rights they possess when they recede and concur in Senate amendments that merely restore original House provisions.

Mr. COX of Indiana. The gentleman propounds to me a query, and I want to say in response that, in my judgment, if the House had had a chance to vote, instead of using a point of order upon the increased salaries which the Appropriation Committee reported to the House, the Appropriation Committee would not have been sustained.

Mr. GILLETT. Then what is the use of making a point of order?

Mr. COX of Indiana. Because that is the shorter way out of it.

Mr. HULL of Iowa. Mr. Speaker, I would like to suggest to my friend from Minnesota this further fact; that if these bills, rejected in the Senate, came to the House for amendment, the reverse would be largely true as to the agreement.

Mr. TAWNEY. Absolutely true.

Mr. HULL of Iowa. The Senate, exercising its right, adopts many measures that both Houses are in favor of when it comes to a show-down.

Mr. TAWNEY. I simply want to impress upon the House the fact that if we defeat this report on account of the acts of our conferees, we will consume more time in further consideration of the conference report on the legislative bill, and a great deal more time than the salary of this office and a great many offices would amount to in the aggregate for the next fiscal year, and, independent of the merits of the proposition, it is the part of good judgment and business sense for us to adopt this report and settle the matter.

Mr. GILLETT. I yield to the gentleman from Illinois [Mr. GRAFF], my colleague on the committee.

Mr. GRAFF. Mr. Speaker, I did not get into the House until just a few minutes ago, after the question of our receding to the Senate amendment with relation to the second deputyship of the Pension Bureau had been taken up. Everybody knows that there remain a very few days until the end of this session. It was therefore incumbent upon the conference committee——

Mr. BUTLER. Mr. Speaker, why can we not hear?

The SPEAKER. The House will be in order.

Mr. GRAFF. It was incumbent upon the conference committee to carry out in good faith the promise made by the gentleman from Massachusetts [Mr. GILLETT] to certain inquiring Members of the House at the time we left the House to go into conference on this bill, and he promised that certain specific items should be brought back to the House for consideration. We fulfilled that agreement with reference to these other items. With reference to this deputyship in the Pension Bureau, it was apparent that the Senate would not yield on that subject.

Mr. TAWNEY. If the gentleman will permit me right there, I may say that any Member of the House had the opportunity of excepting this amendment at the time the other amendments were excepted if he desired to do so.

Mr. FITZGERALD. But the House voted this amendment down twice in committee.

Mr. TAWNEY. I understand that. But the members of the House conference committee had a right to assume that when the House was demanding the right to vote on certain amendments and did not demand a separate vote on this amendment that they were free to recede and concur or not, as they saw fit.

Mr. COX of Indiana. I remember on that occasion that several gentlemen insisted that the conferees should have a free hand.

Mr. GRAFF. In addition to that, as to the merits of the question, if the Senate should pass the Sulloway bill or a similar bill, the work of the Bureau of Pensions will be largely increased by that legislation.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. GRAFF. Yes.

Mr. COX of Indiana. Has the gentleman any information since the Sulloway bill was passed by the House that, even if it were to pass the Senate and become a law, this officer would be needed down there in the bureau to carry out that law?

Mr. GRAFF. I do believe he will be needed.

Mr. COX of Indiana. I asked the gentleman if he has any information on that point.

Mr. GRAFF. My information is based upon a personal observation during a period of 16 years, when I have had occasion to visit the Pension Bureau perhaps as often as any other Member of Congress. I happen to come from a part of the State of Illinois which has a large number of soldiers, and I know from observation and from information obtained from those who are interested in the Pension Bureau—those special examiners with whom we come in contact—that the business under the second deputyship is larger in amount than the business under what is known as the first deputyship. There is no merit in the contention that this second deputyship ought to be dispensed with under present conditions.

But, Mr. Speaker, the main reason which moved the conferees of the House to recede and yield to the contention of the Senate was that it was quite apparent that this was one item upon which the Senate would continue to insist and that the House would have to finally recede; and therefore, in the interest of the expedition of business and the passage of this appropriation bill, it was thought wise to leave unsettled differences only upon those subjects where there was an opportunity, or at least a substantial hope, that the House might obtain a recession of the Senate upon the insistence of the House.

Mr. KOPP. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. KOPP. In the schedule of wages throughout the departments, is it not a fact that firemen receive $720 a year?

Mr. GILLETT. That is the regular rate.

Mr. KOPP. Then, can the gentleman explain why it is that in this bill, in the Treasury Department, provision is made for three firemen, and then five firemen at $660 a year?

Mr. GILLETT. Will the gentleman refer to the page on which the item occurs?

Mr. KOPP. On page 39.

Mr. TAWNEY. If the gentleman from Massachusetts [Mr. GILLETT] will permit me, I think he had in mind the uniform compensation allowed to watchmen. There is no uniform compensation allowed to firemen; it is $720 a year unless otherwise provided in the appropriation bill.

Mr. KOPP. Then, may I ask, how is the compensation of the firemen determined?

Mr. TAWNEY. By the amount of work they do and the number of boilers they have to attend to.

Mr. KOPP. If the gentleman will wait until I complete my question, he can answer it more intelligently. How is the compensation determined for one fireman?

Mr. TAWNEY. It depends altogether on the capacity of the boilers and the amount of the work that he has to do.

Mr. KOPP. When it says "one fireman," there must be some salary fixed.

Mr. GILLETT. I think the gentleman from Minnesota is mistaken. I think there is a statutory salary for firemen at $720.

Mr. KOPP. That is correct. Now, Mr. Speaker, in no department of this Government are there firemen who receive less than $720 per year, except in the Treasury Department My

attention was called to this after the legislative bill had passed the House, so I could not call the attention of the House to it here when that bill was under consideration. I investigated and found that in that department for years there had been five firemen drawing $660 who were doing the same work, side by side, boiler by boiler, with those who are drawing $720. Now, I am informed that the Secretary of the Treasury recommended that this be increased, and the Senate adopted an amendment fixing this compensation at $720 per year instead of $660. Our conferees have refused to concur in that amendment and so it has been stricken out.

Now, Mr. Speaker, in this bill there are any number of salaries of those higher up which have been increased, and I am not so narrow as to claim that in most cases they are not entitled to it, but I do say that in the attempt to do justice to those who are higher up gentlemen ought not to forget the poor fellows who are lower down and who are trying to live on $55 a month. There are five of them who are affected by this item. Four of them have families. They are white men and are trying to live like white men, and I can not see why these five firemen should be discriminated against when every other fireman in every other department is drawing $720 per year. So far as I am concerned I am ready to send this bill back to conference on that proposition alone. The humble employee is just as much entitled to consideration as the one more prominent. I believe that some of us at least ought to be willing to see that the poor fellows get justice as well as those who are higher up and who may also be entitled to it.

Mr. KITCHIN. The House conferees saved the Government $300 in this matter, did they not?

Mr. KOPP. Yes.

Mr. KITCHIN. You ought to give them credit for that saving, as a matter of economy, ought you not?

Mr. KOPP. They saved the Government $300 at the expense of these five poor men and their families. This is not economy, but it is a great injustice to these employees. I trust that the conferees will reconsider this item and see that justice is done to those involved.

Mr. GILLETT. I yield five minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, it is asked here that we pass this conference report in the interest of the expedition of the public business. That argument is urged now despite the fact that we dawdled away four or five hours yesterday afternoon without any serious attempt to transact business. It is argued that time has become of so much importance to-day that we should yield upon a proposition upon which the House twice voted, by an overwhelming majority, to dispense with the services of an official who practically everybody in the House and in the department admitted was absolutely useless. As was said in the debate before, this position is a sort of vermiform appendix upon the Pension Department. But yet you see that one determined place holder, supported by one determined Member, can "play horse" with the whole House of Representatives. Now, I have no particular desire to come here at 10 o'clock in the morning and stay until 12 o'clock at night. Of course, I have no such desire, but I am perfectly willing to raise this issue right here and now, and let us determine whether or not this body is to hold the purse strings of the Nation. If this proposition had gone out upon a point of order, the argument made by the gentleman from Minnesota [Mr. TAWNEY] might have some force, but twice we solemnly and deliberately voted that this official should no longer be carried upon the pay rolls of the Nation; and no argument has been brought back here to us to justify the action of the conferees in failing to carry out the wishes and sentiment of this House.

I was amazed when I learned that the proposition under discussion was this official upon whom we spent almost an entire afternoon. I thought he was dead beyond redemption, but it seems only to have been a case of suspended animation, and he is back here as lively as ever, having more lives than a cat. [Laughter.] The gentleman from Illinois has already covered himself with glory. He has done enough this session to make him secure forever in the affections of the people whom he represents. Fifty million dollars a year increase ought to be enough for the gentleman, so that he would let this House have the little paltry sum of $2,500 a year.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUGHES of New Jersey. No; I can not yield. I want to say, as an exhibition of effrontery and cheek, this surpasses anything that has happened here in a long time. [Laughter and applause.]

Mr. GILLETT. Mr. Speaker, I demand the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is, Will the House agree to the conference report?

The question was taken; and on a division (demanded by Mr. HUGHES of New Jersey) there were 130 ayes and 78 noes.

Mr. HUGHES of New Jersey. I demand tellers.

The SPEAKER. Tellers are demanded. [After counting.] Thirty-one gentlemen have arisen, not a sufficient number, and tellers are refused.

So the conference report was agreed to.

Mr. GILLETT. Mr. Speaker, having now disposed of the conference report, the matters which were left to be considered by the House in disagreement will come up, and I move that the House further insist on its disagreement to all these amendments. I presume that on a great many of them there will be no occasion or desire on the part of the House to consider them separately, and therefore I make that motion on all the amendments, and I will ask if there are any particular amendments which Members wish to consider separately.

The SPEAKER. Is a separate vote demanded on any one amendment? If not, the vote will be taken on all.

Mr. FITZGERALD. Mr. Speaker, I desire to ask the gentleman a question. If the gentleman intends to insist in the conference on a disagreement, that is one thing; but if he simply wants to get back into conference, so as to adjust some of these matters, that is different. All the matters brought back in disagreement are items on which there was some desire to have an expression of the House.

Mr. TAWNEY. Not on all of them.

Mr. FITZGERALD. If the gentleman from Massachusetts and the conferees favor some of these items, they should test the sense of the House by moving to concur in them, and not take this method, which will mislead the House.

Mr. GILLETT. The gentleman from New York is mistaken when he says that all the items were specially reserved at the request of the House.

Mr. FITZGERALD. All but one.

Mr. GILLETT. No; there were a number of them. There are one or two of the items which personally I think the House should concur in. That is my personal opinion, which I am willing to express in debate, but many of these I think the House would not desire to discuss; and so I suggested as a simple way that if there are any particular items—and they are all here on pages 2462 and 2463 of the RECORD—which Members wish to discuss or vote upon we will take them up separately.

Mr. TAWNEY. If Members desire a separate action on any amendment they can move to concur.

Mr. MANN. A separate vote can be had on any amendment.

Mr. MACON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MACON. Mr. Speaker, when this matter was before the House a few days ago I asked the committee on conference not to agree to certain items that had been put on the bill by the Senate until after the House had had an opportunity to express itself upon these amendments. I thank the committee for having complied with my request in that regard and for having brought each of the propositions back for the consideration of the House. But, sir, I am of the opinion, after having seen the House turn down its own action twice expressed on another proposition, that it would be useless to detain the House for a single moment upon a separate vote upon any question where an effort is being made to raid the Treasury, and for that reason I do not insist any further on a separate vote on anything.

Mr. HUGHES of New Jersey. Mr. Speaker, I demand a separate vote upon the amendment 44, in relation to the salary of the President's secretary.

Mr. COX of Indiana. Mr. Speaker, I demand a separate vote on amendments 30, 31, 32, and 33, page 28 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WEBB. Mr. Speaker, I demand a separate vote on amendments numbered 99, 100, 101, 102, 200, 202, and 203.

Mr. COX of Indiana. Mr. Speaker, I demand a separate vote on the increased salary of the governor of New Mexico and Arizona. I have not got the number of it, but I reserved that when the bill was reported back the other day.

Mr. MANN. That has been agreed to.

The SPEAKER. That has already been agreed to by the House.

Mr. COX of Indiana. Very well.

The SPEAKER. The Clerk will report the amendments upon which a separate vote is demanded.

The Clerk read as follows:

Amendments Nos. 30, 31, 32, 33, 44, 45, 99, 100, 101, 102, 200, 202, and 203.

The SPEAKER. The question will be taken on the other amendments, the motion being that the House do further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment No. 30, page 27, line 7, strike out "five" and insert "six," so as to read "$6,000."

Mr. MANN. Mr. Speaker, I suggest that the four amendments be considered together, 30, 31, 32, and 33. They all relate to the same subject.

The SPEAKER. The Chair is informed that amendments 30 to 33, both inclusive, relate to the same matter. Without objection, they will be considered together.

Mr. STAFFORD. Mr. Speaker, they do not. I reserve the right to object.

The SPEAKER. The Clerk will report the amendments for the information of the House.

The Clerk read as follows:

Page 27, line 7, strike out "five" and insert "six."
Page 27, line 9, strike out "thirty-two" and insert "thirty-eight."
Page 27, line 14, strike out "five" and insert "six."
Page 27, line 16, strike out "twenty-two" and insert "twenty-six."

Mr. COX of Indiana. Mr. Speaker, I object to their being considered together.

The SPEAKER. The Chair again asks, Is there objection to the consideration of the amendments which have just been reported?

Mr. COX of Indiana. Mr. Speaker, I will withdraw my objection to their consideration together.

The SPEAKER. What is the motion of the gentleman from Massachusetts?

Mr. GILLETT. Mr. Speaker, I move that the House insist on a disagreement.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do insist upon its disagreement.

Mr. GILLETT. Mr. Speaker, I wish to state to the House how this matter came about. The question of increasing the salary of the stenographers was not brought at all before the Committee on Appropriations, so that the question received no consideration before that committee at all. It was not suggested in the House, and so it received here no consideration at all. It was put on in the Senate. Of course it is a matter that relates entirely to the business of the House, and is a matter with which the House is fully acquainted, and I have no doubt is ready to vote upon. But I wish to have read from the desk the following statement in behalf of the Official Reporters of the House which has been handed to me.

The SPEAKER. The Clerk will read the statement in the gentleman's time.

The Clerk read as follows:

WASHINGTON, D. C., *February 14, 1911.*

Hon. FREDERICK H. GILLETT,
Chairman House Conferees on Legislative Bill.

DEAR SIR: The Official Reporters of debates on the floor of the House respectfully request, for the first time in 38 years, a moment's consideration by the House of the question of their annual salaries.

The amendment placed in the bill in the Senate, being amendment No. 30, increasing the salaries from $5,000 to $6,000, was prepared for presentation in the House, but was not presented because all similar amendments were stricken out on points of order. This is, therefore, the first opportunity to consider the proposition in the House on its merits.

Every one who from year to year watches the proceedings of the House, the rapid threshing out of subjects, the informality of debate, the swiftness of result, and the necessary noise and apparent confusion, will understand that there is no other body in the world just like this one; and it is the unanimous opinion of all well-informed and experienced shorthand reporters that no other proceedings anywhere are so difficult to report correctly as the heavy days in the House. The relative difficulty of court reporting may be summed up in one question. How long could any court transact its business in the midst of the confusion which is always a practical part of the day's work of a busy session of the House? Considering the inevitable difficulties, the daily CONGRESSIONAL RECORD is undoubtedly the most accurate publication in the world. This result is possible only by the long working together of a corps of highly trained and very skillful reporters. The proceedings of the Dominion Parliament at Ottawa are printed first in an "unrevised edition." The only other publication approaching the CONGRESSIONAL RECORD is the Journal of the Debates of the French Parliament; and in the Chamber of Deputies 24 men are employed to do the same work that is done in this House by six. This French corps is divided into 16 note takers, six revisers who take check notes, and two chiefs who work on alternate days. There is no other form of employment with which to compare the compensation, because there is none other which makes such peculiar demands on the skill and endurance of the employees. Every lawyer familiar with the earnings of the best court reporters in the larger cities, like New York, Chicago, Philadelphia, and Washington, is aware of the fact that they considerably exceed the amount suggested in the Senate amendment. In the courts of the District of Columbia no official reporters are employed, but all important cases are reported by privately employed shorthand reporters, paid by the litigants; and so few are the competent shorthand reporters that all the important work is done by less than 10 men, who, under the law of supply and demand, are able to earn—at least the more successful of them—much larger annual averages than the salaries of the Official Reporters of the House.

Speaking on behalf of my associates, I have a very wide acquaintance among shorthand reporters, and I know of no similar number of men anywhere who are their equals in the peculiar work they have to do. Three of them are regularly qualified and admitted attorneys at law, who acquired this knowledge to aid them in their work. All of them had many years of special training before they were qualified for their present positions. Not one of their predecessors ever survived the strain of the work to live to normal old age.

When the present salaries were fixed the compensation was as high as that of any reporters in the country. Now it is not. The increased size of the House membership adds, and will inevitably add, greatly to the difficulty and strain of the work. Of the House employees whose positions were in existence 38 years ago, all except the official reporters have had their salaries largely increased. The official reporters have not.

The matter is cheerfully submitted, and no member of this corps asks the increase unless its fitness appeals to the good judgment of the House.

Very respectfully, FRED IRLAND,
Senior Member of the Corps of Official Reporters.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. I yield to the gentleman.

Mr. COX of Indiana. I want to ask the gentleman if it is not true that the reporters under the amendment now to be considered—that is, the official House reporters—come under the class of employees to whom we give an extra month at the end of each session.

Mr. GILLETT. They have the month's extra salary.

Mr. COX of Indiana. And that month's salary amounts to one-twelfth of $5,000?

Mr. GILLETT. Yes.

Mr. COX of Indiana. What is the law, if there is any, that would preclude or prevent the Official Reporters of the House, when Congress is not in session, from seeking employment elsewhere?

Mr. GILLETT. I suppose there is no such law.

Mr. COX of Indiana. They are at liberty to find employment wherever they can get it?

Mr. GILLETT. I suppose so.

Mr. COX of Indiana. Now, Mr. Speaker, I will ask the gentleman to yield to me for two minutes.

Mr. GILLETT. I yield to the gentleman.

Mr. COX of Indiana. Everyone here knows that the Official Reporters of the House are exceedingly competent, and it is not a pleasant duty for me to perform this morning to oppose this increase of salary, but I have consistently opposed all increases of salary, especially where it relates to the higher class of employees, and I call upon the Members of this House to read the conference report as reported back from the Senate. As I said a moment ago, the House conferees have receded on 141 Senate amendments and the Senate on 38 amendments. I further call upon the Members of this House to read the bill as it passed the other end of the Capitol and they will see that it is true that every increase of salary, or almost every increase, is for a man who is receiving a high salary. As the gentleman from Wisconsin said a moment ago, the poor man who is only getting a salary of six or seven hundred dollars a year has had no attention paid to him whatever. I do believe, Mr. Speaker, that the time has come when the House should assert itself and not vote to increase these high salaries, because in my judgment they are now receiving all they are worth, and especially in view of the fact that the Official Reporters on this floor are not compelled to work more than eight or nine months in the two years of a session in Congress, and in my judgment $10,000, plus one month's salary for each session, is abundant salary for the work which they perform.

Mr. TAWNEY. Will the gentleman yield to me?

Mr. GILLETT. I yield to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, I want to make one statement in view of what the gentleman from Massachusetts said in respect to the amendment having been made in the Senate.

While the bill was pending in the House a member of the Committee on Appropriations proposed to offer an amendment on the floor in order that the House might have an opportunity to consider and pass upon the question of whether or not they would increase the salary of the reporters of debates on the floor and the stenographers to committees. Points of order were made against every proposition of increase, and for that reason the Member did not offer the amendment and the House had no opportunity to vote on the proposition. But at the request of members of the committee I addressed a communication to the chairman of the Committee on Appropriations of the Senate stating these facts, and asked him to incorporate this amendment in the bill for the purpose of giving the House an opportunity to consider the matter, and I was influenced in doing that by the fact that while salaries of officers and employees of the House have been increased generally the salaries of the floor reporters and committee stenographers have not been increased in 40 years. The salary which they receive now is the salary which was fixed 40 years ago, when the membership was but 293. I did this because I felt that the House ought to have an opportunity to consider whether or not, in view of the increased labor of these employees and other increases of salary, their salary should be increased. It was for that reason I made the request of the chairman of the committee of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MANN. In the practice between the Senate and House has it not been the custom for the Senate to determine in reference to the salaries of its employees and the House to determine in reference to the salaries of its employees?

Mr. TAWNEY. Always.

Mr. MANN. Now, does the gentleman mean to say, because the House has certain rules therefore the Senate shall attempt to determine the salaries of employees of the House? Would he favor our attempting to hold out against the Senate and determine the salaries of Senate employees because they have rules to which we did not subscribe?

Mr. TAWNEY. I will say to the gentleman from Illinois that it is also true that, for the chairman, it has for many years been the custom of the Committee on Appropriations of the House to make requests like this, and the chairman of the Committee on Appropriations of the Senate has invariably honored such requests by inserting the desired amendment when it pertained only to the employees of the House.

Mr. MANN. One further question.

Mr. TAWNEY. In a moment. Now, I want to say my request to the chairman of the Senate committee was in conformity with the long-established practice, and I was influenced in making that request by the fact that the salaries of these employees of the House was fixed many years ago, since which time the House has almost doubled in size and the force of Official Reporters has been increased during that time by only one.

In view of these facts I thought they were entitled at least to have the proposition considered by the House that employs them.

Mr. MANN. Will the gentleman yield for a further question?

Mr. TAWNEY. Yes.

Mr. MANN. Is not there a method under the House rules by which this can be brought before the House at any time on a report from the Committee on Accounts?

Mr. TAWNEY. That committee has not met, I am informed, or made any reports at this session of Congress.

Mr. MANN. Does the gentleman attempt to read lectures to other committees of the House, and, therefore, if they do not meet, ask the Senate to help out the House?

Mr. BARTLETT of Georgia. May I interrupt the gentleman from Illinois [Mr. MANN]?

Mr. MANN. It is not necessary to reply to that. Of course, we have reports from them constantly. We know they meet.

Mr. BARTLETT of Georgia. Do I have the permission of the gentleman from Minnesota to make a statement?

Mr. TAWNEY. I yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. Mr. Speaker, with reference to the Committee on Accounts, I want to say that that committee has met frequently during this session, and the only reason we have not met more frequently is that the chairman of that committee has been for two weeks, and is now, ill and in a hospital. And I do not think it comes with good grace from my friend to suggest that the committee is negligent in its duty, under those circumstances.

Mr. TAWNEY. I will say to the gentleman from Georgia that I did not say the committee had no meetings. I said that I was so informed, and my information comes in this way: The Committee on Accounts is now certifying to the Committee on Appropriations certain items to be carried in the general deficiency bill, and when asked why they were not acting on those items themselves, I was informed that the committee was not meeting. That is the way I obtained my information.

Mr. BARTLETT of Georgia. Yesterday we had a meeting but had no quorum, but we undertook to meet. There are only three members of the minority on that committee, and they could not of themselves constitute a quorum. There are six members of the majority on that committee, and they constitute a quorum. It is true we have not been able to dispose of all the business referred to us, but I do not understand that there has ever been an effort before the Committee on Accounts to increase the salaries of these officials of the House. I want to say in defense of myself and the minority members—of course, the gentlemen who represent the majority upon that committee must speak for themselves—that I want to resent the idea that we are not discharging our duty by reporting every resolution here that proposes to increase the salaries of employees. I do not want to be understood as saying that I do not believe there are some salaries that ought to be increased, and I might vote for some, but it is not due to the fault of the Committee on Accounts that any proposition of this kind did not come before the House.

Mr. TAWNEY. I did not say it was.

Mr. BARTLETT of Georgia. The gentleman said that the Committee on Accounts had not met. We met yesterday, and we propose to meet to-morrow.

Mr. MANN. The gentleman from Georgia ought to remember that the gentleman from Minnesota [Mr. TAWNEY] was in a pretty tight hole and had to give the best excuse he could think of.

Mr. BARTLETT of Georgia. The gentleman ought to give an excuse without censuring other people.

Mr. FITZGERALD. Will the gentleman yield for a moment?

Mr. GILLETT. For how long?

Mr. FITZGERALD. A couple of minutes.

Mr. GILLETT. I will yield to the gentleman from New York two minutes.

Mr. FITZGERALD. Mr. Speaker, I did not know until the gentleman from Minnesota made the statement just how this item got in the bill. I am not going to discuss the propriety of an increase of compensation for stenographers at this time. I consider it unwarrantable impertinence for the Senate to make any proposal to increase the compensation of any official of this House, no matter at whose suggestion it does so. I am inclined to believe that to prevent any repetition of such action this amendment should not be agreed to. This matter could have been presented either to the Committee on Appropriations or to the Committee on Accounts, where it could have received consideration and a recommendation made one way or the other to the House, and until the proper method is pursued to take such matters up in the House I am opposed to considering at all the suggestion either to increase or to change the compensation.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. This amendment proposes to increase the salaries of the stenographers on the floor from $5,000 to $6,000?

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. For about how long a time are they employed each year? What is the average time?

Mr. GILLETT. I suppose the average is about six months each year.

Mr. RUCKER of Missouri. So that $5,000 is really for the six months' work

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. Let me ask the gentleman there, Is it not true that recently a Member's private secretary has been made a stenographer to the committees?

Mr. GILLETT. I do not know that it is true or that he was.

Mr. RUCKER of Missouri. These gentlemen possess no other qualifications than those required of all stenographers. A man who can do ordinary court work can do this work, can he not?

Mr. GILLETT. They have to be unusually accomplished.

Mr. OLMSTED. No ordinary court reporter in the United States could take this dialogue that is going on at this moment.

The SPEAKER. The House will be in order. What is the use of debating here when nobody can hear?

Mr. GILLETT. I call for a vote, Mr. Speaker.

Mr. YOUNG of Michigan. What is the question?

Mr. GILLETT. Mr. Speaker, I ask for a vote.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTLER. On what do we vote?

Mr. GILLETT. The motion was that the House insist on its disagreement to the Senate amendments.

The SPEAKER. The motion pending is that the House insist on its disagreement with the Senate.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 139, noes 23.

So the motion was agreed to.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. GILLETT. I ask that the Clerk report the next amendment.

The Clerk read as follows:

On page 40, line 18, strike out "six" and insert "ten," and on page 41, line 6, strike out "seventy" and insert "seventy-four."

Mr. GILLETT. Mr. Speaker, I move that the House recede and agree to the Senate amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. GILLETT. Mr. Speaker, this proposition is new. It was not suggested to the House committee or to the House for the reason, as I understand, that the need of it did not occur to the White House until the resignation of the present secretary and the search for a successor. The position of the Secretary to the President has become in recent years exceedingly important. I suppose in the last 20 years, with the enormous increase of the various activities and functions of the Federal Government, no department has increased in work more than the Executive; the crush of business which comes to the Executive has been constantly swelling, so that now the White House is overrun by business of every kind. For many years it has been the function of the Secretary to the President to do much of his confidential work. We have had there very important and successful men. Secretary Lamont and Secretary Cortelyou, both of them, showed such ability in that position that they went into the Cabinet. Secretary Loeb became collector of the port of New York. There have been, there is now, and it is necessary that there should be, in that office men of great ability, great tact, and great discretion. The secretary is a confidential adviser, probably the most confidential adviser that the President has.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question?

Mr. GILLETT. Certainly.

Mr. CLAYTON. Does the gentleman think it requires on the part of this Secretary to the President any more tact or ability than that possessed by a Senator of the United States or a Representative in Congress or a United States circuit judge?

Mr. GILLETT. Not necessarily; but now you can not get the type of man for that position that you can get for a Senator or Representative or circuit judge, because there goes with those positions a dignity that does not go to the position of the Secretary to the President. And the gentleman well knows that men take these positions not simply for the salary that goes with them, but for the dignity that attaches to them.

Mr. CLAYTON. I want to ask the gentleman a question.

Mr. GILLETT. Let me answer the first question first. One of the very purposes of this increase of salary is to give to this position a dignity which it ought to have, and which will indicate that it is not a mere secretaryship, as it has stood in the past, but a position of influence and importance; and I think this change of salary does largely accomplish that, and it is the only way it can be accomplished. There is many a man who would not take a secretaryship at $6,000 who would take the position of assistant to the President at $10,000; and there ought to be sufficient dignity and salary attached to the position so that the President should not be obliged, as he has been in the past, to take a young man whose ability is yet to be proved, who is believed to have the capacity but has not yet been tested, but we ought to be able to get a man of mature years who has already proved that he has those qualities which are needed in the position.

Mr. COX of Indiana. Is it not true that Lamont and Cortelyou and Loeb were all young men when they took this position?

Mr. GILLETT. That is just what I say; that in those cases by a happy accident men were selected who had the ability, although they had not proved it up to that time. They showed afterwards that they had the capacity for that position; but you ought to be able to get a man of sufficient maturity, who has already proved that he has those qualities, and not be compelled to guess that he has them.

Mr. COX of Indiana. Does the gentleman say whether or not he has any assurance that even though the salary be increased to $10,000, that would hold a man in this position when an opportunity presented itself for him to get $20,000 or $25,000 a year?

Mr. GILLETT. That is just what I think it would. If a young man takes this position to prove that he has the ability, and as a stepping-stone to a lucrative position, as those men did, then you can not hold him; or if you do, it is at a sacrifice which a young man ought not to be asked to make; but if you make it a position at $10,000 a year you can get a man of mature years who will take it and stay by it.

Mr. COX of Indiana. That is the very question I put to the gentleman a moment ago. If he gets $10,000 a year and that furnishes him a stepping-stone to something higher, and the better opportunity comes and a salary at $25,000 a year is offered to him, does not the gentleman believe he will vacate his $10,000 position and take the higher one?

Mr. GILLETT. No; I do not. I think we can make this such an attractive office that we can keep a man of the ability which we ought to have there.

Mr. CARLIN. The gentleman understands that, even with this additional inducement of a greater salary, we could not provide in this bill against a gentleman accepting a higher salary if he wanted to.

Mr. GILLETT. Oh, certainly not.

Mr. CARLIN. We can not provide by legislation against a matter of that sort.

Mr. GILLETT. Of course we can not.

Mr. BARTLETT of Georgia. The gentleman recalls that in 1898 and 1899 Mr. George B. Cortelyou was Secretary to the President. Does the gentleman mean to say that the Secretary to the President now has more duties to perform than Mr. Cortelyou had during President McKinley's administration in 1898 and 1899?

Mr. GILLETT. Certainly I do. In the last 10 years the duties of the secretary have very much increased, as the country has increased.

Mr. BARTLETT of Georgia. Is it not a fact that Mr. Cortelyou got only $5,000 a year in 1898 and 1899?

Mr. GILLETT. Very likely. That is just what I am arguing against.

Mr. CARLIN. You could not get Mr. Cortelyou for that salary now.

Mr. BARTLETT of Georgia. It would be as much as he was worth, I think.

Mr. CARLIN. The gentleman would not say that seriously.

Mr. BARTLETT of Georgia. As secretary; yes.

Mr. GILLETT. I beg to differ with the gentleman.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question?

Mr. GILLETT. Certainly.

Mr. CLAYTON. The gentleman was arguing in behalf of dignity a little while ago. I understand from his argument that he takes the position that for this $6,000 salary paid to the Secretary to the President we can not buy a sufficient amount of dignity to fill that office.

Mr. GILLETT. I did not say so.

Mr. CLAYTON. The gentleman thinks that the additional $4,000 will add only dignity to the office.

Mr. GILLETT. I did say "only dignity;" I think it does add dignity and it adds attractiveness.

Mr. CLAYTON. What public excuse or reason is that for the expenditure of public funds?

Mr. GILLETT. If the gentleman will hear me I will try to give him some information.

Mr. CLAYTON. It appears to me that $6,000 has heretofore proved an adequate compensation, and I see no reason why any man should be paid more for dignity than a man who presides over a circuit court as judge. I suppose he has as much dignity as anybody, and I suppose that a Senator of the United

States has as much dignity as anybody. Is it claimed that, therefore, in order to get Senators and circuit court judges of great dignity we ought to buy them more dignity by increasing their salaries? I will thank the gentleman for information.

Mr. GILLETT. Why, Mr. Speaker, the gentleman is arguing on my side. Either he misinterprets or distorts what I said.

Mr. CLAYTON. Perhaps the gentleman from Massachusetts did not appreciate the sarcasm.

Mr. GILLETT. What I said was that a circuit court judge or a Senator would take those positions not on account of the salary alone, but on account of the dignity; that the positions themselves were above that of a secretary to the President, and for that reason they attracted men to fill them.

Mr. SIMS. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. SIMS. I want to ask the gentleman if a similar proposition did not come here from the Senate to give the Secretary of State an undersecretary at $10,000 a year, and was not this same argument made in favor of that, and, although the House did not agree to it, have we seen any lack of perfect service in that department?

Mr. GILLETT. That is not this proposition.

Mr. SIMS. I think the gentleman from Massachusetts advocated it.

Mr. GILLETT. There is no question but that the duties of the President's secretary are extremely important for one reason, because of the confidential relations he must have with the President. He ought to be a man who is thoroughly sympathetic with the President and has the same political and moral outlook, because he is his most intimate adviser and friend. Therefore he ought to be a man of great natural and cultivated capacity.

Moreover, he is in a great measure the mentor as to the occupation of the President. He has to divide up his time for him. The President can not waste his time in making social and business appointments. His secretary must be a man of such discretion and sagacity—and that is a hard quality to get—that he can make these arrangements and engagements which the President has no time to make. That requires a vast amount of tact and ability and judgment.

Then, the Secretary to the President has necessarily to deal very largely with the press. Somebody has to regulate what shall go out from the White House. There are few matters which require more discrimination than that. He has, too, to be a buffer between the President and the public. A man ought not to be taken without experience, but the position ought to be able to secure a man of mature years who can be a friend and confidant and intimate of the President. I do not think $10,000 is too much to pay for that, and I do not believe for less we can be sure of securing a man competent for the position.

Mr. FOSTER of Illinois. Mr. Speaker, we have had Presidents and private secretaries to the Presidents before the present administration. While I agree that there is a good deal of work and increased work for a private secretary in the office of the President, yet men like Daniel Lamont, George Cortelyou, and William Loeb have filled that position with distinguished honor and ability, and I do not believe that an administration proclaiming to the country that it is necessary to practice the strictest economy ought to come here and ask that the private secretary's salary shall be increased to $10,000 a year. Men serve here in the House and in the Senate for one-quarter less than is asked for this particular office.

This bill when it left the House and went over to the Senate and came back here after it had been amended in that body contained more than 200 amendments. Most of them were amendments increasing the salaries of men whose salaries are already high.

Mr. COX of Indiana. What did it amount to?

Mr. FOSTER of Illinois. I think the increases amounted to more than $100,000 upon salaries alone.

Mr. Speaker, such an increase as is shown in this bill in the salaries of those whose salaries are already high should not be allowed.

We ought to stand for economy, and I regret that it is not possible to vote on all the increases in this bill, but such a thing can not be done now. Below I give the amount of increase in new items and increase in salaries as shown in this bill by amendments when the bill came back to this body. This table is approximately correct and shows a large increase in salaries.

Increase in new items and increase in salaries.

Offices created and new items.	Amount.	Offices increased or decreased.	Senate amounts.	
			Increased salaries.	Decreased salaries.
Reading clerk	$2,750	Clerks		$2,220
Assistant indexer for S. P. documents.	2,220	.....do		2,100
Printing clerk	2,220	Assistant librarian	$220	
Laborers	2,520	Assistant keeper of stationery.	100	
Assistant clerk	1,800	Laborers		2,160
Clerk to Committee on Manufactures.	2,500	Assistant clerks to committee.	400	
Additional amount for clerk to Committee on Rules.	1,000	.....do	420	
Assistants	1,200	Clerk to Committee on Manufactures.		2,220
Stenographer and typewriter.	900	Messengers	1,800	
		.....do		1,440
		Superintendent press gallery.	200	
		Assistant superintendent press gallery.	200	
		Assistant clerk and stenographer.	500	
		Official Reporters	6,000	
		Stenographers to committees.	4,000	
		Librarian of Congress	500	
		Increase of Librarian of Congress.	25,000	
		Miscellaneous supplies	1,000	
		Executive department: Secretary to the President.	4,000	
Civil Service Commission: Expert examiners	5,000			
		State Department: Secretary	4,000	
		Chief, Bureau of Trade Relations.	400	
Treasury Department: Division of Appointment and Surety Bond.		Chief clerk	1,000	
		Law clerks	2,500	
Bookbinder	1,250	Chief division	500	
Clerks	8,000	Assistant chief division	250	
		Law and bond clerk	250	
		Inspectors	240	
		.....do	200	
		Comptroller of the Treasury	500	
		Auditor Post Office Department.	1,000	
		Law clerk	500	
		Expert accountant	500	
		Chief of division	1,000	
		Clerks		900
		Expert counters		700
		Clerks		3,600
		Director of the Bureau Printing and Engraving.	500	
		Director of the Mint	500	
		Adjuster of accounts	250	
		Books and incidentals	200	
		Assistant receiving teller	100	
		Redemption clerk	200	
Mint and assay office: Assay office at Charlotte, N. C.		Clerks	2,400	
Assayer and melter	1,500	Employees and wages	960	
Wages, workmen and employees.	900	Assayers, Helena, Mont	250	
Incidentals and contingent.	500	Clerk	1,600	
		Superintendent, New York	500	
		Assayer, Salt Lake, Utah	250	
		Governor, Arizona	500	
		Secretary	700	
		Governor, New Mexico	500	
		Secretary	700	
War Department: Writer of specifications, etc.	1,200	Assistant chief clerk	150	
		Disbursing clerk	250	
		Appointment clerk	250	
		Superintendent of building, State, War, and Navy.	250	
		Messenger	480	
		Elevator conductors	70	
		Chief clerk and solicitor	250	
		Supervising engineer	250	
		Sanitary and heating engineer.	200	
		Clerks		2,000
		Do		900
Public buildings and grounds: Supplying uniforms, etc., monument.	2,800	Superintendent	600	
Repairs, corridors	5,000			
Navy Department: Laborers		Telegraph operator	100	
Monthly Pilot, North Pacific Ocean.	2,000	Copyist	840	
Clerk	1,800	Assistant	200	
Files, fireproof	5,000			

Increase in new items and increase in salaries—Continued.

Offices created and new items.	Amount.	Offices increased or decreased.	Senate amounts. Increased salaries.	Senate amounts. Decreased salaries.
Interior Department:				
Assistant chief of division.	$2,000	Chief clerk	$1,000	
Second deputy commissioner.	3,600	Assistant commissioner	500	
Skilled laborers	11,220	Investigations, etc	250	
Assistant examiner of trade-marks and designs.	2,400	Electrical engineer	600	
Do	9,000			
Post office:				
Painter	900	Clerk, chief	1,000	
		Assistant superintendent	200	
Department of Justice:				
Messengers	960	Attorney in charge of titles	800	
		Chief clerk	500	
		Superintendent of prisons	1,000	
		Chief D. of I	500	
		Librarian	200	
		Assistant solicitor	750	
Department of Commerce and Labor:				
Assistant Secretary	5,000		2,000	
			20,000	
		Assistant engineer	150	
		Chief clerk	250	
		Assistant chief, division	500	
		Director, Bureau of Standards.	1,000	
Judicial:				
Clerk, additional, court of appeals.	250	Clerks	3,600	
		Crier	200	
Stenographer, district court, eastern Illinois.	720		200	
		Stenographer	600	
Total	88,110		106,980	$18,240

Senate decreased items: For installing testing machine, Pittsburg, Pa., $25,000. Net increase in Senate amendments, $151,850.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman from New York for five minutes.

Mr. FITZGERALD. Mr. Speaker, I am opposed to the motion of the gentleman from Massachusetts, which will result in the compensation of the Secretary to the President being fixed at $10,000 a year. I shall not enter into a discussion as to whether the occupant of that office, who receives to-day $6,000 a year, gets adequate compensation for the services performed. In comparison with the compensation paid to other important officers of the Government he is adequately paid. The Assistant Secretary of State receives $5,000 a year. The three Assistant Secretaries of the Treasury receive $5,000 a year. The man who, in my judgment, performs as important and as difficult work as any man in the Government service, requiring much higher capacity and a different type of man than the President's secretary, is the Comptroller of the Treasury, and his compensation has been, up to the present, $6,000 a year.

When the legislative bill was under consideration in the Committee on Appropriations, the Secretary to the President appeared before the committee. He made the statement that the executive force in the White House was costing seventy thousand and some odd dollars a year. He said that the organization there was such that the best results could not be obtained; that what was needed were higher class men in some of the offices, and that some of the well-paid men in the lower positions might be dropped. He asked the committee for authority to reorganize the force, to have an assistant to the secretary, at $5,000; an executive clerk, to be called chief clerk, at $4,000; an appointment clerk, at $3,500; a record clerk, at $2,500; 2 expert stenographers, at $2,500 each; an accountant, at $2,500; 2 correspondents, at $2,250 each; 1 disbursing clerk, at $2,000; 3 clerks, at $2,000 each; 6 clerks of class 4, $10,800; 2 clerks of class 2, at $1,600 each; 5 clerks of class 2, at $1,400 each; 2 clerks of class 1, at $1,200 each; 1 clerk-messenger, $1,000; 2 messengers, $900 each; 2 messengers, at $840; 2 laborers, at $720; and in that schedule which was submitted to the committee by him he placed the compensation of the Secretary to the President at $6,000 a year.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. FITZGERALD. I yield to the gentleman for a question.

Mr. TAWNEY. The gentleman who is now occupying the position of the secretary is the one who presented that schedule.

Mr. FITZGERALD. That is true.

Mr. TAWNEY. At that time he contemplated continuing in the office he is now filling. He did not and would not accept an increase of salary if Congress saw fit to give it to him.

Mr. FITZGERALD. I think that is very much to his credit.

Mr. TAWNEY. Therefore, he did not ask for the increase, but now he asks for it, knowing——

Mr. FITZGERALD. Oh, the gentleman is not now asking a question. He is trying to destroy the effect of the argument I desire to make, and he can do that in his own time. What is the theory upon which the Secretary to the President urges this compensation to be increased? I will quote what he said:

> The Secretary to the President, theoretically, should be an old friend and associate of the President, some man who has known the President long, knows his personal and political friends, and can act in a business way as a kind of business aid. He should come and go with the Chief Executive.

I agree that he should come and go with the Chief Executive, but the experience of every President of the United States has been that the type of man described by Mr. Norton would not make a good secretary. The President has rarely in the history of the country selected some old friend and associate acquainted with his personal and political friends.

That is not the type of man needed at all. What is needed is a man somewhat disassociated from the President who will have a somewhat different viewpoint and temperament, so as to be able to prevent errors being made in handling people at the White House more successfully than if he have the same temperament and characteristics of the President. I might refer to the last administration and the success with which certain things were accomplished in the White House as perhaps the most emphatic argument in favor of not having a man of the same temperament and same characteristics and who had long been associated with the President in his official work. Mr. Cortelyou had not been long associated with President Roosevelt. He entered that office as a clerk, a stenographer——

Mr. GILLETT. If the gentleman will permit, he does not wish to claim that friends are necessarily of the same temperament and characteristics?

Mr. FITZGERALD. No; but the men who go into the White House are much better off if they are not permitted to get too close to its occupant. Mr. Cortelyou went to the White House as stenographer from the Post Office Department, and by different promotions finally became Secretary to the President. Nobody charges him with a lack of capacity; that he was not an efficient man. From that office he went to the head of the Department of Commerce and Labor and organized it. From there he went to the Post Office Department, and then to the Treasury Department. Now, because a very estimable and competent man is about to retire, it does not seem to me, Mr. Speaker, that the Republican Party is so devoid of patriotic and competent men that the President among his close friends, who are keenly interested in the success of his administration, will not be able to obtain a competent, efficient Republican as a secretary unless his salary be fixed higher than ever before in the history of the Government, higher than that of Members of the House, higher than that of Members of the Senate and of many important officials in every department of the Government. I know the Republican Party is in somewhat desperate straits, but I am unwilling to confess it has come to such a condition. [Applause.] This increase is not justified and should not be granted.

Mr. GILLETT. I yield three minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, I believe this salary should be made $10,000 a year, and for any man fitted to fill the position I think it is a very moderate sum. There is no position in this Government that is more exacting in its duties. There is no man called upon to endure more hardships. The White House, I regret to say, has become the dumping ground of the Nation's troubles, and every man in this House knows it. A man capable of properly performing the duties incumbent upon the President's secretary ought to be a diplomat; he ought to be a man capable of courteously handling men; he has to be a man of infinite tact and never-ending energy; and to the assistance of such a man the President of the United States is entitled. He takes the place, in a large measure, of the general manager of a corporation, for this Government is the greatest corporation in the world. They have their presidents, but people having dealings with them go to the general manager so frequently that his office has much more onerous and exacting duties than the chief himself, and in this particular case the position is not unlike the one I have mentioned.

The comparison suggested in this debate between the salaries of Senators and Representatives is not fair. The man who occupies this position does not have a moment's time the year round to devoted to his private business; other men do. His work is continuous, day and night, from the 1st day of January until the 31st day of December. He comes constantly in contact with Senators and Representatives in Congress, also with the representatives of the press and the great body of the people who go to the White House on business. Ability of the highest order is essential to success in that position. I do not believe the salary will change the importance of the position. Its dignity is fixed by its duties, and they are not only manifold in number, but widely varied in their character. The talent of the business man, the skill of the statesman, and the adroitness and courtesy of the diplomat are all attributes which can find play in this position. Mr. Speaker, for these reasons I believe that the salary of $10,000 would be a very modest sum as compensation, and I hope the amendment will prevail.

Mr. GILLETT. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I regret that as a Member of the majority of this House I can not support this amendment. [Applause on the Democratic side.] It would be far more agreeable to me to be able to support it, but I believe the increase is entirely disproportionate to the service rendered as compared with the salaries paid in other branches of the Government service.

I do not understand that the character of the duties of the Secretary to the President have changed from the time of the inception of this Government to the present time, except that the country has grown, and consequently the duties have become more arduous. The gentleman from Massachusetts [Mr. GILLETT], in advocating it, made, in my judgment, the best argument for its defeat when he said that Mr. Cortelyou, Mr. Lamont, and Mr. Loeb had served there. I would remind him that this office has become a stepping-stone to preferment to a better place outside of the Government service, and therefore the gentleman who occupies it should be willing to take the salary as it exists to-day.

Now, a great deal has been said of the dignity of this office as a reason for increasing the salary. What is the dignity of this office compared to that of a Senator or a Member of the House of Representatives? It is simply that of an executive clerk, a clerk to the President. It has always been so considered, and I trust that the time will never come when it is not so considered.

True it is that it has been filled by many distinguished men, among others, Sidney Webster, one of the greatest lawyers in this country; John Hay, the able United States Secretary of State; Horace Porter, ambassador to France; Daniel S. Lamont, Secretary of War; George B. Cortelyou, Secretary of the Treasury; and William Loeb, collector of the port of New York; and rarely has it been more efficiently filled than it is at present. The dignity of the office while held by all of them in no way was affected by the amount of salary.

Why, if you increase this salary to $10,000 a year you will have the next Secretary to the President—and I do not say under the present President, but under some other President—so inflated that it will be the old story of the Doorkeeper of the House of Representatives from Texas who, during Gen. Grant's administration, wrote home and said that he was a "bigger man than old Grant." That story reflects what will be the feeling of the person who will fill the office if we increase its salary to $10,000. [Applause.]

Mr. GILLETT. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I am one of those who can see no reason for this increase. I have been trying for eight years to find out just what are the duties of the Secretary to the President. I have been able to find out some of them. One of his duties seems to be to prevent Members of this House who, in the discharge of their official duties, have incurred the displeasure of the President of the United States, from seeing the President, even on business.

Those duties of this official, which are most prominently brought to the attention of the public, could be discharged, with just as much tact as has been displayed heretofore, by the intelligent colored gentleman who acts as messenger in the Speaker's room. It was not long ago that, at the command of one of these secretaries to the President, an old lady, the mother of a family, who did not leave the outer office as soon as the secretary thought she ought to leave, at the command of the secretary was dragged screaming across the White House grounds by Secret Service officers assisted by Negroes. If these secretaries on a salary of $6,000 a year can be guilty of such absolute lack of tact, of such outrages as these, in the name of God what will they do if we increase their salaries to $10,000 a year? One of these prize fighters, Jack Johnson, or John L. Sullivan, or any of them, could carry out some of the duties with which these secretaries seem to be charged.

Mr. GILLETT. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, I am one of those who earnestly hope that this proposition will prevail. If the gentleman from Illinois [Mr. RAINEY], who has just taken his seat, considers the argument he has made an intelligent and dignified discussion of this proposition, I am willing that he shall have the monopoly of that style of argument. If he considers that a prize fighter or a messenger of this House is equal to this task of the President's secretary, I do not care to enter into any discussion with him along that line.

Mr. MANN. He was talking about what he hoped would occur in the next administration.

Mr. OLMSTED. He might be in a position then to secure what he desires. In my judgment, the Secretary to the President should be a man of wide experience in political and public affairs, familiar with the public questions of the day, acquainted with the public men of the day, and in every way qualified to stand by and assist the President in the performance of a great portion of his minor duties, leaving the President himself free to consider the larger matters. While I am not an aspirant for the position and would not take it at even the increased salary, I think that a term or several terms of service in one or other of the Houses of Congress would largely improve the capacity and fitness of a Secretary to the President.

Mr. SHERLEY. Would the gentleman consider it a promotion?

Mr. OLMSTED. Well, I will say this, that there are about 95 per cent of us who would not be as well fitted to fill that position as we are to do what we are doing here. I hope that if the gentleman from Missouri [Mr. CLARK], upon his annexation-of-Canada platform, shall ever succeed in reaching the White House he may be able to secure the services of my friend from New York [Mr. FITZGERALD] as his private secretary; but I do not believe that gentleman would accept the position at either $6,000 or $10,000 per annum.

Mr. HEFLIN. The gentleman admits that there will be a Democratic President.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. OLMSTED. Certainly.

Mr. CLAYTON. Has the gentleman any knowledge as to what "lame duck" will be given this place if it is increased to $10,000?

Mr. OLMSTED. I have no knowledge as to who will be selected for that purpose, but I do know and we all understand that in the contemplated retirement of the very courteous gentleman who now fills that position the President is in great difficulty in securing a man at all suitable at the present salary. The commerce of the country has more than doubled within the past few years; the public questions which the President must consider have vastly increased in number and importance. The duties of the secretary have correspondingly increased since the present salary was fixed. His duties are not only important, but often of a delicate and confidential nature. He is on duty night and day 365 days in the year, and in leap year 366. The President is in great difficulty in his effort to secure a man at all suitable at the present salary.

Mr. SHERLEY. Does the gentleman yield again?

Mr. OLMSTED. Yes.

Mr. SHERLEY. Does the gentleman believe that if the salary were now $10,000 it would make any difference with respect to this present incumbent?

Mr. OLMSTED. I do not believe it would; but it does make a difference in securing a successor to him.

Mr. GILLETT. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I am opposed to this Senate amendment. If the press correctly informs us, the condition of the Federal Treasury is such that the President is even now threatening to veto measures passed by Congress carrying relief to many people. We recently passed here, by an overwhelming vote, a bill which would carry sunshine into the homes of 450,000 people, old men, men who wore the blue and who followed the fate of the flag, and yet we are told by the press that by reason of the depleted condition of the Treasury the President will be compelled to veto that bill if the Senate dares to pass it. And yet these same gentlemen are to-day asking us, asking Congress, to vote an increase of about 70

per cent in the salary of the President's secretary. I am opposed to it. There can be no good reason assigned for it. Gentlemen may talk about tact and skill and all of those peculiar qualifications so essential to the performance of the duties of this position, but the fact remains that for a great many years we have existed and no complaint has ever been made, so far as I know, on account of the inefficiency and incapacity of the gentlemen who have chanced to fill that office from time to time.

I hope this House will vote down the proposition. There is too much of a disposition here to grant increases of salaries to those who already draw lucrative salaries. There is too much indifference to the cry that comes from the people all over this country, who are working for meager salaries, for a slight raise in their pay. Here in the city of Washington are thousands and thousands of people, representing every State in the Union, who are applying earnestly, almost piteously, to this Congress for a slight increase in their wage, that is so low now as to make it almost impossible for them to subsist; and yet we answer them, we answer the great multitude of people, by saying the condition of the Public Treasury will not justify the increase. But let one man with powerful political influences back of him appeal here, and gentlemen who ordinarily stand in defense of the Treasury are, it seems, leading in the raid upon the Treasury. I protest against it.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. GILLETT. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, while the proposed increase in this salary is greater than I would like to see made in one jump, yet if there can not be any intermediate figure fixed I am for the amendment as it stands. I believe in economy, but I believe in a wise economy, and the President of the United States, as the head of this great Nation, occupies a position where he needs at his elbow constantly a man of great ability and of great reliability. For seven days in a week and for 365 days in a year the private secretary to the President is on duty, and on duty a great many hours every day. His work is of a very arduous character, and he needs to be a man of great judgment, of fine discretion, of splendid training, willing and able to deal with all classes of persons. If in the past, as has been intimated, the secretaries have not been what they ought to be, that is only an additional reason why a better salary should be paid, and better men obtained; and Congress, I think, ought to be consistent with itself in this matter. It has already appropriated some $25,000 a year to enable the President of the United States to be absent from his office, and in his absence the duty falls upon his private secretary to meet contingencies which the President would have to meet were he there. That is an additional reason why that secretary should be a man of fine ability.

Mr. CLAYTON. Does he not take a vacation in the summer?

Mr. GRAHAM of Illinois. No; the private secretary to the President can not have any vacation, except as he accompanies the President.

Mr. CLAYTON. Does he not ride all over the country with the President at public expense?

Mr. GRAHAM of Illinois. Two minutes is too short a time to enable me to permit the gentleman from Alabama to inject his speech into mine.

Mr. CLAYTON. I simply wanted to improve the gentleman's speech; that is all. [Laughter.] I might add that while this is not a political matter, I may be influenced somewhat by the fact that the office is soon to be filled by a Democrat——

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. I yield three minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, the real reason why this amendment is being supported here is not being stated in the debate, and probably will not be. Consequently I am going to state some reasons why I think the amendment should not be supported.

I do not think gentlemen will be led astray by these arguments with reference to it being necessary to clothe this official or this office with dignity. The rapidity with which gentlemen holding this place come and go is repellant to any notion of dignity. And after all, what is the chief function of a secretary to the President, or what has it been in the past 8 or 12 years? He has been the goat of the administration, upon whose sacrificial head are laid the sins of the Chief Executive of the Nation. If the President makes few mistakes the gentleman's tenure of office may be long. If the President makes a great many mistakes his tenure of office will be almighty short. Now, that is the fortune of war. He takes his chances. He gets a good salary, fully commensurate with the nature of the duties that he has to discharge. And in this day and time, when we hear from every department of the Government of the tremendous effort that is being made in the interest of economy, it seems to me little less than foolish for gentlemen to ask that we depart from that policy in a case of this kind and give an already well-paid official more salary, as some gentleman has said, than is received by circuit judges, Members of Congress, and United States Senators.

Mr. GILLETT. I yield to the gentleman from Illinois [Mr. GRAFF] three minutes.

Mr. GRAFF. Mr. Speaker, as one of the conferees I anticipated that there would be no trouble about the House conceding this request of the President of the United States, chiefly because the House, as I looked upon it, would yield that much to the discretion of the President of the United States in a matter so intimately personal as the position of Secretary to the President and the compensation thereof.

Every one of us knows the growing pressure of work upon the President of the United States, and I think we ought to give him all the equipment at least that he himself thinks necessary. In private, around me, as I have sat here during this debate, there has been speculation as to what Member of the House would, for instance, be fully equipped for a position of this character and the talents that were necessary to meet all of the requirements of such a position. The position demands a man of varied talents.

Mr. RAINEY. Will the gentleman yield?

Mr. GRAFF. I do.

Mr. RAINEY. Does my colleague know that Members of this House have been summoned by this Secretary to his private office and have been asked by him to vote for this increase in his own salary?

Mr. GRAFF. I know this: That the Secretary to the President who now occupies that position has already resigned to take effect in the near future, and I know that he has not conferred with me upon the subject; and the way in which I arrived at the conclusion that the President himself desired this to be done was through the action of the Senate and the communication which was sent to the chairman of the Senate Committee on Appropriations.

Mr. RUCKER of Missouri. Does the action of the Senate always reflect the wishes of the President?

Mr. GRAFF. I know it is the custom in this Congress and has been so for a century, to yield to the Senate concerning their conclusions as to the salaries and number of the employees of the Senate, and, on the other, it has been the custom of the Senate to yield to the House in its conclusions as to the salaries of the employees of the House. It would seem to me that we ought to yield at least an equal amount of courtesy to the President of the United States.

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, this is not the first time the President of the United States has requested that the salary of the Secretary to the President be increased. It has been requested on two previous occasions during my service on the Committee on Appropriations. Much of the opposition to the proposed increase now, as heretofore, arises from the fact that we thoughtlessly construe the duties of the position of Secretary to the President as the term "secretary" naturally implies. That is, we assume that it is only a subordinate position, without any administrative or executive authority or responsibility; that it is merely a position of confidential errand boy to the President. In this we make a great mistake. It is a position that requires intelligence, tact, and good judgment, and a great deal of originality as well as diplomacy. The man capable of filling it is worth $10,000 a year.

I am in favor of this increase also for the reason that it will enable the President to delegate to the man selected for this position some of the responsibility and much of the detail work he is called upon to perform. Members of the House who will stop to consider for one moment will see the extent to which the duties and responsibilities of the President are increased by Congress at every session. During this Congress we have greatly increased his responsibilities and duties and have greatly added to his labors.

Mr. FITZGERALD. How?

Mr. TAWNEY. In one case by requiring him to investigate with respect to discriminations in all tariff matters between this country and all foreign countries.

Mr. FITZGERALD. We gave him $250,000 to do it.

Mr. TAWNEY. Yes; we gave him $250,000, and thereby charged him with the responsibility of not only of administering that service, but also of administering that appropriation. We also gave him $100,000, and charged him with the duty of investigating departmental methods, with a view to increasing

the efficiency of the public service, as well as economies in that service, by adopting more modern methods of administration than have heretofore obtained. It would therefore be an act of discourtesy to refuse him this request.

We have, as I have said, in every Congress been adding to the duties and responsibilities of the President. To grant this request will enable him to secure the services of another man to whom he can refer much of the drudgery he otherwise will be obliged to do, and afford him the time and opportunity for the consideration of questions of national policy and administration he is required to act upon in the discharge of his constitutional duties as President.

Mr. SHERLEY. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. SHERLEY. Have not we also taken away a large part of the duties from him by not compelling him to make all the appointments to office, which takes up most of the time of the President for nine months?

Mr. TAWNEY. The gentleman knows that that statement is not correct.

Mr. SHERLEY. Why is it not correct?

Mr. TAWNEY. Because he never made the appointments that are now in the classified service. The appointments he makes are outside of the classified service.

Mr. SHERLEY. But we are eliminating those offices right along and putting them into the classified service.

Mr. TAWNEY. I want to say, in conclusion, that the duties and responsibilities of the President have not only accumulated in number, but they have greatly increased in magnitude during the past 15 years. Any Member of this House who was here 18 years ago and visited the White House never saw the crowd of visitors demanding an audience with the President that he sees now. You never saw the crowds of Senators and Representatives there waiting for an interview with the President that you see now. The President should have next to him a man in whose judgment, political and otherwise, he has sufficient confidence to delegate the performance of some of these duties and the doing of much of the work he now personally performs. This would be a great relief to him, and it would afford him time and opportunity for the consideration of great national policies and questions affecting the administration of governmental affairs that no President can possibly give to such questions because of the vast amount of detail and drudgery work which the public and Congress now demands of him. I sincerely hope the amendment will be agreed to.

Mr. GILLETT. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is now, Will the House recede in its disagreement to the Senate and concur in the amendment?

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 52 ayes and 130 noes.

Mr. GILLETT. Mr. Speaker, I ask for tellers.

The SPEAKER. All those in favor of tellers will rise. [After counting.] Twenty-six gentlemen have arisen, not a sufficient number, and tellers are refused.

So the motion was lost.

Mr. FITZGERALD. Mr. Speaker, I move that the House adhere.

Mr. MANN. Oh, no; it is proper to leave it to the conferees; the conferees will understand this, and I will say to my friend from New York that if it ever comes back I will stand by him.

Mr. FITZGERALD. We might as well settle it now.

Mr. MANN. I do not think it is fair to the conferees.

Mr. FITZGERALD. Very well, Mr. Speaker, I will withdraw the motion. I will move that the House further insist on its disagreement to the two Senate amendments.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Chair is informed that the next four amendments relate to the same subject. Without objection, they will be considered together.

There was no objection.

The Clerk read as follows:

Amendment No. 99, insert on page 100, line 18: "Assay office at Charlotte, N. C."

Amendment No. 100, insert on page 100, line 19: "Assayer and melter, $1,500."

Amendment No. 101, insert on page 100, line 20: "For wages of workmen and other clerks and employees, $900."

Amendment No. 102, insert on page 100, line 22: "For incidental and contingent expenses, $500."

Mr. GILLETT. Mr. Speaker, I move that the House insist on a disagreement of the Senate amendments.

Mr. WEBB. I will ask the gentleman to yield to me for five minutes.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman for five minutes.

Mr. WEBB. Mr. Speaker, swept of parliamentary verbiage, not to agree to these amendments simply means the abolition of the assay office at Charlotte, N. C. That office is the most historic building, possibly, in our State, situated in the beautiful city of Charlotte, a few hundred feet from the spot where the first declaration of independence was made on the North American Continent. The people down there have an affection for the institution, because it has been there since 1831, and in that time it has assayed millions and tens of millions of gold and silver money. If you adopt the motion of the gentleman from Massachusetts, you abolish this great institution, and leave it standing for the bats and cobwebs to infest in the future.

Mr. MANN. Oh, the gentleman will get it for something else.

Mr. WEBB. Mr. Speaker, I insist it is poor economy to adopt this motion. In the first place, the Government heretofore has expended $4,750 a year to maintain this institution. The amendments which I now ask this House to hold in this bill provide for only $2,900. In other words, the Senate placed in the bill $2,900 for the maintenance of this historic institution instead of $4,750. The Senate cut out an assistant assayer entirely, $1,250. They reduced the appropriation for workmen and clerks $180, and cut down the appropriation for contingent expenses from $920 to $420, making a clear reduction of $1,850 in this one institution, asking that the House appropriate only $2,900. Now, if this institution is abolished it will cost at least $1,200 to secure a caretaker, and that ought to be figured if it is a question of economy. The receipts last year were something like $1,000, and that was the low-water mark for the office. There are then $2,200 that we should deduct from the $2,900, and you have the great Government of the United States appropriating only $700 for the convenience of the gold producers in North Carolina, South Carolina, Georgia, and Virginia, and last year, although it was a low-water mark, there were 206 depositors at this office, and in the last four years more than a million dollars in gold have been assayed at this great office.

We pay more than $700 to maintain a rural route, and why should we swallow camels and strain at gnats and stickle at $700 for the convenience of 200 depositors of gold and silver just now, when the gold production in North Carolina and the other States has taken an additional impetus, and in the next few years we expect to see the output increased in wonderful proportion. There is gold in those four States, but it is hard to dig it out of the earth—harder than to get it as they do it by placer mining in Alaska. The ore experts tell us that it is going to increase there, and additional facilities are now being placed for the purpose of digging out more gold. I hope that the House will give us one more chance down there and not destroy the assay office in this manner. Give us one more chance to see if we do not increase our gold deposits.

Mr. GOULDEN. Where would these gold producers be obliged to go to have their assays made if this were abolished?

Mr. WEBB. Either to New Orleans or to Philadelphia.

Mr. FOSTER of Illinois. How much gold is produced in North Carolina?

Mr. WEBB. I can not tell the gentleman. It varies. Two hundred and eighteen thousand dollars was assayed there in 1908.

Mr. GILLETT. Oh, there was not that much gold produced in North Carolina.

Mr. WEBB. I did not say that. I said assayed at this office. It is not a great quantity, and it is hard to get it out of the ground, but we have it there.

Mr. FOSTER of Illinois. There is some deep mining and some placer mining?

Mr. WEBB. There is no placer mining in our State that amounts to anything.

Mr. HEFLIN. What is the amount required to keep up this office?

Mr. WEBB. The Government will be at an extra expense of only $700 a year. Now, Mr. Speaker, to show the importance of the matter to the State of North Carolina, day before yesterday the legislature——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. May I have two minutes?

Mr. GILLETT. Certainly.

Mr. WEBB. Day before yesterday, to show you, Mr. Speaker and gentlemen of the House, how our State regards this matter, it was deemed of sufficient importance to be brought up in the legislature, and every member of the legislature, Republicans and Democrats, voted for this resolution, which only arrived

this morning, and with the consent of the House I will read it.

Mr. AUSTIN. And the three Republicans voted for it.

Mr. WEBB. The three Republican Members from North Carolina are for it.

A joint resolution in regard to the United States assay office at Charlotte.

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and

Whereas this assay office is a great convenience to the mining industries in the two Carolinas and Georgia: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such action and to secure the continuance and maintenance of this office as heretofore.

Resolved further, That this resolution shall be forwarded at once to both Senators and to the 10 Representatives in Congress from this State.

In the general assembly, read three times and ratified, this the 14th day of February, 1911.

W. C. NEWLAND,
President of the Senate.
W. C. DOWD,
Speaker of the House of Representatives.

Examined and found correct.

PETHEL, *for Committee.*

STATE OF NORTH CAROLINA,
OFFICE OF THE SECRETARY OF STATE,
Raleigh, February 15, 1911.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, hereby certify that the foregoing is a true and correct copy of the original resolution on file in this office.

Witness my hand and official seal at my office in Raleigh, this the 14th day of February, 1911.

J. BRYAN GRIMES, *Secretary of State.*

Now, gentlemen of the House, I ask that you do not concur in this amendment, but vote it down and provide for this great institution with this small appropriation. I hope the Members of the House will vote down the amendment.

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I sympathize with the position taken by the gentleman from North Carolina in attempting to retain this assay office. I made an effort for several years to do the same thing with respect to the assay office in St. Louis. In my judgment it would be a parody upon legislation if the assay office in St. Louis would be abolished and the one at Charlotte, N. C., retained, because the business at St. Louis is about four or five times the volume of that of Charlotte. In spite of those facts I consented to the abolishment of the assay office in St. Louis in deference to the desire of the experts of the Treasury Department, who wanted to inaugurate a new plan in the interest of economy.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BARTHOLDT. I will.

Mr. GRAHAM of Illinois. In view of the statement of gentlemen that this industry in North Carolina is only an infant industry, I think, on the theory of the gentleman's party, it ought to be protected more than the St. Louis office, which is fully grown.

Mr. BARTHOLDT. Well, there is no trouble about taking care of infant industries. This is part of the new plan of the Treasury Department, which is strictly in accordance with the spirit of economy which controls the present Republican administration.

Mr. GRAHAM of Illinois. Was the gentleman in favor of that?

Mr. THOMAS of North Carolina. Will my friend yield for a question which is pertinent to this matter?

Mr. BARTHOLDT. I will.

Mr. THOMAS of North Carolina. I am in sympathy, of course, with my colleague from North Carolina [Mr. WEBB] and in favor of retaining the assay office at Charlotte, N. C., favoring it not only personally, but, besides, the North Carolina Legislature has passed resolutions favoring it. I am in sympathy with the gentleman from Missouri [Mr. BARTHOLDT] also, and I would like to see both assay offices retained; but the gentleman is mistaken, I think, in saying that the business at St. Louis is larger than the business at Charlotte, N. C. I have the hearings in my hand, and the business at both places is about the same.

Mr. BARTHOLDT. Mr. Speaker, I have only five minutes, and the gentleman can put in the figures, if he desires, in his own time.

Mr. THOMAS of North Carolina. I did not want to embarrass the gentleman at all, but I simply wanted to state the facts from the hearings before the Appropriations Committee.

Mr. BARTHOLDT. Mr. Speaker, I want to call the attention of Members of the House to the fact that when this bill was before us previously, and when the merits of the plan recommended by the Treasury Department were under discussion here, and when it was the proper time for the gentlemen from North Carolina to make their arguments in favor of maintaining their assay office at Charlotte, not a voice was raised by them at that time. I was here in my seat and stated that I did not propose to continue fighting at every term and every session of Congress for the maintenance of an office which the executive branch of the Government had declared was unnecessary, but gentlemen from North Carolina were silent then, and not until the bill went over to the Senate and some enterprising gentleman representing the State of North Carolina had that item reinserted do they come and raise their voices in behalf of Charlotte, and that is after the Committee on Appropriations, by a unanimous vote of Republicans and Democrats, had decided that it was wise and proper and economical to reduce the number of assay offices, and that the work should be done at the larger offices.

Now, the gold from North Carolina can easily be sent to the mint at Philadelphia or to the mint at New Orleans, the same as the people of Missouri propose to send their gold to Philadelphia or to some other large assay offices or mints. And for that reason, Mr. Speaker, in the interest of the general plan of reform inaugurated by the Treasury Department, and in the interest of even-handed justice, Charlotte will be stricken from the bill.

The SPEAKER. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. SMALL. Will the gentleman from Massachusetts yield to me for five minutes?

Mr. GILLETT. Will not two minutes be sufficient?

Mr. SMALL. I would rather have five minutes.

Mr. GILLETT. I yield three minutes to the gentleman from North Carolina.

Mr. SMALL. Mr. Speaker, I understand that the gentleman from Missouri [Mr. BARTHOLDT] is now opposed to the retention of the assay office at Charlotte. Admittedly he has made an argument heretofore in favor of the retention of an assay office in the city of St. Louis, both of which were omitted in the House bill, but because the other body inserted an amendment to this bill retaining the assay office at Charlotte, though at a greatly decreased cost, and because St. Louis was not added by the other body, therefore the gentleman has changed his front and now contends that this assay office should be discontinued.

Mr. Speaker, I have in my hand the hearings on this bill, and the gentleman from the Treasury Department who was testifying stated that none of these assay offices were necessary, and when asked by a member of the committee, the gentleman from Georgia [Mr. LIVINGSTON], if he had recommended the abolishing of all the assay offices, he said:

We have not dared to go that far.

But he said they only recommended the discontinuance of the two assay offices at Charlotte, N. C., and at St. Louis.

Now, if in going that far he was actuated by motives which discriminated against both Charlotte and St. Louis, then I take it that this House will not discriminate, but that if all the assay offices are unnecessary it will discontinue all or will retain all, and because, forsooth, the assay office in the city of St. Louis has not been included as an amendment by the other body constitutes no good reason why the assay office at Charlotte should be discriminated against. And this assay office occupies a better position than that at St. Louis, because, while the amount of gold assayed at the two was about the same, yet we have the statement from my colleague Mr. WEBB, in whose district the city of Charlotte is situated, that the prospective supply of gold to be deposited at this office in the future will show a considerable increase, justifying the retention of this office in the interests of the Government.

Mr. Speaker, I ask the House not to discriminate in favor of one place as against another. Retain this office at Charlotte, and, if in the future the proposition shall come before the House to discontinue all of them, as the Treasury Department seems to recommend, then let the House consider them as a whole and not by piecemeal, but do not discriminate against the city of Charlotte, as is now proposed.

Mr. GILLETT. Mr. Speaker, I just wish to say a word. This illustrates—and I think the House understands it—the difficulty of carrying through any reform. The Treasury Department assured us that this mint at Charlotte, N. C., was absolutely useless for the Government. There is not any gold mined to speak of in that region, and all the jewelry which has come there, which the gentleman refers to, can just as well be sent to some other mint. When the committee reported it should be stricken out, as well as St. Louis, this House approved the committee's action and struck it out. Now the Senate has

put it back and the gentleman from North Carolina, influenced, of course, by the natural feeling we all have for our home industries, wishes to get it back. But it is a sheer waste of public money, we are assured by the Treasury Department, and I trust the House will refuse to put it back.

Mr. THOMAS of North Carolina. Will the gentleman allow me to ask him a question?

Mr. GILLETT. Yes.

Mr. THOMAS of North Carolina. Why did you not abolish the assay office at Seattle while you were abolishing the assay offices at Charlotte and St. Louis? It is stated in the hearings that if the assay office at Seattle were abolished, then the people who owned the gold would send it to San Francisco themselves.

Mr. GILLETT. Yes, Mr. Speaker, undoubtedly under the present conditions all the assay offices could be abolished; but those at Seattle, San Francisco, and Boise, and others in the mining regions, are of some use to the people. This in North Carolina is absolutely of no use, and they struck out those which were the most useless, and I trust the House will approve the action.

The SPEAKER. The question is on the House further insisting on its disagreement to the Senate amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WEBB. Division, Mr. Speaker.

The House divided; and there were—ayes 47, noes 32.

Mr. WEBB. Tellers, Mr. Speaker.

Tellers were refused.

So the motion to further disagree to the Senate amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

On page 152, line 7, strike out "one Assistant Secretary, $5,000" and insert in lieu thereof "two Assistant Secretaries, at $5,000 each."

Mr. GILLETT. Mr. Speaker, what number was that?

The SPEAKER. I am advised by the Clerk that it is No. 200.

Mr. GILLETT. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] moves that the House recede from its disagreement and concur in the Senate amendment.

Mr. MANN. Mr. Speaker, if I understand the motion, it would mean two Assistant Secretaries of the Department of Commerce and Labor. I think no one has kept more closely in touch with the Department of Commerce and Labor in the legislative branch than I have. I largely drafted the bill which created that Department and had charge of the bill in the House and in conference, and I have kept in touch with the work of that department from its origin to the present time.

While I greatly regret that I am compelled to differ in my judgment with the Secretary of that department, I am convinced that there is not the slightest need of two Assistant Secretaries in that department. We would be better off to-day if we did not have four Assistant Secretaries in the Treasury Department, positions largely filled by boys. [Laughter.] We would be better off to-day if we did not have four Assistant Postmasters General. We would be better off to-day if we did not have so many Assistant Secretaries of State. [Laughter.] And we would be better off if we did not have more than one Assistant Secretary of Commerce and Labor.

The only occasion for creating an assistant secretary of a department in the first place is that in the absence of the Secretary there shall be a head of the department. We have bureau chiefs who, in the main, do the work. There is too much time spent in the Department of Commerce and Labor now in signing letters that are prepared by bureau chiefs and transmitted by messengers from other branches of the service located elsewhere in the city to the Secretary or Assistant Secretary to sign. I suppose they may feel compelled to read those letters at the time they sign them. I sometimes have received half a dozen letters in a day in my committee from that department. I have no desire to criticize the desire of the Secretary to sign them himself, when they were all prepared or ought to have been prepared and signed by bureau chiefs.

Now, there is no occasion for this office, in my judgment. I do not believe that it should be the policy of the legislative branch of the Government to keep on adding to the assistant secretaries in the different departments. The best administered department in this Government to-day is the Agricultural Department [applause], where the Assistant Secretary is largely nominal. He is a good man. He does his work well, and the department is run by capable men, who are kept in it and who have an interest in the work which they perform, and the Secretary does not undertake to do everything in that department. There is no occasion for changing from that style of administrative work to the style which would be carried on by adding to the number of assistant secretaries. The Navy Department has one Assistant Secretary. The War Department has one Assistant Secretary. Why should we undertake to say that we will go on and create assistant secretaries throughout the Government? If we create one for the Department of Commerce and Labor, next year we will be asked to create assistant secretaries for the other departments. Probably one new assistant secretary for this department will not be found sufficient, and they will want two, three, or four.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. GOULDEN. Does not the gentleman think that the labor is largely increasing in that department on account of the numerous bureaus that are embraced within it? Does he think there is any comparison to be made between that department and the other departments that he has referred to?

Mr. MANN. I do not agree with the gentleman at all. I made the most exhaustive study I could, when the bill creating the Department of Commerce and Labor was in process of formation, of all the executive departments and the manner of their organization. A gentleman came to me the other day and said he was writing a history of the departments of the Government, and stated that the greatest assistance he had received on that matter was from some remarks that I had submitted to the House on the creation of this Department of Commerce and Labor, tracing the history of the different departments of the Government and the different administrative work which they were performing.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. BARTHOLDT. Of course my friend knows better than I the facts in connection with the Department of Commerce and Labor, that it is a growing department, that it is a greater department to-day than almost any other in the Government, in spite of the fact that it has been created only recently. Now, is it not advisable from the standpoint of proper administration to relieve the Secretary himself of the small routine matters which necessarily occupy his attention, in order that he may devote himself to the greater problems and the more important questions engrossing the attention of the Secretary of so important a department as that?

Mr. MANN. I absolutely agree with the gentleman from Missouri that the Secretary ought to be relieved from the little routine details of the department, and if I were Secretary of Commerce and Labor I would be relieved before I had been Secretary two hours. It is a simple proposition. What do we have? We have great bureaus in that department, like the Bureau of Standards, located out here on the Chevy Chase Road. Why on earth, when they wish to write a letter, should it be sent down here opposite the Willard Hotel to be rewritten and signed by the Secretary of Commerce and Labor?

Mr. BARTHOLDT. Will the gentleman tell me, under this new executive arrangement, by which even Members of Congress can not go to the heads of bureaus to transact business, but must go to the Secretary or the Assistant Secretary for that purpose, how can the Secretary possibly relieve himself of the details?

Mr. MANN. The administration can very easily relieve itself if it does not get the creation of these new offices. That is not a matter of legislation. That is an administrative order, which, if it does not work well, can easily be changed.

Mr. FOSTER of Illinois. Is this taking of all letters to the Secretary the result of an order of the administration?

Mr. MANN. I do not know what it is the result of.

Mr. FOSTER of Illinois. Can the gentleman give a reason why it is necessary to do this? What is the excuse for it?

Mr. MANN. I do not undertake to say. It is a matter of administration. There may be a difference of opinion. I have no desire to criticize the Secretary of that department. I think Secretary Nagel is one of the ablest men in the country, and he is doing excellent work in his department.

Mr. GILLETT. Mr. Speaker, I am sorry that my friend from Illinois [Mr. MANN] is so sensitive about an amendment to the act which he drew, an act which I will admit was very wisely and admirably drawn, but at the same time I do not suppose it is so perfect that it will never need amendment.

Mr. MANN. I do not suppose the gentleman expects me to reply to that.

Mr. GILLETT. No.

Mr. MANN. It is a little beneath the gentleman's ordinary good judgment and does not require any reply.

Mr. GILLETT. I did not ask for any reply. Now, the Secretary of Commerce and Labor, as the gentleman says and as I believe, is one of the best executive officers we have. He came before the committee and very urgently requested this additional secretary for the reason, as he says, that practically all the time of either the Secretary himself or his assistant is taken up with the immigration business. Now, the immigration appeal cases are perhaps not intrinsically of very great importance, but you can see that the personal equation in them appeals very much to the Secretary, and he thinks that either the Secretary or his assistant ought personally to investigate those cases. He says it is mainly for that purpose, to take care of those immigration cases, that he needs this assistant secretary.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. COX of Indiana. If the Secretary of the Department of Commerce and Labor has asked for these two men, why did not the gentleman, when he reported this bill to the House in the first instance, ask for two assistant secretaries?

Mr. GILLETT. We did, and the trouble is that the gentleman or one of his associates in the business of making points of order prevented the House taking any action upon it.

Mr. MANN. I took that responsibility. And if the gentleman from Massachusetts had performed the functions of his office as well as I did mine, I think the Senate would not have reinserted the item.

Mr. GILLETT. I am glad the Senate did reinsert it.

Mr. MANN. That is the reason why they did.

Mr. GILLETT. I would have been glad to submit it to the House at that time. It might have been submitted to the House, and not have consumed time on the conference report, but, of course, the gentleman had a perfect right to raise a point of order, so that the House had no opportunity to pass upon it.

And now the question is, Shall the Secretary of Commerce and Labor, who assures us that it is very important for the proper administration of his office, have an assistant who can attend to the immigration work? This is growing and there is no prospect of its decreasing. He made a very strong impression on us, and we in the committee thought it ought to go on. I hope the House will recede and concur in the Senate amendment.

The SPEAKER. The question is, Will the House recede in its disagreement and concur in the Senate amendment?

The question was taken; and on a division (demanded by Mr. GILLETT) there were—ayes 27, noes 35.

Mr. GILLETT. I demand tellers.

The SPEAKER. The gentleman from Massachusetts demands tellers. All those in favor of tellers will rise. [After counting.] Seventeen gentlemen have arisen, not a sufficient number, and tellers are refused.

So the motion was lost.

Mr. FOSTER of Illinois. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 202: Insert after the word "abroad" the words "and in the United States, including the insular possessions," so that it will read:

"For compensation at not more than $10 per day and actual necessary traveling expenses of commercial agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States."

Mr. GILLETT. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 203: After the word "States" strike out the word "forty" and insert the word "sixty," so that it will read "$60,000."

Mr. WEBB. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. GILLETT. I will yield three minutes to the gentleman from North Carolina.

Mr. WEBB. Mr Speaker, we all know that the manufacturers of this country, especially the cotton manufacturers, are making in recent years a desperate effort to sell more of their products in foreign countries. That is the origin of this provision in the appropriation bill. We want to aid and encourage them in this laudable undertaking.

We produce 75 per cent of all of the raw cotton of the world, and possibly export not more than 5 per cent of the manufactured cotton of the earth. England exports fifteen times the cotton manufactures that we do. There is scarcely a great subject about which this country knows so little as the importance of the sales of cotton goods in foreign markets. We have seemed content to raise three-fourths of the raw cotton of the world, manufacture what little cotton goods are used for ourselves, and let the vast markets of the world, consisting of a billion, five hundred million people, go uninvestigated as to their needs of cotton goods. This $40,000 was put in the appropriation bill for the purpose of selecting good, skilled men to go over the face of the earth and investigate trade conditions and cotton goods markets and report back to the manufacturers of the United States, in order that they may see and find out where to send their goods and with what people to cultivate the sales of cotton goods and where our people should send special solicitors and agents to secure sales for their manufactured products. There is very little difference between $40,000 and $60,000, but this idea ought to be encouraged. We encourage it in almost every other occupation and profession, and in addition to this, Secretary Nagel came before the House Committee on Appropriations and urged the increase of this appropriation from $40,000 to $60,000. It is a mere bagatelle, but it will help to employ one or two more good men for the purpose of finding out where we might have the best sales for the manufactured products of our cotton. I hope, therefore, the House will adopt the motion to recede and concur with the Senate amendment, and make the appropriation $60,000 instead of $40,000.

Mr. GILLETT. Mr. Speaker, I agree with the gentleman that it is not of very great importance whether $60,000 or $40,000, but $40,000 is the sum we have had for years. They are doing valuable work and have done it with $40,000, and we were not convinced they could not continue to do it with $40,000.

Mr. WEBB. The Secretary asked for $60,000, did he not?

Mr. GILLETT. Yes.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House do recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. WEBB) there were—ayes 31, noes 25.

So the motion to recede and concur was agreed to.

The SPEAKER. That completes the amendments.

Mr. GILLETT. Mr. Speaker, I move that the House agree to the further conference asked by the Senate.

The motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. GILLETT, Mr. GRAFF, and Mr. LIVINGSTON.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I call up the conference report on the bill H. R. 31237, the Army appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read as follows:

STATEMENT.

Amendment No. 1 changes the language from "War Department" to "Chief of Staff," and the House recedes.

Amendment No. 2 under the appropriation for the Signal Service of the Army makes $25,000 immediately available, and the House recedes.

Amendments Nos. 3, 4, 5, and 6 change the phraseology, with a proviso for the operation of aeroplanes and other aerial machines, and the House recedes.

Amendment No. 7 removes the stoppage against officers who received pay for higher commands during the Spanish War, and the House recedes.

Amendment No. 8 corrects the total, and the House recedes.

Amendments Nos. 9 and 10 provide for clerks at posts commanded by general officers, and the House recedes.

Amendment No. 11 confines the appropriation to the increased pay of retired officers assigned to active duty, and the House recedes.

Amendment No. 12 makes clear what was intended by the original law as to veterinary surgeons, and gives them the right of the retired pay of a second lieutenant, and the House recedes.

Amendment No. 13 relates to travel allowance to enlisted men on discharge, and the Senate recedes.

Amendment No. 14 relates to clothing not drawn due to enlisted men on discharge, and the Senate recedes.

Amendment No. 15 relates to mileage, and the Senate recedes.

Amendment No. 16 strikes out the word "Provisional," which is no longer proper, and the House recedes.

Amendment No. 17 is a correction of the total pay for certain officers, and the House recedes.

Amendment No. 18 relates to Army paymasters' clerks, and the committee report a disagreement.

Amendment No. 19 extends the appropriation for encampment maneuvers until the end of the fiscal year 1913, and the House recedes.

Amendment No. 20 is a correction of the amount to be paid as reimbursement to the adjutant general of Missouri. Amendment No. 21 makes this payment as a settlement in full, and the House recedes from both amendments.

Amendment No. 22 relates to an increased amount for the Coast Artillery Militia, and the House recedes.

Amendment No. 23 relates to the increased officers, and the committee report a disagreement.

Amendment No. 24 relates to subsistence of competitors in the national rifle match, and the House recedes.

Amendment No. 25 inserts the word "hereafter," so as to make the provision permanent law, and the House recedes.

Amendment No. 26 relates to contracts not to be performed within 60 days by the Commissary General; and the Senate recedes.

Amendment No. 27 strikes out certain language which is now permanent law; and the House recedes.

Amendments Nos. 28 and 29 are simply punctuation; and the House recedes.

Amendment No. 30 relates to the appropriation for the purchase of a remount station in the State of Virginia, and amendment No. 31 restores the amount to what was reported by the House committee; and the House recedes from both amendments.

Amendment No. 32 relates to sales of furniture to officers on the active list not occupying public quarters; and the Senate recedes.

Amendment No. 33 increases the amount provided for a chapel at Fort Yellowstone; and the House recedes. Amendment No. 34 relates to the location of the chapel; and the House recedes and agrees to the same with an amendment.

Amendment No. 35 relates to the building of a chapel at Fort Sam Houston, Tex., and makes $221,700 immediately available for barracks and quarters; and the House recedes.

Amendments Nos. 36 and 37 are punctuation; and the House recedes.

Amendment No. 38 inserts the word "hereafter" in the proviso relating to the accommodations on Army transports; and the House recedes.

Amendment No. 39 is verbal; and the House recedes.

Amendment No. 40 extends the privileges on the transports to secretaries of the Young Men's Christian Association, and also permits, under certain conditions, the shipment of goods to Guam under regulations prescribed by the Secretary of War; and the House recedes.

Amendment No. 41 inserts the word "hereafter"; and the House recedes.

Amendment No. 42 removes the suspension in the accounts of quartermasters for certain years, for hire of motor vehicles, repair, operating, and maintaining the same; and the House recedes.

Amendment No. 43 is the total amount appropriated for water and sewers at military posts; and the House recedes from its disagreement and agrees to the same with an amendment striking out "sixty-seven" and inserting "fifty."

Amendment No. 44 relates to the amount of money necessary to be used at the Fort D. A. Russell target and maneuver reservation, Wyo., and the House recedes.

Amendment No. 45 is simply a change in the language in the provision appropriating for Fort Meade, S. Dak., and the House recedes.

Amendment No. 46 increases the appropriation $50,000 for roads in Alaska, and the House recedes.

Amendment No. 47 provides the Secretary of War may, in his discretion, assign retired officers to work in Alaska, and the House recedes.

Amendment No. 48 removes the suspension against the accounts for the transportation of officers' authorized horses for 1909 and 1910, and the House recedes.

Amendment No. 49 relates to the establishment of a dental corps in the Army, and the committee report a disagreement.

Amendment No. 50 authorizes the release of a strip of land for street purposes to the city of St. Augustine, Fla., and the House recedes.

Amendment No. 51 is verbal, and the House recedes.

Amendment No. 52 strikes out the words "until expended" and makes the appropriation for field artillery for the Organized Militia available until the end of the fiscal year 1913, and the House recedes.

Amendment No. 53. The House recedes from its disagreement and agrees to the same with an amendment making more clear the limitation of the promotion of the officers affected.

J. A. T. HULL,
GEO. W. PRINCE,
Committee on part of the House.

Mr. HULL of Iowa. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. HULL of Iowa. Mr. Speaker, there are three amendments disagreed to. One of them relates to the paymasters' clerks, No. 18. I think that is the first, and I ask that the Clerk report the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, after line 23, insert:

"Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed 1 officer for each State, Territory, and the District of Columbia; not to exceed 1 additional officer for each division, brigade, regiment, and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 612: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department, which is hereby increased by 2 colonels, 3 lieutenant colonels, 7 majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901."

Mr. HULL of Iowa. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I ask that the Clerk may read in my time this brief, which I send to the desk.

Mr. SULZER. Mr. Speaker, this amendment should be adopted. During hostilities troops must be paid the same as in times of peace. The paymaster and his clerk must go to the front, frequently on the firing line, and, as opportunity presents, make their payments. This makes it necessary to pass some time exposed to the same risks as are officers and enlisted men. The clerks of the other departments never undergo this risk and danger. Every squadron and battalion has its commissary and quartermaster sergeants who perform this duty with troops engaged in actual field duties. Every regiment has its regimental quartermaster and commissary sergeants for this dangerous duty, which in the pay department must be performed by the paymasters' clerks. The commissary and quartermaster sergeants are eligible to retirement, can get pensions for themselves and dependents, and have many allowances.

In every case where troops take the field for any length of time paymasters and their clerks must go also. The clerks accompanied their paymasters over the western plains during all the Indian campaigns, endured all the hardships and dangers incident to fighting a savage foe, exposed to the fierce blizzards which at times sweep over these plains with the thermometer many times registering 50° below zero. During the Indian campaigns and during the fights of the last 11 years in Cuba, Porto Rico, and the Philippines, paymasters and their clerks have been with the troops, and it has been no uncommon thing for payments to be made while hostile armies face each other, exposed to the same dangers as the officers and men.

The almost constant travel in making payments to the widely scattered forces in the Philippines exposes the paymaster and his clerk to many dangers to which not even the troops serving there are exposed. Most embarkations and debarkations are made by jumping into the water and wading to and from the frail craft in which the trips are made.

The clerks are exposed to various diseases prevalent in the Tropics, to constant danger of attack from hostile natives, and from persons attracted by the large sums in cash necessarily carried by the paymaster. Yet the clerk, exposed to all the dangers to which his chief is exposed, has no allowance, no retirement, no pension, must pay for his medicines and medical attention, and if disabled must seek employment in civil life after devoting the best years of his life in dangerous and exposed service for the Government.

Mr. CLARK of Missouri. Mr. Speaker, what is the sense of this maximum age limit?

Mr. HULL of Iowa. Sixty-four?

Mr. CLARK of Missouri. Oh, no; 21 to 28.

Mr. HULL of Iowa. That is age at entering and gets a young man into the service, and the Government gets the benefit of a long service from him before he has any privilege of retirement. The age on entering the service for the Army, I think, is limited to those under 29 years of age.

Mr. CLARK of Missouri. Well, I know, but the service of an Army officer and the service of an assistant paymaster are entirely different; one is military and the other is commercial.

Mr. HULL of Iowa. I think you will find the service of a paymaster's clerk is largely military, too, and I will be glad——

Mr. CLARK of Missouri. I would like to know what he does which is of a military character.

Mr. HULL of Iowa. He goes with the paymaster wherever ordered. He is to-day, with this detailed system, one of the most valuable officers in the Government. Under this provision he becomes an appointed officer, and, in case of the death of the paymaster, he completes payments, without having to wait until another paymaster is sent there, and I will say further——

Mr. CLARK of Missouri. Why can not a 50-year-old man pay out this money just as well as a man 27½ years old?

Mr. HULL of Iowa. There is no doubt of it, but to all lines of service where we give the privileges of retirement we hold that a man should have been more than 15 years in the Government service before he is entitled to such recognition, and I will be very glad if the gentleman will pay attention to the reading, because I think it is a very clear explanation.

Mr. SULZER. That provision as to age will not apply to those now in the service, of course, but only to those who will be appointed in the future.

The Clerk read as follows:

Purpose of and benefit to Pay Department, United States Army, in connection with Senate bill No. 1941, Report No. 605, Sixty-first Congress, second session, entitled "To increase the efficiency of the Pay Department, United States Army."

1. Will change designation from paymaster's clerk to paymaster's assistant.

2. Will authorize the President to appoint them as such.

3. Will make them in law what they are in fact—an integral part of the Army, under direct control of the War Department.

4. Will confine the appointments to young men under 28 years of age, after satisfactory mental and physical examination.

5. Will require them to be bonded. This is but a proper precaution, in view of the nature of their duties.

6. Will enable the department to retain the services of men carefully trained in the work, where long experience, good education, and thorough reliability are of the highest importance.

7. Field service. Have great responsibilities and encounter danger; during hostilities are in the field with the paymaster, and could be made immediately available as volunteer paymasters or as instructors to new appointees.

8. In case of accident or illness of paymaster on pay tours, or in the field, the assistant could complete payments, thus avoiding expense.

9. Would be available to authoritatively instruct militia (in advance) in preparation of pay rolls for payment when in encampment with United States troops or United States Volunteers, thus avoiding errors and endless delays as well as additional expense to the United States.

10. The detail system is rapidly replacing permanent officers of the Pay Department with officers of the line, and the paymasters' clerks are thus rapidly becoming the only permanent force who are thoroughly trained in the methods and practices of the Pay Department and versed in the laws, decisions, regulations, etc., governing such disbursements.

11. They have no tenure of office, although the courts and Comptroller of the United States Treasury hold them to be officers of the military establishment. See also decision of United States Attorney General, July 29, 1909, House Document No. 1013, Sixty-first Congress, third session, page 493, in which he holds them to be officers in the regular service within the meaning of the acts of Congress with respect to retirement.

12. Will give the Pay Department a trained corps of young men, mentally and physically competent, who without delay could be utilized for any emergency in the field wherever the Army of the United States may be serving.

13. Navy paymasters' clerks are entitled to be retired (act June 24, 1910, 36 Stat., 606), and their compensation (pay and allowances), under the act of May 13, 1908 (35 Stat., 128), and the act of June 24, 1910 (36 Stat., 606), is greater for the same length of service than the compensation provided by this bill.

14. It has been decided by the Civil Service Commission that the appointment to the position of paymaster's clerk does not place the appointee in the classified service, and, therefore, he is not eligible to transfer to a classified position.

The pending measure was approved by the Hon. William H. Taft when Secretary of War and also by Secretary of War J. M. Dickinson.

Passed United States Senate June 23, 1910.

Similar bill reported favorably by House Military Committee December 6, 1910 (Rept. 1739).

Mr. HULL of Iowa. Mr. Speaker, I ask that the balance may not be read but inserted in the RECORD, as it is simply an argument.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

[Inclosure No. 2.—To accompany S. 1941, Sixty-first Congress, second session.—House Report No. 1739, third session.]

PAYMASTERS' CLERKS IN THE FIELD.

During hostilities troops must be paid the same as at other times. The paymaster and his clerk must go to the front, at times on the firing line, and, as opportunity presents, make their payments. This makes it necessary to pass some time exposed to the same risks as are officers and enlisted men. The clerks of the other supply departments never undergo this risk and danger. Every squadron and battalion has its commissary and quartermaster sergeants, who perform this duty with troops engaged in actual field duties. Every regiment has its regimental quartermaster and commissary sergeants for this dangerous duty, which in the Pay Department must be performed by the paymasters' clerks. The commissary and quartermaster sergeants are eligible to retirement, can get pensions for themselves and dependents, and have many allowances. In every case where troops take the field for any length of time paymasters and their clerks must go also. The clerks accompanied their paymasters over the western plains during all the Indian campaigns, endured all the hardships and dangers incident to fighting a savage foe, exposed to the fierce blizzards which at times sweep over these plains with the thermometer many times registering 50° below zero. During the Indian campaigns and during the fights of the last 11 years in Cuba, Porto Rico, and the Philippines, paymasters and their clerks have been with the troops, and it has been no uncommon thing for payments to be made while hostile armies face each other, exposed to the same dangers as the officers and men.

The almost constant travel in making payments to the widely scattered forces in the Philippines exposes the paymaster and his clerk to many dangers to which not even the troops serving there are exposed. Most embarkations and debarkations are made by jumping into the water and wading to and from the frail craft in which the trips are made. The dangers are very great from the drinking water, from various diseases prevalent in the Tropics, and from the constant danger of attack from hostile natives and from persons attracted by the large sums in cash necessarily carried by the paymaster with small escorts, and at times, when all troops are needed on the firing line, with no escort at all and only such protection as the paymaster and his clerk, who are habitually armed, can afford themselves and the funds in their charge. Yet the clerk, exposed to all the dangers that his chief is exposed to, has no allowances, no retirement, no pension; must pay for his medicines and medical attention, and if disabled must seek employment in civil life after devoting the best years of his life in dangerous and exposed service for the Government.

SOME SPECIFIC INSTANCES WITHIN THE MEMORY OF ALL.

During the Geronimo campaign, 1883–1886, in Arizona and New Mexico seven paymasters and their clerks were with troops—made payments to them during the continuance of the hostilities, traveling overland from camp to camp, and extending the journeys at times to the Mexican boundary. During the Indian uprising, 1890–91, in Dakota and Montana all the available paymasters and their clerks were in the field and paying troops, and to do it necessarily traveled many hundred miles in winter, through a country infested with hostile Indians, at times having no protection other than that afforded by the guns carried by the paymaster and his clerk, no troops being available.

In 1898, just as soon as a landing had been assured, paymasters and their clerks went to Cuba and remained with the troops until the island was pacified.

Paymasters and their clerks accompanied the first expedition to the Philippines and underwent the same dangers and exposures as the other troops. Gen. Whipple and his clerk had a thrilling experience during 1898 in the Philippines making a landing to pay volunteer troops; they were also attacked by seven highwaymen in Montana in 1884, in which fight two men were killed and one wounded. Majs. Downey and Picket and their clerks both had running fights with the insurgents in the Philippines, Maj. Downey's clerk going directly under fire to adjust a rifle (which had jammed) for a recruit, and Maj. Picket's clerk being wounded.

Dating back from 1882, the experience of paymasters and their clerks in the field with troops fighting hostile Indians is one continual story of hardship and danger.

KNOWN INCIDENTS OF ACTUAL HOLDUPS AND CASUALTIES.

Maj. Broadhead and Clerk Spencer. Clerk killed by robbers in California, 1876, en route to Camp Gaston.

Maj. Wham and clerk. Clerk killed and eight out of 11 of escort killed or wounded near Fort Grant, Ariz., 1889.

Gen. Whipple and Clerk Such. May, 1884, near Glendive, two of escort killed and one wounded. No loss of funds.

Maj. C. I. Wilson and clerk. In Texas, 1876, attacked by a force of 12 or more. Unsuccessful.

Maj. Woods and clerk. Near Camp McDermitt, Nev., in 1873. No loss of funds or casualty.

Maj. E. H. Brook and clerk. Attempted robbery, River Bend, Colo., 1873.

Maj. Eggleston and clerk. Attacked by robbers on road between Boise and Camp Wagner, Idaho. Unsuccessful; one robber killed.

Maj. George E. Pickett and Clerk Oliver. Attacked by 300 insurgents in Philippine Islands. One of escort killed, clerk wounded; $75,000 funds defended safely.

Maj. Coxe, Clerk Palmer. Clerk died from effects of hard service during Geronimo campaign.

Maj. G. F. Downey and clerk. Were in severe running fight with insurgents of Philippine Islands in 1901, clerk going directly under fire to adjust a rifle (which was jammed) for a recruit.

Mr. HULL of Iowa. Mr. Speaker, I am ready to yield to any gentleman who desires to discuss the question.

Mr. FITZGERALD. I should like five minutes.

Mr. HULL of Iowa. I will yield five minutes to the gentleman.

Mr. FITZGERALD. Mr. Speaker, this provision provides retirement for a class of civil employees. It seems to me if Congress is to consider the extension of the civil retirement list it should take up the entire question and dispose of it in a manner that would be entirely fair to all Government employees. The gentleman from Iowa states that these men perform military services. The only way in which their services can be characterized as being at all military is the fact that they are disbursing money to pay persons employed in the Army and are compelled in the discharge of their duties to go from one place to another rather than to be confined to a single place. Their services are not military in any sense whatever. They have gone on under the present system for a great many years, ever since the present system was instituted, and never until the present time has a serious attempt been made to give them the standing here proposed together with a pension when they retire. The only purpose of this bill is to pension these employees. Nobody contends for an instance they are to be in the Army in the sense of being called upon for military service. The paymasters' clerks are to be named as assistant paymasters and are to be placed on the retired list. Why should not a paymaster's clerk in the Navy——

Mr. BUTLER. They are.

Mr. HULL of Iowa. They have had that long ago, and higher than this.

Mr. BUTLER. The retirement was given last year.

Mr. MANN. Was it slipped in on some bill?

Mr. FITZGERALD. It was slipped in some place, Mr. Speaker, at a time when Members were not actively watching some things which were being done. Was that item incorporated in the naval appropriation act?

Mr. BUTLER. No; in a separate bill passed here, or perhaps put on in the Senate as a rider, and came back to us in that way. I do not know; I wish I could inform the gentleman.

Mr. FITZGERALD. I imagine it got on the naval bill and came back in the agreement from conference. It shows the vicious system that is followed. First, clerks or employees in one service of the Government manipulate matters in such a way that they are given a better status and retired with pay, and then a similar body of men in another department of the Government, using that as an argument, demand similar concessions. It runs from one department of the Government to another, and the next attempt will be that of some class of employees in some other department of the Government performing more arduous and difficult services than these men will ask as generous treatment. There is a class of men, in my opinion, who are entitled to a civil pension much more than paymasters' clerks in the Army. The life-saving corps should be given a pension if any class of men are. They receive $65 a month, 10 months in the year. They have to subsist themselves. They render the most difficult, arduous, and the most important service possible. They are poorly paid, and they have no influential friends in either House of Congress. They are unable to secure legislation to aid them.

Mr. SLAYDEN. And they have a real personal risk in their vocation?

Mr. FITZGERALD. They are compelled to perform their work during the most severe weather and under the most difficult circumstances. The paymasters' clerks in the Army have no more difficult services than a clerk in a department. It may be more attractive, since they serve in different parts of the country. I should like the gentleman in charge of the bill to explain the effect of bonding these officials. The paymasters now are responsible for the handling of the funds. This provision requiring the clerks to be bonded very likely relieves the paymaster himself from the responsibility of any defalcation should it arise by reason of the action of the clerks. It seems to me that this is not either the time to increase the officers in the Army or to provide for retirement of any class of men. So far as I am concerned, I shall vote against the motion of the gentleman from Iowa [Mr. HULL].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. 27837) entitled "An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes," with the following amendment: Line 4 of the amendment, after "compensation is," insert "now."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians; and

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is perfectly evident to anyone who will stop to think for a moment that this provision will not work in the long run. Whether it is intended in the course of time to bring in another provision I do not know, but certainly it will have to come in. Here is a provision to appoint paymasters' assistants at an age not less than 21 and continue them as clerks, with the salary of second lieutenant, until the age of 28 years, the paymaster to be a young cub in the Army. Everybody knows that can not be worked. You can not detail a captain in the Army for four years in charge of a paymaster 65 years old, with the cub receiving a high salary and the paymaster's assistant getting the pay of second lieutenant without allowances. It is absolutely ridiculous in that respect, and the gentleman from Iowa [Mr. HULL], and every other gentleman, knows that is not workable in that way. Paymasters' clerks ought to be comparatively young men. They are now and they always will be under the present system, but to say that you are going to keep paymasters' clerks or paymasters' assistants in the Army on the pay of a second lieutenant until they reach the age of 70 and then retire them on that pay, when their superior officer, who knows nothing about the business under the detail system, gets high pay, is ridiculous. It will not work. No one here believes it will work.

Now, I think myself there ought to be something done in reference to the paymasters' clerks, or else a change made in the detail system of the Army. As long as that did not exist there was no trouble about paymasters' clerks. It is proposed here now to have the President appoint these. If these men were to be appointed under the civil-service rules, as the men in the Treasury Department and the subtreasury and other disbursing departments of the Government are appointed, there would be no trouble about getting good men, and there would be no trouble about a retirement any more than there is with other civil branches of the Government.

Mr. HULL of Iowa. Mr. Speaker, just one word. The gentleman from Illinois seems to have an absolute misapprehension of what this amendment does. He says it is perfectly absurd to talk of a paymaster's clerk remaining there with a rank not above that of second lieutenant, while the cub, as he calls the officer over him, has the rank of captain and may go up to a higher grade yet. These paymasters' clerks are now receiving the pay of $1,800 a year, without a prospect of anything else coming to them. This amendment improves slightly their status.

Mr. MANN. How old is the oldest one?

Mr. HULL of Iowa. Some of them are over 70. Some of them went into the Civil War and then went into the paymaster's office and have been there ever since.

Mr. COX of Indiana. How many of them are there?

Mr. HULL of Iowa. There are 92 of these clerks. There have been more than 25 of the best young men who have resigned out of the service in the last two years because there is no hope if they stayed in as these older clerks have of having anything to live on in their old age unless retained in the service. They are compelled to go where the paymasters go. They are compelled to go on the field, and compelled to endure the same hardships and the same dangers that the paymasters themselves endure.

Mr. BUTLER. What dangers does the paymaster endure?

Mr. HULL of Iowa. A great deal more than the Navy paymasters.

Mr. MANN. Their ship may be sunk.

Mr. BUTLER. The paymaster does not go into battle.

Mr. HULL of Iowa. The paymasters' clerks go wherever the paymasters do. And does not the gentleman know that in the last 30 years paymasters' clerks have been killed on the frontier?

Mr. BUTLER. I regret my ignorance; and say that I am sorry for the paymasters' clerks. That is all I can say.

Mr. HULL of Iowa. But the argument of my friend, that it is absurd to say that these men would be under the same conditions as now, is not well taken, because it improves their condition to give them this rank, not in the Army, but as assistant paymasters. They have always been held to be part of the military establishment. On an entirely different footing from that held by other clerks.

Now, he referred to another thing, and to my mind it is important, namely, this detail system. Captains are detailed to the Paymaster's Corps for a service of four years. They go there without experience. Each one of them has one of these experienced clerks assigned to him, and the efficiency of the captain in the Paymaster's Corps depends in the first two years of his service very largely on the efficiency of the clerk assigned to him.

Mr. MANN. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes.

Mr. MANN. Is that a matter of law, or is it an Army regulation?

Mr. HULL of Iowa. That is a matter of law.

Mr. MANN. Where is the law for that?

Mr. HULL of Iowa. It is a law passed in 1901, I believe, requiring details and making exceptions, as in the Engineer and the Medical Corps. These two corps are exempt from the detail.

Mr. MANN. Does the gentleman believe in it?

Mr. HULL of Iowa. I have stated my views on this frequently.

Mr. STAFFORD. Will the gentleman from Iowa be good enough to tell the committee whether there has been any difficulty in obtaining competent men to fill those 25 places to which he refers?

Mr. HULL of Iowa. I may say that the difficulty is not so much in obtaining the new men but in keeping them in when they are once in.

Mr. STAFFORD. Has the department been handicapped in getting these men?

Mr. HULL of Iowa. It has been handicapped in breaking them in and in holding them.

Mr. HAY. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes; I will yield to the gentleman from Virginia.

Mr. HAY. I will ask for three minutes.

The SPEAKER. The gentleman from Virginia is recognized for three minutes.

Mr. HAY. Mr. Speaker, I am as much opposed to anything looking to putting people on the retired list or granting them a pension as anybody can be, but after a careful consideration of this question I am satisfied that the enactment of this bill will inure to the benefit of the service. This bill, Mr. Speaker, was reported by the Committee on Military Affairs to the House, and is now on the calendar of the House. As I said, it is a bill which, in my judgment, will be for the benefit of the service. It is impossible to get men to perform these duties and to stay in the Pay Corps of the Army with the salary and with the future which they now have. Under the detail system inaugurated some time ago the Paymasters' Corps is placed under that system, and officers are detailed to the Paymasters' Corps who are entirely ignorant of their duties. They practically have to be taught their duties by the paymasters' clerks, and therefore, for that reason, it is very important that there should be an efficient corps of paymasters' assistants.

For another reason I am in favor of this bill. This does not give to the paymaster's assistant any promotion whatever. It simply keeps him practically in the rank of second lieutenant. He is not given any particular advantage, except that, and owing to the peculiar duties which he has to perform, it is of importance to the service that he should have and should be recognized to have this rank.

If I had the time, I might demonstrate to the House that this service is arduous and at times hazardous. Paymasters' clerks have been killed in the discharge of their duty. They may be killed again, and it will not do to say that they have no risks to run. I believe, and I think if gentlemen will consider this matter carefully, they will admit that it is in the interest of economical administration to give to these clerks this rank, if you please to call it so, and to put them in a position where they will be willing to stay in the service. And believing that, I shall support this motion of the gentleman from Iowa, and I hope it will prevail.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HILL. May I ask the gentleman from Iowa [Mr. HULL] what change is made in the responsibility of this officer, so far as bonding is concerned, from what exists now?

Mr. HULL of Iowa. He is not a bonded officer now.

Mr. HILL. Who is bonded now?

Mr. HULL of Iowa. The paymaster himself is bonded by his commission.

Mr. HILL. For that reason I will oppose this proposition. We went through a similar experience in the subtreasury system about a year ago. It is a very serious mistake to take a subordinate officer and make him responsible directly to the Government and at the same time leave his superior officer, who has full power and control over him, without responsibility, and to leave it in such a way that that officer can shirk the responsibility by saying that the clerk is bonded directly to the Government.

Mr. PRINCE. May I make a suggestion to the gentleman?

The SPEAKER. Does the gentleman from Connecticut [Mr. HILL] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. HILL. Yes.

Mr. PRINCE. Mr. Speaker, the point I want to make is that his commission as an officer of the Government, which carries with it longevity pay and the right to be on the retired list, is to that extent like that of a commissioned officer, and it stands as a bond for him.

Mr. HILL. For him?

Mr. PRINCE. Yes; for him.

Mr. HILL. That is exactly what I do not want.

Mr. PRINCE. The instances are very rare where an officer connected with the Army will, by malfeasance or misfeasance in office, forfeit his standing as an officer, his right to longevity pay, and his right to retirement.

Mr. HILL. That is exactly what I do not want. The functions of these men are purely civil. I served in a somewhat similar capacity in the Civil War. I have been through the experience of being ordered by a military officer when he practically was not responsible. I want the responsibility to be on the military officer and to have the clerk give bond to him and not to the Government, so that the officer who issues the order will be responsible. It is a purely civil function that the paymaster's clerk performs, and he ought not to have a military rank. You are overloading and making top-heavy the work of the Army and Navy by taking clerks and giving them military rank. In my judgment it tends toward extravagance, it tends toward belittling the military rank of the men who perform military service. It makes shaky the responsibility of these men to the Government, and it ought not to be done.

Mr. BARTHOLDT. Will the gentleman allow an interruption?

Mr. HILL. Yes.

Mr. BARTHOLDT. Of course I am not an expert in matters of war, but I happen to know that there is no other country on earth in which the paymasters' clerks are not a part and parcel of the military establishment.

Mr. HILL. Then let them enlist and have a fixed term of service. Any one of these men can withdraw to-morrow morning.

Mr. SLAYDEN. Mr. Speaker, will gentlemen who are discussing this matter take us into their confidence, so that we can hear what is being said?

The SPEAKER. Gentlemen will address the Chair.

Mr. BARTHOLDT. Mr. Speaker, I want to say, furthermore, that these men are subject to martial law, although they are civilian employees of the Government.

Mr. HULL of Iowa. They are to-day.

Mr. BARTHOLDT. They are subject to martial law, and the Attorney General of the United States has decided that they are to-day a part and parcel of the military establishment of the Government.

Mr. HULL of Iowa. Yes.

Mr. HILL. Suppose one of them wishes to withdraw from the service, can he be prevented under the law?

Mr. BARTHOLDT. If this is done for the paymasters' clerks in the Navy, why should it not also be done for the paymasters' clerks in the Army?

Mr. HILL. Why don't you do it for the tellers and clerks in the various subtreasuries of the United States?

Mr. HULL of Iowa. Mr. Speaker, this provision is not as broad as gentlemen seem to think. It reads:

Provided further, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties, in such sum as may be fixed by the Secretary of War.

Mr. HILL. To whom does the bond run?

Mr. HULL of Iowa. To the Government.

Mr. HILL. The paymaster can demand that the bond run to him now.

Mr. HULL of Iowa. I yield to the gentleman from Michigan [Mr. YOUNG].

Mr. YOUNG of Michigan. I wish merely to suggest to my friend from Connecticut [Mr. HILL] that there is nothing in this provision which relieves the paymaster from any of the responsibility that he now has. This is merely an added security.

Mr. HILL. Why does it not relieve him from responsibility if the clerk is bonded to the Government?

Mr. YOUNG of Michigan. Because that is not the law.

Mr. FITZGERALD. That is the effect of this provision.

Mr. YOUNG of Michigan. Not at all.

Mr. HILL. It was precisely for that reason that the Treasury Department refused to consent to a change in the status of deputy collectors of internal revenue.

Mr. YOUNG of Michigan. I do not know what the nature of that statute was. There is nothing here that relieves the paymaster in the least. He still remains responsible for the acts of the paymaster's clerk under his orders. The Government has the added security. There is no question about it, and every man who has studied the statute knows it.

Mr. HULL of Iowa. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 28 minutes.

Mr. HULL of Iowa. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from New York, who thinks clearly and speaks plainly, called attention to the fact that this is a civil pension provision. It undertakes to give military rank with retired-pay privileges to the clerks connected with the Army whose duty now is the rather simple one of paying the troops. It calls for the exercise of no high order of business ability to calculate the amount of pay under the law due to each man, and no great business acumen is essential in the disbursement of the money. An ordinary man who knows how to solve the simplest problems in mathematics can make a perfectly satisfactory paymaster's clerk. This is merely an additional step in the program of pensioning the civil employees of the Government.

The gentleman from Illinois called attention the other day to the fact that there was a tremendous pressure on Congress to provide a general pension act for all civil employees that is pressing with ever greater and greater force, and finally, as he predicted, Congress will yield and grant the pensions. And when the day does come, Mr. Speaker, and we have added and superadded to the retire pay of the officers and employees of the Army a civil employees' pension list, the amount that the people will be called upon to pay and to contribute each year will make a staggering total.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. SLAYDEN. Not now; I have only five minutes. If the gentleman will get my time extended I will yield.

Objection has been made to the existing plan because they say it is impossible to keep young men in the service. Now, Mr. Speaker, I see no great harm to come from the fact that we can not keep them in the service.

As I indicated, it takes no high ability to discharge the duties of a paymaster's clerk, and it is better to give these young men, who can make a bond or guarantee their integrity in some way, an opportunity for a few years and let them pass out into the great body of the people and depend upon the exercise of their energy and ability to support themselves afterwards. Under the terms of this bill you put a barrier just above their heads. The bill says: "You may become a second lieutenant, and you shall have the rank and pay of a second lieutenant, but beyond that you shall not go." Really high-class young men are not willing to consign themselves perpetually to a position that offers no better outlook than that. Everybody who is familiar with the processes of legislation knows that sooner or later they will be given not only the rank and pay of a second lieutenant, but they will be here asking and demanding the allowances that go with an officer of that rank. They will also demand the right of promotion, and they will get it. We have in this bill an instance of that kind, a proposition to put into the Army a dental corps, providing for the military rank of these gentlemen up to, I believe, the rank of major. It is only a few years ago, as older Members will remember, when our lamented friend, Peter Otey, of Virginia, brought forward a proposition to establish a dental corps in the Army, accompanying it with the declaration that the employment of a few dentists under contract would be all that would be required. Now, we have a proposition pending here in the shape of legislation that has already passed one body to provide a dental corps, with the rank ultimately of major. It is only an illustration of how these things may grow, and will grow.

It has been suggested that a paymaster's clerk undergoes some hazard in his vocation. I have been familiar nearly all my life with paymasters' clerks and the work that they do. I knew them on the frontier, when they drove from one military post to another, and when, perhaps, there was some hazard connected with their business. There were Indians to be dodged; there were highwaymen that might intercept them and take their lives if they sought to defend the treasure that had been committed to their charge; but who can say now, when a large part of the payments are made by checks, and all within the pale of civilization, that they have such hazards as the early paymasters' clerks did?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Speaker, I would like to have two minutes more.

Mr. HULL of Iowa. I yield two minutes more to the gentleman from Texas.

Mr. BARTHOLDT. Will the gentleman yield now?

Mr. SLAYDEN. Mr. Speaker, the gentleman has just yielded me two minutes more. The chairman of the committee, the gentleman from Iowa [Mr. HULL], and other gentleman have referred to the fact that these troubles and the necessity for this legislation largely come from the detail system that we adopted I believe in 1901. I voted against the detail system at the time, and the argument advanced——

Mr. HULL of Iowa. Mr. Speaker, I rather think that it was in 1904 that we adopted that.

Mr. SLAYDEN. I was opposed to it then and I am opposed to it now. The idea of detailing officers of the Army to do this sort of clerical work, this disbursing of funds once a month to soldiers, based on a simple calculation, is, in my judgment, rank nonsense. We had better have had expert accountants detailed to that work rather than military men.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SLAYDEN. I yield to the gentleman.

Mr. BARTHOLDT. The expert accountants are the gentlemen whose services we are trying to secure by this amendment.

Mr. SLAYDEN. I would say just moderately expert, then.

Mr. BARTHOLDT. Inasmuch as the clerks do practically all of the work, inasmuch as these detail officers know nothing at all about accounting duties and financial affairs, so that all of the work devolves on the clerk, would the gentleman not be in favor rather of abolishing the paymasters?

Mr. SLAYDEN. No; I am in favor of abolishing the detail system and returning to the old one, which worked so well.

Mr. STAFFORD. Mr. Speaker, to show the trend of placing men on the retired list, I wish to ask the gentleman whether horse doctors have not been placed in that category.

Mr. SLAYDEN. The bill speaks for itself.

The SPEAKER pro tempore (Mr. CURRIER). The question is on reading and concurring in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 54, noes 52.

Mr. COX of Indiana. Mr. Speaker, I make the point that there is no quorum present. [Cries of "No!" "No!"]

The SPEAKER pro tempore. The gentleman from Indiana makes the point that there is no quorum present. The Chair will count.

Mr. COX of Indiana. Mr. Speaker, I will withdraw the point of no quorum, but I demand tellers.

Tellers were ordered.

The gentleman from Iowa [Mr. HULL] and the gentleman from Indiana [Mr. COX] were appointed to take their places as tellers.

The House again divided; and the tellers reported—ayes 59, noes 60.

So the motion to recede and concur was disagreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House do further insist on the disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 23, page 21, after line 7, insert: "The President is hereby authorized to appoint the Army paymasters' clerks now in service to be paymasters' assistants in the Army, and hereafter no person shall be appointed an Army paymaster's clerk, but any vacancy occurring in the list of paymasters' assistants whose appointment is hereby authorized shall be filled by the appointment, by the President, of a citizen of the United States who shall be between 21 and 28 years of age at the date of his appointment and who shall have passed a satisfactory examination, under such regulations as may be established by the President, as to habits, moral character, mental and physical ability, education, and general fitness for the service: *Provided*, That paymasters' assistants appointed under the authority hereby given shall have the pay and allowances of second lieutenants, except commutation of quarters, fuel, and lights, and shall be on the same footing as commissioned officers of the Army as to tenure of office, retirement, pensions, increase of pay, and subjection to the rules and articles of war: *Provided further*, That pay-

masters' clerks who are now in service and who may be appointed paymasters' assistants under the authority hereby given may, after becoming 64 years of age and upon the recommendation of the Paymaster General of the Army and a medical board approved by the Secretary of War, be retained in active service until they shall have reached the age of 70 years: *Provided further*, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties in such sum as may be fixed by the Secretary of War."

Mr. HULL of Iowa. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk and ask to have read.

Mr. HAY. Mr. Speaker, I desire also to make a motion to recede and concur with an amendment to the amendment offered by the gentleman from Iowa, which amendment I send to the Clerk's desk and ask to have read.

Mr. MANN. Let the amendment offered by the gentleman from Iowa be stated first.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amend the amendment, in line 7 of the amendment, by striking out the words "division brigade."

Mr. FITZGERALD. That is in line 22 of page 23 of the bill that most of us have.

The Clerk read as follows:

On the next page, line 7, strike out the word "six" and insert the word "four," and in line 8 strike out the words "and twelve," so that it will read "four hundred."

On the next page strike out in the proviso the words "30 of the additional officers herein provided for shall be detailed to service in," and strike out the word "which" after the word "department" in line 5.

Mr. COX of Indiana. Mr. Speaker, now let us have the whole amendment reported, showing how it would be.

The Clerk read as follows:

So that the paragraph will read as follows:

"Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each State, Territory, and the District of Columbia; not to exceed one additional officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 400: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901."

Mr. FITZGERALD. Mr. Speaker, I wish to make a point of order against the amendment proposed by the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from New York makes the point of order.

Mr. FITZGERALD. In that the latter amendment is not germane to this amendment. The Senate amendment provides for a detail of certain officers to the militia and a number of them to the Quartermaster's Department. The effect of the amendment proposed by the gentleman from Iowa is to increase, that is, the latter part of his amendment, the officers of the Quartermaster's Department irrespective of the detail provided for in the Senate amendment. It is an entirely different subject matter.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL of Iowa. Mr. Speaker, I assume the point of order would hardly lie to any proposition that comes over from the Senate——

Mr. FITZGERALD. It will; the gentleman is very much mistaken. The amendment must be germane.

Mr. HULL of Iowa. The House must either accept or reject it. The point of order lies to the provision of the Senate, not to the amendment which I have offered, because this is a change of the Senate amendment. This whole provision would have been subject to the point of order on the appropriation bill if offered in the House, but the Committee on Military Affairs reported a separate bill on this subject, virtually on the lines of what the Senate has done, except as to the number of officers, the limitation of detail, and as to retired officers to be occupied in certain lines. The appropriation bill as it passed the House had nothing upon that subject upon it. It went to the Senate and was placed there by the Senate, and the rules of the House have no limitation whatever.

Mr. FITZGERALD. But, Mr. Speaker, the gentleman is entirely mistaken. The Senate puts upon this bill a provision providing for a detail of Army officers for service with the Organized Militia, and it provides the number that may be detailed for that purpose and also provides that 30 of them shall be detailed for service in the Quartermaster's Department. The effect of the amendment proposed by the gentleman from Iowa is not to effect the details, but makes a direct increase in the Quartermaster's Department.

Mr. HULL of Iowa. It is a little more than that.

Mr. FITZGERALD. It is not germane; it is an entirely different question, and the amendment proposed by the gentleman must be germane.

Mr. HULL of Iowa. The gentleman seems to limit this entirely to the increase of officers for the service of the militia.

Mr. FITZGERALD. No; I do not.

Mr. HULL of Iowa. The amendment of the Senate goes further than that. After providing what is given to the militia it goes further and says "together with those detached from their proper command, under the provisions of law, to other duty the usual period of which exceeds one year." Now, this is to fill in those places so far as this increase can fill them. The gentleman is absolutely correct in one of his statements that I am willing to concede if the point of order is overruled.

Mr. FITZGERALD. Whether it is conceded if the point of order is overruled or not, it is a fact.

Mr. HULL of Iowa. I am willing to concede the effect of the amendment, and I want to say to the gentleman if the gentleman believes in a permanent——

Mr. FITZGERALD. I am opposed to the whole proposition, and I hope the point of order will be sustained.

Mr. HULL of Iowa. I do not think it will be.

The SPEAKER pro tempore. Does the gentleman desire to be heard further?

Mr. HULL of Iowa. I would like the Chair to consider this one question: The increase is provided for out of the number that has been provided in increased officers as the bill passed the Senate. In other words, 30 of these officers herein provided for shall be detailed for service in the Quartermaster's Department, which is hereby increased. Now, is it not in order when the absolute increase is provided for in this out of the increase in another part of the bill? If that is true, how can the Chair hold that the mere changing or the filling of that detail is subject to a point of order? I would like to have the Chair examine that point. The total number of officers provided for in the Senate is 612. My amendment provides for a much smaller number.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Iowa, now, that this amendment does not in any way increase the force already appropriated for in the bill?

Mr. HULL of Iowa. No; the force will be much below that appropriated for by the Senate, with the amendment that I have offered.

The SPEAKER pro tempore. Does the gentleman say that no increase is contemplated by the amendment?

Mr. HULL of Iowa. It is an absolute decrease by my amendment.

Mr. FITZGERALD. There is no increase provided, so far as I can find, in the Quartermaster's Department. This provides for details of officers of the line, not of the Quartermaster's Department. And the Organized Militia proviso provides that 30 officers of the line——

Mr. HULL of Iowa. Before the gentleman proceeds further, I would like to call his attention, so that he may answer while he is talking, to the last words of this amendment of the Senate. It tells how they shall be filled and detailed in accordance with section 26 of the act approved February 2, 1901, which means that they are to be detailed from officers of the line, and the officer so detailed shall have his place filled by an extra officer.

Mr. FITZGERALD. I am not familiar with that provision, whatever it may be. The gentleman may be familiar with it, though he has not stated. He does not convey any information by referring to the provision to which he has referred. My understanding is that this provides for a detail of certain officers to the Organized Militia, and the proviso requires that 30 of those officers shall be detailed to the Quartermaster's

Department of the Army. Now, the effect of the amendment of the gentleman from Iowa is to remove the retirement of detailed officers to the Quartermaster's Department of the Army and increase the force. I insist it is not germane to the provision under discussion.

Mr. SULZER. Of course the gentleman understands that that proviso was put on in the Senate?

Mr. FITZGERALD. It makes no difference where it was put on. What is the subject matter of the Senate amendment? It is the detail of a certain number of officers to the Organized Militia, and 30 of the number authorized to be detailed must be detailed to the Quartermaster's Department. The effect of the gentleman's amendment is to eliminate the requirement for detail to the Quartermaster's Department and compel the increase of the present force or the number of officers in the Quartermaster's Department—an entirely different subject from that contemplated by the Senate amendment.

Mr. HULL of Iowa. Mr. Speaker, one word more. The amendment I have offered makes the bill harmonious. It makes it so that there is no difference of opinion as to what it really means. The Senate amendment fixes the Quartermaster's Department how? It says:

Which is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901.

Now, Mr. Speaker, I will admit my amendment would be subject to a point of order if the amendment left the number of officers fixed by the Senate at 612, because we would have then exceeded the number fixed by either House. But my amendment, if it shall carry, still leaves this House something like 182 members below what is fixed by the Senate, and therefore it is not exceeding the number fixed by either House, but is 182 less.

Mr. FITZGERALD. Mr. Speaker, there can be no question as to these facts: This bill provides for the detail of certain line officers to the Organized Militia, and also provides that of the number which may be so detailed 30 of them must be detailed to the Quartermaster's Department.

Mr. HULL of Iowa. The gentleman has not read the amendment.

Mr. FITZGERALD. I have read the amendment.

Mr. HULL of Iowa. Together with those detailed from their proper commands under the provisions of law for other duty, the usual period of which exceeds one year. That applies to every branch of the Army where detail is made. That is in addition to the militia. The gentleman reads this provision as though all these officers were intended simply for service with the militia. They are not.

Mr. FITZGERALD. No; I do not do anything of the kind. The effect of the gentleman's amendment is to increase the number of officers in the Quartermaster's Department.

Mr. HULL of Iowa. Not a bit. It leaves that exactly as it is fixed by the Senate.

Mr. FITZGERALD. The gentleman is mistaken about that.

Mr. HULL of Iowa. No; I am not.

Mr. FITZGERALD. I insist that the gentleman is mistaken, because the Senate amendment provides that of the additional officers herein provided 30 shall be detailed to service in the Quartermaster's Department. The gentleman's amendment, instead of providing for the detail of these officers, provides for an increase of the officers in the Quartermaster's Department.

Mr. HULL of Iowa. If you leave the number at 612, nobody would care a cent about this amendment.

Mr. FITZGERALD. I am not so sure that they would.

Mr. MANN. Mr. Speaker, I understand a point of order is still pending.

The SPEAKER pro tempore. Yes.

Mr. MANN. It does not seem to me, Mr. Speaker, that the amendment is subject to a point of order. Now, what is the proposition? It is this: That the total number of detached officers subject to these provisions shall not exceed 612. Thirty of these officers may be detailed to service in the Quartermaster's Department. The detail does not mean that they do not continue during life to hold the office. Now, the proposition of the gentleman from Iowa [Mr. HULL] to reduce the number from 612 to 400 in that one part of the amendment and to provide directly 30 officers in the Quartermaster's Department, whether you call it a detail or not, does not make any difference; but his proposition is to decrease the number from 612 to 430. If the detail question were simply a matter of sending some one from another department for temporary service in the War Department, there might not be any question, but these officers are permanent officers of the Army—whether serving in the Paymaster's Department or the Quartermaster's Department or elsewhere makes no difference—and it seems to me that the Members of the House ought to have the opportunity, the two questions being correlated, of voting whether they will make the additional officers 612 or 430.

In no other way can the question be presented unless by a proposition simply to reduce the number from 612 to 430 in that place, as to which, I suppose, if it were within his power the gentleman from Iowa would offer that amendment. But it being a Senate amendment, certainly the House has the power under the rules to say whether it prefers, when it creates new officers, that they shall be detailed to the Quartermaster's Office or shall be in the Quartermaster's Office as additional officers.

Mr. FITZGERALD. That is an entirely different subject. That is a matter of detail, and that is what the Senate amendment provides for. The gentleman is attempting to make a permanent increase, and it is not germane to the Senate amendment.

Mr. MANN. The gentleman from New York will pardon me if I say it is germane to the Senate amendment, whether it is a detail or a permanent appointment.

Mr. FITZGERALD. No; it is not. The Senate amendment would continue the detail system.

Mr. MANN. Very well. What difference does that make? If this goes through, the additional officers will be in the Army. The number will be there. We have the power, when we create additional officers in the Army, to say whether they shall be detailed temporarily to a department or be permanently attached to a department. Certainly it can not be held that when we have the power to say how many officers we shall create we have not the power to prescribe what the officers shall do when they are appointed.

The SPEAKER pro tempore. The Chair, answering the question of the gentleman from New York, would say that the Senate amendment as proposed, to which no point of order is made, increases the Quartermaster's Department by two colonels, three lieutenant colonels, seven majors, and 18 captains. Is the effect of the amendment offered by the gentleman from Iowa [Mr. HULL] to make any further increase than that provided in the text of the Senate amendment?

Mr. HAY. Mr. Speaker, the effect of the amendment of the gentleman from Iowa [Mr. HULL]——

Mr. ANTHONY. It makes no difference in the Quartermaster's Department——

Mr. HAY (continuing). The effect of the amendment of the gentleman from Iowa is not to increase the number of officers provided for in the Senate bill, because the Senate bill provides for 612 officers, and the gentleman's amendment, as I understand it, provides altogether for 430; 400 in the main body of the amendment and 30 for the Quartermaster's Department.

Mr. HULL of Iowa. That is correct.

Mr. HAY. That is the effect of the amendment of the gentleman from Iowa; but it seems to me it is subject to the point of order, because the gentleman's amendment provides, not that the additional men provided for in the Quartermaster's Department shall be taken from the 400, but that they shall become a part of the Quartermaster's Department. In other words, he is undertaking to legislate not only for the line, but for a staff corps in the War Department.

Mr. MANN. We have the power to legislate, have we not?

Mr. HAY. You have the power to legislate, but not in this way.

Mr. MANN. Why not?

Mr. FITZGERALD. The Senate amendment provides that it shall be increased by detail.

The SPEAKER pro tempore. It does not seem to the Chair that the Senate amendment does necessarily provide for the increase by detail. The text of the Senate amendment is that the Quartermaster's Department—

is hereby increased by two colonels, etc.

Mr. FITZGERALD. But the Chair must read that in connection with the previous portion of the amendment, which is:

That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department.

Then it enumerates the rank, namely, the rank of the 30 officers. Striking out the provision for the detail will make a specific increase in that corps without detail.

Mr. HULL of Iowa. Read the balance of it, where it refers to—

The act approved February 2, 1901.

The SPEAKER pro tempore. It is provided for in the text of the Senate amendment.

Mr. FITZGERALD. The Chair is mistaken. It is provided for by detail, while the effect of the Senate amendment is to

eliminate the detail and provide that permanent addition to the corps.

Mr. PRINCE. Mr. Speaker, the Senate bill provides for 612 officers, of whom 30 additional officers shall be detailed to service in the Quartermaster's Department. The chairman of the committee offers an amendment striking out 612 and reducing it to 400. He strikes out the words:

Thirty of the additional officers herein provided for shall be detailed to service.

So that it would read:

Provided, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901.

Which is the act detailing officers to the staff department.

It seems to me that the amendment is germane, that it is in order, that it does not increase the number, but that the House is confroned with this proposition: Do you want the Senate bill, calling for 612 officers, 30 of whom shall go to the Quartermaster's Department, or do you want the proposition of the chairman of the committee for 400 officers and an additional 30 going to the Quartermaster's Department, reducing the number as provided for by the Senate bill 182?

The SPEAKER pro tempore. The Chair finds it somewhat difficult to get a correct idea of just what the law is in regard to this matter and to determine the question of fact here. The Chair is not free from doubt; but the Chair being in doubt, believes that the committee ought to have an opportunity to vote on this matter, and the Chair overrules the point of order.

Now, the gentleman from Virginia [Mr. HAY] has given notice that he desires also to move to recede and concur with an amendment. Two gentlemen desire that privilege. Should the House agree to the motion of the gentleman from Iowa [Mr. HULL], it would absolutely preclude the motion of the gentleman from Virginia.

Mr. FITZGERALD. Not necessarily.

The SPEAKER pro tempore. The Chair suggests that the gentleman now move to recede and leave this matter open to amendment, so that the gentleman from Iowa and the gentleman from Virginia may both have a fair opportunity to offer their propositions.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Under the motion to recede and concur with an amendment, is the motion offered by the gentleman from Iowa subject to amendment?

The SPEAKER pro tempore. The Chair would think that it was, if it was an amendment to the amendment.

Mr. MANN. I understand that the gentleman from Virginia has an amendment to the amendment offered by the gentleman from Iowa.

Mr. HAY. As I understand, the motion of the gentleman from Iowa was to recede and concur with an amendment, and that that can be divided.

The SPEAKER pro tempore. Yes.

Mr. HAY. If it is divided, the first question is on the motion to recede.

The SPEAKER pro tempore. The gentleman is correct.

Mr. HAY. And then I can offer an amendment?

The SPEAKER pro tempore. The gentleman can offer an amendment.

Mr. HAY. Then, Mr. Speaker, I ask for a division of the question, and offer the amendment that I send to the desk.

Mr. HULL of Iowa. But we have not yet voted to recede.

Mr. MANN. The motion of the gentleman from Iowa is subject to amendment.

The SPEAKER pro tempore. The gentleman is correct. The gentleman from Virginia demands a division of the question, and the first question will be, Will the House recede? And if the House votes to recede, then the Senate amendment is open for amendment.

Mr. MOON of Tennessee. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOON of Tennessee. I want to know if it is in order to offer a substitute.

The SPEAKER pro tempore. It is not now in order. The gentleman from Virginia asked for a division of the question, and the first question is, Will the House recede?

Mr. FITZGERALD. Mr. Speaker, the House is not unanimously in favor of receding, and we want to discuss that question.

The SPEAKER pro tempore. The Chair will leave it to gentlemen to debate the question.

Mr. HAY. Mr. Speaker, I withdraw the request for a division, and will offer the following amendment to the amendment offered by the gentleman from Iowa, and pending that I will ask the gentleman from Iowa to divide the time with me.

Mr. PRINCE. Can we not have the amendment read for the information of the House?

Mr. MANN. What is the gentleman's amendment?

Mr. HAY. My amendment is a bill reported by the Committee on Military Affairs.

Mr. HULL of Iowa. I will say to the gentleman from Virginia that there is no time agreed on, but I will keep control of the time and yield to the gentleman. How much time does he want?

Mr. HAY. I should think half an hour on a side would be sufficient.

Mr. HULL of Iowa. We shall never get through with the bill at that rate.

The SPEAKER pro tempore. The Chair will ask the gentleman from Virginia if it is his purpose to offer a substitute for the entire Senate amendment.

Mr. HAY. Yes.

The SPEAKER pro tempore. A vote can not be taken on that question until the amendment of the gentleman from Iowa is disposed of.

Mr. HAY. I understand that the gentleman from Iowa can perfect his amendment, and after it is perfected then I can offer mine as a substitute.

The SPEAKER pro tempore. The Chair thinks that after this amendment is perfected and concurred in it will be too late for the gentleman from Virginia to offer a substitute.

Mr. MANN. Mr. Speaker, I understood that the amendment that the gentleman from Virginia desired to offer was an amendment to the amendment offered by the gentleman from Iowa and was merely to change a few words. In view of the fact that the gentleman's amendment is a substitute, I think he has a right to ask that the House recede.

Mr. HAY. That was my idea, but I did not want to put the House in the attitude of receding and concurring in the Senate amendment.

The SPEAKER pro tempore. The Chair will say to the gentleman from Virginia that should the House vote to perfect the Senate amendment as suggested by the amendment offered by the gentleman from Iowa, it would then be too late for the gentleman from Virginia to offer his amendment as a substitute. The gentleman from Virginia can now ask for a division of the question.

Mr. HAY. Mr. Speaker, I will ask to have the amendment read for information.

The SPEAKER pro tempore. The amendment will be read for information.

The Clerk read as follows:

Page 21, after line 7, insert:

"That upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions of this act, together with those detached from their proper commands, under the provisions of law, for other duty, the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers made subject to the provisions of this section by this act shall not exceed 200: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant and captain, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the line of the Army: *Provided*, That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department.

"SEC. 2. That the vacancies caused or created by this act in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years.

"SEC. 3. That hereafter any officer on the retired list of the Army may be assigned by the Secretary of War to active duty in recruiting, for service in connection with the Organized Militia in the several States and Territories upon the request of the governor thereof for an officer of the Army, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops, or any other duty not involving service with troops; and any officer on the retired list of the Army upon his refusal to perform the duties imposed upon him by the provisions of this act shall be mustered out of the Army. And such officers while so assigned shall receive the full pay and allowances of their respective grades.

"SEC. 4. That hereafter there shall be no detail of any officer from the active list of the line or staff of the Army for any purpose except directly connected with the Military Establishment, including service in the bureaus of the War Department, at departmental headquarters, with the Quartermaster's and Commissary Departments, and Signal Corps, assistants to Chief of Coast Artillery, United States Military

Academy, Army service and technical schools in the United States and in Europe, recruiting service, military attachés, with the Philippine Scouts, with the Philippine civil government (not exceeding six), with the Cuban Government (not exceeding three), engineer, ordnance, and medical officers with Isthmian Canal Commission, and officers to be in charge of the quartermaster's and commissary departments with the Isthmian Canal Commission, with military prisons (not exceeding six), engineer officer Commission District of Columbia (not exceeding one), officer Public Buildings and Grounds (not exceeding one), member Ordnance Board, and on such special boards and duty connected with the Military Establishment as may from time to time be designated by the Secretary of War, with Indian prisoners (one), with State educational institutions and schools receiving aid from the United States (not exceeding one officer for each State and Territory). This section shall not apply to the improvement of rivers and harbors or other public work authorized by law.

"SEC. 5. That the President is authorized to make rules and regulations to carry the provisions of this act into effect."

Mr. HULL of Iowa. Mr. Speaker, I raise the point of order on that, if it is offered at this time.

The SPEAKER pro tempore. It is not offered. It is read for information only.

Mr. HAY. Mr. Speaker, I move to amend the amendment of the gentleman from Iowa by striking out "four" and inserting "two," so that it will read, "not to exceed $200."

The SPEAKER pro tempore. The gentleman from Virginia offers an amendment to the amendment proposed by the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

Strike out "four" and insert "two," so as to read, "not to exceed two hundred."

Mr. HAY. And I offer another amendment, Mr. Speaker, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "colonel" and insert "captain," so as to read, "they shall be of the grades of first lieutenant to captain, inclusive."

The SPEAKER pro tempore. The gentleman from Virginia in offering the second proposition is not offering an amendment to the amendment, but an amendment to the text of the Senate amendment, which is not in order now.

Mr. HULL of Iowa. I make no motion on that part of the bill at all.

The SPEAKER pro tempore. The Chair so understood.

Mr. HAY. Mr. Speaker, I understood the gentleman to offer an amendment respecting the entire amendment.

Mr. HULL of Iowa. I offered an amendment, "so that it would read as follows," and they read it from the Clerk's desk.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Virginia to the amendment offered by the gentleman from Iowa.

Mr. HULL of Iowa. Does any gentleman desire to discuss this?

Mr. HAY. Yes; I do. There are some gentlemen on this side of the House who want to speak.

Mr. HULL of Iowa. I will try to yield to gentlemen fairly. I want to yield to some gentleman on that side of the House in opposition to the gentleman from Virginia. How much time does the gentleman want?

Mr. HAY. I want half an hour.

Mr. HULL of Iowa. I can not yield half an hour unless the House votes me down, because we will never get through at that rate.

Mr. HAY. I do not know why. There is only one other amendment in dispute.

Mr. HULL of Iowa. I will yield half the time, and if we get through before the hour is up we better quit. I understand the gentleman from Texas wants to make a speech of 10 or 15 minutes in opposition to something that appears in the Army and Navy Journal. We ought to go on with this.

Mr. SLAYDEN. The gentleman does not state my proposition correctly.

Mr. HAY. I yield to the gentleman from Texas. I understand that the gentleman from Iowa controls the time.

Mr. FITZGERALD. He has the floor for an hour.

The SPEAKER pro tempore. Yes.

Mr. HAY. I will say to the gentleman from Iowa, Mr. Speaker, that he will save time by yielding me 30 minutes on this proposition. There is no quorum here——

Mr. HULL of Iowa. I do not care if the gentleman raises the point of no quorum. That is his privilege.

Mr. HAY. Very well; I will say to the gentleman that he will save time——

Mr. HULL of Iowa. And suppose some other gentleman may say, when this time is up, that if some other gentleman does not have an hour that he will raise the point of no quorum.

Mr. HAY. Not at all. I am simply asking for a division of the time on this proposition.

Mr. HULL of Iowa. And I say to the gentleman if the debate runs an hour he will get his full half.

Mr. HAY. It is a proposition increasing the Army and the expenses of the Government about $2,000,000 a year, and it never has been discussed on this floor. It is a Senate amendment put on this bill, and Members of the House have not had an opportunity to discuss it.

Mr. HULL of Iowa. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has an hour.

Mr. HULL of Iowa. At the suggestion of the gentleman, I yield to the gentleman.

Mr. HAY. And I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER pro tempore. May the Chair understand what arrangement has been made as to time?

Mr. HAY. I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, since the beginning of my service in this House, 14 years ago, I have seen the Army of the United States grow from about 25,000 men, with an annual appropriation of about $25,000,000, to a possible maximum of 100,000 men, with about 80,000 actually in the service, costing approximately $100,000,000 a year.

If I know myself, Mr. Speaker, I have devoted myself to the work of the committee upon which I have had the honor of serving with an eye single to the interest of the country. I have tried to discharge my duty to all the people of all the country. I have been ready at any time to vote for any reasonable increase of the Army and of the Navy, and I am ready to-day to do everything that is necessary to defend the integrity of the soil or the honor of the country in any way. I am not even, Mr. Speaker, one of those people who believe that the Army should be materially reduced. I am not entirely convinced in my own mind that it would not be wise to maintain the Army now at the legal maximum, at the number authorized by law, and which the President, by simple Executive order, can establish at any time.

Mr. KITCHIN. What is that number?

Mr. SLAYDEN. One hundred thousand. But, Mr. Speaker, I claim the right to vote my judgment and to vote it uninfluenced and without the interference of an improper pressure from outside this Hall. I am willing to abandon any position I may occupy with reference to this or any other question when any gentleman can convince me I am wrong. I have here a paper that the chairman alluded to awhile ago—the Army and Navy Journal of March 11—that contains an editorial with reference to the pending legislation and in which the editor of that paper, or some contributor from the city of Washington, does me the honor of referring to my position upon this question and that of my colleague from Virginia [Mr. HAY]. I am going to trespass upon the attention of the House for a moment or two by reading a paragraph here and there out of that editorial. It says first:

More good legislation for the Army than has been considered in Congress in recent years was attached to the Army appropriation bill when it went into conference with the Senate.

That is a matter of opinion, Mr. Speaker.

Further along in the same editorial it says:

It is probably too much to expect that these and other legislative provisions included in the bill when it went into conference will all be agreed to by the House. It seems to be necessary for some Democrats on the House committee to play politics with the measure. Instead of allowing it to be referred to the conferees in the usual manner, Representative HAY made an objection, and insisted upon its going to the House committee before it was taken up by the conferees. Supported by Representative SLAYDEN, Mr. HAY contended that when the bill came up in the House again in the conferees' report a separate report would be given on the extra officers' provision and a number of others in dispute.

Mr. Speaker, it is true that the gentleman from Virginia and I did insist that the House should have the right to pass upon this important legislation. It is a very important matter of legislation to fix upon the people of this country an annual charge of $2,000,000 and to increase the Army of the United States to the extent of 642 officers. I am not now discussing the question of whether it is wise to enact this legislation. I do contend, sirs, that we were doing our simple duty to the country and simply asserting our rights as Members of this House to give other Members an opportunity to pass upon these matters by asserting our rights under the rules which provide that they may be referred to the committee and thus provide an opportunity for their discussion here. To go further along in the same editorial, it says:

This will probably complicate matters; it will make it more difficult to secure effective legislation for the relief of the shortage of officers in the Army and for details as instructors for the National Guard.

If I had more time than the 10 minutes allotted to me, I would treat some phases of this statement, but in reply to this part of the editorial I can now only point out the fact that

your Committee on Military Affairs has seriously labored in the production of a bill that would offer relief where relief is really needed and at the same time provide for a reasonable limit of cost. He says:

Mr. SLAYDEN does not look with favor upon the proposition to furnish instructors from the Regular Army to the National Guard.

I pass that by, although that editor has no warrant in fact to make any such assertion. He further says:

He is also in favor of reducing the number of officers detailed at the smaller colleges.

There, Mr. Speaker, he is entirely correct. I do not believe it is the duty of the Government to provide schoolmasters in uniform for all the schools throughout the country; and I say that, sir, at the risk of inviting opposition in my own State and in my own city, but if I failed to express my opinion frankly and honestly upon that question, I would not deserve the confidence of this House and would deserve removal from the important committee to which you have assigned me.

Here again I quote:

In fact, Representatives HAY and SLAYDEN do not hesitate to say that they will do anything that they can to defeat legislation for additional officers for any purpose.

Now, what warrant they had for making that statement concerning my colleague [Mr. HAY] I do not know, but none whatever as to me, for I never made any such statement to anyone in this House or outside of this House. There is absolutely no truth in the statement.

But all of the Republican Members are on record as favoring the bill as it was reported from the House committee, and it is believed that they will support Chairman HULL in his fight for an agreement on this provision.

Mr. Speaker, I am curious to know how the record was made. I have been fairly diligent upon my attendance on the sessions of this House, but I do not remember when they have had an opportunity to pass upon that question.

How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has two minutes and a half remaining.

Mr. SLAYDEN. This is the closing paragraph of the editorial:

There are a number of provisions placed in the bill by the Senate committee in which the Members of the House are deeply interested, and these are apt to receive very rough treatment from the Senate conferees if the House acts arbitrarily in the consideration of general legislation for the Army. Among these are the remount station provision and the one for the completion of a chapel at Fort Sam Houston, Tex. The constituents of Representative HAY will be greatly affected by the remount station, which is to be located in Virginia, and Fort Sam Houston is a local industry for Representative SLAYDEN. Both of these provisions are meritorious, but the Senate leaders are determined to take care of general legislation as well as local in the bill.

Mr. Speaker, that is simply a threat that if I did not recede from the position which I have taken, and taken solely because it has the approval of my judgment and my conscience, a trifling appropriation to be expended at Fort Sam Houston is to be withdrawn. It is only a small and contemptible bit of a pressure that has been inspired from some source, I do not know where, but from some source high up in military circles, I am afraid, to compel me, and as it was, no doubt, intended to compel my colleague [Mr. HAY] to abandon a conscientious stand and one that has the approval of his judgment. I repel it, sir, as utterly futile, and I have no doubt my friend from Virginia [Mr. HAY] will remain equally uninfluenced by these efforts. [Applause.]

Mr. HAY. Mr. Speaker, it is true that I have opposed, and consistently opposed, any increase of the officers in the Army. In 1901 the Army reorganization act was passed, and the then Secretary of War and the men who were interested in the Army came before the two Houses of Congress and, when asked what they wanted, said that they were asking all that was necessary for the Army. Now, ever since that act was passed bills have been introduced, increasing first one corps and then another, until there is hardly a corps in the Army that has not been increased.

Now, we are asked to increase the line of the Army by 612 men under the guise that it is for the benefit of the militia of the National Guard of the country. Gentlemen upon this floor have been flooded with requests from the adjutant generals of States and the officers of the National Guard throughout this country to favor this legislation. For 14 years I have been a member of the Military Committee. I have been familiar with the efforts of the officers in the War Department to increase the officers in the Army. I have never heard that they have been in favor of increasing the men in the Army or increasing the Army in a way which would be to our advantage for the purpose of defending the people of this country.

This bill is inspired and backed by men who want promotion, and not because they are in favor of increasing the efficiency of the militia of this country. [Applause.] If they do not want rank, I venture to say that the gentleman from Iowa would not accept the amendment which I suggested a moment ago, that there should be no increase in this increase above the rank of captain. Why, here is one of the arguments used for this: They say they have so many detailed that they have to take away the captains from the companies, and that that is very much against the interests of the Army; that these captains of companies ought to be kept with their companies.

They say for that reason that the Army has suffered. But I say that the great mass of details made by the War Department are not necessary. Why, take for example, Mr. Speaker, the Army War College here, and we have detailed to that college 22 student officers and 14 instructors, officers of the Army. Why is it necessary to have 14 officers instruct 22 men? I can not conceive of any necessity for such a detail as that.

Mr. HUGHES of New Jersey. Will the gentleman yield a moment?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from New Jersey?

Mr. HAY. Yes.

Mr. HUGHES of New Jersey. Does the gentleman mean to state that there is any such condition as that—that 14 officers are detailed to instruct 22 men?

Mr. HAY. Yes; certainly. I have in my hand a statement furnished to me at my request by the Adjutant General of the Army, showing the officers of the Army who are detached from their regular service and assigned to duty either as instructors or as students at school, as of date January 1, 1911; and I say that there are 22 student officers here at the Army War College and 14 instructors. There are at the Military Academy at West Point 81 officers detailed as instructors. At the Army Service School at Leavenworth, Kans., there are 67 student officers and 22 instructors. At the Fort Monroe Artillery School there are 14 instructors and 40 students; and there are at these schools altogether 179 students and 148 instructors, including the officers at West Point. [Laughter.]

Why is it necessary to have all these details? It is not necessary; and if these details were rearranged, if these details were made in accordance with what is right and with what the department ought to do, it would not be necessary to ask Congress to increase the officers of the Army by 612 men.

I admit that the gentleman from Iowa is offering an amendment which makes the increase 430, but we have got to reckon with the Senate, and if we get off with 500, should we adopt the amendment of the gentleman from Iowa, we shall be doing very well. So, Mr. Speaker, I hope this House will, by the adoption of the amendment which I have suggested, say that it is opposed to increasing the officers of the Army beyond 200. That will be ample, with the proper detail and assignment of officers, to meet the requirements of the service.

Why, under the Senate provision it is provided that an Army officer can be detailed to every governor of every State in the Union. [Laughter.] What would an Army officer do, detailed to duty with the governor of a State? Why, it would be nothing but a soft snap for him to go around in parade with the governor. [Laughter.] It is true that the gentleman from Iowa [Mr. HULL] has stricken that provision from his amendment, as I understand it, but, Mr. Speaker, I am opposed to increasing the Army by a single officer. I have therefore offered the amendment which I submitted, believing that it will be best to fight this proposition in that way rather than to run the risk of having the number increased 400, as is proposed by the gentleman from Iowa.

If I had the time, I could show this House that the details made by the War Department are not necessary and that the service will not suffer if we fail to increase these officers by the number asked for by the gentleman from Iowa.

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 16 minutes left.

Mr. HAY. Mr. Speaker, I desire to reserve the balance of my time.

Mr. YOUNG of Michigan. Mr. Speaker, I think we ought to have a quorum on the passage of this very important measure. I make the point of no quorum.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] makes the point of no quorum. The Chair sustains the point.

Mr. YOUNG of Michigan. Mr. Speaker, I move a call of the House.

Mr. BARNHART. I am in favor of a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas will state it.

Mr. SLAYDEN. In what form is the question presented to the House now?

The SPEAKER. It is a call of the House under what are called the old rules of the House.

Mr. SLAYDEN. We are not voting on the question?

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alexander, Mo.	Fish	Kinkead, N. J.	Reeder
Alexander, N. Y.	Focht	Knapp	Reid
Allen	Foelker	Lafean	Rhinock
Andrus	Fordney	Langley	Richardson
Ansberry	Fornes	Law	Riordan
Barclay	Fowler	Lindsay	Roddenbery
Barnard	Gardner, Mass.	Lively	Sabath
Bartlett, Nev.	Gardner, Mich.	Livingston	Scott
Bates	Garner, Pa.	Lloyd	Sharp
Bennett, Ky.	Gill, Md.	Lowden	Slemp
Bingham	Gill, Mo.	McCall	Small
Boutell	Glass	McCredie	Smith, Cal.
Broussard	Goldfogle	McDermott	Smith, Mich.
Burleigh	Graham, Pa.	McKinlay, Cal.	Snapp
Capron	Gregg	McKinley, Ill.	Sperry
Carlin	Hamer	McMorran	Sturgiss
Clark, Fla.	Hamill	Madden	Talbott
Conry	Hamilton	Madison	Taylor, Colo.
Coudrey	Hanna	Millington	Thistlewood
Covington	Hardwick	Moon, Pa.	Thomas, Ohio
Cox, Ohio	Havens	Moore, Tex.	Volstead
Cravens	Hayes	Moss	Wallace
Creager	Heald	Murdock	Wanger
Crow	Hinshaw	Murphy	Weeks
Dawson	Howard	Norris	Weisse
Denby	Howell, Utah	Palmer, A. M.	Wheeler
Dent	Hubbard, W. Va.	Palmer, H. W.	Willett
Dupre	Huff	Patterson	Wilson, Pa.
Durey	Hughes, W. Va.	Payne	Wood, N. J.
Edwards, Ky.	Humphrey, Wash.	Pratt	Woodyard
Englebright	James	Pray	Young, N. Y.
Fassett	Joyce	Ransdell	

The SPEAKER. Two hundred and fifty-seven Members—a quorum—have answered to their names.

Mr. MANN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. HULL of Iowa. Mr. Speaker, if I can have the concurrence of the House, I desire that we stay here until we finish this bill to-night. It is important to do so, because other appropriation bills should have the right of way. I hope we can keep a quorum here, and I am not in favor of finishing the bill unless we have a quorum.

I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am in favor of the proposition offered by the gentleman from Iowa [Mr. HULL]. I have agreed with the gentleman from Iowa on few occasions with reference to an increase of the Army of the United States. I am opposed to increasing the general rank and file of the Regular Army. I have always believed that a well-organized State Militia, properly trained and capable of responding to the Nation's demands, is the true protection for this country. That is the position I have always stood for in this House.

For the first time since I have been a Member of Congress it is proposed to thoroughly organize the State Militia by trained officers of the United States Army, along the lines on which the Regular Army is organized, for the purpose of having the State Militia ready to respond to the country's defense if needed. There is no question that it is an economical way of maintaining our national defense. There is no commissary department to maintain with these State Militia regiments, and we do not have to pay their salaries. They are maintained by the States, and the only proposition that comes in this bill is to provide regular officers of the United States Army who shall be detailed to go to these regiments and organize them along the lines on which the Regular Army is organized, so when their country needs them they will be ready to respond.

Mr. HAY. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. HAY. Does not the gentleman from Alabama know that there are now detailed to the militia in the several States officers of the Army?

Mr. UNDERWOOD. I understand that proposition, that there are a few officers detailed from the militia here and there, but this proposes to make an organized detail, not to detail a man to a State who spends his time at the headquarters of the governor, dresses up in his uniform, and goes with the governor to visit a regiment on dress parade. As I understand this proposition, it is to detail an officer to work with the regiment of the National Guard in the State.

Mr. MORSE. Will the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. MORSE. I would like to ask if, in the gentleman's opinion, there is any connection between the increase in the size of the Army at this time, or the effort to increase it, and the remarks made a day or two ago on the floor of this House by the gentleman from Missouri [Mr. CLARK] in regard to the annexation of Canada.

Mr. UNDERWOOD. I think the gentleman is rather far-fetched in his question, and is asking one that is not at all pertinent to the matter before the House.

I regret, Mr. Speaker, at this time to vote for any proposition that puts a single dollar of burden on the Federal Treasury, because nobody knows better than I do that there will be a deficit next July. But I know this also, that we have coast defenses provided for, or quite a number, that have no regiments to maintain them. I know that the commanding general of the Coast Artillery is urging to-day that the National Guard of the United States be used as a defense for the coast defenses that we have prepared and which are unmanned, and that trained officers of the United States Army be detailed to these regiments as a fixed command to train them in the organization of the United States Army, so that these men will be useful in time of war, and just as useful, if properly trained, to defend our country as if we spent millions in increasing our Army.

Therefore, in my judgment, this proposition is on the side of economy, to increase the number of officers and detail them to the regiment, and then some day in the near future to come to the proposition to increase one corps of our Army to double the number of men that exist in it to-day. For that reason I shall vote with the gentleman from Iowa. [Applause.]

Mr. HULL of Iowa. I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I desire to call attention to the figures cited by the gentleman from Virginia [Mr. HAY], which apparently show that there are already an unusually large number of officers detailed for instruction in comparison to the students receiving instruction. Take the Army War College, and he said there were 14 instructors and 22 students, but he failed to point out that the 14 who are listed as instructors are officers of the General Staff of the Army. They work out all of the great war problems, and their work would be required if no officers were under instruction. The instruction is but a small part of their work; 14 officers is a very small number for the large amount of work done and is small in comparison with the numbers required for similar work in other armies.

Take the United States Military Academy; there are 81 officers, but no account is taken of the 500 cadets. I would like to see anyone intelligently show where this number could be cut down and have full efficiency. The gentleman seems to overlook the fact that this is an important Army post, with over 700 enlisted men and a village of 2,000 souls, all requiring officers listed in the 81.

Take the post at Fort Leavenworth and the one at Fort Monroe. The same thing applies—the officers listed as instructors include all those assigned to the garrisons with their commands. Take the item giving the number of instructors for civil assignments. It fails to give the number of those instructed. The number would be very large for each officer, probably 500 or 600.

Furthermore, when an officer is assigned to give instruction to a whole regiment or a brigade or a division, as provided in the bill, the number instructed would become vastly greater. The gentleman from Virginia gave an altogether erroneous idea on this subject, and his figures are wholly misleading, omitting them when the numbers of instructors are large and counting as instructors those engaged in other duty.

Mr. HAY. Will the gentleman yield?

Mr. HOBSON. I can not yield now; I have only five minutes. Mr. Chairman, the Army of the United States to-day is in a most deplorable condition. There is a serious lack of efficiency for the reason of a serious deficiency of officers in every branch. I do not care which branch you take, if you take the pains to look into the details you will find that second lieutenants are at times in command of companies. You will find that many of the units do not have one-half or one-third of the required number of officers to make them efficient.

It is the worst economy on earth to sacrifice in the number of officers—those who command and those who instruct. Such economy sacrifices efficiency. We have but a small Regular Army; it is vitally important that it should be efficient. It is not a question of the efficiency of the Regular Army alone that we are now concerned with, but a question of the efficiency of the National Guard as well. Our Nation must look in time of war to its citizen soldiery for defense, not to its small Regular Army. This is thoroughly democratic. It is the

foundation of democratic institutions. If we wish to have an efficient National Guard we must not depend upon the imperfect instruction they get to-day. It is the greatest need they have, and since the Dick bill began to start them on the road to improved efficiency, the one great need now is to find sufficient officers for scientific instruction. How can they know who have not been taught? How can they know what the Regular Army does if you leave only the State officers in charge?

If we do not establish an efficient National Guard and a calamity overtakes this Nation, the outcome will be a great standing army, and that great standing army will menace the institutions we cherish, produce centralization of government, and ultimately put in danger our liberties. To promote the permanent efficiency of the National Guard we can not put out money to better advantage than by getting well-trained officers who can give the necessary instructions. It is sound democracy; it is sound economy. In the face of a matter of so great national importance I hope my colleagues on this side will not misunderstand the question and imagine that it means to increase the Army. It does not. It means to increase the efficiency of the Army. It means to increase the efficiency of the National Guard, and it means really to save in the end in economy and in the size of the military establishment.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. HUGHES of New Jersey. Does the gentleman think that the way to keep from having a standing Army is to increase the number of officers?

Mr. HOBSON. I do; enough officers so that you can have an efficient National Guard which, when put to the test of war, will actually give a good accounting of itself. We do not legislate here for one year or two years; we are legislating for a policy, and I hope my colleagues on this side will look to the question of national defense from the standpoint of a permanent policy. If the National Guard in time of war proves because of its inefficiency a delusion and a snare for national defense, when we come out of such a disastrous war we will proceed to put the Nation on the basis of a great standing army and incur the expense and danger of militarism. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, I am somewhat doubtful how much of the time of the gentleman from Virginia I should use, because I am going to vote for 400, if I am obliged to, as an incerase in the number he proposes. I think the House should understand one or two things. First, an increase of officers is necessary, if it can be had in the proper way. The Senate passed a bill providing for an increase of 612 officers in the Army.

The House Committee on Military Affairs considered that bill, reduced the number to 400, the same as the amendment offered by the chairman of the Committee on Military Affairs, but affixed to that number of 400 two very important conditions—first, that there should be a restriction of the service to which these officers can be detailed or detached; and, secondly, that retired officers should be used, as far as they possibly can be, to perform the service now done by regular officers. The last report of the Secretary of War shows that there are 728 officers detached from their troops and performing other service, military or civil. I have no doubt at all that that number can be reduced to 400. It is not reduced for the reason that personal claims and political demands and personal intercessions have taken the extra officers away from their troops and put them into soft snaps, into places somebody wants them to go. The difficulty with this whole amendment is that if we have 400 additional officers without making some restrictions as to how they shall be used, it will demoralize the Army far more than it is now demoralized. It will enlarge the demand for officers to be away from their troops, and it will inculcate a sentiment, now altogether too prevalent in many officers, that almost any excuse is good enough to get away from troops and secure some detail on detached service.

This additional number will increase the number of soft snaps; it will increase the chances for pull and emoluments and social honors in the Army and in the department; it will increase the importunities of officers and their friends and create a sentiment that the good places in the Army are to be had from favor instead of merit. I do not believe that anything can increase the demoralization of the Army more than making an increase of 400 officers without providing some restrictions in the service they can perform if taken away from their troops, and for that reason I think this amendment ought to be voted down until it can be coupled with a proper condition as to how these officers shall be used. Now, secondly, the Committee on Military Affairs adopted a provision that Regular Army officers shall be used so far as this can properly and profitably be done. We are paying $3,500,000 a year to officers on the retired list of the Regular Army without their performing any service. When the matter was before the Committee on Military Affairs, Gen. Wood told the committee that of the 80 officers retired last year only 14 were retired on account of age—only 14 out of 80. One of the officers on the retired list is serving in an important position in the State of New York under a salary of $12,000 a year. Another officer——

Mr. HULL of Iowa. But he gets no retired pay whatever.

Mr. STEVENS of Minnesota. Gen. Symons?

Mr. COOPER of Wisconsin. Doing what?

Mr. STEVENS of Minnesota. As an engineer of the canal. There are officers in this city on the retired list getting large pay and earning much money these days who could give good service with their troops or in other branches of civil or military service.

Mr. TAWNEY. Will my colleague permit an interruption?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. How many officers are there on the retired list?

Mr. STEVENS of Minnesota. About 1,000, in round numbers. I will venture to say that of the 80 officers retired last year more than a majority of them could have just as good service, if not better service, in many places than those taken from the line of the Army. What I wish to bring before the House is this: If we permit these 400 officers to be added now without these restrictions, it will be impossible hereafter to make those restrictions. There will be no way to compel this needed legislation. It all should go together; restrictive service for which these officers who may be detached and require that the regular officers shall be compelled to do service for their country for which they receive pay, wherever their services can be used to advantage; and that is the reason the bill as reported from the committee should be adopted. Naturally, the War Department and the Army do not want these restrictions. They wish to assign these officers wherever they please; they do not wish to be held by any congressional restrictions. Now it is stated that these officers will be used for the National Guard. They will not.

If the House will turn to page 46 of the report of the Secretary of War it will be found that only 185 of these officers can be used for the National Guard for this next year according to his report.

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. I would like to have two minutes.

Mr. HAY. I have not the time.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I would like to say something on this subject from the standpoint of the National Guard. I served a good many years in the guard, both as a private, as a noncommissioned and as a commissioned officer, and I know the absolute necessity of expert instruction for these men. The country owes it to the boys who enlist in the National Guard to give them at least competent instructors. So far it has failed to do it. When I was a captain of a company in the Alabama Militia I would have given a great deal to have had an Army officer at the encampments where these boys were; but we never had one. When I came to Congress I got a requisition from the governor of Alabama and letters from the entire Alabama delegation in Congress, asking the department to detail one man to the State of Alabama to instruct the guard; and Gen. Elliott informed me, in the presence of the adjutant general of Alabama, that he could not give us one single active officer, because he did not have him to spare.

They sent us, after long pleading, a retired officer; but no retired officer can be as effective as an active officer who has a record to make, who is under discipline himself, and knows how to require the same of the men under him. We can not force these retired officers to do anything. They are on the list as retired men and are not expected to do anything; their records are made, and there is very little to inspire them to hard work.

Speaking as a national guardsman, I say that the Government owes it to the boys who are patriotic enough to give of their time and labor, and even of their money, to learn how to fight, to send them at least competent instructors to teach them. [Applause.]

There should be at least one regular officer detailed for duty with every brigade of militia. I believe that it would take at

least 400 officers to make such details and supply those now needed in the Army itself. I therefore shall vote for the amendment of the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, no stronger argument for the adoption of any measure ever submitted to this House can be furnished than the number of human lives needlessly sacrificed during the period of preparation for every military struggle this country has engaged in.

The countless dead who went to their graves because of unpreparedness and lack of thorough military training is one of the lamentable chapters of our history.

Our men have never lacked in valor, but they have sorely lacked the training necessary to properly guard against the ravages of disease, and they never will until we provide means by which the great body of courageous young men in the National Guard of the various States can be effectively trained in the best military methods of the day. [Applause.]

If this measure had been enforced before the Spanish War, most of the lives lost during it would have been saved.

It has been the uniform desire of all the leading military authorities of the United States for years to harmonize the tactics and training of the Regular Army and the National Guard.

By the terms of the Dick bill we made a long step in the right direction. By adopting this amendment we can do much more.

The adjutant generals of the States have been criticized in this debate for urging this bill. No set of men have a better right to urge it and none know better than they and the men in the guard the advantages to the Nation. [Applause.]

If you want to keep down the number of the Regular Army, this is the surest way to avert its increase. This is the most certain method available to insure economy and military efficiency in this country.

The National Guard officers and men, who are constantly making sacrifices of time and talent for the good of the country, should be aided and appreciated.

By this method a body of nearly 200,000 young Americans will become thoroughly trained soldiers, prepared for any military hardship in any emergency, and it will cost the Government of the United States less than $2,000,000 a year.

Surely it deserves the support of those who believe in economy and the cheapest insurance of our national safety. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, how much time have I now?

The SPEAKER. Ten minutes.

Mr. HULL of Iowa. I hope the gentleman from Virginia [Mr. HAY] will use some more of his time, then.

Mr. HAY. Mr. Speaker, I have nine minutes remaining, I believe.

The SPEAKER. Nine minutes.

Mr. HAY. I yield four minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, in this bill it has been already provided that retirement shall be given to veterinary surgeons. Another amendment, still undisposed of, provides rank and retirement for the dental surgeons of the Army, and the pending amendment proposes to increase the officers by 430 men. On October 15, 1910, including the Philippine Scouts, there were 4,633 officers in the Army and 82,643 enlisted men, or, on an average one officer for every 16 men in the Army. [Applause.]

In addition to that there are 1,015 officers upon the retired list. When it was proposed at first to make this increase in the number of officers in the Army the War Department never dreamed of urging it in order to advance the efficiency of the National Guard, but when it was ascertained that there was a well-defined opposition to increasing the officers in the Regular Army, because unnecessary, it was suggested that it could be hastened through by getting the backing of the National Guard behind the proposed legislation. If some of the worthless details were abolished, or some of the officers were sent out to do military duty, instead of being assigned around this Capital and other great cities of the country, wasting their time in social festivities, there would be no difficulty whatever to obtain all the trained help needed to organize and train the militia. [Applause.] It is impossible for anybody to go through the War Department and ascertain the number of officers detailed here and detailed at other places which are commonly referred to as "soft snaps," without knowing that we have a number of them who can be assigned to useful duty.

It must be remembered, Mr. Speaker, that not only is there one commissioned officer for every 16 men, but the noncommissioned officers do much of the work of controlling and handling and training the men in small squads. As a matter of fact, if we added the noncommissioned officers, who do much of the real effective work, to commissioned officers, the probabilities are it would not be possible to find even a single man for some of these officers to command.

I desire to call the attention of this side of the House to an important matter. There seems to be a systematic movement during these closing days of Congress to add largely to the permanent services of the Government, which must be paid for by a Democratic House when it convenes next year. Members who talk about economy and of cutting down expenditures and relieving the country from some of the waste and burdens which have accumulated under the Republican administration make a mistake when they vote these permanent additions to the fixed service of the country. I hope the House will vote down the amendment. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, as one who has served in the National Guard, the attempt to provide that guard with adequate instruction from competent officers is one that particularly appeals to me. The members of the National Guard are doing a patriotic service and in every way our Government should cooperate with them. We have now the spectacle presented every year of many thousands of our men going from their occupations and spending a week or two weeks in drilling and preparing themselves to serve the country. In order that the drilling, that the military work that they do at so much sacrifice shall prove effective, they must have experienced and competent officers to instruct them. The States are unable to furnish such officers, and therefore it is to the National Government that they appeal. An increase in the number of officers detailed to the enervating life and social temptations of Washington I do not wish to see, but that men experienced and skilled may be detailed to our National Guard to help its efficiency is the object of the provision, and in that object I concur. It is not to enlarge, but it is to prevent the necessity of increasing the standing Army that the National Guard calls on the Government to give it adequate instruction for its men. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I deprecate any attempt to make this in any wise a partisan question. It seems to me that it is distinctly not a partisan question. It makes no difference whether the Republicans or the Democrats shall control this Government during the next years to come, the military establishment must be properly maintained, and the necessary funds for maintaining it must be forthcoming.

I have served as a member of the National Guard for almost 14 years in different capacities, from that of a private to the rank of a field officer, and I know something about the needs and wishes of those men. There is a no more patriotic and unselfish class of men among our whole citizenship than the members of the National Guard. Without pay, practically, receiving pay only on days of parade and encampment, and even then they give back in the way company dues, so that without pay, and at considerable expense besides, these men give up their time, usually one or more evenings each week through the year in addition to field days, camps, and maneuvers, trying to fit themselves for the duties of a soldier.

They are nominally a State force, but they are really a part of the first line of defense of the United States; and we all know that with our small regular establishment our main dependence in case of any war to come must be upon the volunteer soldier, and that our militia, the National Guard, must be the very backbone of such a volunteer force.

In order to make the National Guard effective it must be properly instructed, and the best way yet devised to accomplish this is to give the officers and men the benefit of the education and training of regular officers. We are informed by the War Department that these instructors can not be supplied without an increase in the number of officers. The three gentlemen from Alabama [Mr. UNDERWOOD, Mr. HOBSON, and Mr. CRAIG], who have discussed this amendment from that side of the House, have made it so clear that further argument would seem superfluous. These additional officers are needed in order to maintain the efficiency of the service and properly instruct the Organized Militia, and in my judgment it is false economy to refuse to provide for them. I hope the amendment of the gentleman from Virginia [Mr. HAY] reducing the number will not be agreed to.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the purpose of making this increase in the number of officers is to make more efficient the militia that we have created by virtue of what is known as the Dick militia law. Awhile ago I talked with a soldier who served in the Civil War four years, and I asked him if he thought it would be a wise measure to increase the number of officers for the Army with a view to having them instruct the militia. He said, "Most assuredly it would be. When we were in the service, if we could get men who had previous military training we found that we were better able to cope with our adversaries." I have been unable to find a soldier of the Civil War, not connected with the regular establishment, who has criticized in the slightest degree this move to increase the officers for the purpose of instructing the militia of this country.

Now, my fellow countrymen, if we have a great war we can not depend upon the Regular Army. We must go to the body of the people. We must go to the governors of the 46 or 48 States and ask them to give their quota of men. They will furnish the volunteers—first, the militia; and if we have officers to train them, we shall be the better prepared to enter into a great contest along that line. I do not favor 612. I favor reducing the number by 182.

I am glad to see among the distinguished gentlemen on the other side of the Chamber a man who will soon be at the head of the Ways and Means Committee [Mr. UNDERWOOD], a man who served with distingtion in the Spanish-American War, who told you of the condition of the Army so far as its necessities are concerned, which shows there is no politics in it. It is for the good of the service.

Mr. HULL of Iowa. I hope the gentleman from Virginia will now use his time.

Mr. HAY. Mr. Speaker, I want to answer the remarks of the three gentlemen from Alabama who claim that they are voting for this proposition, offered by the gentleman from Iowa [Mr. HULL], because they want the National Guard instructed. I am a friend to the guard and have shown it by my votes on this floor. The amendment which I offer provides for 200 additional officers. Those 200 additional officers are ample to instruct the National Guard. There are about 120 regiments and about 40 other independent organizations in the National Guard, which would make 160 organizations to be instructed, if that is what the gentleman wants. Two hundred officers would amply provide the instruction, and that proposition can not be successfully denied.

The gentlemen who are in favor of this proposition have been very adroit in placing the whole fight upon the idea of doing something for the National Guard, when, as a matter of fact, not more than 160 of these officers will be used for that purpose, and the others will be used as additional officers in the Army of the United States. There can be no excuse, then, for voting for this bill for 400 officers on the ground that they want instructors for the National Guard. Two hundred officers will give you all the instruction that you need, and, after a careful consideration and study of this question, I am satisfied that the Army of the United States does not need this additional number of officers. If officers are needed for the instruction of the National Guard, I have provided in my amendment every officer needed for that purpose.

Mr. HULL of Iowa. Mr. Speaker, I desire to occupy the remainder of my time.

Mr. HAY. Mr. Speaker, I will yield the balance of my time to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, with reference to the statement that retired officers refuse to do the work assigned them, I want to say that if the House would enact legislation which our committee has recommended they will do it or get off the retired list. [Applause.] We propose that officers of proper age and proper physical capacity shall do something to earn the money that they receive, and if they decline to do it they will cease to be pensioners on the people. And, Mr. Speaker, there are plenty of them who want to work; they are capable, and a man does not become unfit because he has gone on the retired list. His experience in the Army would make him more fit for this sort of work.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Virginia thinks that 200 officers will amply supply the militia. I can only answer that by saying that Gen. Wood, Chief of Staff, in the hearings, and all other authorities, estimate that about 325 would be necessary to supply the militia. I doubt if it takes that number, because we have stricken out brigades and divisions, but 200 men will not be enough.

There are at present 725 officers on detail. It is claimed that many of the details are unnecessary. Possibly that is true. But the Committee on Military Affairs went over this question of details very carefully, and one of the ablest members of the committee made it his special province to examine into it and reported the total amount saved in his report limiting the detail was less than 100 and the total detail was 725. In order to do that the different schools of the country were limited to one detailed officer for each individual State, not one for each school.

In my judgment, this measure that we are offering will aid largely in the efficiency of the Army and undoubtedly contribute materially to the efficiency of the militia.

It will not be a full measure of relief even if 400 are given, and if I had my way I would make it 530 instead of 430. The Committee on Military Affairs has passed on this question, and I shall not undertake to change its estimate of the number. I want to say, however, to the gentlemen here who have discussed this question, the great need of this country is not a large enlisted force of the Army, but it is to supply a force of educated officers of the Army. We can raise our men, millions of them, if necessary, but you can not train officers and educate them in an emergency, on the spur of the moment, and the more serviceable, educated officers you have the better the country will be prepared in time of war. The first two weeks, or the first two months, after the outbreak of hostilities, with incompetent officers commanding untrained men, will cost this country not only millions of money, but the lives and health of many men. The Government can make no better investment than by supplying a large number of competent officers.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUGHES of New Jersey. Does the gentleman think that we need more than one officer for 18 enlisted men?

Mr. HULL of Iowa. We have not got that; but if we needed one for every 18, or even a larger number, I say have it.

Mr. HUGHES of New Jersey. We have got one officer for every 18 enlisted men.

Mr. HULL of Iowa. Let me ask the gentleman what part of the detail he would take away.

Mr. HUGHES of New Jersey. I would be willing to defeat this amendment.

Mr. HULL of Iowa. Many companies have no commanding officers, and it is impossible for the officers to do the duty assigned them without you increase the number of officers. The country is clamoring for more details and would not consent to a reduction as it now stands.

[Mr. McLACHLAN of California addressed the House. See Appendix.]

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the motion and amendments pending.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the amendment offered by the gentleman from Virginia to the amendment of the gentleman from Iowa. The Clerk will read the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Strike out "four" and insert "two," so that it will read "shall not exceed two hundred."

The question was taken; and on a division there were 125 ayes and 90 noes.

Mr. HULL of Iowa. Tellers, Mr. Speaker.

Tellers were ordered, and the Chair appointed as tellers Mr. HULL of Iowa and Mr. HAY.

The House again divided; and the tellers reported that there were 100 ayes and 89 noes.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa.

The question was taken.

Mr. HUGHES of New Jersey. Mr. Speaker, I demand a division.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Clerk state what the motion is.

The SPEAKER. The motion of the gentleman from Iowa is to recede from the disagreement to the Senate amendment and concur in the same with an amendment, as amended by the motion just adopted, inserting two hundred in place of four hundred.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Is it now in order to offer in lieu of the motion from the gentleman from Iowa a motion that the House insist on its disagreement?

The SPEAKER. The previous question has been ordered. It would have been in order to concur absolutely in the Senate amendment if it had been in time, but the gentleman from Iowa

moved to recede and concur with an amendment, and that amendment was amended.

Mr. HUMPHREYS of Mississippi. Is it not now in order to insist further?

Mr. MANN. It will be if this motion is voted down.

Mr. HUMPHREYS of Mississippi. Does not that take precedence of the motion of the gentleman from Iowa?

The SPEAKER. It will be in order if this motion is voted down. The question is on agreeing to the motion of the gentleman from Iowa, that the House do recede and concur with an amendment as amended. On that the gentleman from New Jersey [Mr. HUGHES] demands a division.

The House divided; and there were—ayes 134, noes 66.

Mr. COX of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays. As many as favor ordering the yeas and nays will rise and remain standing until counted. [After counting.] Thirty-one gentlemen, not a sufficient number; and the yeas and nays are refused.

Mr. COX of Indiana. Mr. Speaker, I demand the other side.

The SPEAKER. The gentleman from Indiana demands the other side. Those who are opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] Those demanding the yeas and nays are 31, those opposed are 165—not a sufficient number; and the yeas and nays are refused.

So the motion to recede and concur in the Senate amendment with an amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 49, page 42, after line 13, insert:

"Hereafter there shall be attached to the Medical Department of the Army a corps of dental surgeons, which corps shall not exceed in number the actual requirements nor the proportion of 1 to 1,000 authorized by law for service in the Regular Army, and all original appointments to said corps shall be made to the rank of first lieutenant. The appointees must be citizens of the United States, between 22 and 30 years of age, graduates of standard American dental colleges, of good moral character, and of unquestionable professional repute, and shall be required to pass the usual physical examination and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects in a standard dental college course: *Provided*, That dental surgeons attached to the Medical Department of the Army at the time of the passage of this act may be eligible to appointment, three of them to the rank of captain and the others to the rank of first lieutenant, on the recommendation of the Surgeon General, and subject to the usual physical and professional examinations herein prescribed: *Provided further*, That the professional examination may be waived in the case of dental surgeons whose efficiency reports and entrance examinations are satisfactory to the Surgeon General; and the time served as dental surgeons under the act of February 2, 1901, shall be reckoned in computing the increase service pay of such as are appointed under this act. The pay, allowances, and promotions of dental surgeons shall be fixed and governed by the laws and regulations applicable to the Medical Corps; that their right to command shall be limited to the members of the dental corps; that their right to promotion shall be limited to the rank of captain after 5 years' service and to the rank of major after 10 years' service: *Provided*, That the number of majors shall not at any time exceed one-eighth nor the number of captains one-third the whole number in the said dental corps. The Surgeon General of the Army is hereby authorized to organize a board of three examiners to conduct the professional examinations herein prescribed, one of whom shall be a surgeon in the Army, and two of whom shall be selected by the Surgeon General from the contract dental surgeons eligible under the provisions of this act to appointment to the dental corps. The annulment of contracts made with dental surgeons under the act of February 2, 1901, shall be so timed and ordered by the Surgeon General that the whole number of contract and commissioned dental surgeons rendering service shall not at any time be reduced below 30."

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on the disagreement to this amendment.

The motion was agreed to.

Mr. HULL of Iowa. Mr. Speaker, I move that the House agree to the conference asked for by the Senate on the disagreeing amendments.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. HULL of Iowa, Mr. PRINCE, Mr. SULZER.

CIVIL WAR VOLUNTEER OFFICERS.

Mr. SULZER. Mr. Speaker, I send to the Clerk's desk and ask to have read in my time an article by Maj. Gen. Daniel E. Sickles, of the State of New York, relating to a matter of justice to the soldiers and sailors of the Union. The article speaks for itself.

The Clerk read as follows:

AN OPEN LETTER TO CONGRESS AND THE PRESIDENT—MAJ. GEN. DANIEL E. SICKLES, UNITED STATES ARMY, RETIRED, URGES PROMPT ENACTMENT OF PENDING CIVIL WAR VOLUNTEER OFFICERS' RETIREMENT BILL.

Permit me, with due respect, to address to you at this critical time, and from a wholly disinterested standpoint, an earnest word in behalf of the surviving Civil War Volunteer officers.

No body of men ever served their country more gallantly and unselfishly in a crisis of greater extremity or with more splendid and enduring results. The present generation is the prosperous beneficiary of that service. There is danger that history may also have to record that no body of deserving men were ever so completely ignored by the country they served. From Appomattox to the present date those Volunteer officers for whom I here appeal have received no recognition at the hands of the preserved Republic. On the contrary, by adverse discrimination they seem to have been singled out for neglect and discredit. The opportunity now offers to remedy a great wrong. At this time our general pension legislation is apparently being revised, enlarged, and possibly given its final form. The moment is therefore opportune for correcting the glaring defect to which I now more specifically invite your attention.

AGE PENSIONS AND THE STEAM ROLLER.

As you are aware, our present age-pension laws disregard the former rank and length of service of the beneficiaries and make a 90-day enlistment and an honorable discharge the only requirements for full and equal participation in pension benefits. Under that system surviving Volunteer officers who served at the front throughout the Civil War, commanding companies, batteries, regiments, brigades, and divisions, are reduced to the ranks and accorded the same recognition and benefits as those who were enrolled as privates for three months and were never required to leave their native State.

It is submitted that this anomaly ought to be eliminated from our legislation, and eliminated now during the present session of Congress, while some former officers yet survive to benefit by the correction. The request for this action is broadly based on the obvious merits of the case, the nature, results, and value of the service rendered, but additional specific reasons supporting it are unanswerable. The central proposition is this: (1) That in providing fit recognition of the service rendered by these Civil War Volunteer officers that recognition ought to have regard to their former rank, responsibility, and service. (2) That to reject this principle in the present case is an unfair discrimination which ignores the evident equities of the subject, violates all important precedents in our Nation's history, disregards the otherwise universal rule of graded retired pay, both military and civil, repudiates the Government's honorable obligation to enforce equality of treatment in awarding to Regular and Volunteer officers recognition for identical Civil War service, and thus places upon the Civil War Volunteer officers an intolerable stigma of demerit.

PRECEDENTS FOR PENSIONS ACCORDING TO RANK.

When the Continental Congress in 1780 promised to the officers of the continental line (the limited number of "regular" troops in the Revolutionary Army) retired half pay during life, that benefit, at Washington's request, was graded and adjusted according to previous rank, responsibility, and duties.

When in 1832, more than 40 years after the war, Congress, as a free-will offering of patriotic appreciation, and not in fulfillment of any previous pledge, voted full retired pay during life to all the surviving veterans of the Army of the Revolution not previously provided for, all of whom were citizen soldiers, again that retired pay, with one maximum limitation, was graded according to previous rank, responsibility, and service, both among officers and enlisted men. Thus was the American precedent and practice of adjusting to previous rank the recognition and benefits for notable and sanguinary military service established and doubly confirmed by the founders of the Republic. The pensions granted to disabled veterans of the Mexican War were likewise graded according to the rank of both officers and enlisted men.

When, following the Civil War, Congress established the present retired-list system for the Regular Army and Navy the retired pay was, as it still is, graded according to previous rank, responsibility, and service. The colonel receives more than the captain, the sergeant more than the corporal and private, and each according to length of service. Any proposal to substitute in the Army and Navy a scheme of level or uniform benefits would scarcely be treated seriously.

GRADED CIVIL AND INDUSTRIAL RETIRED PAY.

Without known exception, in all systems of age pensions or retired pay for civil and industrial officials and employees established by National, State, and municipal governments, and by railway, commercial, and manufacturing corporations the same rule of graduating benefits according to previous rank, responsibility, and service prevails. From 1780 to 1911 no one, unless it be an occasional Socialist, has ever suggested that such gradation of recognition as is outlined above constitutes an unfair discrimination in favor of those who receive somewhat more and against those who receive somewhat less. The system is universal and time-honored, because it is just and because it furnishes in all pursuits an invaluable incentive to honorable ambition and good work. It is a public asset and not a liability.

In the face of this approved and uniform rule and custom, thus applied in all our public and private, military and civil affairs, it is unthinkable that these veteran Volunteer officers should be set apart and ostracized as being alone unworthy of sharing the benefits of an otherwise universal system.

HUMILIATING DISCRIMINATIONS AGAINST VOLUNTEER OFFICERS.

But this long line of humiliating discrimination does not end here. Note its culmination. At the beginning of the Civil War, when, for the first time on a gigantic scale, the Nation was required to solve the problem of employing side by side in a long and bloody conflict Regular and Volunteer troops of equal valor and efficiency, President Lincoln and the Thirty-seventh Congress pledged equality of treatment and reward as between the two lines of service. On the faith of this pledge the Union Army was enrolled, and these officers accepted their task. But in the absence of such a formal promise failure to enforce that equality of treatment and reward between the Nation's common defenders would have been both indefensible and suicidal. That assurance of fair play, whether express or implied, was the bond which held in fraternal comradeship and effective service the 857,000 Volunteers and 31,000 Regulars who formed the Union Army and Navy. This rule of the square deal, the Republic's word of honor, was observed toward all during the years of the war. Since the war it has been fulfilled regarding enlisted men and uniformly violated in the case of the Union Volunteer officers. At this time repeated acts of Congress grant to all Regular officers at the retiring age of 64 one grade advance of retired rank and pay in sole consideration for having served for one day or more in any military capacity during the Civil War. This benefit extends to those who were cadets at West Point and Annapolis up to the eve of Lee's surrender. Nearly 900 of the Regular officers of the Army, Navy, and Marine Corps have been thus exceptionally promoted

and rewarded. This is neither a local nor a passing question. It affects the whole Republic for all time.

SPECIAL REWARDS TO REGULAR OFFICERS.

The value of this special recognition in its added honor and prestige can not be measured in money, but its pecuniary value is shown by the pay tables of the Army and Navy. To a colonel of the Regular Army of any Civil War service it means an addition of $1,500 to yearly retired pay. Regular officers of the lower grades receive a corresponding increase. This special benefit is not in any sense or degree a reward for life employment in the Army; otherwise it would accrue equally to Regular officers having no Civil War record. The language of the several statutes confirms this.

NEGLECT, OBLIVION, AND A $15 PENSION.

In contrast with this generous Civil War bounty to Regular officers, against which Volunteer officers have made no complaint, consider the fact that no corresponding or approximate recognition or provision is made for Civil War Volunteer officers, even those of the most prolonged, perilous, and distinguished service. Instead of the promised equality of treatment, a colonel of Volunteers who served in the field from Bull Run to Appomattox, and has reached threescore and ten, is awarded the threefold recompense of neglect, oblivion, and a private soldier's pension of $15 a month. No possible comment could add force to this simple statement of fact.

THE VOLUNTEER OFFICERS' RETIREMENT BILL.

The remedy for this wrong is at hand. I do not need to remind you that there is now pending in both Houses of Congress what is known as the Warner-Townsend Civil War Volunteer officers' retired list bill. It has been given a unanimously favorable report by the House Committee on Military Affairs and by the proper subcommittee of the Senate Committee on Military Affairs. It can be enacted into law at the present session if Congress so determines. The nominal retired pay provided in that bill, as most recently amended, applies only to officers at least 70 years of age and of veteran service, two years being required for full benefits; it is graded as far as practicable according to previous rank, with a maximum retired pay of $900 per annum and a minimum of $450. The average is considerably less than the benefit realized by the Regular officers from their special Civil War increase of retired pay noted herein. Its cost to the Government is less than $5,000,000 above present pensions and less than $3,000,000 above the pensions contemplated in the so-called Sulloway bill. Of the 15,000 beneficiaries about half are from 70 to 75 years of age and the remainder from 75 upward, an average of several years above the average age of enlisted men.

UNGROUNDED OPPOSITION REMOVED.

The Legislatures of New York, Ohio, Illinois, Indiana, Maine, Michigan, Kansas, Wyoming, Utah, and Colorado have unanimously approved and requested the enactment of this legislation. It has not been opposed by any except the few who have mistakenly assumed that its enactment might delay additional pensions for enlisted men. This misconception is now being removed by the general pension legislation at this time passing through Congress. The concurrent present enactment of a suitable pension act and of the Volunteer officers' retired list bill would fitly round out the system of beneficial legislation for Civil War veterans and be satisfactory to all reasonable persons.

VITAL IMPORTANCE OF GOOD FAITH.

Our Nation maintains a small permanent Army, and relies upon the several States to furnish on call, for great emergencies, volunteers to constitute the bulk of its fighting force—in the Civil War 96 per cent. The vital importance of keeping faith with such Volunteers and with the States which contribute them is well set forth by the House Committee on Military Affairs in their report upon the pending Volunteer officers' retired list bill when they say:

"The present measure is in part designed to remedy this unfair and indefensible discrimination between Regular and Volunteer officers. It is believed that the defensive power and prestige of the Nation, as represented by its ability to raise great armies hereafter and by the self-respect, military spirit, ambition, incentive, and efficiency of its citizen soldiery when called into the Federal service in future wars, is to a large extent involved in the present exercise of fair dealing as between our Regulars and Volunteers, and hence in the giving of a rightful answer to the pending reasonable request of these surviving Civil War Volunteer officers for simple legislative justice."

In conclusion, allow me to say that the record of service made by the Volunteers in the Civil War has no parallel in any other war, modern or ancient. A nation that fails to be just to its defenders in battle does not deserve to have defenders, and may not have defenders in its next war.

Very respectfully,

D. E. SICKLES,
Major General, United States Army, Retired.

NEW YORK CITY, *February 14, 1911.*

I certify that the foregoing is a correct copy of the original.

A. B. NETTLETON,
Late Brevet Brigadier General, United States Volunteers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KNAPP for one day, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. SHACKLEFORD to withdraw from the files of the House, leaving copies in lieu thereof, the papers in the case of Isabel Richter, Sixty-first Congress, an adverse report having been made thereon.

LEAVE TO PRINT.

By unanimous consent, leave to print on the agricultural appropriation bill was granted to Mr. RUCKER of Colorado for five legislative days.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I submit a conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and for other purposes, for the fiscal year ending June 30, 1912, for printing under the rules.

The conference report (No. 2180) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, 89, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fourteen thousand three hundred"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert "and twenty-five"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants, and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation supported by a statement of his reasons therefor as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "shall" and insert the word "may"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and on page 6 of the bill, after line 10, insert a new paragraph as follows:

"For general expenses for telegraphing and telephoning in the Indian Service, $14,000: *Provided*, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian Service, is hereby made available to cover all general expenses for telegraphing

and telephoning in the Indian Service that have been or may be incurred during the fiscal year 1911."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 10 of the proposed amendment, after the word "States," strike out the balance of the amendment and insert in lieu thereof the following:

"On or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *And provided further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stat. L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stat. L., p. 93), is hereby repealed."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "bridges," at the end of the proposed amendment, change the period to a comma and insert: "and that the limit of cost herein fixed in no event shall be exceeded"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The first proviso in section 25 of the Indian appropriation act approved April 21, 1904 (33 Stat., p. 224), is hereby amended so that the first sentence in said proviso shall read as follows: '*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands'; and there is hereby appropriated the sum of $18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year 1912: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the first two words of the proposed amendment and insert the word "The."

In line 24 of the proposed amendment, after the word "quarries," strike out the words "under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795."

In line 30, before the word "proceeds," insert the word "net."

Strike out the last two lines of the proposed amendment and insert:

"That so much of the act of February 23, 1889, entitled 'An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservations in Idaho, May 14, 1880, and for other purposes,' and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert:

"There is hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911, approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership, and right of possession of said tribe of Indians in and to certain lands and premises therein described."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of $2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"*Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that 'this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power.'"

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "available,"

strike out the words "for superintendent's cottage, $5,500"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-five thousand one hundred"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "In all, $82,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars" in line 4 strike out the balance of the proposed amendment and insert "additions to dormitories, $30,000; in all, $50,200"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following: "For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500"; and the Senate agreed to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted and unreserved lands of the United States in the Kiowa, Comanche and Apache Reservations."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, strike out the words "by the Government of the United States may be made with the approval of" and insert in lieu thereof the words "may be made by."

At the end of the proposed amendment, strike out the words "of the United States."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of $3,578.63, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of $3,702.74."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000: *Provided*, That the total cost of this project shall not exceed $155,000, including the sum of $35,141.59 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, $6,000."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, $10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "of," strike out the words "lateral distributing systems and the maintenance of existing"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert:

"To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, $15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the end of the proposed amendment add the following: "to be reimbursable from the 'Puyallup 4 per cent school fund'"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 6 of the proposed amendment, after the word "thereof," insert: "not to exceed $35,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "timber," insert "now."

In line 29, after the word "feet," strike out the words "in any one year."

At the end of the amendment insert a new paragraph as follows:

"The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911."

And the Senate agree to the same.

On the amendments of the Senate numbered 48, 76, and 82 the committee of conference has been unable to agree.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

STATEMENT.

The Senate conferees have receded on the following amendments: Nos. 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, and 84.

The House conferees have receded unqualifiedly on the following amendments: Nos. 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, and 89.

On amendments Nos. 48, 76, and 82 the conferees have been unable to agree.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1 authorizes the purchase of "ditches" along with water rights, lands, etc., necessary for irrigation projects on Indian reservations.

No. 3 gives the Secretary of the Interior authority to use the appropriation for general irrigation purposes to make investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, which is as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation, valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress: *Provided*, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made in confirmity with this act."

No. 8 limits the expenditure for transportation, etc., of native pupils from Alaska to persons under 21 years of age.

No. 10 eliminates the expense of telegraphing and telephoning as a charge upon the appropriation for the purchase of goods and supplies for the Indian Service.

No. 13 is considered in connection with amendment No. 6, on which the House recedes with an amendment.

No. 14 raises the limit of compensation from $20 to $30 per month for privates in the Indian police force.

No. 21 provides for the maintenance of the Indian school at Pipestone, Minn., by making an appropriation of the same amount as that made for the fiscal year 1911. In the bill as it passed the House this school was not provided for, nor was it included in the departmental estimates.

No. 22 makes the usual annual appropriation out of tribal funds of $1,000 to be used for the annual celebration held by the White Earth Band of Chippewa Indians.

No. 24 is to correct an error in the appropriation bill of last year in respect to the location at which the bridge authorized in the last appropriation act was to be built.

No. 27 increases the appropriation for the Flathead irrigation project in Montana from $300,000 to $400,000. This fund is reimbursable and the additional amount can be used economically during the next fiscal year, although it exceeds the departmental estimates by that amount.

Nos. 32 and 33 appropriate $25,000 for a new dormitory for boys at the Indian school at Albuquerque, N. Mex.; not included in estimates but said to be necessary.

No. 34 increases the appropriation for fulfilling treaties with Six Nations of New York by $1,000 made necessary by amendment No. 88.

Nos. 36 to 45, inclusive, all relate to the appropriation for the Fort Totten Indian School in North Dakota. Had the Senate amendments from 36 to 45, inclusive, been in the usual form the House would have receded on amendment No. 36 with an amendment providing for the increase in the number of pupils to be educated at this school from 325 to 400, and making an increase in the appropriation of $12,525. This is the effect of the agreement of the conferees on these several amendments.

No. 52 authorizes the Secretary of the Interior to designate an employee to sign, in his name, tribal deeds in the Five Civilized Tribes. This is substantially the provision sought to be enacted into law by H. R. 28217.

Nos. 59 and 60 provide an appropriation of $15,000 for the extension of the Indian school building at Salem, Oreg.; not included in departmental estimates, but said to be necessary.

No. 65 is to correct an error in the total amount appropriated for the Pierre Indian School, South Dakota.

Nos. 67, 68, and 69 provide for an increase in the number of pupils to be educated at the Rapid City Indian School, South Dakota, from 250 to 300, and an increase of the appropriation therefor by $8,550, of which $2,000 is made immediately available.

Nos. 70 and 71 are legislative propositions relating to the Pine Ridge and Rosebud Indian Reservations in South Dakota, enlarging the area within which the State is given authority to select lands in lieu of school lands allotted to Indians. This is made necessary by reason of the fact that there are no lands of value from which the State can make selections under the acts of which these provisions are amendatory. The amendment of the sections is indicated in the following paragraphs by inserting the words in italics and eliminating the words inclosed within brackets.

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act *or within the said Pine Ridge [or Rosebud] Indian Reservation*, to locate other lands not otherwise appropriated, *not exceeding two sections in any one township*, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

[*Provided*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or both, or any part thereof, within the townships in which the loss occurs, except in any townships where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township.]

No. 72 extends the time within which the commission appointed to inspect, classify, and appraise unallotted lands in the counties of Mellette and Washabaugh in the Rosebud Indian Reservation in the State of South Dakota shall perform their work to June 1, 1911. The act under which the commission is operating limits the activities of the commission to a period of six months from the date of organization. It is found to be necessary to make the extension in order that the commission may properly complete its work.

No. 75 grants the State of Utah an isolated school property on the former Unitah Indian Reservation of nominal value on condition that the school shall be maintained by the State of Utah as an institution to which Indian pupils shall at all times be admitted free of charge for tuition and on terms of equality with white pupils.

No. 80 provides for the reimbursement of appropriations made from public funds for the irrigation project on the Yakima Indian Reservation in the State of Washington. The provision is to eliminate possible ambiguity in the language of the last appropriation act relating to the same subject.

No. 85 provides for the maintenance of the Hayward School in Wisconsin by making an appropriation of the same amount as that made for the fiscal year 1911. In the bill as it passed the House this school was not provided for, nor was it included in the departmental estimates.

Nos. 86 and 87 provide for installing a heating plant and ventilating system at the Indian School at Tomah, Wis., at an expense of $3,500. This was not estimated for by the department, although admitted to be necessary.

No. 89 is the same provision incorporated as section 28 in the bill as it was reported to the House, but which went out on a point of order. Your conferees believe that this is wholesome and necessary legislation, which is appropriately, if not technically, within the legitimate scope of the present bill.

The House conferees receded on the following amendments with modifying amendments or substitutes: Nos. 2, 4, 5, 6, 9, 11, 16, 17, 19, 20, 23, 25, 26, 28, 29, 30, 45, 46, 47, 50, 55, 56, 57, 61, 66, 73, 74, 77, 79, 81, 83, and 88.

Nos. 2 and 4 provide for an increase in the appropriation for irrigation of Indian reservations from $300,000 to $325,000, an increase of $25,000.

No. 5 increases the appropriation for the suppression of the traffic in intoxicating liquors among Indians from $70,000 to $75,000.

No. 6 consolidates the appropriations for the construction, lease, purchase, and repair of school buildings and for buildings and repairs at agencies. The Senate amendment has been modified by adding thereto the following:

"*Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation supported by a statement of his reasons therefor as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

These provisions are designed, first, to furnish Congress with detailed information with respect to expenditures from this large fund; secondly, to elicit authentic information regarding the investment in, the necessity of, and the revenues derived from Indian school properties, for which the Government is making large appropriations. In order that Congress may act intelligently in providing appropriations for these purposes, this information is indispensable.

No. 9 is the same provision that was in the act last year, with a modification of the word "shall" to "may," and is as follows:

"All moneys appropriated herein for school purposes among Indians may be expended without restriction as to per capita expenditure for the annual support and education of any one pupil in any school."

No. 11 provides a new paragraph in the bill segregating the item of telegraphing and telephoning from the purchase of goods and supplies and making an independent item of it, together with an appropriation of $14,000.

No. 16 creates a revolving fund of $30,000 for the purpose of encouraging industry among Indians. The fund may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment, but all expenditures are required to be repaid into this special fund, under rules and regulations to be prescribed by the Secretary of the Interior, the funds to remain available until 1917. In order that the fund may be thoroughly safeguarded from misapplication, the civilization fund is directed to be closed, and the unusual authority conferred upon the Secretary of the Interior by the act of June 7, 1897, is terminated.

Article 1 of the treaty between the United States and the Great and Little Osage Indians, concluded September 29, 1865 (14 Stat., 687), is as follows:

"ART. 1. The tribe of the Great and Little Osage Indians, having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties having ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States the lands contained within the following boundaries, that is to say: Beginning at the southeast corner of their present reservation and running thence north with the eastern boundary thereof 50 miles to the northeast corner, thence west with the northern line 30 miles, thence south 50 miles to the southern boundary of said reservation, and thence east with said southern boundary to the place of beginning: *Provided*, That the western boundary of said land herein ceded shall not extend farther westward than upon a line commencing at a point on the southern boundary of said Osage country 1 mile east of the place where the Verdigris River crosses the southern boundary of the State of Kansas. And in consideration of the grant and sale to them of the above-described lands the United States agree to pay the sum of $300,000, which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of 5 per cent per annum shall be paid to said tribes semiannually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no preemption claim or homestead settlement shall be recognized; and after reimbursing the United States the cost of said survey and sale, and the said sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the civilization fund, to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States."

By reference to House Document No. 1319 of the present session it will be observed that the civilization fund created by article 1 of the treaty of September 29, 1865, has been treated as a revolving fund for a very wide range of purposes; also it has been replenished from time to time by executive action, and the repayments have been expended under the same wide authority that obtained in respect to expenditures from the original fund. It is thought wise to terminate this fund and also to repeal the act of 1897, which found its way into the statute books through the medium of an Indian appropriation act. So long as these two acts are operative it is difficult for the Congress to legislate with certainty as to the limit of specific appropriations. Section 11 of the act of 1897 is as follows:

"SEC. 11. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available, may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made."

The possibilities of the range of application of general funds under this provision of law are limited by the ingenuity of the human mind to juggle appropriations and by the jurisdiction of the Interior Department.

No. 17 appropriates the sum of $55,000 for two bridges for the benefit of the Pueblo Indians in New Mexico and limits the cost thereof to that amount.

No. 19 enlarges the unit of allotment to the Indians on the Yuma and Colorado River Reservations in California and Arizona from 5 to 10 acres per capita and appropriates the sum of $18,000 as the first of 10 installments to defray the cost of irrigating the increased allotments. The total cost of the project is reimbursable, and it is provided that the cost shall be a lien upon the lands irrigated when the Indians take a patent in fee for the purpose of alienating their allotments. This provision is expected to check the demand for irrigation of Indian allotments for the primary benefit of white men.

No. 20 is designed to meet an exigency on the Fort Hall Indian Reservation which has become more or less chronic. It is believed that the present legislation meets the needs of the Indians on that reservation and will permit of the early allotment of the lands in severalty. (See H. R. 32349 and H. Rept. No. 2043.)

No. 23 provides an appropriation of $5,000 to carry into effect an authorization in the appropriation act of last year.

No. 25 provides an appropriation of not to exceed $2,500 for the purpose of defraying the expenses of a delegation of the White Earth Band of Chippewa Indians to Washington during the present session.

No. 26 is the same in purpose as the amendment agreed upon as a substitute for No. 19.

No. 28 provides for the conservation of water power on the shores of Flathead Lake, Mont.

Nos. 29 and 30 provide for a heating plant at the Indian school at Genoa, Nebr., at an expense of $5,000, to be immedi-

ately available. This item was not included in the departmental estimates, but is said to be necessary.

No. 46 provides for additions to dormitories at the Indian school at Wahpeton, N. Dak., at an expense of $30,000. Neither this item nor the school was included in the departmental estimates.

No. 47 creates a special fund of $2,500 for irrigation at the Bismarck school, N. Dak.

No. 50 provides for the sale of odds and ends of lands in Kiowa Agency Reserve, in Oklahoma, in the discretion of the Secretary of the Interior, and requires the deposit of the proceeds in the Treasury instead of reappropriating it, as was proposed by the original amendment.

No. 55 is legislation relating to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, which is made necessary by the legislation in the general deficiency bill of the last session prohibiting the making of contracts by these tribes without the approval of Congress.

No. 56 provides for the deposit of the net proceeds from the sales of tribal lands in the Five Civilized Tribes in national and State banks, in the discretion of and under rules and regulations to be prescribed by the Secretary of the Interior. It also provides that the interest accruing on such funds may be used toward defraying the expense of the per capita payments to the tribes.

No. 57 squares an account with J. Blair Schoenfelt due to causes about which there is much dispute. (See S. Rept. No. 840, 61st Cong., 2d sess.)

No. 61 makes an appropriation of $50,000 for the continuation of the Modoc Point irrigation project on the Klamath Indian Reservation in Oregon, and fixes the limit of cost therefor, as contemplated in section 1 of the Indian appropriation act for the fiscal year 1911.

No. 66 provides a deficiency appropriation of $6,000 for the Indian School at Pierre, S. Dak., made necessary because of increased attendance of pupils at that school.

No. 73 provides an appropriation of $10,000, or so much thereof as may be necessary, to be immediately available, for the purpose of relieving distress among certain detached Indians in Utah for whom no appropriation has heretofore been made.

No. 74 appropriates $75,000 (reimbursable) for continuing the irrigation systems of the Uncompahgre, Uintah, and White River Utes, in Utah. This item was not included in the departmental estimates, but is within the present estimated limit of cost of the project and is said to be necessary to the economical progress of the work thereon.

No. 77 makes an appropriation of $15,000 (reimbursable) for the purpose of constructing a bridge across the Duschene River at or near Theodore, Utah.

No. 79 makes an appropriation of $40,000 (reimbursable) for the purpose of paving a street and constructing sidewalks in front of the Cushman School grounds at Tacoma, Wash.

No. 81 authorizes the Secretary of the Interior to investigate conditions and report his conclusions as to the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation in the State of Washington at the expense of the Indian funds. This provision is in lieu of the direct appropriation of $100,000 provided for in the original amendment.

No. 83 provides for the sale of the Fort Spokane Military Reserve on the Colville Reservation in Washington and appropriates the proceeds, not to exceed $35,000 in amount, for school purposes for the benefit of the Colville and Spokane Indians and requires the Secretary of the Interior to report his action to Congress at its next session.

No. 88 provides for renewing negotiations with the Oneida Tribe of Indians in Wisconsin with a view to reaching a satisfactory agreement respecting the capitalization of their annuities, and enacts legislation to meet an exigency existing on the Menominee Reservation in Wisconsin in respect to the disposition of dead and down timber due to recent destructive forest fires. The provision is safeguarded in respect to changing existing law on the subject by limiting it to the period of one year.

As reported from conference the bill carries appropriations to the amount of $8,872,297.88 payable from public funds, of which amount the sum of $1,068,000 is considered to be safely reimbursable, and $540,000 is reimbursable in part, but the amount is indefinite and difficult to estimate. In addition to the appropriations from public funds the bill carries appropriations from trust and tribal funds as follows:

Chippewas of Minnesota, act of January 14, 1889	$165,000
Chippewas of Minnesota, White Earth Band	3,500
Kiowa, Comanche, and Apache Tribes, Oklahoma	25,000
Cheyenne River and Standing Rock Sioux	150,000

The following statement shows the distribution of the appropriation from public funds in respect to the objects for which appropriations are made in the bill:

Survey and allotment (reimbursable in part)		$215,000.00
Irrigation, general fund		325,000.00
Irrigation, specific projects (reimbursable)		983,000.00
Suppressing liquor traffic		75,000.00
Relief of distress		60,000.00
Education:		
General fund	$1,420,000	
Specific schools and specific educational purposes	2,025,540	
Instruction in agriculture, forestry, and domestic science	400,000	
Construction and repairs, school buildings	425,000	
Transportation, Indian pupils	82,000	
		4,352,540.00
Purchase, inspection, and transportation supplies		285,000.00
Support and civilization		1,008,800.00
Telegraphing and telephoning		14,000.00
Witness fees and legal expenses		2,500.00
Board of Indian Commissioners		4,000.00
Compensation of interpreters		8,000.00
Compensation of Indian police		200,000.00
Compensation of judges, Indian courts		12,000.00
Contingencies, Indian Service		115,000.00
Promoting Indian industry (reimbursable)		30,000.00
Bridge on Navajo Reservation, Ariz		90,000.00
Bridges in New Mexico		55,000.00
Relief of distress among Indians in Florida and Utah		20,000.00
Line riders in Montana		1,500.00
Special attorney for Pueblos in New Mexico		2,000.00
Five Civilized Tribes		275,000.00
Schoenfeldt claim		7,397.88
Care of insane Indians		30,000.00
Bridge in Utah (reimbursable)		15,000.00
Street pavement and sidewalks, Cushman School, Wash. (reimbursable)		40,000.00
Treaty stipulations		646,560.00
Total		8,872,297.88

The following statement shows the number and purpose of the amendments considered in conference, together with the increase in the appropriation, by items, proposed by the Senate, and the increase agreed upon in conference:

Amendments considered in conference providing for increased appropriations.

Number and purpose of amendment.	Increase proposed by Senate.	Increase agreed upon in conference.	Funds from which payable.	Remarks.
2. Irrigation (general fund).	$50,000.00	$25,000.00	Public.	
5. Suppressing liquor traffic	10,000.00	5,000.00	...do....	
11 and 12. Telephoning, telegraphing.	15,000.00	14,000.00	...do....	
15. Classifying Indian records.	10,000.00	.....	...do....	
16. Encouraging Indian industry.	30,000.00	30,000.00	...do....	Reimbursable.
17. Bridges in New Mexico	55,000.00	55,000.00	...do....	
18. Northern California Industrial Association.	20,000.00	.....	...do....	
19. Irrigation, Yuma allotments.	18,000.00	18,000.00	...do....	Do.
21. Pipestone School, Minn.	39,675.00	39,675.00	...do....	
22. White Earth Chippewas.	1,000.00	1,000.00	Tribal..	
25. White Earth Chippewas (expenses).	2,500.00	2,500.00	...do....	
27. Irrigation, Flathead, Mont.	100,000.00	100,000.00	Public.	Do.
30. Genoa School, Nebr	10,500.00	5,000.00	...do....	
31. Repairs, bridge, Knox County, Nebr.	1,500.00	.....	...do....	
32. Albuquerque School, N. Mex.	25,000.00	25,000.00	...do....	
34. Annuity, Six Nations	1,000.00	1,000.00	...do....	
35. Support, Sioux, Devils Lake.	2,500.00	.....	...do....	
36. Fort Totten School, N. Dak.	27,025.00	12,525.00	...do....	
46. Wahpeton School, N. Dak.	46,000.00	30,000.00	...do....	
47. Irrigation, Bismarck School, N. Dak.	2,500.00	2,500.00	...do....	
49. Fort Sill Indian School and Kiowa Agency.	5,276.60	.....	...do....	
50. Proceeds of sale of tracts of lands, Oklahoma.	Uncertain.	.....	...do....	
51. Five Civilized Tribes (administration).	30,000.00	.....	...do....	
53. Five Civilized Tribes (school).	75,000.00	.....	...do....	
54. Five Civilized Tribes (orphan school).	5,000.00	.....	Tribal.	
57. Schoenfelt claim	7,397.88	7,397.88	Public.	
58. John W. West claim	5,000.00	.....	Tribal..	
59. Salem School, Oreg	15,000.00	15,000.00	Public.	
61. Irrigation, Klamath Reservation, Oreg.	50,000.00	50,000.00	...do....	Do.
64 and 67. Carlisle School	12,000.00	.....	...do....	
66. Pierre School, S. Dak	6,000.00	6,000.00	...do....	
69. Rapid City School, S. Dak	8,550.00	8,550.00	...do....	
73. Detached Indians, Utah.	10,000.00	10,000.00	...do....	
74. Irrigation, Uncompahgre, Uintah, White River Utes, Utah.	75,000.00	75,000.00	...do....	Do.

Amendments considered in conference providing for increased appropriations—Continued.

Number and purpose of amendment.	Increase proposed by Senate.	Increase agreed upon in conference.	Funds from which payable.	Remarks.
77. Bridges at Theodore, Utah.	$25,000.00	$15,000.00	Public.	Reimbursable.
78. Cushman School, Tacoma, Wash.	70,000.00	.....	...do....	
79. Street pavement, Cushman School.	40,000.00	40,000.00	...do....	Do.
81. Construction wagon roads, Yakima Reservation, Wash.	100,000.00	.....	...do....	Do.
83. Colville and Spokane Indians, Wash.	[1] 35,000.00	[2] 35,000.00	...do....	Payable from proceeds sale Fort Spokane Military Reservation.
84. Cushman School, Tacoma, Wash.	75,000.00	.....	...do...	Reimbursable.
85. Hayward School, Wis....	36,670.00	36,670.00	...do....	
87. Tomah School, Wis.....	3,500.00	3,500.00	...do...	
Total.....	1,156,594.48	668,317.88		
88. Oneida capitalization (decrease).	20,000.00	.....		
Net increase.....	1,136,000.48	668,317.88		

[1] Estimated. [2] Not exceeding.

The amendments on which the conferees were unable to agree are as follows:

No. 48. "Any licensed trader in the Standing Rock Indian Agency of North and South Dakota who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: *Provided*, That such Indian may at any time appear and contest any item in the said account which he has not proved."

No. 76. "That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of $1.25 per acre for said lands."

No. 82 proposes to withhold $100,000 from the fifth and last installment of $300,000 due the Indians on the Colville Reservation, in Washington, for a cession of land opened to settlement by the act of July 1, 1892. The purpose of withholding the $100,000 is to afford certain attorneys an opportunity to ask for a readjudication of their claims for counsel fees which were settled by the Court of Claims in the case of Butler & Vale *v.* The United States and the Indians residing on the Colville Reservation (No. 29522), under authority of the jurisdictional act of June 21, 1906 (34 Stat., 377 and 378), decided by the court May 25, 1908, allowing attorneys $60,000 in full settlement of their claim, which, by the decree of the court, was distributed as follows:

Benjamin Miller, administrator of the estate of Levi Maish, deceased	$6,000
Hugh H. Gordon	14,000
Marion Butler	20,000
Josiah Vale	10,000
Daniel B. Henderson	5,000
Heber J. May	3,000
Frederick C. Robertson	2,000

It is now claimed on behalf of the attorneys interested that an additional amount of $90,000 is due.

On these items of difference the House conferees respectfully request the direction of the House.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

PERMISSIBLE EXPLOSIVES.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent to print as a House document Miner's Circular No. 2, on permissible explosives submitted by the Bureau of Mines.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Has not the Bureau of Mines an appropriation for printing?

Mr. COOPER of Pennsylvania. They have an appropriation for printing; but a question has been raised as to whether or not they can supply Members of Congress with more than one copy.

Mr. FITZGERALD. Mr. Speaker, I object for the present.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was disagreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 32212) and pending that motion I ask the gentleman from Tennessee [Mr. PADGETT] on the committee if we can arrange as to a general debate. I would ask him how much time he desires for general debate.

Mr. PADGETT. I will say to the gentleman, I have requests for hours more than we can accommodate.

Mr. FOSS. Would the gentleman make a suggestion?

Mr. PADGETT. I suggest that we agree upon six hours, and have a night session to-night for general debate; no other business than general debate to be transacted.

Mr. MANN. Why not have a night session to-night and meet at 10 o'clock to-morrow and finish general debate?

Mr. FOSS. Mr. Speaker, I ask unanimous consent that general debate continue for six hours, the House to remain in session for general debate until the committee chooses to rise.

Mr. MANN. I hope the gentleman will ask unanimous consent that the House meet at 10 o'clock in the morning and finish general debate.

Mr. FOSS. I will adopt the suggestion of the gentleman from Illinois that the House meet at 10 o'clock in the morning.

Mr. CARLIN. I object to that.

Mr. FITZGERALD. Will the gentleman permit me a suggestion? Is the debate that is to take place to be pertinent to this bill?

Mr. FOSS. I understand it is to this bill.

Mr. FITZGERALD. Then there must be a quorum here if the House is going to sit, and Members might as well take notice of that fact now.

Mr. FOSS. It is only for the purpose of general debate.

Mr. FITZGERALD. If it is going to be general debate on this bill, with important things omitted and provided in it, Members will have to be present or the session will not go on. I give that notice.

Mr. MANN. General debate is not all on the bill.

Mr. PADGETT. There is a good deal on naval matters.

Mr. BARTLETT of Georgia. Mr. Speaker——

Mr. FOSS. Mr. Speaker, I want to request unanimous consent that debate be limited to six hours, the time to be divided between the gentleman from Tennessee [Mr. PADGETT] and myself, and that the House remain in continuous session for the purpose of general debate this evening and meet at 10 o'clock in the morning, as suggested by the gentleman from Illinois.

Mr. CARLIN. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Illinois asks unanimous consent that six hours be had for general debate upon the naval appropriation bill, the House to remain in continuous

session to-night, and that the House when it adjourns to-day adjourn to meet at 10 o'clock to-morrow.

Mr. CARLIN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman this question: Why can not general debate be concluded to-night and have three hours general debate instead of six?

Mr. FOSS. That would make the session rather late. I should say we could not run much more than four hours or four hours and a half.

Mr. CARLIN. I say that because we want to preserve to-morrow for the Claims Committee, and I do not want to get the naval bill in a position where it will have the whole day; and if that is the purpose, why the House ought to understand it now.

Mr. MANN. I will say to the gentleman that if the House takes up claims to-morrow, we would have one more hour in which to deal with claims.

Mr. CARLIN. I understood the gentleman's motion was that we should meet to-morrow at 10 o'clock and continue the consideration of this bill.

Mr. PADGETT. Not at all.

The SPEAKER. Is there objection?

Mr. CARLIN. I think we can reduce this general debate to less than six hours.

Mr. MANN. It was agreed to——

Mr. CARLIN. No——

Mr. MANN. I mean between gentlemen on that side. It is your side that wants the time for debate.

Mr. CARLIN. Then, Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there further objection?

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, I ask that it be stated that no other business be transacted except that of debate.

The SPEAKER. To-night?

Mr. BARTLETT of Georgia. To-night.

The SPEAKER. Does the gentleman from Illinois [Mr. Foss] modify his request?

Mr. FOSS. I do.

The SPEAKER. The gentleman from Illinois modifies his request so that no other business will be in order to-day, except general debate in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32212, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, with Mr. CURRIER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. MACON] one hour.

Mr. MACON. Mr. Chairman, my remarks upon this occasion shall be more in the nature of a minority report against the bill that has been reported from the Committee on Naval Affairs, which provides for the promotion of Commander Peary to the rank of rear admiral and retired on the highest pay of that rank, for his discovery of the North Pole.

When the bill was under consideration by the committee and reported out by it, I was temporarily absent from the city attending the christening of the battleship that bears the name of my State, and hence was not present and therefore could not ask the privilege of the committee of filing a minority report.

Therefore on this occasion I propose to say something about this alleged discovery and the gentleman who alleges to have discovered the pole, so that the Members can have what I have digested upon the subject to consider in connection with their duty in arriving at an honest conclusion in regard to this matter.

Mr. Chairman, I realize that my efforts to defeat the passage of the bill to promote and retire Capt. Peary are herculean in their proportions when I consider that I have the combined influence of the administration, a paid lobby of the Peary Arctic Club, and the National Geographic Society to contend with, but having right upon my side, as I see it, I am going to do everything in my power to defeat it and allow the American people to pass judgment upon what is said and done by those who are for and those who are against this species of legislation. I know it is said that the President has a judicial mind, and hence when he arrives at a conclusion concerning any matter that it is well founded, but in this particular instance I must respectfully take issue with that contention, because it appears from telegrams that passed between him and Dr. Cook on the 4th day of September, 1909, that he did not require much proof or use much thought before he discovered that Cook had discovered the North Pole. I will here incorporate a verbatim copy of the telegraphic correspondence between them in order that the world may understand that the President had discovered that Dr. Cook had discovered the pole before he ever heard of Peary's discovery of it. [Laughter and applause.]

COPENHAGEN, *September 4.*

PRESIDENT,
The White House, Washington, D. C.:

I have the honor to report to the Chief Magistrate of the United States that I have returned, having reached the North Pole.

FREDERICK A. COOK.

BEVERLY, MASS., *September 4.*

FREDERICK A. COOK,
Copenhagen, Denmark:

Your dispatch received. Your report that you have reached the North Pole calls for my heartiest congratulations and stirs the pride of all Americans that this feat, which has so long baffled the world, has been accomplished by the intelligent energy and wonderful endurance of a fellow countryman.

WILLIAM H. TAFT.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. MACON. I must refuse to yield. I regret that I can not yield.

Mr. MOORE of Pennsylvania. I was going to ask the gentleman a question. He and I differ so materially on this question that I think it would be best to have an understanding about this question now. If the gentleman refuses to yield, and goes on, I shall endeavor to make some notes while he proceeds. For the present the gentleman declines to yield and would prefer not to be interrupted during the course of his address?

Mr. MACON. Yes. After I have completed, if the gentleman desires me to answer any questions, I will be glad to give him time for that purpose.

Mr. MOORE of Pennsylvania. The gentleman will hold to that throughout the course of his address?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. Very well.

Mr. MACON. Thank you, sir. I do not think, under the circumstances, that we can afford to give much faith and credit to the President's ascertainment of this matter, and I know that we can not afford to heed the importunities of a paid lobby that has haunted the Capitol for days and days in the interest of the bill that I am now protesting against the passage of. I will, therefore, pass to that part of the subject under consideration that seems to require a greater degree of investigation on the part of the membership of the House before it gives its vote for or against this unprecedented measure.

The truth compels me to say that I am so constituted that I have always been skeptical concerning many of the scientific theories that have been advanced from time to time by the various schools of scientists, and in reason, their many contradictions of, and disagreements about, the subjects treated by them fully justify the skepticism of anyone who thinks for himself in regard to such matters; and sirs, there are many thousands of human beings who think just as I do about it, that pretend to accept any kind of a so-called scientific statement or discovery without question, because they are so weazen-brained [laughter] that they think they will be classed as scholars if they do accept them at first blush—a thing devoutly sought after by the really ignorant—or because they fear some unblushing, know-all, or titbit editors of yellow journals, like the New York Times or the New York Post [laughter], will call them ignorant blatherskites. [Laughter]. I pity a man who is so ignorant as to be terror stricken all the time for fear he will be called ignorant by some saphead [laughter], or so cowardly that he is afraid to think his own thoughts for fear some graft-loving editor will find out what he is thinking about and adversely criticize him therefor. Indeed, I do pity so sorry an individual as that. [Laughter.]

Being possessed of skepticism about some scientific theories—especially those that rest alone upon the self-serving declarations of the advocate—I could not help but doubt the discovery

of the North Pole by Dr. Cook when he proclaimed it to the world. At first it seemed that I was about the only one in the community in which I lived that doubted his statement. The newspapers headlined it as the greatest discovery of the age and the Doctor was heralded far and wide as the greatest living hero. My friends and neighbors actually laughed at me and dubbed me a "doubting Thomas." They do not do it any more. The Cook discovery had not gotten cold, however, before up bobs Peary with his discovery of the pole [laughter], and I immediately began to doubt some more, and I have kept it up from that day until this and expect to continue to do so until some unbiased society of experienced geographic scientists passes favorably upon his proofs. Feeling that way about it, when a bill was presented to the Naval Affairs Committee, for its consideration, which proposed to advance Peary from the rank of engineer to that of rear admiral and retire him on a high salary on account of his self-alleged discovery, I exercised the right of one of the Representatives of the great American people, who were to be called upon to honor this man so highly, and pay him so well, and demanded that proof of his discovery be furnished the committee, to be by it submitted to an unbiased geographic society for its findings. I thought then, and I still think, that because of the great rivalry existing between Peary and Cook, and their friends, over the discovery, that the proofs, in justice and reason, should be submitted to the same tribunal that passed upon Cook's proofs.

I thought then, and I still think, that he owed it to the American people, who had paid him a salary for 23 years while he was roaming the ice fields of the North getting rich as a fur trader, to furnish them with proofs of what he claimed to have done before he asked them to confer high honors upon him and increase his compensation in addition thereto. I believe that I would have been a traitor to the trust reposed in me by the honorable, intelligent, and justice-loving citizenry of the first congressional district of the State of Arkansas and unworthy of the title of Representative if I had allowed this man to have received the honors and endowments that he was, and is, importuning Congress to bestow upon him, without demanding his proofs; and the more I have read and heard about the man and his alleged discovery the more firmly convinced am I of the correctness of my position.

Because I would not accept the unsupported and unreasonable tale of Mr. Peary and allow great honors to be heaped upon him without corroboration, some of the newspapers of the country, like the New York Times and the New York Post, that are edited by pea-eyed, pin-headed, and putrid-tongued infinitesimals [laughter], have been trying to persuade the public to believe that I am almost alone in the position I have taken; but, sirs, if they could but read the vast number of petitions, letters, and newspaper clippings that I have received from practically every quarter of nearly every State in the Union, commending my course and urging me to stand by my guns, and assuring me that a large majority of the people of the country are with me in the fight, the little atoms would change their weak minds about the matter, if there is strength enough left in them to change; and if Mr. Peary could see what they say about him I am sure he would not pursue his inane quest further. The letters and petitions referred to are from scientists, geographers, arctic explorers, navigators, lawyers, doctors, merchants, farmers, mechanics, bankers, and physicists, and the newspaper clippings are from highly reputable publications that are looked upon as leaders of honest thought by the citizens of the respective communities in which they are published; and they catalogue a list of misdeeds about this wonderful self-alleged discoverer that would cause anyone to seek a hole in which to hide from the public gaze whose skin was not too thick to be pierced by a spear.

When the committee concluded to consider the bill to promote Peary it requested the gentleman to appear before it with his proofs; but instead of appearing in person, he, or someone for him, caused two members of the National Geographic Society, who as a part of a subcommittee of three had previously passed upon what they called his proofs, to appear for him; and at the hearings they stated, among other things, that they were friends of Peary and believed that he had discovered the pole before they saw any of his proofs. They stated that the only official records that they had of his having been to the pole were some astronomical and tidal observations and a line of soundings extending from Cape Columbia, where the tidal observations were made, to within about 5 miles of the pole; they said that all of the records presented by Peary in support of his alleged discovery of the pole could have been made up in the city of Washington, or at the point where he and Capt. Bartlett separated on their journey toward the pole; they said that Peary took only one latitudinal observation between the point where he left Capt. Bartlett and the North Pole, a distance of 133 miles, and that he did not make any longitudinal observations at all; they said that they could not have relied upon the report of the observations taken by Peary without any knowledge of the man or without any narrative; they said that nothing was presented to them to show that he ever told any member of his party that he had discovered the pole, and that no member of the party had been interrogated by the committee concerning the discovery, not even Henson; they stated that Peary's observations were taken with an artificial horizon, and they admitted that a slight modification had been made in it because it was not possible to get the sun at very low angles; they stated that the only examination made of the instruments Peary used in taking his observations was made at the station here in Washington; that the findings of the subcommittee, to the effect that Peary had discovered the pole, when submitted to the board of managers of the National Geographic Society, were accepted without question, and had also been accepted by the Geographic Societies of London, Paris, Berlin, Rome, Brussels, Antwerp, Geneva, Dresden, and St. Petersburg without question or investigation of Peary's records by said societies, but admitted that they knew of no instance where a national geographic society had not accepted the findings of other geographic societies without question, except in the case of Dr. Cook.

The Naval Affairs Committee, not being satisfied with the information furnished it by these gentlemen—Messrs. Garnett and Tittman—insisted upon Mr. Peary's full report being laid before it, whereupon they were informed that that could not be done, for the reason that Mr. Peary had forbidden it on the ground that he had magazine contracts that would yield considerable revenue that would have to be sacrificed if his proofs were made public. The committee then decided that the matter should be indefinitely postponed until such time as Mr. Peary could furnish proofs of his discovery. Since that action was taken by the committtee he has written many magazine articles, as well as a book telling his tale of the discovery, and, to say that his story is wonderful, is putting it mildly. I remember to have read a piece of fiction a few years ago, the scene of which was laid in a great monarchy, the capital city of which was located at the North Pole, and, to the best of my recollection, the extreme, unnatural, unreasonable, and unbelievable scenes and acts enumerated and described therein concerning an imaginary sovereignty and a mythic people did not excel the exaggerations contained in a later work of fiction known and described as "The North Pole," by Robert E. Peary. I also remember to have read a novel that was written in the first person, whose hero was a bombastic upstart and braggart that never knew defeat or met an equal in any field of achievement, whether dealing with the hearts of women, the diplomacy of Presidents and statesmen in Washington, the strategy, courage, and alertness of Napoleon and his old guard in Paris, or the arts and wiles of crafty Indians in old St. Louis, and yet the self-exalted and self-puffed acts of the self-opinionated hero of that book do not in any way or in any degree excel the self-told deeds of the wonderful hero that penned the narrative of "The North Pole." I challenge anyone to read the book and dispute my diagnosis of it. And yet the Congress of the United States of America is being asked to jump the writer of that book over the heads of many true, able, and efficient naval officers, who have stood by their posts of duty like the reputed Trojans of a distant age, and promote him to the high and coveted position of rear admiral, with a large salary and a hero's passport to every phase of human society, upon the self-told and unbelievable exaggerations to be found between its lids, the unreliable data for which was collected while our hero was loafing around in northern latitudes gathering up furs to sell and to bestow upon the members of the Peary Arctic Club [laughter] and the National Geographic Society of Washington, that virtually accepted his discovery of the North Pole before examining his proofs, while drawing his pay from the Government with great regularity.

In dealing with Mr. Peary's application for a promotion for the discovery of the North Pole, we ought to employ the same business rules that are used by business men in dealing with the ordinary affairs of life, and I submit that if that is done the gentleman will not receive his promotion until he has furnished better proofs of his discovery than he has up to this time. The burden is upon him to prove his claim by a preponderance of the testimony, if not beyond a reasonable doubt. We will suppose a case of the establishment of a land boundary where it is necessary to find a corner post and then examine his proofs and see whether or not he has made out his case. Let us take the North Pole as the post that it is neccessary to discover before the line could be intelligently ascertained and

then investigate Peary's proofs and see whether or not a favorable verdict could be rendered upon them by a fair and impartial jury. The Geographic Society has found a favorable verdict upon them, but according to the statements of the committee that investigated the case, they were not impartial. In fact, they had their minds made up as to what verdict they would render before they took their seats in the box. Common gratitude for gifts received by members of the Geographic Society, of which Peary is a member, and their pride in having the world believe that a member of their exclusive body did find the pole might reasonably be expected to influence the findings of that tribunal.

Let us therefore take a glance at their evidence before the Naval Affairs Committee once more and see whether or not unbiased minds ought to be bound by the findings of the only geographic society that has really passed upon Peary's proofs.

The witnesses state that they were friends of Peary and believed that he had discovered the pole before they saw any of his proofs. That alone is enough to condemn their findings as being of the most biased character. They stated that the only official records they had of his having been to the pole, when they were considering what verdict to render in regard to the discovery, were some astronomical and tidal observations and a line of soundings that he had made extending from Cape Columbia to within about 5 miles of the pole; that the records presented by Peary of his soundings and tidal observations, as well as everything else submitted by him in support of his alleged discovery, could have been made up in the city of Washington, or at the point where he and Bartlett separated on their journey toward the pole. That being the case, have we any evidence of the truthfulness of the records of the soundings and observations furnished the society by Peary, except his own unsupported statement in regard to the matter? And hence, if we accept that these soundings and observations were made, we must take the unsupported statement of Peary as a basis for our action.

These gentlemen told the committee that Peary took only one latitudinal observation between the point where he left Capt. Bartlett and the North Pole, a distance of 133 miles, and that he did not make any longitudinal observations at all. Scientists tell us that unless longitudinal observations are taken at intervals, when crossing the barren ice fields of the North, it is impossible to tell whether you are going directly north or south. Therefore it is silly to ask an intelligent body of men to accept the findings of this distinguished geographic society, in regard to so important and doubtful a discovery, when the discoverer did not know in what direction he was traveling. In fact, did not know whether he was going in or coming out. [Laughter.] It is also absurd to ask anyone to believe that an explorer could travel over an unknown and badly broken ice field for a distance of 133 miles and "pop" right down on the pole without having taken but one latitudinal observation in the entire distance traveled. They stated that they could not have relied upon the report of the observations taken by Peary without any knowledge of the man or without a narrative.

That being the case anyone can see that the society, in order to make the finding it did, considered the observations worthless of themselves and took the unsupported word of Peary with his narrative as a basis for their findings. They could not have given much faith and credit to the soundings that Peary reported to have made within 5 miles of the North Pole, for he himself says that while he was making it his wire broke and he lost both wire and weight. How in the name of reason could an imperfect sounding of that kind be valuable to anyone in arriving at an honest verdict concerning the discovery of the North Pole? They stated that the examination of the instruments Peary used on his trip was made at the railroad station in Washington. Such an examination must have been only casual, if not highly careless, and goes to show that in everything that was done by the society in connection with its ascertainment of the truth of the discovery of the pole by Peary was of the most casual, careless, and unreliable character. They stated that Peary's observations were taken with an artificial horizon and they admitted that a slight modification, presumably by them, though they did not state that fact, had been made on the horizon because it was not possible to get the sun at very low angles.

Think of it, gentlemen, the very idea of asking Congress to accept as true observations that were taken with an artificial horizon near the North Pole that had to be modified by a society in the city of Washington when they were passing upon the facts presented to them by the great discoverer. They stated that nothing was presented to them to show that Peary ever told any member of his party that he had discovered the pole, and that no other member of the party had been interrogated by the committee concerning the discovery. When we consider that the nations of the world have been vieing with each other for centuries upon the subject of discovering the North Pole, it is unbelievable that one who had sought it for 23 years could discover it and keep the knowledge of so important a fact within his own breast for the period of time that it is claimed that Peary did before he made it known to even his traveling companions—companions who had helped him to make his trip, and without whom it would have been impossible to have made it. It is an insult to ask intelligent men to believe such rot. Gentlemen, if you were in the box upon your oaths to try the case of locating the boundary line that I have cited, could you say, upon the testimony of the witnesses who have testified up to this time and the exhibits presented by them in support of their testimony, that the corner post had been located?

When the subcommittee was called together a few days ago for the purpose of further considering the bill to promote and retire this near hero [laughter], a motion was made to report the bill favorably, and I again demanded proofs of his discovery, whereupon Mr. Peary was invited to appear before the committee and furnish them. Some of the committee were in earnest in their desire for the real facts in the case, and insisted upon asking questions that they deemed pertinent, but the best information, or so-called proofs, that they could get from the alleged discoverer, when summed up, were a lot of guesses, speculations, assumptions, estimates, and evasions, and from these four of the subcommittee of seven solemnly reported that the proofs were sufficient to establish the self-serving declaration of the gentleman to the effect that he had discovered the pole.

Mr. Peary admitted that he did not take a single longitudinal observation upon his entire trip and that he took no latitudinal observations from the point where Capt. Bartlett turned back to Camp Jesup, which he estimated to be a distance of about 130 miles and estimated to be within 3 miles of the pole. He admitted that he did not take a correct sounding between 85° 23′ and the North Pole, and that the needle of his compass was pointing toward the magnetic pole, which he stated was about 1,200 miles distant from the North Pole. He stated that he traveled over an unknown, broken ice field, covered with high-pressure ridges and dangerous ice leads, a distance of 130 nautical miles in five days, which would be equal to about 35 statute miles per day—something that was never done by an Arctic explorer before in the history of the world—and built his own igloos while he was doing it, and, seemingly, expected men possessed of some degree of sense to believe that he made the trip under such difficulties and at such a rapid rate of speed, without making an observation of any kind, and his needle pointing in an entirely different direction, and yet made a bee line to the pole. Some of us who have tried to plow a straight furrow or lay a fence worm across a 10-acre field without stakes to guide us, or who have undertaken to ride across a broad prairie without a path or other object to direct our course, know how impossible his contention is when he insists that he could rush pell-mell over a rough, rugged, and broken ice course for a distance of 130 miles without an observation or object to guide him and go directly north to an imaginary point. He admitted that he had no charts, data, or other scientific matter that would aid an explorer in any degree in his efforts to discover the pole; that that long sought-for object was as completely lost now as it was before he discovered it.

When we consider that latitudes run north and south and longitudes east and west, and that latitudes are measured by longitudes, it is impossible to believe that Peary, under the circumstances and conditions stated, could have any more known the correct latitude that he was in than a traveler would have known the number of furlongs that he had traveled in a day without counting the number of mileposts that he had passed on his way.

And yet we are asked to accept the bold statements of the gentleman as God-given facts concerning everything that he claimed to have done on his journey, when they are contradicted by a combination of every reasonable physical and scientific impossibility. There is a limit to human prowess and endurance as well as to the knowledge of man, and when we are asked to accept such exaggerated statements and conclusions as this gentleman presents as a reason why he should be honored beyond all reasonable expectation, I think that his insistence should be accepted as an insult to the intelligence of the American people rather than an appeal to their sentimental generosity and their overweaning desire for hero worship. I yield to no man in my desire to do justice to every real hero who has done something for his country's good, but my contempt for fake heroes is supreme, no matter in what

sphere they presume to operate. The world has had real heroes in every field of human activity that it has delighted to honor and their fame will live with time, but it has also been cursed with fake heroes who have flourished for a season and then, like grass, would wither away. San Juan Hill had one of those for a time [laughter], but upon investigation it was shown that he would have been a Spanish prisoner instead of an American hero if it had not been for the intervention of Negro troops. [Laughter.] Less than a year ago a conquering hero of birds and beasts marched forth from the jungles of Africa [laughter] and crossed the European Continent with majestic tread and finally landed upon our own shore, where he was met by thousands of hero worshipers who received him as an uncrowned emperor, but it was not many moons before many of those who paid him homage upon that occasion bowed their heads in chagrin and tried to forget it. Thus it will be seen, Mr. Speaker, that it will not do to put bogus heroes upon pinnacles of fame, for it will not be long before they must come down.

A real hero would not accept honors at the hands of his people where there was a shadow of a cloud upon his title thereto; and we need no safer guide to disclose a fake hero than that of his being willing to accept a reward at the hands of a confiding and generous people when there is a shadow enveloping his title in any degree. Let us now see if the gentleman who is asking honors at the hands of the American people has a shadow resting around and about his claim to them, and if there is any reason for that cloud to exist, when considered in the light of his own contentions.

I am advised by one school of scientists that it is a physical impossibility for man or beast to reach the North Pole for the diminishing centrifugal action of the earth, and in proportion the increasing center of gravitation, near the pole, causes a complete failure of human and animal energy that produces a kind of paralysis that causes the loss of power of motion, sensation, or function in any part of the body, including the exercise of the faculties of the mind.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman there?

The CHAIRMAN. Will the gentleman yield?

Mr. MACON. My time is so limited that I can not yield now. I must go through.

Mr. TILSON. I just wanted some authority on that subject. It is very interesting. I would like to know what the authority is.

Mr. MACON. I stated that it was the theory of one school of scientists. In support of this contention any school child will remember to have read of the inhuman drubbings that travelers in frozen zones have been forced to alternately administer to each other in order to keep their human energies sufficiently aroused to prevent them from falling into a sleepy stupor that, in such cases, would be a sleep of death. And yet Peary, his Negro, and four Eskimos, according to his narrative, in spite of the teachings and experiences of frozen-zone travelers and scientists, hilariously and comfortably rollicked along over more frigid ice fields than had ever been traveled by man before and retained all of their faculties, functions, and energies to a degree that enabled them to stop right at the pole without having taken a single observation in a distance of 130 miles of travel over an uneven, unknown, and unfriendly frozen sea, and then remain at and about the point of discovery for a period of about 30 hours taking observations in apparent comfort and ease. Gentlemen, I can not believe the story; can you?

It is also contended by scientists that the atmospheric conditions in and about the region of the pole are not of sufficient pressure or power to support a human being in an upright position, and yet Peary states that it was so exhilarating and bracing as to put renewed life and spirits in them, even to the extent of causing the dogs of the party to toss their heads, curl their tails, and emit howls of enthusiasm and satisfaction. [Laughter.] Can you believe the story, gentlemen? I can not.

We also have a school of scientists who contend that the North Pole is located in an open sea that never freezes over, and hence that the much-sought spot must be reached in a boat of some description or an air machine of some character.

Another school of scientists insist that the thing that they call the "North Pole" is a hole that extends into the interior surface of the earth, and their reasoning about the matter is as sound as that of another school that tell us that Mars is full of canals that were dug by human hands and that the nights in Saturn are seven years long. Ah, gentlemen, we can not afford to pin our faith to all of the mythical contentions and bogus discoveries of theorizing scientists and fake explorers. If we do, we will soon be as crazy and unreliable as many of them are. Only a few days ago I read in a paper where a certain scientist had estimated that there were an even billion stars in the heavens, and that it was his purpose to count them. When we consider the great failure one would make in counting the dots on wall paper in an ordinary room, without making a mistake in the counting, unless a mark was placed on each dot as counted, we can understand what a fool's errand it would be to undertake to count a billion stars in the sky without making a mistake, and we know that only a crazy man would undertake such a job. [Laughter.]

Scientists tell us that such mighty mountain chains as the Rocky Mountains of our own country are nothing more nor less than volcanic upheavels of the earth, but common reason teaches that they are as much a part of the original creation as Mount Ararat, upon which Noah's Ark was permitted to rest; Mount Sinai, upon whose lofty heights was sung, by stainless lips, that grand refrain "Peace on earth, good will to man;" and the mighty Vesuvius that has been spitting forth fire and lava to the annoyance and destruction of mankind for centuries: and certain schools of them tell us that man does not possess a soul, that they have examined cadaver after cadaver and have not been able to find a soul case, and hence they reason that if the soul is the most important part of man there must be some place that can be found in the body in which it rests, and that the failure to find a lodging place for it is positive proof that none exists.

I insist that to accept such scientific teachings as that as true would either run us all crazy or convert us into a vicious set of murderers, grafters, and fakers, for, without the belief of the existence of a soul there would be no hope of a future reward and hence no incentive for living a correct life. I have enumerated a few of the many doctrines taught by scientists for the purpose of showing that we can not afford to pin our faith to all of them absolutely, and yet I find as much in them to pin faith to as I do in Scientist Peary's narrative of his discovery of the pole.

He and his friends were loud in discrediting Dr. Cook's story of the discovery of the pole and denounced him as a faker and his story as a "gold brick," and yet there are many damning coincidences in the stories told by each of them in regard to their alleged discoveries. Both of them had attempted to reach the North Pole before, and each of them on their last attempt positively asserted that they would discover it that time. There was nothing in their previous attempts to discover it that entitled them to express such confidence in the result of their last exploration. When each of them were well up toward the pole they got rid of their white companions, and when they had gotten rid of their white witnesses they greatly increased their progress. They both say that the pole is a sea of ice, and they both made the same statements in regard to the pole, even to the peculiar color conditions surrounding it, and further, they confirmed each other in every particular as to the smoothness of the ice and the ability to travel rapidly after their white witnesses were gone. When all of these coincidences are considered together they must be accepted as impossibilities, unless it is conceded that they both reached the goal. It is more reasonable to believe, however, that when they were on their polar expedition together that failed, that it is possible, and even probable, that after their failure they discussed the practicability of an explorer freeing himself of white witnesses who could and would dispute him and claim the discovery of the pole without a reasonable possibility of the fake ever being found out than it is to believe that they each discovered it. Gentlemen, do you believe that either of them discovered it?

Cook, after exposure and reflection, has admitted that he may have lied about it, and it is the consensus of opinion of a large body of American citizens that the most manly thing left for Peary to do is to follow the example set by Cook, just as he coincidentally paralleled the story told by Cook. But since he has failed, up to this time, to follow Cook's example, let us casually review his journey, as told by himself, and see what we can get out of it that will help us in our efforts to render a righteous verdict in his case. After reaching the land of the Eskimos he gathered up a number of natives and dogs to assist him in his discovery and proceeded to Cape Sheridan, where he abandoned the ship after a winter's rest, and commenced his overland journey to the pole, accompanied by 6 intelligent white men, who could take observations and make soundings, and 19 ignorant Eskimos, that he said would walk through hell if he told them to do so, and a negro tool that he characterized as being as submissive to his will as the fingers of his own right hand.

Peary states in his book that on April 1, 1909, Capt. Bartlett, having traveled northward with him from Cape Columbia toward the pole, reached latitude 87° 47′, and that thereupon Capt. Bartlett turned back and returned to Cape Columbia. In

the same book Peary proceeds to say that after Bartlett turned back he himself, accompanied by the Negro, Mat Henson, and four Eskimos, traveled about 130 nautical miles toward the pole, and that he traveled that distance in about five days, ending at about 10 o'clock in the forenoon of April 6. At that time he stopped and made a camp, which he called Camp Jesup, and before taking any observations he "reckoned" that he was in the neighborhood of the pole. Thereupon he says, on page 207 of his book, that—

> At approximate local noon of the Columbian meridian I made the first observation at our polar camp. It indicated our position as 89° 57′.

This quoted statement is open to criticism, because no observation taken a few miles from the pole on April 6, 1909, could furnish any reliable foundation of ascertainment of latitude unless that observation was taken at the local noon, or some other definite point of local time. Mr. Peary's statements assume that he was on the Columbian meridian, and assume that "approximate local noon of the Columbian meridian" was near enough for practical purposes of observation and calculations.

But both of those assumptions were quite unjustifiable. Any observation taken in the polar regions at "approximate local noon" may vary so much from local noon as to vitiate the result. But Peary's assumption that he was on the Columbian meridian is a still more serious error, unless he had some means of knowing that he was on the Columbian meridian. And it appears in his book that he had no means of knowing that fact; and it also appears that he was, probably, not on the Columbian meridian at Camp Jesup. His assumption that that camp was on the same meridian as Cape Columbia implies that it was exactly north of Cape Columbia. But this implication has no foundation whatever in Peary's book. That portion of his journey between Cape Columbia and Camp Jesup, which occurred after Bartlett turned back, about 130 miles south from Camp Jesup, was made in broad daylight, for the sun never sets in that portion of the polar sea at any time during the months of April, May, June, July, or August, and the moon was below the horizon of that portion of the polar sea during the first week of April, in 1909. There was, therefore, only two conceivable guides which Peary could use to guide him from the point where Bartlett turned back directly to the North Pole. One of those guides would consist in making frequent observations upon the sun and the other would consist in following the guidance of the mariner's compass. But the mariner's compass in that portion of the polar sea would never point north. It would point somewhere between south and southwest, because it would point toward the magnetic pole, which is in that direction from that region. But this pointing of the mariner's compass to the magnetic pole would continually vary between south and southwest as Peary traveled northward from the point where Bartlett turned back; and he could not know the degree of that variation at any particular time without knowing how far north he had traveled since he last consulted the compass, and without also knowing whether during that part of his journey he had unintentionally varied east or west from the due north course. For this reason the mariner's compass would not constitute a reliable guide as to what course to take in traveling northward from the point where Bartlett turned back toward the pole.

The only other conceivable guide to follow in trying to travel directly north would be observations of altitude of the sun above the horizon, or below the zenith of the sky, from time to time during the five days that he was traveling northward. But any observed altitude of the sun would not guide Peary to the latitude of his point of observation without first guiding him to the longitude of that point, because the time in the local day would depend upon the local longitude, and because the true latitude occupied by the observer could be learned only by deduction from the true time of the local day. In the region Peary was traversing the sun is higher at noon than it is at 10 o'clock of the local day, as it is in other regions of the earth, and therefore no calculation can be based upon its altitude at any particular moment, unless the observer knows at what particular local time he is making the observation.

Now, it appears in Peary's book that on his way north, from the point where Bartlett turned back to Camp Jesup, he took no observations whatever with a view of ascertaining the longitude and thereby to ascertain the local time. On the contrary, it appears that he simply assumed that, whenever he took an observation, he was exactly north of Cape Columbia, and that when his chronometer, which was set to the time of the Columbian meridian, indicated noon it was also noon where he was. On that gratuitous and unfounded assumption he appears to have taken observations of the sun at 12 o'clock, according to his Columbian chronometer, and then gratuitously assuming that the sun was at its highest point above the horizon he calculated what his altitude was at the time of taking that observation without bothering his mind about longitudinal observations at all.

It results, therefore, from the foregoing explanations, that Peary did not and could not travel directly northward from the point where Bartlett turned back, for he utilized no means whatever of knowing which way to walk over the ice to reach the pole from that point. He was therefore as likely to travel along a line which, if extended, would take him to the Eastern Hemisphere 10, 20, or 30 miles to the right of the pole, or to travel along a line which, if extended, would take him 10, 20, or 30 miles to the left of the pole, as he was to travel along a line taking him direct to the pole. And if he should happen to travel along the wrong line and travel 10, 20, or 30 miles, and then happen to "reckon" that he was out of the proper track and deviate therefrom to correct his error, he might deviate in the right direction or he might deviate in the wrong direction.

On the whole, if it is assumed that he did reach, in five days, a point about 130 nautical miles north of where Bartlett turned back, it is absolutely certain that he did not and could not travel that distance in a straight line, and the deviations from directness which must have characterized that journey must have increased its distance from 130 miles on an air line to a much greater distance, and that much greater distance may have reached 150 or 175 miles, or perhaps 200 miles. Thus the difficulty which has always existed in believing that he traveled in five days 130 nautical miles northward from the point where Bartlett turned back is much increased by this explanation, so that whoever believes that Peary reached 89° 57′ at 10 o'clock in the forenoon of April 6, 1909, must also believe that he traveled at least 30 miles a day, and perhaps 40 miles a day, on the average, during that time.

Now, in view of the fact that no other Arctic explorer in history ever traveled even 100 miles over the polar ice in five days, and in view of the fact that Peary was unfortunately disabled by the absence of all of his toes, except the little toes, from making great speed across the ice of the Polar Ocean, it is very difficult to believe that he did during those five days travel over that ice nearly twice as fast as anybody else ever did. The only view upon which such a belief could possibly be founded would be upon the theory that Peary did not personally walk much of the time, if at all, during these five days, but was simply hauled upon one of the sledges driven by Mat Henson and the Eskimos. But that view is met by the fact that he states in his book that he walked much of the time, and, indeed, that he led the march after Bartlett turned back.

It appears in chapter 32 of Peary's book that after taking his observations "at approximate local noon" of the Columbian meridian time at Camp Jesup, of April 6, 1909, he turned in for a few hours of absolutely necessary sleep, but that he was awake again at 6 p. m. of Columbian meridian time, when, however, he was prevented by clouds from taking any observations. Thereupon he took two Eskimos and, without Henson, "pushed on" an estimated distance of 10 miles. At the end of that trip he says that he took a series of observations at midnight of Columbian meridian time, and that those observations indicated that he was then beyond the pole.

This statement implies very plainly that Peary passed from the Western to the Eastern Hemisphere during that 10-mile trip, and was, therefore, on the opposite side of the pole from Camp Jesup. But it is an open secret that the scientific gentlemen who have made friendly computations in behalf of the National Geographic Society from Peary's recorded observations have found that the observations which he says he took at the end of the 10-mile journey indicated that the point was in the Western Hemisphere and was farther away from the pole than Camp Jesup, being southwest therefrom. Therefore it plainly appears that Peary did not know at Camp Jesup what was the true direction of the track which he had traveled shortly before reaching that point. He evidently supposed that that backward trail extended from Camp Jesup directly to the south, and that if he took his 10-mile trip in the opposite direction he would cross from the Western to the Eastern Hemisphere at or near the pole. But it now appears that the attempt he made to extend his 10-mile track in the same direction resulted in his traveling toward the southwest instead of toward the pole. And if we assume, as we apparently should, that the 10-mile trip from Camp Jesup was taken on a line with the trail by which Camp Jesup was reached we will see that that trail did not come from the south, but from the northeast. The only way to reconcile the various statements made by Peary and deduced from the figures by his friends is to assume that after Bartlett turned back he wandered over that portion of the polar ocean which has a diameter of about 260 miles, with the

pole at the center, without knowing where he was at any particular time, and that at the end of this wandering he happened to make a camp within about 3 miles of the pole. But nobody can know how far that camp was from the pole, except upon the basis of the figures which he had put down in his notebook of the apparent elevation of the sun at a time which he gratuitously assumed to be "local noon," but which may have been 10 o'clock or 11 o'clock before local noon or 1 o'clock or 2 o'clock after local noon, so far as Peary knew or could know. This total uncertainty of the local time when he took his observations at Camp Jesup quite vitiates any records he made at that time of the apparent elevation of the sun.

The expert who deducted the latitude from those figures and testified before the Naval Affairs Committee to its calculation and result may have made his calculations correctly, but he could not know that the basis of his calculations were correct, for Peary did not present to them any evidence of the local time at which he made his observations. Of course, it is difficult for any observer, no matter how skillful he may be or what instruments he may have, to ascertain local time at any point 50 or 100 miles from the pole. But the difficulty of proving any particular proposition can not be invoked as a substitute for proof of that proposition when it is necessary to know the truth of the matter. The necessity to ascertain local time in order to ascertain latitude or longitude 50 or 100 miles from the pole does not apply to the recognition of presence at the pole itself. If an observer were to reach that point upon the earth's surface, there is a method by which the fact of such presence could be positively proved without paying any attention to local time, and, of course, without paying any attention to longitude. That method would consist simply in measuring the shadow of a man every 2, 4, or 6 hours during any 24 hours of clear weather, by reference to any chronometer set to Columbian time or to any other time. If this method were to be pursued at the pole, all the shadows throughout the 24 hours would be almost exactly of equal length, though mathematically the length would vary slightly and gradually diminish in April from time to time during the 24 hours.

If Peary had been at the pole on April 6 and 7, in 1909, all he had to do to enable himself to afterwards prove that fact to the world would have been to have had Henson stand at a particular place on the ice at 6 p. m. of April 6, according to either of his chronometers, and again six hours later, according to the same chronometer, and again six hours later, according to the same chronometer, and once more at 6 p. m., according to the same chronometer, on April 7.

If he had done so, he could have measured Henson's shadow with a rope, or anything else that would neither contract nor expand, and having ascertained that all four shadows were almost exactly of the same length, he would have known that he was at the pole. Then he could have made a record of that transaction and explained it to Henson, and have shown the record to him, and then, when they returned to the United States, they could have corroborated each other in verifying the record by telling that simple test. If Peary had used that test with that result, the whole world would have been convinced of his presence at the North Pole, because that is the only spot on the surface of the globe where the shadows cast by an upright body, from time to time during 24 hours, would be of almost exact equal length, except that the same condition would be true at the South Pole in October, but not in April.

Mat Henson is said to be a fairly intelligent colored man, but Peary does not claim to have said or shown him anything in the vicinity of the North Pole which would enable Henson to corroborate or contradict anything Peary reported relevant to his latitude at any particular time or relevant to his presence at the pole at any time. Every man who asks a court to accept his version of any question of fact is required by law to furnish the best available evidence to support his contention. And if he asks the court to decide the issue in his favor from his own uncorroborated statement, when the circumstances are such that corroboration is practical, if his statement was true, the absence of corroboration weighs heavily against his contention.

Peary's alleged presence at the North Pole in April, 1909, is unsupported by any evidence whatever, except his own statement that certain observations on the sun on April 6 and 7 were correctly recorded in his notebook. That statement does not amount to evidence, because it is only a self-serving statement made by a man in his own behalf, and also because, even if the observations which he made were correctly recorded in his notebook no man can deduce his presence near the pole from those observations for the simple reason that he did not take his local longitude into account at all nor have any means of knowing the local time at which he took any observation whatever.

Again, referring to the friendly computations recently made by the gentlemen in behalf of the National Geographic Society, from Peary's recorded observations, it will be observed, from the hearings recently had by the Naval Affairs Committee, that they were made by a Mr. Duvall, but were presented to the committee by Mr. Hugh C. Mitchell, who claimed to have verified them after Mr. Duvall made them, and who claimed that the observations furnished by Mr. Peary, from which the computations were made, could not have been made in Washington, New York, or Boston. But it will be observed that before Mr. Mitchell was allowed to make his statement before the committee in regard to the computation of the observations, Mr. O. H. Tittmann, a member of the committee of the Geographic Society, who passed upon Peary's proofs and stated that his observations could be faked in the city of Washington, had to stand sponsor for Mr. Mitchell; and hence I am inclined to think that an unbiased person can not afford to give much credit to the statement of Mr. Mitchell when viewed by the fact that Mr. Peary's friends upon the committee would not permit him to be heard until he had been vouched for by Mr. Tittmann, who had stated before the same committee that Peary's proofs could be faked. It will be borne in mind that the computations presented by Mr. Mitchell must have been made at least 20 months after the alleged discovery of the pole was said to have been made and therefore must be received in the light of an afterthought, and we all know what "afterthoughts" mean when they are used for the purpose of supplying something that was lacking in the original.

Mr. Mitchell was cautious enough to say, however, in response to a question as to whether it was possible to have made the figures embraced in the observations submitted by Peary in Washington, New York, or Boston, that that was a matter of opinion, but that he believed all men who had had much experience in computing would agree with him that such things could not be faked. He admitted that Peary's observations were imperfect. In fact, stated that there was no such thing as perfect observations, but stated that if he had enough inaccurate observations he could figure out correct observations. Such statements, I am sure, will not appeal to anyone who thinks for himself, unless the degree of inaccuracy of the observations is known. In fact, Mr. Mitchell's testimony from start to finish indicates rank presumption and wild guesswork concerning everything he did in connection with the computation of the observations submitted by Peary. He even guessed at the time of the chronometer that Peary had with him at the pole when he knew that "time" at that point was the most material feature connected with the observations made during the 30 hours that Peary claims to have been at the pole. He contended that he had found Peary's time at the pole in face of the fact that experts had examined the chronometer before Peary left New York and predicted that it would run slow, but when returned to the same experts for examination, after Mr. Peary's return, it disclosed that it had actually gained time. And yet, upon such guesswork, wild speculations, and unreasonable assumptions, we are asked to find that Peary was at the pole according to the computations of Mr. Mitchell. No; I will not say "at the pole," because, with all of his guessing, speculations, and assumptions, he could not get him nearer than $1\frac{5}{10}$ miles of the pole.

I am advised that in order to obtain correct observations at or near the pole the time must be accurate and that the sun's altitude must be correctly fixed, and that such timepieces as Peary carried under ordinary conditions were not correct enough for ordinary observations, and that in the Arctic the conditions are extraordinary; that the instruments for weeks are thrown about upon the rough trail of pack ice and that the delicate mechanism is subjected to temperatures ranging from that of the body, at plus 98° F., to 75° below the freezing point, a change of over 100° F., that under such conditions the expansion and contraction of metals render accuracy impossible, and hence any pretended ascertainment of time at the pole after a journey of over 400 miles over a rough course of ice and a hard climate would have to be based upon the wildest kind of a guess. With the guesswork time that Peary claimed to have had with him at the pole he claims to have taken some of his observations when the sun was less than 7° above the horizon.

The CHAIRMAN. The Chair desires to notify the gentleman from Arkansas that he has consumed one hour of his time. He may proceed.

Mr. MACON. Thank you. Well-informed navigators insist that observations of the sun when less than 7° above the horizon, under the best of conditions, in temperate climates where centuries have taught us rules for correction, can not

be considered seriously. It seems that in the Arctic this problem assumes a still more serious aspect.

The temperature is low and the air, over a moving sea of ice, is charged with frozen humidity, and the atmosphere is also arranged in stratas of varying temperature and density, all of which so distorts the sun's rays that no correct allowance can be made for refraction, and it is insisted that this is not a matter of slight inaccuracy, but can be a matter of degrees. Therefore, because of imperfect time and unknowable refraction, we can not regard observations of the sun as being of value in proving a position on the polar sea. It is insisted that if an observer is far enough north to have only 7° for a meridian altitude of the sun, that it is impossible for one to get his horizon. They contend that his visible horizon is obstructed by land or hemlocks of ice, or both, and, of course, is useless and that he can not bring an artificial horizon into play with a 7° altitude, for at such an angle he would only get a streak of light across it, but that he would have to have an altitude of 17° to 20° to get a true reflection of the sun's disk under favorable weather conditions. Thus it will be seen that with guesswork time any observations taken at such low altitude as Peary claims to have taken his, renders them within the impossibilities.

Explorers, navigators, and scientists also contend that latitude observations on the sun can be manufactured and can not be detected unless there should be a contradiction or an error in the distance traveled between stations, but that a reasonably shrewd person could adjust the distances so that they would tally with the observations. They also contend that the admiralty chart shows that at Cape Columbia the magnetic needle makes an angle of 136° with the true north, and that this may vary as one moves toward the pole, and hence it would be impossible to use the needle with any confidence unless its variations were tested on the way, and that if the tests were made by the sun at midnight an error of the chronometer would give a wrong direction. Therefore, when we consider the contentions of these men of learning and experience, how unreasonable it is to ask the public to believe that Peary's reports of his straight and rapid travel to the pole, of his observations and soundings, are of such a character as to carry conviction of his discovery of the pole.

Let us pursue his so-called proofs a little further and see what we can find in them that has not been disclosed.

He states that he remained around and about the pole from 10 a. m. of April 6, 1909, until 4 p. m. of April 7, when he began his homeward journey; that he took a number of observations while there; that the weather during his stay at the pole was calm and cloudless, but two pictures of the flags that he hoisted while there, that appear on pages 284 and 290 of his book, contradict his statement as to the calmness of the weather, for they appear to have been struck by a gale, and those that appear on page 298 contradict his statement as to the clearness of the weather, for they appear to have been taken when the sky was overcast by clouds.

His statement as to conditions being "calm and cloudless" are significant when we consider the fact that it was necessary for them to be so if any scientific value is to be attached to the observations that he claimed to have made. But of all the remarkable and impossible things that he claims to have done seems to have been done "between sleeps," while he was at or near the pole. He says that after taking an observation at noon on April 6 he took a short nap, as he was immensely fatigued, but could not sleep long. At 6 p. m. of April 6, same day, he was up and out again. After this sleep he says he went 10 miles beyond the camp, reaching there at midnight, where he took observations and returned to the camp again at 6 a. m. of April 7; thence started out again 8 miles toward the right and returned in time to make a noon observation and to start back for land at 4 p. m., taking a sounding of 1,500 fathoms, and reaching camp 26 in good time on April 7. This is reckoned by explorers and navigators to make a total distance of 72 miles traveled between sleeps, which is equal to 82.8 statute miles, and, allowing 10 per cent for detours, and so forth, would make 91.8 statute miles traveled between sleeps, when, according to his own statement, he was so fatigued the day before that he could not sleep very much, and it must be understood that, while doing this, he alleges that he stopped long enough to make 13 observations and an attempted sounding of 1,500 fathoms. Is it possible for anyone to believe that a human being could travel over a distance of 91.8 miles, over broken fields of ice, make 13 observations, and make a sounding of 1¾ miles deep between sleeps? I insist that such a thing can not be done, and no one who has any knowledge of the limitations upon human endurance will for a moment contend that it can be done.

There are some things that we can not afford to believe; if we do, it would be a reflection upon our intelligence. For instance, if a hundred witnesses were to swear that they saw a man stand flatfooted and leap over the Capitol Building we would know at once that the testimony was false because the feat would be a physical impossibility. If I were to walk into the House some morning, just as the Speaker rapped his gavel for order, and inform Members that I had walked to Baltimore and back since breakfast, and were to exhibit a copy of the Baltimore Sun as proof of my statement, no one would believe it because they would know that the act was a physical impossibility, and so when Mr. Peary says he traveled the great distance that he did between sleeps, made 13 observations and a sounding of 1,500 fathoms, we at once know that it could not be true because such a thing would be beyond human endurance and accomplishment. Time will not permit me to dwell at length upon this man's wonderful traveling record, so I will have to call attention to the strange facts of his wonderful speed of travel from the very day that Capt. Bartlett left him until he returned to the same point and thence on to Cape Columbia, when he was traveling over unknown ice seas with his negro valet, whom he said was as submissive to his will as the fingers of his right hand, and the four Eskimos, that he declared would walk through hell for him if he told them to do so, and then cite a few instances of polar travels made by other explorers and leave that part of his case with you to be settled as, in your judgment, may appear to be right as between the people you represent and a self-alleged discoverer who has furnished nothing of a substantial character in connection with his discovery that is really worthy of being called proofs.

According to his own writings upon the subject, he traveled to Cape Columbia from the point where Bartlett left him, a distance of 281 miles in 31 days, or an average of 9.6 miles per day. This was not as good an average as was made by Dr. Cook in the same latitude, he having trveled 15.3 miles per day. The most remarkable part of Mr. Peary's statement, however, is the number of miles he said he traveled every day after Capt. Bartlett turned back, when no white man was with him to witness his feat, his only companions being the negro, Mat Henson, who served him for 20 years in the capacity of a servant, and the four Eskimos just mentioned, and, strange to say, all of his greatest marches were north of the Bartlett Camp over a territory that, according to his statement, no man had ever traveled before. He claims that in going to the pole and returning to Cape Columbia, a distance of 545 miles, he made an average of more than 26 miles per day for five days, or until he reached the pole, a distance of 132 miles from the point where Bartlett turned back; and 44 miles per day from the pole back to Bartlett's camp, or, to be specific, 132 miles in three days and more than 24 miles per day for 16 days from the pole back to Cape Columbia, a distance of 413 miles, the latter being almost three times as great an average as he made with his supporting parties. The last three days of his travel of 132 miles from the pole to Bartlett's camp he says he made 44 nautical miles per day, or over 50 statute miles, not counting detours, and so forth, and that was done at the end of a fatiguing journey of 545 miles. An important question to be considered here is: Could the dogs, in their fatigued condition, haul loaded sleds of more than 500 pounds weight for so great a distance for so many days in succession over a rough and badly ridged field of ice? Consider the impossibility of making such great speed under such adverse circumstances.

It is much more reasonable to believe that instead of Peary going to the pole and back, a distance of 264 miles, that he actually turned back at Cape Columbia the day after Bartlett left him. If he had done so, he would have had 21 days at his disposal to make the trip to Cape Columbia in and to make the trip back to Cape Columbia in 21 days, which took him 31 days on his outward march, he would have to travel 13.3 miles per day, or an average of more than 4 miles per day greater than he made over the same latitudes going north. It is much easier to believe that he did turn back than it is to believe that he traveled north five marches after Bartlett left him, or eight marches north and south, which brought him back to the same point, when compared with anything heretofore recorded in polar history. There were only two days in all of Dr. Cook's marches in which he made as much as 26 miles per day, and one of them was the day he started from land, on March 18, when he and his dogs were fresh, and then he only made 26 miles, and the other was on March 21, when he made 29 miles by traveling 14 hours. Every condition being favorable, he made a forced march of 14 hours and covered a distance of 29 miles for one day only, as compared with an average of 44 miles per day made by Peary in three successive days of less than 14 hours. It was reported that Cook fell asleep while his igloo

was being built after his 29-mile march, which indicates that the limit of human endurance, under exceptionally favorable conditions, over an ice field had been reached.

When Cook returned from his search for the pole and reported that he had discovered it and that in doing so he had traveled as high as 24 miles a day over polar ice, it is stated that Admiral Melville gave out an interview to the press stating that 24 miles a day over polar ice was an impossibility, and yet when Peary reported a much greater average than Cook had claimed to have traveled, this same distinguished gentleman congratulated Peary upon the great average that he had made and upon his discovery, but he did not possess that degree of decency that would naturally prompt him to apologize to Cook for the criticism that he had passed upon his claim of speed.

Peary's report, to the effect that he could only make 9.6 miles per day, on an average, with his ideal equipment, consisting of plenty of dogs and sleds in splendid condition, with an abundant supply of good food and a party of companions unequaled in arctic history, with advance divisions to break his path and build igloos in which to sleep, so that at the end of each march he could instantly retire and rest, conserving his energy, is very convincing to my mind that that was about as great an average distance as it was possible for human beings to travel over a polar ice field for so many consecutive days; but as soon as he was left with his negro companion, Mat Henson, and the four Esquimos, with their own road to break and igloos to build, he says he averaged over 26 miles every day thereafter until he reached Cape Columbia, a distance of 545 miles in 21 days. Unless I have been misinformed, the editor of the National Geographic Society says that 4 miles per day is considered a fair day's average over polar ice, although Cagni made 7 miles.

George Kennan, in the Outlook, states that he believes that the highest record made by a sledging party in a single season was about 11 degrees, and yet Peary says that he made more than 9 degrees in 22 days. Gen. A. W. Greely, in his Handbook of Arctic Explorations, on pages 155 and 156, says McClintock, already famous as the greatest of arctic sledgmen, surpasses himself in a journey remarkable for its distance, duration, and success, consisting of 1,661 miles in 145 days, or an average of about 11½ miles per day. On page 182 of the same book he says:

> Peary thinks he can travel 900 miles to the North Pole and return between February and June, which would be an average of about 7.4 miles per day.

On page 208, referring to Sverdrup, Gen. Greely says that—

> Sledding conditions were favorable to the extent that they were unsurpassed in polar work and field service and unusually free from the usual privations and hardships of arctic journeys. The areas over which he traveled were free from pressure ridges, so that he usually made from 12 to 15 miles per day.

On page 230, he says, speaking of Lockwood:

> The average daily travel to this point was 9 miles, the greatest ever made by man power in a very high latitude on an extended journey. It was within 2⅔ miles of the average attained 600 miles to the south over ordinary ice by the great arctic sledgeman, McClintock.

It therefore appears from the history of polar travels, just referred to, that from 10 to 12 miles per day on the average is considered the limit of human endurance on a journey over polar seas, unless Peary and his Eskimo and Negro witnesses, who claimed to have traveled a distance of 545 miles, not including detours from a straight line, eclipsing every known record and averaging more than 26 miles per day, can be considered as much superior to other human beings of their day and time, as Sampson is reputed to have been superior to those of his day and time.

When one seriously thinks of Peary's claim of having walked a distance of 545 miles, over slippery ice and yielding snow, averaging about 26 miles per day, and on three of the days an average of 44 miles, with four Eskimos and a Negro, bundled up in Arctic clothing, with their feet loaded down with snowshoes weighing about 4 pounds each, it is simply astounding. It must be remembered that these are nautical miles and on a straight line from point to point.

If any detours were made or pressure ridges climbed, they should be added to the distance to the pole, as well as 15 per cent for statute miles, which would carry them up to almost unbelievable figures. In view of Peary's astounding claim of speed, it appears necessary to closely examine his records in connection with them and to note the difference in the language used, the different style employed by him in his narrative from the day Bartlett left him. He seems to have been possessed with that "potent charm" that he claims to have followed him on his journey. On the day Bartlett turned back he had a little talk with himself as he walked to and fro, and made the prophecy, with remarkable intuition, that he would reach the pole in five marches, arriving there before noon, and would spend that afternoon in making observations, which he afterwards reported to have done to the very hour. It could not have been the smooth ice and snow that prompted his prophecy, for he says that—

> The floes were large and old, hard and clear, and were surrounded by pressure ridges, some of which were almost stupendous.

If the ice floes were large and old, hard and clear, and surrounded by pressure ridges, some of which were almost stupendous, how was it possible for him to have prophesied that he could travel over such an uninviting field at an average of about 26 miles per day? Gentlemen, do you believe him when he says that he lived up to the prophecy to the very hour?

After the attention of Peary's friends had been called to the extravagant distances claimed to have been made by him they undertook to justify his contentions by singling out other sledge trips that had been made under different circumstances and conditions to be used in comparison with his, and consequently in justification of his claims, but in making comparisons for the purpose of arriving at the truth as to the rates of speed made by Peary marches should be compared with marches, distances with distances, averages with averages, geographical miles with geographical miles, statute miles with statute miles, and conditions with conditions.

To mix these indiscriminatey and skilfully, without regard to the truth, is to confuse the mind and becloud the matter under consideration. His friends, in trying to bolster up his position and becloud the subject, used marches in their descriptions when convenient, hours when more convenient, and they compare statute miles with geographical miles, and they compare empty sledge trips over beaten tracks on land or across bays adjoining lands, with those of Peary over frozen ice floes. Everyone knows that with an empty sled, on beaten roads, with plenty of rested dogs, a vigorous driver with a whip, rushing along at a gallop, enormous speed can be made on a single trip, if it is not too long. They refer to several trips between Cape Columbia and the *Roosevelt*, but all of these are measured by statute miles and are made with empty sleds on beaten tracks, and hence can not furnish an honest comparison to the trips made by Peary over an arctic sea. In order to understand the comparisons they made between Cape Columbia and the *Roosevelt*, it must be understood that during the autumn months, when the *Roosevelt* was a prisoner in the ice, they had to exercise and train the dogs, and also the men, to gather up food. Hunting excursions were frequently made, too. The stores for the polar dash were, during this time, placed at Cape Columbia, six depots being established for this purpose, averaging 15 miles apart. The sledges returned to the *Roosevelt* empty. What sport was indulged in on these trips, what racing contests were had, and what speed made can only be imagined. Perhaps the friends of Mr. Peary have this information, but the public has not. Another one of the unfair comparisons used by his friends is to be found on page 304 in Peary's Nearest the Pole. He states that he had learned of the desertion of one of his men on arrival at the camp, and knowing it to be essential to prevent a recurrence of this kind, he pushed on to Cape Wilkes, camped, and turned in after a 25-hour day; slept three hours, and then started with an empty sledge, eight picked dogs, and an Eskimo driver to overtake his man.

He says that he was found at Cape Louis Napoleon, and, after receiving a lesson, was taken back with him to the ship. He says that the distance from Cape Wilkes to the "windward" was 60 nautical miles—as traveled by him along the ice and across the bays, not less than 90 statute miles—and the distance was covered in 23 hours and 20 minutes in actual traveling, which was equal to 3.8 statute miles per hour. Thus it will be seen that with an empty sled, eight picked dogs, an Eskimo driver, in a race of 23 hours and 20 minutes after a deserter, is used to illustrate "one march" in a comparison with Peary's marching over polar ice on foot near the pole. Is this comparison a fair one, even though it shows only about one-half as fast traveling as Peary claims to have made near the pole? Is this an honest endeavor on the part of Peary's friends to disclose the truth covering a mystery of international interest? It will be strange, indeed, if you gentlemen do not discern the unblushing masquerade that they are attempting to deceive the people with, when they are really hungering for the truth. They publish to the world, after such unfair comparisons, that Peary actually traveled in three days, on leaving the pole, 132 nautical miles, or 44 miles per day, or 50.6 statute miles per day, as a minimum distance on an air line, not allowing a hair's breadth diversion, and if an estimate of 10 per cent is added thereto for detours, diversions, ascensions, and descensions over uneven surfaces, it would make 55.6 statute miles per day. But the most ridiculous extremes to which Peary's friends have

gone in the matter of making comparisons of other sledge journeys with those claimed to have been made by Peary is where they make use of distances made on mail routes in Alaska, where the dogs were either rested or exchanged at convenient intervals, as horses used on the old stagecoaches in this country years ago were rested or exchanged at intervals, and those made in dog races in Alaska, and the gentleman's recent feat of walking 55 miles in three days, or marches, on a nice smooth pavement or gravel road in the District of Columbia. Such comparisons are really too ridiculous to even be repeated, but I thought that Members of the House ought to have the benefit of them in arriving at the real truth of this matter.

Peary's report of his soundings, that the National Geographic Society said they considered in connection with his discovery of the pole, is about as ridiculous and unbelievable as his alleged speed of travel. As stated before, he did not take a sounding after he passed 85° 23′ on his trip north. He reports to have attempted to make some, but they were not successful. The most absurd attempt, however, he claims to have made was upon his return march, 5 miles south of the pole. He claims to have used a wire twenty-eight one-thousandths of an inch with a weight of 14 pounds at the end of it and to have made an attempted sounding of 1,500 fathoms, 1¾ miles deep, in the Arctic Ocean with an April current to contend with. Do you not think it pertinent to inquire of the scientific board that passed upon his proofs as to what scientific value they could possibly give to a sounding of 1¾ miles in an April current with a wire of the dimension of twenty-eight one-thousandths of an inch and a weight of 14 pounds at the end of it. The chances are that the wire would be as nearly horizontal as perpendicular, for the current would sweep such a weight in that depth of water along until it would, perhaps, extend far out under the ice; and, to my mind, the fact of the wire having broken, and his having lost both wire and weight as he attempted to reel it in demonstrates in an important degree that the wire, instead of going down perpendicularly, was swept by the current in a horizontal degree under the ice and that in attempting to reel it in the ice caused it to break. Navigators inform me that such a sounding as he claims to have made at this point would, to an ordinary navigator, be valueless, and yet this naval officer of 29 years' experience has submitted it to the confiding world in the interest of science. The gentleman must have had some doubt of its efficacy himself, for in submitting his report to the Government upon it he said:

> If such request is permissible, I will respectfully request that this profile and complete set of soundings be not published at present.

He must have considered them absurd and valueless himself or he would not have attempted to impose an injunction of secrecy upon them. Ah, gentlemen, in all seriousness I ask, What proofs has Peary furnished that would justify Congress in proclaiming him the discoverer of the North Pole that could not be furnished from Washington, according to Messrs. Gannett and Tittmann, two of a subcommittee of three of the National Geographic Society that ascertained that he did discover it? If Peary had made a complete sounding, which he did not do, or had discovered land, which he did not do, according to his own statements, these would have been facts subject to review by future explorers and the truth in time be known, but as the matter now stands he has not furnished a particle of proof of his discovery that could not be faked right in Washington, according to Messrs. Gannett and Tittmann.

It is true that after 20 months of waiting and preparation the Committee on Naval Affairs were furnished with a recomputing of the records of his observations, but I am advised by explorers, navigators, and scientists that that would be no evidence of where he had been if the computations were found to be correct. I am advised that his instruments are not evidence of his having reached the pole; that his story, which could have been written at Bartlett's Camp or on the *Roosevelt*, can not be accepted as satisfactory proof of his having been to the pole. Then why all of the gentleman's pretense of secrecy about his proofs that he would not allow Congress to see until some "cashing in" arrangement had been made?

It has been argued by the friends of Peary that the three men who signed the report ascertaining that he did discover the pole were better qualified than any committee of Congress to pass upon the instruments used and records made by him, and that they certified to a waiting world that they had examined the instruments used and the records made and found them true.

May I ask who these three men are? Are they independent scientists, who dared to stake their reputations upon a falsehood, or upon a superficial examination of the facts? I insist not. But they have dared to stake their reputations upon either a falsehood or upon a superficial examination of the facts and in view of the certain exposures that will be made of those matters by scientists, it is my belief that their findings will react upon them and that their places in history will be as humiliating as they will be certain and fixed.

According to Peary's statements before the Naval Affairs Committee, his movements after Bartlett turned back were as uncertain, unstable, and as unreliable as the wind. He took no observations except at or near the pole, and hence his every act or movement was based upon guesses and estimates. Everything seemed to be of a negative or indefinite character from the time Bartlett turned back until his final appearance before the Geographic Society in Washington, that passed upon his proofs.

He said that he did not remember to have told anyone of his discovery upon his return, except Bartlett, and I have heard of no one who ever heard of his having told Bartlett of it until he made the statement before the committee. Messrs. Gannett and Tittmann said that there was no evidence before them of his ever having told anyone that he had discovered the pole until he flashed his wire to New York to that effect, and that was only done after he had heard that Cook had reported, a short time before, that he had discovered the pole. Gentlemen will bear in mind that he insisted that this was the crowning glory of his life, the most important event of his existence, and yet there is no evidence, except his self-serving statement, that he had ever disclosed his discovery to anyone until after he heard that Dr. Cook claimed to have discovered the pole. He says that he met Mr. Whitney on his way home, but that he does not remember to have talked to him about his discovery at all and that he does not remember whether Whitney even asked him anything about it.

Think of it, gentlemen! This man had been engaged in the crowning act of his life and claims to have been successful, and he knew that Mr. Whitney, himself a sportsman and explorer, knew that he had been in search of the pole for nearly a year, and then, when he met him in an isolated land, where men would be only too glad to converse about the things that were nearest to their hearts, he does not remember to have even hinted at the matter to Whitney or whether Whitney hinted at the matter to him. Do you think that an act of an ordinary man in dealing with the supreme affair of his life?

He does not remember whether the National Geographic Society requested him to submit his proofs or whether he asked that they be considered by it; when it was agreed that he was to appear and submit them, he did not even remember what time of day he reached Washington; that he did not remember when or where he first saw the members of the Geographic Society; that he thought he saw them at Admiral Chester's house in the evening of the day he arrived in Washington, but did not remember who was there. He said that he thought he submitted his journal that he kept upon his trip to the society for its consideration, but that he did not remember whether any of them read it through or not. Messrs. Gannett and Tittman stated that the reports they had before them when they passed upon his case were made upon independent slips of paper, and they did not remember to have seen any diary or journal. Peary stated that he did not remember when the committee examined his instruments, but that he thought it was done at night at the railroad station in Washington; but he did not remember to what extent the examination was made. Think of it, gentlemen! Do you think that if you were trying to have the crowning act of your life consummated that you would not have some definite knowledge about anything that was done in connection with its consummation? Do you really believe that this man knew nothing of a positive character about the matter, or, rather, do you believe that he was afraid to make a positive statement, for fear he would be flatly contradicted by others, and in that way his whole story repudiated to the letter?

The gentleman exhibited to the committee a little book that he said was the journal or a diary of his trip; said that he prepared it in his igloo each night before retiring, but he refused to leave the book with the committee, saying that it had never been out of his possession, and that he did not care for it to get out of his possession, and when one considers its clean appearance, after having made the long journey that he claims to have made, and under the trying conditions that he claims to have existed, and under the circumstances surrounding his opportunity for preparing and keeping it, no very great surprise could be felt as to why he did not want it to get out of his possession. He claimed that his chief food was pemmican, and that it consisted of about 30 per cent grease; that he held it with his hand when he ate it, and hence grease and smear must have been

left on his hand, and yet he prepared his diary with that hand and never made a single smear upon a single page of the entire book while he was doing it. Such a thing may have been possible, but I do not believe it.

It is much more reasonable to believe that he prepared it in some office after his return home than it is to believe that he prepared it in an igloo under the circumstances and conditions described by him. Another strange and unbelievable part of his narrative, as detailed in the hearings before the committee, was that he did not discover any current in the Arctic Ocean. From the description he gave from the many leads he encountered on his trip, caused by the parting of ice 20 or 25 feet thick, it was supposed that a current of water beneath the ice caused such a pressure as it swept along that it parted the ice and made the leads, but he insisted that the thick ice was parted by the wind; but full credit can not be given to that statement because of the discredit that he himself placed upon it by saying that when they were going to the pole they marked their track at intervals by placing tin cans upon ice ridges, so that they could readily see them on their return trip.

It is absurd to think that a wind that was strong enough to break ice 20 or 25 feet thick would not blow every can off of an ice ridge that it was possible for his party to place upon them, and not only blow them off, but blow them so far and in so many directions as to completely destroy their efficacy as guides upon the homeward trail. If his story about the wind being powerful enough to part the ice is true, then the story about the cans sitting upon ice ridges for several days unmolested by the wind can not be true. But in order to understand the significance of both stories it is necessary to know that the ice-parting story was told to overcome the suggestion of a current in the sea that would interfere with his making a sounding 1¾ miles deep, and the story about the tin cans sitting upon ice ridges for several days was told to explain how it was that he could travel so rapidly on his homeward journey, they being used as guide posts, and in that way preventing any loss of time in a search for his trail.

I have given more time and thought to this alleged discovery than I have to any other public question that I remember to have undertaken to investigate in my whole life, and the more I have investigated and studied the story the more thoroughly convinced have I become that it is a fake pure and simple. There is an old saying that it takes many men of many minds to make a world, and in order to place a true estimate upon the acts of men it is necessary for us to take into account the different dispositions of the "many men of many minds" mentioned in the old adage. I have had some men to tell me that they believed Peary discovered the pole, because they could not understand how a man in his position in life would make a claim of having discovered it unless he had really done so. That kind of a statement presupposes that men occupying responsible positions in life always tell the truth about their achievements, but we can not afford to accept that kind of a supposition as a true guide about the acts of men, it makes no difference how important the position or how high the standing held by them.

In our own country we have had men in all stations of life to commit deeds that were damnable, and it seems that in many instances the more exalted the position or standing the more outrageous the deed. While time will not permit me to enumerate them, every Member upon the floor of the House can call to mind some case that has come under his direct observation where men have become so crazed with a desire to accomplish a certain end that they would resort to any act, commit any deed and deliver themselves of any utterance that would enable them to accomplish their desire. Benedict Arnold, who was loved and trusted by all Americans, who had never been suspicioned by anyone, turned traitor to his country for a commission in the British Army; Aaron Burr, who had an absorbing desire to be a ruler, after having been honored by a confiding constituency, attempted to divide the nation that had honored him with a Vice Presidency in an effort to accomplish his purpose of being at the head of a government; and only a few years ago a bright officer of the United States Army, who was entrusted with an important commission, robbed the Government of several millions of dollars and paid the penalty therefor by serving a term of years in the penitentiary, and so it can be seen that men occupying high positions of state and in society will sometimes do things that no one can account for until the deed is done. Peary seemed to have been possessed of an insatiable desire to explore the Arctics and, if possible, to discover the North Pole. For 23 years he has been roaming over the ice fields of the North, and his desire to accomplish his purpose apparently grew upon him as the years went by, and, in my judgment, he reached a point where he was determined to accomplish it at all hazards, and having arrived at that determination he set about to do it at any cost. He had made so many trips and had reached an age where he knew that what he did must be done, if done by him, in a short span of time, and hence he proceeded to make his arrangements to discover the pole—pole or no pole. So when he reached a point farther north than he had ever been before he deliberately rid himself of every witness who could or would dispute his claim of discovery.

He said that Capt. Bartlett had been very useful to him in many ways and that he wanted him to go farther north with him than any white man had ever gone because of the great assistance he had been to him, but that he did not want him to share the glory of the discovery with him, and hence sent him back and proceeded northward with only such witnesses as he said would walk through hell for him if he would tell them to do so, or were as pliant to his will as the fingers of his right hand. Thus conditioned, there was nothing to prevent him from loafing around in that region for a few days and then returning to the United States and proclaiming his wonderful discovery. He can not excuse his action of sending Bartlett back by claiming that he did it because he did not want him to share the glory of the discovery with him, because he knew that it was the Peary expedition that was making the exploration and that if he had had 1,000 men with him he would have received the crowning glory of the discovery. He knew that Columbus had discovered the West Indies and that he had quite a concourse of associates with him; and he knew that none of them shared the glory of the discovery with him. He knew that Amerigo Vespucci discovered the continent upon which we live, and which bears his name, and that he had a host of companions with him and that none of them shared the glory of his discovery with him. He knew that when Magellan discovered the straits that bear his name he was surrounded with explorers none of whom ever shared the glory of the discovery with him; and he knew that De Soto had a little army with him when he discovered the Mississippi River, but that none of them have ever been associated with him in that discovery, and hence I repeat that it will not do for him to say that he got rid of Bartlett because he did not want him to share the glory of the discovery of the pole with him. If that was his only excuse for turning Bartlett back, then he is a meaner man than I ever expected to see in this life. I can not understand the depth of meanness that one would have to possess that would cause them to treat a loyal and faithful companion as Peary treated Bartlett in order to keep him from sharing a small per cent of the glory of the discovery of the pole. I would not treat a dog that mean, much less a man.

Peary's mind can not, of course, be read, nor can it be interpreted how or why he decided upon the report that he has made upon the discovery, but certain conclusions can be drawn therefrom, and I will here present a few of them for the consideration of the House.

Before Bartlett made his last march nearly every day's report indicated a serious condition in the ice movements, conditions in some respects not unlike those he found in the voyage previous, when he was obliged to turn back, resolving to make another attempt later; but this trip, as he has often said, was to be his last, win or lose.

But he sees clearly that to proceed much farther would be massacre. The distance yet to travel is 133 miles to the pole and 413 miles from the pole back to Cape Columbia. It is the 1st of April; whatever speed has been made to this point under so many favorable conditions can not possibly be expected henceforth.

Remembering that 4 miles per day is an average of polar sledging work and assuming the possibility of maintaining it, it would bring him back to land in 136 days, or on the 14th day of August.

The possibility of escaping from the polar pack under these circumstances across the disintegrating ice in the summer current is absolutely out of the question. To attempt it would be deliberate suicide on his part, with the certain death of all his forces.

Revolving the situation in his mind and the inexorable conditions that were now unfolded to him in their awful reality, he determined that there were but three alternatives from which to choose in this parting of the ways:

First. To openly acknowledge failure and the sad termination of a polar career, with the remote, but humiliating, possibility of Cook's return in triumph and to the glory of the one achievement that had been the hope and the ambition of his life.

Second. To proceed to a martyr's death.

Third. Imposture, with riches, renown, and eternal glory.

The temptation is colossal. Less than this has wrecked greater men. It is a "gold brick" to the public, but everlasting

fame to one who embraces it. It is an enormous price. It is an opportunity never again to be presented. He accepts it.

Having determined on a course of action, he must be sure and certain of his work. Conscience is easily soothed.

To proceed to the pole, even though successful, with all its trials, risks, physical and mental strains, what is it, after all, in the last analysis, but entries in a diary?

The achievement can not possibly be proven to the world, who can not witness it, and may be doubted in any event; why sacrifice so much for fickle humanity at this age of life?

A diary can be fixed here and now, or elsewhere and at some other time, if managed right.

Mat Henson, a body servant of 23 years' service, has grown up to be absolutely subservient to his dominating mind, without even a wish or thought to do anything but to serve it faithfully. Peary is safe with him.

Neither Henson nor the Eskimos need see or know or have any means of knowledge as to directions or distances or time. If a statement is made in their presence, it is and must be accepted without a word, without a question, and is willingly accepted, as they are only there to serve implicitly. He says: "They are as obedient to my will as the fingers of my right hand."

But Bartlett, what of him? He is a man of thought, of observation, and of responsibility. There's the rub.

In a matter of deception it is unsafe to place confidence in a man of his integrity and capacity.

In matters of this import, in a crisis like this, whatever be necessary to success, the end justifies the means.

Emperors, kings, queens, princes have, with less temptation, resorted to murder, direct and indirect, in a multitude of ways.

Bartlett must be gotten rid of whatever else may be afterwards considered.

Bartlett is ordered to return. He is very anxious to go farther. It is a sad disappointment to him; but he is an officer and obeys his leader.

Bartlett himself is, of course, ignorant of the purpose in Peary's mind. He is yet necessary to Peary in many ways, and will be in the future. His friendship is all important and all efforts must be made to preserve it. Praise, hearty appreciation, must always be expressed for his great services, even to flattery if it serves. He will be a bulwark, if a time of stress and controversy ever appears.

This part of the problem being successfully solved, the next and only serious one remaining, not wholly in Peary's power to control, is the sounding apparatus. That, just now, is an ugly thing to have around. What it does is positive work, attached to the earth. If it could be in some way accidentally lost in the sea it would be a godsend. But how can this be successfully done even in the presence and with the knowledge of willing Henson and the Eskimos?

Soundings are tangible things, positive things, dangerous things, in cases like this. This may be reviewed in the future. His method of solving this problem has not been so skillfully handled as the rest of his story, and it adds another straw.

The sample of soundings beyond 49 miles out from the land "were lost with Marvin." The soundings made by Bartlett found "no bottom;" brought up nothing. The one near the pole lost line and sinker, all that remained.

The coast is now clear; not one scrap of evidence can be checked up. No other serious thing now exists. He makes five marches in some direction, some distance, perhaps, who knows? At the end of the fifth march he announces to willing ears the gladsome news that their long arduous struggle is over: "The pole at last! The prize of three centuries, my dream and goal for 20 years, mine at last."

He takes observations, walks some distance this way and that in great solemnity, lest some error in calculations might rob him in some way of the real solid assurance in his mind that he actually reached the pole. A flag is planted and photographed, and all is done. The men are admonished and drilled to bear distinctly in mind the number of marches from Bartlett's camp. It may be important in history. They are told that they are all heroes, but that they must remember the facts told them in order to preserve their part of the glory.

Whether this theory be a correct one or not, it is certainly in harmony with my views upon Peary's discovery.

If Peary did discover the pole, what scientific data did he bring back with him that has been, will be, or could be of any service to anyone or any cause—especially to the Navy? Then why should he be given such high rank in the Navy, when he has contributed nothing to its service or efficiency?

If a lieutenant in the Army should procure a leave of absence and proceed to Alaska and undergo the useless and senseless hardship of climbing to the very top of Mount McKinley, would it be appropriate to promote him to the rank of brigadier general and retire with him the highest pay of that rank for doing so idle a thing?

Admitting that Peary did reach the pole, his feat was simply a matter of endurance. It was a sporty thing to do, and should be rewarded with a medal, such as are awarded to Marathon runners.

If Congress bestows high honors, such as are being asked for Peary for a test of endurance that has little, if any, scientific value, what will be left to give some man who really achieves something of importance? To reward him as he wants to be rewarded would cheapen naval titles and grades. They should never be granted except for attainments that have some relation to the service. If this man had the proper respect for the Navy and a decent pride in its service, he would not ask that the titles and ranks of its officers be degraded to the degenerate level to which his unwise, unjust, and unprecedented promotion will prostitute them.

For 16 years the Government has been paying this would-be hero a handsome salary and has not received any compensation therefor by way of service, or otherwise. Therefore, to my mind, he is an unfaithful servant, an idle loafer, and ought to be driven from the service instead of being promoted. To an impartial mind, I am sure, his request for a promotion, under all of the facts and circumstances of his case, will be considered as rank an act of impudence and unseemliness as that of Judas Iscariot when he betrayed his Lord and Master with a kiss.

We have two schools of philosophy represented here to-day. To which do you subscribe? To that of P. T. Barnum, the greatest humbugger of his age, or to that of Abraham Lincoln, one of the greatest patriots, philosophers, and statesmen of any age? For myself, gentlemen, I proudly take my stand with honest Abe. [Applause.]

Mr. Chairman, I now submit for printing in the RECORD a few letters and newspaper clippings bearing upon this alleged discovery and the man who claims to have made it, for such consideration as Members may care to give them:

GERMAN SCIENTIST TO EXPOSE PEARY—PROF. ANDREAS GALLE SAYS HE HAS PRODUCED NO PROOFS OF HAVING BEEN NEAR THE NORTH POLE.

[Special cable to the Gazette through the International News Service.]

BERLIN, *November 12.*

The famous German astronomer, Prof. Andreas Galle, of the Potsdam Geodetical Institute, says that when he gets through with Commodore Peary the man who has been honored the world over as the real discoverer of the North Pole will look no better than his despised rival Dr. Cook.

Prof. Galle, whom nobody will think of accusing of any bias in the matter, has for many months been submitting Peary's "proofs" to a very critical examination. The professor asserts that Peary until now has given absolutely no scientific proof of having ever been near the North Pole, but on the other side has made several assertions which tend to show that he has never been there.

The so-called "proofs" published by Peary are of no scientific value whatever, no more so than Dr. Cook's, said Prof. Galle, and at the same time he added that Peary did not even possess the instruments necessary to find out where he was at any certain time during his trip. Furthermore, the professor said, Peary would not have known how to use the instruments if he had had them. Nothing in Peary's own reports shows how he knew that he was traveling straight north during the latter part of his trip. The only way to make sure of this was by using theodoliths and observations of the stars, but Peary has done neither.

In a very short time Prof. Galle will publish his criticism in the Deutsche Revue, the well-known German monthly, but at present he asserts that nobody is entitled to make the statement that he has reached the North Pole unless he is able to prove this by observations that will stand the test of science, and there is nothing, absolutely nothing, scientific in the observations made by Peary.

WEST HOBOKEN SCIENTIST DOUBTS WORD OF PEARY.

Editor of the OBSERVER.

DEAR SIR: Lieut. Robert Peary's gigantic bombshell, now flung at Dr. Cook about not reaching the North Pole, is somewhat like the surprise Peary gave us in 1897, when he brought from Greenland to the Brooklyn Navy Yard a large chunk of telluric iron and claimed it to be a meteorite.

After a close examination of same I then formed an opinion about Peary's sincerity as an explorer, and I have ever since found no grounds to change that opinion.

Inclosed please find an article which was printed in the New York Herald October 27, 1897.

Yours, truly,

ALFRED S. FRANKLIN,
215 Spring Street, West Hoboken.

"Alfred S. Franklin, who was the interpreter with the Wellman expedition in 1894, went to the navy yard yesterday and inspected the meteorite brought back from the frozen North by Lieut. Peary. Afterwards he told me he agreed with Nansen in his doubt as to the celestial origin of the stone.

"'It is not a meteorite at all,' he said, 'but, as Nansen says, merely a mass of telluric iron. When I was with Wellman, on June 26, 1894, Capt. Peterson, Messrs. Dale, Novde, Bjorvig, and myself started out hunting. On Walsh Island, formerly known as the Inner Reps Island, 80° 25″ 5′ north latitude, 24° 16″ 4′ east longitude, I found a huge mass just the same as this so-called meteorite. I took samples and have compared them with Lieut. Peary's specimen, and they are almost identical, though not quite so rich.'"

And now Congress is being importuned to give Peary a reward for discovering the pole. This same galoot is the limit of gall. All the years he has been making explorations and writing for magazines he has been on Uncle Sam's Navy pay roll. For years he has devoted himself wholly to his own interests, drawing pay from the Government all the while. When he got back from the pole he wouldn't submit his proofs to Congress, but sold his story to magazines rather. And now this contemptible grafter wants Congress to reward him for working for himself while at Uncle Sam's pie counter. If there is a more pestiferous cad in the United States than Peary, we do not know his name. Between a liar like Cook and a jackass like Peary we are for the liar every dash out of the box.

[Sunday Oregonian, Jan. 8, 1911.]

ESKIMO BOY SAYS PEARY IS HATED BY PEOPLE OF NORTH.

NEW YORK, *January* 7.

A letter received from Mene Wallace by his friend Chester Beecroft complained that the Peary relief ship which took Mene back to the North left him many miles from Etah in a strange part of Greenland with no provisions, no furs, and no dogs. Mene was landed at North Star Bay and had a great deal of trouble to get to Etah, where he was known. Mene says that Peary is hated in his country for his cruelty. He does not believe that Peary found the pole or that Cook found it. Mene was brought to this country about 14 years ago by Peary, with his father and two other Eskimos. All died but Mene. He attended the public schools in New York, but got homesick.

[From the Los Angeles Bystander, March.]

Judging from the advertising pages of the magazines, the chief purpose of Peary's dash to the pole was to bring to the notice of the public sundry products of the American manufacturer. While he has jealously declined to share whatever honors there may be in his discovery of the top of the world with any human being, he has generally related his indebtedness to various articles he has recommended and leaves the impression that but for "Never-rip" suspenders, Fillit's razors, "Won't-stop" watches, and Shootem's rifles he could not have gotten farther north than One hundred and forty-second Street, New York. Unless one stops to catalogue the subjects of his commendations, he is apt to cast aside the magazine under the impression that Peary was loaded down with everything from a patent toothbrush to canned soups, and that polar discovery was not made possible by sleep, man, and dogs, but by tooth paste and hole-proof socks. It does not follow that there is any revenue from the versatility which Peary displays in falling into rhapsodies over the various articles he declares rendered such valiant aid on his polar journey. But his obligations are so plainly and enthusiastically expressed it seems only fair that the Government should save the $6,000 pension his friends wanted him to cop from the public till and let the manufacturers of the aforesaid articles make up a purse as bountiful adulatory slush and relieve the rest of us from responsibility about a person for whom we do not care a rap. Indeed, if every wish which men have expressed to kick Peary as a rebuke for his supreme egotism had been applied, he would have long ago been punted so far beyond the domains of Uncle Sam that he couldn't get back in a thousand years. Peary's magnetism may not thrive among men, but when it comes to reach forth the open palm he is as shameless as any bell hop that ever grabbed for the unearned increment.

[Copy of letter from E. T. Osbaldeston, M. D., formerly passenger ship surgeon.]

NEW YORK CITY, N. Y., *December 14, 1910.*

To the Hon. R. B. MACON, OF ARKANSAS.

ESTEEMED SIR: Regarding the claim of Lieut. Robert E. Peary to the discovery of the exact site of the North Pole, you are possibly aware that there are thousands of his fellow countrymen who doubt the truth of the man's claim equally as much as that of the explorer Dr. Cook.

As an extensive traveler abroad, I have heard the same opinion expressed. At one time in England, where Peary was lecturing in particular, and this impression remained in the minds of the most of his audience, that he was even a more brazen-faced faker than Dr. Cook, and that the services of a kind press agent alone helped him to face it out. You may possibly recall the fact stated at the time of Peary's ungentlemanly and savage attack upon his coexplorer, Dr. Cook, viz, that Peary had grown rich on the proceeds of the solicited contributions of others in fitting and furnishing the means for his several explorations to find the North Pole. Also that he had never been known to give a full and detailed account of the expenditure of the large sums of money intrusted to his care for that purpose.

It was likewise stated publicly in the daily press that he exhibited unscrupulous methods when far north in obtaining sealskins and other relics to be forwarded, as was done afterwards on his return home, as presents in the form of sealskin coats and caps, etc., etc., to the members of the United States Geographical Society, of which he was a member, and their wives and daughters. No one will surely question their right to take the fatherly interest in Peary and indorse his statements, which they hastily and without reasonable time and investigation surely did, leaving most of the learned societies of other nations in lasting doubt as to their truth.

This man Peary is known by all who ever come in contact with him, in his assumed business of north sea explorings, to possess a selfish, unscrupulous, cunning, crafty, and bouncy nature. The cunning of making friends of the Esquimos by presents of boats, guns, ammunition, and a large variety of other goods, including foodstuffs, was a clever move to silence their tongues and secure their lasting friendship, even by lying if need be. The man Dr. Cook possessed no such advantages, and if he had would possibly not have used them in the same manner and for the same purpose, although there is little to say still in favor of Dr. Cook's pretensions to the actual discovery of the pole. Neither Cook nor Peary can ever convince the noted Arctic explorers of Sweden or Norway that they did discover the pole, and they believe that it is yet to be discovered.

Personally I am a member for many years of my life of an important, almost universal society in a lodge of 240 members, and only 7 believe that Lieut. R. E. Peary ever discovered the North Pole. Common gratitude for gifts received by the members of the Geographic Society, of which Peary is a member, and their pride in having the world believe that a member of their exclusive body did really find the pole might resonably be expected of them. The stand which you and other members of our Government are taking in opposing this man's claims to unproven honors meets with the approval of all honest, truth-loving citizens.

Respectfully,

DR. EDWIN T. OSBALDESTON.

LITTLE ROCK, ARK., *March 14, 1910.*

Mr. R. B. MACON, *Washington, D. C.*

DEAR BRUCE: It is with pleasure that I note that some one has enough good sense left not to permit the Congress of the United States to blindly make an ass of itself by a fulsome worship of a doubtful hero of arctic exploration, and a man that is in every fiber of his small soul a cad and a selfish vainglorious bigot, regardless of his achievement, or want of it, as an explorer. His position that he will be handicapped in his revenue-producing lectures by a public examination of his claims to distinction is a veil so gauzy and unworthy of a historical figure that one blushes to know him an American. I sincerely hope that if the matter of a medal is again broached in the Congress that you will burn the falsity of his shallow conceit so deeply on his varnished tale that it will forever remain a lesson to future pouter pigeons of the American Navy.

I inclose you herein a section of the Arkansas Democrat of to-day, on both pages of which is an evidence that there are those besides myself that look on this man as I do, and those who appreciate your position in the matter. With kindest regards,

I am, sincerely, yours,

BALDY VINSON.

Mr. MACON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I yield an hour to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I had hoped the gentleman from Arkansas [Mr. MACON] would save a little of the time allotted to him in order that he might answer questions.

I have listened to him intently for 1 hour and 40 minutes, and he has declined, by reason of the length of his address, to be interrupted. I feel, however, that one or two questions ought to be put, if he is willing to answer them, even though it comes out of the time the chairman of the Committee on Naval Affairs has generously allotted to me. I shall put these questions, if the gentleman from Arkansas is ready to answer.

Mr. MACON. If I can answer them, I will.

Mr. MOORE of Pennsylvania. Acting, as I do on this occasion, in the absence of my colleague from Pennsylvania [Mr. BATES], who brought in the report favoring appropriate Government recognition of the world-wide exploit of Commander Robert E. Peary, whom my friend from Arkansas has just assailed, I shall yield probably 8 or 10 minutes of my time for questions and answers, with a view of ascertaining the source of information of the gentleman from Arkansas. I ask him whether he has been in communication with the Arctic traveler to whom he has made reference and upon whom he seems to pin his faith, Dr. Cook?

Mr. MACON. I never had a line from Dr. Cook in my life. I have never written him a line in my life. I repudiated him here to-night, in the beginning of my statement, when I said that the people at my home did not laugh at me any more for doubting that he discovered the pole.

Mr. MOORE of Pennsylvania. Then it is not the judgment of the gentleman that Dr. Cook did discover the North Pole?

Mr. MACON. I do not believe he discovered it any more than I believe the gentleman from Pennsylvania [Mr. MOORE] discovered it. I think he got a little nearer to it, because he went a little farther north than the gentleman from Pennsylvania ever did; but I repeat, I do not believe he discovered it any more than I believe the gentleman from Pennsylvania [Mr. MOORE] discovered it.

Mr. MOORE of Pennsylvania. The gentleman made something of a point of the telegram of congratulation sent to Dr. Cook by President Taft. The gentleman recalls that the President was very careful to say that he congratulated him upon "the report" that had been received of his discovery?

Mr. MACON. I do not know but what he said he congratulated him upon his discovery. I understood the telegram to mean that he accepted Cook's report as being true, and therefore the President of the Nation was proud to know that such a great feat had been accomplished by a citizen of the United States.

Mr. MOORE of Pennsylvania. The gentleman from Arkansas recalls that every newspaper in the land announced the arrival of Dr. Cook and his alleged discovery of the North Pole?

Mr. MACON. I so stated, and said that they heralded in great big headlines that he had made the greatest discovery of the age and was the greatest hero.

Mr. MOORE of Pennsylvania. And the gentleman was deceived into believing that, as most of the people of the United States were deceived?

Mr. MACON. I did not believe it, and I said that I was laughed at by my friends and neighbors and called a "Doubt-

ing Thomas" because I did not believe the story, but I said they did not laugh at me any more.

Mr. MOORE of Pennsylvania. The gentleman recalls the Copenhagen incident?

Mr. MACON. Yes; I recall that, and was glad to see that they corroborated my belief about the matter.

Mr. MOORE of Pennsylvania. And the gentleman recalls the incident of Mount McKinley?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. And the book based upon that alleged discovery?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. The gentleman recalls the return of Dr. Cook, and his employment by a magazine, to publish articles, admitting himself to be a faker?

Mr. MACON. I remember that; yes.

Mr. MOORE of Pennsylvania. The gentleman has no faith in Dr. Cook?

Mr. MACON. If the gentleman from Pennsylvania should take a week to make up his mind upon that proposition he could have no more doubt about Dr. Cook's not having discovered the North Pole than I have. The gentleman could not believe him to be a greater faker than I believe him to be.

Mr. MOORE of Pennsylvania. Then, upon that point the gentleman from the land of the big red apple and the gentleman from the Keystone State agree.

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. That Dr. Cook humbugged the people of the United States and humbugged the people of the world?

Mr. MACON. Yes; I believe that.

Mr. MOORE of Pennsylvania. The gentleman is aware that for 23 years a young lieutenant of the United States Navy was devoting the best there was in him to the attainment of an object which had been sought by the great navigators and explorers of the world.

Mr. MACON. My advices are that he was loafing around up there; that he was possessed of a disposition something like that of a young man down in my district, whose father was well off, and was the sheriff of his county. The sheriff wanted his son to qualify as his assistant and stay in the office and help collect the taxes and be the office man, but the son would not do it. He was of a roving disposition, and would rather roam around over the country than to stay at home by a warm fireside and enjoy the hospitality and love of his family. I have understood that Capt. Peary was of that disposition.

Mr. MOORE of Pennsylvania. Did not the gentleman, coming from that section which boasts of its Anglo-Saxon blood, have at first a little touch of pride, as a native American, when he read that an American had discovered the North Pole?

Mr. MACON. I did not believe it.

Mr. MOORE of Pennsylvania. Would not the gentleman have been proud if he had believed it?

Mr. MACON. Yes; if I had believed it, but I did not believe it, and hence I was no more proud of his declarations than I would——

Mr. MOORE of Pennsylvania. Did not the gentleman have some pride when the news came flashing over the wire that Dewey had sunk the Spanish vessels in Manila Bay?

Mr. MACON. He is a sure-enough hero.

Mr. MOORE of Pennsylvania. Had he suffered any more than Peary had suffered in his personal relations?

Mr. MACON. Dewey was carrying out the duties that devolved upon him as a naval officer, while this naval officer was doing nothing in the interests of the Navy.

Mr. MOORE of Pennsylvania. Now, after the gentleman's assault——

Mr. MILLER of Kansas. Mr. Chairman, in the interest of fairness, I think the gentleman from Pennsylvania ought to allow the gentleman from Arkansas to complete his answers.

Mr. MOORE of Pennsylvania. If the gentleman from Kansas had been here, as I have, for 1 hour and 40 minutes listening to the gentleman from Arkansas and had only 50 minutes left to himself, I do not think he would want to yield all of his time.

Mr. MILLER of Kansas. I have been here during the entire evening and have been much interested.

Mr. MACON. Mr. Chairman, I want to say that I must decline to be further interrogated by the gentleman from Pennsylvania unless he allows me to conclude my answers.

Mr. MOORE of Pennsylvania. Very well, I shall proceed to put things into the RECORD which may have a bearing upon what the gentleman from Arkansas has said in his very unjust, and, in my judgment, outrageous assault upon one of the Nation's heroes.

Mr. Chairman, I have some respect for the great fourth estate, which has not had a single representative in the Press Gallery to-night, a thing unheard of since I have been a Member of this House. I took note that during the progress of the address of the gentleman from Arkansas, which was an assault upon the newspaper fraternity of which I am proud still to be a member, there was no one willing to listen to his diatribes, offensive as they were in their personal references, and upon one of the great men of our country.

Mr. MACON. Mr. Chairman——

Mr. MOORE of Pennsylvania. I decline to be interrupted.

Mr. MACON. And I decline to be insulted by the gentleman from Pennsylvania. I do not want to make a personal matter of this, but if the gentleman from Pennsylvania wants to make a personal matter of it, I am ready.

Mr. MOORE of Pennsylvania. The gentleman from Arkansas is always ready to make a personal matter——

Mr. MACON. I say I do not want to make a personal matter of it. I did not intend to be impolite to the gentleman, but I do insist that he must not refer to me in such a way.

Mr. MOORE of Pennsylvania. I am referring to what the gentleman said; I am referring to this own words.

Mr. MACON. Tell what I said.

Mr. MOORE of Pennsylvania. If I could recall it I would, but some of the things the gentleman said I do not wish to recall. The gentleman was violent in his language in regard to the newspaper fraternity, but I observed that during the whole course of the gentleman's address the Press Gallery was empty.

Mr. MACON. I do not expect the newspapers to listen to me; they are not my friends. I thought that was understood by Members of the House.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor, and as he declines to yield he can only be interrupted by a point of order.

Mr. MOORE of Pennsylvania. I decline to yield because I asked the gentleman from Arkansas to yield to me and he declined to do it. Mr. Chairman, much stress was laid by the gentleman from Arkansas upon the return of an adventurer from the arctic regions. Anyone who has knowledge of the great newspaper fraternity which he assailed in his address knows what a "scoop" is, and what it means to come in first with a good story. If the gentleman understood, as I understand, the rivalry between newspaper men to obtain first the news that they want to give to the public, as he might understand the desire of a man in business to excel his rivals, he would understand that a faker who had just a smattering of information of the plans of the man who had devoted his life openly to the discovery of the North Pole might, when he knew the world was on the qui vive for information, create a great sensation on the American Continent by announcing from a European country that he had discovered the North Pole.

Will the gentleman from Arkansas [Mr. MACON] or any Member of the House say now upon his word of honor that he knew that this adventurer was in the Arctic regions seeking the North Pole? We knew that Peary was there. He had been trying for years to make the discovery, but was there the slightest intimation upon the part of anyone in this country that a man named Cook had gone into the Arctic regions and was seeking to bring back that prize of the ages which men of other nations had sought in vain? Was it not a surprise to every man here, as the gentleman from Arkansas admits it was a surprise to him, that this man should come out of hiding and suddenly say: "I am the discoverer! I am the Barnum prodigy; believe me, or not, I am sure of public attention on the vaudeville stage or in the magazines!"

What had he to lose except his reputation, and was he not losing that in such a way as to profit by it? Was it any wonder that a man who had carefully and publicly planned expedition after expedition year after year, who had striven against untoward conditions, raised the money, borrowed and begged it, should, upon attaining the goal of his lifetime, and finding that a faker and a fraud had imposed on the whole world, then on the spur of the moment in a righteous outburst of indignation say those things which even the gentleman from Arkansas himself might in his heat have been expected to say, did he find it necessary to dispute with some one who had done him great wrong?

I have watched this monumental outrage in all its phases from the time Peary started his first expedition north. I have lamented the unjust and cruel incident which deceived a whole world and robbed a hero of the credit and the glory that was his.

My colleague from Arkansas a moment ago referred to the man whom he said discovered America. He could not have

cited a more significant circumstance. What was the treatment accorded the discoverer of America? He believes Columbus to have been the discoverer of America, and yet it is known to all of us that Columbus was abused and robbed even of the credit of having his name attached to the New World. The honor fell to one who followed him, who simply had the foresight to put in a claim for what Columbus had failed to receive. Vespucci "scooped" the situation, and this country was named not after Columbus, but after Amerigo Vespucci.

Mr. Chairman, there have been fakers national and fakers international. No great discovery in science or in geography has been made that did not find some one following the inventor or the genius who toiled and plodded and bore the brunt of the undertaking. There are always those to dispute the honors of the public servant when the time comes for applause. Why, according to tradition, even in this House of Representatives there have been those who, sitting in the coat rooms and expounding their philosophy, have subsequently come upon the floor to listen to others elaborating their ideas. It seems to be the way of the world, and it seems the world is more and more prepared to listen to the man "who gets there first," who tells the story first. Strange, but it would seem we are coming to care little for the real and earnest worker who trails along after the sensation has been sprung.

I have some personal knowledge of the man who has been assailed upon this floor to-night, for in my capacity as a reporter upon the Public Ledger, under the direction of Mr. George W. Childs, I was instructed to place a pigeon cote upon one of the earlier vessels upon which Peary sailed north.

It was proposed to test out the capacity of carrier pigeons and to find out how far north they might go and be freed to carry their messages back to the United States. I recall distinctly being upon the ship and observing the narrow, contracted quarters in which a handful of men were to sail away upon a perilous expedition at the risk of their lives, even more than men do who enlist for the war; and I heard the stories of those who went on a subsequent expedition to find them and to bring them back, and I recall what they said of the long nights in the winter, those long months and years together, away from wife and children, living upon blubber and the crudest food, reduced to a minimum in quantity. They had the same faces to look upon every day and the same voices to listen to, until they became stale and metallic, even more so than voices do here in this great House, from which we so often crave relief. I recall distinctly the tales of hardship and heroism as they have come from the lips of men like Admiral Melville; how, notwithstanding it all, men came to hate each other in their circumscribed quarters in the Arctic regions, and how, when they came home, it was apt to be that they would recite stories one about the other and each claim credit for acts performed. But here and there as we may find a man who had a grievance against the commander, here and there as we may find one who claimed that he performed an act that was entitled to the applause of the people, it is a singularly striking fact that upon this last expedition those who accompanied their acclimated and experienced leader testified that he was their friend; that he had been an exceptional commander; that he understood how to lead and how, humanely, to control his men.

I have heard tales of cruelty with regard to the commander of these Arctic expeditions, tales arising from agreements or contracts made before he started out upon these voyages. Did the gentleman from Arkansas ever attempt to organize an expedition to be gone into an unknown world for four years? Does he understand the fine discrimination necessary to secure the right men for so exceptional a task? Those engaged in successful Arctic work must be tested and sounded as to their physical qualifications; there must be an understanding that they will follow the lead of their commander and subject themselves to his orders. Pray tell me what old general of the Union Army, or of the Confederate Army, for that matter, would have undertaken to lead a command if he knew that when he got out into the field every man would become a commander? Would he stand for a violation of orders or agreements when men had enlisted for the fray? I brush aside as unworthy of comment the stories of cruelty in the Arctic regions and declare that a man who would undertake an expedition of that kind, responsible for the lives of the men under him, relying not only upon his instruments but upon the stars and the tides and the winds of which other men knew not, and who had not the authority or ability to command and control his men would be unfi. to engage in the work.

Peary began his journeyings 23 years ago and pursued them patiently and systematically. He showed remarkable control over men and situations. Had he been disposed to outrage the public confidence he could have done it after the third or the fourth expedition. Why should he have taken the additional risk of other voyages, incurring a broken leg and the loss of all the toes of a foot, if he had not intended to win upon honor?

Are we to condemn him for his pluck and perseverance, or is he not entitled to the admiration of all the men of this world who have red blood in their veins? Why stigmatize him as the gentleman from Arkansas has done? His, surely, was not the work of a "loafer." No man without careful training of mind and body and an indomitable courage and will power, with perseverance and persistence, could have kept so everlastingly at it as Peary did. Briton or Frenchman or Norwegian, and they were all masters of the seas, had never been able to cope with him in the search for this prize of the ages. He outdistanced them all. He came back to us exultant and believing his work would be crowned with popular approval. Thus far we have heaped upon him criticism and discomfort; we have stood him back while a pretender to the throne of honor has occupied our time and attention. And we of Congress sit here and listen to an assault upon the courage and upon the integrity not only of Peary the man, but of an officer of the United States Navy, whose last expedition, the last of eight undertaken and organized by him and his friends, and this without expense to the Government, was entered upon by authority of the President of the United States. Do we remember that Peary returned under orders and reported in the regular way to the Department of Commerce and Labor, to which he was assigned, and that he brought back information which he laid at the feet of the Secretary of the department—information that no other country of the world possesses, so voluminous and fraught with such value to science that even the trained minds we have in our scientific bureaus have not yet been able to collate it all? Why should we make him a mockery of the people of this country, the son of our own soil, whose work has been open and aboveboard for 23 years and whom to-night we hear denounced as a faker because some one faked upon him?

Honored and respected in every nation of the world, shall we bring him back to his own country and then dishonor him? In dishonoring him do we not tell the nations of the world that what is un-American excites our admiration; that we applaud explorers of others nations who have gotten within 100 miles or even 1,000 miles of the pole, but that when our own son comes back he shall stand aside and be the butt and jest of scoffers?

We decline to make Peary an admiral. Thus far we have told him to take his place as a clerk in one of the bureaus, and this coincident with an invitation from the great nation of France to come and be welcomed as an international hero.

England gives Peary a medal and greets him with open arms; and Italy, whose own explorer knows what the perils of the great north are, tells him to come and receive the honor which her own son failed to achieve. Great Britain calls in one of her own and gives him a reward of $100,000, not for discovering the North or the South Pole, but for attaining a certain distance toward the South Pole. Other nations honor their heroes. They do not put the stamp of disapproval upon them. They welcome the exploits of their gallant sons. In this capital city and throughout this country we mark with tablets of bronze and monuments of granite the services of our martial heroes. We remember the man who drew his sword and at the critical moment dashed forward for the honor of his country. Tell me what man who has fought the battles of his country, brave as he has been, and creditable as was his service, has endured the perils and the privations of 23 years in unknown seas, braving and striving against risks and dangers of which the world knows not?

Loafer! Oh, as a Member of this House, exercising my rights to defend one in whom I believe and who can not here speak for himself, I resent the assertion. No man could be a loafer who must organize an expedition, provision it for two or three years, provide for it in the hold of a small ship, train and direct the men, even those who do not speak his language, who will work faithfully and well under adverse circumstances in regions where the course is unmarked and where the fogs and icebergs close in on the life of the men and of their vessel.

Mr. Chairman, there is even a broader thought than this. It concerns the effect upon the youth of this country of our refusal as the national body to properly recognize the work of brave and gallant sons. I have before me the story of one who disputes that Edison was the inventor of the electric light and the phonograph. Shall we rob him of that credit now? There were those who contested the telephone invention of Alexander Graham Bell. There are those who dispute every creditable act that a man of genius and a man of courage may perform. We have come upon such times, with our boasted enlightenment

and our ease of newspaper information in this country, that we are prone to suspect every man from the moment we read of his exploits. Is this good for the country?

I believe in Mr. Peary. I believe in the genius of American youth. Let me be personal again and say that during the progress of the Spanish-American War I felt there was no man—general or private—who had performed an act of more conspicuous bravery than a Member of this House who honors the State of Alabama. I refer to Capt. RICHMOND P. HOBSON. Now, how many will say they could have done what he did, had they the opportunity?

There was a man who undertook to do what could not be accomplished by a general, what could not be accomplished by an army. He did it with the knowledge that his life was in the balance.

Who would rob HOBSON, the national figure, not the Member of this House, of the honor and the glory of his brave act at the entrance of Santiago Harbor? And yet, oh, my friends upon that side of the House, and upon this side, how many were there this country over who were willing, like my friend from Arkansas [Mr. MACON], to withhold from HOBSON the honor and the glory which establishes his place in history.

Or let us have another instance growing out of the same Spanish-American War. Do you recall how our blood tingled throughout this country when the news flashed over the wires that Dewey had sunk the Spanish vessels in Manila Harbor? Do you recall the wonderful parades, the pomp, and the unusual outbursts of American masses in welcoming him home, and do you recall how suddenly the trend of popular opinion swung, how many were ready in envy or malice to take the laurels from his brow? Are we to withhold these honors until men are dead and unable to appreciate them? Tell me what boy of yours, going into the service of the Army of the United States or undertaking the work of the Navy, may not some day be put in that position where opportunity or responsibility will put him forward and advance him beyond his fellows? Shall the answer to daring and heroism always be, You will have to prove it? I do not believe it true. Why, those who are in close daily contact with you are those who give you least credit for the things you do.

The man who knew you while you were a student, or when you were boys working together, is the man who ofttimes expresses surprise that you should be in Congress to-day. He is sometimes the last to give you credit. You have got to fight your way, and you have not only got to fight your way, but you have got to stand out with a full knowledge of all your strength and power. You may care for those things that are said about you, but you do not have time, in the the hurly-burly of modern existence, to stop and answer every dog that barks at your heels.

Mr. Chairman, Commander Peary was never entitled to the rank of commander, except as he was the commander of a vessel organized and equipped by himself. He was never even a captain until he came naturally and by gradation to that grade. He was "civil engineer, United States Navy." He won the rank of commander on the ships that he controlled. This Government has paid him no respect that was not due to any one of its officers plodding along in the routine way. It seems to me that where an officer of the Government, given leave of absence to make explorations that would be of advantage to navigation and commerce, entered upon that work and from year to year for 23 years carried it on without success, but ultimately succeeded, it comes with bad grace to set up against him an imposter, and thus discredit his standing in the Navy, to which he faithfully reported, and with the people for whose honor he strove.

There is testimony over and above that of my brief statement justifying recognition for the work that this man has done. There is reason over and above any argument of mine why this Congress should act, and act quickly, to save its honor and the honor of this country, as it is regarded by the other nations of the world. Three officers of the National Geographic Society were appointed to examine and report upon the records of Commander Peary. Their report was duly made, and they said, upon the strength of their scientific knowledge, that Commander Peary, an American, had discovered the North Pole. Instantly upon that report being announced the world accepted the verdict. It needed no special pleader, such as we heard here on the other side to-night, to convince the scientific world. The world took the statement of the three American scientists who rendered the verdict, and the world believed it to be true. Who were these jurors? Were they unknown? Was there reason to suspect their lack of knowledge? Were they inferior to the scientists of Copenhagen or of Paris or London or Berlin? Were we ashamed of our own talent, of the men whom we had accredited as officers of this Government? Were we to deny Peary and also to deny these three public servants? It seems to me that they constituted the jury and that their verdict was final. But who were they? First, Henry Gannett, this Nation's chief geographer, an official of the Government, the leading scientist in his line, recognized for his ability the world over. Second, Otto H. Tittmann, the Chief of the Coast and Geodetic Survey. If he is not a scientist, if he is not qualified, if he was unfit to sit upon this jury to decide a scientific question, then he is unfit to be the chief of one of the most important branches of this Government, because he has in his keeping the life and the property of all who sail the rivers and the seas. And the third of these men was an admiral of the Navy, Admiral C. M. Chester, attached to a department that was suspected of being unfriendly to the engineer who had accomplished something that no naval man of this or any other nation had accomplished.

When men disputed the word of these men, and not that of Peary alone, I took the trouble to ascertain, in view of the contentions that arose, whether they adhered to the opinion they gave when they returned their verdict, and I have here a copy of the letter received from each of them. Here is the jury to which my friend from Arkansas should appeal, and here is the jury with which he disagrees. I send to the Clerk's desk to have read a letter received on March 17, 1910, from Henry Gannett, the national geographer and the president of the National Geographic Society, an honored institution of this country to which reference has been made.

The CHAIRMAN. The letter will be read in the gentleman's time.

The Clerk read as follows:

NATIONAL GEOGRAPHIC SOCIETY,
Washington, D. C., March 17, 1910.

Hon. J. HAMPTON MOORE,
House of Representatives, United States,
Washington, D. C.

DEAR SIR: I have yours of this date.

The report submitted to the National Geographic Society November 4, 1909, certifying that "Commander Peary has submitted to this subcommittee his original journal and records of observations, together with all his instruments and apparatus and certain of the most important of the scientific results of his expedition," and that "these have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909," to which report my name is attached, was, and still is, my unbiased statement of the records as I found them. This report made by me and my colleagues to the National Geographic Society November 4, 1909, was true and accurate, and since that date my opinion as to Mr. Peary's discovery has not in anywise changed, nor would it be changed if I should be called upon to make a report to the Congress of the United States.

Very truly, yours,
HENRY GANNETT,
President National Geographic Society.

Mr. MOORE of Pennsylvania. That is your national geographer. Now, let the Clerk read the letter from Mr. Tittmann.

The CHAIRMAN. It will be read in the gentleman's time.

The Clerk read as follows:

2014 HILLYER PLACE NW.,
Washington, D. C., March 18, 1910.

DEAR MR. MOORE: I have your letter of the 17th. During the time when a controversy about the discovery of the North Pole was acute in this country I was in Europe and knew very little about it. I came back entirely unbiased and served on the committee in that frame of mind.

On the evidence before us I signed the report to the National Geographic Society with a full sense of its import. My opinion has undergone no change since the date of that report, and I am fully convinced that Peary reached the pole.

Yours, truly,
O. H. TITTMANN.

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

Mr. MOORE of Pennsylvania. Mr. Chairman, here is a hitherto unpublished letter from Admiral C. M. Chester, a rear admiral of the United States Navy, who was one of the three men constituting the jury to which I have referred.

The CHAIRMAN. The letter may be read in the gentleman's time.

The Clerk read as follows:

PERA PALACE,
Constantinople, April 4, 1910.

MY DEAR MR. MOORE: Your letter of March 17, directed to me, has been fully answered by my son, C. M. Chester, jr., and I presume you have received his letter. None too strongly has he expressed my conviction of the reliability of Commander Peary's work in the Arctic.

My opinion as to the discovery of the pole as expressed in the report of the committee, of which I was a member, to the National Geographic Society on November 4, 1909, has not changed, but my convictions have been strengthened in many ways by studies of the subject carried on for other purposes since that time.

It is a well-established fact that the altitude of the sun can be determined approximately by measuring the length of the shadow thrown over a raised object on the earth's surface, as shown in pictures. I have examined a number of photographs made by Commander Peary while en route to the pole, and by this measure of the sun's altitude established the latitude of the place at which they were taken, and in every case the result accorded with his record and observations. This investigation, I want it understood, was not undertaken with a view

to checking Commander Peary's work, but simply as a contrast to a like examination of photographs purported to have been made by another claimant for polar honors, which showed the converse of this proposition.

I would also like to add with regard to the oft-repeated and absurd criticism concerning Commander Peary's rapid march after leaving his main party on April 1, 1909, a fact that I do not think is generally known. It should be remembered that he advanced north with a force comprising personnel and equipment selected from the best in his entire command and with conditions of ice and weather growing better all the time. He therefore naturally made better speed than could be accomplished by a larger party, which is always retarded by its weakest unit. But this increased rate of travel was not abnormal, for when the party had again reached land and man and beast had been thoroughly rested, Peary spurted back to the ship, covering over 100 miles of ground in "two sleeps," or nearly as much distance as made by him in seven days from April 1 to April 6.

Very respectfully, yours,

C. M. CHESTER,
Rear Admiral, United States Navy, retired.

Hon. J. HAMPTON MOORE,
House of Representatives.

Mr. MOORE of Pennsylvania. Mr. Chairman, an effort was made by joint resolution to have Congress, through the Committee on Naval Affairs, approve the finding of this jury and have the honor passed over to Commander Peary upon that finding. We were unable to obtain recognition for that proposition. There was objection in the committee, voiced as it has been here to-night, by the gentleman from Arkansas [Mr. MACON], and centering chiefly in him, but these are the men and this is the jury whom he refused to believe.

I send to the Clerk's desk to have read the statement of an officer of this Government who does believe in that finding, who does believe in those men, and who does believe, upon their report, that Commander Peary, an American, discovered the North Pole. This is the report and the recommendation of the Secretary of the Navy.

The CHAIRMAN. The matter referred to may be read in the gentleman's time.

The Clerk read as follows:

THE DISCOVERY OF THE NORTH POLE.

The discovery of the North Pole by Robert E. Peary, United States Navy, after years of patient and arduous endeavor, is an event which has added to the honor and credit of our country. It is fitting that the Government should recognize the value of his services and their successful termination.

If it meets with your approval, I recommend that Peary, the discoverer of the North Pole, be given a commission by legislation as rear admiral of the Corps of Civil Engineers of the Navy, to date from April 6, 1909, the date of his discovery of the pole, and that he be retired as of that date with the highest retired pay of that grade.

Respectfully submitted.

GEORGE V. L. MEYER,
Secretary of the Navy.

The PRESIDENT.

Mr. MOORE of Pennsylvania. The view entertained by the Secretary of the Navy seems also to have been entertained by the President of the United States, who desired that this act of justice to an American hero should be performed. I send to the Clerk's desk to have read the statement of the President of the United States, based upon the finding of the jury of American scientific experts.

The CHAIRMAN. The statement referred to may be read in the gentleman's time.

The Clerk read as follows:

PEARY.

The complete success of our country in arctic exploration should not remain unnoticed. For centuries there has been friendly rivalry in this field of effort between the foremost nations and between the bravest and most accomplished men. Expeditions to the unknown North have been encouraged by enlightened governments, and deserved honors have been granted to the daring men who have conducted them. The unparalleled accomplishment of an American in reaching the North Pole, April 6, 1909, approved by critical examination of the most expert scientists, has added to the distinction of our Navy, to which he belongs, and reflects credit upon his country. His unique success has received generous acknowledgment from scientific bodies and institutions of learning in Europe and America. I recommend fitting recognition by Congress of the great achievement of Robert Edwin Peary.

Mr. MOORE of Pennsylvania. In conclusion, Mr. Chairman, I respectfully submit that this great country of ours can not afford to play the part of "the dog in the manger." One of our own sons has accomplished what in the estimation of men of progress and courage is regarded as heroic—surely without parallel. All other efforts, from whatsoever source, have failed in the attempt to encompass it. Men who distanced others, step by step, in the struggle "farthest north," have been sung and honored for their unsuccessful efforts. We can not afford to ignore our own citizen who ultimately reached the goal. The spirit of iconoclasm prevails to a greater extent to-day perhaps than ever. We are not a nation of idol worshippers, but we have ever preached and taught the doctrine of progress, the spirit of the initiative; that spirit of incentive and action which we have been proud to denominate American. In our great political dispensation, with faction contending against faction, it is to be expected that criticism and ridicule may be employed to dethrone a leader whose pretenses will not stand the test of popular approval; but if men go forth to battle, or venture into the field of discovery, or employ their talents and their genius to expand and glorify the country, we ought not, in all fairness, in all honor, in all decency, deny them that recognition the hope of which is the inspiration and the sum of their performances. [Applause.]

APPENDIX.

MEMORANDUM OF PEARY'S NORTHERN VOYAGES.

1886. May to November; about seven months: Penetrated 100 miles on the inland ice of Greenland east of Disco Bay, about 70° N. latitude; altitude, 7,500 feet.

1891–1892. June, 1891, to September, 1892; about 16 months: Right leg broken on voyage north. Five-hundred-mile march out and same distance back across northern part of Greenland, discovering Independence Bay, on the northeastern coast.

1893–1895. July, 1893, to September, 1895; about 27 months: Entire party except Peary and two men returned at end of first year. Spring of 1895 Peary repeated the march across northern end of Greenland and gained some miles beyond his farthest of 1892. Discovered the great Cape York meteorites and brought the two smaller ones back with him.

1896. July–October; about three months: Unsuccessful attempt to bring home largest of the Cape York meteorites.

1897. July–October; about three months: Brought home largest of the Cape York meteorites—the Ahnigito, the largest in the world—weighing about 90 tons.

1898–1902. July, 1898–October, 1902; about four years, three and a half months: During this time made four separate attempts to get north, resulting in the rounding of the northern end of Greenland and the attainment of the latitude of 83.59° north of the extreme northern point of Greenland; also the attainment of the latitude of 84.17° north of the northern point of Grant Land. All the instruments, records, private papers of the Lady Franklin expedition at Fort Conger brought home.

1905–1906. July, 1905–November, 1906; about 17 months: Highest north, 87° 6′, attained in this journey.

1908–1909. July, 1908–September, 1909; about 15 months: Attainment of the pole.

SUMMARY.

Eight voyages, 6 attempts to reach the pole, and some 12 years spent inside the Arctic Circle.

	Degrees north latitude.
1886	69.00
1892	81.35
1895	81.40
1899	81.50
1900	83.59
1902	84.17
1906	87.60
1909	90.00

NAVY DEPARTMENT,
Washington, July 2, 1908.

SIR: The unexpired portion of the leave of absence for a period of three years granted you in the department's letter of April 9, 1907, is hereby revoked.

Report by letter to the Chief of the Coast and Geodetic Survey for instruction in making tidal observations along Grant Land and Greenland shores of the polar seas.

Respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Civil Engineer ROBERT E. PEARY,
United States Navy, South Harpswell, Me.

THE WHITE HOUSE, *July 6, 1908.*

Approved.

T. ROOSEVELT, *President.*

Received July 11, 1908, 5 p. m.

R. E. P.

OYSTER BAY, N. Y., *July 3, 1908.*

SIR: Civil Engineer R. E. Peary, United States Navy, has been directed by the Navy Department to report by letter to the Superintendent of the United States Coast and Geodetic Survey, and you are requested to direct this official to order him to make tidal observations along the Grant Land and Greenland shore of the polar sea during his projected cruise in the *Roosevelt*.

It is believed that such observations will throw light upon the Coast Survey theory of the existence of a considerable land mass in the unknown area of the Arctic Ocean.

Respectfully,

THEODORE ROOSEVELT.

Hon. OSCAR S. STRAUS,
Secretary of Commerce and Labor.

[Telegram.]

NEW YORK, *July 3, 1908.*

Assistant Superintendent PERKINS,
United States Coast and Geodetic Survey,
Washington, D. C.:

I have information that you may be authorized to give me instruction concerning tidal observations north coast Grant Land and Greenland. Will two or three days' personal instruction at your office be desirable for my assistants? Kindly wire.

R. E. PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, July 7, 1908.

SIR: I have the honor to state that in response to the directions issued to the Navy Department, Civil Engineer R. E. Peary, United States Navy, called in person at the office of the Coast and Geodetic Survey and informed himself fully of the views and requirements of

that office in regard to tidal observations along the Grant Land and Greenland shores of the polar sea, and expressed his intention to make every effort to collect the desired information.

I have the honor to be, sir,
Your obedient servant, OSCAR S. STRAUS, *Secretary.*

The PRESIDENT, *Oyster Bay, N. Y.*

NOTE.—Commander Peary called at the Coast Survey Office on June 18 and on July 8. Mr. McMillan reported and spent that day and the morning of July 9 under the instruction of Dr. Harris.

EAGLE ISLAND,
South Harpswell, Me., July 12, 1908.

SIR: In compliance with orders of the Navy Department, copy of which I inclose, I beg herewith to report to you for instructions in making tidal observations along Grant Land and Greenland shores of the polar seas.

Very respectfully, R. E. PEARY,
Civil Engineer, United States Navy.

CHIEF OF THE COAST AND GEODETIC SURVEY,
Washington, D. C.

EAGLE ISLAND,
South Harpswell, Me., July 12, 1908.

MY DEAR MR. TITTMANN: The orders, copy of which I inclose, were received by me only last evening, having been sent from Washington to South Harpswell, then to New York, then back here in pursuit of me.

Otherwise, I should have reported to you sooner.

I am leaving here to-morrow morning, the 13th, for Sydney, and am due there Tuesday evening, the 14th.

If the *Roosevelt* makes good time going east, she will probably reach Sydney Tuesday and depart Wednesday.

This would make mail communication from you impracticable, and I beg to suggest that you wire me instructions and follow these with written instructions, which, in the event that I am delayed in leaving Sydney, may reach me, or otherwise will be received and held by Mrs. Peary.

With best regards to Mr. Perkins, Dr. Harris, and yourself, I am,
Very sincerely, R. E. PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, July 14, 1908.

SIR: Your letter of July 12, reporting for instructions in making tidal observations along the Grant Land and Greenland shore of the Polar Sea, has been this day duly received.

Detailed instructions were sent to you by Mr. McMillan on July 9, 1908.

Respectfully, O. H. TITTMAN, *Superintendent.*

ROBERT E. PEARY,
Commander, United States Navy,
Commanding Steamer Roosevelt, Sydney, Nova Scotia.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, July 9, 1908.

SIR: In pursuance of the orders of the President, transmitted through the Secretary of Commerce and Labor, you will please have tidal observations made along the Grant Land and Greenland shore of the Polar Sea during your projected cruise in the *Roosevelt*.

The following directions for observing tides in Arctic regions will be followed, as far as possible, by the observer.

Make hourly or half hourly readings of the height of the water's surface above a fixed datum by means of a fixed staff or other form of gauge for periods varying from one day to one or more months at a station according to circumstances.

Refer all observations extending over more than a few days to one or more permanent bench marks upon the shore.

The kind of time should be distinctly specified. Wherever practicable, the observations should extend through all 24 hours of the day.

If the observations continue only a day or two, they will be of greater value if made near the time of greatest northern or southern declination of the moon.

At or near the following places observations are especially wanted:

Points as far northward as possible.

Points as far westward as possible.

Cape Columbia. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Sheridan. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Brevoort. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Bryant. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape May.

Some point on northern coast of Hazen Land.

Some point as far eastward as possible. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Some point near the head of Greely Fiord.

Sketches of specimen gauges for Arctic work and suggestions are given in accompanying memoranda. The sketches are taken from the Arctic work of Hall, Greely, and Ziegler expeditions.

Further directions for observing tides are given in the blank books for tidal records and in accompanying memoranda; the latter are practically included in the introduction to the Coast Survey Tide Tables and in Chapter I, Appendix No. 9, 1897.

Respectfully, O. H. TITTMANN, *Superintendent.*

ROBERT E. PEARY,
Commander, United States Navy,
Commanding Steamer Roosevelt, Sydney, Nova Scotia.

PEARY ARCTIC CLUB, NORTH POLAR EXPEDITION, 1908,
Steamship Roosevelt, July 17, 1908, Sydney, N. S.

SIR: I beg to acknowledge receipt of your letter of July 14.

I beg to acknowledge also receipt of your instructions and those of the Secretary of the Bureau of Commerce and Labor.

Very respectfully, R. E. PEARY,
Civil Engineer, United States Navy.

Supt. O. H. TITTMANN,
United States Coast and Geodetic Survey,
Washington, D. C.

PEARY ARCTIC CLUB, NORTH POLAR EXPEDITION, 1908,
S. S. Roosevelt, 8–17, 1908,
Etah, North Greenland, Lat. 78° 18′ N.

SIR: I beg to report my arrival here August 11. Leaving Sydney July 17, Cape York Bay was reached near midnight of July 31.

The voyage north across the Gulf of St. Lawrence was favorable, the Straits of Belle Isle were free of fog, rendering the passage easy, and favoring weather was experienced along the Labrador coast, which was followed as far as Turnavik Island, latitude 55° 18′ N., with two intermediate stops for whale meat.

From Turnavik a course was set for Greenland coast, and about 12 hours of heavy weather ensued. After that the weather was moderate again until midnight of Saturday, the 25th. Following this were three days of strong northerly wind and sea, accompanied by rain and fog, which rendered the negotiation of Davis Strait somewhat disagreeable and arduous. From Holsteinberg the weather was favorable again, an energetic southerly wind of some hours' duration off Turnavik materially assisting us on our way.

Duck Islands were passed just before midnight of July 30, and Melville Bay entered in brilliant sunlit weather, with light air from the north.

This weather held to the east side of Cape York Bay, which was reached 11.30 p. m., July 31, no ice having been seen on the passage across the bay. In fact, no ice has been seen in the entire voyage except a narrow string of light, scattered ice off the Labrador coast the evening of the 23d.

Heavy weather and an unusual swell held us here till early Sunday morning, when the ship crossed to Cape York, latitude 75° 55′ N. Here I learned that the *Erik* had passed the day before, but was unable to get into the settlement. Eskimos and dogs were taken on here and the ship's tanks filled with water from the glacier. We then steamed north to North Star Bay, where I found the *Erik*.

Taking on more Eskimos and dogs here, the ships steamed in company to the northwest end of Northumberland Island, where I boarded the *Erik* to visit the settlements at the head of Inglefield Gulf, while the *Roosevelt* proceeded direct to Etah to overhaul and trim ship for the ice.

I rejoined the *Roosevelt* with the *Erik* late August 11, with additional Eskimos and dogs and some 35 walrus. All dogs were landed on an island in Etah Fiord, the *Roosevelt* was coaled from the *Erik*, coal landed for the return trip, and two men landed with supplies for the relief of Dr. Cook.

The season has been an unusually cold and stormy one, with almost continuous wind and frequent snow.

I have on board a good supply of Eskimos, dogs, and walrus meat. All on board are well. I expect to steam north some time to-night.

Very respectfully, R. E. PEARY, *United States Navy.*

SUPERINTENDENT UNITED STATES
COAST AND GEODETIC SURVEY,
Washington, D. C.

Similar report sent to honorable Secretary United States Navy.

INDIAN HARBOR, VIA CAPE RAY, *September 6, 1909.*

Mrs. R. E. PEARY, *South Harpswell, Me.:*

Have made good at last. I have the old pole. Am well. Love. Will wire again from Chateau.

BERT.

SOUTH HARPSWELL, ME., *September 6, 1909.*

To COMMANDER R. E. PEARY,
Steamer Roosevelt, Chateau Bay:

All well. Best love. God bless you. Hurry home.

JO.

INDIAN HARBOR, *September 7, 1909.*

WILLIAM H. TAFT,
President of the United States of America,
White House, Washington, D. C.:

Have honor place North Pole your disposal.

R. E. PEARY, *United States Navy.*

EXECUTIVE OFFICE,
Beverly, Mass., September 8, 1909.

Commander R. E. PEARY,
United States Navy, North Sydney, Nova Scotia:

Thanks for your interesting and generous offer. I do not know exactly what I could do with it. I congratulate you sincerely on having achieved after the greatest effort the object of your trip, and I sincerely hope that your observations will contribute substantially to scientific knowledge. You have added luster to the name "American."

WILLIAM H. TAFT.

BATTLE HARBOR, *September 10, 1909.*

Honorable SECRETARY OF STATE,
State Department, Washington, D. C.:

Respectfully report hoisted Stars and Stripes on North Pole April 6, and formally took possession that entire region and adjacent for and in name of President and the United States America. Record and United States flag left in possession.

PEARY.

WASHINGTON, D. C., *September 12, 1909.*

PEARY, *Battle Harbor:*

Congratulations on your successful efforts.

ADE, *Acting Secretary of State.*

BATTLE HARBOR, *September 10, 1909.*

Honorable SECRETARY UNITED STATES NAVY,
Navy Department, Washington, D. C.:

Respectfully report my return. Hoisted Navy ensign on North Pole April 6.

PEARY.

WASHINGTON, D. C., *September 9, 1909.*

Commander PEARY, *Battle Harbor:*

Your telegraphic report received. Navy Department extends hearty congratulations upon your successful attempt to reach North Pole.

WINTHROP, *Acting.*

BATTLE HARBOR, *September 10, 1909.*

Supt. O. H. TITTMANN,
United States Coast and Geodetic Survey,
Washington, D. C.:

Respectfully report 230 days' tidal observations Cape Sheridan, and 28 days' Cape Columbia, 28 days' Cape Bryant, 10 days' Cape Morris Jesup, 15 days' Fort Conger, simultaneous with Sheridan observations.

Also soundings Cape Columbia to pole, and Cape Morris Jesup to 84° 15′ north latitude.

PEARY.

UCCLE, *September 8, 1909.*

PEARY, *New York:*

International Polar Commission addresses sincerest congratulations to their member.

CAGNI, NORDENSKIOLD, LECOINTE.

NEW YORK, *September 9, 1909.*

Commander PEARY, *Battle Harbor:*

Admiral Sir George Nares cables to you, through the New York Times, "Owing to your well-known arctic veracity all will accept your statement that you reached the North Pole. I congratulate you. Nares."

THE NEW YORK TIMES.

LONDON, *September 12, 1909.*

PEARY, *Battle Harbor:*

Delighted to hear of your safe return. Warmest congratulations.

DARWIN,
President Royal Geographical Society.

TURIN, *September 24, 1909.*

Commander ROBERT E. PEARY, *New York:*

May I congratulate you on the result of your expedition? Am very glad you have succeeded.

ABRUZZI.

ON SAFARI, NORTH OF MOUNT KENIA,
September 22, 1909.

DEAR MR. BRIDGMAN, *Secretary Peary Arctic Club:*

Your cable has just been brought me by a native runner, here in my camp by the Guars Nyero. I am writing to Mrs. Peary and Capt. Peary; I have no idea where he is. I am inexpressibly rejoiced at his wonderful triumph, and proud beyond measure, as an American, that this, one of the greatest feats of the ages, should have been performed by a fellow-countryman of ours. It is the great feat of our generation. We are all Capt. Peary's debtors—all of us who belong to civilized mankind.

With heartiest congratulations, faithfully, yours,

THEODORE ROOSEVELT.

ROYAL GEOGRAPHICAL SOCIETY,
London, January 25, 1910.

Commander R. E. PEARY,
The Oaklands, Washington, D. C., United States.

MY DEAR PEARY: I cabled you yesterday that the council of the society have decided to award you a special gold medal, and a silver replica to the medal to Capt. Bartlett. The medal is awarded to you for having been the first man to lead an expedition to the North Pole, and for having undertaken such scientific observations as your opportunities permitted. The silver replica is awarded to Capt. Bartlett, who accompanied you as far as 88° north latitude. I need hardly say with what pleasure it is that I have conveyed to you this information. Personally, I think it is an honor which you thoroughly deserve, after reaching the goal for which you have strived with such perseverance and determination for so many years.

Yours, very truly,

J. SCOTT KELTIE, *Secretary.*

[Cablegram.]

ROME, *February 14, 1910.*

Commander PEARY,
2019 Columbia Road, Washington, D. C.:

Council Italian Geographical Society awarded you King Humbert gold medal on account your long, successful attempts reach North Pole; silver medal, Capt. Bartlett; please wire if accept invitation lecture Rome, May, after London.

MARQUIS CAPPELLI, *President.*

The Peary Arctic Club, "to reach the farthest northern point on the Western Hemisphere; to promote and maintain explorations of the polar regions." President, Thomas H. Hubbard; vice president, Zenas Crane. Organized January, 1899. Incorporated April, 1904. Incorporators: Morris K. Jesup, Henry Parish, Anton A. Raven, John H. Flagler; Robert E. Peary, civil engineer, United States Navy; Herbert L. Bridgman, secretary and treasurer. Standard Union Building, Brooklyn, N. Y.

NEW YORK, *July 9, 1909.*

SIR: In reply to your inquiry, mail for Commander Peary should be addressed to St. Johns, Newfoundland, care of Capt. Samuel W. Bartlett, who, in command of the power schooner *Jeanie*, now expects to leave that port for the north on the 25th instant. I judge this a more speedy and certain method than myself to receive and forward, involving unnecessary delay here.

Very truly, yours,

H. L. BRIDGMAN.

O. H. TITTMANN, Esq.,
Superintendent Coast and Geodetic Survey,
Department of Commerce and Labor, Washington, D. C.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, September 30, 1909.

Commander R. E. PEARY,
United States Navy, care Peary Arctic Club, New York, N. Y.

DEAR SIR: Numerous statements having appeared in the press referring to a report from you to this bureau, some of which have been attributed to you personally, suggest the possibility that a preliminary report may have been sent which has failed to reach this office. (See copy of telegram.) Will you please inform me of the facts in the case?

Congratulating you most heartily upon your splendid accomplishment, I am,

Very respectfully,

F. W. PERKINS,
Acting Superintendent.

[Telegram.]

SOUTH HARPSWELL, ME., *October 7, 1909.*

PERKINS,
Acting Chief United States Coast and Geodetic Survey,
Washington, D. C.:

No report as yet except preliminary telegraphic one. Shall forward original tidal records and profile of soundings Columbia to Pole shortly.

PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 7, 1909.

Commander R. E. PEARY,
United States Navy, South Harpswell, Me.

DEAR SIR: I beg to thank you for your telegram of this date. Both your determinations of tides and depths will be of greatest use in the discussion of the currents in that region and will be highly prized.

Very truly, yours,

F. W. PERKINS,
Acting Superintendent.

NAVY DEPARTMENT,
Washington, October 5, 1909.

SIR: The Government has for many years issued through the Hydrographic Office under this department a chart of the Arctic Ocean, showing the tracks of search parties and the progress of discovery.

2. The results of former expeditions toward the North Pole have been committed to the Hydrographic Office and incorporated into the official chart. It is, therefore, requested that the Coast and Geodetic Survey furnish for this purpose the results of the late expeditions carried on by Civil Engineer R. E. Peary, United States Navy, under the auspices of the Peary Arctic Club.

Very respectfully,

G. v. L. MEYER.

The honorable the SECRETARY OF COMMERCE AND LABOR.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 8, 1909.

SIR: In reply to your letter of October 5, 1909, I have the honor to state that the Coast and Geodetic Survey will furnish for the use of the Navy Department at the earliest practicable date such portions of the results of the late expedition carried on by Civil Engineer R. E. Peary, United States Navy, as he may furnish that bureau. No results have as yet been received.

Respectfully, ORMSBY MCHARG, *Acting Secretary.*

The honorable the SECRETARY OF THE NAVY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 30, 1909.

SIR: I inclose a photograph of the profile of soundings taken by the Peary expedition upon the recent dash to the pole, together with a copy of a letter just received from Commander Peary in regard to other soundings, which will be of value to you in the preparation of the chart of the polar region, to which you referred by phone some days since.

The suggestion that Prof. McMillan be called to Washington to assist in working up the notes is a good one, but there is no appropriation available in the Coast Survey which could be applied to this purpose. Yours possibly has greater flexibility.

When the profile of soundings, which is inclosed, was sent to me, it was with the understanding that it was to be kept strictly private for the present, but from Commander Peary's letter of the 29th I gather that he has no objection to their being sent to you, but I presume, with the understanding that they are not to be given to the press.

Very respectfully, yours,

F. W. PERKINS.

The CHIEF OF THE HYDROGRAPHIC OFFICE,
Navy Department, Washington, D. C.

[Telegram.]

PORTLAND, ME., *October 18, 1909.*

Supt. F. W. PERKINS,
United States Coast and Geodetic Survey, Washington, D. C.:

Tidal and meteorological records and profile of soundings leaving Portland to-day by express.

PEARY.

Soundings from Cape Columbia to pole—Peary Arctic Club polar expedition, 1908–9.

Sounding by—	Latitude.	Fathoms.	Remarks.
	° ′		
	83 7	0	
Marvin	83 10	98	Edge of glacial fringe.
Marvin and McMillan	83 25	96	
Bartlett	83 53	110	Edge of continental shelf.
Marvin	84 29	825	
Do	84 39	580	
Do	85 23	310	
Do	85 33	700	No bottom.
Bartlett	87 15	1,260	Do.
Peary	89 55	1,500	Do.

R. E. PEARY, *United States Navy.*

OCTOBER 18, 1909.

MARCH 16, 1910.

I hereby certify that this is a true copy of the original.

[SEAL.] ANDREW BRAID,
Assistant in Charge of Office.

EAGLE ISLAND, SOUTH HARPSWELL, ME.,
October 18, 1909.

SIR: Referring to my telegram, I am sending you by express the tidal records of the Peary Arctic Club's recent North Polar Expedition.

Owing to the unfortunate death of Prof. Ross G. Marvin, some of the chronometer comparisons, particularly of the Cape Bryant observations, are missing.

These comparisons are undoubtedly among Prof. Marvin's private papers, and if so, will be obtained from his relatives later.

Prof. Donald B. McMillan took many of the observations and is familiar with them all, and can come to Washington to see you any time you may consider it advisable.

I am writing him now to communicate with you at once and to keep you posted as to his address.

I am also sending you profile of soundings from Cape Columbia to within 5 miles of the pole.

If such request is permissible, I will respectfully request that this profile and complete set of soundings be not published at present.

With best regards, I am,
Very respectfully, R. E. PEARY, *United States Navy.*

Acting Supt. F. W. PERKINS,
United States Coast and Geodetic Survey,
Washington, D. C.

The sounding equipment of the expedition consisted of two reels of specially made piano wire of 1,000 fathoms each and three approximately 20-pound leads, with clam-shell device for grasping samples of the bottom. These reels were arranged to be fitted quickly to the upstanders of a sledge when making a sounding and had handles for reeling in the wire and lead.

One of these reels and leads were carried by Bartlett with his advance party, and the other reel and two leads by the main party.

Portions of the wire and the two leads were lost at various times in hauling up, owing, probably, to kinks in the wire.

When the sounding at 85° 33′ was made 700 fathoms only were left of the sounding wire of the main party, and Bartlett, with the other thousand fathoms, was in advance and inaccessible.

In hauling up the wire from this sounding it parted again, and some 200 fathoms, together with two pickax heads and a steel sledge shoe, which had been used to carry it down, were lost.

When Marvin turned back the Captain's 1,000 fathoms and the remaining 500 fathoms of the other reel were combined.

When Bartlett made the sounding at 87° 15′ I gave him explicit instructions to use the utmost caution in regard to the wire, in order not to lose any more of it, as I wanted it all for a sounding at the pole, should I succeed in getting there.

Acting upon these instructions, Bartlett ran out 1,260 fathoms and then stopped on account of a small kink in the wire, which he feared would part when the wire was hauled up.

When I made my sounding about 5 miles from the pole the wire parted, as had been feared, and the last lead and nearly all of the wire was lost.

The above facts are noted to explain the irregularity of these soundings which did not get bottom.

The sounding of 310 fathoms at 85° 23′ naturally impressed me at once as surprising, and when Marvin reported the result to me, immediately after taking the sounding, I at once asked him if he was sure that he had the bottom, and he replied that he was, as the fact of this pronounced shoaling from 825 fathoms to 310 impressed him at once, and he made sure that his depth was correct.

Again, when the sounding of 700 fathoms and no bottom was made about 10 miles farther north, we both spoke of the peculiar fact of this outlying ridge with deeper channel intervening between it and the continental shelf, and Marvin again said that he was sure of his 310 fathoms reading.

Had it not been for the loss of the last lead and practically all of the wire while making the soundings at the pole, I should, on the return, have interpolated other soundings.

The profile indicates that a line of 5-mile interval soundings from Cape Columbia to the eighty-sixth parallel might develop a particularly interesting profile of the bottom of the Arctic Ocean.

R. E. PEARY, *United States Navy.*

OCTOBER 18, 1909.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 21, 1909.

Commander R. E. PEARY,
United States Navy, Eagle Island, South Harpswell, Me.

SIR: Your telegram and letter of the 18th, in regard to the tidal records, were duly received; and yesterday the tidal records, thermograms, photographs, and photo films, and the two reports of January 4 and 9, by Mr. McMillan, were received by express. Later Mr. Nichols called and handed me the tracing of the profile of the soundings from Cape Columbia to the pole, for all of which I beg to thank you.

The tidal records will be turned over to the tidal division at once for discussion, and I shall be happy to furnish you with the results in such form as you may desire for publication with the account of your expedition, which I presume you will publish later.

The Hydrographic Office of the Navy Department has asked for your soundings, which I shall send to them as soon as I shall have received the data for determining their positions.

I note what you say about giving publicity to the profile and complete set of soundings, and beg to assure you that they will not be made public at present.

Very respectfully, yours, F. W. PERKINS,
Acting Superintendent.

EAGLE ISLAND, SOUTH HARPSWELL, ME.,
October 28, 1909.

Mr. F. W. PERKINS, *Washington, D. C.*

DEAR SIR: Replying to your favor of October 21, I desire to express my sincere appreciation of your kind offer to furnish me the results of the discussion of the expedition's tidal records.

I shall be very glad to receive the same when ready.

In regard to the profile of soundings delivered to you by Mr. Nichols, and which you inform me the Hydrographic Office of the Navy Department desires, will say that these soundings were made on the meridian of Cape Columbia, and platting on that meridian, at the latitudes which I think are noted in the table on the profile sheet, will give their position.

There are quite a number of other soundings made on this expedition and the previous one along the north coast of Grant Land as far west as the eighty-second meridian (Cape Fanshawe Martin), also in Kennedy and Robeson Channels and Kane Basin, also off Cape Alexander and from Cape Morris Jesup, the northern extremity of Greenland, to 84° 15′.

If the Hydrographic Office contemplates adding these soundings to chart No. 2142, or thinks of issuing a new edition of that chart, it would seem desirable to have all of these soundings, as well as the work of the previous expedition defining the shore line from Aldrich's farthest to Cape Thomas Hubbard, and the reconnaissance of the present expedition of Clements Markham Inlet, just west of Cape Hecla, added to the chart.

May I respectfully suggest that you take this matter up with the Hydrographic Office and, if the work indicated above seems desirable, see if some arrangement can be made for the compensation and expenses of Prof. Donald B. McMillan, who is familiar with much of this work, so that he may come to Washington with the notes of the soundings and assist in platting the work?

Prof. McMillan is now engaged in getting the soundings samples in shape to send a set to your office for such examination as you may desire.

Unfortunately, the samples of soundings on the northern journey beyond the soundings of 110 fathoms were lost with Prof. Marvin. The others may yield interesting results under the microscope.

Very sincerely, R. E. PEARY, *United States Navy.*

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 15, 1910.

SIR: The Superintendent of the Coast and Geodetic Survey advised me that Commander R. E. Peary, United States Navy, has submitted to that bureau the records of the tidal observations made by him in the Arctic by order of President Roosevelt. These observations are reported to have been thoroughly made and are satisfactory and of great value. They are now being reduced and discussed by the tidal expert of the Coast Survey.

In view of the fact that Commander Peary has performed the special duty for which he was attached to this department, I have the honor to suggest that he can be detached without detriment to the survey.

Respectfully, BENJ. S. CABLE, *Acting Secretary.*

The honorable the SECRETARY OF THE NAVY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, March 16, 1910.

Mr. O. H. TITTMANN,
Superintendent Coast and Geodetic Survey.

SIR: I have the honor to report that the tidal records obtained by Commander R. E. Peary during his latest Arctic expedition consist of practically unbroken series of hourly readings of the height of the tide, taken day and night, at the following places and between the dates specified:

Station.	Period of observation.	Length of record.
		Days.
Cape Sheridan	Nov. 12, 1908, to June 30, 1909 (total loss of record, 31 hours).	231
Cape Columbia	Nov. 16, 1908, to Dec. 14, 1908	29
Cape Bryant	Jan. 16, 1909, to Feb. 13, 1909	28
Fort Conger	June 10, 1909, to June 25, 1909 (total loss of record, 5 hours).	10

The observations were taken day and night, and besides the regular hourly readings, numerous additional readings were generally taken near the times of the high and the low waters.

From the records themselves and from plottings constructed from them, it appears that the observations were taken with great care and thoroughness.

The principal results from these records have been already obtained and are on file in this office.

In order to show the full geographical value of the results, it will be necessary to consider them in connection with all other tidal results relating to the Arctic Ocean. This work is now underway.

Commander Peary's observations leave little to be desired in regard to tidal observations between Cape Morris Jesup and Cape Columbia; but there are long stretches of the Arctic coast where nothing is available. This is especially true of the Russian coast and the western and northern portions of the Arctic Archipelago. However, we have recently received some tidal information from the Russian hydrographic office, with the promise of more, which will pertain to regions where no knowledge of the tides has heretofore been available.

The results obtained from Commander Peary's records show that the tides along the northern coasts of Grant Land and Greenland are quite different in many respects from what had been heretofore supposed. For example, his records prove that the tide occurs three hours earlier at Cape Columbia than at Cape Sheridan, and not later, as had been generally assumed.

As already intimated, the full significance of these observations in respect to Arctic geography can not be seen at this time.

The meteorological records submitted to this office consist of thermograms covering about 180 days, and barograms covering about 260 days.

Respectfully, yours, R. A. HARRIS.

NOTE.—Mr. Harris, whose report is above presented, is the tidal expert of the Coast and Geodetic Survey, to whom the records of Commander Peary had been referred for scrutiny and examination.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 14, 1910.

MY DEAR CONGRESSMAN: I have the honor to acknowledge the receipt of your letter of the 9th instant, asking certain information in regard to the record of Civil Engineer Robert E. Peary, United States Navy, and requesting the views of this department upon joint resolution No. 144, "authorizing the promotion of Civil Engineer Robert E. Peary to

the grade of rear admiral in the Corps of Civil Engineers of the Navy, and the presentation of a vote of thanks to him by Congress."

In reply thereto I have to inform you that Robert E. Peary entered the naval service of the United States as a civil engineer on October 26, 1881, and has served continuously since that date.

During his service in the Navy, Civil Engineer Peary, at different times, has been granted leave of absence as follows:

1886, April 6: Leave, 8 months.
1887, October 31: Leave, 12 months.
1891, February 24: Leave, 18 months.
1892, November 21: Leave, 3 years.
1896, May 2: Leave, 6 months.
1897, May 25: Leave, 5 years and 6 months.
1903, September 9: Leave, 3 years.
1907, April 9: Leave, 3 years. (Under date of July 2, 1908, the unexpired portion of this item of leave was revoked and Civil Engineer Peary ordered to report to the Coast and Geodetic Survey for duty in making tidal observations in Grant Land and Greenland.)

While on leave, as given above, Civil Engineer Peary was paid the sum of $38,148.36.

For the six months from May 5, 1896, to November 4, 1896 (fifth item in statement on previous page), with the exception of two days of duty, October 25 and 26, 1896, Civil Engineer Peary was on leave without pay.

The views of the department in regard to H. R. bill 19971, providing for the advancement of Civil Engineer Peary are contained in a letter dated February 10, 1910, addressed to the chairman of the Committee on Naval Affairs, House of Representatives, a copy of which is inclosed herewith for your information.

Faithfully, yours, G. v. L. MEYER, *Secretary of the Navy.*

Hon. J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

NAVY DEPARTMENT,
Washington, February 10, 1910.

MY DEAR CONGRESSMAN: The receipt is acknowledged of your letter of the 8th instant, inclosing a bill (H. R. 19971) "providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade, and placing him upon the retired list," and requesting for the committee the views and recommendations of the department thereon.

In reply I have the honor to inform you that Robert Edwin Peary entered the naval service of the United States as a civil engineer on October 26, 1881, and has been an officer of the Navy continuously since that date, performing the duties required of a civil engineer under orders from the Navy Department, except when on leave.

During his service in the Navy, Civil Engineer Peary has been granted leave of absence abroad as follows:

1886, April 6: Leave abroad, 8 months.
1887, October 31: Leave abroad, 12 months.
1891, February 24: Leave abroad, 18 months.
1892, November 21: Leave abroad, 3 years.
1896, May 2: Leave abroad, 6 months.
1897, May 25: Leave abroad, 5 months.
1903, September 9: Leave abroad, 3 years.
1907, April 9: Leave abroad, 3 years.

The unexpired portion of this last leave was revoked on July 2, 1908, and Civil Engineer Peary was ordered to report to the Coast and Geodetic Survey for duty in making tidal observations in Grant Land and Greenland.

It would appear that the bill in question is framed for the purpose of rewarding Civil Engineer Peary for having reached the North Pole, and while having successfully accomplished this self-imposed task is most commendable and reflects great credit not only upon him, but also upon the entire Nation, his various exploring expeditions can not be regarded as having been conducted for a strictly military or naval purpose, and for this reason it seems inappropriate to confer upon him a title for which his previous education, training, and service have not fitted him.

It is therefore recommended that in the title of the bill and in the fourth line thereof the word "commander" be changed to "civil engineer," the latter being Mr. Peary's correct official designation, and, further, that instead of appointing him a rear admiral and placing him upon the retired list as such, that he be retired as a civil engineer with the rank of rear admiral, and with the highest retired pay of that grade under existing law.

Faithfully, yours, G. v. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 12, 1910.

Hon. J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

SIR: In reply to your letter to the Superintendent of the Coast and Geodetic Survey of the 11th instant, I beg leave to inform you that in conformity with the letter of the President, dated July 3, 1908, addressed to the Secretary of Commerce and Labor, and orders of the Navy Department dated July 2, 1908, Civil Engineer R. E. Peary, United States Navy, reported by letter to the Superintendent of the Coast and Geodetic Survey for the purpose of making tidal observations along the Grant Land and Greenland shore of the polar sea.

Detailed instructions as to the manner of making these observations were issued by the Superintendent of the Coast Survey under date of July 9, 1908.

Under date of October 18, 1909, Mr. Peary transmitted to the Superintendent of the Coast Survey 21 volumes of tidal observations and also a profile of soundings from Cape Columbia to within 5 miles of the pole.

A reduction of the tidal observations has been in progress for some time, but owing to more pressing duties the final discussion of these results has not yet been completed.

Under date of October 31, 1909, a copy of the profile of soundings was forwarded to the Hydrographic Office of the Navy Department for utilization in the publication of their chart of the polar ocean. In answer, therefore, to the question whether his reports have been available for public use in the publication of data and in the dissemination of information respecting the arctic seas, I beg leave to say that the records have been treated in the customary manner.

Respectfully, CHARLES NAGEL, *Secretary.*

NATIONAL GEOGRAPHIC SOCIETY'S INVESTIGATION.

At a meeting of the board of managers of the National Geographic Society, Wednesday morning, October 20, the records and observations and proof of Commander Robert E. Peary that he reached the pole April 6, 1909, were submitted to the society.

The records and observations were immediately referred to the committee on research, with the direction that the chairman appoint a subcommittee of experts, of which he shall be a member, to examine said records and report on them to the board. Mr. Henry Gannett, chairman of the committee on research, immediately appointed as the other members of the committee Rear Admiral Colby M. Chester, United States Navy, and O. H. Tittmann, Superintendent of the United States Coast and Geodetic Survey.

This committee of the society will personally examine the notebooks and original observations made by Commander Peary in his march to the pole and see all the papers as brought back from the field. The committee will report to the board the result of its findings at a special meeting of the board to be called for that purpose.

This action of the society was taken in accordance with the by-laws of the society, which provide that "the committee on research shall be charged with the consideration of all matters of scientific and technical geography, including exploration, which may be brought before the society, or which may originate in the committee, and shall report thereon to the board of managers, with recommendations for action."

At a meeting on October 1 the board of managers stated that the National Geographic Society could accept the personal statements of neither Commander Peary nor Dr. Cook that the pole had been reached, without investigation by its committee on research or by a scientific body acceptable to it.

At the same meeting Commander Peary and Dr. Cook were urged speedily to submit their observations to a competent scientific commission in the United States.

At a later meeting the board joined in a request from the American Museum of Natural History, New York, and the American Geographical Society to President Ira Remsen that he, as the president of the National Academy of Sciences, appoint a commission to pass upon the records of Commander Peary and Dr. Cook. This plan for an early examination failed, as Dr. Remsen stated that he would not be able to appoint said commission unless authorized by his council, which meets late in November, and unless also requested to do so by both Commander Peary and Dr. Cook.

Commander Peary was willing to abide by such a commission, but Dr. Cook stated that his observations would go first to the University of Copenhagen. In view of the fact that Commander Peary had been waiting since his return to submit his records to a scientific commission in the United States, the National Geographic Society believed it should receive his papers now in order that his claim of having reached the pole may be passed upon without further delay.

The society is ready to make a similar examination of Dr. Cook's original observations and field notes, but as he promised to send them to the University of Copenhagen, and the society will not have an opportunity of seeing them for probably some months, it did not seem fair to defer action on Commander Peary's observations until Dr. Cook's papers were received by the society. The only question now to be decided by the society is whether or not Commander Peary reached the pole on April 6, 1909.

Mr. Henry Gannett, chairman of the committee which will report on Commander Peary's observations, has been chief geographer of the United States Geological Survey since 1882; he is the author of Manual of Topographic Surveying, Statistical Atlases of the Tenth and Eleventh Censuses, Dictionary of Altitudes, Magnetic Declination in the United States, Stanford's Compendium of Geography, and of many Government reports. Mr. Gannett is vice president of the National Geographic Society, and was one of the founders of the society in 1888.

Rear Admiral Colby M. Chester, United States Navy, was graduated from the United States Naval Academy in 1863. He has held practically every important command under the Navy Department, including superintendent of the United States Naval Observatory, commander in chief Atlantic Squadron, Superintendent of the United States Naval Academy, Chief of Hydrographic Division, United States Navy. Admiral Chester has been known for many years as one of the best and most particular navigators in the service.

O. H. Tittmann has been superintendent of the United States Coast and Geodetic Survey since 1900. He is the member for the United States of the Alaskan Boundary Commission, and was one of the founders of the National Geographic Society.

Board of managers: Alexander Graham Bell, inventor of the telephone; C. M. Chester, rear admiral, United States Navy; former Superintendent United States Naval Observatory; F. V. Coville, botanist, United States Department of Agriculture; Rudolph Kauffman, managing editor, the Evening Star; T. L. Macdonald, M. D.; Willis L. Moore, Chief United States Weather Bureau; S. N. D. North, formerly Director United States Bureau of Census; O. P. Austin, Chief United States Bureau of Statistics; Charles J. Bell, president American Security & Trust Co.; T. C. Chamberlin, professor of geology, University of Chicago; George Davidson, professor of geography, University of California; John Joy Edson, president Washington Loan & Trust Co.; David Fairchild, in charge of agricultural explorations, Department of Agriculture; A. J. Henry, professor of meteorology, United States Weather Bureau; A. W. Greely, arctic explorer, major general, United States Army; Henry Gannett, geographer of Conservation Commission; J. Howard Gore, professor of mathematics, the George Washington University; Gilbert H. Grosvenor, editor of National Geographic Magazine; George Otis Smith, Director of United States Geological Survey; O. H. Tittmann, Superintendent of United States Coast and Geodetic Survey; and John M. Wilson, brigadier general, United States Army, formerly Chief of Engineers.

The subcommittee to which was referred the task of examining the records of Commander Peary in evidence of his having reached the North Pole beg to report that they have completed their task.

Commander Peary has submitted to this subcommittee his original journal and records of observations, together with all his instruments and apparatus and certain of the most important of the scientific results of his expedition. These have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909.

They also feel warranted in stating that the organization, planning, and management of the expedition, its complete success, and its scientific results reflect the greatest credit on the ability of Commander Robert E. Peary and render him worthy of the highest honors that the National Geographic Society can bestow upon him.

HENRY GANNETT.
C. M. CHESTER.
O. H. TITTMANN.

The foregoing report was unanimously approved.

Immediately after this action the following resolutions were unanimously adopted:

"Whereas Commander Robert E. Peary has reached the North Pole, the goal sought for centuries; and

"Whereas this is the greatest geographical achievement that this society can have opportunity to honor: Therefore

"*Resolved*, That a special medal be awarded to Commander Peary."

DECEMBER 9, 1909.

THEODORE ROOSEVELT, *Nairobi, British East Africa:*

National Geographic Society December 15 awards medal Peary for discovery of pole. Will appreciate message of congratulation from you.

NATIONAL GEOGRAPHIC SOCIETY.

NAIROBI, *December 11, 1909.*

NATIONAL GEOGRAPHIC SOCIETY, *Washington:*

Extremely pleased. Desire through you to extend heartiest congratulations Peary on his great feat which you have thus recognized.

ROOSEVELT.

Referring to the time occupied by Peary in his last dash to the pole, Mr. Gilbert H. Grosvenor, director and editor of the National Geographic Society, says:

In view of the recent published statement by a Member of Congress doubting the distances traveled by Peary on his last northern sledge journey, I have gone to some trouble to obtain correct figures from the narrative of Peary's last and previous expeditions.

Anyone who cares to take the time and trouble can verify these figures, and will find the following results:

Peary's average distance per march from Cape Columbia to where Bartlett turned back was 12.8 miles. Had it not been for the north wind two days, setting them back, this average would have been 13⅜ miles. Between two observations taken by Marvin the average of three marches was 16⅔ miles. Several of the marches were 20 miles.

His average, from the time Bartlett left him, to the pole was 26 miles. His average on his return was 25.6 miles.

For comparison with the above figures, as showing that these averages are not at all excessive, the following facts can be taken from the narrative of the last expedition and previous ones:

Peary's last two marches on the return, from Cape Columbia to the *Roosevelt*, were 45 miles each. On this and previous expeditions the journey from Cape Hecla to the *Roosevelt*, a distance of 45 to 50 miles, was made in one march. The distance from Cape Columbia to Hecla was also made on other occasions in one march. The march from the *Roosevelt* to Porter Bay, a distance of 35 miles, was repeatedly made in 8, 10, and 12 hours. MacMillan and Borup, returning from Cape Morris Jessup to the *Roosevelt*, made the distance of 250 miles or more in eight marches, an average of over 31 miles a march. Peary, in one of his earlier expeditions, made the distance from Cape Wilkes to Cape D'Urville, a distance of 65 to 70 miles, in one march. He repeatedly made the march from Cape D'Urville to Cape Fraser, a distance of 40 miles, in one march, and in the winter of 1899–1900 traveled from Etah to a point in Robertson Bay, 60 miles distant, in less than 12 hours.

On his return from Independence Bay to Bowdoin Bay, Peary averaged 20 miles a day for 25 successive marches; 210 miles in 7 successive marches (an average of 30 miles a day), making the last march of 40 miles, all these with dogs not driven by Eskimo drivers.

On more than one occasion in the fall of 1900 Peary's parties went from Lake Hazen to Fort Conger, both by the Bellows route and by the Black Vale route, distances either way of 50 miles overland, in 1 march. This after the sun had set for the winter.

In February, 1899, before the sun returned, Peary (with both feet frozen six weeks before) sledged from Conger to Cape D'Urville, a distance of over 200 miles, in 11 marches, in an average temperature of 53½ degrees below zero, an average of about 20 miles. In March of 1902 he went from Cape Sabine to Fort Conger, a distance of 250 to 300 miles, as traveled, in 12 marches, an average of 21 to 25 miles, and later covered the same distance again in 11 marches, an average of 22 to 27 miles.

In the history of polar exploration no one has had so much and such long-continued training in ice work as Peary; his speed is the result of long years of practice, resulting in great physical endurance and skill in the use of the sledge.

1211 FOURTEENTH AVENUE,
Altoona, Pa., March 11, 1910.

Mr. GILBERT H. GROSVENOR,
National Geographic Society, Washington, D. C.

DEAR MR. GROSVENOR: I just received your letter and am only too glad to do as you ask and tell you what we fellows thought of Commander Peary and the wonderful kind way he treated us.

It makes me sick the way almost everyone criticizes, abuses, and knocks him.

Why, do you suppose for one minute he could have gotten the work out of either the Eskimos or ourselves if he had been a grim martinet or tyrant. Well, I guess not.

In the fall of 1908, for about four weeks, MacMillan was laid out by a fever and was in bed for nearly three weeks. Every day the commander would drop in several times a day to see how he was getting on, ask him what he could do for him, what books "Mac" wanted from his arctic library, what tunes he would like played on the pianola, what variety in his food he would prefer, etc. Then he would go get the books wanted or sit down and play the pianola for "Mac" by the hour.

Once, on the second day of the dash, "Mac" fell in the icy water up to his waist, with the temperature in the minus fifties. Luckily for him it was camping time and the igloos were almost done.

He hurried to camp. The commander saw he had met with a mishap, spread out a musk-ox robe for him to sit on, helped him pull off his icy moccasins and stockings, dried his feet, legs, and drawers with the shirt that was next his own skin—and, mind you, there was no drying that shirt over a fire; he had to dry it with his own animal heat.

After that he put Mac's feet, which by this time were nearly frozen, upon his own stomach to warm them up. From experience I for one know that having a pair of icy feet on one's stomach is far from pleasant.

Now, there was no need for the commander to have done that. He could have called an Eskimo up and told him to warm Mac's feet up. But, no, he did it himself.

And, of course, when the leader of an expedition is willing to do that for his men, they are devoted to him and will do anything for him.

Again, when MacMillan was shot the commander came in the room with the tears in his eyes and said he'd have rather been shot himself than have MacMillan laid out—and if ever a man meant what he said we knew the commander did.

If I started to tell you the numberless ways the commander went out of his way to help us, give us advice, keep us jollied up, I'd have a book written before I got through.

Personally my own father could not have been kinder or more considerate to me than the commander was. During the whole trip I never knew him to say a cross word to anyone, white man or Eskimo, and the Lord knows we gave him occasion to often enough.

He would not only go out of his way to help us, but would put himself out for the dogs. I remember once a dog got a line snarled around his leg on deck and was in great pain. I went to his rescue, but the brute failed to appreciate my attempts to get him out of his fix, and seemed to hold me responsible for his pain.

The commander happened to come out on deck then, saw the dog was doing his best to sample me, and came up to help at once. Just a word or two to the dog, and the animal seemed to know he'd found a friend; the commander got hold of his leg, unwrapped the trace, and the dog was free and falling all over the commander to express his gratitude.

If you will excuse my continuing on another line in regard to this Macon affair about the distances we supporting parties went, when Marvin and I were trying to overhaul Peary he covered about 40 miles one day and were one day's march behind the main column. We called for a volunteer to go ahead and catch Peary, and Segloo, who afterwards went to the pole, responded, and after less than four hours' rest went on, covering about 20 more miles, and catching Peary at 84° 29′—that is, he came from about 83° 30′ to 84° 29′ (57 miles) with four hours' rest.

Again McMillan and I reached the ship at Cape Sheridan from Cape Morris Jesup, nearly 300 geographical miles, in eight marches, and we took things easy at that. Twice we covered over 50 miles in a march.

Returning from 85° 23′ with 3 Eskimos, 2 of whom were so badly laid out they couldn't walk, but had to be dragged on the sledge drawn by 16 of the worst dogs of the whole outfit, we reached land, 136 geographical miles away, in seven marches, and would have done it in less but for being delayed by open water.

We averaged 20 miles a day, almost a badly crippled outfit at that. Are Commander Peary's marches surprising when you remember his were the best Eskimos of the tribe, the dogs the pick of 240?

To sum up—

Commander Peary was just great kindness and consideration personified, always going out of his way to help us, and the only trouble with his having found the pole is that we can never have the privilege of serving under such a wonderfully fine leader as he is again.

Thanks for your promise to let me know about the southern expedition, as, with Peary's methods, I think it would be a sure thing.

Yours, sincerely,

GEORGE BORUP.

BOSTON CITY CLUB.
9 Beacon Street.

The fact that I have been with Commander Peary on all of his expeditions since 1897 must necessarily prove that I think highly of him.

The fact that nearly all the members of the expedition wanted to go with him again shows that there could be nothing but the most amiable relations.

The late Prof. Marvin thought so highly of Peary that he sacrificed a great many opportunities in order to make another voyage with him.

Dr. Wolf, the surgeon of 1906–7, tried very hard to go again, but could not get away on account of his practice. The chief engineer and Bosee Murphy, also Steward Charles Percy, as well as members of the crew, have been with him since the *Roosevelt* was launched.

The late Capt. Harry Bartlett, who was drowned, had been with Peary twice; Capt. John Bartlett several times, giving up owing to age limit; and Capt. Samuel Bartlett was with him for a number of years, but did not feel like leaving his family, simply because they did not wish him to be away from his home during the winter.

I have merely quoted the above to demonstrate that the best of feeling must have existed between the commander and the members of his party at all times. One can be assured that the Eskimo would not work for him unless they had the highest regard for him.

My own estimation of Peary is hard to describe. I have more admiration for him than any man living. We have never had a hard word, and the same friendly relations existing between the commander and myself during all the years that I have been with him remain the same as when first I met him.

His kindly consideration of everyone under the most trying conditions was always marked; his orders were always given in the form of a request, and he always invited suggestions of the members of his party.

"When Jesus Christ was on earth He was not appreciated by many. He had to die to get recognition."

To know a man shorn of all frills, live with him in the Arctic and there you will see a man in his true light. A man may be an angel or act like one here, but up in the Arctic, where one comes in constant or daily contact with each other and have the same regard for his fellow man after as before, that man must be all right.

Time and time again Peary has gone out of his way to make things pleasant for us, doing without things himself so that we may have them. If the last drop of whisky was left in the bottle and a fellow wanted it, Peary would willingly give it. I have seen him when his igloo has been built make tea and give it to me. To tell of the many things that he has done for not only me but others of the party, would fill a large book.

In conclusion, I am perfectly satisfied with Peary's treatment of me. I never want to sail with a better man. A born leader of men. A man of master mind.

ROBERT A. BARTLETT,
Sailing Master, Peary Arctic Club, Steamer Roosevelt.

NATIONAL GEOGRAPHIC SOCIETY,
Washington, D. C., March 17, 1910.

Hon. J. HAMPTON MOORE,
House of Representatives, United States,
Washington, D. C.

DEAR SIR: I have yours of this date.

The report submitted to the National Geographic Society November 4, 1909, certifying that "Commander Peary has submitted to this subcommittee his original journal and records of observations, together with all his instruments and apparatus and certain of the most im-

portant of the scientific results of his expedition," and that "these have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909," to which report my name is attached, was, and still is, my unbiased statement of the records as I found them. This report made by me and my colleagues to the National Geographic Society November 4, 1909, was true and accurate, and since that date my opinion as to Mr. Peary's discovery has not in anywise changed, nor would it be changed if I should be called upon to make a report to the Congress of the United States.

Very truly, yours,

HENRY GANNETT,
President National Geographic Society.

2014 HILLYER PLACE NW.,
Washington, D. C., March 18, 1910.

DEAR MR. MOORE: I have your letter of the 17th. During the time when a controversy about the discovery of the North Pole was acute in this country I was in Europe and knew very little about it. I came back entirely unbiased and served on the committee in that frame of mind.

On the evidence before us I signed the report to the National Geographic Society with a full sense of its import. My opinion has undergone no change since the date of that report, and I am fully convinced that Peary reached the pole.

Yours, truly,

O. H. TITTMANN.

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, wonderful indeed has been the progress of polar research during the last three decades. Even as a child I read with avid interest the fascinating story of man's efforts to wrest its secret from the frozen North and solve one of the mysteries of the ages by the discovery of the pole. It was a proud moment for every American when the news was flashed from the Arctic depths that the Stars and Stripes floated over the grinding floes and sullen waters that mark the most northern corner of the world, the goal for which so many brave men have struggled, and in whose quest so many precious lives have been risked and lost, through centuries of heroic endeavor. The bones of the men of many nations are strewn over those savage and melancholy wastes—Scandinavians, Russians, Italians, Englishmen, Dutchmen, Americans—all are there. Year by year, intrepid souls won nearer, and still nearer to the point of ultimate quest, ever hiding itself in the recesses of darkness, and apparently defying solution and discovery by mortal means. From her mysterious depths the Spirit of the North smote the men who challenged her secrets, with icy blasts, terrible as the gales on which death rides, or drove these rash intruders to madness, with the oppressive silence and awful monotony of her vast solitudes. But if nature was forbidding man was indomitable, and in the result victory was with man. Peary, the American, is a worthy successor of Parry, and Kane, and Markham, and Nansen, and Abruzzi, and a host of others. To-day the world honors him. We are asked to do the same. What shall we do with him? Either Peary has done this great thing, achieved this coveted distinction, and covered himself with that glory which others have essayed to win, or he is a shameless impostor, a daring fraud, a blot on the fame and the name of the American Navy. He is asked to submit living witnesses, as if, forsooth, he could call sojourners from the pole itself or "spirits from the vasty deep," and produce them by subpœna before a committee of this House. In the nature of things, his evidence must largely consist in the attendant circumstances, his scientific observations, and the credence that should be extended to a witness of established character for truth.

The savants, the explorers, and the scientific associations of the Old World, have accepted Peary's narrative as true, and have accorded to him the honor properly due his great achievement. A portion of his own people, a small section, it is true, of the American public, is disposed to discredit his claims. What is there in his narrative to raise a doubt about the bona fides of his story? True, if his observations were not taken on the ground, he is an imposter, but if they were taken as alleged, then it is a simple matter of scientific determination to check up those observations, and ascertain where they place the observer with relation to the pole.

Peary possessed every qualification necessary for a successful explorer in high latitudes. He had scientific knowledge, ample experience in polar exploration, the confidence of the natives, a cool and intrepid spirit, and a body seasoned by Arctic hardship. Nothing in his life suggests the charlatan, who is willing to attain a little cheap notoriety and ultimate disgrace, by imposing a series of pretended observations upon a credulous public. He has pursued the pole with the same single and undeviating purpose, with the same fixed absorption in his work, that marked Palissy's quest of the elusive secrets of the ceramic art, and he reached his goal through discouragements fully as great, as those which obstructed the illustrious Frenchman. If proof of this great discovery rested wholly on Peary's unsupported word, even conceding that in a large sense he is an interested witness, surely an unblemished life, and a career of distinguished success in polar research, should induce the most skeptical to give credence to his claim. But he does not stand alone. He is supported by observations which competent scientific critics assert must have been taken at the times and places alleged in Peary's narrative.

Hugh C. Mitchell, an expert computer, is most explicit and emphatic in his statement that "it would have been impossible for the data of Peary's observations to have been obtained other than under the circumstances claimed." It is his judgment that they prove each other, and that error could be detected, had the observations not been made at the points set forth in the memorandum. In other words, in proof of his claim Peary submits certain observations, which he states were made at certain times, and under certain conditions, in his approach to the pole. The scientists proceed to examine these observations, and announce as a scientific conclusion that they could not have been taken save as claimed—that they prove themselves, and vindicate the explorer's statement. As a further conclusion, the scientists announce that the observations show that at the time they were taken, Peary was practically at the pole. Is there anyone in this body competent to challenge these conclusions? Is there anyone of standing in the scientific world, who has undertaken to challenge them, or to cast impugning doubt on Peary's claim? With unique tenacity and fixity of purpose Peary pursued his quest of the pole during 20 years of Arctic sojourn. Year by year he accumulated the experience so vital to success in the work to which he had devoted his life. Nor were these years barren of results in other directions. These results have been duly noted and appraised, by the scientific world. As he grew older, he lost something of the dash and fire which are attendant on youthful vigor, but he acquired a perfect knowledge of the Arctic service through the way of painful experience, and bitter hardship. Thus he was enabled, in his final preparations, to eliminate all dead weight, retaining in the lightest and most compact form, the supplies and equipment that were essential to ultimate success.

Evidently the Navy Department believed that they had found the man for the task, the man who combined in high degree scientific attainments with a practical working knowledge of the conditions under which the struggle for the pole must be prosecuted. The last words of the department, in its letter to Peary on the eve of his departure, are full of hope and encouragement. "You have," runs the letter, "the requisite courage, fortitude, and physique; you have had a longer term of service within the Arctic Circle than any other explorer, and you have had large experience in sledge journeying on the land, and upon the polar pack; you have demonstrated your ability to maintain yourself in that latitude for a longer period, in health and safety, than any other explorer; you have reduced the inconveniences and hardships of the Arctic service to the minimum. The attainment of the pole should be your main object. Nothing short will suffice. Our national pride is involved in the undertaking. This department expects that you will accomplish your purpose, and bring further distinction to a service of illustrious traditions." The President added, "I believe in you, Peary." Nor was this confidence misplaced.

Peary's life had been the life of an honorable man. His past work was rich in notable achievements. He had not only added immensely to our stock of geographical knowledge, but in 1906 had penetrated deeper into the Arctic Zone than any of his predecessors. His record of that date is 87° 6′. This record has never been challenged, any more than the records of Markham, Nansen, and the Duke of the Abruzzi. In his last trip it was no unfamiliar work that Peary undertook. He fully realized that this venture would be his final effort, and that if he failed to attain the pole, he would be out of the running, and in a sense his life, which had been consecrated to one task, would be a failure.

Hence he brought to this last cast all that the rich stores of experience, accumulated during two decades of struggle and hardship, could suggest as essential for success. His arrangements for supplies, dogs, and men were methodical and complete. His plans contemplated a camp at Cape Sheridan for winter quarters. From this camp supplies were to be transported to Cape Columbia, which was selected as the initial point for the final dash. These plans were executed with clocklike precision. During the long winter months of 1909, Eskimos and dogs were trained until the commander was satisfied that they were fit and ready for the task that confronted them. Peary's plan contemplated a succession of supporting parties, all designed to bring the party selected for the last dash, not

only within striking distance of the pole, but in the best possible condition, and amply supplied with fresh dogs and provisions. This plan was successfully worked out, and when Bartlett turned back he left Peary with "picked dogs, good sledges, and plenty of provisions for the final journey." At this time Peary was at 87° 47′, or 133 miles from the pole. This is fixed by undisputed testimony, for it was at 87° 47′ that Bartlett and Peary parted, after exchanging signed statements. No caviller at Peary's achievement, no antagonist, however disposed to discredit his narrative, but will be forced to admit that at this time Peary was not only nearer to the pole than any of his predecessors, but that he started on the final dash for the elusive object of his life's quest, with fairer hopes, and under more promising conditions of ultimate success, than any of those indomitable men who fought their way against bitter winds and moving floes, only to find that, with the pole in striking distance, lack of food and means of transportation, compelled them to abandon the adventure. Peary had everything that he needed in abundance. He was provided with dogs, provisions, and sleds. He was in rugged health, fit and ready for his work. Only 133 miles of broken ice stretched between him and his goal.

Why should it be deemed incredible that he planted the flag of our Nation at the very pole? All that man could do to prepare for this last leap into the dark had been done. Right to his hand, and in profusion, was everything required for success under the conditions that confronted him. His dogs were the best that the Arctic Circle could afford. His sleds were as perfect in construction, as the teachings of the combined experience of the white man and the Eskimo, could make them. His food supplies were the lightest in bulk, and the highest in nutrition, that could be obtained. His helpers had proved their worth during long years of severe trial, and arduous endeavor. In a word, when Peary parted from Bartlett he had everything that man could afford for final success, and if weather conditions were favorable for a few days, victory was in his grasp. In no wise did the surface to be traveled over, differ from that already traversed by the explorer and his companions, up to the fateful point of final separation, when the statements were exchanged, and the solemn farewells were uttered. From that time forward we must rely on Peary. And why not? He had risked his life a hundred times, he had dared a thousand dangers in his quest of the pole. Who believes that he was less willing to go forward, when the fruit of success was within his reach, ready for the plucking, than during the preceding years of disappointment, when the only certain things were danger, privation, and suffering? Who believes that after Bartlett left him, he went into camp, and, too slothful or too cowardly to prosecute his task, worked out in detail an elaborate fraud, subsequently rejoining his companions with a detailed story of fictitious success, attained through fictitious dangers?

He tells us that he went forward; that fortune favored him; that no leads interposed to obstruct his journey with their black and forbidding waters; that the conditions underfoot permitted a swift and uninterrupted passage; and that in five marches he traversed the intervening distance, and reached the pole. If Peary did not reach the pole, and some other man must yet attain that undiscovered point, he must achieve success under precisely the same conditions that Peary alleges to have prevailed in his final dash. The plan to be pursued must be the same. A small party, well supplied with dogs, food, and equipment, must be placed in striking distance of the object sought. A race for the pole must then ensue, and with every energy strained to the breaking point, the explorer must make the outward and return trip over the intervening space, in the shortest possible time. If fortune favors, the trip may be made just as Peary alleges that he made it. So, after all, there is nothing incredible per se in his claim that he reached the Pole. Peary states that he covered 133 miles in five marches. This was a little over 26 miles per day, or unit march, and while this was good traveling, it was not exceptional or unusual, having in mind that the dogs were in first-class condition and the surface of the floes was of the same character as that already traveled. On his return over the same trail Peary covered 413 miles in 16 marches, or an average of 25½ miles per march, a much more remarkable performance, even over a partially beaten trail, than 133 miles in five marches, at a time when the explorer was keyed to the highest pitch of nervous energy. Bartlett returned from his farthest point, 87° 47′, in the same number of marches as Peary did from that point, under harder conditions, for Peary's party had the benefit of a broken trail.

McMillan and Borup, two of Peary's men, with the same dogs used on the northern trip, covered between 275 and 300 miles over difficult ground in eight marches, or an average of about 35 miles to the march. On more than one occasion, the two made over 50 miles in a march. Borup's own statement, which I reproduce in part, is ample evidence that Peary's daily average on the last dash was neither unusual, nor excessive:

ALTOONA, PA., *March 11, 1910.*

Mr. GILBERT H. GROSVENOR,
National Geographic Society, Washington, D. C.

MY DEAR MR. GROSVENOR: I have just received your letter, and am only too glad to do as you ask, and tell you what we fellows think of Commander Peary, and the wonderful kind way he treated us. * * *

Do you suppose, for one minute, he could have gotten the work out of either the Eskimos, or ourselves, if he had been a grim martinet, or a tyrant? * * * If I started to tell you the numberless ways the Commander went out of his way to help us, I would have a book written, before I got through. During the whole trip, I never knew him to say a cross word to anyone, Eskimo, or white man, and the Lord knows we gave him occasion often enough to do so. * * *

If you will excuse my continuing on another line, in regard to this Macon affair, about the distances we supporting parties went, when Marvin and I were trying to overhaul Peary, we covered about 40 miles in one day. * * * Again McMillan and I reached the ship at Cape Sheridan, from Cape Jesup, nearly 300 geographical miles, in eight marches. Twice we covered over 50 miles in a march. Returning from 85° 23′ with 3 Eskimos, 2 of whom were so badly laid out, that they could not walk, but had to be dragged on the sled by 16 of the worst dogs of the whole outfit, we reached land 136 geographical miles away, in 7 marches, and would have done it in less, but for being delayed by open water. We averaged 20 miles a day almost, with a badly crippled outfit at that. Are Commander Peary's marches surprising, when you remember his were the best Eskimos of the tribe, the dogs, the pick of 240. To sum up: Commander Peary was just great kindness and consideration personified, always going out of the way to help us, and the only trouble about his having found the pole, is that we can never have the privilege again, of serving under such a wonderfully fine leader as he is.

Yours, sincerely, GEORGE BORUP.

Lieut. Shackleton's party made marches of 20, 26, and 29 miles in the Antarctic regions without dogs and dragging their own sledges. These figures fully show that under such conditions as prevailed, up to the time that Bartlett and Peary parted, the pole was within the reach of so experienced and intrepid an explorer as Peary, provided always that his equipment was adequate to the achievement. But in this respect no explorer was ever better supplied at the critical moment. Up to that time Peary's plans had been carried out with methodical precision. The supporting evidence to this effect is abundant, and complete. But when he parted from Bartlett, he plunged into the unknown, and his claims to final success, rest upon his own statements and observations. For while he had companions, their testimony can not be used to establish more than that they and Peary went forward in some direction, unknown to them, for five marches, before turning back. They were not competent to take independent observations, or to confirm those taken by Peary. Hence, save to prove the fact that five marches were made, and observations were taken, these witnesses must be discarded.

In the result, Peary and Peary's own observations must establish his case. It is admitted that he was competent to take observations, and if the observations submitted, were taken as alleged, then any competent scientist working them out, should be able to determine where they placed Peary on the earth's surface with relation to the pole. Peary submitted all of his papers, original data, daily journal, and notes of astronomical observations, and soundings, to a committee of this House. In addition, a report was submitted from the National Geographic Society of Washington, and one from the President, and one of the board of governors of the Royal Geographical Society of London. Through its computer, the latter society had made an independent examination of the data submitted.

Hugh C. Mitchell and C. R. Duvall, expert computers of astronomical observations, from the Coast and Geodetic Survey of the United States, also submitted a report. These men worked independently, but their conclusions tallied to a wonderful degree. Now, what are these conclusions, and where do they place Peary at the time the observations were taken? Mr. Mitchell and Mr. Duvall arrived at the position of Peary by independent methods, using, of course, the same observations. Their calculations agree within a second of latitude, and both computers are in accord in holding that the observations taken by Peary at Camp Jessup were latitude 89° 55′ 23″, longitude 137° west, thus placing Peary at the time, within 4.6 geographic miles of the pole. But this was not his closest approach. Mr. Mitchell further states that the observations taken at 6.40 o'clock on April 7, and Peary's subsequent travel for an estimated distance of 8 miles in the direction of the sun, indicate that he came within 1.6 miles of the pole. Indeed, witnesses say that Peary may have come within a stone's throw of his goal. The attention of the House is again called to the statement of the witness Mitchell that, in the light of his professional experience, it would have been impossible for the data of these observations to have been obtained other than under the circumstances claimed; that in using these obser-

vations in connection with each other, they in a measure prove each other, and that error could be detected had the observations not been made at the points set forth in the data. In other words, "the independent observations taken on the 6th and 7th, with the sun in the same direction, practically agree upon comparison."

The opposition to Peary seems unwilling to accord any formal recognition of his great achievement, on the ground that the evidence submitted does not establish that he reached the actual pole. That may be true, though the scientific witnesses concur that he may have been within a stone's throw of that point. But the pole can not be reached in the same sense, that the highest point of a mountain peak can be scaled. There is, of course, nothing to mark the pole. Its whereabouts must be located by scientific observations, and these observations are inevitably taken under conditions which render absolute exactness impossible. There is no standard by which the observer can check his instruments at the time of final observation.

The best instruments may be secured for this purpose, but before they are put to their final use, in the observations to locate the pole, considerable time has elapsed, during which they have been subjected to much rough travel. In addition, the haziness of the atmosphere, and the height of the sun, affect the accuracy of the observations. The errors may be slight, the wear and tear of the instruments may be barely appreciable, but when considered in connection with the effort to locate the whereabouts of an observer on the earth's surface, they are not negligible. As showing what this means, attention is called to the fact that after his return, Peary sent his standard chronometer to its makers for rating and comparison. When this instrument was examined before the expedition started it was found to have a predicted daily rate of 0.2 of a second losing. The comparison after the return, showed that the instrument had a daily rate of 2.2 seconds gaining. With this correction afforded, the computer, Mitchell, was able to ascertain that Peary's instrument was 10 minutes fast on the trip to the pole, and "the sun, instead of being observed on the assumed meridian 70, was observed 10 minutes before it reached that meridian." One effect of this error was in the assumed direction of the sun, it being really 2¼° east of south, when it was assumed that it was due south. This error in his chronometer, which was due to no fault of Peary and which he was absolutely unable to detect or correct, "carried him to the left, instead of in a direct line to the pole." Had his chronometer been correct, Peary's forward march from Camp Jessup would have carried the explorer directly over the pole. As it was, Peary made a "detour to the right on the succeeding day, which brought him within 1.6 miles of the exact pole."

Another thing not to be forgotten is that but little time is afforded for observations, when an explorer has reached the approximate location of the pole. He must work at high pressure all the while, and in every way expedite the date of his return. There is no quest in which luck plays so large a part as in the quest of the pole. The time within which the explorer must go forward and return, is within narrow limits. The floor over which he travels is treacherous and uncertain. At any moment a lead may open before the traveler, impossible to be crossed. When this occurs, he has simply to wait until it closes. His skill, experience, and fortitude are of no avail under such conditions. It is merely a question of patient expectation. If the lead remains impassible for any great length of time, the explorer must abandon the enterprise for that year, and return to his base. Peary's narrative reveals not only the uncertainties but the dreadful risks attendant on the enterprise that he was prosecuting. One night a lead opened at the very tent in which he was sleeping, and he awoke to find the waves almost lapping his sleeping bag. But if fortune frowns on the outward trip, the explorer, if balked of success, can at least return. A sterner prospect, and more untoward fate awaits the traveler, if he finds his way to the south barred on the return. Dismal and unescapable death will be his inevitable portion. Hence, when he has reached the approximate neighborhood of the pole, the explorer is so pressed for time, that he can not take the number of observations necessary to establish the location of the point sought, beyond a peradventure.

If he lingers to fix his whereabouts with absolute precision, even if that were possible, he would find himself cut off from his return, and unable, in the result, to furnish the world with the observations which he has garnered with such painstaking care. Nor is this refinement of detail necessary to enable a man to claim the glory that, in the world's estimation, attaches to the discovery of the pole. No more exact result will be required of him than is required of an observer under other, and more favorable conditions.

It is a well-recognized fact that exact results are not attainable as a result of observations. A matter of 1 or 2 miles, under favorable circumstances, is a fair allowance.

Dr. Nathaniel Bowditch, in the American Practical Navigator, an official publication of the United States Navy Department, states that—

In obtaining results in observations it is impossible to make exact allowance for error in chronometer and sextant, and error of refraction and observation. No navigator should ever assume that his position is not liable to be in error to some extent, the precise amount depending on vaious factors, such as the age of the chronometer rate, the quality of the various instruments, the reliability of the observer, and the conditions at the time the sight was taken. Perhaps a fair allowance for this possible error under favorable circumstances will be 2 miles; therefore instead of plotting a position upon the chart and proceeding with absolute confidence in the belief that the ship's position is on the exact point, one may describe around the point as a center a circle whose radius is 2 miles—if we accept that as the value of the possible error—and shape the future courses with the knowledge that the ship's position may be anywhere within the circle.

Peary undoubtedly reached a point so near the pole, that to all intents he reached the pole itself. His achievement has concluded for all time, a quest which has been pursued through many centuries by a host of explorers. His success was a fitting crown to a life of notable achievement, and it takes added value from the fact that it was obtained over apparently insuperable difficulties. In striking contrast with the churlish and skeptical attitude on the part of a portion of his own people, is the prompt, spontaneous, and generous recognition of his success by the world at large. While formal official action in this country has not proceeded further than the recommendations by the President, and the Secretary of the Navy, that a suitable recognition should be accorded, Peary has been the recipient of the following medals and honorary elections, in appreciation of his great work:

The special great gold medal of the Royal Geographical Society of London.

The special great gold medal of the National Geographic Society of Washington.

The special great gold medal of the Philadelphia Geographical Society.

The Helen Culver medal of the Chicago Geographical Society.

The honorary degree of doctor of laws from Bowdoin College.

Honorary member of the New York Chamber of Commerce.

Honorary member of the Pennsylvania Society.

The Nachtigall gold medal of the Imperial German Geographical Society.

The King Humbert gold medal of the Royal Italian Geographical Society.

The Hauer medal of the Imperial Austrian Geographical Society.

The gold medal of the Hungarian Geographical Society.

The gold medal of the Royal Belgian Geographical Society.

The gold medal of the Royal Geographical Society of Antwerp.

A special trophy from the Royal Scottish Geographical Society—a replica in silver of the ships used by Hudson, Baffin, and Davis.

The honorary degree of doctor of laws from the Edinburgh University.

Honorary membership in the Manchester Geographical Society.

Honorary membership in the Royal Netherlands Geographical Society of Amsterdam.

Other countries have not been backward in rewards and honors for their great explorers.

Shackleton was given $100,000, and knighted. Parry, Franklin, Ross, McClure, McClintock, and Nares were all knighted for distinguished services in Arctic exploration, though, one and all, they failed to reach the goal which the last explorer successfully attained. It is no extravagant reward that it is proposed to bestow on Peary. He has the present rank of captain. I understand that if he had stayed at home during the 20 years he has spent in the shadow of the Arctic Circle, and served as chief of one of the bureaus at the Navy Department, pursuing the plodding round of routine duty, he would to-day have the rank of rear admiral. This bill proposes to retire him with that rank, with retired pay for that grade. The committee states that with this done, his income will be $300 less per year, than the pay he is now receiving from salary and allowances under his present rank. Surely this attitude of opposition to the most distinguished of our explorers, the man who has brought to this country the "greatest geographical prize that remained to be struggled for," is an unworthy and ignoble one. While we are quibbling, and splitting hairs in the effort to decide whether Peary planted his flag on the pole, or missed it by a few miles to the right, or left, the nations of the world have done him rare and signal honor, and accepted, without captious inquiry into non-essential details, his claim to prior discovery of that mathematical point in the dreary hummocks, and broken floes of the Arctic Ocean, which we entitle "the North Pole." Peary's detractors have undertaken to describe him as a martinet, or worse. They intimate that he was disliked by his men, and positively hated by the Eskimos. These charges are inconsist-

ent with the known facts. There was no compulsion upon the Eskimos to accompany the expedition or reasons why they should remain, save love of adventure, hope of reward, and the congenial character of the service. But on this point, as well as on the suggestion that Peary's treatment of Bartlett was selfish, and ungenerous, let Bartlett himself, as a witness, say the last word:

BOSTON CITY CLUB, BEACON STREET, 1910.

The fact that I have been with Commander Peary, on all of his expeditions, since 1897, must necessarily prove that I think highly of him.

The fact, that nearly all of the members of the expedition, wanted to go with him again, shows that there could be nothing but the most amiable relations. * * * One can be assured, that the Eskimos would not have worked for him, unless they had the highest regard for him. My own estimation of Peary is hard to describe, I have more admiration for him, than for any man living. * * * His kindly consideration for everyone, under the most trying circumstances, was always marked. To know a man, shorn of all frills, live with him, in the Arctic. * * * If the last drop of whisky was left in the bottle, and a fellow wanted it, Peary would willingly give it to him. To tell of the many things he has done, not only for me, but for others of the party, would fill a large book. In conclusion, I am perfectly satisfied with Peary's treatment of me. I never want to sail with a better man, a born leader of men, a man of master mind.

(Signed) ROBERT A. BARTLETT,
Sailing Master, Peary Arctic Club, Steamer Roosevelt.

When an English court-martial ordered Admiral Byng to be shot, the sole comment of a witty Frenchman was, that the English had executed one admiral, in order to encourage the others.

Shall it be said of the people of the United States, that we are discrediting one explorer, in order to encourage exploration? This attitude is unworthy of us. Let us pass this bill, and in some measure make amends for our tardy recognition of a notable achievement. [Loud applause.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I think I shall scarcely need that much time. I rise because in the absence of my fellow Presbyterian elder, the distinguished biblical scholar, the gentleman from Tennessee [Mr. PADGETT], who has charge of the time on the other side, a remark was made during the address of the gentleman from Arkansas [Mr. MACON], which I know would have caught the attention of the gentleman from Tennessee if he had been here. Therefore I desire in his behalf and in my own, and in behalf of the biblical scholars of the House, of whom I am the least, to correct the statement I caught as made by the gentleman from Arkansas, who spoke of the beautiful song of the angels, "Peace on earth, good will toward men," as having been made at Mount Sinai. I desire to read, not for the information of the House, but so that the impression shall not go out that the Members of the House were not aware of the distinction between the two places and events, one or two verses from the nineteenth chapter of Exodus and a few verses thereafter from a chapter in St. Luke:

In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai.

For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount.

And Moses went up unto God, and the Lord called unto him out of the mountain, saying: Thus shalt thou say to the house of Jacob, and tell the children of Israel.

The rest of the nineteenth chapter contains the preliminary to the Ten Commandments, and the twentieth chapter, as everyone in the House knows, contains the Ten Commandments, with some matters in succession.

I now wish to refer to the second chapter of St. Luke, eighth and succeeding verses:

And there were in the same country shepherds abiding in the field, keeping watch over their flocks by night.

And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them, and they were sore afraid.

And the angel said unto them, Fear not; for, behold, I bring you good tidings of great joy, which shall be to all people.

For unto you is born this day in the city of David a Saviour, which is Christ the Lord.

And this shall be a sign unto you: Ye shall find the babe wrapped in swaddling clothes, lying in a manger.

And suddenly there was with the angel a multitude of the heavenly host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men."

Mr. Chairman, it is of but trifling moment, in a way, whether Commander Peary reached the pole. It is of much greater importance, it seems to me, that this House should not let pass such a great divergence from strict biblical, historic accuracy, and in order that there may be no mistake about it, I ask unanimous consent that the nineteenth and twentieth chapters of Exodus and the entire second chapter of St. Luke may be inserted in the RECORD as an appendix to my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The chapters referred to are as follows:

EXODUS XIX.

1 *The people come to Sinai.* 3 *God's message by Moses unto the people out of the mount.* 8 *The people's answer returned again.* 10 *The people are prepared against the third day.* 12 *The mountain must not be touched.* 16 *The fearful presence of God upon the mount.*

In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they *into* the wilderness of Sinai.

2 For they were departed from Rephidim, and were come *to* the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount.

3 And Moses went up unto God, and the Lord called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel:

4 Ye have seen what I did unto the Egyptians, and *how* I bare you on eagles' wings, and brought you unto myself.

5 Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth *is* mine:

6 And ye shall be unto me a kingdom of priests, and a holy nation. These *are* the words which thou shalt speak unto the children of Israel.

7 ¶ And Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him.

8 And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord.

9 And the Lord said unto Moses, Lo, I come unto thee in a thick cloud, that the people may hear when I speak with thee, and believe thee for ever. And Moses told the words of the people unto the Lord.

10 ¶ And the Lord said unto Moses, Go unto the people, and sanctify them to-day and to-morrow, and let them wash their clothes,

11 And be ready against the third day: for the third day the Lord will come down in the sight of all the people upon Mount Sinai.

12 And thou shalt set bounds unto the people round about, saying, Take heed to yourselves, *that ye* go *not* up into the mount, or touch the border of it: whosoever toucheth the mount shall be surely put to death:

13 There shall not a hand touch it, but he shall surely be stoned, or shot through; whether *it be* beast or man, it shall not live: when the trumpet soundeth long, they shall come up to the mount.

14 ¶ And Moses went down from the mount unto the people, and sanctified the people; and they washed their clothes.

15 And he said unto the people, Be ready against the third day: come not at *your* wives.

16 ¶ And it came to pass on the third day in the morning, that there were thunders and lightnings, and a thick cloud upon the mount, and the voice of the trumpet exceeding loud; so that all the people that *was* in the camp trembled.

17 And Moses brought forth the people out of the camp to meet with God; and they stood at the nether part of the mount.

18 And Mount Sinai was altogether on a smoke, because the Lord descended upon it in fire: and the smoke thereof ascended as the smoke of a furnace, and the whole mount quaked greatly.

19 And when the voice of the trumpet sounded long, and waxed louder and louder, Moses spake, and God answered him by a voice.

20 And the Lord came down upon Mount Sinai, on the top of the mount: and the Lord called Moses *up* to the top of the mount; and Moses went up.

21 And the Lord said unto Moses, Go down, charge the people, lest they break through unto the Lord to gaze, and many of them perish.

22 And let the priests also, which come near to the Lord, sanctify themselves, lest the Lord break forth upon them.

23 And Moses said unto the Lord, The people can not come up to Mount Sinai: for thou chargedst us, saying, Set bounds about the mount, and sanctify it.

24 And the Lord said unto him, Away, get thee down, and thou shalt come up, thou, and Aaron with thee: but let not the priests and the people break through to come up unto the Lord, lest he break forth upon them.

25 So Moses went down unto the people, and spake unto them.

EXODUS XX.

1 *The ten commandments.* 18 *The people are afraid.* 20 *Moses comforteth them.* 22 *Idolatry is forbidden.* 24 *Of what sort the altar should be.*

And God spake all these words, saying,

2 I *am* the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage.

3 Thou shalt have no other gods before me.

4 Thou shalt not make unto thee any graven image, or any likeness *of any thing* that *is* in heaven above, or that *is* in the earth beneath, or that *is* in the water under the earth:

5 Thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God *am* a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth *generation* of them that hate me;

6 And shewing mercy unto thousands of them that love me, and keep my commandments.

7 Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that taketh his name in vain.

8 Remember the sabbath day, to keep it holy.

9 Six days shalt thou labour, and do all thy work:

10 But the seventh day *is* the sabbath of the Lord thy God: *in it* thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that *is* within thy gates:

11 For *in* six days the Lord made heaven and earth, the sea, and all that in them *is*, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it.

12 ¶ Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.

13 Thou shalt not kill.

14 Thou shalt not commit adultery.

15 Thou shalt not steal.

16 Thou shalt not bear false witness against thy neighbour.

17 Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that *is* thy neighbor's.

18 ¶ And all the people saw the thunderings, and the lightnings, and the noise of the trumpet, and the mountain smoking: and when the people saw *it*, they removed, and stood afar off.

19 And they said unto Moses, Speak thou with us, and we will hear: but let not God speak with us, lest we die.
20 And Moses said unto the people, Fear not: for God is come to prove you, and that his fear may be before your faces, that ye sin not.
21 And the people stood afar off, and Moses drew near unto the thick darkness where God *was*.
22 ¶ And the Lord said unto Moses, Thus thou shalt say unto the children of Israel, Ye have seen that I have talked with you from heaven.
23 Ye shall not make with me gods of silver, neither shall ye make unto you gods of gold.
24 ¶ An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings, and thy peace offerings, thy sheep, and thine oxen: in all places where I record my name I will come unto thee, and I will bless thee.
25 And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone: for if thou lift up thy tool upon it, thou hast polluted it.
26 Neither shalt thou go up by steps unto mine altar, that thy nakedness be not discovered thereon.

ST. LUKE II.

1 *Augustus taxeth all the Roman empire.* 6 *The nativity of Christ.* 8 *One angel relateth it to the shepherds:* 13 *many sing praises to God for it.* 21 *Christ is circumcised.* 22 *Mary purified.* 28 *Simeon and Anna prophesy of Christ:* 40 *who increaseth in wisdom,* 46 *questioneth in the temple with the doctors,* 51 *and is obedient to his parents.*

And it came to pass in those days, that there went out a decree from Cesar Augustus, that all the world should be taxed.
2 (*And* this taxing was first made when Cyrenius was governor of Syria.)
3 And all went to be taxed, every one into his own city.
4 And Joseph also went up from Galilee, out of the city of Nazareth, into Judea, unto the city of David, which is called Bethlehem, (because he was of the house and lineage of David,)
5 To be taxed with Mary his espoused wife, being great with child.
6 And so it was, that, while they were there, the days were accomplished that she should be delivered.
7 And she brought forth her firstborn son, and wrapped him in swaddling clothes, and laid him in a manger; because there was no room for them in the inn.
8 And there were in the same country shepherds abiding in the field, keeping watch over their flock by night.
9 And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them; and they were sore afraid.
10 And the angel said unto them, Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.
11 For unto you is born this day in the city of David a Saviour, which is Christ the Lord.
12 And this *shall be* a sign unto you; Ye shall find the babe wrapped in swaddling clothes, lying in a manger.
13 And suddenly there was with the angel a multitude of the heavenly host praising God, and saying,
14 Glory to God in the highest, and on earth peace, good will toward men.
15 And it came to pass, as the angels were gone away from them into heaven, the shepherds said one to another, Let us now go even unto Bethlehem, and see this thing which is come to pass, which the Lord hath made known unto us.
16 And they came with haste, and found Mary and Joseph, and the babe lying in a manger.
17 And when they had seen *it*, they made known abroad the saying which was told them concerning this child.
18 And all they that heard *it* wondered at those things which were told them by the shepherds.
19 But Mary kept all these things, and pondered *them* in her heart.
20 And the shepherds returned, glorifying and praising God for all the things that they had heard and seen, as it was told unto them.
21 And when eight days were accomplished for the circumcising of the child, his name was called Jesus, which was so named of the angel before he was conceived in the womb.
22 And when the days of her purification according to the law of Moses were accomplished, they brought him to Jerusalem, to present *him* to the Lord;
23 (As it is written in the law of the Lord, Every male that openeth the womb shall be called holy to the Lord;)
24 And to offer a sacrifice according to that which is said in the law of the Lord, A pair of turtledoves, or two young pigeons.
25 And, behold, there was a man in Jerusalem, whose name *was* Simeon; and the same man *was* just and devout, waiting for the consolation of Israel: and the Holy Ghost was upon him.
26 And it was revealed unto him by the Holy Ghost, that he should not see death, before he had seen the Lord's Christ.
27 And he came by the Spirit into the temple: and when the parents brought in the child Jesus, to do for him after the custom of the law,
28 Then took he him up in his arms, and blessed God, and said,
29 Lord, now lettest thou thy servant depart in peace, according to thy word:
30 For mine eyes have seen thy salvation,
31 Which thou hast prepared before the face of all people;
32 A light to lighten the Gentiles, and the glory of thy people Israel.
33 And Joseph and his mother marveled at those things which were spoken of him.
34 And Simeon blessed them, and said unto Mary his mother, Behold, this *child* is set for the fall and rising again of many in Israel; and for a sign which shall be spoken against;
35 (Yea, a sword shall pierce through thy own soul also;) that the thoughts of many hearts may be revealed.
36 And there was one Anna, a prophetess, the daughter of Phanuel, of the tribe of Aser: she was of a great age, and had lived with a husband seven years from her virginity;
37 And she *was* a widow of about fourscore and four years, which departed not from the temple, but served *God* with fastings and prayers night and day.
38 And she coming in that instant gave thanks likewise unto the Lord, and spake of him to all them that looked for redemption in Jerusalem.
39 And when they had performed all things according to the law of the Lord, they returned into Galilee, to their own city Nazareth.
40 And the child grew, and waxed strong in spirit, filled with wisdom; and the grace of God was upon him.
41 Now his parents went to Jerusalem every year at the feast of the passover.
42 And when he was twelve years old, they went up to Jerusalem after the custom of the feast.
43 And when they had fulfilled the days, as they returned, the child Jesus tarried behind in Jerusalem; and Joseph and his mother knew not *of it*.
44 But they, supposing him to have been in the company, went a day's journey; and they sought him among *their* kinsfolk and acquaintance.
45 And when they found him not, they turned back again to Jerusalem, seeking him.
46 And it came to pass, that after three days they found him in the temple, sitting in the midst of the doctors, both hearing them, and asking them questions.
47 And all that heard him were astonished at his understanding and answers.
48 And when they saw him, they were amazed: and his mother said unto him, Son, why hast thou thus dealt with us? behold, thy father and I have sought thee sorrowing.
49 And he said unto them, How is it that ye sought me? wist ye not that I must be about my Father's business?
50 And they understood not the saying which he spake unto them.
51 And he went down with them, and came to Nazareth, and was subject unto them: but his mother kept all these sayings in her heart.
52 And Jesus increased in wisdom and stature, and in favour with God and man.

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GRIEST].

Mr. GRIEST. Mr. Chairman, the naval appropriation bill as reported from the Committee on Naval Affairs to this House carries an appropriation of $125,421,538.24 for the fiscal year 1912. On page 22 of the committee report on this bill an interesting table shows that the Naval Establishment of the United States from 1883 to 1910, inclusive, has cost the people $1,711,593,725.16. In addition to this enormous total of one and three-quarter billion dollars' expenditure in preparation for possible war in a quarter of a century by the Navy alone there have been as many millions more expended through the medium of the Army and the fortifications appropriation bills and other measures, while very small expenditures of public funds have been authorized for the promotion of international arbitration or universal peace.

On January 10, 1911, I introduced in this House the following proposed joint resolution providing for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the treaty of Ghent:

Joint resolution (H. J. Res. 263) creating a commission to consider and report upon a plan for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the treaty of Ghent.

Resolved, etc., That the President of the United States be, and he is hereby, authorized to appoint a commission consisting of five persons to consider and determine upon a plan for the promotion of universal peace among nations by commemorating, in the city of Washington, D. C., the one hundredth anniversary of the signing of the treaty of Ghent.

SEC. 2. That said commission shall submit to Congress a report on or before the first Monday in February, 1912.

SEC. 3. That to enable said commission to carry out the purposes of this act the sum of $5,000, or as much thereof as may be necessary, is hereby authorized to be expended. The members of said commission shall serve without compensation, but shall be allowed their necessary expenses, and disbursements authorized under this act shall be made by the Secretary of the Treasury on vouchers approved by the chairman of said commission.

The Committee on Foreign Affairs approved the idea of providing for a proper celebration of the centennial of the treaty of Ghent, and submitted the following report to this House by Mr. BENNET of New York:

The Committee on Foreign Affairs, to whom was referred the joint resolution (H. J. Res. 263) providing a commission to consider and report upon a plan for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the Treaty of Ghent, report the following substitute resolution and recommend that it do pass:

"*Resolved, etc.*, That the commission heretofore authorized by public resolution No. 47, Sixty-first Congress, second session, to consider and determine upon a plan for the promotion of universal peace among nations, shall submit to Congress a report on or before the first Monday in February, 1912, containing a plan for the commemoration of the one hundredth anniversary of the signing of the treaty of Ghent."

On Christmas eve, December 24, 1814, the treaty of Ghent was concluded, and in 1914 we will have enjoyed a century of peace between the United States and Great Britain. That fact has stirred the people of both countries to commemorate the centennial of peace as a triumph, and as a means of promoting world-wide peace.

Many patriotic bodies have advanced suggestions for the commemoration of this century of peace, and the following resolution, unanimously adopted by the Sixteenth Annual Meeting of the Lake Mohonk Conference on International Arbitration, in 1910, is worthy of special mention:

"*Resolved*, That a committee be appointed to consider the best method of properly celebrating the completion of 100 years of peace between the two English-speaking peoples of the Western Hemisphere; that such committee have power to add to its number and to cooperate with other committees appointed for the same purpose in this country and Great Britain and the Dominion of Canada; that it report at the next conference."

Your committee believe that the commemoration of this century of peace will be a significant event in the history of the two countries, and that through the instrumentality of such a celebration the cause of universal peace could be promoted, and at the same time the cordial rela-

tions which have existed between the two English-speaking nations would be further cemented.

Therefore, in order that the event may be celebrated in a manner worthy of the cause of peace among nations, the committee recommend favorable action on the resolution.

Since introducing the resolution in the House, there have come to my attention many evidences of the public opinion and manifest interest favorable to the holding of a national celebration in commemoration of this century of peace. Leaders in the movement for international arbitration and universal peace have devoted much intelligent thought to the subject. Many worthy suggestions have been advanced. Both the American Peace Society and the Lake Mohonk Conference on International Arbitration, as well as a number of other patriotic bodies in the United States and Canada, have officially commended the proposed peace celebration. It is fitting that the Government of the United States should place its seal of approval upon this meritorious suggestion.

There is a growing public sentiment for international arbitration and universal peace. Many who favor these great causes are inclined to seriously question the policy of expending large sums of money for the construction of powerful warships to insure national defense and peace. This is a costly form of insurance against the horrors of war. As a splendid illustration of a better and more economical method of maintaining peace, the American people can turn backward a century and point to the treaty of Ghent which was concluded by the peace commissioners of the United States and Great Britain on Christmas eve, December 24, 1814. Nearly 100 years have passed since that treaty was concluded, and in this century of peace neither country has been compelled to expend vast sume of money from the public treasury, either on the high seas or the Great Lakes, in preparation for a possible war between Canada and the United States.

During this period of peace the people of the United States and Canada have enjoyed great prosperity and a marvelous growth along more than 3,000 miles of our northern boundary, and this long-continued friendship and amity constitute a powerful argument in behalf of the reciprocity now pending between these two nations.

There have been boundary disputes and fishery disputes, but the people of Canada and the United States have arbitrated these and have lived in neighborly friendship. There has been cultivated a sentiment and public opinion favoring the continued preservation of peace and harmony in the common interest of humanity, and this fraternal association is a barrier against the evils and horrors of war. The example which the two great English-speaking nations of the earth have thus rendered conspicuous by a century of peace should be fittingly commemorated in such manner as to commend to all the nations of the world the advantages of international arbitration and universal peace.

In substantiation of my statement that there is a genuine public sentiment favorable to a celebration of the centennial of the treaty of Ghent, so as to promote peace and emphasize its benefits, I shall insert in the RECORD as a part of my remarks excerpts from letters and newspaper clippings, collated by the Rev. Dr. James L. Tryon, all of which show a strong sentiment favoring the celebration of 100 years of peace.

First, however, I desire to call the attention of the Congress and the country to the gratifying fact, so I am advised by the honorable Secretary of State, that—

In the opinion of the State Department, the proposal to celebrate in a fitting manner the one hundredth anniversary of the signing of the treaty of Ghent appears to be eminently desirable.

The Rev. Dr. James L. Tryon, of the American Peace Society, writes:

THE AMERICAN PEACE SOCIETY,
Boston, Mass., February 4, 1911.

Hon. W. W. GRIEST,
The Congressional, Washington, D. C.

DEAR MR. GRIEST: * * * Speaking on my own authority, I approve the idea of putting the duty of making the preliminary arrangements for the celebration on the United States Peace Commission. It could easily organize a department for this purpose and collect sentiments and suggestions or do whatever may be required on the part of the United States to make ready for the celebration in its early stages. Again, it would be a concrete line of work for the commission to take up, and would be a practical form of promoting peace and fraternity. No better preparation for world peace can be made than to promote the heart unity of the English-speaking peoples. Their example can not fail to have profound influence upon the rest of the world. A special commission on the celebration would probably be needed later and should now be appointed if the United States Peace Commission is not to be instituted.

Sincerely, yours, JAMES L. TRYON, *Assistant Secretary.*

As indicated by Rev. Dr. Tryon, numerous suggestions have been made as to the manner in which the centenary should be celebrated. The peace commission, if Congress approves the resolution, will be able to officially review the various suggestions, and can recommend a form of celebration in which this significant anniversary should be commemorated.

Hon. John W. Foster, ex-Secretary of State, says:

I have read with much interest the letters from prominent public men indorsing the proposed centennial celebration of unbroken peace between the United States and Great Britain. This celebration is especially called for because of the disarmament agreement on the Great Lakes, which is a striking object lesson for the great powers now engaged in the mad competition for big navies.

I heartily agree with the suggestion that the centennial celebration should be turned to some lasting benefit to the two nations, and what better movement can be inaugurated than one for the negotiation of a permanent treaty of arbitration of an unlimited character? In the century since the treaty of peace the two Governments have settled by arbitration a great variety of questions, involving almost every known cause of war, including territorial disputes, vital interests, and national honor. Many years ago President Grant advocated unlimited international arbitration, and now that President Taft has publicly favored the elimination of national honor from arbitration treaty restrictions, it is a fitting time to usher in the peace centennial with the consummation of such an arbitration treaty for these kindred peoples.

Hon. ELIHU ROOT, United States Senator, ex-Secretary of State, says:

I really do not know what to say as to what should be done to celebrate the 100 years' peace between the United States and Great Britain. We certainly ought to have a celebration which will emphasize the preservation of peace for that long period, and the value of the self-control which has accomplished that great victory over the selfish and belligerent instincts of two very self-assertive peoples. Just what form the celebration should take will, I suppose, have to be a matter of consultation between the representatives of the United States and Great Britain and her American colonies.

John Bassett Moore, LL. D., professor of international law in Columbia University, ex-Assistant Secretary of State, says:

I am heartily in favor of the proposal to celebrate, at the proper time and in an appropriate way, the continuance of unbroken peace between the United States and Great Britain for a hundred years. Nor could this, I think, be more effectively done than by commemorating throughout the two countries, on an appointed day, the important settlements that made peace between them possible, and, as those settlements were chiefly arbitral, by exchanging on that day the ratifications of a permanent treaty of arbitration which shall sum up and worthily crown the achievements of the past and furnish a pledge of unbroken peace for the future.

Leo S. Rowe, LL. D., professor of political science in the University of Pennsylvania, says:

In reply to the request contained in your letter of October 11, it occurs to me that an international conference of Canadian and American universities and colleges would be a most fitting way in which to commemorate this great anniversary. The universities are the most important agencies in bringing about closer intellectual relations between nations, and through these agencies we can avoid some of the most fruitful causes of misunderstanding and misconception. At a conference such as that proposed, plans for an interchange of professors and students might well be discussed.

It would also be possible in the sectional meetings to take up concrete questions in the domain of pure and applied science, jurisprudence, and political science.

Principal J. Estlin Carpenter, D. D., Manchester College, Oxford, England, says:

I trust that the centennial of peace between Great Britain and the United States in December, 1914, may be celebrated on both sides of the Atlantic. It is one of the most splendid facts in the history of the last hundred years that on a land and water frontier of thousands of miles tranquillity has been maintained without fortresses or fleets. An immense political experiment has been tried on the scale of a vast continent, with international results of the highest value. The idea of war between the two nations has become so abhorrent alike to our worthiest statesmanship and our best popular feeling that it may be dismissed altogether as a moral impossibility. All the more need is there to carry this spirit of good will into our relations with other great states and powerful governments. Much must yet be done to educate the English conscience in this matter, and the best method is to show what actually has been accomplished. By calling the attention of our whole people to the happy issue of a hundred years of peace between this country and the mighty North American Republic, the promoters of the centennial will render most valuable service to the sacred cause of "peace on earth, good will toward men."

Hon Andrew D. White, LL. D., ex-ambassador, chairman of the American delegation to the First Hague Conference, says:

Referring to your letter of July 30, I am especially glad to hear from you of the plan for the centennial celebration of the Peace of Ghent. From every point of view it seems to me wise. We have had much centennial rejoicing over various battles; let us now recall the fact that, despite demagogues on both sides, peace has been maintained for 100 years. Surely, anything that reminds us of that great fact can not fail to produce good effects, and one of them would be sturdy and spirited resistance to all efforts tending to put an end to the era of good will which has brought to both the countries concerned so many blessings.

Hon. Richard Olney, ex-Secretary of State, says:

The suggestion of a celebration of the making of the treaty of Ghent and of the 100 years of peace that have followed appeals to me strongly. The celebration should be national in character and should be of a nature and on a scale commensurate with the great place in the world occupied by the English-speaking countries who engage in it. Three things about the treaty of Ghent make it noteworthy and its commemoration peculiarly desirable. It ended a war; it was the first step toward a real revival of kindly feeling between two great branches of the English race; and by its exclusion of warships from the Great Lakes it has presented an enduring object lesson of what two countries peacefully disposed may accomplish toward keeping war at a distance. The warship clause of the treaty has been described as a "self-denying ordinance." The description is correct if it is well to encourage the fighting spirit by a preparedness for fighting, which necessarily acts as a temptation to fight. On the other hand, the description is incorrect and the warship clause spells not sacrifice, but an enlightened view of

self-interest, if peace is the true national policy and is promoted by any expedient that delays and obstructs hostile outbreaks and gives time for passions to cool and reason to reassert itself.

R. L. Borden, M. P., leader of the Conservative Party in Canada, says:

The time will soon be at hand when the Empire and the Republic may each hang upon the other's portal the garland of a century's peace. There have been differences, heartburnings, even threatenings, but, blessed be the peacemakers, there has been no conflict. It is not open to question that the anniversary should be worthily commemorated. In each country some splendid permanent memorial should be erected. But I trust that the day will be proclaimed as a national thanksgiving in both countries; that in every city, town, and village the bells will ring out their tones of rejoicing, and that the voice of praise and thanksgiving will be heard in the churches.

Canada, firmly bound to the Empire by the ties of fealty, freedom, and love, while closely associated with the Republic by constant social and commercial intercourse and by the bonds of mutual respect and good will, is clearly conscious of her responsibilities to each; and no higher responsibility is or can be hers than to aid in maintaining and strengthening during all the glorious years to come the peace and amity which have been so happily preserved during the 100 years soon to be celebrated.

Prof. Thomas J. Lawrence, LL. D., author of The Principles of International Law, England, says:

I can add but two suggestions to those already before you:

1. Disseminate far and wide in popular form a short record of the arbitrations between the two countries since 1814, noting especially the development of the arbitral process from a reference to a friendly potentate to a trial before an impartial tribunal learned in international jurisprudence.

2. A vivid representation by tableaux or otherwise of the great deeds done by pioneers of civilization on both sides of the frontier during the past century. People who saw the wagons on the Oregon trail or the Canadian mounted police at Klondike would cease to believe that war alone can make heroes.

President Abbott Lawrence Lowell, Harvard University, Cambridge, Mass., says:

Your plan for a commemoration of the one-hundredth anniversary of the treaty of peace between Great Britain and the United States, after the War of 1812, seems to me an excellent one, and I am not at all sure that the actual anniversary of the treaty, that is, December, 1914, would be a bad time for it. However, that is an unimportant matter.

The century of peace along our great frontier of 3,000 miles long is certainly a very notable event in the world's history, and there has never, perhaps, been a time within that century when the prospects of an indefinite continuance of that peace have been brighter than they are at the present day.

The provision in the treaty forbidding the maintenance of naval fleets upon the Great Lakes is in itself a matter that deserves commemoration. How many people would have expected at the time that the provision would be scrupulously observed for a century!

I think you are quite right, also, as a matter of sentiment and policy, in excluding all military forms of demonstration from the occasion. One of the things that might be commemorated would be the growth and mutual assistance of our educational institutions within that period, and in this the universities of the United States and Canada could help.

Cardinal Gibbons says:

I take great pleasure in concurring with the views of the distinguished gentlemen in recommending the commemoration of the one-hundredth anniversary of the treaty of peace which was signed between Great Britain and the United States in 1814. This celebration will not only record a memorable pacific event, but it will serve to ratify and consolidate a lasting peace between these two great nations.

And I am persuaded that England and America, by maintaining peace between themselves, will, at the same time, be the guardians and sentinels of peace and good will among the nations of the earth. Such now, thank God, is the influence and prestige of these two English-speaking nations that few powers will venture to plunge into the sea of strife so long as our country and England shall say to them, "Peace, be still," and "Thus far you shall come, and you shall go no farther, and here you shall break your swelling waves"—of discord.

Hon. RICHARD BARTHOLDT, Member of Congress, president of the American Group of the Interparliamentary Union, says:

There is in all history no lesson as instructive as is the agreement between the United States and Great Britain with respect to Canada. The two great countries, 96 years ago, agreed by treaty to withdraw the soldiers from the boundary line between Canada and the United States, to dismantle the forts, and police the lakes by means of a few gunboats on each side, armed by 1 small gun and 20 men each. This treaty has been the means of permanent peace between Canada and the United States, and to arrange on the eve of the third Hague conference an impressive celebration of this historical event is a splendid idea, because it will carry the lesson that the peace between all of the other nations could be safeguarded in exactly the same manner. I trust the centennial will be celebrated in a way worthy of its significance, and may serve as an example in the future, so that peaceful achievements may be commemorated in preference to the triumphs of bloody war.

J. Arthur Favreau, secretary of the Société Historique Franco-Americaine, Boston, Mass., says:

The proposal to celebrate the century of peace between the United States and Great Britain in 1914 will undoubtedly appeal most strongly to the 1,200,000 French-Americans of Canadian extraction now living in the United States, and to their brothers who have remained in Canada. In the War of 1812 the French-Canadians, having sworn allegiance to England, loyally did their duty by bearing arms for her, notably at Chateauguay. And to-day their descendants on both sides of the frontier will be doing their duty by lending a warm support to the proposed centennial.

Such a celebration would surely strengthen the bonds of friendship and good will which 100 years of peace have wrought between the two branches of the Anglo-Saxon race that had recourse to bloody war in settling their former differences. It should be doubly inspiring to the Americans and Canadians of the French race, since it would tend to render more remote than ever the prospect of another war between the two nations of which they now, respectively, form a part, of a war which would of necessity array against each other in heart-rending strife 3,000,000 of people who have had no quarrel between themselves, but have become separated merely through economic reasons.

Dr. Albert Bushnell Hart, professor of government in Harvard University, says:

The suggestion for the celebration of a century of peace between the United States and Great Britain is one which emphasizes the practical possibility of two great nations adjacent in territory, with many rival interests, and even with a tradition of hostility, going on, decade after decade, without armed collision. If numerous questions of boundary, of jurisdiction, of maritime rights, of neutral obligation, can be so long adjusted by two such powerful nations, the era of peace is approaching. There have been several war clouds upon this fair prospect, but each has disappeared before the desire of the two peoples, as represented by their greatest statesmen, to remain friends. No two nations in the world have ever harmonized so many apparently insoluble difficulties by arbitration or by mutual concessions and agreements. Each of them has had its wars, but, thank heaven, they have not been wars between the two great branches of the Anglo-Saxon race.

Lee S. Smith, ex-president Chamber of Commerce, Pittsburg, Pa., chairman of committee on foreign relations and commerce, says:

I heartily indorse not only personally, but in the name of the Chamber of Commerce of Pittsburg, your proposed conference in Canada, and anything else that tends to bring about this greatly to be desired result.

The idea of such a thing as war being possible in this twentieth century is absolutely revolting to my sense of right. I served my country in the sixties during the Civil War, but, looking back upon it now, I can only think of the horrors of war as described by Sherman as being hell, and sincerely trust and pray that no such condition may ever be possible again.

D. J. Jack, historian and secretary of the New Brunswick Loyalists' Society, St. John, New Brunswick, says:

I do not know of any surer step toward that universal peace which all true Christians desire than an amalgamation of English-speaking races, which, in turn, must be advanced by thanksgiving for a century of friendly international relationship as proposed by the American Peace Society.

As a lineal descendant of men and women who left what is now the United States of America in 1783 to begin life anew on British soil, nothing would give greater pleasure than to see the descendants of both parties in that memorable struggle united in a brotherhood having for its ultimate object the guaranty of the world's peace.

Rev. Francis E. Clark, D. D., LL. D., president United Society of Christian Endeavor, Boston, says:

As one who was born on the Canadian side of the imaginary line which divides the two great nations of North America and yet is a descendant of eight generations of Massachusetts ancestors, I rejoice to express my sympathy with the movement to celebrate the centenary of peace between Great Britain and the United States.

The fact that two great nations can live side by side for 100 years without any forts or naval armaments to keep the peace is a lesson which ought to be impressed upon the whole world; and this celebration will do much to make this impression.

I am sure I can speak for the three and a half millions of Christian Endeavorers in the United States, Canada, and Great Britain, who belong to an organization that stands preeminently for peace, fellowship, and good will, when I say that, without exception, they, too, will rejoice in the celebration of 100 years of peace.

[United States-Canadian peace centenary.—From the Advocate of Peace, September, 1910.]

HISTORY OF THE MOVEMENT.

Much interest is being manifested both in this country and in Canada in the proposed celebration of the century of peace between the United States and Great Britain since the War of 1812.

The suggestion made at the Harvard commencement last year by Hon. W. Lyon Mackenzie King, Canadian minister of labor, that a memorial bridge be built over the Niagara River has been favorably received. It was practically the starting point of the idea of the celebration, although others than Mr. King had the plan in mind and were beginning to think of suitable exercises for its observance. Mr. King, while at the Mohonk conference in May of this year, renewed his suggestion, and in response to it the conference authorized Dr. Butler to appoint a committee on the celebration. This committee is being made up of distinguished men of both countries, among whom are Hon. Charles F. Libby, of Maine; Judge Joseph B. Moore, of Michigan; Presidents Buckham, of the University of Vermont; Rhees, of Rochester; and Thwing, of Western Reserve; Justice Maclaren, of Toronto; Mayor Chisholm of Halifax; the mayor of Vancouver; and Sir Thomas Shaughnessy, president of the Canadian Pacific Railroad. Senator BURTON is chairman. Places on the committee are being reserved for representative men on both sides of the line, some of whom are well known in America and Canada, and a number of whom live along the border.

At about the same time that the Mohonk committee was authorized the "national committee for the celebration of the one hundredth anniversary of peace among the English-speaking peoples (1914–15)" was organized in New York City, with Mr. Carnegie as president and William H. Short as secretary. An executive committee, of which Hon. John A. Stewart is chairman, is made up of leading representatives of the various peace organizations, including Dr. Butler, Mr. Smiley, Dr. Trueblood, Mr. Ginn, Mr. Mead, Senator MCCREARY, and Mr. Andrew B. Humphrey, as well as a hundred or more men who are selected for their interest in peace or their prominence in public life. A delegation of this committee went to Beverly on July 15 under the leadership of Mr. Stewart, who acted as spokesman, to invite President Taft to serve as honorary president of the American committee. Mr. Taft expressed hearty sympathy with the objects of the committee, and said he would take the invitation under consideration.

On July 19 an association was formed at the Clifton House, Niagara Falls, Canada, known as the One Hundred Years Peace Society. It was the result of local enthusiasm that has been awakened along the American-Canadian border, particularly in the vicinity of Buffalo, Tonawanda, Niagara Falls, and Toronto, where much of the fighting took place in

the War of 1812, but where international feeling to-day, as a result of the close relationship between the citizens of both countries, is of the most fraternal kind. The objects of the society were declared to be to promote a suitable peace celebration in commemoration of the centennial anniversary of the signing of the Treaty of Ghent in December, 1914. It was thought at the time that the anniversary should be held in the summer of 1915, owing to the unfavorable season in which the celebration would naturally come if set for December 24, 1914, the exact date of the one hundredth anniversary of the signing of the treaty. But there is a consensus of opinion forming in favor of having the celebration some time in 1914, as it would tend to create sentiment beforehand for progressive measures at the third Hague conference, which is to be held the following year.

The details of the commemoration proposed at the Niagara Falls meeting were not fully worked out, but it was proposed that the anniversary be observed in both countries, the chief events to take place in Buffalo, Niagara Falls, Toronto, and other cities along the border. Members of the One Hundred Years Peace Society will be enrolled from the various historical, commercial, and peace associations that are in sympathy with the idea. Prominent in taking the initial steps toward the formation of the society were the Buffalo Chamber of Commerce and the Buffalo Peace Society. Ex-State Senator George D. Emerson is its temporary chairman and Secretary Fenton M. Parke, of the Chamber of Commerce, its secretary. Among the representatives from Toronto who are actively interested in the formation of the society are Maj. W. H. Collins, of the Imperial Army and Navy Association, and E. B. Biggar, representing the Old Fort Protective Association. Mr. Biggar is now in the Maritime Provinces, where he has started a branch of the One Hundred Years Peace Society. Assisted by Maj. Collins and Dr. C. S. Eby, of the Canadian Peace and Arbitration Society, Mr. Biggar has been energetically giving his time to organizing a public meeting to be held in Toronto in September. This meeting will be attended by representatives from the various local associations that may by that time become enrolled in the One Hundred Years Peace Society. Dr. James L. Tryon, assistant secretary of the American Peace Society, has received several important letters from influential Americans approving the celebration. * * *

In the absence of the secretary in Europe, the assistant secretary of the American Peace Society attended the Niagara Falls meeting by special invitation of Mr. Parke, of the Buffalo Chamber of Commerce, and Mr. Frank F. Williams, secretary of the Buffalo Peace Society. Mr. Williams was desirous that the celebration be directed along peace lines instead of being made to glorify militarism and war, as might be the case if all possible suggestions that were in the air were adopted.

Dr. Tryon stated that the idea of the proposed peace celebration was heartily approved by Dr. Trueblood, who not only wanted to see a proper peace celebration, but had suggested that it be kept entirely separate from the idea of a world's fair or great exposition of any kind, as the interest in the event would be divided if combined with either of these. This idea had already met with approval in Buffalo. Dr. Tryon outlined a festival of the nations with symbolic floats and processions like those which characterized the Burritt celebration in New Britain at the time of the New England Peace Congress in May last. Buffalo itself is a cosmopolitan city and abounds in national societies that could furnish picturesque material for such processions. This plan appealed strongly to the Buffalonians. There might be processions of school children with banners, of civic societies and firemen. There might also be life-saving drills for the children, to teach the heroism of peace, such as are often given in Great Britain. A spectacular water festival with symbolic boats might be made a novel feature of the occasion, also historic pageants illustrative of the more poetic and picturesque episodes of the history of Canada and the United States from the days of the heroic discoverers, pioneer settlers, and missionaries down to the present time. Together with these there might be tableaux and processions illustrative of the development of the civic life of both peoples. It would be a time to honor great men of the United States, Canada, and Great Britain, whose names are connected with the development of the world peace movement; for example, such men as William I. Buchanan, of Buffalo, who was a member of the second Hague conference and is recognized as having been one of the most effective diplomatists of modern times. Honor should also be paid to Richard Rush and Charles Bagot, who signed the arrangement for the limitation and reduction of naval armaments on the Great Lakes.

A world peace congress had already been proposed for the United States at the time of the celebration. A delegation from such a congress, if held, might address a conference of Americans and Canadians at Buffalo or Toronto, and might attend some of the local celebrations. Distinguished officers of state and members of the diplomatic corps, together with the peace commission, might be invited as special guests. There might be a symbolic representation of The Hague conference and the Peace Palace at The Hague. Prizes might be offered for designs of symbolic architecture, tableaux, and appropriate exercises upon which the genius of the American and Canadian artists might be occupied for some time to come.

Frank H. Severance, of the Buffalo Historical Society, suggested that in addition to these there might be an international musical festival. Such a festival has already been successfully held by the New York Peace Society. Prof. J. M. Larned, president of the Buffalo Peace Society, proposed that Great Britain and the United States make 1915 the date of the signing of a treaty of unlimited arbitration. This would mean the elimination from the category of war of disputes affecting national honor, vital interests, and independence. This suggestion was reenforced by Dr. Tryon, who said that the friends of peace might well occupy themselves for the next few years in educating public sentiment in support of such a treaty.

Mr. FOSS. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman, I have been asked by my friends why I have had nothing to say on ship subsidy in this session. Now, to prevent them thinking I have lost all interest in that matter I will now enter upon a discussion of that subject. [Applause.] Of course the time allotted to me is so brief that I can not speak to the bill before the House as to how it passed the Senate, but I shall, after a few introductory statements, ask to extend my remarks. It is a well-known fact that the ship-subsidy people have no particular love for me. They have shown that again and again in attacks made in previous years and in recent attacks, simply because I differ with them, because, after a most thorough study, I arrived at the conclusion that to build up a merchant marine was not to let a few steamboat lines get their hands into our Treasury [applause], but to allow foreign-built ships owned by Americans and plying between this and foreign countries to come in under American registry—in fact, to place our shipowners on the identical terms that other countries place theirs.

I want to say that the ship-subsidy people have not lent me any assistance during my recent election. No; it became very evident that my Republican opponent in the primary and my Democratic opponent in the regular election had their good will, and when the news came in, prematurely, that I was defeated, the joy of the ship-subsidy people knew no bounds. [Laughter and applause.]

In that way I had the rare privilege of reading my own obituary, the announcement of my political death, as it appeared in one of the leading ship-subsidy papers, the Marine Journal, of New York. It starts out in this way:

Congressman KÜSTERMANN defeated. Another object lesson that it does not pay to fight the American ship.

This, my friends, is a notice given to you if you do not do as the ship-subsidy people want you to do, that they will conduct the same style of a fight against you. [Laughter.] But I want to say I am not yet defeated. No; it is going to be decided within a few days whether I am or not, and it is my opinion that the supreme court of Wisconsin will decide that I stay with you for another two years. [Applause.] Here is the article:

Hon. GUSTAV KÜSTERMANN, Representative in Congress from the ninth Wisconsin district, stands defeated by five votes on the face of the returns by his antagonist. Mr. KÜSTERMANN, though a Republican, has bitterly opposed the efforts of Presidents Roosevelt and Taft to build up the American merchant marine in foreign trade. He is one of the men who were nominally the defendants in the investigation which was made last spring by the special committee in the National House, of which the Hon. J. VAN VECHTEN OLCOTT, of this city, was chairman.

Well, that committee has already, in a preliminary report, stated that I am innocent of the charges brought against me. [Applause.]

The Marine Journal does not believe that Mr. KÜSTERMANN was guilty of anything else than deficient Americanism and bad judgment in his attitude toward the merchant marine.

Again that charge of "deficient Americanism." Why do they not bring the same charge against Senators BURTON, STONE, SHIVELY, and all those of you gentlemen who have voted against subsidy—why do not they charge you with deficient Americanism? Simply because you happened to be born here and I was born on the other side of the ocean.

Mr. FOSTER of Illinois. You could not help that.

Mr. KÜSTERMANN. Oh, I certainly had no say in the matter. [Laughter and applause.]

Continuing, this article reads:

We have no idea that he was the hired man of the European steamship combination. Nevertheless, the defeat is striking proof that to obstruct the cause of the American ships is not necessarily a password to the favor of the people of the West, even of the people of Wisconsin. That State, and particularly Mr. KÜSTERMANN'S district, contains a great many citizens of German birth or recent German extraction. In his fight against the American merchant marine Mr. KÜSTERMANN has drawn much of his argument from the misleading circulars of the great Germany steamship companies.

Only one of many misstatements contained in this article.

He has apparently assumed that the people of his district preferred that the commerce of the United States should be carried under German colors and not under the Stars and Stripes.

What rot!

Mr. KÜSTERMANN now knows that he was very seriously mistaken.

Not as concerns the wrong principle of ship subsidy.

Even if a recount should reelect Mr. KÜSTERMANN by 4 or 5 votes—

I believe I will have more than that—

this would not alter the significance of the campaign, for when Mr. KÜSTERMANN was last chosen it was by more than 3,000 majority.

He has manifestly lost strength with his people—

But not because I have fought the subsidy crowd—

and inasmuch as his fight against the national administration on the shipping issue has been his most conspicuous activity it is safe to infer that his course in this respect has not commanded favor in Wisconsin.

The best answer to this statement is that this marine publication has not a handful of subscribers in Wisconsin, for the policy it advocates is in disrepute in that State.

Continuing, the writer of this inspired article says:

The shipping bill which Mr. KÜSTERMANN has introduced and championed is probably the weakest and worst bill of the kind ever presented in Washington.

In answer to the foregoing I will say that the text of my bill was so satisfactory to a number of American shipowners who are now forced to hide their ships under foreign flags that they wrote to me that if my bill was adopted they would hoist the Stars and Stripes over their ships.

Continuing, the article reads:

It—

My bill—

has not been able to receive the slightest attention from the Committee on the Merchant Marine and Fisheries.

Certainly not; because the Merchant Marine and Fisheries Committee is known to be made up with a majority of members in favor of a subsidy program.

Mr. GARRETT. Will the gentleman permit?

Mr. KÜSTERMANN. Certainly.

Mr. GARRETT. Did not the Humphrey bill, so called, which was reported at the last session of the House, include one of the principles of the gentleman's bill in it?

Mr. KÜSTERMANN. It was so limited that it did not cover what it should have covered.

Mr. GARRETT. But acknowledged in a way, however, the principle for which the gentleman stood?

Mr. KÜSTERMANN. In part only. And only yesterday Mr. HUMPHREY'S bill admitting to American registry 17 foreign-built ships of the United Fruit Co. was agreed upon in the committee.

Now, that is piecemeal work. What they want to do is to admit all ships that sail between the United States and foreign countries owned by Americans, and then we will in a very short time have the Stars and Stripes on the ocean where they are not found at the present time.

I read further from the article:

This bill would have enabled European ship trusts and combinations to acquire ownership of American shipping.

It is true I stated that 40 per cent of the ships might be owned by foreign capital, the same as our railroads are partly owned by foreign capital. As long as we allow foreign capital to put money into our railroads, why not allow them to assist in building up our merchant marine?

And further:

It was an entering wedge to European invasion of our coastwise trade.

Which, of course, is not true.

It would have repealed the law that requires that the officers of American ships must be American citizens.

Now, that is one of the distinct features of my bill—that every ship sailing under the American flag, having an American registry, must have American officers.

It says further:

It would have discouraged the employment of well-paid, capable Americans, and would have displaced them by cheap, half-educated aliens.

There is not now a letter in our navigation laws which requires American ships to have American crews. So my bill simply left it as it was before. They may hire whatever crews they wish.

The Küstermann bill, if it had been enacted, would have destroyed the most valuable part of the personnel of the Naval Reserve of the United States and would have left our country more humiliatingly dependent than ever on the grace of European corporations like the Hamburg-American Co.—

That is hitting me again. Now, if we have to depend upon the few ships that will be added under the Gallinger bill as it has passed the Senate, it would add but very little to our Navy—

which took some of its fast ships out of the New York Harbor in the Spanish War and sold them to the Spanish admiralty, who would have used them, if opportunity offered, to burn, sink, and destro, the commerce of the United States.

Certainly the writer is hard pressed to use such claptrap talk and label it argument.

But here is the closing sentence:

Mr. Küstermann may be an honest man——

I will have to leave that to you, gentlemen.

Mr. FOSTER of Illinois. We think he is honest.

Mr. KÜSTERMANN (reading):

but he is certainly a terribly misguided one, and he richly deserves the defeat which he has received at the hands of his constituents.

Yes, abuse and threats are their weapons. Why do they not come out with arguments? That would be the proper way. I have never used anything but argument. I have not threatened and I have not heaped any abuse upon them, but they probably think such a campaign of vilification is necessary because they have few arguments.

Now, Mr. Chairman, my time is probably pretty nearly up. For that reason I will ask unanimous consent to extend my remarks in the RECORD.

Mr. COLLIER. Mr. Chairman, I look upon the gentleman from Wisconsin [Mr. KÜSTERMANN] as a high authority on this ship-subsidy proposition, and I feel as much interested as he does in it. I want to ask him if it is not a fact that there are about 1,000,000 tons of shipping owned by American capital, but by reason of our antiquated laws now in force it flies a foreign flag?

Mr. KÜSTERMANN. There are more than a million tons. Why, the International Mercantile Marine Co. owns 126 ships under foreign flags alone, and a gentleman in California, Mr. Robert Dollar, has probably 30 or 40 ships, as has Mr. Waterhouse, in Seattle, and the United Fruit Co. So there are probably about 2,000,000 tons. [Applause.]

The Gallinger subsidy bill is an improvement over the one introduced last session, in so far as it forbids the paying of subsidy to any rail-competitive transportation business.

Otherwise it may be said of this bill, as of its predecessors, that it will not serve the purpose for which it is supposedly intended.

Even though a few additional second-class ships should be put into service by being paid $4 per mile, or $4.60 a nautical mile, or about $23,000 for each trip from the United States to Brazil, there would be no prospect of an improvement in mail facilities to Central and South America.

The rule of the Post Office Department is to send mail on such boats as reach their destination in the quickest time, whether they are under the American flag, American-owned, or foreign-owned vessels. This is plainly set forth in the report of a former Second Assistant Postmaster General, in which we find the following:

Under our rules of the speediest possible dispatch of mail we could not send our mail to Central and South America on American boats if another vessel under foreign flag would deliver it quicker.

Of course we could establish lines where there are no foreign lines at present, putting on steamers of less speed than those which cross the Atlantic and carrying mail as well as cargo, but there might soon be foreign vessels of greater speed to those parts, which, for mail purposes, we would have to give the preference. We could scarcely make the appropriation available for subsidizing vessels of slower speed and of greater carrying capacity.

That there are now a number of opportunities to send mail to these countries is evident from a late schedule of steamship service published by the Post Office Department.

This schedule shows 18 sailing dates in one month of American-owned ships sailing under foreign flags direct from New York to Central and South America, and 24 sailing dates of foreign ships.

There are also a number of American-owned ships under foreign flags making regular trips from New Orleans, Philadelphia, Boston, Tampa, and San Francisco.

All of these ships carry freight, and thus there is ample opportunity to ship goods to the places aimed to be reached by these subsidized ships.

Our trade with those countries will not be increased by subsidizing these extra ships to operate at an enormous expense to our Government and the people.

In order to accomplish this—to increase our trade, we must go after the orders—we must compete in prices of goods sold; we must study the trade conditions, extend the same amount of credit as other countries; and last, but not least, we must send agents or representatives who are versed in the Spanish language, which is the language spoken.

We can not expect our prospective customers to learn English in order to trade with us.

All other countries are trying constantly to provide the speediest ships, while in the present bill we propose to pay a premium on slow vessels, thereby permitting second-class vessels to carry the mails right along with those vessels of the first class.

Under the act of 1891 we are paying to the International Mercantile Marine Co., mainly owned by J. Pierpont Morgan, about $700,000 each year for sailing four of their ships across the Atlantic.

Two of these four ships were built in Europe, but by a special act of Congress they were allowed to fly the American flag.

Now, the question that must be answered fairly and squarely by every Representative of Congress is this: Has our country been benefited in any way by the payment to this and other companies of about $20,000,000 in 20 years? I say not in the least.

Freight and passenger rates have not been affected by it and no mail facilities have been added.

The facts show that we have merely given these millions of dollars to J. Pierpont Morgan and others and received nothing in return therefrom.

Now, let us see how many ships the proposed $4,000,000 annual subsidy would add to our merchant marine.

A 16-knot vessel, built to sail 16 nautical miles an hour, certainly should be able to sail 16 regular miles, as a regular mile is about one-eighth less than a nautical mile. It would there-

fore cover a distance of 384 miles in a day, and as payment is provided for outgoing trips from this country only, at $4 per mile, it would receive a total of $1,536 of Government money per day outgoing, or $768 when the daily outgoing and incoming trips are averaged.

Figuring delays, stops, and repairs, it may be said that a ship sailing about 10 months in the year would receive from the Government Treasury about $230,400.

Eighteen and 20 knot vessels would obtain proportionately more, so that it would be safe to state that the average amount paid to each ship yearly by this Government would amount to $250,000. Thus the $4,000,000 would subsidize about 16 vessels, or only 12 vessels, if the profit from the ocean mail amounts to but $3,000,000, as it is estimated.

It has been said that no ship flying the American flag is now engaged in sailing to and from Central and South America. There are, however, a number of American-owned vessels plying between this country and our sister Republics, among them the large fleet of the United Fruit Co.

Costing almost twice as much to build ships in this country as in Europe, these American shipping companies were forced to give their orders for ships to foreign shipbuilders, and through our antiquated navigation laws—abandoned by other leading countries many years ago—they were prevented from sailing these vessels under the American flag.

To-day they would cheerfully hoist our glorious banner over their ships, but under our present laws they are obliged to hide under foreign flags.

If we wish to see the American flag restored to the seas, we have the remedy in our own hands.

I have in my possession letters from a number of American shipping companies, owning about 200 fine ocean-going vessels, who are ready to hoist the American colors over every one of these vessels if we will grant foreign-built ships, owned wholly or partially by Americans, admission to American registry.

But objections to this business-like method are raised by the shipbuilders and steel manufacturers of this country, who, while not building a single ocean-going merchant ship at the present time, still live in hopes that indirectly they might reap great profits if our Government will loosen the purse strings of the Treasury and commence the payment of big subsidies. Of course the amount called for in the present subsidy bill is but an opening wedge for a much greater depletion of the Treasury in the future.

These American shipbuilders claim to be unable to compete with other countries in shipbuilding; yet they recently took the contracts for two great war vessels for the Argentine Republic and a very costly Chinese cruiser in competition with shipbuilding concerns in Japan and Europe.

I maintain without fear of being successfully disputed that if we let foreign-built ships owned in the main by Americans and in charge of American officers come under United States registration, it will not be necessary to pay out millions of dollars of the people's money for the pleasure of seeing more American flags on the ocean.

A few years ago the Commissioner of Navigation reported 136 ocean sailing ships owned by Americans but obliged to sail under foreign flags. Now, however, that number is greatly increased.

The leading shipping nations in the world, Great Britain and Germany, allow the sailing under their flags of ships, no matter where built, and the shipbuilders of those two countries seem to prosper under that policy. Great Britain last year admitted to British registry 34 foreign-built merchant steamers and 7 sailing vessels.

Again and again the false statement is made that the great merchant marine of Great Britain and Germany owed its growth to the payment of subsidies by their respective Governments.

It costs Germany $1,860,000 to have 30 to 40 ships keep up the connection with their colonies, while Great Britain and colonies pay about $7,000,000 to steamship lines owning in the neighborhood of 400 vessels, and these companies as lowest bidders were awarded the contracts for carrying the mail to and from British possessions. In Great Britain but 6 per cent of her 6,503 steamers received money from the British treasury for service rendered, and not one of her 4,703 sailing ships.

About $5,000,000 of the British subsidy consists of refunds of Suez Canal tolls, and, following the example of Great Britain, I hope not a single voice will be raised in our country against giving the same benefit to all American ships passing through the Panama Canal.

Instead of rushing any subsidy measure through at this time, we ought to await the completion of that great canal, and see whether the privilege of its free use will not have a material effect on our American merchant marine.

Displaying the American flag over only 16 vessels plying between our ports and Central and South America would under this bill cause our people an expense of $40,000,000 in 10 years, and the wholesome competition in freight rates which our shippers now enjoy would at least be partially destroyed by the nonsubsidized ships being unable to compete with lines receiving in the neighborhood of $250,000 a year out of the Government Treasury for each subsidized ship.

Let us continue to pay 80 cents per pound for carrying letters in American vessels, as compared with 35 cents to ships under foreign flags, thus making it an object for vessels to go under American registration.

At the same time let us give American shipowners material assistance and restore the American flag to the seas by allowing American registry to ships built anywhere in the world, as long as they are owned wholly or to a large extent by Americans.

This can be done by enacting into law my bill, H. R. 29865, which, when the time comes, I shall offer as a substitute for the pending bill. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield 40 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, in the time allotted to me I shall confine my remarks to a discussion of the so-called Ballinger investigation.

On the 6th of December, 1909, the gentleman from Nebraska [Mr. HITCHCOCK] offered a resolution on the floor of the House to the effect that a committee of seven Members of the House should be appointed to investigate the General Land Office and the Department of the Interior, with reference to coal lands and other public domain in Alaska, and report their findings to the House.

Later on a broader resolution concerning the same matter was introduced in both the Senate and House of Representatives, at the request of Mr. Secretary Ballinger, asking for the appointment of a joint committee of investigation, and on January 19, 1910, the joint resolution was approved and the committee appointed.

At page 4219 of the record of the hearings by the committee appears a letter written by Don M. Carr, Mr. Ballinger's private secretary, to the editor of an Arkansas newspaper, which indicates remarkable prescience on the part of that young man, as he appears to be able to see at least 16 days into the future. I give it here for whatever it may be worth, leaving it to others to draw such inferences from it as may seem just (italics ours):

SECRETARY OF THE INTERIOR,
Washington, January 3, 1910.

DEAR SIR: Referring to the Montgomery Times of December 24, containing an editorial on the administration of the forest reserve in your vicinity, it is suggested that as Congress will probably at an early date make an examination of the management of the Forest Service, you might with propriety secure such affidavits of the character referred to in the editorial and submit them to the committee having charge of the investigation, *of which Hon.* KNUTE NELSON, United States Senate, *will probably be chairman.*

Very truly, yours, DON M. CARR.

Mr. GEORGE SHERMAN,
The Montgomery Times, Mount Ida, Ark.

If Mr. Ballinger's secretary knew so far in advance who the chairman was to be, he doubtless also knew who the members would have been if the House had not interfered by giving each party the right to choose its representation.

The committee worked diligently and finished the taking of evidence near the end of May. Several days' time was given the attorneys for the respective interests to prepare for the oral arguments on the evidence, and after the oral arguments still further time was given for the preparation and filing of printed briefs.

Every assistance which the splendid ability and industry of the eminent counsel engaged could render was given the committee and greatly lightened the burden cast on them.

Near the end of June, 1910, the committee held its last meeting prior to the adjournment of that session of Congress, and in order to give themselves time to study the evidence and the briefs and to formulate their views into a report the committee adjourned to meet at Minneapolis, Minn., on September 5, when a report was to be adopted.

During the Minneapolis session of the committee, on September 9, two reports were presented and filed, one signed by Senator FLETCHER of Florida, Senator Purcell of North Dakota, Representative JAMES of Kentucky, and myself, and the other one by Representative MADISON of Kansas. While these reports were prepared without conference or consultation of any kind between the respective signers they are in substantial agreement that the weight of evidence establishes Mr. Ballinger's unfaithfulness to the trust reposed in him and his unfitness for the great office he holds.

Three months after these reports were filed the other seven members of the committee, on December 7, 1910, filed a third report, finding that the evidence heard by the committee wholly failed to "exhibit Mr. Ballinger as being anything but a competent and honorable gentleman, honestly and faithfully performing the duties of his high office." These reports show diametrically opposite conclusions drawn from the same evidence. Which of them is wrong? Which ones reflect the weight of the evidence and which one does not?

It is my purpose to dispassionately discuss this question with you, just as if this were a court in banc, interested only in getting at the very truth of the matter.

The issue before the committee, stated broadly, is this: Was Mr. Ballinger an unfaithful servant of the people, and was he untrue to the trust reposed in him, first, as Commissioner of the General Land Office, and later, as Secretary of the Interior?

He was Commissioner of the General Land Office from March 4, 1907, to March 4, 1908. He retired from office on the latter date and resumed the practice of the law at Seattle, continuing in his profession till March 4, 1909, when he became Secretary of the Interior, which great office he still retains.

The entire period since his appointment as Commissioner of the General Land Office and, indeed, before that, to some extent, has been covered by the investigation.

I shall confine myself to what I consider the salient features of the more important matters involved.

I shall not attempt to go into the merits of some of the questions raised, as, for instance, the matter of Indian cooperative agreements and the issuing of cooperative certificates, for however desirable or necessary these policies might be, I am persuaded that their condemnation by the law officers of the Government under whose jurisdiction they came is a sufficient justification for the opposition of the Secretary.

I do not think it is the province of the committee to inquire into the soundness of these official opinions, nor is it material to the inquiry we were directed to make whether they are sound or not. The question before us was whether Secretary Ballinger's acts were done in good faith; and, for my part, I can not say that he was guilty of bad faith in accepting and acting upon the official opinion of the officer of the Government whose duty it was to give that opinion.

The remaining matters come under two general heads, namely, the Reclamation Service and the Cunningham coal claims, and growing out of these two, indeed out of the whole subject matter of the controversy, is a third and very important question: Was Mr. Ballinger uncandid or disingenuous with the President in connection with these matters?

I will take up first, and but briefly, his conduct toward the Reclamation Service.

This very important Government bureau was organized and has been conducted for the purpose of reclaiming and rendering fit for cultivation the arid lands of the West.

It is in the Department of the Interior, and its officers are under the jurisdiction of the Secretary or head of that department.

Mr. W. H. Newell has been at the head of this bureau since its organization under the title of "Director," and Mr. Arthur H. Davis was chief engineer. Many reclamation projects have been undertaken, and much good has been accomplished by the irrigation of arid land, thus making it very productive and very valuable.

One of the first steps in irrigation is to secure a water supply. As the current in the rivers and streams available does not usually furnish enough water in the hot summer weather, when water is most needed, it becomes necessary to build a great dam and create a vast reservoir to hold a proper supply.

A strategic point is chosen where the least amount of dam will collect the greatest amount of water within reasonable proximity to the land to be irrigated.

It would require a very careful survey to determine in advance how much land would be inundated by the water collected by a dam of a given height. Often thousands of acres are thus inundated by a single dam.

But as all this land was open to location by settlers, and as the desire to seize good opportunities is quite prevalent, it is easy to see that settlers would be likely to pick as "locations" land that was adapted to reservoir and dam site purposes, especially if they suspected that it would be put to that use.

This probability would be greatly increased when the dam site was also available as a power site, and this also applied to natural water-power sites. It is plain that such locations were very liable to be taken, and that the fee would pass from the Government and ultimately become the basis of a private monopoly. Secretary of the Interior Garfield, seeing this and wishing to prevent it, made orders in January and February, 1909, withdrawing from settlement a large amount of land adjacent to, and available for, power sites.

As these withdrawals were of necessity made without preliminary surveys, and as it was then impossible to know how much land or what land might be inundated by the building of a dam at any given point, it was deemed by him wiser to err on the side of safety, and the withdrawals were made large with the intention of paring them down later and restoring the excess to settlement as soon as the necessary survey could be made and the correct boundaries established.

On March 4, 1909, Mr. Garfield went out of office and Mr. Ballinger succeeded him. Within six weeks after he became Secretary, Mr. Ballinger canceled these withdrawals made by Garfield, and restored all the land, power sites included, to settlement. He did this on the theory that there was no power lodged in the executive department of the Government to make these withdrawals, that therefore his predecessor's action was void, and that he was so thoroughly convinced of this he could not evade the duty of revoking them and restoring the land to settlement.

Personally, I am more disposed to sympathize with this view than to criticise it, but once more I repeat, our committee was not appointed to pass upon the legality of Mr. Ballinger's acts or to determine questions of public policy, but rather to pass upon his motives and bona fides. So that, for our purpose, the question is not whether the executive branch of the Government really had the power to withdraw public land from settlement, but whether Mr. Ballinger was or was not acting in good faith for the public good.

Consistency is one evidence of good faith. The man who claims he takes a very important step because of intense conviction will be sure to stick to his course; or, if he ever afterwards makes a complete change of front on that very question, he will have a reason to give for the change. If not, his good faith in the first instance is justly open to suspicion.

Apply this rule to Mr. Ballinger. Did he stand by the position he took? Or if he abandoned that position, did he give a good reason for so doing? The answer to these questions is he did not stand by his position and he did not give any reason at all for abandoning it. True, he says that Garfield withdrew more land than was necessary. But he canceled Garfield's withdrawals for the specific reason that Garfield *had no power* to make them. He did not cancel them because Garfield had not the power to withdraw *so much* land, but because he had not the power *to withdraw any*.

In view of this, how are we to explain his conduct when about six weeks later, without any change in the law and without any change in his view of the law, Mr. Ballinger does the very thing he condemned in Garfield, and *re*withdrew a large portion of the very same land. If Garfield had not the power, where did Ballinger get it?

And again later on when the Senator from Colorado [Mr. GUGGENHEIM] made a request that certain arid land be withdrawn from settlement for park purposes, where, on his own theory, did Mr. Ballinger get the power to comply with the Senator's request? He has given us no light on this subject. The claim that a more careful estimate of the land to be withdrawn, or even that an exact survey had been made in the meantime, would be no answer, as the Secretary, in nullifying Garfield's action, planted himself squarely on his absolute want of power to make any withdrawals.

As I proceed, I think there will appear, with tolerable clearness, a basis for the inference that Mr. Ballinger's action in canceling the withdrawals and restoring the land, power sites and all, to settlement, was rather for the purpose of giving special opportunity to a favored few than of administering the trust in his hands for the benefit of the people, and the whole evidence fairly considered, in my judgment, justifies the conclusion that when he canceled the Garfield withdrawals and restored the land to settlement it was not Mr. Ballinger's intention to rewithdraw it, and that the rewithdrawals subsequently made were in some way forced upon him.

One of Mr. Ballinger's first official acts after he became Secretary was to call in Mr. Davis, the chief engineer of this service, and try to alienate him from Director Newell, his immediate superior. The evidence shows persistent and deliberate attempts on his part to undermine and discredit Mr. Newell as head of the service, and this to the great detriment of the service. The heads of it were frequently ignored altogether and orders issued direct to subordinates, of which orders their superiors had no knowledge till it came to them incidentally, or accidentally, later on.

The effect of this conduct was very demoralizing to the Reclamation Service, and it can be explained only as an effort to force Mr. Newell to resign.

The Reclamation Service maintained an office in Chicago, of which one E. T. Perkins was the manager. Mr. Perkins was guilty of irregularities which can be fitly designated as gross. They are outlined and discussed on pages 47 to 49 of our report.

Director Newell and Chief Engineer Davis were of the opinion that the conditions justified a request for Mr. Perkins's resignation, and Mr. Newell did finally request it. The matter came before Mr. Ballinger, and he disposed of it by overruling Newell, by giving Perkins increased authority, and directing him to make monthly reports to the director, whom he had so effectually defeated. How farcical and how thoroughly demoralizing; but Mr. Perkins had influential and powerful friends in Chicago, the Secretary explained.

The evidence shows it had been Mr. Ballinger's intention from the beginning to displace Newell and replace him by one R. H. Thomson, of Seattle, a personal friend of his, of whom I shall have something to say later on.

It is unnecessary to say the inevitable effect of this conduct on the part of the Secretary was the demoralization of the Reclamation Service, and that such would be its effect could not be unknown to the Secretary. As we proceed the purpose of it may become more apparent.

THE CUNNINGHAM CLAIMS.

A few preliminary words of explanation as to Alaska is necessary to a proper understanding of the so-called Cunningham claims matter.

The location, the conformation, and the great natural wealth of the Territory of Alaska make it a land peculiarly adapted to exploitation by any person or aggregation of persons having the necessary means.

While there is much fertile and productive land there and considerable gold, silver, and other minerals, the main attractions, so far as this investigation discloses, are coal and copper. There are vast and very valuable deposits of both of these. For a more detailed statement of the nature and extent of these deposits I must refer you to the different reports by members of the committee and to the evidence itself referred to in the reports.

These mineral deposits are all in the interior and lie behind a practically impassable mountain range. This mountain range runs in a general way parallel to the coast and about 30 miles inland. There are but three practical ways of reaching the interior through this mountain range south of the peninsula. The southernmost route is by way of Skagway and the White Pass, the middle one by way of the Copper River, and the northernmost one by way of the Matanuska River. Each one of these has already been availed of for railway construction. The line along the Matanuska is not involved here to any great extent.

The line from Skagway is owned by British capitalists and is managed by a Mr. Graves. The line along the Copper River is owned by the Alaska syndicate and is not only the most important of the three, but the one most intimately connected with this investigation.

The Alaska syndicate is an unincorporated combination of two great interests—J. Pierpont Morgan & Co. and Guggenheim Bros.—each having an equal share.

Each party has a right to take in outside interests, and each has exercised that right. Parties so admitted into the concern are called subparticipants. Mr. Graves, president of the Skagway & White Pass Railway, is a subparticipant of the Morgan interest, and Mr. Havemeyer and some other well-known capitalists are subparticipants of the Guggenheim interest.

This syndicate has been giving attention to Alaska for several years. It was largely interested in the salmon fisheries off the Alaskan coast, and in the salmon-canning business. It had a large part, probably half or more, of the carrying trade to and from Alaska. It had a good harbor for ships, with dockage facilities, at Katalla; it owned large and very valuable copper mine interests in the interior; and it owned the Copper River & Northwestern Railroad, extending from its docks at Katalla along the Copper River and its tributary, the Chittina, and by this time probably reaching to the copper mines.

As will be shown later, it was not satisfied with what it already had, but was arranging, with the "personal and confidential" assistance of Secretary Ballinger, to exploit the Territory in other directions.

The lack of cheap coal has been a great drawback to Alaska, and was undoubtedly a great drawback to the syndicate. It is unfortunate that the law did not enable the people of Alaska and those who were carrying on business there to avail themselves, in some practical way, of the coal which abounds so plentifully. But the syndicate appears to have been looking for more than a present supply of cheap coal. It had its bargain-counter eye on the whole Bering coal field, aggregating about 30,000 acres and containing some 500,000,000 tons of fine coal.

The group of 33 claims, containing 5,260 acres, with about 80,000,000 tons of marketable coal, known as the Cunningham claims, are located in this field and constitute the storm center of this part of the inquiry.

As Secretary of the Interior Mr. Ballinger held all this property in trust for the use of the American people, and it was his duty, as such trustee, to prevent its exploitation either by individuals or syndicates, but I challenge your careful attention to the evidence as to whether he did not wholly fail in his duty in that regard.

The act of April 28, 1904, under which coal claims were being made, provided for the "staking out" or location of a claim, the filing of a notice of such location with the proper officers, and the improvement of the claim; and it required an affidavit of good faith by the locator or claimant stating that he makes the entry in good faith, *for his own benefit, and not directly or indirectly, in whole or in part, in behalf of any person or persons whomsoever.*

When all these steps are taken by the claimant, and the uniform purchase price of $10 per acre paid to the receiver of the land office, and his receipt given therefor, a certificate of entry is issued to the claimant by the register of the land office. When the claimant receives this certificate the "entry" is complete, *provided he had acted in good faith up to that time*, and if he had so acted a patent will issue to him in due course.

When the matter passes from the hands of the local receiver and register of the land office, it goes to Division "P" of the General Land Office in Washington. This is the investigating division. If any irregularities in the preliminary steps are suspected, Division P investigates the matter and determines whether those preliminary steps were all properly taken and whether the claimant has acted throughout in good faith. If the claim is found to be all right, it is "clear listed" from Division P and its real troubles are over. Any further examination is merely as to the formal correctness of the papers, and if they are correct it goes on to patent.

If, as a matter of fact, the claim is all right at the time the certificate of entry issues, then the claimant becomes seized of the equitable title and has a right to sell and convey this equitable interest in the claim; but if, as a matter of fact, it is afterwards determined that the claimant did not act in good faith and did not comply with the provisions of the law, then he took nothing by his certificate of entry, and, of course, had nothing to sell or convey to anyone else. These points are very important in the matter before us and should be kept in mind.

As early as 1903 a part of the land covered by the Cunningham claims was seized by squatters, who realized its value and advantages. The supposed interest of these squatters was bought for a small amount by Mr. Clarence Cunningham, but he soon learned they had no real interest, and when the law of April, 1904, was enacted he began to secure them for himself and others under that law.

But he did not even then follow the provisions of the law. He made "locations" in the names of persons who had given him no authority to do so, and at one time he had 22 claims and only 9 claimants.

The locations of the 33 claims in the Cunningham group were all made in July and August of 1904. True, as I have stated, there had been attempted locations on this same land prior to that, and under the act of 1900, but these alleged locations were void and were abandoned and new ones made under the act of April 28, 1904.

The fixed price of $10 per acre was paid by the claimants during the year 1907, 3 being paid for in February, 11 in March, 15 in April, and 3 in October. A certificate of entry was issued in each case, and if the claimants had acted in good faith and in compliance with the law up to that time their claims were valid. On the other hand, if they had not acted in good faith, if they had not complied with the provisions of the law, their claims were invalid and void.

On December 26, 1907, Mr. Ballinger, acting in person and after consulting Mr. Schwartz, chief of the field service, clear listed these claims and ordered them to patent. In doing so he considered only a doubtful report made by a special agent, H. K. Love.

The question now before us is, Was he justified in doing so? Did he do so in good faith? Bear in mind that the law of 1904, under which the Cunningham claimants were proceeding, was carefully prepared with a view to prevent monopoly in

Alaska coal land. That was the keynote of the act. To carry out this theory it had stringent provisions against a consolidation of claims. It provided that two persons, each of whom was eligible to take a claim, might go together and take two claims, or 320 acres; and four such persons who had already spent at least $5,000 in improving their claims might consolidate to the extent of 640 acres. That was the maximum limit of consolidation. There was no way under the law by which more than 640 acres could be improved and worked in common, and any agreement among claimants before the issuance of their certificates of entry is construed by the courts as a fraud on the law and renders the claims invalid and void.

Was there reason to believe the Cunningham claimants had such a prohibited agreement? Yes; there was.

On February 6, 1906, Mr. Cunningham wrote to Commissioner of the General Land Office Richards, telling him that he had located these claims for himself and a large number of others and had expended a large amount of money on them; that owing to the nature of the ground it would be necessary to make a long tunnel, the benefit of which would accrue to all the claims. He inclosed a pencil sketch indicating the relative location of this tunnel, and showing that it would run through the center of the group from south to north. Of course, this tunnel would not touch most of the claims at all, although the cost was to be borne equally by all the claimants.

Assistant Commissioner Fimple wrote Cunningham on February 24, 1906, in reply, stating that the construction of such a tunnel would call for close scrutiny as to the good faith of the claimants, to ascertain whether each one was securing his claim strictly for his own use, and not directly or indirectly for the use or benefit of others, or of an association or corporation. He further told him the issuing of patents would without doubt be delayed till the matter could be fully investigated. These letters and the plat submitted by Cunningham are and have been in the General Land Office files ever since. It might be stated that this close scrutiny, this full investigation mentioned by Mr. Fimple, had not been made when the claims were clear listed by Mr. Ballinger.

And this brings us to the question of the validity or invalidity of the Cunningham claims and to a consideration of Mr. Ballinger's conduct in clear listing them on December 26, 1907.

At the time these locations were being made under the law of 1904, Mr. H. K. Love, a lawyer of many years' standing and of large experience with land matters, was acting as special agent for the General Land Office in Alaska. Mr. W. A. Richards, then Commissioner of the General Land Office, on December 11, 1905, wrote Love a lengthy letter of instructions as to his duties, in which, among other things, he said:

> While it might be clearly within the contemplation of Congress to permit the formation of companies to take a limited area of the public coal land to enable said companies to make large expenditures necessary to their development, there is no warrant for the belief that Congress intended to permit the entry and acquisition of title by one person or an association of persons of an unlimited area of public land.
>
> On the contrary, it proposes to limit the area to be entered by said association of persons, as is evident from the law itself, which provides that "not exceeding 160 acres to such individual person, or 320 acres to such association" (sec. 2347), or that "when any association of not less than four persons, severally qualified as above provided, shall have expended not less than $5,000 in working and improving any such mine or mines, such association may enter not exceeding 640 acres, including such mining improvements." (Sec. 2348.)

Love was still acting as special agent in Alaska in 1906 when Clarence Cunningham located these claims. None of the other 32 claimants were actually in Alaska. They always acted through Cunningham, to whom they had given their respective powers of attorney.

In making an investigation of these claims Love simply sent a form of affidavit to each claimant, which affidavits were executed and returned to him by mail. Soon after he received them, on August 2, 1907, he reported to the General Land Office on 30 of the 33 cases, in which report he says, among other things:

> In a recent conversation with Mr. Cunningham, who is fully informed on all matters past and all future plans of his principals, he stated that *it had always been the hope* of the several persons that arrangements might be effected after entry for the joint working of the lands.

Some months prior to the making of this report, Mr. Love became a candidate for a United States marshalship in Alaska, and as many of the claimants in the Cunningham group were persons of much political influence, it was represented to the Land Office that Love was not a proper person to conduct this investigation; that his activities as a special agent might be influenced by his ambition to get on the Government pay roll in an office which not only paid a good salary but, as Love well knew, yielded emoluments on a collateral line by way of dividends or "rake off" for the boarding of United States prisoners, and which he afterwards availed himself of.

Love was well aware of his doubtful standing in the General Land Office, for on August 1, the day before he made this report, he wrote to the register and receiver stating that the Land Office would probably refuse to act on his report.

In this letter he refers to his interview with Cunningham, and adds:

> In view of the foregoing and of the fact that the department may wish to make an investigation of these entries, with others of similar character in Alaska, otherwise than through myself, I would respectfully recommend that these cases be forwarded to the General Land Office without entry at this time.

In response to the objections urged against Love, Special Agent H. T. Jones was, on June 21, 1907, chosen by Assistant Commissioner Dennett, because, as Dennett said, Jones had "the necessary ability and integrity," and Dennett directed him to make a "thorough, complete, and energetic" investigation of the charges against Alaska coal-land claimants.

Thus it clearly appears that a little over two months before he made his report of August 2, which report was the sole basis for the order clear listing the Cunningham coal claims, Love had been discredited in the General Land Office, and was aware of the fact. Now, during the five months that intervened between the filing of Love's report and the clear listing of the claims let us see what happened.

First. Jones began his investigation in Washington State, where many of the claimants lived. Commissioner Ballinger was in Seattle at the time, and sent for Jones, who informed him of Dennett's orders and of the progress he was making. They had several interviews, and Mr. Ballinger finally overruled Dennett's written instructions to make "a thorough, complete, and energetic investigation," and substituted therefor verbal instructions to get statements from only two or three persons in each group.

Mr. Ballinger further verbally directed that Jones should work at Portland and Spokane, and that the discredited Mr. Love should work at Seattle, where most of the claimants lived.

Second. On August 5, 1907, Jones obtained two affidavits—one from Fred H. Mason and one from A. B. Campbell, both prominent claimants in the Cunningham group. These affidavits state that the claimants had often talked, before they got their certificates of entry, about what they were going to do with their claims; that the popular idea was that after they got titles they would try to get a railroad to their claims, and that if the titles proved to be good they might make a deal with the "Guggenheim outfit," which was the American Smelting & Refining Co. These affidavits were also filed in the land office.

Third. On August 10 Mr. Jones made a written report to the commissioner, in which he says:

> At least the Cunningham claimants were under a misapprehension as to their right to combine their claims and run them under one financial management.

And three days later, on August 13, he made a supplemental report, in which, after reciting reasons, he concludes thus:

> I would therefore again recommend that these entries be carefully investigated by an experienced and fearless agent.

These two reports of Jones were, of course, also on file in the General Land Office.

Fourth. On November 5, 1907, Special Agent Louis R. Glavis wrote from Portland to the Commissioner of the General Land Office transmitting a letter from Jones about Alaska coal lands. Glavis says in this letter:

> My general knowledge of conditions governing the coal entries made in Alaska prompts me to concur in Mr. Jones's recommendation that early and thorough investigation be made of these entries.

In the letter to which Glavis refers Jones says to the commissioner:

> I am taking the liberty of again calling to your attention the fact that during my investigation of the Alaska coal-land situation it was found, of the few groups examined, that few, if any, of the applicants were complying with the requirements of the law and the rules and regulations of the General Land Office and the Department of the Interior respecting the purchase of such coal lands.

This was the third written appeal from a special agent chosen for this work because he had "the necessary ability and integrity."

Fifth. On November 22 Glavis wrote to his chief, Mr. Schwartz, asking to be called in to the land office that he might lay the Alaska situation before him. He says in this letter as to Alaska coal:

> I am worried about this matter and would like to confide in you, because you should know all about it, even though it will pain you as much as it has me when you hear it.

Glavis was called in as he requested, and while here in Washington had an interview, first with Schwartz and then with Ballinger, about December 13, in which interviews the matter was gone over at some length.

In their interview Glavis and Ballinger talked about Love, and Mr. Ballinger agreed with Glavis that Love, being a candidate for marshal in Alaska, should not conduct the investigation of the coal claims there.

So that, to recapitulate, when Mr. Ballinger, 13 days later, clear listed these claims on December 26, 1907, he had before him the very doubtful report of a discredited agent whom he knew to be discredited, and nothing else, and he made no inquiry whether there was anything else, whereas had he asked for all the files in his office on this subject, some of which he knew about, he would have had placed before him for consideration:

1. Assistant Commissioner Fimple's letter to Cunningham.
2. The Cunningham plat of a joint tunnel.
3. The F. H. Mason affidavit and the A. B. Campbell affidavit.
4. The Jones report of August 10.
5. The Jones report of August 13.
6. The Glavis letter of November 5, inclosing Jones's letter of November 1.
7. Glavis's letter to Schwartz, of November 22.

And all this documentary evidence would be supplemented and strengthened by the recollection of his personal interviews with Jones in August and with Glavis on December 13—less than two weeks before.

How can all these things be put together by men of practical sense without reaching the conclusion that an understanding had been reached by the claimants before entry as to what they would do with their claims after entry. They say the hope always existed; that they had often talked about what they were going to do with the claims after entry; and that they favored a deal with the "Guggenheim outfit" to get a railroad. This hope which always existed among them was not a mere unexpressed hope. It was a tangible hope. It had been discussed by them. Each of them knew that the others entertained a similar hope. When such admissions are made by sharp, shrewd men of affairs, who understand the danger of admissions against interest, Mr. Ballinger might fairly conclude that more would be discovered by looking further. All these documents were within reach, but were not called for; the only one considered was the only one that seemed to favor the claimants, and even that one, fairly construed, cast a dark shadow of suspicion on the claims; indeed Love himself stated in an official letter that this report "did not clear list those entries, but, on the contrary, raised a question as to their regularity." And, in addition to ignoring these documents then in his office files, Mr. Ballinger conveniently forgot his various personal interviews with Jones in July and August and his interview of December 13 with Glavis and ordered the claims on to patent.

Mr. RUCKER of Colorado. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Colorado [Mr. RUCKER]?

Mr. GRAHAM of Illinois. I would like to, but I have only 40 minutes. If I get additional time when that limit is up, I will be glad to answer any questions that may be put to me. It is only lack of time that prevents me from yielding to the gentleman at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRAHAM of Illinois. Now, I want to be absolutely fair. I refrain from analyzing a great mass of other evidence, which clearly—I think, conclusively—shows the fraudulent character of these claims, and I do so because there is no proof that Mr. Ballinger, when he made the clear-listing order, had knowledge of such other evidence, and I am discussing with you the question of Mr. Ballinger's good faith rather than the question of the actual validity or invalidity of the claims.

I have not referred to all the evidence which was then available to him and ignored by him, only to the more important facts, but I think I have referred to enough to show either gross carelessness or a want of good faith on his part.

Among the items of evidence which go to the validity of the claims, and which I have not referred to, because the evidence does not show they were known to Mr. Ballinger when he made the clear-listing order, are the report of Special Agent Kennedy; the report of Cunningham's expert engineer, Hawkins; the option agreement, giving the Alaska syndicate a half interest in the entire property; the report of Engineer Storrs, the syndicate's expert; and the Cunningham journal.

Glavis always insisted that a competent Government expert should be sent to the claims to report what the conditions on the ground were, and in this Sheridan, the Government's lawyer, agreed with him.

Kennedy was finally sent to Alaska for that purpose, and his report and his testimony show that all the claims have been developed as a unit throughout.

The report of the Cunningham expert, Hawkins, shows the same thing, as does also the report of the syndicate's expert, Storrs. The Storrs report not only shows this, but also shows that the syndicate had considered the feasibility and the wisdom of controlling the whole Bering coal field. To summarize, it appears that—

(*a*) The history of the development of the claims shows that they considered it a joint concern.

(*b*) The Cunningham books of account show it was considered a joint concern.

(*c*) The fact that the locators never took any interest in their individual claims tends to show it was a joint concern.

(*d*) The fact that when their final certificates issued the claimants at once took steps to turn their claims over to the syndicate, each claimant getting the same price, although claims were not of equal value, shows the same thing.

(*e*) As does also the fact that over half the claimants have testified that they always acted on a mutual understanding to combine after title.

The memorandum of agreement or option contract between the Cunningham people and the Alaska syndicate for a half interest in the property was executed on July 20, 1907, and accepted by the syndicate on December 7, which was 19 days before the clear-listing order was made.

This agreement was made by Campbell, Moore, and Cunningham, acting as a committee on behalf of most, if not all, of the Cunningham claimants.

This memorandum is as follows:

A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and certain parties associated with them, as hereinafter explained, and hereinafter called the vendors, make the following representation and proposal to Daniel Guggenheim, of the city of New York, hereinafter called the vendee.

The said Cunningham, Campbell, and Moore, with 30 other parties, have acquired by purchase from the Government of the United States, under the Federal coal-land laws, 33 tracts of coal land of 160 acres each, aggregating 5,280 acres, situated in the Kayak recording district of Alaska near the Bering River, about 25 miles from Katalla, and also have acquired certain inchoate water rights on Lake Kustakaw intended to be used in the exploitation of said properties.

The title to these lands rests in final United States receiver's certificate of entry, issued one to each of said 33 persons, and the papers in application for patent are now before the Commissioner of the General Land Office for his action thereon.

In order to consolidate the several interests for the purpose of dealing with said properties as an entirety, it has been determined that each of said entrymen shall convey his title to his individual tract to the Union Trust Co. of Spokane, Wash., in trust, for the purpose of transmitting or dealing with the title to the consolidated tract in such manner as shall be directed by C. J. Smith, R. K. Neill, H. W. Collins, Frederick Burbridge, Fred H. Mason, A. B. Campbell, and Clarence Cunningham, or a majority of those acting as a committee of said entrymen appointed for that purpose.

Conveyances by some of said entrymen to said trust company have been executed and delivered, and it is contemplated that all will execute similar conveyances within a short time.

A meeting of said entrymen was recently held at the city of Spokane, in which 25 out of the 33 participated. At said meeting a resolution was unanimously passed authorizing said committee or a majority of them to enter into negotiations with parties with a view to the equipment, development, and operation of the consolidated property and the sale of its product.

Acting for themselves and as such committee representing their associates under said resolution, they submit to Mr. Guggenheim for his consideration the following proposal:

1. A corporation shall be formed under the laws of some State of the Union, under which laws meetings of directors may be held without the States of incorporation, the capital stock to be unassessable, and no individual stockholders' liability.

2. The capital shall be $5,000,000, divided into 50,000 shares of the par value of $100 each.

3. There shall be seven directors, three to be named by the vendors, three by the vendee. The seventh director shall be designated by the six named by the parties.

4. The title of all of said properties, including said inchoate water rights, shall be transferred to said corporation, in consideration for which there shall be issued to said vendors 25,000 shares of said capital stock.

5. The other half of said capital stock, viz, 25,000 shares, shall be deposited in escrow with the Bank of California, Seattle, with instructions to make delivery of same to Mr. Guggenheim or his nominee upon his payment to said depositary, to the credit of said corporation, of the sum of $250,000, or at the rate of $10 per share. Said $250,000 shall be paid in such sums and at such times as may be called for by the board of directors. Said money to be considered as "working capital," to be expended by said corporation in the equipment, development, and operation of said properties. As payments are made by Mr. Guggenheim to said bank the bank shall be authorized to deliver to him one share of stock for each $10 so paid by him. Mr. Guggenheim shall have the privilege of paying said entire amount of working capital at any time, and thereupon to receive the entire 25,000 shares of said stock.

6. Should said sum of $250,000 prove inadequate for the purpose of equipping and developing said property, Mr. Guggenheim shall advance or loan to the corporation an additional sum of money, not exceeding in the aggregate $100,000, the corporation binding itself to repay such advances on or before three years after the date of making the same, at the option of the board of directors of said corporation, with interest at 5 per cent per annum.

7. Said corporation shall enter into an agreement giving to said Guggenheim or his nominee the exclusive right to purchase for the period of 25 years the entire "run-of-mine" coal mined from said property, or so much thereof as said Guggenheim or his nominee may require or demand, for the sum of $2.25 per ton of 2,240 pounds. The coal is to be delivered at the mine either in bunkers to be provided by

the corporation for that purpose or upon cars, as said Guggenheim or his nominee may direct. Said Guggenheim or his nominee shall use their best endeavors to make a market for the coal in Alaska and in the ports and cities of the United States, to the end that as large a quantity of coal as possible may be mined. Said Guggenheim or his nominee shall agree to purchase all coal which they may require for use or sale from said corporation.

8. Payment for all coal so delivered to said Guggenheim or his nominee shall be made monthly, upon the basis of weights determined by the mine superintendent, such payments to be made at such place as may be directed by the corporation.

9. The corporation shall convey to such railroad company as may be designated by said Guggenheim, and which shall construct a railroad from tidewater to said mines, sufficient ground from its holding upon which to establish and maintain its tracks, switches, depots, terminals, stations, and other railway facilities.

10. The corporation shall further agree to sell and deliver, during the period of 25 years, to such railroad company as may be designated by said Guggenheim and which may construct a railroad from tidewater to the mines, all coal which may be acquired by said railroad company for consumption in its locomotives, shops, stations, and other facilities employed in the construction, maintenance, and operation of its railway, for the sum of $1.75 per ton of 2,240 pounds, deliveries to be made at the mine in bunkers or on the cars of such railway.

11. The said Guggenheim shall have 20 days from the date hereof in which to determine whether or not he will cause an examination of said properties to be made with a view to an acceptance of this proposal if such examination proves satisfactory. He shall notify the vendors of such determination within said time by telegram addressed to Clarence Cunningham at Seattle, Wash. Thereupon if he elects to proceed with such examination he shall be allowed the period of four months thereafter to inspect the properties and investigate the titles thereto. If such inspection and examination prove satisfactory, he shall give notice of his final acceptance of this proposal by telegram directed to Clarence Cunningham, Seattle, Wash.

Thereupon the terms of this proposal shall be deemed binding upon all the parties and shall be carried into effect according to its tenor and purport.

12. It is understood, however, that said vendee shall not be required to proceed with said examination unless all of the 33 of the owners of said coal-land entries, or so many thereof as shall be satisfactory to said vendee, shall have conveyed their respective properties to said trust company, and said trust company shall, under the direction of said committee, and as the holder of the title to said properties, have accepted the terms of the proposal and obligated itself to unite with said vendors in carrying the same into effect in the event the examination of said properties and titles shall prove satisfactory to the vendee and he shall elect to finally accept the same.

Should the number of entrymen declining to convey their respective tracts to said trust company and participate in this proposal be so great as, in the judgment of said vendee, will prevent the successful inauguration and conduct of said enterprise, then and in that event this negotiation shall be at an end, and all parties shall be relieved from all obligations arising hereunder.

Witness our hands in duplicate this 20th day of July, 1907.

A. B. CAMPBELL,
M. C. MOORE,
CLARENCE CUNNINGHAM,
For themselves and as a committee representing their associates.

Signed in the presence of—
S. W. ECCLES.
CURTIS H. LINDLEY.

This option was duly accepted by the Guggenheims, as appears from the following telegram:

NEW YORK CITY, *December 7, 1907.*

CLARENCE CUNNINGHAM, Esq.,
Seattle, Wash.:

I hereby notify you that I finally accept the proposal made to me by A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and associates, in the memorandum of agreement of July 20, 1907.

DANIEL GUGGENHEIM.

Jones in his conversations with Mr. Ballinger and in his written reports to him in August told him that Alaska coal was generally believed to be drifting into the hands of the "Guggenheim outfit," and Schwartz says they all knew that the Guggenheims were thought to be reaching out to secure control of the mining interests and railroad traffic in the vicinity of Katalla, so that if he did not actually know of this condition he did know enough to lead a reasonably careful man to further investigation before acting in so important a matter on such flimsy and questionable evidence as the Love report.

But of all these reasons, important as they are, none is more important than the Cunningham journal, obtained from Cunningham by Glavis, and giving a succinct business history of the development of the claims. This history opens on February 1, 1903. On page 1 of the journal he gives a memorandum of the verbal agreements he had with the claimants, whom he designates "subscribers." This memorandum shows each "subscriber" is to own his claim individually till title can be secured. When title is secured, each claimant is to deed seven-eighths of his claim to a company to be formed and one-eighth to Mr. Cunningham, their common agent, and each "subscriber" is to receive "stock" in return. In the meantime each claimant paid his money for development into a common fund.

This journal shows that in his account he refers to each claim as an "interest," clearly meaning thereby an undivided part of the whole, and the journal entries constantly refer to *our* coal lands and *our* proposed railway company. He constantly and uniformly uses the words "we" and "our" in connection with the whole property; and he expended the money contributed by all in such way that many of the 160-acre tracts or claims had no money at all expended on them. Then, again, some three or four of the claims had little or no workable coal on them, but did have timber, which would be of great value to the property as a whole, but of little or no value to the individual claim.

Would the owners of these timber claims, or the owners of coal claims on which no improvements were made, be satisfied to have their money expended on other people's land if they did not understand from the outset that the property was to be operated as a unit, and that each one had in fact an undivided interest in the whole?

With such understanding it mattered not on what part of the property the improvements were placed. Clearly the very thing they were doing was the very thing the law was enacted to prevent, and in thus ignoring and evading the provisions of the law these claimants were guilty of a fraud on the law which would and should render their claims void.

Cunningham says these plans to consolidate were made in February, 1903, more than a year before the passage of the act of 1904, and that after he learned of the passage of that act there was an entire change of plan.

His journal does not support him in this statement. The law was passed in April, 1904, and he surely heard of it and knew the provisions of it before October of that year. But we find, on page 22 of his journal, entries made in October, 1904, showing that he was shifting and transferring the claims from one to another as he saw fit, and regardless of the law.

One entry reads:

Mr. Sweeney succeeded H. M. Davenport, paying the unpaid assessments and having his name substituted. Davenport having sums paid by him returned without entering same.

Another reads:

Mr. Henry, president of National Bank of Commerce, Seattle, takes *one interest* in the coal fields.

In January, 1905, he writes on page 23 of his journal:

Each of the above persons subscribed for *one interest*.
Mr. White gets *one interest* that was carried by Mr. A. B. Campbell through Mr. Hussey—

And this—

Claim carried by Mr. Moore was really by Mr. Campbell and transferred to Mr. Riblett.

On page 25 of the journal for March, 1905, he makes this entry:

Having 35 coal claims *on our land* we sold one claim to each of the above parties, thus making 33 paid *subscriptions*.

On page 27, for the month of April, 1905, he writes:

Made drafts on each of the *subscribers* to *our coal-lands venture* for $100—

which seems to have been credited as paid.

Every one of these journal entries shows acts which are clearly in fraud of the law.

Other locations made later continue to show that there was really no change in the situation on account of the enactment of the act of 1904. Claims, or rather interests, were transferred from one to another, showing that "dummies" were used when necessary, and this was at a time nearly two years before the claimants had paid the Government price of $10 an acre and when, clearly, they had nothing whatever to sell or convey.

Roads and trails for the benefit of "our coal-lands venture" were made at the common expense; a civil and mining engineer was employed to make a report on the whole 2,560 acres as one property, which he did, giving an estimate of the amount necessary to equip a mining plant with a capacity of 1,000 tons a day. This survey was completed on June 25, 1905, two and a half years before the clear listing of the claims.

In fairness to Mr. Ballinger, however, and giving him the benefit of the doubt, we must recur to the time of the clear-listing order, on December 26, 1907, and to the information which I have shown he then had ready at his hand if he chose to use it.

Put all that in one scale, and put the Love report in the other, remembering that Love was suspected and discredited in Alaskan matters; remembering that Love himself officially stated that his report did not clear list those claims, but, on the contrary, raised a question as to their regularity; and remembering also that on August 1—the day before he made the report—he wrote the register and receiver at Juneau not to issue the certificates of entry on them, as the department may wish to investigate them by some one else than himself; remembering all this, I say, can there be any doubt that the evidence in their favor was a mere insignificant trifle compared with the evidence and the presumptions against them? But it is said that Schwartz agreed with Mr. Ballinger, and Schwartz testified that he concurred in the clear-listing order. There is not a word in

the record tending to show that Schwartz thought these claims should be clear listed until the storm broke, or that he ever said so before the investigation began. He took this position for the first time in his testimony before the committee in 1910. But up to the time of the clear listing, and even as late as October, 1909, he vociferously insisted the claims were fraudulent. It is most singular that, if he really did concur in the clear-listing order, he never, in any written statement or communication, referred to such concurrence; but, on the contrary, he frequently asserted his belief that the claims were fraudulent and would be canceled.

On August 5, 1909, he wrote to Special Agent McEniry, Chief of the Field Division at Denver, saying:

I agree with Glavis that the claims are fraudulent and should be and will be canceled.

On August 21, 1909, he wrote to Carr, Mr. Ballinger's private secretary, saying:

I told Judge Ballinger about three months ago that this Alaska business was badly loaded, and the Judge told me some fellows got their ears so close to the ground they could not hear anything.

On October 6, 1909, he wrote to Special Agent Colter, at Detroit:

Now, Glavis knew that I had either signed or initialed practically every letter in relation to the Cunningham claims, and he knew then and knows now *that I have always been of the opinion* that the Cunningham claims were fraudulent and would be canceled.

And in his statement to the President of September 1, 1909, he says:

* * * we all knew * * * that the Guggenheims were thought to be reaching out to secure control of the mining interests and railroad traffic in the vicinity of Katalla.

And on August 21, 1909, in his letter to Carr, Mr. Ballinger's private secretary, in referring to the Pierce opinion, which he thought was intended to aid the progress of the Cunningham claims, he used this quotation from Shakespeare's King John:

It is the curse of kings to be attended by slaves * * * that on the winking of authority * * * understand a law.

There can be no doubt, then, what Mr. Schwartz's real opinion was as to the fraudulent character of these claims. And yet on December 26, 1907, after a perfunctory examination of the Love report, *and nothing else*, in the presence of ex-Gov. Moore, who was urging them, Mr. Ballinger said, "It looks as though these can go along to patent all right," and Mr. Schwartz said, "I concur in that view." In the face of his numerous written statements to the contrary, it is hard to avoid doubting the accuracy of his testimony.

Mr. MADISON rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. GRAHAM of Illinois. I would not like to, unless he will guarantee that I shall get back the time I have lost.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADISON. I would like the gentleman to yield to me for a moment because the gentleman and myself are on the same committee.

Mr. GRAHAM of Illinois. Then I will yield.

Mr. MADISON. I would like to ask the gentleman if the evidence does not disclose the fact, over the signatures of both Schwartz and Secretary Ballinger, that at the time he made the order listing the Cunningham claim he had both the Jones reports before him and must have considered them?

Mr. GRAHAM of Illinois. Not at that very moment, but both before and after that time he had; yes, sir.

Mr. MADISON. When Gov. Moore was sitting there and when Schwartz was present is not the evidence irresistible that he had the Jones reports before him or was informed as to their contents, and that those things are shown over the signatures of those two men?

Mr. GRAHAM of Illinois. The gentleman is right, unquestionably.

What caused Schwartz to change the opinion he had *always* held as to their fraudulent character? Why did he concur with Ballinger that the claims could go to patent on this lame Love report, when such a concurrence was in violation of his long-formed judgment?

How aptly the quotation he used against Mr. Pierce applies to himself. Indeed, it seems to have been generally applicable in the Land Office at that time.

It also seems to have been pretty generally known there what the attitude of the "king" was as to these claims and how he wanted the law of 1908 construed.

The Pierce opinion construed the act of 1908 very favorably to the Cunningham claimants; in fact, it virtually nullified the act so far as it applied to them, and when this opinion, through Glavis's efforts, was brought to the attention of the Attorney General that officer overruled it. There was a claim afterwards made that the Pierce opinion did not include these claims, but Schwartz's quotation and the conduct of the Land Office people show how the opinion was received and understood before any complications arose, before there was any necessity for explaining it away, and shows that they considered it favorable.

How aptly and how completely the witty, loyal, and loquacious Chief of the Field Service describes the situation by his brief quotation:

It is the curse of kings to be attended by slaves * * * that on the winking of authority * * * understand a law.

Let me expand this quotation a little. King John is on the throne and young Prince Arthur, the lawful heir, is a prisoner in the King's custody. He is an eyesore to the King, who is very anxious to get him out of the way, and with that end in view appeals to one of his retainers thus:

Hubert, throw thine eyes on that young boy;
He is a very serpent in my path, and wheresoe'er
My feet doth tread he lies before me.
Dost thou understand? *Thou art his keeper.*

The retainer understands and replies:

I'll *keep* him so
That he shall not offend Your Majesty.

Hubert, however, is more merciful than the King's suggestion would imply, and instead of murdering the Prince he proceeded to "keep" him by burning his eyes out with a red-hot iron.

In an effort to escape what seemed to him certain death, Prince Arthur is killed by jumping from the castle wall, and his body being discovered by his friends, they charged the King with the crime.

His Majesty was of course under the impression that the Prince had been murdered by Hubert, as indeed he expected he would be.

Then it was that when confronted with the charge of murder he exclaimed:

It is the curse of kings to be surrounded by slaves * * * that at the winking of authority * * * understand a law.

Why did Schwartz use this language, with the purport of which he is quite familiar? He used it no doubt because it so aptly described the situation, because it conveyed the thought in his mind more fully and more forcibly than a whole essay could have done.

And what is the application of it? Who are the characters in the drama as Schwartz saw it acted in the General Land Office?

Secretary Ballinger, as a matter of course, must be given the character of the King. Mr. Frank Pierce is the King's retainer, Hubert; the act of Congress of May, 1908, takes the place of the young Prince, as the victim.

Schwartz was probably as familiar with the whole situation as anyone living. He doubtless knew how the King felt toward young Arthur, or, in other words, how the Secretary felt toward the new law and how he wanted it construed. He probably knew what the Secretary said to Pierce which constituted "the winking of authority." He knew every circumstance and detail of the matter, and in this letter to Carr he condenses the whole situation into the well-known and well-chosen quotation referred to.

Had Schwartz taken the trouble to expand his thought and apply it to the situation before him it might have run after this fashion:

Franklin, throw thine eyes on far Alaska;
Its mines are rich beyond desire, and
My friends do hunger greatly for the spoil;
A vision of black diamonds ever lies before them.
Dost thou understand? Thou hold'st the key.

Franklin does understand, and on this "winking of authority" he uses the key, and with a brief and very brash opinion, he unlocks the door and marks the act of May, 1908, for immolation.

More fortunate than Prince Arthur, its bruised and lacerated body is recovered by Glavis, who, with the aid of friends, succeeds in restoring it to life and in frustrating the purpose of its assailants.

The majority of the committee commend Schwartz, but they condemn Glavis as being suspicious of his superiors without reason. I submit, that in view of the facts I have recited, Schwartz's conduct is not deserving of commendation and that Glavis's conduct is highly commendable.

And here just a word about the young man Glavis. He is truly a young man—when this story opens—only 24 years old. He had no ax to grind, no enemies to punish, no friends to reward. He had instructions to guide him in his work. He believed they were given seriously. He is by nature serious and matter of fact. He is not endowed with much imagination, but he has an abundance of courage, intelligence, and sterling honesty. His horizon is bounded by facts; and truth is a fact. He was convinced these claims were in fraud of the law, and hence a fraud upon the people.

A whole corps of his superior officers tried to shake his purpose, but in vain. Losing faith in the good intentions of the Commissioner of the General Land Office he appealed to his friend Schwartz and to the secretary. He believed the commissioner to be unfaithful, and in his firm faith in truth and right and justice he thought an unfaithful public servant must go and that truth and right must prevail. But there again he was deceived. His friend Schwartz clung to his superior, and so, chief, commissioner, and secretary all stand arrayed against him. What shall he do? He knows the value—the enormous value—of the property which is about to be fraudulently taken from the people. He wants to prevent it, but he finds the whole department with which he is connected dominated by the same feeling—the same spirit—and finally he turns to the Forestry Bureau for assistance. His appeal is entertained, his prayer is heard. Among the men who serve in the Forestry Bureau he thinks he finds a different standard of public morality prevailing. He finds them as faithful as the others seem faithless; the one on the alert to serve the people, the other to serve the syndicate; he finds the difference between active, aggressive, militant, public honesty, and that pretense of patriotism which appeals to the weaknesses and prejudices of the people while it exploits them; in short, the difference between Gifford Pinchot and Richard Ballinger.

There are many ways of manifesting courage. The world has celebrated in song and story the courage of men who in the clamor of war and the excitement of battle have marched face to face with death, and I would not pluck a single laurel from their brows, but I tell you there is a kind of courage higher even than that, the kind that stands alone, unaided, for months and even years, facing great odds, facing great loss, facing the loss of friends, the loss of place and of prestige, and yet stands ever solidly for duty and for that which is right, simply because it is right. That is the greatest courage, and that is the kind of courage shown by this young man Glavis.

Mr. Ballinger in his statement to the President of September 4, 1909, and in his testimony before the committee took the position that after he became Secretary of the Interior he renounced all connection with the Cunningham claims, retaining only the right to insist on expedition. The reason he gave for this was that he acted as legal adviser for the claimants in 1908, when he was out of office, and therefore could not consistently pass upon them for the Government when he became the head of the department having jurisdiction of them. He says he turned them over to Mr. Frank Pierce, his assistant, who was to have control of them. Whether Mr. Ballinger, in fact, turned these cases over to Pierce is discussed at some length on pages 39 to 42 of our report, and the conclusion is there reached that Mr. Pierce was only nominally in charge, and that Mr. Ballinger really continued in control; that his subordinates knew his attitude in the premises, and that he was, in fact, the guiding spirit in their management, merely putting Pierce in front as a figurehead.

But you ask, Why should he do that? Why should he not avow his connection with them, if, in fact, he had such connection? Why should he hide behind Pierce in the matter? I will try to make the reason clear.

In his statement to the President he says:

> About the middle of May ex-Gov. Miles C. Moore, of Walla Walla, Wash., called on me about the Cunningham cases. I at once sent for Mr. Pierce and told Mr. Moore in the presence of Mr. Pierce that inasmuch as I had been called into consultation about the cases I could have nothing to do with them, and that he must take up all matters relating to Alaska with Mr. Pierce.

This seems very fair and very proper, since Mr. Ballinger was unfortunate enough to have acted as attorney or adviser for persons who had claims pending before him while he was commissioner and which would come before him again as Secretary of the Interior.

But another and a weightier reason will appear from the "personal and confidential" correspondence which Mr. Ballinger was then carrying on with big interests desirous of exploiting Alaska.

I propose to follow this "personal and confidential" correspondence and to place it side by side with his concurrent public and official acts and correspondence, and then leave it to the House to judge for itself whether he had not another and a stronger reason than the one he gave for keeping in the background in this matter and for making a buffer out of Mr. Pierce. I shall begin with a letter written by Mr. Ballinger on May 11 to Mr. R. H. Thomson, of Seattle, the man he had picked to place in charge of water-power sites and other valuable property as Mr. Newell's successor at the head of the Reclamation Service.

It will not escape your attention as I proceed that the "private and confidential" letters about the exploitation of Alaska precede by so short a period his public protestations that he is taking no part in the Cunningham claims, that he could not possibly overlook or be unaware of the double part he was playing, and to suggest the thought that so far as separating himself from the Cunningham claims is concerned, he doth protest too much.

His public and official correspondence and conduct placed side by side with his contemporary acts and his private and confidential correspondence, date for date, and fact for fact, speaks far more forcibly and in a more accusing voice than could any words of mine. It opens with a "personal and confidential" letter to the general manager of the house of J. Pierpont Morgan & Co., one of the two great interests which comprise the Alaska syndicate. I read:

[Personal and confidential.]

MAY 11, 1909.

MY DEAR MR. THOMSON: Last Sunday I was the guest of Mr. George W. Perkins at Yonkers. Mr. Perkins is the head of the house of J. Pierpont Morgan & Co., as you perhaps know. He told me that he had arranged for a special boat to take himself and party, including his family, to Alaska for the investigation of the feasibility of exploiting Alaska in railroad construction and in other lines in which he is deeply interested. He will sail from Seattle about the middle of July.

He is desirous of having an engineer accompany him who is not allied to any Alaskan interests or to any railroad interests or other private connection which would in any way influence his judgment, and he has been insistent on my recommending some one familiar with the western country to take this voyage with him and to advise him. Naturally, I could think of no one so well equipped as you to fill this office, and as the connection is one of importance and the trip would be one of great pleasure and profit, it has occurred to me that you would enjoy this form of vacation. On receipt of this letter please wire me whether it will be worth while for Mr. Perkins to consider it possible for you to accompany him.

I hope you will not understand by the suggestion above that I have in any sense abandoned the hope of securing your services in the matter about which we conferred in Seattle. I anticipate that not later than September I will be able to formally present the matter to you.

Sincerely, yours,
R. A. BALLINGER.

Mr. R. H. THOMSON,
City Engineer,
Seattle, Wash.

To this letter Mr. Thomson wired a reply, and wrote as follows:

OFFICE OF CITY ENGINEER,
Seattle, Wash., May 20, 1909.

MY DEAR MR. BALLINGER: I have just wired: "Can arrange northern trip, but it may interfere Spokane congress. R. H. Thomson."

Upon receipt of your letter I, of course, went to the mayor with reference to a possible absence. I said to him that you had asked me to make "a trip for unknown purposes with unknown parties to an unknown part of Alaska, beginning about the middle of July."

Much to my surprise, this worked on his honor's curiosity in a most wonderful way, and for two days he has tried to see if he could not lead out on something that would reveal the purpose. I know nothing more than I first stated.

He said to me late this afternoon that he had made up his mind you wanted me to catch some bunch of thieves, and he would like to know who they were, so as to help me catch them.

"Now, Thomson," said he, "you wire the judge you can go, but that if you do it may make it impossible for you to attend the Irrigation Congress at Spokane, and you show me his answer."

Under these conditions, judge, please write me a blind letter which I can show him, so as to

On May 16, 1909, five days after Ballinger thus wrote Thomson, Glavis reached Washington to consult with the office as to the meaning of the act of May, 1908.

On May 17, Glavis had an interview with Ballinger, in which the Secretary seemed to think the law favorable to the claimants. Glavis urged that the question be submitted to the Attorney General. Ballinger consented and directed Glavis and Schwartz to prepare a statement for submission to Mr. Wickersham, which they did. But that same day this statement found its way to Pierce's office instead of the Attorney General's.

On May 19 Pierce issued an opinion construing the act favorable to the Cunningham claimants. Glavis was ordered to make a report at once in conformity with that opinion, and some days later he did so.

On May 22, 1909, ex-Gov. Moore wrote a letter from the New Willard Hotel, Washington, D. C., to Mr. Ballinger, saying Pierce had proved a disappointment, and, among other things, expressing the feeling of disappointment he and Mr. Ballinger's other friends felt, and saying a reconsideration of the matter would be appreciated, to which Mr. Ballinger replied, as follows:

MAY 24, 1909.

Hon. MILES C. MOORE,
Walla Walla, Wash.

MY DEAR SIR: I am in receipt of your letter of May 22, 1909, expressing your disappointment at opinion of First Assistant Secretary Pierce with reference to what are known as the Cunningham coal entries in Alaska, and stating that it seems to you that a technicality has been allowed to govern rather than a liberal construction of law.

In reply, I have to advise you that I can not undertake to issue any order or make any ruling in the matter as requested, because of the embarrassment which would result from the fact that I was, while not holding an official position, called upon to advise in the matter. The case has, however, been carefully looked into, and I wish to say that, in view of all the facts now disclosed, I would, if I were ruling upon the matter, hold that the principle announced in the opinion of Judge Hanford, in the case of United States *v.* Portland Coal & Coke Co. et al., October 5, 1908, is directly applicable to these cases, and that if the allegations made be proven, patents can not issue under the provisions of the act of April 28, 1904.

As you have been advised, the department is disposed to give the coal-land act of May 28, 1908, as liberal a construction as is consistent, and, if you and your associates desire to take advantage of that act, you should proceed in accordance with same and with circular of instructions of July 11, 1908. In this connection, attention is directed to the paragraph of instructions entitled "Pending entries."

Very respectfully,
R. A. BALLINGER,
Secretary.

satisfy his request, if not his curiosity. I must confess to a considerable disappointment at the curiosity manifested.

If I go, I will only say that I have chosen to take my summer rest by visiting Alaska; this statement will be satisfactory to the mayor.

I expect to go east of the mountains in a day or two with Mr. Parry and with Judge Hanford to visit their irrigation works. I will also stop for a day at North Yakima.

Very truly, yours,
R. H. THOMSON.

On receipt of Mr. Thomson's wire and before Thomson's letter of the 20th reached him, Mr. Ballinger wrote him as follows:

[Personal and confidential.]

MAY 22, 1909.

MY DEAR MR. THOMSON: I have your telegram of the 20th in answer to my letter respecting your accompanying a party on an Alaskan trip. I am not in position at this time to give you any further information respecting this trip, and I am not sure that I will be in position to make any recommendation to Mr. Perkins in this particular further than what has already been said verbally.

There is a question in my mind whether it would be advisable for you to make this trip in view of my desire to have you meet the President in case he goes to Seattle and Alaska. In speaking with him to-day it has been agreed that no change would be made in the head of the Reclamation Service until he had had an opportunity to meet you.

With best regards, I remain,
Yours, very sincerely,
R. A. BALLINGER.

Mr. R. H. THOMSON,
City Engineer, Seattle, Wash.

DEPARTMENT OF THE INTERIOR,
May 26, 1909.

To R. H. THOMSON,
Seattle, Wash.:

Answering wire 20th, Alaskan trip canceled.

BALLINGER.

Thomson replied to this wire as follows:

May 26, 1909.

Hon. R. A. BALLINGER,
Secretary of Interior,
Washington, D. C.

MY DEAR MR. BALLINGER: I am just in receipt of your wire of this day, advising me as to the cancellation of the Alaska trip, and I have shown the same to Mayor Miller. He is very greatly pleased, because he thinks I can be of more service to the country attending the Spokane congress than in chasing thieves in Alaska.

Very truly, yours,
R. H. THOMSON.

Following his wire of the 26th, Mr. Ballinger wrote on the same day:

[Personal and confidential.]

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 28, 1909.

MY DEAR MR. THOMSON: Yours of the 20th at hand. Upon its receipt I wired you as follows: "Answering wire 20th, Alaskan trip canceled." I sent you this wire partly so that you could show it to Mayor Miller if you desired, and for the further reason that I believe that under all the circumstances it was the proper thing to do.

I am having a great deal of difficulty in bringing the Reclamation Service into proper accord with the law, as various matters had been undertaken in disregard of the statute. I refer particularly to the contracts entered into for cooperative work in relation to water users' associations, whereby cooperative certificates have been issued for work, labor, and materials, etc. The Attorney General has just declared, pursuant to my request, that these contracts and certificates are totally void. He has decided, in effect, that the only source of moneys or means for carrying on reclamation work is the reclamation fund itself. As soon as I can get copies of this opinion I will forward one to you.

The salary of the director, as it now stands, is $7,500 per annum; that of the chief engineer, $6,000; consulting engineers are paid $5,400.

Very truly, yours,
R. A. BALLINGER.

Mr. R. H. THOMSON,
City Engineer,
Seattle, Wash.

Apparently Mr. Ballinger received some word from Mr. Perkins which is not in evidence, for four days later he again wrote Thomson as follows:

[Personal and confidential.]

JUNE 2, 1909.

MY DEAR MR. THOMSON: Your letter of the 26th ultimo just at hand. Mr. Perkins is very anxious that you should be in position to recommend some one to accompany him on his voyage to Alaska, starting shortly after July 4, for a period of about six weeks.

The purpose of his trip, in the strictest confidence, is the investigation of feasible railway construction in Alaska, with mineral resources and possibilities tributary to any line or lines of road that might be considered feasible, and, in short, desires a man of that experience in engineering and in mining who would be a safe and conservative adviser along these lines. While I know a number of persons on the coast who might possibly fill the bill, I hesitate to recommend any of them whom I recall at the present time. I know that your acquaintance with men of engineering and mining experience ought to enable you to suggest a man who would fill the bill.

When the subject was first mentioned to me, as I have heretofore written you, you were the only person I could think of whom I could recommend, and in further discussing the matter with Perkins after learning the inadvisability of your going, he was quite insistent that you should assist him in getting a man. He will probably be in Seattle about July 4, and will call upon you. In the meantime you will please write Mr. George W. Perkins confidentially, at his address in New York, care J. Pierpont Morgan & Co., and you can state that you have written him at my request. Any further information you want from him he will give you without hesitation. I have assured him that he could place implicit confidence in any statements you would be willing to make.

I am hoping to be able to leave Washington June 25, and unless it is necessary to change my plans will be in Seattle in the neighborhood of July 10.

I am sending you, under separate cover, also in confidence, a copy of the opinion of Attorney General Wickersham, recently rendered at my request, in connection with the reclamation work, which fully sustains the position I had theretofore taken.

With best regards, I remain,
Yours, very sincerely,
(Signed) BALLINGER.

Mr. R. H. THOMSON,
City Engineer, Seattle, Wash.

He then wrote Mr. Perkins this letter to keep him informed:

[Personal and confidential.]

JUNE 5, 1909.

MY DEAR MR. PERKINS: I have written Mr. R. H. Thomson, city engineer of Seattle, to advise you respecting a suitable person, qualified as an engineer and as a mineralogist, such as we discussed when I saw you last, to accompany you to Alaska. I have asked him to write you direct, and advised

On May 23, Glavis laid all the facts before Mr. Henry W. Hoyt, attorney general for Porto Rico, who denounced the Pierce opinion.

On May 24, Mr. Hoyt presented the matter to Attorney General Wickersham, who agreed with him as to the law, and arranged through Hoyt to meet Glavis early next morning. On that day Gov. Moore wrote the Secretary a letter saying he was going to take the matter up with the President through Senator JONES. This letter reached the Secretary about May 27, and on that date he sent the following reply:

SECRETARY'S OFFICE,
DEPARTMENT OF
THE INTERIOR,
Washington, D. C., May 27, 1909.

MY DEAR SIR: Replying to your letter of May 24, addressed to me from Chicago, in which you criticise the action of Asst. Secretary Pierce and Chief of Field Division Glavis in connection with the Cunningham coal entries, I can only reiterate what I have heretofore stated to you, that I am not in a position to dictate to the officers to whom these matters have been assigned, particularly in view of the fact that I feel some embarrassment on the ground of having heretofore advised your people before I became Secretary of the Interior. I believe your criticisms are unwarranted, but have myself taken this matter up with the President and the Attorney General, so that the action of this department will probably be reviewed by the latter, in which event you will be promptly advised.

Very truly, yours,
R. A. BALLINGER,
Secretary.

Mr. MILES C. MOORE,
Walla Walla, Wash.

On May 25, as agreed on, Glavis called on the Attorney General, who said he would talk the matter over with Mr. Ballinger at the Cabinet meeting to which he was then going. He did talk about it there with Ballinger, and the same day Ballinger talked with the President, as stated in his letter of May 27 to Gov. Moore.

On May 26, the day after his talk with the President and the Attorney General, Ballinger directed Pierce to submit the matter to the Attorney General in writing.

And on May 27 Ballinger sent for Glavis, and told him not to make his report on the Cunningham claims, as he had been directed to do, that he was having the question submitted to the Attorney General. When informed the report was already filed Ballinger told him to withdraw it.

M. C. MOORE & SONS (INC.),
LOANS AND INVESTMENTS,
Walla Walla, Wash., June 4, 1909.

Hon. R. A. BALLINGER,
Secretary of the Interior,
Washington, D. C.

SIR: This acknowledges yours of the 27th ultimo, in which you say you have yourself taken the matter up with the President. Just why you did not want Senator JONES to see the President and submit our statement is not quite clear, but I

him that, for certain reasons, I would prefer that he would not go to Alaska, as I wish to take up with him certain business matters this summer.

I expect to leave for the West about the 24th of this month, arriving in Seattle on or before the 10th of July. If you do not sail for Alaska prior to that date, I will hope to be able to see you. Should you be in Washington, I trust you will call upon me.

Very truly, yours,
R. A. BALLINGER.

Mr. GEORGE W. PERKINS,
Care Messrs. J. P. Morgan & Co., Wall Street, New York, N. Y.

To this Mr. Perkins replied:

23 WALL STREET,
New York, June 7, 1909.

MY DEAR JUDGE BALLINGER: I have your letter of the 5th. I expect to reach Seattle on the 2d or 3d of July and be there for three or four days, sailing for Alaska the 6th or 8th of July. I hope I may have the pleasure of seeing you out there.

I am very much obliged for your letter to Mr. R. H. Thomson. I presume I will hear from him in due course.

Sincerely, yours,
GEO. W. PERKINS.

Hon. R. A. BALLINGER,
Washington, D. C.

Will be back about August 12, 1909.

The next letter is from Thomson to Ballinger:

JUNE 14, 1909.

Hon. R. A. BALLINGER,
Secretary of Interior, Washington, D. C.

MY DEAR MR. BALLINGER: I am in receipt of your two letters, one of June the 2d, relating to the matter of Mr. Perkins, and one of June the 3d, containing the opinion.

I am writing Mr. Perkins to say that I will have a man ready for him upon his arrival. I am not perfectly clear as yet whom I will send, but I will have somebody ready for him.

Everything here is moving fairly well. No complaint to make along any line.

With best regards, I am,
Very truly, yours,
R. H. THOMSON.

Ballinger replied on its receipt:

[Personal.]

JUNE 19, 1909.

MY DEAR MR. THOMSON: Permit me to acknowledge your letter of the 14th instant and to thank you for the information contained therein.

Very truly, yours,
R. A. BALLINGER.

Mr. R. H. THOMSON,
City Engineer, Seattle, Wash.

The following letter from Mr. Ballinger to Mr. Perkins is a reply to a letter which was mislaid or lost and hence could not be produced in evidence:

JUNE 20, 1909.

MY DEAR MR. PERKINS: Your letter of the 19th inviting my son Edward to accompany you on your trip to Alaska is received. I wish to thank Mrs. Perkins and yourself for the invitation, but I fear it is not best for him to spend his time during his summer vacation on a voyage of this nature, as I have planned that he will have to do some studying to keep up with his college work. I have advised him, however, of your invitation and asked him to see you at Seattle on your arrival. Were it not for the necessity of his making up some delinquencies in his school work I would be greatly pleased to have him accompany you. He was, unfortunately, not as well qualified to enter college as he should have been. My son will be in Seattle on the 22d of this month, having left college on the 17th. I will not arrive in Seattle before the 10th of July, but hope your sailing will try to believe you thought our interests would be best subserved by presenting the matter yourself.

It was only after you had said you could not undertake to issue order or make any ruling in the matter by reason of your having been at one time legal adviser for the entrymen that it occurred to me the matter should be brought to the President's attention. If he rules against us or refuses relief, we will, of course, be obliged to accept his ruling as final, but we will never be convinced that it was fair.

It is hardly worth while to discuss the matter further, but I feel compelled to say that when the coal-land law was extended to Alaska the Government invited its citizens to avail themselves of its privilege. These entrymen spent large sums of money and many years of time in a careful effort to comply with the law, and I think you know no fraud was intended or any law violated. Some claimants aver that they never talked of a consolidation or heard it discussed, or never heard that Cunningham expected an eighth or any interest other than his own claim.

Commissioner Dennett, in a letter to the writer, dated April 20, says disclosures in a detailed report from field, received within the current month preclude action on the entries at present time. It would appear that the coal claimants should know what they are charged with and have an opportunity to explain. It is further submitted that opportunity should be afforded to prepare and present a statement of our position in this matter of long-delayed patents. This request you are respectfully asked to approve.

Very truly,
MILES C. MOORE.

will not be before I arrive home, as it will give me great pleasure to see you and Mrs. Perkins.

Mr. Thomson has advised me that he has written you respecting an expert, and I hope he will be able to find a proper person for you.

Please give my best regards to Mrs. Perkins, and believe me,

Yours, very sincerely,
(Signed) R. A. BALLINGER.

Mr. GEO. W. PERKINS,
23 Wall St., New York City.

Mr. Ballinger did not get to Seattle in time to meet Mr. Perkins before his departure for Alaska, but in order to render communication easy, Mr. Lindsay, agent of a J. P. Morgan & Co. interest, wrote him as follows:

[New York Life Insurance Co., 346 and 348 Broadway, New York. Darwin P. Kingsley, president. Seattle branch office, Seattle National Bank Building, corner Second Avenue and Columbia Street. Telephones: Sunset, main 843; Independent, 402. L. Seton Lindsay, agency director; Herman Dietz, cashier.]

SEATTLE, WASH., *July 15, 1909.*

Hon. R. A. BALLINGER,
Land Office, Federal Bldg., Seattle, Wash.

DEAR MR. BALLINGER: I omitted to mention yesterday when I saw you that should you at any time wish to send a telegram to Mr. George W. Perkins, that you could reach him over the wireless, or, if you prefer, send the message to my office and I will see that it gets to him.

I will let you know the date of Mr. Perkins's arrival here as soon as I know anything definite myself. I expect to see him here about August 12.

Yours, very truly,
L. SETON LINDSAY.

The column on the left shows the "personal and confidential" letters; the one on the right shows some of the events happening concurrently.

Well knowing of his secret connivance with the syndicate's general manager, how necessary it was that Mr. Ballinger should to all outward appearance have no connection with Alaska or the Cunningham claims!

The President, in his letter of September 13, 1909, exonerating Secretary Ballinger and authorizing the discharge of Glavis, says:

The record overwhelmingly establishes that expressly because of your previous relation as counsel to one of the claimants, from the time you entered upon your duties of the office of Secretary of the Interior until the present day, you have studiously declined to have any connection whatever with the Cunningham claims * * *.

And again:

Moreover, in May last you came to me and made a similar statement to me of your course and intention in respect to those claims.

If the President had known of this "personal and confidential" correspondence in aid of the exploitation of Alaska, a correspondence which was being carried on at the very time Mr. Ballinger was assuring him that he intended to have nothing whatever to do with the Cunningham claims, would he have written as he did?

It was on the 24th of May that Glavis saw Hoyt, and Hoyt arranged for an interview between Glavis and Attorney General Wickersham for the morning of the 25th, at which interview Glavis told of the Pierce opinion and of the scandal that was likely to follow if it was allowed to stand. Later that day, at the Cabinet meeting, the Attorney General told Mr. Ballinger of his conference with Glavis, and then it was that Ballinger mentioned it to the President.

Now, mark how things were going on. Mr. Ballinger had written Thompson two weeks before, on May 11; and on May 20 Thompson wrote a reply, saying he could go to Alaska with Mr. George W. Perkins as expert adviser on the exploitation tour. Allowing this letter five days to reach Washington, Mr. Ballinger would have received it the very day he was giving the President the assurance that he was taking no personal part in Alaska coal claims. It would require the pen of a Robert Louis Stevenson to properly portray the true nature of such conduct.

If the President knew that while Mr. Ballinger was assuring him of his intention to avoid any connection whatever with these claims he was carrying on a secret correspondence with the

manager of a great syndicate which then had a good grip on many of the most valuable interests in Alaska and was reaching out, with the "personal and confidential" aid of Mr. Ballinger, to get more, what would he have thought and what would he have said?

Is it not a most humiliating situation, that a Cabinet officer, one of the President's official family, the trustee of public property of untold value, should be caught red-handed in the work of secretly aiding selfish and powerful interests in the work of exploiting the very property he held in trust? And then to think that in spite of this exposure, and in disregard of outraged public conscience, he is still permitted to hold his position and continue to administer a trust he secretly endeavored to betray! [Applause on the Democratic side.]

In our report we have shown—I think I might say demonstrated—that while Mr. Ballinger was out of office in 1908, he accepted money from the Cunningham claimants for professional services rendered them in connection with those claims, and that such conduct was, to say the least, in violation of the ethics of the legal profession, and was reprehensible; that in his dealings with the President his conduct and his communications were intended to deceive, and had the effect of deceiving, the President; that his action in sustaining Mr. Perkins, of the Chicago office of the Reclamation Service, and virtually making him independent of his superior officers, although guilty of flagrant violations of duty, was inexcusable; and we also discussed at some length the Ballinger-Perkins-Thomson confidential correspondence, and we drew conclusions therefrom. These were among the very material things before the committee for its consideration, and yet the majority report has not a word to say on any of these matters.

Why this silence? Why did they ignore such charges and the reasons given in support of them? Our report was filed on September 9, theirs on December 7. They had three months in which to study ours, and answer or explain it. They found there, supported by our reasons, a specific charge that Mr. Ballinger improperly received a fee of $250 from the Cunningham people, and they ignored it; they found a specific charge, and a discussion of the evidence supporting it, that Mr. Ballinger did not keep his hands off the Alaska coal matters and leave them to Pierce, as he told the President and the people he was doing; that while Pierce was in the foreground, Ballinger was in the background; that although the hand was the hand of Esau, the voice was the voice of Jacob [applause on the Democratic side]; and they ignore the charge. They found a specific charge, with a discussion of the evidence supporting it, that Mr. Ballinger condoned highly improper official conduct on the part of Mr. Perkins, of the Chicago office, and they ignored it; they found a specific charge, based on the evidence, that Mr. Ballinger was uncandid and guilty of duplicity in his dealings with the President, and that he intentionally deceived him in official matters, and they ignored it; they found a discussion of the evidence as to his conduct in carrying on a "personal and confidential" correspondence with a representative of the Alaska syndicate, with a view to aiding the syndicate to exploit the property he held in trust, and they ignored that, too.

Mr. Chairman, under these circumstances, to ignore these charges is to admit that the evidence sustains them.

And, besides, the treatment of some of the evidence which is discussed in the majority report is not, in every instance, conspicuously fair. For instance:

On page 15 of their report Mr. Ballinger's testimony is quoted, from page 3575 of the hearings, as follows:

> I did not represent any of them professionally or otherwise. They never had been clients of mine from a legal standpoint. I never had professional business or legal business with a single one of these men that are enumerated as Cunningham entrymen.

I think it is safe to say that when a specific part of the evidence is thus quoted by the committee on a disputed point, and no reference is made to any other evidence on that point, those who quote it must be understood to mean that the quotation gives the substance and weight of all the evidence on that point; and any reader of their report would fairly conclude that the quotation did give the weight of all the evidence. Now, does the quotation fairly do so? I say it does not; on the contrary, the weight of the evidence is clearly the opposite of the statement quoted.

In his statement to the President; in Senate Document No. 248, page 71; in his various letters to ex-Gov. Moore on that subject; in his telegrams and letters to Schwartz, Dennett, and Pierce; and in other ways Mr. Ballinger has stated that he didn't want to have anything to do with the Cunningham claims as Secretary of the Interior, *because* he had advised the claimants professionally when not in office, in 1908. He admits that he received $250 from Clarence Cunningham in connection with his services, and that that sum would be a fair fee for the service rendered; and in the letter exonerating him, the President says [italics ours]:

> The record overwhelmingly establishes that expressly *because of your previous relation as counsel to one of the claimants* * * * you studiously declined to have any connection whatever with the Cunningham claims.

Thus it appears that the impression made by the quotation is not correct, and to put it mildly, shows a great want of familiarity with the testimony.

On page 13 of the majority report, and again at page —, it is argued that a "mere hope" to consolidate after entry was not a violation of the law.

This is trifling with common sense. It is not a question of a mere unexpressed hope.

How did Cunningham know what had *always* been the hope of the parties, if that hope did not find expression in words?

Cunningham knew what the law was, and, by every rule, his statement must be construed against his interest. His language clearly implies an expectation or an intention rather than a "mere hope." I have read that "Hope springs eternal in the human breast," but I never read, even in poetry, of the same hope springing into the breasts of 25 or 30 widely separated men at the same time, involving the same subject matter, and that one of them knew what this hope was and when it took possession of the others.

And they were not poets or dreamers or visionaries, either. They were hard-headed business men seeking for big profits. Among them is one ex-governor of a great State, then a bank president; two are presidents of important corporations; five are prominent officers in banking institutions; one is an ex-president of the Federal Mining & Smelting Co.; and many of the others occupy prominent positions in mining, manufacturing, life insurance, and other large business interests, and each and all of them knowing well when he took his claim or subscribed for his "interest" that it would be impracticable to develop and operate one claim, or even four claims, under the circumstances.

When one familiar with the evidence reads in the majority report that what the evidence shows amounted only to a "mere hope," one can hardly avoid the thought that some person not of the committee aided in preparing their report.

Who could believe that ex-Gov. Moore or A. B. Campbell would put his money into common improvements at the outset and wait for his profits till Nelson's claim and Sweeney's and the others were worked out and his claim was reached? Is it not clear that from the very beginning they expected the profits to be divided as dividends?

They also say, on page 15, that there was no protest against the clear listing at the time it was made, on December 26, 1907. It is true there was no one then present protesting, for no one likely to protest knew the matter was about to come up for consideration. Only a day or two before that Glavis left the Land Office for the West to investigate this very matter and in the belief that time would be given in which to make the investigation.

Who supposes he would not have protested then had he known what was about to be done, as he did protest when he learned of it four weeks later? But are not the Jones reports, the Cunningham plat, and the other documentary evidence which I have referred to (then as easy of access as the Love report), a sufficient protest, if one were desired?

They say, on page 17, in an attempt to explain the great haste made in the preparation of patents for these claims, that patents usually issue in from 30 to 90 days after the papers reach the patenting division. But the weight of the testimony, including a statement by Senator NELSON, the chairman of the committee, was that from three months to three years was the usual time.

On page 23 they argue that the "hope" the Cunningham people entertained was for the "joint working" and not the "joint ownership" of the claims. This argument implies that in the judgment of the majority the "joint working" of the claims would be allowable under the law.

If that position be sound, the law is indeed a most remarkable misfit—nay, an abortion. It was intended to prevent monopoly in Alaska coal, but if it permits the "joint working" of coal claims and allowes the claimants to arrange from the outset for the joint working of claims, how does it tend to prevent monopoly in the coal business?

The land the coal is in has no known value apart from the coal, but according to the argument of the majority the law denounces only "joint ownership;" hence the claimants can

agree as much as they please for "joint operation" of the mines, but not for the joint ownership of the land. Congress intended to make a law against a monopoly in coal, but they tell us it succeeded only in making a law against monopoly in land, which is of no value except for the coal. Congress meant to give the people bread, but according to the majority it succeeded only in giving them a stone. To what straits the gentlemen must have been reduced for reasons when they put that one in print.

On page 24 of their report, the majority concede that Secretary Ballinger favored the Cale bill in 1908 before he left the office of commissioner, but that he is not justly subject to attack for that, as he had a provision inserted that the price should be not simply $10 per acre, as before, but *not less than* $10 per acre.

But why did the gentlemen stop there? They told but a half truth, and every one knows how misleading that often is. Had they gone further they would have said that some Alaska claims had gone to entry; that is, the $10 per acre had been paid, and the receipt certificates therefor had issued, and that the Cale bill made an exception in favor of such claims. As none but the Cunningham claims had proceeded that far, none but the Cunningham claims would get the benefit of the exception. The language of the bill in that regard might just as well have read, "This bill is intended to favor the Cunningham claims." No other conclusion can be fairly drawn from the evidence.

Again, the majority say, on page 56, that there is no evidence that the Alaska syndicate attempted to acquire any other interest than half of the Cunningham claims. The word "attempted" is shrewdly chosen in that statement, and so far as I recall, the statement is literally correct. But there is evidence that they *intended* to acquire other coal property there. It appears they sent their expert, Mr. Storrs, to the Bering coal field to make a full examination and report as to the conditions. His report is good evidence of what he was sent there to do, and that report is a part of the evidence heard by the committee. It is on pages 2326 to 2339. It covers the entire field of about 30,000 acres, whereas the Cunningham claims include only 2,560 acres. It tells in detail of the quantity and quality of the coal in each group of claims, and it tells of the strategic position of each group. Some, on account of their location, he says, it would seem unnecessary to acquire at this time, as they are pocketed and would await the syndicate's convenience; others it would be good policy to get control of as soon as possible.

The statement of the majority is, I repeat, true to the letter. The syndicate had made no attempt to acquire these other claims, so far as the evidence discloses; indeed, the other claims had not proceeded far enough for that; but in view of their expert's report I ask you, Does the statement of the majority fairly state the situation? Is it not a trifle too literal? And the letter killeth.

On page 59 of their report the majority say that—

> Kerby, as confidential clerk to Ballinger, had kept track of all his doings and had communicated such facts as he knew to Ballinger's enemies; but all that Kerby could suggest by way of criticism was that he came to the conclusion that Ballinger intended to remove Newell and appoint R. H. Thomson, whom Kerby did not think a fit man.

This statement is inaccurate in at least three ways. In the first place, the evidence does not warrant the statement that Kerby "kept track of all his doings." As his private stenographer, Kerby necessarily knew of such of the Secretary's doings as he dealt with in his official capacity. That is the only foundation for the statement which would seem to imply that he was playing the rôle of detective. He never went out of his way to watch Ballinger. In the next place, there is no evidence that he told all he knew to Ballinger's enemies, or to anybody, till he told it to the committee; in addition, it distinctly appeared that he would not have told all he knew about Mr. Ballinger, even to the committee, if members of the committee had not forced him to do so. It was only when cornered and, in a measure, compelled that he mentioned the Ballinger-Perkins-Thomson confidential correspondence, and the evidence makes it very clear he would not have voluntarily told it at all. The evidence also makes it clear that he never did tell it to "Ballinger's enemies." In the third place, it is scarcely accurate to say he could suggest nothing by way of criticism, except the Newell-Thomson matter.

Surely it will not be claimed that Mr. Ballinger's course with reference to the so-called Lawler memorandum is above criticism; surely gentlemen would admit that the "personal and confidential" correspondence referred to is a proper subject for severe criticism, so that the majority in saying Kerby knew only one subject of criticism was only one-third right.

I do not, and will not, attempt to point out all the inaccuracies and erroneous conclusions in the report filed by the majority, but I have, I think, shown enough to enable you to judge of its general nature and merits. I have shown that there are grievous sins of commission in it, and even more grievous sins of omission; that it is, unintentionally, of course, defective and misleading in what it does deal with, and even more so in what it fails to deal with.

Mr. Chairman, I have no personal feeling whatever in this matter, and am in no way moved or influenced by such motive. I am influenced only by a desire for the public good; by a desire to see this great Government of ours administered for the benefit of the whole American people, poor as well as rich, rather than for the benefit of great interests, already too powerful. The birth of this Republic was a protest against special privilege, an assertion of the rights of the common man, and it stands to-day as the hope of the common man.

But if its affairs are to be administered by persons who are not in sympathy with the common rights of common men, and who are controlled by those who already enjoy special advantage and seek more, we can hardly hope to preserve it in its great mission as a Government of the people for the people.

If I have exhibited any feeling in discussing this matter it is only because the evidence convinces me that Mr. Ballinger has listened to the siren song of those who are seeking to obtain property rights and public advantages to which neither the moral law nor the law of the land entitles them, and that he had adopted a course of policy in the administration of his great office which if followed generally would reverse the wheels of political progress, would give the lie to the Declaration of Independence, and eventually place the American people in the position of drones producing wealth for a favored few to enjoy.

Our report has been prepared in this spirit. We have tried to follow where the evidence led, regardless of personalities.

Personally, I think the first duty of government should be to protect the poor and the simple and the weak; but unfortunately government agencies are too often used by the cunning and the powerful for the purpose of exploiting and despoiling those whom it is its first duty to protect. I may be visionary, but I do hope for the time when the people will demand and insist that public servants shall be true to public interests, and when, in practice as well as in theory, all citizens will be accorded equal rights before the law.

It is my hope that this investigation may have contributed something to that end.

May God hasten the day when the unfaithful public servant, in whatever station, shall be an object of public scorn and contempt, the day when we shall have risen to the splendid Jeffersonian ideal—equal and exact justice to all, special privileges to none. [Loud applause.]

Mr. FOSS. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] has 1 hour and 30 minutes and the gentleman from Tennessee [Mr. PADGETT] has 40 minutes remaining.

Mr. FOSS. I yield to my colleague, the gentleman from Tennessee [Mr. PADGETT] 30 minutes.

The CHAIRMAN. So that the gentleman from Tennessee [Mr. PADGETT] will have 1 hour and 10 minutes, and the gentleman from Illinois [Mr. Foss] will have 1 hour.

Mr. FOSS. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that committee had had under consideration the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned until 10 o'clock a. m., Friday, February 17, 1911.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31599) to authorize the Minnesota River Improvement and Power Co. to construct dams across the Minnesota River, reported the same with amendment, accompanied by a report (No. 2178); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MORSE, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 5266) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States, reported the same with amendment, accompanied by a report (No. 2179), which said bill and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10357) authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry, reported the same without amendment, accompanied by a report (No. 2181), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 31576) granting a pension to Sinclair R. Boone, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHEPPARD: A bill (H. R. 32807) for an investigation by the Geological Survey of the water resources of the Red River Basin; to the Committee on Appropriations.

By Mr. WEEKS: A bill (H. R. 32808) to amend an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," approved February 15, 1901; to the Committee on the Public Lands.

By Mr. ROBINSON: A bill (H. R. 32809) authorizing the Independent Order of B'nai B'rith of the United States to occupy and construct buildings for the use of the organization on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; to the Committee on the Public Lands.

By Mr. CRUMPACKER: A bill (H. R. 32810) providing for the registry of officers, clerks, and employees in the Federal service, and for other purposes; to the Committee on the Census.

By Mr. BENNET of New York: Resolution (H. Res. 977) requesting the President to furnish the House of Representatives certain information; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Resolution (H. Res. 978) providing for consideration of the bill H. R. 28436, to further increase the efficiency of the Organized Militia, and for other purposes; to the Committee on Rules.

By Mr. BENNET of New York: Concurrent resolution (H. Con. Res. 60) for the annexation of Canada; to the Committee on Foreign Affairs.

By Mr. ANDREWS: Joint resolution (H. J. Res. 289) approving the constitution formed by the constitutional convention of the Territory of New Mexico; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32811) granting an increase of pension to George Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32812) granting an increase of pension to William Mereness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32813) granting an increase of pension to Sarah L. Mount; to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 32814) for the relief of Michael O'Hara; to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 32815) granting an increase of pension to Samuel B. Reed; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 32816) to carry into effect the findings of the Court of Claims in the case of D. H. Chamberlain; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 32817) granting a pension to Charles W. Clarke; to the Committee on Pensions.

By Mr. PICKETT: A bill (H. R. 32818) for the relief of the widow of George H. Morisey; to the Committee on Accounts.

By Mr. SHARP: A bill (H. R. 32819) granting a pension to Hannah M. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32820) granting a pension to Delilah Worley; to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 32821) granting an increase of pension to Benjamin Spicer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Union Grange, No. 1078, of Seneca County, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Collin King; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of Association of Military Surgeons of the United States, for the creation of a department of health; to the Committee on Agriculture.

By Mr. BRADLEY: Petition of Washington Camp No. 26, Patriotic Order Sons of America, Port Jervis, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of New York Agricultural Society, for a general parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CARLIN: Paper to accompany bill for relief of Dominic N. Brown; to the Committee on Pensions.

By Mr. CARY: Petition of Banner Council, Junior Order United American Mechanics, of Milwaukee, Wis., for the illiteracy test in immigration law; to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of Uniontown Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CREAGER: Papers to accompany House bill 18219, for the relief of Susan Sanders; to the Committee on Indian Affairs.

By Mr. DALZELL: Petition of Council No. 28, Turtle Creek, and Sherwood Council, Pittsburg, Junior Order United American Mechanics; Washington Camp No. 752, Mifflinburg, Pa.; Local Camp No. 921, Matilda, Pa.; Daniel Webster Camp, Johnstown, Pa.; Kenderton Camp, Markleysburg Camp, Wrightsville Camp, Patriotic Order Sons of America; United Brotherhood of Carpenters, Wilkes-Barre, Pa.; and United Brotherhood of Carpenters and Joiners, Monongahela, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Samuel Reed; to the Committee on Invalid Pensions.

By Mr. DODDS: Petition of citizens of Mecosta County, Mich., favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Association of Military Surgeons, for a national department of health; to the Committee on Agriculture.

Also, petition of Philadelphia Chamber of Commerce, for maximum facilities and minimum rates on all kinds of transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York State Agricultural Society, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Paper to accompany bill for relief of Edmond Bonneau; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Theodore Hansen; to the Committee on Pensions.

By Mr. ESCH: Petition of Philadelphia Chamber of Commerce, demanding maximum facilities and minimum rates in readjustment of the parcels post, and for transportation of any kind; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Metal Trades Department, American Federation of Labor, Washington, D. C., insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910; to the Committee on Naval Affairs.

Also, petition of W. D. Stevens, many business men of New York, and Typothetæ of New York, and Printing Trade News, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New York, against treaty of arbitration with Great Britain; to the Committee on Foreign Affairs.

Also, petition of New York State Agricultural Society, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Association of Military Surgeons, favoring Senate bill 6049, relative to a national department of health; to the Committee on Public Health and National Quarantine.

By Mr. FULLER: Petition of W. H. Lou, of Rockford, Ill., against increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of G. A. Saru Sons & Co., of Rutland, Ill., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the De Laval Separator Co., against Canadian reciprocity as it affects cream separators; to the Committee on Ways and Means.

Also, petition of Metal Trades Department, American Federation of Labor, for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. GARDNER of Massachusetts: Petition of Merrimack Council, Junior Order United American Mechanics, of Groveland, Mass., and Amesbury Council, No. 10, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Capt. Jas. C. Gannon and 71 other fishermen of Boston, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of William E. Bliss and 23 other residents of Salem, Mass., against Senate bill 404, relative to Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HANNA: Petition of citizens of North Dakota, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia Chamber of Commerce, for legislation to secure in all kinds of transportation the maximum of facilities with a minimum of rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents on rural postal routes in North Dakota, favoring House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of House of Representatives of North Dakota, against the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of residents of North Dakota on rural routes, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of the De Laval Separator Co., against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of W. H. McManus, representing Manufacturers' Association of Portland, Oreg., against the Burnham parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against Senate bill 404, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Washington, against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. KORBLY: Petition of Lieutenant Frank S. Clark Camp, No. 2, Indiana United Spanish War Veterans, favoring resolution relative to Francis M. Huls; to the Committee on Pensions.

By Mr. KRONMILLER: Petition of Washington Camp No. 78, Patriotic Order Sons of America, Baltimore, relative to House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petition of sundry business men in Pennsylvania, against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Washington Camp No. 425, Patriotic Order Sons of America of Ohl, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LINDBERGH: Petition of citizens of Sauk Center, Minn., for increase in pay of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of Society of Friends in New England, for neutralization of the canal; to the Committee on Military Affairs.

My Mr. McHENRY: Petition of Washington Camps Nos. 156 and 106, Patriotic Order Sons of America, of Trevorton and Centralia, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Banner Grange, No. 860, of Yale, Mich., against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union of Algonac and Detroit, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Fredk. A. Tilton, manager Security Trust Co., of Detroit, Mich., against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Port Huron Trades and Labor Council, against repeal of act of July 1, 1898, relative to method of printing bonds, notes, and checks of the Government; to the Committee on Printing.

By Mr. MAGUIRE of Nebraska: Petition of business men of Burchard, Nebr., business men of first Nebraska congressional district, and citizens of Falls City, Nebr., against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Julian and Union, Nebr., favoring regulation of express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Nebraska, for building battleships in Government yards; to the Committee on Naval Affairs.

Also, petition of citizens of Otoe County, Talmage, and College View, Nebr., against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of Washington Camps Nos. 346, 135, 518, 227, 711, 197, 3, 444, and 602, Patriotic Order Sons of America, and Local No. 602, Junior Order United American Mechanics, favoring enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Kensington Lodge, No. 217, and West Philadelphia Lodge, No. 303, International Association of Machinists, favoring retention of eight-hour provision in naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Metal Trades Department of the American Federation of Labor, Washington, D. C., against abolition of the eight-hour provision in naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Philadelphia Drug Exchange and Retail Grocers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of Philadelphia Chamber of Commerce, for extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petitions of Hellertown Council, No. 838, Junior Order United American Mechanics, and Washington Camp No. 253, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Washington Camp No. 6, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PLUMLEY: Petition of Rising Sun Council, No. 34, Junior Order United American Mechanics, St. Johnsbury, Vt., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Petition of Napoleon Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of F. H. Conger, of the Auld & Conger Co., Cleveland, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ROBINSON: Paper to accompany House bill 32526, granting certain property to the city of Hot Springs for a public park; to the Committee on the Public Lands.

By Mr. SULZER: Petition of the Association of Military Surgeons of the United States, favoring a national department of health, to that end favoring Senate bill 6049; to the Committee on Agriculture.

Also, petition of the Allied Trades Council; Paul Black, of New York; the Trow Press, New York; C. S. Address and 150 other prominent business men of New York City; the Trow Directory Printing and Binding Co., J. Fred Millar, W. C. Kimball, Charles W. Price, Physical Culture Publishing Co., Langer & Williams, Every Woman's Magazine, and the Perkins Goodwin Co., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Rhode Island Lodge, No. 147, International Association of Machinists, of Providence, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Town Council of Tiverton, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of Pomona Grange, No. 22, Patrons of Husbandry, of Newtown, Bucks County, Pa., and Key-

stone Grange, No. 2, of Montgomery County, Pa., for the enactment of Senate bill 5842, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of Thomas Haigh, of Richland Center, Pa., commander of Post No. 145, Grand Army of the Republic, Department for Pennsylvania, for an appropriation for the immediate construction of the Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, preambles and resolutions of the Manufacturers' Club of Philadelphia, against the enactment of legislation for so-called reciprocity with Canada as provided in the recent agreement; to the Committee on Ways and Means.

Also, petition of Local Union No. 465, United Brotherhood of Carpenters and Joiners of America, of Ardmore, Montgomery County, Pa., for the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of Grande View Grange, No. 124, Patrons of Husbandry, Flemington, N. J., and Ringoes Grange, No. 12, Patrons of Husbandry, Ringoes, N. J., against Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of Robert T. Messler and other citizens of Somerville, N. J., and George M. Gill, of Orange, N. J., against increase of postage on second-class matter; ot the Committee on the Post Office and Post Roads.

Also, petition of De Laval Separator Co., of New York, against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

Also, petition of Raritan Valley Grange, No. 101, Patrons of Husbandry, of South Branch, N. J., and Heightstown Grange, No. 96, of Cranbury, N. J., against reciprocal tariff with Canada; to the Committee on Ways and Means.

Also, petition of Manuel Kline, jr., and other citizens of Trenton, N. J., for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

SENATE.

FRIDAY, *February 17, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BEVERIDGE, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

USELESS PAPERS IN DEPARTMENT OF COMMERCE AND LABOR.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a list of useless papers in that department which are not needed or useful in the transaction of the current business. The communication and accompanying papers will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. GALLINGER] members of the committee on the part of the Senate. The Secretary will notify the House of the appointment thereof.

UNIVERSAL RACE CONGRESS.

The VICE PRESIDENT laid before the Senate a communication from the executive committee of the Universal Race Congress of London, England, extending an invitation to the Congress of the United States to attend the first universal race congress to be held in the University of London July 26 to 29, 1911, which was referred to the Committee on Foreign Relations.

SENATOR FROM TEXAS.

Mr. BAILEY presented the credentials of CHARLES A. CULBERSON, chosen by the Legislature of the State of Texas a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under reclamation acts, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912; further insists upon its disagreement to the amendments of the Senate Nos. 18 and 49 to the bill; recedes from its disagreement to the amendment of the Senate No. 23, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, to $2 a day, and for other purposes;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians; and

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Home Market Club, of Boston, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Boot and Shoe Club, of Boston, Mass., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of Pearl Wight, of New Orleans, La., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted at a meeting of the National Association of Box Manufacturers held at Memphis, Tenn., praying for the establishment of a permanent tariff board, which were ordered to lie on the table.

He also presented resolutions adopted by the Iowa Association of the Philippine Islands, relative to the death of the late Senator JONATHAN P. DOLLIVER, of Iowa, which were ordered to lie on the table.

Mr. BEVERIDGE. I present a telegram from Thomas McCullough, manager of the National Association of Box Manufacturers, which I ask be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

MEMPHIS, TENN., *February 16, 1911.*

Senator A. J. BEVERIDGE,
Washington, D. C.:

The following resolutions were passed by the National Association of Box Manufacturers. Please use in promoting the cause of a permanent tariff commission:

"*Resolved*, That we, the National Association of Box Manufacturers, in convention assembled at Memphis, Tenn., on this, the 16th day of February, 1911, do heartily indorse the establishment of a permanent tariff commission.

"*Resolved*, That this resolution shall be forwarded to the President of the United States and to both branches of Congress."

THOS. MCCULLOUGH, *Manager.*

Mr. BEVERIDGE. I also present the following telegrams to be printed in the RECORD without reading.

The VICE PRESIDENT. The telegrams will be printed in the RECORD if there be no objection.

Mr. SCOTT. I certainly will object, because we all get such telegrams, and if we put them all in the RECORD it would be so large that it would take a cart to haul it.

Mr. BEVERIDGE. If the Senator objects I will simply say that most of them are from my own State, and that they are on both sides.

Mr. SCOTT. If the Senator will look across the aisle, he will see the telegrams the Senator from North Carolina [Mr. OVERMAN] has in his hand to present.

Mr. BEVERIDGE. I always look at him when I have an opportunity, but I should like to have these telegrams printed in the RECORD.

Mr. SCOTT. I object.

The VICE PRESIDENT. Objection is made.

The telegrams were ordered to lie on the table, as follows:

Telegrams from C. J. Lindsay, manager of the C. J. Lindsay News Co., of Indianapolis, Ind.; the Van Camp Hardware & Iron Co., of Indianapolis, Ind.; Elkin Wallick, of Indianapolis, Ind.; A. J. Rowland, president of the International Sunday School Council, of Philadelphia, Pa.; John R. Bonnell, of Crawfordsville, Ind.; the Indianapolis Book & Stationery Co., of Indianapolis, Ind.; Charles A. Phelps, of Fort Wayne, Ind.; the Adsell League, of South Bend, Ind., representing advertising interests in South Bend, Mishawaka, La Porte, Goshen, Elkhart, Michigan City, and Ligonier, in the State of Indiana, and Niles in the State of Michigan; Hibben Hollweg & Co., of Indianapolis, Ind.; the United Motor Co., of Indianapolis, Ind.; Ed. Norris, treasurer Tribe of Ben Hur, of Indianapolis, Ind.; the Farmers' Guide, of Huntingdon, Ind.; the Agricultural Epitomist, of Spencer, Ind.; the Apperson Bros. Auto Co., of Kokomo, Ind.; the Ward Fence Co., of Decatur, Ind.; the Modern Priscilla Publishing Co., of Boston, Mass.; William H. Rankin, vice president of the Mahon Advertising Co., of Chicago, Ill.; A. L. Haddon, of Terre Haute, Ind.; J. A. Everitt, editor of the Up-to-Date Farmer, of Indianapolis, Ind.; the Leader Printing Co., of New York City, N. Y.; the Christian Herald, of New York City, N. Y.; Havens & Geddes Co., of Indianapolis, Ind.; B. Morgan Shepherd, president of the Agricultural Press League, of Richmond, Va.; the Standard Metal Co., of Indianapolis, Ind.; James R. Rose & Co., of Indianapolis, Ind.; the Mooney-Mueller Drug Co., of Indianapolis, Ind.; Smith & Butterfield Co., of Evansville, Ind.; W. V. McCormick, of Crawfordsville, Ind.; Ketselman Bros., of Muncie, Ind.; Richard W. Knott, editor of the Evening Post and Home and Farm, of Louisville, Ky.

Mr. OVERMAN. I present certain telegrams of leading citizens and manufacturers of North Carolina protesting against the passage of the antioption cotton bill. I ask that the first telegram which consists of only a few words may be read and that the names attached to the others be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the telegram will be read.

The telegram was read and referred to the Committee on Interstate Commerce, as follows:

WILSON, N. C., *February 16, 1911.*

Hon. LEE S. OVERMAN,
United States Senator, Washington, D. C.:

Scott bill detrimental cotton interest South. Would appreciate your appearing before committee in opposition to the bill.

W. S. HARRISS.
HADLEY HARRISS & CO.
P. L. WOODWARD & CO.
F. S. DAVIS.
W. M. FARMER.

Mr. OVERMAN presented telegrams, in the nature of memorials, from Thomas Crabtree, of Greensboro; Woodlaws Manufacturing Co., Armon Manufacturing Co., and Nims Manufacturing Co., of Mount Holly; Gem Yarn Mills, of Cornelius; W. C. Heath, of Monroe; German American Co., of Spray; The Cons Co., of Spray; J. A. Taylor, William Elworth, M. J. Corbett, and J. H. Brown, of Wilmington; Alex Sprunt & Sons, of Wilmington; C. B. Bryant, of Charlotte; Hedgpeth & Rucker, of Greensboro; W. L. Hall, of Greenville; T. F. Jones, of Wadesboro; J. S. Carr, A. H. Boyden, and C. B. Barber, of Raleigh; J. H. Cutter & Co., of Charlotte; and Boyden Overman Co., of Salisbury, all in the State of North Carolina, and C. S. Webb, of Greenville, S. C., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of sundry citizens of Kalamazoo, Mich., praying for the adoption of an amendment to the Constitution of the United States providing for the election of United States Senators by popular vote, which was ordered to lie on the table.

Mr. GALLINGER presented memorials of George W. Russell, of Atkinson; of James C. Pipe, of Stratham; of M. A. Meader and G. T. Kimball, of North Haverhill; of J. W. Sanborn, of Pittsfield, of Friendship Grange, Patrons of Husbandry; and of Fruitdale Grange, No. 106, Patrons of Husbandry, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BULKELEY presented memorials of Local Grange of Trumbull; of Housatonic Grange; and of Fairfield County Pomona Grange, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 79, United Brotherhood of Carpenters and Joiners, of New Haven, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented petitions of Wolf Den Grange, of Pomfret; of Norfield Grange, of Weston; of Housatonic Grange; of Local Grange of Trumbull; of Highland Grange; of Local Grange of East Lyme; of Unity Grange; and of Harmony Grange, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented memorials of Madison Grange, of Greenwood County; of Local Grange, of Linwood; of Local Grange, of Stanley; and of Local Grange, of Eudora, all of the Patrons of Husbandry, in the State of Kansas, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented an affidavit in support of the bill (S. 10398) granting an increase of pension to Samuel C. Whitwam, which was referred to the Committee on Pensions.

He also presented an affidavit in support of the bill (S. 9989) granting an increase of pension to Darius Wells, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 9989) granting an increase of pension to Darius Wells, which were referred to the Committee on Pensions.

Mr. SHIVELY presented telegrams in the nature of petitions from the American Metal Co., of Indianapolis; the Indianapolis Saddlery, of Indianapolis; the Mooney-Mueller Drug Co., of Indianapolis; the Trotter Henry Co., of Indianapolis; the American Valve Co., of Indianapolis; of G. A. Schnull, of Indianapolis; the Standard Metal Co., of Indianapolis; of James R. Ross & Co., of Indianapolis; the Havens & Geddes Co., of Indianapolis; the Indianapolis Book & Stationery Co., of Indianapolis; and of William Fogarty, of Indianapolis, all in the State of Indiana, praying that an increase be made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented telegrams, in the nature of memorials, of the Apperson Bros. Auto Co., of Kokomo; of Ekin Wallick, of Indianapolis; of Juliett V. Strouse, of Terre Haute; of J. A. Everitt, editor Up-to-Date Farmer, of Indianapolis; of Ed. Noris, treasurer Tribe of Ben Hur, of Indianapolis; of the Climax Coffee & Baking Powder Co., of Indianapolis; the National Press Association, of Indianapolis; the Adsell League, of South Bend; of A. M. Reed, of Muncie; of the Crawfordsville Typographical Union, of Crawfordsville, all in the State of Indiana; of Leo Rae Axtell, of New Orleans, La.; of the Priscilla Publishing Co., of Boston, Mass., and of Norman E. Mack, of Buffalo, N. Y., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented telegrams, in the nature of memorials, of Finley Baker, of La Fayette; of George J. Marott, of Indianapolis; of R. J. Scholz, of Indianapolis; of H. T. Montgomery, A. R. Bates, D. P. Moore, and R. Z. Snell, of South Bend, all in the State of Indiana, remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented memorials of D. G. Stager, secretary of the International Printing Pressmen and Assistants' Union, No. 19, of Fort Wayne; of Harrold E. Schaible, newspaper agent, of La Fayette; of Kitselman Bros., of Muncie; of George W. Duke, secretary of the Commercial Club, of Kokomo; of the Farmers' Guide, of Huntington; of C. S. Houghland, counselor Indiana State Medical Society, of Milroy; of A. L. Haddon, of Terre Haute; of George A. Ryan, editor of Western Horseman, of Indianapolis; of the Ward Fence Co., of Decatur; of the C. J. Lindsay News Co., of Indianapolis; and of the United Motor Indianapolis Co., of Indianapolis, all in the State of Indiana, and of the Chicago Examiner, of Chicago, Ill., remonstrating against any increase being made in the rate of postage on magazines and periodicals, which were ordered to lie on the table.

He also presented a memorial of the directors of the Milk Producers' Association, of Chicago, Ill., and a memorial of the Milk Producers' Association adopted at its annual meeting at Chicago, Ill., February 6, 1911, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a telegram, in the nature of a petition, from A. Kiefer Drug Co., of Indianapolis, Ind., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of Local Union No. 1317, United Brotherhood of Carpenters and Joiners of America, of Indiana Harbor, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. FRYE presented memorials of Local Grange, of Limestone; Aroostook-Pomona Grange, of Aroostook County; Goodwill Grange, of Amherst; Local Grange, of Winthrop, all of the Patrons of Husbandry; of M. Irwin, superintendent of the local mill of the International Paper Company, of Solon; and of sundry citizens of Livermore Falls and Chisholm, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. JONES. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House joint memorial No. 3.

To the honorable the Senators and Representatives of the United States in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College; its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery, containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show perpetually the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory, except the Oregon country, were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country, with its wealth of land, forests, mines, waters, and fisheries, from the grasp of a foreign corporation, and held it until the growth of the public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land and the buildings which it does not require for use as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, not to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawson, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they became valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of the public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Therefore your said memorialist earnestly recommends the passage of the said resolution, and represents that the State of Idaho desires the granting of the land and buildings of the said Fort Walla Walla Military Reserve be made to Whitman College.

This memorial passed the house of representatives on the 23d day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 24th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

This memorial received by the governor on the 25th day of January, 1911, at 11.20 o'clock, and approved on the 25th day of January, 1911.

JAMES H. HAWLEY, *Governor.*

I hereby certify that the within house joint memorial No. 3 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 3, by Black and Galloway, recommending the passage of a resolution granting what is known as Fort Walla Walla Military Reserve and buildings thereon to Whitman College, in the State of Washington (passed the house January 23, 1911; passed the senate January 24, 1911), which was filed in this office the 25th day of January, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 26th day of January, A. D. 1911.

W. L. GIFFORD, *Secretary of State.*

Mr. JONES. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial, praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College; its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery, containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show perpetually the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory, except the Oregon country, were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country, with its wealth of land, forests, mines, waters, and fisheries, from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bring responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement, resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz,

Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.
BEN SELLING, *President of the Senate.*

Indorsed: House joint memorial No. 4.
W. F. DRAGER, *Chief Clerk.*

Filed February 2, 1911.
F. W. BENSON, *Secretary of State.*

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, together with the indorsements thereon, as filed in the office of the secretary of state of the State of Oregon February 2, 1911; and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. JONES. I present a memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Washington, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory, except the Oregon country, were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization, who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend of Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land and the buildings which it does not require for use as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian Christian college intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Mr. JONES presented a memorial of sundry citizens of Everett, Wash., remonstrating against the establishment of the proposed Department of Health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of North Yakima, Wash., praying that an investigation be made into the affairs of the wireless telegraph companies of the country, which was referred to the Committee on Interstate Commerce.

Mr. ROOT. I present a resolution adopted by the Senate of the Legislature of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, February 6, 1911.

Whereas the present limitations upon the size and weight of articles which may be carried by the United States mails do not accord with the progressive policies of other countries on this subject; and

Whereas a general extension of the parcels-post system so as to increase the size and weight of the articles which may be so carried will greatly promote the convenience of the public:

Resolved (if the assembly concur), That the legislature respectfully requests the Senators and Representatives in the Congress of the United States to effect the passage of a law at the present session extending the parcels-post system accordingly.

By order of the senate.
PATRICK E. MCCABE, *Clerk.*

In assembly, February 14, 1911. Concurred in without amendment.
By order of the assembly.
LUKE MCHENRY, *Clerk.*

Mr. SCOTT presented a memorial of sundry citizens of Chester, W. Va., remonstrating against the enactment of legislation providing for an increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. WETMORE presented a petition of Rhode Island Lodge, No. 147, International Association of Machinists, of Providence, R. I., and a petition of Commodore Perry Council, No. 14, Junior Order United American Mechanics, of Wakefield, R. I., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW presented petitions of the Republican League of Clubs of the State of New York, the Buffalo Lumber Exchange, the North Buffalo Residents and Business Men's Association, the Master Plumbers' Association of Buffalo, and the Brewmasters' Association of Buffalo, of the Common Council of the city of Oswego, the North Tonawanda Board of Trade, the Kingston Chamber of Commerce, the French and Canadian Democratic Association of Greater New York, and sundry citizens of Watertown and New York City, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Wallkill River Grange, No. 983; Carthage Grange; Cambridge Valley Grange, No. 1090; Wharton Valley Grange, No. 991; Wadhams Mills Grange; Stockton Grange, No. 316; Kendrew Grange, No. 891; Chester Grange, No. 984; Dryden Grange, No. 1112; La Fargeville Grange, No. 15; Grange No. 576 of East Schuyler; Palmyra Grange, No. 123; Richfield Grange, No. 771; Minaville Grange, No. 668; Mallonsburg Grange, No. 954; Knowlesville Grange, No. 1124; Gouverneur Grange, No. 303; Nicholville Grange, No. 797; Bombay Grange, No. 924; Marion Grange, No. 214; Mansfield Grange, No. 1030; Poughkeepsie Grange, No. 839; Indian River Grange, No. 19; Sennett Grange, No. 1054; Chester Grange, No. 984; Minisink Grange, No. 907; Mandana Grange, No. 917; East Fayette Grange, No. 40; Lorraine Grange, No. 117; Stephens Mills Grange, No. 308; Villenova Grange, No. 604; Waterport Grange, No. 1059; and Gates Grange, No. 421, all of the Patrons of Husbandry; of the St. Lawrence County Board of Trade, the Gouverneur Dairy Board of Trade, and of sundry citizens of Rushville, Three Mile Bay, New York City, Morrisville, Niagara Falls, Peconic, Wadhams, East Aurora, Albany, and Munnsville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College; its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery, containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory, except the Oregon country, were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country, with its wealth of land, forests, mines, waters, and fisheries, from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy, with respect to its ownership, by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land and the buildings which it does not require for use as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

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The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

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STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 4th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

Mr. OLIVER. I present a concurrent resolution of the General Assembly of the State of Pennsylvania, asking for the passage of the Sulloway pension bill. I ask that it may lie on the table and be printed in the RECORD.

Mr. CULBERSON. I suggest that being the resolution of a legislature of a State it ought to be read.

Mr. OLIVER. I ask that it be read.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

IN THE SENATE, *February 14, 1911.*

Whereas House bill No. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers, sailors, and officers, who served in the War of the Rebellion and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved (*if the house of representatives concur*), That we heartily indorse all of the provisions of said bill, and respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendment as to benefits provided.

Resolved, That the secretary of the Commonwealth be authorized to send a certified copy of the foregoing preamble and resolution to Hon. BOIES PENROSE and Hon. GEORGE T. OLIVER, Senators from Pennsylvania in the Congress of the United States.

Approved, the 15th day of February, A. D. 1911.

JOHN K. TENER.

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COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE SECRETARY,
Harrisburg, February 16, 1911.

PENNSYLVANIA, *ss:*

I do hereby certify that the foregoing and annexed is a full, true, and correct copy of concurrent resolution No. 11 of the general assembly, approved February 15, 1911, as the same remains on file and appears of record in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed the day and year above written.

[SEAL.] ROBERT MCAFEE,
Secretary of the Commonwealth.

Mr. GORE. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate concurent resolution No. 17.

A resolution memorializing Congress to pass an act providing for the sale of the coal and asphalt lands of the Choctaw and Chickasaw Nations.

Whereas there has been introduced in the Congress of the United States a bill providing for the sale of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all interests affected, Indians and white people alike, thereby removing the objections to said legislation that have heretofore existed, and all interest affected is now urging its passage—the Indians because it will carry out the solemn treaty stipulations contained in the supplementary agreement of 1902 for the sale of their coal and asphalt lands and the distribution per capita of the proceeds, and the white people because it would result in the development and taxation of a large area of land now wholly undeveloped and untaxable, thereby lightening the burden of taxation and resulting in great good to the whole people of the State of Oklahoma: Therefore be it

Resolved by the senate (*the house of representatives concurring therein*), That the Congress of the United States be, and the same is hereby, memorialized to pass an act at the present session of Congress that will result in the early sales of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations and the distribution of the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon. T. P. GORE and the Hon. ROBERT L. OWEN and to the Members of Congress of Oklahoma, and that they be requested to present the same to Congress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. BURNHAM presented memorials of Friendship Grange, No. 110, of Northfield; Fruitdale Grange, No. 106, of Mason; Carroll Grange, No. 160, of Ossipee; Local Grange No. 93, of Campton; Miller Grange, No. 34, of Temple; and Local Mountain Grange, No. 130, of Ossipee, all of the Patrons of Husbandry, in the State of New Hampshire, and of the Cooperative Milk Producers' Co. and the Home Market Club, of Boston, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of Washington Camp, No. 60, Patriotic Order Sons of America, of Boonsboro; of Banner Council, No. 43, of Keedysville; and of Local Council of Chester, Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented resolutions adopted by the National Canners' Association, in convention at Milwaukee, Wis., favoring the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Maryland, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OWEN presented petitions of the Board of Trade and Merchants' Association of Fitchburg, Mass.; of the Chamber of Commerce of Allentown, Pa.; of the Chamber of Commerce of Oakland, Cal.; of the Merchants' Association and Chamber of Commerce of Altoona, Pa.; of the Chamber of Commerce of San Jose, Cal.; of the Board of trade of Worcester, Mass.; of the Chamber of Commerce of Merced, Cal.; of the Board of Trade of Pasadena, Cal.; of the Board of Trade of Indianapolis, Ind.; of the Board of Trade of Richmond Hill, New York City, N. Y.; and of the Committee of One Hundred on National Health of New York City, N. Y., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. KEAN presented a petition of Gaddon Grange, No. 38, Patrons of Husbandry, of Haddonfield, N. J., and a petition of Local Grange No. 29, Patrons of Husbandry, of Elmer, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Local Grange No. 153, of Raritan; of Local Grange No. 51, of Mullica Hill; of Local Grange No. 184, of Plainsboro; and of Local Grange No. 88, of Locktown, all of the Patrons of Husbandry, in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Paterson, Cranford, Plainfield, Rahway, Orange, Newark, Englewood, and Tenafly, in the State of New Jersey, and of the Millville Manufacturing Co., of Philadelphia, Pa., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Washington Camp No. 84, Patriotic Order Sons of America, of Gloucester City, N. J., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of Adam Aberle, of Union, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the New Jersey Branch, National German-American Alliance, praying that an appropriation be made for the erection of a monument at Germantown, Pa., to commemorate the founding of the first permanent German settlement in America, which was referred to the Committee on the Library.

He also presented memorials of the Winthrop Press, of New York; the Civics Club of the Oranges, of Orange, N. J.; and of sundry citizens of Elizabeth, Arlington, and Montclair, in the State of New Jersey, and of sundry citizens of Brooklyn, N. Y., and Philadelphia, Pa., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation to readjust and enlarge the scope of our present parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

POSTAGE ON MAGAZINES.

Mr. YOUNG. I present an editorial appearing in the New York Evening Journal of February 16, which presents from the publishers' standpoint in a conservative and courteous manner the publishers' side of the pending postage question. I ask that it may be printed in the RECORD in order that Senators may have an opportunity to see it. It is, seemingly, a very carefully prepared editorial.

There being no objection, the matter was ordered to lie on the table and to be printed in the RECORD, as follows:

An effort is made to increase the post-office rates on magazines from 1 cent a pound to 4 cents a pound. The increase does not affect newspapers, and is to apply only to the announcements of business men in the advertising pages. In other words, the opinions of writers, including the so-called "muck-rakers," will continue to go through the mails at 1 cent a pound. But the statements issued by business men as to their enterprises in their efforts to reach the public, promote business, give employment, and improve products will be taxed at four times the rate charged for the rest of the magazine.

It is understood that this change is urged by the President and by the Postmaster General, Mr. Hitchcock. We believe sincerely that the President's decision and that of Mr. Hitchcock are not based upon a full understanding of conditions or the inevitable result of the proposed legislation.

And we know quite positively that the opposition as expressed by magazine owners is extremely foolish in many cases, and in one case at least—that of Everybody's Magazine—is disingenuous as well as foolish.

The President has been told by Mr. Hitchcock, who acts unquestionably in good faith, that the post office of the United States loses $60,000,000 a year by the carrying of the magazines at the present prices.

That sounds very impressive at first. But Mr. Hitchcock will admit that if to-morrow all of the magazines ceased publication absolutely and no longer went through the mails at all, the Government would be poorer than it is to-day and the post-office deficit would be bigger than it is to-day.

For if Mr. Hitchcock were to put all the magazines out of the mails he would not be able to discharge one letter carrier. He would not be able to dispense with a single mail car. He would not be able to cut down his force of clerks. In fact, he could not run the post office for $10,000,000 a year less, to say nothing of $60,000,000 a year less, than at present if all of the magazines were eliminated.

The machinery of the United States post office, as it stands, is necessary to the distribution of the mail, without the magazines.

There can be no question about saving $60,000,000 on the railroad transportation of magazines carried by the post office, for the simple reason that in spite of the extortionate rates paid to railroads for services rendered to the post office, the total amount received by the railroads from the Government does not amount to $60,000,000 all told.

Mr. Hitchcock is sincerely anxious to represent the people fairly and to give them the best results in the management of the post office. For this we give him credit, and any magazine owner, publisher, or newspaper editor who fails to give him credit is foolish as well as unjust. But Mr. Taft and Mr. Hitchcock, intelligent men, both know that it is possible to economize in ways that are extremely costly.

If, for instance, Mr. Hitchcock suddenly found himself manager of a large office building in New York City, he would discover that the elevators in such a building are run at a dead loss. If, however, he started in to make the elevator self-supporting, if he charged 1 cent a ride to the first floor, and 20 cents for a ride to the twentieth story, he could very easily make the elevators show a profit, but he would ruin the income of the office building.

In the post office the condition is somewhat the same, except that the efforts to regulate expenses and profit, as planned, would be even more disastrous than such a plan as we have suggested in connection with office-building elevators.

The advertisements that go through the mails promote business in the United States and promote the prosperity of all the people of the United States.

New businesses, such as those that have built up Battle Creek and other American cities, are based largely upon the possibilities of reaching the public through intelligent advertising.

Such advertising not only means the employment of labor on a large scale, the development of American industry, increase of comfort in the community, and increase of general prosperity, but it means also tremendous increase in the most profitable department of post-office business.

Every man who advertises successfully through the magazines compels the writing of many thousands of letters that pay 2 cents each and yield a great profit to the Government.

Mr. Hitchcock is in charge of a gigantic organization, one that involves the spending and the collecting of many tens of millions. We are convinced that careful investigation will show him that the advertising which he thinks is carried at a loss through the mails in reality far more than pays for itself by stimulating profitable business, and we suggest, respectfully, that it would be wise to ascertain exactly the real effect of this important branch of American business before taking steps to discourage it and cripple it.

It is stated in behalf of the post office authorities that they do not wish in any way to interfere with the prosperity of the legitimate magazines of high class, but that they seek to control and discourage illegitimate, dishonest publications that pretend to be organs of publicity and are in reality nothing but "catalogues."

The Post Office Department says that it is unjust to compel a merchant to pay 9 cents per pound for his catalogue and allow a man who falsely calls himself a magazine editor to mail what is nothing but a catalogue for 1 cent per pound.

This would be most just, if it were accurate. But some of the so-called catalogues are really the great trade papers. And while it is doubtless true, as has been suggested by post-office officials, that to discourage these trade papers and throw them out of the mail would add greatly to advertising in the newspapers and in the high-class magazines, no honest newspaper editor or magazine owner would want to find prosperity or increase advertising in that way.

The great trade papers of the country are absolutely essential to the business men of the country. The hardware man, the grocer, the tailor, all of the men engaged in business, are deeply interested in the particular trade papers connected with their line of work, and the news in those trade papers is as vital to them as the news of the greatest European events in the daily press.

The fact is that the circulation of business men's announcements through the mail is a most important part of the great problem of American distribution. Wide distribution of new ideas and inventions of business men is essential to the prosperity of the country.

Mr. Taft and Mr. Hitchcock would be very slow to do anything to interfere with the running of water through irrigation pipes to the lands that need irrigation.

We tell Mr. Taft and Mr. Hitchcock sincerely that what the pipes are to irrigation, magazines and the other important periodicals, including the great and legitimate trade newspapers, are to the business and to the prosperity of this country.

It is because we know that Mr. Taft and Mr. Hitchcock and the other subordinates of Mr. Taft are as sincere in this as in other matters that we feel anxious that before taking or urging any steps that would irrevocably interfere with the prosperity of a large class of citizens they inform themselves in advance and to the minutest details as to the results of such action.

In the first place, if it be true, as it undoubtedly is, that certain illegitimate, bogus publications swindle the Government and the people, masquerading as legitimate publications, why is there not intelligence enough in the Government to suppress them without suppressing and injuring legitimate concerns?

A wise farmer kills the snakes on his farm without finding it necessary to kill everything that moves, including pigs and chickens and ducks. The present post-office plan is to knock everything over the head first and then see what happens afterwards. That is not a wise plan.

Mr. Taft and Mr. Hitchcock should inform themselves as to the number of important legitimate business men who have built up large enterprises, based upon reliance on monthly magazines as selling agencies. These agencies, actual commercial travelers for these large advertisers, go into the millions of homes and tell the stories of American business men. It would not be possible in one year, or in 10 years, to establish any system of distribution, advertisement, and trade

recruiting that would take the place of these monthly distributing agents.

We hope that Mr. Taft and Mr. Hitchcock will ask themselves earnestly whether it is wise to cut off from the business men the agents upon which they rely without giving them at least a reasonable time in which to find other means of carrying on their business without injury to themselves or their employees.

It would be a good thing also for the President and for the Postmaster General to find out exactly how many well-paid American citizens are engaged in work and depend for a living on the enterprise of business men who, in turn, rely upon advertising for marketing their wares.

The post office is a vital part of the life of the people. Its activities have become essential. Those activities should under no circumstances be interfered with or experimented with, except with the greatest caution and after fullest investigation.

We suggest to the President and the Postmaster General that the Government could better afford to wait a year, even assuming all that is alleged against the magazines to be true, than run any risk of interfering seriously with many of the most important business enterprises of the United States.

We are especially anxious that what we believe to be a serious mistake should not be made in this case, because we appreciate the work that Mr. Taft has done and the work that has been done under his direction by Mr. Hitchcock toward making the post office what it should be, more and more a useful servant of the people. Recently announced plans of the Post Office Department, under Mr. Taft's administration, embody many wise features worthy of public approval and gratitude, including the increase in the postal savings-bank facilities, the beginning, at least, of an intelligent parcels-post system, and many other steps. The record of the present Postmaster General, making the post office a detector of crime and a discourager of swindling, is of the highest order. These things the people appreciate, and such a record should not be marred by an action which is at best hasty and which is misconstrued by those that do not understand the President as an expression of personal resentment because certain unimportant bilious publications have attacked him personally and unjustly.

Mr. CHAMP CLARK, who is to be the director of the House of Representatives, presiding over the Democratic majority, has taken an excellent stand in regard to this matter, one that is clear-headed and worthy of all praise.

But there should be in the case no question of politics or of party.

The vital point is this: The post office suddenly and without sufficient warning, without proof of careful investigation as to results, changes its methods, its charges to a vital degree, and actually and specifically singles out for a special tax and for special punishment the announcements of business men, whose activities are devoted to the general welfare and the general prosperity.

It is unfortunate that owners and editors of magazines—many of whom are the beneficiaries of a somewhat accidental success and rather easily earned conspicuousness—should have organized and expressed in a silly fashion their opposition to the suggested change in post-office rates.

These excitable and tactless gentlemen have acted as a nervous settler might be expected to act upon the arrival of red Indians. They have filled the air with accusations of all sorts and have made the very foolish mistake of defending themselves with false statements.

* * * * * * *

The fact is that the Postmaster General and the President of the United States are using their intelligence and their best judgment in an effort to serve the people and protect the public's interest. Others that know perhaps more, by special training, about the magazine question than the President or the Postmaster General, believe that a mistake is being made, one that will have serious consequences not foreseen.

Mr. Taft and his Postmaster General are perfectly willing to hear reasonable statements and take them into account. Senator PENROSE, the head of the Senate Committee on Post Offices and Post Roads, is a man with a clear comprehension of business conditions. Every Member of the House of Representatives can easily find out for himself the part that magazine advertising plays in the business of the community, the extent to which it helps business and labor.

It ought not to be, and, we believe, it will not be, very difficult to persuade those in authority to think carefully and wait at least a reasonable length of time before they pass a law that would be the first in the history of the United States aimed directly at business men and at the efforts of business men to increase American manufactures and American distribution.

Mr. GORE subsequently said: I ask unanimous consent to have printed as a public document the views of certain publishers of the country in relation to the proposed increase in postage on second-class mail matter.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the printing as a Senate document of the views of certain publishers upon the subject which he has designated. Is there objection?

Mr. GALLINGER. Mr. President, it seems to me that that matter was ordered printed, or that some other Senator made a similar request this morning.

Mr. GORE. If that be true, of course I withdraw the request.

The VICE PRESIDENT. The matter was not ordered printed as a public document, but upon the request of the Senator from Iowa [Mr. YOUNG] it was ordered printed in the CONGRESSIONAL RECORD.

Mr. GORE. Then I withdraw the request.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 10299) to enlarge the site of the Federal building at Akron, Ohio, reported it without amendment.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (H. R. 15616) for the relief of Louis Durst, reported it with an amendment and submitted a report (No. 1184) thereon.

Mr. BRIGGS. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 7494) to correct the military record of Louis Durst, to ask for its indefinite postponement, as a House bill on the same subject has been reported favorably from the committee.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 7640) to correct the military record of James M. Sweat, reported it with amendments and submitted a report (No. 1185) thereon.

Mr. JOHNSTON, from the Committee on Military Affairs, to which was referred the bill (S. 3831) for the relief of James Tulley, submitted an adverse report (No. 1186) thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to which was referred the bill (H. R. 8185) for the relief of Valentine Fraker, reported it without amendment and submitted a report (No. 1187) thereon.

Mr. WARNER. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 1545) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with the dates of his enlistment and discharge, to ask that it be indefinitely postponed, as a similar House bill has been heretofore reported favorably.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. FRAZIER, from the Committee on Military Affairs, to which was referred the bill (H. R. 3982) for the relief of David F. Wallace, reported it with an amendment and submitted a report (No. 1188) thereon.

Mr. CLARKE of Arkansas. I am directed by the Committee on Interstate Commerce, to which was referred the bill (H. R. 24073) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, to report it with amendments striking out sections 3, 4, 6, and 7 of the bill and without recommendation.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty, reported it with amendments and submitted a report (No. 1190) thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments:

S. 10744. A bill to provide for the purchase of a site for the erection of a public building thereon at Sundance, in the State of Wyoming; and

S. 10790. A bill to provide for the acquisition of a site and the erection thereon of a public building at Newcastle, Wyo.

LANDS IN IDAHO.

Mr. HEYBURN. I ask unanimous consent to call up for consideration the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed.

I would say that this is a measure that is necessary in order to complete an arrangement which is pending between the officers of the State and the executive officers of the Government.

Mr. BEVERIDGE. Will it take any discussion?

Mr. HEYBURN. No; there should be no discussion of it.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANEUVERING GROUNDS, ETC., IN TENNESSEE.

Mr. FRAZIER. From the Committee on Military Affairs I report back the joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park, with an

amendment in the nature of a substitute, and I submit a report (No. 1189) thereon. I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I should like to ask the Senator whether it was reported from the Committee on Military Affairs.

Mr. FRAZIER. Yes; it is a unanimous report of the Committee on Military Affairs. It is a substitute, to take the place of two joint resolutions passed by the House on the same subject. It carries no appropriation but the actual expenses of the board.

Mr. JONES. I ask the Senator if the resolution simply refers to land in Tennessee?

Mr. FRAZIER. It does.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the resolving clause and insert:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation, and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection rifle and artillery ranges for United States troops at or near the Chickamauga and Chattanooga National Military Park. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near to said park for the purposes herein stated, and report fully as to probable numbers of acres of land necessary to purchase, and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by December 1, 1911, and communicated to Congress thereafter as soon as practicable by the President.

SEC. 2. That said board or commission shall also examine carefully all lands within the State of Tennessee that may be proposed to be donated to the United States for the establishment and maintenance thereon of a maneuvering encampment and rifle and artillery ranges for the assembling of troops from the group of States composed of Tennessee, Kentucky, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina and report on the advisability of establishing such camps, rifle and artillery ranges on such lands proposed to be donated, and whether the lands proposed to be donated are suitable and desirable for such purposes, and how much land would be properly required for said purposes, and whether the lands proposed to be donated are sufficient in quantity for the purposes proposed and conveniently located for use by troops from said States, and the facilities for transportation of troops and supplies to and from said lands, and such other facts as may be material to be considered in the premises.

SEC. 3. That the said board or commission shall serve without compensation, but shall be paid actual necessary expenses.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "A joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes."

Mr. FRAZIER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 189) authorizing the Secretary of War to accept the title to any lands which may be donated to the United States which, in his opinion, may be a suitable place for maneuvering, encampment, rifle and artillery ranges, and convenient for assembling troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, reported adversely thereon, and the joint resolution was postponed indefinitely.

JAMES DONOVAN.

Mr. BULKELEY. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 26018) for the relief of James Donovan, and I submit a report (No. 1181) thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James Donovan, who was a private in Company E, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment, but other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE IN COLORADO.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 9914) to provide for the appointment of one additional district judge in and for the district of Colorado, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINNESOTA RIVER DAMS.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 10836) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River, and I ask for its present consideration. It is very short.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

YELLOW FEVER COMMISSION.

Mr. SMOOT. From the Committee on Printing I report back favorably with an amendment Senate resolution 330, submitted by the Senator from Oklahoma [Mr. OWEN] on the 27th ultimo, providing for the printing of the compilation relative to the work of Maj. Walter Reed and the Yellow Fever Commission, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, before the word "thousand," to strike out "three" and insert "one," so as to make the resolution read:

Resolved, That there be printed, with accompanying illustrations, for the use of the Senate, 1,000 copies of the compilation relative to the work of Maj. Walter Reed and the Yellow Fever Commission.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORT ON BILLS OF EXCHANGE.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 337, submitted by Mr. CULLOM on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for use of the American commissioner to the International Conference on Bills of Exchange held at The Hague during 1910, 400 copies of his report, which report was recently transmitted to Congress by the President.

STEPHENSON GRAND ARMY MEMORIAL.

Mr. SMOOT. From the Committee on Printing I report back, with amendments, Senate concurrent resolution 7, submitted by the Senator from Rhode Island [Mr. WETMORE] on July 20, 1909, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments were, in line 3, before the word "thousand," to strike out "fourteen" and insert "seven"; in line 6 to strike out "four thousand" and insert "fifteen hundred"; and in line 7 to strike out "eight thousand" and insert "three thousand five hundred," so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form of eulogies, including illustrations, 7,000 copies of the proceedings on the occasion of the dedication of the Stephenson Grand Army Memorial, in Washington, July 3, 1909, of which 1,500 shall be for the use of the Senate, 3,500 for the use of the House of Representatives, and 2,000 to be delivered to the Stephenson Grand Army Memorial Committee.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

ELECTRIC RAILWAY AT VICKSBURG, MISS.

Mr. JOHNSTON. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 26685) to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss., and submit a report (No. 1182) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF DISTRICT CODE.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (S. J. Res. 144) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia, and I submit a report (No. 1183) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Public Printer to print 2,500 copies of the Code of Law for the District of Columbia, as recompiled, indexed, and annotated by William F. Meyers, master of laws, of the executive office of the District of Columbia, under supervision of Edward H. Thomas, Esq., corporation counsel, District of Columbia; 100 copies for the use of the Committee on the District of Columbia, United States Senate; 100 copies for the use of the Committee on the District of Columbia, House of Representatives; and 100 copies for the Commissioners of the District of Columbia; and it authorizes the Public Printer to sell the surplus copies at a rate per copy to be fixed by him approximating but not less than the cost of printing and binding.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 10837) for the relief of Joseph P. Davis; to the Committee on Military Affairs.

By Mr. GAMBLE (by request):

A bill (S. 10838) for the relief of John W. Stockett (with accompanying paper); to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 10839) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GORE:

A bill (S. 10840) granting a pension to Thomas J. Lester (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10841) for the relief of Frank J. Boudinot; to the Committee on Claims.

By Mr. PAGE:

A bill (S. 10842) for the relief of Victor Beaulac and others; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 10843) for the settlement of claims for damages to and loss of private property; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 10844) for the relief of John H. Baker and others (with accompanying paper); to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 10845) granting an increase of pension to Calvin Hitt (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 10846) to correct the military record of David Hauk (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 10847) for the relief of Robert Craig and others; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 10848) for the relief of the trustees of the Christian Church of Cadiz, Ky.; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRISTOW submitted an amendment relative to the fixing of fees for the grazing of sheep on the national forests, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. DIXON submitted an amendment proposing to increase the appropriation for the improvement of the national forests from $490,000 to $700,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $1,656.25 to pay Charles H. McGurrin, being the balance due him for copies of testimony furnished, by order of the chairman of the Committee on Privileges and Elections, to members of the subcommittee making investigation of charges against WILLIAM LORIMER, a Senator from the State of Illinois, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $52,000 for the maintenance, etc., of the Platt National Park, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $22,802.42 for payment of 183 approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippines Islands that have arisen previous to August 1, 1910, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—JOHN B. GARVEY.

On motion of Mr. SCOTT, it was

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 71 granting a pension to John B. Garvey, Sixty-first Congress, first session, no adverse report having been made thereon.

STENOGRAPHER TO COMMITTEE ON EXPENDITURES IN DEPARTMENT OF STATE.

Mr. ROOT submitted the following resolution (S. Res. 352), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Department of State be, and it is hereby, authorized to employ a stenographer, at a salary of $1,200 per annum, to be paid out of the contingent fund of the Senate, until March 31, 1911.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to.

ABSECON INLET, N. J.

Mr. BRIGGS submitted the following resolution (S. Res. 353), which was considered by unanimous consent and agreed to:

Resolved, That the Chief of Engineers of the Army be instructed to transmit to the Senate the estimates of cost for the improvement of Absecon Inlet, in the State of New Jersey, the same being now before the board of review.

CONVEYANCE OF MAIL MATTER BY PRIVATE EXPRESS.

Mr. GORE. I offer the resolution which I send to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Oklahoma will be read.

The Secretary read the resolution (S. Res. 354), as follows:

Resolved, That the Postmaster General be requested to inform the Senate whether there have been frequent, continuous, and systematic violations of section 181 of the Criminal Code of the United States, effective January 1, 1910, and if so, what steps have been taken to prevent and punish such violations.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HEYBURN. I ask that the resolution may be again read. I did not catch a part of it from the reading.

The VICE PRESIDENT. Without objection, the resolution will be again read.

The Secretary again read the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HEYBURN. Mr. President, the resolution is so indefinite that one hardly knows whether to object. I wish the Senator from Oklahoma would ask the indulgence of the Senate to state what the violations referred to in the resolution consist of.

Mr. GORE. I think the suggestion is entirely proper, and I will ask to have the section referred to in the joint resolution read to the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

Mr. BORAH. Mr. President, is the resolution submitted by the Senator from Oklahoma before the Senate?

The VICE PRESIDENT. The request of the Senator from Oklahoma is for unanimous consent for its present consideration.

Mr. BORAH. The resolution is evidently going to lead to debate.

Mr. HEYBURN. Let the section be read so that we may know what it is.

Mr. PENROSE. Mr. President, I ask that the resolution may be again read.

The VICE PRESIDENT. The resolution has just been read, and the Secretary was about to read the section of the law referred to therein.

The Secretary read as follows:

SEC. 181. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips, or at stated periods, over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than $500, or imprisoned not more than six months, or both: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or authorized depository for mail matter, any mail matter properly stamped.

Mr. PENROSE. Now I ask to have the resolution again read.

The VICE PRESIDENT. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

The resolution was considered by unanimous consent and agreed to.

TEACHERS' PENSION LAWS.

Mr. GALLINGER. I ask that Senate Document No. 585, Sixtieth Congress, second session, relative to the teachers' pension laws in the United States and Europe, be reprinted as corrected to date, and also that 200 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

COMPILATION OF RECIPROCITY TREATIES.

Mr. JONES. I present a compilation of reciprocity treaties between the United States and foreign countries. I desire to have the compilation printed, and I move that it be referred to the Committee on Printing for its consideration.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On February 14, 1911:

S. 2469. An act for the relief of Alfred Childers;

S. 7252. An act granting an annuity to John R. Kissinger;

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

On February 16, 1911:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 10595. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 124. Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

On February 17, 1911:

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

INTOXICANTS AMONGST INDIANS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 824), which was read and referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate and House of Representatives:

Half a century ago treaties were entered into with Indian tribes occupying a portion of the present State of Minnesota, in all of which were contained provisions prohibiting the introduction, manufacture, use, and traffic in intoxicants in the country which was the subject of the treaties. In the years which have elapsed since making these treaties conditions have largely changed, the Indian population has been reduced, large white settlements have been made, and great cities like St. Paul and Minneapolis have come to occupy a portion of what, at the date of the treaties, was denominated Indian country.

Notwithstanding these facts, this territory still remains subject to the regulations respecting the traffic in liquors originally imposed for the protection of the Indians. Such an anomalous condition of affairs should no longer continue, and the regulation of traffic in liquors in those areas now almost exclusively occupied by white people should be left to them. In those instances where the treaties authorize the President to repeal or modify the provisions, I have exercised that right. Some of the treaties, however, provide that the provisions referred to shall continue and be in force until otherwise provided by Congress.

By the treaty of February 27, 1855 (10 Stat., 1172), with the Winnebago Tribe of Indians that tribe ceded to the United States a tract of land granted to them by the treaty made October 13, 1846, within the Territory—now the State—of Minnesota, lying north of St. Peters River and west of the Mississippi River, estimated to contain about 897,900 acres, and in part consideration of the cession the United States agreed to grant to the said Indians as their permanent home a certain tract to be selected as therein provided. The treaty contained the following provision:

ART. 8. The laws which have been or may be enacted by Congress regulating trade and intercourse with the Indian tribes shall continue and be in force within the country herein provided to be selected as the future permanent home of the Winnebago Indians; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in ardent spirits in the Indian country shall continue and be in force within the country herein ceded to the United States until otherwise provided by Congress.

As there are but few, if any, Indians residing within said area, and the Indian Office reports that there is no occasion for the continuance in force and effect of the treaty provision above referred to, I recommend that legislation be enacted declaring the treaty provision above quoted to be of no further force or effect.

By the treaty of September 30, 1854 (10 Stat., 1109), made with the Chippewa Indians of Lake Superior and the Mississippi, ceding to the United States a large area, comprising the extreme northeastern portion of the State of Minnesota, it was provided:

ART. 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the territory hereby ceded until otherwise ordered by the President.

No legislation has ever been enacted pursuant to this stipulation, and for this reason the same has remained entirely ineffective.

According to the latest Indian census reports, there are within the area ceded by this treaty about 1,253 Indians, most of whom are located within the portion of said territory hereinafter described, whose welfare requires effective laws restricting traffic in liquor in their neighborhood.

I therefore recommend that appropriate legislation be enacted, extending the laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country throughout that portion of the territory ceded by said treaty, particularly described as follows:

Beginning at a point where the line between townships 45 and 46 north intersects the line between ranges 15 and 16 west of the fourth principal meridian; thence north along said line to the northeast corner of township 53 north, range 16 west; thence west along the line between townships 53 and 54 north to the point where it intersects the western boundary established by said treaty of September 30, 1854; thence following the said treaty line in a southwesterly direction to the point where it intersects the line between townships 45 and 46 north; thence due east along said line to the point of beginning, and all that portion of the State of Minnesota which lies east of the fourth principal meridian.

By the treaty of February 22, 1855 (10 Stat., 1165), with the Mississippi bands of Chippewa Indians, an area extending almost entirely across the northern part of the State of Minnesota and from its northerly boundary practically to its center was ceded to the United States, the provision thereof concerning intoxicating liquor being as follows:

ART. 7. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within and upon the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in ardent spirits, wines, or other liquors in the Indian country shall continue and be in force within the entire boundaries of the country herein ceded to the United States until otherwise provided by Congress.

The records of the Indian Bureau show that there are within said area, under the jurisdiction of the superintendents of the White Earth and Leech Lake Reservations, 7,196 Indians, who can be amply protected by limiting the territory as to which said treaty provisions shall remain in force and effect to the area within and contiguous to said reservations, particularly described as follows:

Beginning at the mouth of the Wild Rice River; thence in a northeasterly direction along the line established by said treaty of February 22, 1855, to the point where it intersects the line between townships 32 and 33 west of the fifth principal meridian; thence south along said line to the northeast corner of township 146 north, range 33 west of the fifth principal meridian; thence east along said line to the northeast corner of township 146 north, range 25 west of the fifth principal meridian; thence north along the third guide meridian to the northwest corner of fractional township 58 north, range 27 west of the fourth principal meridian; thence east to the northeast corner of said township; thence south along the line between ranges 26 and 27 west of the fourth principal meridian to the southeast corner of township 53 north, range 27 west of the fourth principal meridian; thence west to

the southwest corner of said township; thence south along the third guide meridian to the point where it crosses the Mississippi River; thence down the said river to the mouth of Crow Wing River; thence in a westerly direction, following the southern boundary of said treaty to the point where it intersects the line between townships 35 and 36 west of the fifth principal meridian; thence north along said line to the northeast corner of township 136 north, range 36 west; thence west along the line between townships 136 and 137 north to the point where it intersects the boundary line established by said treaty; thence along said boundary to the point of beginning.

I therefore recommend that Congress modify the article of said treaty quoted above so as to exclude from the operations of its provisions all of the territory ceded by said treaty to the United States, except that immediately above described.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1911.*

DISPOSITION OF WATERS UNDER RECLAMATION PROJECTS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 9, 12, and 13, and agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with amendments as follows: Strike out all of the matter in section 1 of the bill, and all of the matter proposed to be inserted in said section, and insert in lieu thereof the following:

That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Strike out the apostrophe which appears in said amendment; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In the matter proposed to be inserted strike out the apostrophe which appears after the word "corporations" and insert in lieu thereof a comma; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Strike out the apostrophe which appears in said amendment; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the matter proposed to be inserted strike out the apostrophe which appears after the word "corporations" and insert in lieu thereof a comma; and the House agree to the same.

Amendment as to title: That the Senate recede from its disagreement to the amendment of the House as to the title, and agree to the same with an amendment as follows: In lieu of the title proposed in said amendment insert the following: "An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes;" and the House agree to the same.

F. E. WARREN,
W. L. JONES,
J. W. BAILEY,
Managers on the part of the Senate.

W. A. REEDER,
RALPH D. COLE,
W. R. SMITH,
Managers on the part of the House.

The report was agreed to.

CHARLES RIVER (MASS.) BRIDGES.

Mr. DEPEW submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 1 of the bill, and agree to the same with an amendment as follows, to wit: Strike out of the Senate amendment the following:

"*Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed, because of the construction of said bridges without a draw."

and insert in lieu thereof the following:

"*Provided further*, That before the construction of said bridges or any of them is begun, the State of Massachusetts shall by legislative enactment provide for adequate compensation for the owner, owners, lessee or lessees of property abutting on said river above any of the said bridges, for damages if any caused to said property or leasehold interests therein by reason of interference with the access by water to said property, due to the construction of bridges without draws: *Provided further*, That said legislative enactment shall provide for the appointment of three commissioners to hear the parties in interest and assess the damages to said property; their decision as to the amount of damages and questions of fact to be final; said commissioners to be appointed by the supreme judicial court of Massachusetts."

And the Senate agreed to the same.

Also, amend the title of the bill by striking out the present title and inserting in lieu thereof as the title of the bill the following: "To authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts."

CHAUNCEY M. DEPEW,
S. H. PILES,
WM. J. STONE,
Managers on the part of the Senate.

JAMES R. MANN,
C. G. WASHBURN,
W. C. ADAMSON,
Managers on the part of the House.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President, I ask that the unfinished business may be now laid before the Senate.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I desire to ask leave this morning to print in my remarks of yesterday some excerpts from

some of the opinions which I did not feel like taking the time of the Senate then to read.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. HEYBURN. I merely suggest for the record that this joint resolution is not before the Senate as the unfinished business, but by unanimous consent.

The VICE PRESIDENT. It is before the Senate by unanimous consent now, certainly.

Mr. RAYNER obtained the floor.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Johnston	Richardson
Bankhead	Cullom	Jones	Root
Beveridge	Cummins	Kean	Scott
Borah	Curtis	La Follette	Shively
Brandegee	Depew	Lodge	Simmons
Briggs	Dillingham	McCumber	Smith, S. C.
Bristow	Dixon	Martin	Smoot
Brown	Fletcher	Newlands	Stephenson
Bulkeley	Flint	Nixon	Stone
Burnham	Foster	Overman	Sutherland
Burrows	Frazier	Owen	Taylor
Carter	Frye	Page	Thornton
Chamberlain	Gallinger	Paynter	Tillman
Clapp	Gamble	Penrose	Warner
Clark, Wyo.	Gore	Percy	Warren
Clarke, Ark.	Gronna	Perkins	Watson
Crane	Guggenheim	Piles	Wetmore
Crawford	Heyburn	Rayner	Young

The VICE PRESIDENT. On the roll call 72 Senators have answered to their names. A quorum of the Senate is present.

Mr. RAYNER. Mr. President, I propose to be as brief in this discussion as possible, and I desire to say that if there are any questions that Senators propose to ask me relevant to the points I am making I shall be glad to answer them if I can. My remarks this morning will be upon the Sutherland amendment in connection with the suggestions made by the junior Senator from New York [Mr. ROOT] in reference to the election of Senators by the people.

The first point I want to suggest to the Senate is this, that I propose to speak by the adjudications and not upon an important question of this sort to venture opinions of my own, because I believe that every subject we are discussing is covered by decisions of the Supreme Court of the United States; and while I shall not refer to many of them, and only to extracts from a few of them, I shall rest this argument upon the cases.

The first proposition is this: I do not think that the Sutherland amendment—and I call it the Sutherland amendment because it is an amendment—with a single exception accomplishes any purpose whatever; and I do not think it ought to be forced upon us by Members upon the other side who are in favor of the passage of the original joint resolution.

I believe to-day, Mr. President, under the cases—and I am not a liberal interpreter of the Constitution—that the Federal Congress, without the Sutherland amendment, has the right to protect the polls against fraud, corruption, violence, and intimidation at Federal elections.

I want to read now, because it covers the whole case, an extract from the case the Senator from Idaho referred to yesterday, but did not read in full. I think it settles this point, and this is the most important point in the whole controversy.

If I am right about that, then I appeal to Senators upon the Republican side who are earnestly in favor of the election of Senators by the people not to burden us with an amendment that accomplishes no purpose at all, and which might imperil the passage of the original joint resolution with the votes that will be cast against it upon this side of the Chamber.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Yes, sir.

Mr. NELSON. Why would it imperil the passage of the joint resolution to abrogate that provision of the Constitution?

Mr. RAYNER. It will imperil it very much if the Democratic side votes against it.

Mr. NELSON. Why would they vote against it?

Mr. RAYNER. Mr. President, I am not a political mind reader. If the Senator from Minnesota will come over and converse with some of them he will find why they will vote against it.

I do not know how our side stands. I am merely speaking for myself. I am not here to procure votes. I am here to tell the truth and state my own opinion upon the authorities, whether it gains votes or loses votes. I want to say to him again that the adoption of the Sutherland amendment will imperil the passage of the joint resolution. It is a fact. You want a two-thirds vote to pass the joint resolution. The Senator from Minnesota is in favor of it, and so am I. We want a two-thirds vote to pass it. It takes only a majority vote to pass this Sutherland amendment, and I am appealing now to Senators who are in favor of the joint resolution and who believe as I do in the joint resolution and do not want any subterfuge to defeat it. When I use the word "subterfuge" I use it with entire deference to the Senator from Utah, because I know he does not intend it as a subterfuge, because he has already stated that even if the amendment be defeated he would nevertheless vote for the original proposition.

Let me read a few extracts from the case. I will not weary you with a long citation of authorities. I want to see if we can not agree upon some points. This is a complicated and delicate proposition we are arguing now. It demands a thorough analysis before one can come to a conclusion upon it. I have a practical object in view. It is not for the purpose of making a speech, because I would rather not make it than make it. I want to see if we can not persuade the Republican Members who are in favor of the original joint resolution that there is no necessity of putting the Sutherland amendment into the body of the joint resolution, and that we can do everything we ought to do and everything we want to do without the Sutherland amendment just as well as we can do it with the Sutherland amendment. That is the purpose of my argument.

Now, if I am right about that, if I can convince the Senate that the Sutherland amendment is unnecessary, except for purposes that I know you do not want to effect, then why put it in and why not give us the joint resolution as it stands, when this side, to say the least of it, is divided upon the proposition with the Sutherland amendment in?

Mr. NELSON. Will the Senator allow me a brief question?

Mr. RAYNER. Certainly.

Mr. NELSON. Does the Sutherland amendment inject any new provision into the Constitution that is not already there?

Mr. RAYNER. It does, most decidedly.

Mr. NELSON. I should like to have the Senator point it out.

Mr. RAYNER. I will point it out without any trouble at all. It injects a new feature into the Constitution because there is nothing in the Constitution now about the popular election of Senators. The constitutional provision which applies to the election of Senators by the legislature is one thing, and it is an entirely different thing when it applies to the election of Senators by the people, and it is governed by different principles.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Utah?

Mr. RAYNER. I do.

Mr. SUTHERLAND. Does not the amendment I have introduced preserve the constitutional language precisely as it is now in section 4, and is not the only effect of it not to introduce any new principle into the Constitution, but simply, when we provide for the election of Senators by direct vote of the people, to provide a new application of an existing principle?

Mr. RAYNER. This is not the effect. Absolutely, it provides for a new principle. There was never an easier proposition to prove than that it provides for an entirely new principle, because now it is impossible to go behind the organization of the legislature.

Mr. SUTHERLAND. Mr. President——

Mr. RAYNER. One moment; let me finish the answer, and then the Senator can ask me another question. It is impossible now to go behind the organization of the legislature. Congress could not to-day pass an enactment covering the election of a legislature that elects a Senator of the United States. But when you once apply the Senator's proposition to a popular election, then Congress to a certain extent, as I will show presently, can interfere with the popular election.

Mr. President, it is the same language, but it is the same language applied to an entirely different order of things——

Mr. SUTHERLAND. Will the Senator from Maryland permit me one other suggestion?

Mr. RAYNER. Of course. I shall argue all these questions, but nevertheless I will submit to a question.

Mr. SUTHERLAND. When the Constitution was first adopted it provided that Congress should have the power to regulate commerce among the several States. At the time that language was adopted there was no such thing as a railroad, a telegraph, or a telephone line in the country. Those things were subsequently invented and subsequently put into operation. The language of the Constitution giving Congress power to regulate commerce at once applied to those new things. Would the Senator say that that was making a new principle or simply

the application of an existing principle of the Constitution to a new condition of affairs?

Mr. RAYNER. I have so much to say to-day that I am sorry I can not argue about telegraph companies and railroad companies. I am on the election of Senators by the people, and I do not see any similarity between the election of Senators by the people and telephone and telegraph companies. The election of Senators by the people presents a case sui generis, and while I fully grasp the Senator's suggestion, I submit the comparison is not well presented.

Mr. SUTHERLAND. I was trying to illustrate——

Mr. RAYNER. With due deference to the Senator from Utah, I can not see the slightest similarity between the two cases.

Mr. SUTHERLAND. Mr. President——

Mr. RAYNER. Will the Senator let me go on? I have not really begun yet. Will he let me go on and read this extract?

The VICE PRESIDENT. The Senator from Maryland desires not to be further interrupted.

Mr. RAYNER. Not for a few moments, until I have commenced the argument.

Mr. SUTHERLAND. I understood the Senator was willing to submit to interruptions.

Mr. RAYNER. Submitting to interruptions, which I am perfectly willing to do, is one thing, but submitting to interruptions before I have substantially commenced to speak is another.

Let me read. I read from a case that came from my own State, the case of Ex parte Seibold, in One hundredth United States:

> It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not bound to stand by as a passive spectator when duties are violated and outrageous frauds are committed. It is directly interested in the faithful performance by the officers of election of their respective duties. Those duties are owed as well to the United States as to the State. This necessarily follows from the mixed character of the transaction—State and national. A violation of duty is an offense against the United States, for which the offender is justly amenable to that Government. No official position can shelter him from this responsibility. In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject, it seems almost absurd to say that an officer who receives or has custody of the ballots given for a Representative owes no duty to the National Government which Congress can enforce; or that an officer who stuffs the ballot box can not be made amenable to the United States. If Congress has not, prior to the passage of the present laws, imposed any penalties to prevent and punish frauds and violations of duty committed by officers of election, it has been because the exigency has not been deemed sufficient to require it and not because Congress has not the requisite power.

In Ex parte Clark and Ex parte Yarbrough the doctrine declared in Seibold's case is reaffirmed, the court saying in the latter case:

> If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.
>
> * * * * * * *
>
> The power in either case arises out of the circumstance that the function in which the party is engaged or the right which he is about to exercise is dependent on the laws of the United States.
>
> In both cases it is the duty of that Government to see that he may exercise this right freely, and to protect him from violence while so doing or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

I agree, Mr. President, with the dissenting opinion of Justice Field in that case. Justice Field dissented, and he well expressed my views. But it is not a question here what my views are or what are the views of any other Senator. The question is, What has the Supreme Court decided in the Yarbrough case and the Seibold case?

The Supreme Court has decided that under the Constitution itself there is a Federal right and that the Government has the right to pass laws to protect the Federal right.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. I do.

Mr. CARTER. The Seibold case is, of course, the leading case covering the point at issue here. The Senator will admit unquestionably that the decision of the court was based upon the constitutionality of certain election laws passed under authority of section 4 of Article I of the Constitution, the identical section which this joint resolution proposes to strike from the Constitution in so far as Federal power is concerned. So I suggest to the Senator that if this amendment should obtain and the Constitution be amended so as to invest in the State the supreme authority, such laws as the Seibold case, construed in the light of the Constitution, could not be constitutionally enacted.

Mr. RAYNER. Mr. President, I wish this opinion had never been rendered. I believe in the dissenting opinion of Justice Field. But there it is, and upon this occasion I must prefer the opinion of the Supreme Court of the United States even to that of the Senator from Montana. Of course the Senator from Montana might be right and the Supreme Court might be wrong, but I am bound to accept the opinion of the Supreme Court of the United States. I deny that these cases—absolutely deny—that they rest entirely upon section 4 of Article I of the Constitution, which is the Sutherland amendment.

Mr. CARTER. Mr. President——

Mr. RAYNER. One moment. My judgment is that there is not a Senator on the Republican side of this Chamber who, if the Sutherland amendment is not adopted, would not argue that the Constitution of the United States, without the Sutherland amendment, protected the right to punish fraud, violence, and intimidation at the polls, and they would do so upon the strength of these cases. My opinion is merged in that of the Supreme Court. I am not giving my opinion. I have read the opinion of the court. The whole Republican side believes in the proposition that without the Sutherland amendment we could do it. I never heard a dissenting view from that in any debate or speech ever made on that subject in the Senate on the other side. We contended to the contrary until these cases overruled our judgment. We never believed that, with or without the Sutherland amendment, this was sound law, but there it is and Senators must face it.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield further to the Senator from Montana?

Mr. RAYNER. I will yield for an answer to this question: Suppose there should be no Sutherland amendment adopted and there was a law passed here to punish violence at the polls, would the Senator hold that we had the right to do it without the Sutherland amendment?

Mr. CARTER. If the States were invested by the Constitution with the sole and exclusive power to conduct the elections, the Federal Government would have naught to say regarding them.

Mr. RAYNER. Mr. President——

Mr. CARTER. I wish to answer the Senator.

Mr. RAYNER. But you are not answering me.

Mr. CARTER. The power and duty to pass laws regulating elections is based upon the part of the Federal Constitution which this joint resolution proposes to strike out.

Mr. RAYNER. The Senator is wrong. This is not the argument of a lawyer that the Senator presents.

I hope the Senator from Montana is not influenced by what his intimate political friend, ex-President Roosevelt, has said about this amendment. I hope the Senator is not voting for this amendment on the ground that the ex-President has invited him to do it. I want to read an extract from what Mr. Roosevelt said in a speech he made at Grand Rapids within the last few days, in which he advises all of his friends, among them the Senator from Montana, to vote for this amendment. He says:

> But the United States should under no circumstances surrender one particle of the control it now has as regards the election of Senators. To do so would be a mistake which might have grave and far-reaching consequences, and absolutely no argument worth heeding can be advanced in favor of such a change.

This is very complimentary to the speech of the Senator from Idaho yesterday.

Mr. CARTER. The views of the ex-President are virile and persuasive always, but I am satisfied that in this case, having made an address to the Senate along the same line some days prior to the Grand Rapids speech, I possibly contributed to his enlightenment on the subject and thus prepared the way for his opinion.

Mr. RAYNER. I hope the Senator will continue to contribute to his enlightenment on the Constitution.

Mr. President, with all the matchless genius of our ex-President, with all his profound knowledge of every subject in the created universe, with all his entire familiarity with every proposition and topic that have ever been advanced from the creation of the human race, if there is one thing on the face of the earth that the ex-President of the United States does not know anything about and needs the enlightenment of the Senator from Montana—either in theory or in practice—it is the Constitution of the United States. [Laughter.]

Mr. President, I now come to the speech of the Senator from Montana. I desire to say this about the speech, that you will have to read it over three or four times before you find out that there is not anything in it. I say this with great respect to the Senator, who is my warm personal friend and whose great ability I admit. The first time you read it it leaves an impression upon you that the Senator is dead in earnest. The second time that you read it you feel that he is a disciple of the great statesman and political philosopher who said that language was used to conceal thought. The third time that you read it the whole legal structure that he has raised dissolves like the fabric of a vision.

Mr. BEVERIDGE. Talleyrand said it.

Mr. RAYNER. I am perfectly familiar with this fact.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Will the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. The Senator from Maryland said a great French philosopher. I merely said sotto voce it was Talleyrand, the diplomat.

Mr. RAYNER. He was somewhat of a political philosopher and statesman besides, and I apprehend the Senator from Indiana has read some of his political and philosophical observations.

Mr. BEVERIDGE. Not as many as the Senator has read. But, now that I am up, may I ask the Senator a question?

Mr. RAYNER. About Talleyrand?

Mr. BEVERIDGE. No; not about Talleyrand. We have passed that; that is water over the dam. But since there is a dispute, in which I am interested, between the Senator from Maryland and the Senator from Montana, I wish to ask the Senator this question: If the power over the elections which the Senator says is in the National Government according to the decision he has read, does not come from section 4, Article I, of the Constitution, from what does it come? Is it an inherent power or what is it? If it does not have its origin in section 4, Article I, what is the source of that power?

Mr. RAYNER. The Senator from Indiana knows perfectly well I am not in favor of inherent power.

Mr. BEVERIDGE. I am not asking what the Senator is in favor of; I am asking from what source this power comes.

Mr. RAYNER. I have covered this point, but I will answer you. I do not believe there is any inherent power in the Constitution of the United States, although the Senator from Indiana does believe that it is full of inherent powers. It arises from a constitutional right. In the language of the Supreme Court, the Constitution guarantees to the States the election of Federal Representatives, and it is in the performance of this obligation of guaranty that it has the right—and I am using the language of the Supreme Court—to pass laws in order to accomplish the Federal right that is vested in it. I can not state it any plainer. I want the Senator from Indiana to understand what I am coming to in a minute. Do not make the fatal mistake of supposing for one moment that the Federal Government is possessed of the right of suffrage.

The Government of the United States has no right of suffrage. Citizens of the United States derive their right of suffrage from the States and not from the Federal Government. But when the Constitution provides for the election of Federal Representatives, using the language in the Seibold case, the Constitution guarantees the exercise of that right and gives Congress the right to pass any enactment that may be necessary to protect it, and the same principle would apply to the popular election of Senators.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. I ask the Senator a question, and possibly the answer to this very question may determine one vote. That is the reason why I am asking it. The Senator from Montana says that the source of this power, which the Senator from Maryland has described in the language of the Supreme Court, is section 4, Article I, of the Constitution. The Senator from Maryland says that that is not the source of the power. Therefore, I ask him what is the source of that power? I am merely asking so that I may know, because if the Senator is right, I do not see any consequence in the Sutherland amendment. I understand the Senator to say that this is a power not inherent, but a power implied from the guaranty of the Federal Constitution concerning the election of Representatives. Is that correct? Is that the source of the power?

Mr. RAYNER. It is not an inherent power.

Mr. BEVERIDGE. I say it is not an inherent power, but it is a power implied.

Mr. RAYNER. It is not an implied power. It is a right guaranteed in the Constitution, because the Constitution provides not by implication, but in express language that—

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature—

And our resolution proposes to provide the same method for Senators.

The right of suffrage is in the States, subject to the limitation that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the legislature.

The United States Government has nothing to do with the right of suffrage, and I propose, if I can, to answer the Senator from New York upon that point in a moment. But it has guaranteed the right to vote under the suffrages of the State, and guaranteed the right to vote in accordance with the laws of the State. It has the right to protect the right to vote.

Mr. BEVERIDGE rose.

Mr. RAYNER. Please do not make me repeat that again.

Mr. BEVERIDGE. I will not bother the Senator at all.

Mr. RAYNER. You are not bothering me. I never was less bothered in my life.

Mr. BEVERIDGE. I am very glad of it.

Mr. RAYNER. You do not bother me. I will be very glad to have the Senator ask me a question.

Mr. BEVERIDGE. No one could bother the Senator; but I want to ask this question, because the Senator evades it: What is the source of this power? I understand the Senator's position is that this power, which he says exists in the Government of the United States, comes from the language of the Constitution which he has just read. Is that the proposition?

Mr. RAYNER. It comes from what I have just read, as expressed by the court and construed and defined in the Seibold and the Yarbrough cases. I have said this over and over again.

Mr. BEVERIDGE. In the Seibold case. I am asking for the words of the Constitution from which it comes.

Mr. RAYNER. If the Senator will read these two cases he will find that I have simply used the language of the court and not my own. The Senator is familiar with them, I suppose.

Mr. BEVERIDGE. I have read them, but not, of course, with that careful attention the Senator has. But if the Senator objects to the question, "What is the source of this power?" I will not ask him any more.

Mr. RAYNER. I have read them very carefully, and if the Senator will read them he will find out clearly the source of the power. I am not originating the source of power. The Supreme Court is responsible for its own opinions. I do not share the responsibility except to acquiesce in it, as I am compelled to do; and I declare again that the Constitution is behind the elections and has the right to punish crime at Federal elections at the polls by State officials without the Sutherland amendment.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. RAYNER. Certainly.

Mr. SUTHERLAND. The Senator calls attention to section 2 of Article I of the Constitution. I agree with the Senator that that amounts to a guaranty of the right of the voter who has been given the right by State law to cast his vote. Under that provision the citizen who is deprived of his right to vote, a right given him by the State legislature, may maintain a suit in a Federal court. That is quite true. But the Senator will agree with me, I think, that it is quite as important to prevent people who have no right to vote from casting their votes as it is to allow people who have a right to vote to cast their votes.

Does the Senator find in the Constitution any provision, save section 4 of Article I, which will permit the Federal Government to surround the polls in the various States with such influences as will prevent people who have no right to vote from casting their votes, to prevent ballot-box stuffing, to prevent intimidation? Does the Senator find any provision in the Constitution that will enable the Federal Government to do those things, except section 4 of Article I?

Mr. RAYNER. The Senator from Utah, who is a very well informed lawyer, one of the very best in this body, must draw a distinction between appointing Federal officers to see that State laws are observed and appointing boards of registration and boards of certification in violation of the State laws. If the Senator asks me whether the Federal Congress would have the right to appoint a supervisor to see whether the State laws

have been properly executed, I point him to the cases that I have read. Not alone to section 2, because that only applies to Representatives, but to the other sections of the Constitution referred to by the Supreme Court in these cases. If the Senator asks me whether without his provision the Federal Congress could appoint boards of registration to register votes and boards of certification to certify the result contrary to the laws of the State, my opinion is that they have no right to do that either with his provision or without his provision in the resolution. That answers the important question of the Senator from Utah.

Now, Mr. President, let me proceed. The first proposition of the Senator from Montana is that it conflicts with the fifteenth amendment. He says:

It may well be taken for granted that an overwhelming majority of the voters and members of the legislature of a State might favor the election of United States Senators by popular vote and at the same time stand unalterably opposed to the permanent disfranchisement of the colored man in such States as might think proper to deny him a voice in the selection of United States Senators.

I ask any Senator here to arise in his seat and tell me what right we have to disfranchise the colored man. There is no right to disfranchise him. There is no conflict between the resolution as we reported it and the fifteenth amendment.

The Senator from Montana seems to forget what the terms of the fifteenth amendment are. How in the world is there a conflict between a resolution which gives the States the right to determine upon the manner of electing Senators and the fifteenth amendment of the Constitution of the United States? I know the Senator from Utah does not believe there is any conflict between them. One relates to the States, and the resolution relates to something entirely different. The language of the fifteenth amendment we all recall. Senators will not be influenced in their vote by any such suggestion as that.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

Is the language of the fifteenth amendment. I shall show in a moment that there is not a State with its electoral system that is violating this amendment of the Constitution or could possibly violate it if they wanted to violate it. Therefore, Mr. President, there is no conflict whatever between a resolution which gives the States by popular vote the right to determine the manner in which Senators shall be elected and the fifteenth amendment, which says that you can not deprive anyone of his right to vote by reason of race, color, or previous condition of servitude.

Mr. CARTER rose.

Mr. RAYNER. Pardon me a moment and then I will yield. I want to show the Senator from Montana how wrong he is upon almost every point and how one by one the roses fade.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. I will.

Mr. CARTER. I would like to enjoy the privilege of puncturing these balloons as they pass.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. RAYNER. The Senator says he would like to puncture these balloons. The whole speech of the Senator is inflated and I am trying to puncture it as an entirety.

Mr. CARTER. I rather enjoy the Senator's balloons, but he permits them to escape into the air.

Mr. RAYNER. The proper way to do is to wait until I have concluded and then answer the arguments of the Supreme Court—in the airship with me.

Mr. CARTER. I would rather not take them in groups.

Mr. RAYNER. The Senator knows there is no one for whose opinion, outside of the Supreme Court, I have greater respect than I have for his. I therefore, valuing his opinion so highly, continue to read from the Senator's speech:

A State desiring to avoid accountability to the Senate under the fourteenth or fifteenth amendments would of course choose United States Senators at special elections to be held at such times and conducted in such manner as the State authorities might see fit to approve. The right of a person to a seat in the Senate could not be challenged on account of fraud, violence, or corruption at the polls, regardless of the extent to which citizens had been thereby denied equal protection of the laws or the right to vote.

Mr. President, that is not correct. The Senator would not announce a proposition of that sort if he were arguing this case before any intelligent tribunal in the United States, because the right to challenge the election is contained in the Constitution of the United States and is not in conflict with the joint resolution that we have reported.

Now, look at Article I for a minute. Section 5 of that article is:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

The House is the judge and the Senate is the judge of the election of its own Members, and there is nothing in the joint resolution that conflicts with that provision of the Constitution. Suppose that a Senator were to come here and present his credentials, who had been elected by fraud, intimidation, violence, or corruption, would not the Senate have a right to reject him? Is not that the proceeding which from time immemorial the House of Representatives has adopted? Is it not under this very section that one Representative after another from almost every southern Commonwealth was ejected by the House of Representatives because the House of Representatives under this section decided upon the election?

Mr. NELSON. Mr. President, will the Senator from Maryland yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. I do.

Mr. NELSON. Mr. President, when a man comes here with credentials as a Member of this body and we pass upon the question whether he is qualified or has been honestly elected, assuming that we say he has not been honestly elected and is not entitled to his seat, does that fact afford any protection to the voters at the election?

Mr. RAYNER. Of course it affords protection to the voters at the election, especially if you couple with the power to punish fraud, corruption, violence, or intimidation at the polls. I want one thing understood in this discussion, and that is that all these election laws have been swept from the statute book since 1893. In my judgment, there are now no laws of Congress affecting Federal elections, and I hope they will never be reenacted, as the States are fully able to cope with this subject.

Mr. NELSON. Mr. President——

Mr. RAYNER. I must object now to interruption.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. In a moment.

Now, Mr. President, I come to the most important point of this controversy, and I want to cite a case to the Senate, which has not yet been cited, that is in absolute conflict with what the Senator from Montana has said. Now listen to the statement and then listen to the case.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. Not just now.

The PRESIDING OFFICER. The Senator from Maryland declines to yield, and he has the floor.

Mr. CARTER. At the outset of his remarks the Senator from Maryland invited interruptions, and I am sorry he has changed his mind.

Mr. RAYNER. But not every moment, may it please the Senate. The interruptions should be reasonable. I will yield in a moment.

The Senator from Montana [Mr. CARTER], in his speech, said:

The adoption of the amendment would give substantial though limited national sanction to the disfranchisement of the Negroes in the Southern States. In their disfranchisement we now passively acquiesce, but with this supine attitude some Senators are not content.

Mr. President, I want to read to the Senate the case of Williams *v.* Mississippi. I say to the Senate that the Supreme Court of the United States has decided conclusively that the electoral systems of the South are valid and constitutional, and can not be set aside. I will only read about 10 or 12 lines from that case, and it is a case that ought to have appeared in this debate long ago. In that case the Supreme Court cited the constitution of Mississippi, and said, that notwithstanding the constitution of Mississippi and the reasons the supreme court of Mississippi gave for the adoption of its constitution, that constitution still must stand as valid under the Federal Constitution.

What did the supreme court of Mississippi say in reference to the election laws of Mississippi? I invite the Senator's attention to this proposition. I want to read to the Senator what the Supreme Court of the United States said, but first I will read what the supreme court of Mississippi said:

Within the field of permissible action under the limitations imposed by the Federal Constitution, the convention swept the field of expedients, to obstruct the exercise of suffrage by the Negro race.

And further the court said, speaking of the Negro race:

By reason of its previous condition of servitude and dependencies, this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within narrow limits, without forethought; and its criminal

members given to furtive offenses, rather than the robust crimes of the whites. Restrained by the Federal Constitution from discriminating against the Negro race, the convention discriminates against its characteristics, and the offenses to which its criminal members are prone.

That is the language of the supreme court of Mississippi. Now, what does the Supreme Court of the United States say?

But nothing tangible can be deduced from this. If weakness were to be taken advantage of, it was to be done "within the field of permissible action under the limitations imposed by the Federal Constitution," and the means of it were the alleged characteristics of the Negro race, not the administration of the law by officers of the State. Besides, the operation of the constitution and laws is not limited by their language or effects to one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime.

Mr. President, this, in conflict with the statement made by the Senator from Montana, practically upholds every electoral system enacted, either by law or by constitution, in every Southern Commonwealth. Now I get to the next proposition, and I will hurry through.

This is my friend's criticism on our joint resolution:

Under the amendment recited in the committee joint resolution there is nothing to prevent a State from electing one person for 10 terms in the Senate or 10 persons for one term each at the same election.

Mr. President, if I did not know that my friend from Montana was a perfectly abstemious and temperate person, in reading these remarks—that we could elect 10 Senators at one time under our resolution, or one person for 10 terms—I would suppose that he was laboring under the delightful influence of some exhilarating beverage that had magnified the horizon of his thoughts and had illuminated with radiant and fantastic figures the field of his constitutional observations. [Laughter.] Under this joint resolution the Senator says we can elect one person for 10 terms or 10 persons for one term, all at the same election.

Then, when the Senator from Idaho [Mr. BORAH] was answering the Senator from Montana, pointing him to the clauses of the Constitution which I have quoted—the fifteenth amendment and to the qualification clause of the Constitution—and asked him to answer, the Senator said:

Mr. President, I will very shortly reach the aspect of the case presented by the Senator from Idaho.

But he has not reached it yet; the Senator has never reached it, and he never will.

Now, let me give the last point in the Senator's argument. I ask the Senator from Montana, with great respect, does he really believe this:

Would not a certificate of election, in due form, when properly certified by the legally authorized officers of the State, be conclusive on the Senate as to all questions save and except those touching the qualifications of the person named in the certificate to hold a seat in the Senate?

Does the Senator really believe that a certificate would be conclusive and that the Senate could not go behind the certificate?

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. I do.

Mr. CARTER. Under the Constitution as it is, the Senate could go behind the returns; under the Constitution as the Senator from Maryland would have it, the Senate could not go behind the returns.

Mr. RAYNER. Well, I understand that is the statement of the Senator; but what reason on the face of the earth he gives for such an opinion I can not divine.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield further to the Senator from Montana?

Mr. RAYNER. Yes.

Mr. CARTER. The Senator from Maryland is well aware of the fact that under the Constitution as it is the Senate does not inquire into the election of members of the legislature of a State; it does not attempt to ascertain whether members were elected by fraud, violence, or otherwise, but accepts the organized legislature as the mouthpiece of the sovereign power. We may inquire into the action of the members of the legislature in connection with the election of a Senator, but when the legislature has been duly organized we can not and do not go behind that organization to ascertain by any inquiry how the members were elected.

Mr. President, in the case here presented, if the sole and exclusive power to fix the time and prescribe the manner of conducting an election in a State is given over to the State, then we must give full faith and credit to the official action of the duly constituted authorities of the State who certify to the result of that election.

Mr. RAYNER. Mr. President, this will not do. We now inquire into the fact whether a Senator has been properly elected by the legislature of his State, and when you change an election from the legislature to the people you have the same right to inquire whether a Senator has been properly elected by the people of the State. The credentials are only prima facie. The Senator is in error.

Mr. CARTER. Ah, Mr. President——

Mr. RAYNER. We will be the same judges of the election of Senators by the people that we are now judges of the election of Senators by the legislatures. It requires no further answer than that. To tell me that if a man has been elected by fraud, by violence, by intimidation, or corruption we must, because of the mere fact that he has his credentials from the governor, admit him, and have not any right to inquire into the validity of his election, is a proposition in conflict with this provision of the Constitution and at variance with all the practice from time immemorial in the Senate and in the House of Representatives.

Mr. CARTER. Mr. President, the Senator's argument——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. Well, not just now, because the Senator can make his own speech in his own time. I would like to go on. It is not necessary for the Senator to make a speech every minute contemporaneously with mine, and I decline to yield.

Mr. CARTER. But, Mr. President——

The PRESIDING OFFICER. The Senator from Maryland declines to yield.

Mr. CARTER. I rise to a question of order, then.

The PRESIDING OFFICER. The Senator rises to a question of order. He will state his question of order.

Mr. CARTER. The Senator in the beginning courted interruptions and questions. At the present moment I am attempting on his invitation to reply to a question propounded, but since the reply makes the Senator wince I will resume my seat.

Mr. RAYNER. Mr. President, I will proceed, leaving the speech of the Senator from Montana, because he seems to be so highly displeased with his own speech and discomfited by it. I will proceed briefly to the argument of the junior Senator from New York [Mr. ROOT] before I conclude. I want to read the colloquy between the Senator from Georgia [Mr. BACON] and the Senator from New York, and I want to see whether I can not convince the Senator from New York that he is wrong in the proposition that he stated in that colloquy. There is no one at the American bar for whose opinion I have a higher respect than I have for that of the Senator from New York; there is no one for whose professional and private and public character I have a greater admiration. I know that in the heat of conflict he is as fair a foe as anyone could encounter, and I believe that if he states a proposition of law and makes what I consider to be a fatal mistake, when his attention is called to it he will retract the statement he has made upon further reflection and an examination of the authorities. Now, let me read just a short colloquy between the Senator from Georgia and the Senator from New York. The Senator from Georgia [Mr. BACON] said:

Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses as they are called—all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress should conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?

Mr. ROOT. Without the slightest doubt.

Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.

Mr. ROOT. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so.

With great deference to the Senator from New York, I say that he is mistaken in the proposition of law, entirely mistaken. He is at variance with the decisions of the Supreme Court, and I will proceed within the space of a very few moments to attempt to demonstrate that he is wrong.

Mr. President, what is that proposition? Let us look at it a moment. Of course I know the Senator from New York is perfectly honest and sincere. I know that the Senator is opposed to the popular election of Senators by the people. He

has said that, and we know it. I do not believe for a moment that he wants the Sutherland amendment put into the joint resolution, so as to obtain votes on our side against it; I believe he is earnestly in favor of the amendment; but he has stated a proposition which, if it were true, would concentrate the whole Democratic vote against the joint resolution. If what the Senator from New York says is true, as earnestly as I am in favor of the election of Senators by the people and as consistently as I have contended for it for 25 years in the House of Representatives, in season and out of season, and in the Senate of the United States, I would never vote for a proposition of that kind with the Sutherland amendment in it. If by putting the Sutherland amendment into the joint resolution you can control the suffrages of the States and change the electoral systems of the South, then that joint resolution will have to pass without my vote. I propose to show that even if it be put into the joint resolution—without binding myself now as to whether I will vote for it or vote against it—it can not possibly have the effect that the learned Senator from New York gives to it.

Now, let me give you a few cases on that subject, and then I am going to conclude very quickly. I quote now from volume 9 of the Federal Statutes, Annotated, page 399:

> The Constitution does not define the privileges and immunities of citizens, and the right of suffrage is not one of them. This amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. No new voters were necessarily made by it.
>
> Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitutions and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.
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> * * * * * * *
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> While the right of suffrage is not a necessary attribute of Federal citizenship, it is such an attribute as is exempt from discrimination in the exercise of that right on account of race and previous condition; and while the right to vote in the States comes from the States, the right of exemption from the prohibited discrimination comes from the United States.

The right of suffrage, my friends, is in the States. The right of suffrage is not embraced in the Constitution of the United States. Citizens derive their right to vote, subject to the fifteenth amendment, from the States; and Congress can not, except by a constitutional amendment, change the electoral systems of the South and take away their right to control the suffrage, because those systems, as announced in Williams *v.* Mississippi, are in obedience to the Constitution, and have been upheld by the Supreme Court of the United States.

Therefore, my friends upon the other side of the Chamber will not vote for this Sutherland amendment because, perchance, it may enable them to change the suffrage laws of the Southern States. Whatever your opinion may be upon those suffrage laws—and that is not a question that I propose to discuss now—whatever your opinion may be, because we differ upon those propositions, the Sutherland amendment will never give you the power to change the electoral systems of any Southern Commonwealth. You can not take away the suffrage of its citizens. You can prevent discrimination, but the State is the judge of the qualifications of its electors. A State has a perfect right to adopt a property qualification; a State has a perfect right to adopt an educational qualification; and if it applies to the Negro as well as it does to the white man then it is sanctioned by the Constitution of the United States and by the decisions that have been made in pursuance of it.

Just one more quotation, and then I will finish.

Mr. Guthrie, on the fourteenth amendment—I have a number of cases, but I will read just these two—says:

> It has been held that the fourteenth and fifteenth amendments do not of themselves confer the right of suffrage, and that the States are still at liberty to impose property or educational qualifications upon the exercise of that right.

Mr. President, that is settled beyond all question. I submit that the Senator from New York has made a mistake and that nothing we can do here, except through the process of a constitutional amendment, can deprive the States of the right of suffrage, and therefore there is nothing left in the Sutherland amendment except, perhaps, the right, which I, however, deny, to register the votes which must be registered in accordance with the laws of the State and to certify the result under the laws of the State.

You could not, under the Sutherland amendment, register the Negroes of the South in defiance of the laws of the States. Does any Senator here contend that under the Sutherland amendment we would have the right, irrespective of the laws passed by the States in reference to the qualifications, either of property or of education, to register the Negroes of the South? Does the Senator from New York believe that we would have the right to register them by virtue of the Sutherland amendment? Is it possible that under that amendment we can do anything that we could not do without the amendment? Is it possible, Mr. President, I ask the Senator from New York, that under that amendment we could in the slightest degree interfere with any of the electoral systems in any of the Southern States?

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. RAYNER. Yes.

Mr. ROOT. Does the Senator desire an answer now to the question, or would he prefer that I wait?

Mr. RAYNER. Whichever pleases the Senator from New York. I would rather have it now.

Mr. ROOT. I understand that the provision which authorizes the Congress to make or modify the regulations governing elections in respect of time and place and manner was not an empty form of words, but was included in the Constitution upon grave consideration and for a substantial purpose.

That provision in regard to the election of Members of the House of Representatives it is proposed to continue, and the provision in regard to the Senate it is proposed to destroy by transferring the election from the legislature to the people without also transferring the power of regulation. The purpose for which I suppose these provisions were included corresponds with the purpose that practical observation of elections indicates. The naked right to make laws regarding the exercise of the right of suffrage is practically useless unless there be the power to so arrange the time, place, and manner of the election that the laws can be made practically applicable. The only way ever found by man to compel a fair election is through arranging the time and place and manner of the election beforehand in such a way that the declarations of the law will not be brutum fulmen.

Now, sir, my understanding is that there are certain provisions of the Constitution, in respect of elections, conferring other power upon the Congress. There is the right to judge of the elections and qualifications of the Members of the two Houses, and there are the fourteenth and fifteenth amendments, which relate to the rights of suffrage.

My proposition is and has been from the beginning that the preservation of the constitutional authority of the Congress to arrange the regulations governing elections as to time and place and manner is a necessary condition precedent to the effective exercise of all the other powers.

The Senator from Georgia put a question to the junior Senator from New York the other day predicated upon the proposition that certain laws were found to be, in the opinion of Congress, in violation of the Constitution, and he asked me whether in my view the adoption of the Sutherland amendment would result in Congress having the power to compel a change in or an abandonment of those laws, and I answered him in the affirmative. Now the Senator from Maryland says that I was mistaken, because the laws are not in violation of the Constitution.

Mr. RAYNER. If the Senator from New York will allow me, the Senator from Georgia did not assume that the laws were unconstitutional.

Mr. ROOT. I beg the Senator's pardon. That was the postulate of the question of the Senator from Georgia. The Senator from Maryland will do me the credit to believe that I was not saying gravely to the Senate that the Sutherland amendment would give the Congress the power to reverse and set aside laws which were not in violation of the Constitution.

Mr. RAYNER. The Senator from Georgia said, if Congress should conceive that they were unconstitutional. The Senator from Georgia will not rise here and say that he based his inquiry upon the proposition that they were unconstitutional. He said if Congress conceived that they were unconstitutional, which is an entirely different proposition.

Mr. ROOT. I am not discussing the question whether those laws are or are not, in fact, constitutional. The Congress must proceed in accordance with what it does conceive.

Mr. BACON. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. RAYNER. Certainly.

Mr. BACON. Without taking him from the floor at all. I have not the report of the colloquy before me. I can only state what was in my mind at the time. I sought to direct the attention of the Senator from New York to the contingency of there being a body of law regulating the suffrage upon the statute books of some of the Southern States which, in the opinion of those States, was constitutional, but which, in the opinion of Congress, was unconstitutional. I wished to present the ques-

tion, What would be the power of Congress in the case of that difference in opinion? I think I correctly state it.

Mr. RAYNER. Of course he could not have said that, because if these electoral systems, if the laws were unconstitutional, I submit to the Senator from New York, if they are unconstitutional, then the Supreme Court would set them aside, and they have said in Williams *v.* Mississippi that they are not unconstitutional.

The question I want to put to the Senator is this. Let us get down to the point. My State, for instance, passes a law, we will say, with a property qualification in it that no man who does not have $500 worth of property shall have the right to vote. Let us say we pass such a law—that no citizen of Maryland shall have the right to vote who does not own $500 worth of property. Say that the overwhelming majority of the Negroes in the State do not own $500 worth of property. If the Senator wants it, we will say that none of them own $500 worth of property. Would such a law be constitutional or unconstitutional? Could we, under the Sutherland amendment, pass a law depriving Maryland of the right to pass such a law? That is what I am concerned about.

Mr. ROOT. Certainly not; because I do not think the law would be unconstitutional. If the Congress conceived it to be unconstitutional, then it could. If they were right in conceiving it to be unfair——

Mr. RAYNER. But suppose they were wrong.

Mr. ROOT. Then they could not.

Mr. RAYNER. Is not the Supreme Court the arbiter?

Mr. ROOT. It is.

Mr. RAYNER. That is all. Then the Senator's statement, in answer to the Senator from Georgia, was a little hasty, I think.

Mr. ROOT. No; my statement was absolutely correct in answer to the Senator from Georgia.

Mr. RAYNER. But it was based upon the proposition, as the Senator says, that the law was unconstitutional.

Mr. ROOT. Certainly.

Mr. RAYNER. And the Senator from Georgia says he did not make that statement.

Mr. ROOT. Mr. President——

Mr. BACON. If the Senator from New York will pardon me. What I endeavored to say was this: Of course, there would have been no question if it had been based on the assumption that the law was unconstitutional. My question was based on the assumption that in the opinion of the States it was constitutional and in the opinion of Congress it was unconstitutional; and what, under the Sutherland amendment, I inquired of the Senator from New York, would, in his judgment, be the power of Congress in such a contingency, which I suppose the Senator understands.

Mr. ROOT. I understand it.

Mr. RAYNER. Mr. President, there is no doubt about the proposition that Congress can not change the right of suffrage in the States, Sutherland amendment or not.

Is there any Senator here now, let me ask, because I want to be fair about this—I am not arguing this as a partisan, I am arguing it as a lawyer—is there any lawyer in this body who will rise and say that by law we can take away from the States the right of suffrage?

Mr. ROOT. May I ask the Senator a question?

Mr. RAYNER. Certainly.

Mr. ROOT. Does the Senator mean his proposition to cover a case in which the franchise is established in the State by laws that are in contravention of the provisions of the Constitution?

Mr. RAYNER. Undoubtedly not. That is where the difficulty occurs between us. If the State laws are unconstitutional, the Supreme Court will set them aside. But in Williams *v.* Mississippi—I do not know whether the Senator was in the Senate when I quoted the decision—the Supreme Court held that the laws of Mississippi were constitutional, and that they did not operate as a discrimination under the fifteenth amendment. Let me read it for the benefit of the Senators who have just returned to the Chamber—from One hundred and seventieth United States. That is the case upon which we in Maryland have framed our franchise laws. This is the case we followed. Now, are we right in following a decision of the Supreme Court of the United States or are we wrong? That is the question. Here is what the convention in Mississippi did. What is the use of talking about the unconstitutionality of these electoral systems when the Supreme Court says this? What stronger language could you devise to bring before the Supreme Court the question whether the electoral systems of the South are valid or invalid; whether they are constitutional or unconstitutional?

Listen for a moment to the language of the supreme court of Mississippi and the language of the Supreme Court of the United States. The supreme court of Mississippi says:

Within the field of permissible action under the limitations imposed by the Federal Constitution, the convention swept the field of expedients to obstruct the exercise of suffrage by the Negro race.

That is not my language. That is the language of the supreme court of Mississippi, approved by the Supreme Court of the United States.

By reason of its previous condition of servitude and dependencies this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within narrow limits, without forethought; and its criminal members given to furtive offenses, rather than the robust crimes of the whites. Restrained by the Federal Constitution from discriminating against the Negro race, the convention discriminates against its characteristics and the offenses to which its criminal members are prone.

The characteristics of the race will apply to the white race just as well as to the Negro race. Now, what does the Supreme Court say?

But nothing tangible can be deduced from this. If weakness were to be taken advantage of, it was to be done "within—

Quoting the language of the supreme court of Mississippi—

"within the field of permissible action under limitations imposed by the Federal Constitution," and the means of it were the alleged characteristics of the Negro race, not the administration of the law by officers of the State.

What is the use of our discussing this proposition here? Here is the Supreme Court of the United States that has affirmed the constitutionality of these electoral systems. This case has been brought to the attention of the Supreme Court over and over again, and they have declined to reverse it. We have now a case from Maryland that has gone to the Supreme Court, and I apprehend that they will again decline to reverse it, and that they will never touch an electoral system of a Southern State, because the Southern States do not disfranchise the Negro. They can not disfranchise the Negro as such. They can not discriminate against the Negro, and the laws that they pass, whether it be a property qualification or an educational qualification, apply to the characteristics of the white race just as well as to the Negro.

The sum and substance therefore of my argument is this:

First. The Sutherland amendment is not necessary to punish fraud, violence, or intimidation at the polls at Federal elections.

Second. Under the Sutherland amendment efforts might be made by a partisan Congress to appoint boards of registration and certification to supersede the boards of registration and certification appointed by the State. If these boards, however, acted in defiance of the laws of the State and registered voters who had no right to be registered under the laws of the State, then the law of Congress would be void, and you do not want to confer upon Congress the power to pass a law which would be declared to be unconstitutional by the courts. If these boards of registration and certification acted in accordance with the laws of the State, then there is no practical necessity for the Sutherland amendment, as the State regulations are sufficient. In other words, I admit that under the Sutherland amendment an attempt might be made to pass another bill similar to the force bill, but I deny the constitutionality of the force bill.

Third. No legislation can be enacted under the Sutherland amendment to deprive the States of their right of suffrage. Therefore the appeal to Republican Senators to vote for the Sutherland amendment in order to change the electoral systems of the Southern States should not prevail. The right of suffrage subject to the fourteenth and fifteenth amendments is in the States, and we can not take away the right of suffrage from the States except by a constitutional amendment that shall expressly so provide.

In conclusion, Mr. President, let me say one word and I have finished.

You do not want, Senators, if you could, to interfere with right of suffrage and the supremacy of the white race in the South. You do not want the people of nearly every southern Commonwealth placed under the yoke of ignorance and a representation in the Senate that would disgrace it. I am confident that you want the education and the culture and the refinement of its citizenship to honor and adorn this Hall as it does now. The South can not stand any interference with its election systems that have been pronounced to be constitutional and valid by the Supreme Court of the United States. You will not, I am sure, disturb her institutions or the autonomy of her governments. You will not attempt to give the Federal Government the right to interfere with the system that these States have adopted, and which is now in strict obedience to the Constitu-

tion, working for the best interests of the country. You dare not confer upon Congress the power to renew legislation which has now lain dormant and dead for years, and which there is no necessity to reenact. Senators, you will realize that it is for your own welfare, and for the welfare of the States you represent, and for the welfare of the Union that the South, in view of the overwhelming problem that confronts her, should maintain her institutions free from invasion. I am not actuated by partisan motives, I am looking to the common interest of our common country when I say to you to keep your hands off the pillars of her temple. It has been suggested here that the Southern States are violating the organic law of the land. With great respect such a proposition as I have shown is impossible and absurd. If you will permit them to work out their own destiny in exchange for that privilege, it would be safe to guarantee that they would never falter in their allegiance to the Constitution, and if the emergency should ever arrive, they would vie with every other section of the Union to defend it with all their hosts and all their honor, and see to it that against foes from within and without it shall forever remain inviolate in all of its parts, and that no sacrilegious hand shall ever blast or hew it down.

Mr. CARTER obtained the floor.

Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Kean	Smith, Md.
Bankhead	Culberson	La Follette	Smith, Mich.
Beveridge	Cummins	Lorimer	Smith, S. C.
Borah	Curtis	McCumber	Smoot
Bourne	Davis	Martin	Stephenson
Brandegee	Depew	Nelson	Sutherland
Briggs	Dillingham	Oliver	Swanson
Bristow	du Pont	Page	Taliaferro
Brown	Fletcher	Paynter	Taylor
Bulkeley	Flint	Penrose	Thornton
Burnham	Frazier	Percy	Tillman
Burrows	Gallinger	Perkins	Warner
Burton	Gamble	Piles	Warren
Carter	Gore	Rayner	Watson
Chamberlain	Gronna	Richardson	Wetmore
Clapp	Guggenheim	Root	Young
Clark, Wyo.	Heyburn	Scott	
Clarke, Ark.	Johnston	Shively	
Crane	Jones	Simmons	

The PRESIDING OFFICER. Seventy-three Senators have answered to their names. A quorum is present. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, it is not my purpose to detain the Senate any considerable length of time on this joint resolution. I am impelled to again trespass on the patience of the Senate because of the confusion which I conceive has been created by the manner of the presentation of the opposition to the pending Sutherland amendment.

When this Government of ours was formed under the Constitution it was made to consist of three distinct departments, the executive and the legislative departments being elective and the judiciary appointive. It was not intended that the Government should ever become dependent for its continued existence on the will of any one of the States or any number of the States. Due regard was paid to the election of presidential electors by the provision authorizing the Congress to fix the date for the election of the electors and the hour at which electors would be required to meet to register their choice. The two Houses of Congress were to constitute the legislative authority under the Constitution, and it was clearly the intention of that instrument to remove these two Houses from the possibility of destruction to any extent by any State or any number of States.

Hence, it was provided in section 4 of Article I that while the States might make regulations as to the time, place, and manner of electing Members of the House of Representatives, and as to the time and manner of electing Senators, the power was reserved to the Congress to make on its own account entirely independent regulations governing the election of its Members or to alter or change the regulations made by the States at its will. It is evident that this was a wise precaution, because the continuance of each body or branch of the Congress is essential to the perpetuity of the Congress itself.

Now, it is proposed by the joint resolution to leave full power and authority in the Congress to prescribe the place, time, and manner of holding elections of Members of the House, but to pass to the States the sole and exclusive power to determine the place, the time, and the manner of electing Members of the Senate. The Congress will have full and plenary power as to the Members of the House and no power at all as to the election of Senators should this joint resolution ultimately become a part of the Constitution of the United States.

There are Senators who believe that the want of this power might in contingencies not now perceivable imperil the very life of the Congress itself. Heretofore the exercise of this power has operated to preserve the Congress to a certain extent. It has brought uniformity into elections. It has secured regularity in returns. It has, in short, contributed to the perpetuity of the legislative branch of the Government.

There is no demand among the people of the United States anywhere discernible to transfer this power from the Federal Government to the respective States to be exercised according to their sweet will. In none of the organs through which public sentiment finds expression can anyone point to a claim, or a suggestion of a claim, that the power had been abused, and therefore should be abdicated by the Federal Government and transferred to the care, keeping, and exercise of the respective States.

There came in here, in conjunction with a resolution to submit the question of electing Senators by a direct vote of the people, a proposal to also change the Constitution in another essential particular by transferring this power, which has always resided in the Congress, over to the respective States in so far as the election of Senators of the United States may be concerned. And now those who oppose that transfer of power, those who believe that the right to control the election of its Members is a necessary power in Congress or a legislative body of any sort, are charged with trying to interject the color question into this debate. It may be that the color question evolves from the situation, but, Mr. President, the primary question is, Shall we by our vote aid in making the Senate of the United States the only elective legislative body in the world incapable of having any voice whatever, directly or indirectly, in fixing the time, the place, or directing the manner in which the election of its Members shall proceed?

I assert now that there is not in Christendom an elective legislative body devoid of power to control and direct the election of its own members. That power attaches to every State legislature. It attaches even to the town councils of the country. It is a power necessary to guarantee the perpetuity of the body itself.

The color line, interjected by whom? Who called for this particular part of the joint resolution? Certainly not those who oppose its acceptance. This feature came unbidden, attached to the proposal to elect Senators by a direct vote of the people as a rider. It came from the Committee on the Judiciary, and now, forsooth, we are advised that because we think that this power should be preserved to the Congress we are interjecting the color question into this debate!

Mr. President, unquestionably this particular feature of the Constitution which it is proposed to strike out of the instrument, this particular power which it is here proposed to transfer to the exclusive control of the States, is now and has been the basis of all the effective legislation passed by the Federal Government for the protection of the ballot against fraud, violence, and corruption.

It has been the basis of legislation which has proven beneficial at the North as well as at the South.

But Senators say the power exists to prevent fraud and violence without this particular article of the Constitution or this section of the first article. I pray, if the power exists, why is it desirable to strike down this particular section? Why, if the power exists in the Federal Government, can you subserve any good or useful purpose by transferring a part of it to the States?

A Senator on yesterday afternoon claimed that the Yarbrough case had naught whatever to do in the mind of the court with legislation based on the constitutional provision being considered.

Mr. President, in 1870 Congress enacted a law to enforce the rights of electors in the respective States. That law was amended in 1871, and out of that law as amended a great volume of litigation and adjudication has proceeded. The first case was that cited by the Senator from Maryland [Mr. RAYNER] this morning. It was the case of ex parte Siebold coming from the State of Maryland. That case arose out of the construction and application of the statute of 1870, which was passed under and by virtue of authority reposed in Congress by section 4 of article 1, which the joint resolution would strike from the Constitution of the United States as far as the Senate is concerned. The very opening phrase of the opinion of the majority of the court in that case proceeds thus:

> There is no declaration that the regulation shall be either wholly by the State or wholly by the Congress. The court holds that this regulation may be in part the adoption of State law and in part the application of a national law to a Federal election.

In the Yarbrough case which followed—and I will not hold the Senate to read at great length—on page 661 of the opinion, the court proceeds to comment at length upon the doctrine laid down in the Seibold case, and affirms it as the fixed law of the land, fixed by the judgment of the Supreme Court of the United States.

Now, Mr. President, comes the Senator from Idaho [Mr. BORAH], supplemented by the Senator from Maryland [Mr. RAYNER], with this curious proposition. Ample power exists without this particular clause of the Constitution.

The Senator from Idaho averred that the clause was practically surplusage in the Constitution, and as surplusage it should be stricken out; that we can transfer the power to the State and still retain it. Paradoxical as that may appear, it is the position taken. If this clause of the Constitution contains no power and vests none in the Congress, then we will not transfer any power to the States.

Ah, Mr. President, it is known—and well known, too—that this power to regulate elections is the vital power in the Constitution, through which due and wholesome regard for the fifteenth amendment and the fourteenth amendment may be enforced.

But it is suggested that the Senate might in a given case, notwithstanding the passage of the joint resolution and its final adoption by the States, inquire into fraud, corruption, and violence at the polls. Let us inquire into that for a moment. Bear in mind that every decision which has been quoted in the course of this debate emanating from the Supreme Court of the United States is a construction of the Constitution as it is now.

I desire to direct attention to the construction as the Constitution would be if this joint resolution should finally become a part of the Constitution. We would be confronted with this state of affairs: A Senator is elected from a nameless State. He comes here with credentials in due form, certified by the secretary of state or other officer commissioned to certify. The returns, certified by him to have been regular, show that John Doe was duly elected a Senator of the United States to represent that State for a term beginning on a certain day. Undoubtedly full faith and credit would have to be yielded to this act of the duly constituted authority of the State. This certificate would be accepted for what it purported to certify. But, says the Senator, we could go back of that certificate and inquire whether fraud, violence, or corruption had obtained at the polls; whether a man had in truth and in fact been denied the right to vote on account of race, color, or previous condition of servitude.

Let us see. That we could do now. Undoubtedly we can do that as to Members of the House of Representatives. But, Mr. President, by a solemn act initiated in the two Houses of Congress and passed out to the States for their action, we here propose to change this fundamental law and transfer to the States, without any accountability to anyone, the sole and exclusive right to fix the time, determine the place, and prescribe the manner in which a Senator of the United States shall be elected.

Thus we divest the Federal Government of the power upon which the Supreme Court decisions have heretofore been based and transfer that power to the sole and exclusive jurisdiction and control of the States. Then how can you, after the Constitution has so vested exclusive power in the States, assume to exercise any supervision over the election through the National Government? That amendment would conclusively estop the Congress from raising any question as to how the election was conducted, the time fixed for it, or the place at which it was held. The right of supervision being destroyed, we would be driven to those vague and indefinite powers of the Constitution to which the Senator from Idaho and the Senator from Maryland refer as affording some protection to electors.

There is no serious contention about the principles of law involved in the matter before the Senate. We admit, to start with, that the fifteenth amendment did not confer the suffrage on any man; we admit that the States have the right under the Constitution to regulate the exercise of the right of the elective franchise and to prescribe the conditions under which persons may vote. A voter must have the qualifications prescribed for a member of the most numerous branch of the legislature. We may inquire whether voters, those qualified, were permitted to vote for Members of Congress, but we can not extend the franchise in the respective States. We can, however, invoke the power of the Constitution where a State has denied a citizen the right to vote because of race, color, or previous condition of servitude. We will assume that he is so denied the right. The Senator from Idaho contends that he has ample remedy. I contend that under the authorities he is relegated to an action at law to recover damages for the injury inflicted upon him, and, if this amendment is made to the Constitution, there will be no power in the Congress of the United States to redress the wrong by denying to the beneficiary of the wrong the privilege which he seeks of becoming an active Member of this body.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I do.

Mr. CUMMINS. Mr. President, if it will not embarrass the Senator from Montana, as he seems to be about passing to another phase of the case, I want to clearly understand whether it is his opinion that the act of 1870 as amended by the act of 1871 is founded upon section 4 of Article I, or whether it is also founded upon other parts of the Constitution.

Mr. CARTER. Mr. President, in so far as the acts referred to prescribe the manner and the machinery for conducting an election and preventing fraud, violence, or corruption, the legislation is founded wholly and exclusively on section 4 of Article I. Incorporated in a number of these acts were such provisions as that to which the Senator from Idaho referred yesterday, section 5520 of the Revised Statutes, relating to conspiracy between two or more persons to do or not to do certain things or to interfere with the rights of others or the Government's rights. That, I think, was embraced in the act of 1871, intended to enforce the rights of citizens under the fourteenth amendment. It does not appear in the Revised Statutes just as it was written in the original text of the act referred to, but the substance is there, the phraseology having been changed by the compilers.

Mr. CUMMINS. Then I gather from the answer just made by the Senator from Montana, that a part at least of the act of 1870 as amended in 1871 finds its constitutional authority in other parts of the Constitution than section 4 of Article I, and I should like to ask him, for I have a great desire to know precisely what his view is, if the following section—and I take it at random—is founded upon section 4. I refer to the first section of the Revised Statutes with respect to crimes against the elective franchise:

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

Where does the Senator from Montana find the constitutional authority to declare what I have just read as a crime against the United States?

Mr. CARTER. Mr. President, there are certain inherent powers in a Government not traceable to specific constitutional authority. For instance, no specific constitutional warrant can be pointed out for the passage of an act of Congress prescribing punishment for the crime of burglary; no specific authority can be pointed out in the Constitution for the passage of an act of Congress defining and punishing grand larceny on an Indian reservation. There are a thousand and one appropriate realms of legislative activity which grow out of and find their basis in the inherent powers of a sovereign Government. I do not recall the exact time of the passage of the section referred to by the Senator from Iowa.

Section 5520, referred to yesterday afternoon by the Senator from Idaho, was traced with some difficulty, because in the codification the compilers changed the phraseology. It required close reading to locate the original in the Statutes at Large.

Mr. CUMMINS. The compilers did a little more than that. They separated the administrative features of the act of 1870 from the penal features of the act, and put one under the head of "The elective franchise" and the other under the head of "Crimes against the elective franchise." But I agree that the act of 1870 contains some provisions which would not have been constitutional had it not been for section 4 of Article I, but a large part of it would have been constitutional even though section 4 never had been put into the Constitution. I had hoped, and I still hope before he has finished that the Senator from Montana will point out those parts of this regulatory act which, in his opinion, are founded upon section 4, and section 4 alone, and segregate those parts from the statute which rests upon broader foundations of the Constitution, so that we can intelligently view the necessity of this provision with regard to the election of Senators.

Mr. CARTER. Mr. President, without undertaking to return to the Statutes at Large to trace through the various provisions with the modifications thereof in the Revised Statutes, I can

answer the Senator, I think effectively, by saying that every part of the act of 1870 as amended by the act of 1871, which referred to the times, places, and manner of conducting an election and which prescribed penalties and punishment for interfering with officers of the United States in the discharge of their duties under the act found sole authority in section 4 of Article I, and I aver that, without that section of the Constitution, no authority would exist to appoint registration agents, to appoint election officers in a State, or to in any manner regulate the election, and particularly where by a solemn act, Congress and the States cooperating together, transfer power over the election to the States exclusively.

Mr. President, my contention is that the fifteenth amendment would not be repealed, its phraseology would not be modified, nor would the fourteenth amendment to the Constitution be in any way changed by the adoption of the amendment limiting congressional power as here proposed; but what I do contend is that the transfer of this power to regulate elections from the Federal Government to the States would remove the most potent agency under the control of Congress for the enforcement of the rights of citizens in the exercise of the franchise under the laws of the States. We are not left without authority upon this, as I said yesterday. In James *v.* Bowman, found in One hundred and ninetieth United States, page 127, it was finally determined by the Supreme Court that the prohibition of the fifteenth amendment applied not to private, but only to State action. Therefore the court held that an act of Congress was void which provided for the punishment of individuals who by threat, bribery, or otherwise should prevent or intimidate others from exercising the right of suffrage as guaranteed by the fifteenth amendment.

After reviewing the manner in which the prohibitions of the fifteenth amendment have been judicially construed, the court holds:

> These authorities show that a statute which purports to punish purely individual action can not be sustained as an appropriate exercise of the power conferred by the fifteenth amendment upon Congress to prevent action by the State through some one or more of its official representatives.

Therefore, if the fifteenth amendment can not be enforced as to private wrongs or if the redress of private wrong is without remedy and only the State can be held to accountability, we are driven back to the right of the Government under section 4 of Article I to enforce respect for those rights at the polls by proper laws and regulations and the designation of officers to execute them.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly I do.

Mr. BORAH. I stated to the Senator from Montana yesterday that I would refer to the Bowman case, but I did not have it upon my desk, and I was unable to do so. I should like, before he leaves it, to call the attention of the Senator to what I intended to call attention to in that case.

Mr. CARTER. I will be glad to have the Senator do so.

Mr. BORAH. I recognize the fact that the action under the fifteenth amendment and the fourteenth amendment must be action upon the part of the State, but in the closing part of this decision we find this language:

> We deem it unnecessary to add anything to the views expressed in these opinions. We are fully sensible of the great wrong which results from bribery at elections, and do not question the power of Congress to punish such offenses when committed in respect to the election of Federal officials. At the same time it is all important that a criminal statute should define clearly the offense which it purports to punish, and that when so defined it should be within the limits of the power of the legislative body enacting it. Congress has no power to punish bribery at all elections. The limits of its power are in respect to elections in which the Nation is directly interested, or in which some mandate of the national Constitution is disobeyed, and courts are not at liberty to take a criminal statute, broad and comprehensive in its terms, and in these terms beyond the power of Congress, and change it to fix some particular transaction which Congress might have legislated for if it had seen fit.

The reference to the power of Congress to punish offenses when committed in respect to the election of Federal officials, I take it, is regardless of whether he is a Member of Congress or an elector for President.

Mr. CARTER. Mr. President, as the only Federal officers elected are the electors for President and Members of Congress, I assume that it could only apply to them.

Mr. BORAH. As in one case the manner is prescribed by the State and as in the other the manner is prescribed by the legislature, the point which I wished to make was that that power exists outside of the proposition that the manner is prescribed by either one of these bodies.

Mr. CARTER. Mr. President, I think that the confusion in the application of the authorities arises from the consideration of the Constitution as it was when the opinions were delivered and as it is to-day, omitting to take into account the vital and essential point that the decision would in each case have been different if the constitutional provision had been different. Who believes that the Siebold case would have been decided as it was if the Constitution read as this proposed amendment contemplates it shall read—that the sole and exclusive power to regulate senatorial elections shall be vested in the States? The adjudication would have proceeded upon a different theory; the adjudication would have been based on a different constitutional provision, and therefore the argument that the court held this or held that under the Constitution as it is casts no light upon what the court would hold under the Constitution as it is proposed to make it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I do.

Mr. CUMMINS. Mr. President, it seems to me that the argument of the distinguished Senator from Montana either proves too much or too little. I put to him this case: Suppose that in any community, either of the South or of the North, a band of conspirators should undertake to prevent by force a certain number of electors from casting their votes or from going to the polls at all; or, if not by force, then by intimidation; or, if not by intimidation, then by fraud, does the Senator from Montana desire the Senate to believe that Congress has no power to make such conduct an offense and crime against the United States? I am sure that he will not so assert; and, presuming that the answer will be in the negative, where does the power reside in the Constitution to declare such conduct a crime? It is certainly not in section 4 of Article I, because it would have no relation whatever to holding an election. I am putting the case in which private individuals prevent other private individuals from exercising their franchise—it may be at a distance of miles from the places or place appointed by law for casting the votes or holding the election.

Mr. CARTER. Mr. President, the Government of the United States as a sovereign power has the right to protect its citizens in their rights at home and abroad. That may be stated as a general proposition. The great difficulty, as is well known, arises in the employment of efficeint instrumentalities for the protection of men in their right to vote, and vote freely, at popular elections. If two or more persons conspire together, they can be held accountable of course under the conspiracy act for doing that which is unlawful in preventing a citizen by unlawful means from doing that which he has a right to do.

Mr. CUMMINS. It would be applicable to the individual as well.

Mr. CARTER. And the Supreme Court has held—and I think held correctly—that—

> The authorities show that a statute which purports to punish purely individual action can not be sustained as an appropriate exercise of the power conferred by the fifteenth amendment upon Congress to prevent action by the State through some one or more of its official representatives.

The individual denied that right is left to apply to a court for damages.

Now, Mr. President, let us illustrate. The Senator from Maryland has announced that the Supreme Court had approved or tolerated certain devices and contrivances in constitutions and laws to prevent the negro from voting. The negro is not named in one of them; there is no apparent pretense that he is denied the right to vote on account of race, color, or previous condition of servitude, because there is no reference to race, color, or previous condition of servitude in the constitution or the law of any State; but the inevitable and intended result is the disfranchisement of the black man.

How is it done? An educational test is applied. One man is expected to read a section of the Constitution of the United States. He may be an illiterate white man. He is coached the night before, and the election officer requests him to read the first line—"We, the people of the United States." That settles it as to the white man. Up comes a black man, and that black man is required to recite from memory the twelfth amendment. He is required to pass an examination on the Constitution that no lawyer in the Senate could pass; and, failing, he is denied the right to vote. Then comes the grandfather clause, which excludes him even if he passes the educational test.

Mr. BORAH. Mr. President.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. BORAH. Does the Senator from Montana contend that there is no remedy for that except under section 4 of Article I?

Mr. CARTER. Mr. President, I answer that the power most efficient at the disposal of Congress is based on section 4, Article I, and that it is a cruel wrong to the Federal Government and the citizens who look to it for protection to strike down that constitutional provision.

Mr. BORAH. The Supreme Court has held in the case of Yick Woo, One hundred and eighteenth United States, that, although the law may be perfectly fair upon its face, yet, if it admits of unfair execution, it comes within the fourteenth amendment.

Mr. CARTER. Very well. Now, Mr. President, an election for Senator was held four years ago, we will say, in a State. The evidence is scattered; the United States had no witness there; under the proposed amendment it could have no officers there; it could exercise no supervision over the polling places or the manner of administering the State law. Under the proposed amendment Congress could not make any provision to have any representative of the Federal Government present to see that even the State law was fairly administered. Why deprive the Government of that privilege? Is citizenship and the right to exercise the voting privilege so cheap that we will voluntarily abdicate all right to protect it? If, as a matter of fact, this provision of the Constitution is merely surplusage, I may, I think, with propriety inquire why this vigorous attempt to strike it out of the Constitution? If this provision is so thoroughly innocuous, why this long-continued effort to get rid of it and transfer the sole power in these matters over to the State? These questions will not be answered.

Mr. President, this rider was attached to the resolution proposing to submit a constitutional amendment for the election of Senators by the people as a conveyance to get the main question before the Senate. It is being urged here as a means of getting the main resolution through the Senate. It is believed that without this rider, emasculating the power of the Federal Government to continue the life of this Senate, the resolution will not pass. From my point of view it is better far to endure those ills that proceed from legislative efforts—and futile ones often—to elect Senators than to open the way for the destruction of the Senate itself at some future time.

I concede that in the placid days through which we are passing there is no pressing need for a vigorous exercise of the power of Congress to control the elections of Senators or Members of the House of Representatives; but the centuries will bring curious conditions of which we now can have little conception. The last century brought a mighty crisis to this country; the present may have in store more difficulty than the century which has passed.

It was the intention of the framers of this Government that it should have the power of self-preservation. The moment the right to control the election of Members of either House of Congress passes from the Congress its life is thenceforward and forever to be subject to the whim of the respective States. It was this infirmity in the original Articles of Confederation that led to a Government which merited the just contempt of mankind. It could not meet its obligations; it was a beggar at the door of every State legislature; it could not discharge the functions of a sovereign Government, taking its place among the nations of the earth. Our forefathers knew of the infirmities of that system, and they intended that this Constitution should forever guard the new Government against them.

One of the most important and inestimable powers of the Constitution was the power given to the Congress to protect the election of its own Members against fraud, violence, and corruption. Under this authority the Congress may set aside the laws of any State relating to Federal elections; it may provide election officers of its own if need be. The courts will punish the officers of the State for violating the law of Congress in relation to an election, and the efficiency of the system may be regarded as thoroughly proven by the test of time.

Take this power away and the life of the Senate is left at the will of the States. Is it wise to make this needless and uncalled for departure? Again I ask, is it fair to the electors of the country or to the legislatures to hand them two propositions to pass upon at the same time—two propositions not correlated; one called for by widespread expression; the other never called for at all? In county conventions, in local papers, and in papers of general circulation, in State conventions and national conventions of all parties the election of Senators by a direct vote of the people has been thoroughly considered. It was one of the means presented in the constitutional convention for the selection of Senators. There can be no doubt of the fact that the public mind is prepared for the submission of that question; no doubt it will be debated intelligently and forcibly throughout the States. But how can it be decided fairly and squarely if the States of the Union must at the same time and by the same ballot in legislatures or at the polls pass not only on the question of electing Senators by the people, but likewise upon a question which imperils the life of the Federal Government itself, upon a proposal to deprive the Congress of the country of the right under any and all circumstances to see that the Members of the Congress are elected without fraud, violence, corruption, or threats of any kind?

But, Mr. President, it is claimed that we inject the color line, and since that color line was presented by the Senator from Idaho [Mr. BORAH] so fearlessly yesterday afternoon, I think it well to give it a moment now. He inquires, if the Sutherland amendment is voted upon favorably, if in other words we elect to leave the Constitution in that particular as it is, who will to-morrow introduce a bill providing for the enforcement of the rights of the blacks in the South? I answer that I believe no such bill will be introduced.

But I answer further and say that the temper of this hour may not continue forever. I would not deprive the future Congresses of the right to proceed to enact laws if the exigencies should justify or require their enactment. If, forsooth, because no one wishes to present a bill to-day, should we from that fact reach the conclusion that nobody should ever be permitted to present a bill of any kind or character for the relief of citizens who are deprived of the right to vote?

Mr. President, we are not now disposed to interfere with the perplexing political and social conditions confronting the people of the South. Nor are we disposed to say that these conditions shall crystallize into a confirmed habit, so that the men who were freed by the proclamation of emancipation shall be forever deprived of the right to vote or express a voice in matters relating to the conduct of their Government.

Mr. RAYNER. Will the Senator from Montana allow me? He interrupted me about sixteen times, and I just want to ask him one question.

Mr. CARTER. I am delighted to have the Senator interrupt me.

Mr. RAYNER. Suppose a State should decline, with the Sutherland amendment in, to send any Senator to the Senate of the United States; does the Senator from Montana think there is any way for us to force a State to elect a Senator?

Mr. CARTER. Under the Constitution as it is and as it will be as to the election of Senators by the people in case this constitutional amendment should become a part of the organic law there can be no doubt that the Congress can order an election in any State as to Members of the House of Representatives; and if a State fails to hold an election in any district or throughout the entire State for Members of the House of Representatives, the Congress of the United States may by law provide the time and place and the manner for conducting such elections in that State without asking its consent or without awaiting from the State any expression of either assent or dissent.

Mr. RAYNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield further?

Mr. CARTER. I do.

Mr. RAYNER. In a great debate, one of the greatest debates that ever took place on this floor, between Webster and Calhoun, the proposition was conceded that with the Sutherland proposition in the Constitution as it now is there was no way whatever to compel a State to elect a Senator. Let me read just a few lines—the Senator interrupted me a number of times—what Mr. Webster said on the question:

I hear it often suggested—

He said—

that the States, by refusing to appoint Senators and electors might bring this Government to an end. Perhaps this is true; but the same may be said of the State governments themselves. Suppose the legislature of a State, having the power to appoint the governor and the judges, should omit that duty, would not the State government remain unorganized? No doubt, all elective governments may be broken up by a general abandonment on the part of those intrusted with political powers, of their appropriate duties.

Moreover, as a matter of fact, as Webster went on to show, in a certain very important sense the Federal Constitution relies, for the maintenance of the Government which it establishes, upon the plighted faith not of the States, as States, but upon the several oaths of its individual citizens, in that all members of a State legislature are obliged, as a condition precedent to their taking their seats, to swear to support the Federal Constitution, and from the obligation of this oath no State power can discharge them. Thus, says Webster—

No member of a State legislature can refuse to proceed at the proper time to elect Senators to Congress, or to provide for the choice of electors of President and Vice President, any more than the Members of this body [Senate] can refuse, when the appointed day arrives, to meet the Members of the other House, to count the votes for those officers, and

to ascertain who are chosen. In both cases, the duty binds, and with equal strength, the conscience of the individual Member, and it is imposed on all by an oath in the very same words.

Mr. Willoughby, from whom I am reading, professor of political science at Johns Hopkins University, the author of a great many books full of interest, answers him by saying:

The correctness of the reasoning of Webster may be granted, and yet the fact remains that however great a moral obligation there may be upon the individual members of the several State governments to take such action as is necessary to equip the Federal Government with the officials necessary for its operation, there exists no legal means, by an issue of mandamus or otherwise, to compel such action when refused.

The Senator from Montana will recollect that right after the Constitutional Convention met a Senator elected from North Carolina—I forget his name; perhaps the North Carolina Senators, if present, would remember it—declined to come to Washington. He started out, and he said it was too cold. He proceeded about 25 miles from home and resigned his commission as Senator. Suppose the State should not elect any Senator; under the Sutherland amendment, can the State be compelled to elect Senators? I say not by any means.

Mr. CARTER. I am very much delighted with the interruption of the Senator, and the contribution he makes from Prof. Willoughby's excellent work, recently issued, meets with my hearty approval. Mr. Webster assumed that no human foresight could contemplate or deal with prospective chaos; that every presumption was that men oath bound would perform their duty; that if Commonwealths of this Nation refuse to perform their functions, we then have a condition beyond existing law or reasonable assumption to be dealt with.

But, Mr. President, the Senator reiterates—this is the part that delights me, because I want to make that part plain—that the Sutherland amendment is intended to put something in the Constitution when, in truth and fact, it is intended to strike something out of the joint resolution. Let us have no mistake about that. I conceive there can be none. The amendment proposed by the joint resolution provides for the election of Senators by the people, first. Second, it proposes as a separate and independent proposition, but so correlated and interwoven with the first as to be inseparable from it——

Mr. RAYNER. Mr. President——

Mr. CARTER. A proposal to change section 4 of Article I by transferring the power to control Senatorial elections from the Federal Government to the States. The Sutherland amendment proposes to leave the Constitution as it is in that particular.

Mr. RAYNER. I should like to have the Senator's opinion on that. Of course I do not agree with that. But does the Senator think that under the present law we could go behind the action of the legislature that elects a Senator? Does the Senator think we can do that?

Mr. CARTER. I think not.

Mr. RAYNER. Then, under the law, with the popular election of Senators, can not we go into a question of fraud or intimidation or violence at the polls when the election is by the people?

Mr. CARTER. I think we can under the Constitution as it is, for section 4 of Article I confers the power.

Mr. RAYNER. Very well. Is not that a change? What I want to ask the Senator is this: We can not get to the people now. If there were fraud, violence, intimidation, and corruption at the polls that elected the legislature, nevertheless if the legislature properly elected the Senator the Senator comes here, and you can not inquire into any fraud, crime, or corruption at the polls. I say without the Sutherland amendment, if there is an election by the people, you can inquire into fraud. Is not that a difference? Is not that a very broad difference, in the Senator's mind?

Mr. CARTER. The Senator presents the matter as he understands it. The Senator does not want to have any power in Congress to inquire into the election of a Senator at the polls. He wants the right to rest in the State, without any authority in Congress to challenge the right of the States to conduct the elections just as they please.

Mr. RAYNER. I believe firmly—the Senator will pardon me for interrupting him—as a legal proposition that if there is fraud or violence or intimidation or corruption at the polls, without any Sutherland amendment at all the Federal Congress is vested with full power to punish the crimes that have been committed at the ballot box. I have not the slightest doubt about that.

Mr. CARTER. Then the Sutherland amendment can do no harm, because it only proposes to leave the Constitution as it is in this respect.

Mr. RAYNER. The only harm it can do—and I do not agree with the proposition that it can do this—is that under this provision you might, perhaps, pass another force bill and man and equip the polls. That is another thing entirely. I want the Senator to understand my position. I say you can appoint supervisors and deputy marshals now, without the Sutherland amendment, to see that the State authorities faithfully carry out the law. That is my interpretation of the Siebold decision. That is, in the election for Members of the House held under the State authority you may appoint deputy marshals at the polls to see that order is kept and supervisors to see that the returns are properly made under the laws of the State.

That is an entirely different thing from appointing registration boards—I want to be understood on that—who are to register voters contrary to the law of the State and then certify the result to Congress. I just ask the Senator now to bring his mind down to that proposition, that those things are entirely separate.

If you analyze this case, if you put men at the polls to see that the State authorities do their duty under the decision in the Siebold case, that is one thing; and if you appoint registers who are to register voters in defiance of the laws of the State and to certify the result, it is an entirely different proposition.

Let me ask this question in this connection. Let us take the State of Georgia. Suppose you were to appoint registers to-day to register outside of her own laws all the negroes in the State of Georgia and to certify the result and bring that result to the Senate. Does the Senator from Montana think that we would have any right to do that where it practically destroys the suffrage of the State? If the Senator will enlighten us on that proposition, I will be obliged.

Mr. CARTER. There is no contention here that the Federal Government has the right to fix the conditions for the exercise of the suffrage in any State except in this, to wit, that no State shall deny a man the right to vote because of race, color, or previous condition of servitude. Subject to that limitation it rests with every State to prescribe the conditions under which men or women may vote.

The Federal election officers, if commissioned to register voters under Federal law, would be bound to confine the registration to the legal voters of the State. They would have no right to extend the franchise in violation of the laws of the State. But they would have the right to register every legal voter in the State, and the election officers appointed would have the right to see to it that every legal voter was permitted to have his vote cast and fairly counted, and also to see that no voter was deprived of his right on account of race, color, or previous condition of servitude.

Mr. RAYNER. Then, what does the Senator want the Sutherland amendment for? Is not that done now? What is the object of the Sutherland amendment? Every legal voter in the State that you speak of as having disfranchised the colored man has a right to register and to vote. Why do you want a Federal law to do what the States are doing? That is what I want to understand.

Mr. CARTER. There the Senator goes again. He says the Sutherland amendment is injecting something into the Constitution, when the purpose, and the sole purpose, of the Sutherland amendment is to strike out that portion of the joint resolution which seeks to change the Constitution in that particular. What we want is to submit an amendment to the people providing for the election of the Senators by direct vote. That is supplemented in the joint resolution before us by another proposition—let me repeat again—to deprive Congress of the power to have anything to say about the election of a Senator.

We do not desire to submit this last question at all. There is no call for it. It is the duty of this Senate, it is duty of the Congress, to preserve the power to protect and continue the life of the Congress.

Mr. RAYNER. Let us take my own State, for instance. Suppose we had a law, as I said this morning, that every citizen who owns $500 worth of property can vote; that every citizen who owns $500 worth of property can register and vote under State laws. What is your board of registration, under the Sutherland amendment, under a law of that sort? Is it to see whether they are properly registered under the laws of our State? If so, there is no necessity for it, because the State laws give them full opportunity to do that and give the citizen all the redress that is necessary. If the registration board, under the Sutherland amendment, is to do anything else, then it is in conflict with the authorities which have held that my State has the right to determine upon the suffrage of the citizens of my State. That is the point to which I want to call the Senator's attention.

Mr. CARTER. We are not providing for any register; we are not providing any election officers; we are not interfering with any election or registration in the State of Maryland. What we are contending for is that this Government shall not surrender to the States the right, in the last analysis, to pro-

tect the election of Members of Congress—of the Senate and House—from fraud, intimidation, and violence at the polls.

Mr. RAYNER. Let us get down practically to this: What does the Senator from Montana propose to do under the Sutherland amendment with the election systems in the South? Suppose the Sutherland amendment was in, what is the operation of it; what does the Senator propose to do now? If the voters are properly registered under the laws of the State, what do you propose to do under the Sutherland amendment?

Mr. CARTER. The Congress will, as time goes on, determine the appropriate action, if any, to be taken.

Mr. RAYNER. Oh, Mr. President, that is not an answer. That is a general answer which relates to the future. If we put the Sutherland amendment in now, what law does the Senator propose to pass to effectuate the intention of the Sutherland amendment? That is what I am after.

Mr. CARTER. The Sutherland amendment adds nothing to the Constitution. It leaves it as it is and has been from the foundation of the Government.

Mr. RAYNER. Oh, Mr. President, we understand all that. That is a controversy about words. I will change the question. We have talked about that so often I did not see any necessity for repeating it. If the Sutherland amendment—call it what you will—if the Sutherland proposition is left where it is, what law do you propose to pass in the Congress of the United States to carry it out? That is the practical question. You can not pass any law that takes away the suffrage of the citizens of the State. You can not pass any law that is in conflict with the registration law of the State. You can not appoint a registration board that will register a different class of citizens than those who are entitled to registration.

What is there you propose to do? What step do you propose to take? Suppose the people determine upon the popular election of Senators and the Sutherland amendment is left in and is ratified by the people, what law do you propose to pass? Give us the law, and then we will see whether you have a constitutional right to pass it.

Mr. CARTER. The proposal to amend the Constitution has led to so much debate that I believe Congress would expire before we could agree upon the terms of the law suggested, and while the sturdy representative from the State of Maryland remains in my presence I am sure I will not undertake the difficult task of passing any law on the subject before March 4.

Mr. RAYNER. Because you can not do it; because the Senator dare not do it. The Senator would not dare to do it, because whenever he wrote a law that law would be in conflict with the law of the State in which the law was intended to operate. The Senator can not answer the question.

I am speaking now to Republican Senators. I do not want this joint resolution saddled and burdened with this amendment if we can help it, because I am in favor of the election of Senators by the people, and the Senator from Montana is opposed, bitterly opposed, to the election of Senators by the people. Now, tell the Senate—that is a fair question—what good the Sutherland amendment would do. What law could you pass under the Sutherland amendment? Why put the Sutherland amendment into our proposition?

Mr. CARTER. I desire the Senator from Maryland to make a correction before he departs from this side of the Chamber.

Mr. RAYNER. All right; I will make any correction you want, in your speech or mine.

Mr. CARTER. The Senator made the statement that the Senator from Montana is bitterly opposed to the election of Senators by the people.

Mr. RAYNER. I will take back the word "bitterly" and say "cheerfully."

Mr. CARTER. The Senator from Maryland is not warranted in making any such statement, and in making it he is descending to a grade of politics in the Chamber that I regret to see employed here.

Mr. RAYNER. If I have made a mistake, there is no one on this floor who would sooner retract it. If the Senator is in favor of the election of Senators by the people, I have made a most terrible blunder, because we have all thought he was against it. I retract it, and will be glad to have his vote in favor of the popular election of Senators.

Mr. CARTER. The Senator from Maryland is not, I believe, very much mistaken about this matter. I stated very clearly on the day this debate was opened——

Mr. RAYNER. I did not hear that.

Mr. CARTER. That, under instructions from the Legislature of the State of Montana, the State that I have the honor in part to represent, I would vote for the submission to the people of the proposed amendment to the Constitution providing for the election of Senators by the people. I would do that out of respect for the Legislature of the State, reserving unto myself the right, if I so elect, to oppose that amendment before the people. That right I do reserve.

Mr. RAYNER. I did not hear the Senator's statement.

Mr. CARTER. There is no equivocation about that.

Mr. RAYNER. I did not hear that statement. Let me ask the Senator, Suppose the Legislature of Montana had not given the Senator any instructions; how would he vote then?

Mr. CARTER. My present view is that, in the absence of any expression by the Legislature of Montana on the subject, I would oppose the joint resolution.

Mr. RAYNER. That is what I thought.

Mr. CARTER. Yes, sir; there is no question or quibble about it.

Mr. RAYNER. Then I am right in my proposition, because the Senator from Maryland did not know that the Senator from Montana had been instructed, and if there had been no instruction, then the Senator at heart is against the election of Senators by the people.

Mr. CARTER. I want to make another statement to the Senate, that I regard the manner of electing Senators as in no wise or to no considerable degree involving any vital principle of our Government. I would not, however, under the instruction of 40 legislatures, vote to submit an amendment to deprive the Congress of the United States of the right to protect its own life.

Now, Mr. President, I think I have made myself clear to the Senator from Maryland. While I intended to speak only 10 minutes on this subject, I have consumed more time than I expected to occupy, and I will surrender the floor.

Mr. HEYBURN. Mr. President, the discussion of this question has proceeded largely along the lines that the presumption is in favor of changing the Constitution, and that anyone opposing a proposition of that kind must make good. I shall consider the joint resolution from the opposite standpoint. When anyone proposes to change the Constitution of the United States the burden is upon him to give not only a presumptive reason but an absolutely convincing reason, in the absence of which there will be nothing left to consider. That is the position, for the presentation of which I shall ask the indulgence of the Senate for awhile this afternoon. I would not feel called upon, were this a proposition to legislate relative to any question, regardless of its importance, to delay a final determination of it; I would not feel justified, were it a proposition to amend or repeal an existing law that did not affect the vitality of the Nation, to prolong the discussion; but I realize that Congress to-day, and perhaps the whole people to-morrow, are engaged in a struggle for the preservation of the life of this Nation. A little disease, a little wound, in a part of the Constitution may be only the harbinger of its destruction, as in everything else human.

Mr. President, no one has discussed the question as to why the Constitution should be amended. Senators have not dwelt upon it. I propound the question, What evil has come upon the country that will be cured by this amendment? What danger threatens the people, individually, or in their organized Government, that demands a change in the Constitution? I have not heard any Senator dwell upon that phase of the question. Have not the Senates of the past been up to the standard that these reformers dream of for the future? Have not the individual Senators in the past been of equal ability or of as high a standard as you dream of getting in the future? A vote in support of this resolution is a vote in condemnation of the character and the efficiency of the Senates and the Senators of the past and the present.

What do you hope to gain, then, by adopting a different method? Do you expect to raise the standard of the individual Senator? Do you expect to raise the average standard of the body as a whole by changing the manner of its selection? That might be a very good reason if that is your reason. Would the Senator from Indiana [Mr. BEVERIDGE] condemn the wisdom or the integrity of the legislature that sent him to this body 12 years ago, or the legislature that reelected him six years ago? Does he think that by changing the policy of the Government in this regard he would get a higher grade of men in the legislature, men of more intelligence and more integrity?

Does not that appeal to the patriotism and the pride of a Senator? Is there any Senator in this body who is willing to stand up and admit that his legislature was inefficient and lacking in patriotism or ability that sent him to this body? I would not suggest that there is a Member of this body who would even suggest that the legislature that sent another Senator here was lacking in intelligence and integrity, and then claim that the people of the legislature who sent him here was par excellence in these respects.

I have been much entertained by the proceedings that have taken place in some of the legislatures of the States, where they have followed in the footsteps of Uriah Heep in their humility, and said: "Oh, we are not at all fit to perform this duty; you must elevate the standard of the legislature which will, of course, leave us at home and allow them to select Senators."

Mr. President, I am loath to bring into the consideration of this case a matter which is partially personal, but inasmuch as there has been introduced into this debate a resolution of the legislature of the State of Idaho demanding that its Senators shall vote for this constitutional amendment, I propose to put myself before this body in the same relation that I placed myself before that body. A man who is afraid of his legislature, whose vote is affected at all by what his legislature may do, is not fit to be here. He is not here as a Senator for the State where he happens to live; he is here as a Senator of the United States, and every other State is interested in his character and his ability to perform his duties as a Senator. I replied to the resolution that is on the desk. I replied to the legislature, through the secretary of state, and inasmuch as it expresses my views in the particular, I will treat it as though I had prepared this much of a speech to deliver on this occasion.

I said to the Hon. W. L. Gifford, secretary of state, Boise, Idaho, under date of January 26, 1911:

MY DEAR MR. SECRETARY: I am in receipt of a copy, certified under the seal of the State, of senate joint memorial No. 1, introduced by Mr. Freehafer, addressed to the Senators and Representatives of the United States in Congress assembled, relative to a resolution now pending in the Senate of the United States proposing to submit to the several States of the Union an amendment to the Constitution of the United States providing that Members of the United States Senate shall be elected by the direct vote of the people of their respective States instead of by the legislature, as now provided, and resolving that the memorialist earnestly recommends the passage of said resolution, and represents that the State of Idaho desires the submission of such an amendment to the various States for ratification at an early date, and that the secretary of the State of Idaho is instructed to forward the memorial to the Senate and House of Representatives of the United States, and copies of the same to the Senators and Representative in Congress from Idaho.

The petition of the Legislature of the State of Idaho will receive my due consideration, but not my support. In my capacity as a Senator of the United States I speak for all of the States in the Union collectively. The manner of the election of Senators is not the only consideration. In speaking to the Republican convention, prior to their indorsement of my election to the United States Senate and on every other appropriate occasion, I have stated that I was not in favor of a change in the manner of electing Senators of the United States. I have not seen one reason to change my views in regard to that question. I have not lost confidence in the integrity or ability of the citizens of the State or of the Nation, nor have I lost confidence in the wisdom of their selection of members of the legislature. The Legislature of Idaho has given no cause in the past to suspect their integrity or ability to perform their duties. I am not willing to indorse any action that would directly or indirectly indicate that they were not entitled to the confidence of the people. I can not conceive that the legislature intended, in adopting this resolution, to confess their inability to honestly perform a constitutional duty in electing United States Senators, or that they intended to suggest that future legislatures would not be as honest or as competent.

In my judgment it is not true that the people of Idaho desire any change in the Constitution of the United States upon a fair and intelligent consideration of the question. It is so easy for some men, when they think they want a thing, to support their effort to obtain it by asserting that everybody else wants it.

The present resolution pending before the United States Senate in this regard provides for the repeal of that portion of section 4 of Article I of the Constitution which gives Congress the power to make necessary laws and regulations concerning the manner and time of electing Senators. This was inserted in the resolution providing for the election of Senators by direct vote in order to get the votes of those States where they desired and have been attempting to disfranchise a part of the people in violation of the Constitution. They chafe under the restraint of the Constitution, which prevents them from violating the law of the land, the law of justice, and the law of right. They are willing to support the proposition to amend section 3, so as to elect Senators by direct vote of the people in consideration of the repeal of one of the most important provisions in the Constitution, to wit, section 4 of Article I. It is an unholy combine, having in view the disfranchisement of the negro, or any other portion of the people, against whom certain States have been for 50 years waging franchise warfare.

When these questions are discussed with and among the people, they will very soon show by their votes that they are not in favor of the resolution to which the memorial of the Legislature of Idaho is directed.

Mr. President, I intended to sum up in that letter my objections to this proposed amendment to the Constitution. That was my intention. I intended to be as candid, as fair, and to express myself as fully to the Legislature of Idaho as I would find it necessary to express myself in this body. But while I believe that the whole argument is stated in that letter to the Legislature of Idaho, some things have been said and proposed here that I feel justified, if not called upon, to discuss.

In the first place, the States and this Congress have lost sight of section 5, which provides the manner of amending the Constitution of the United States. The resolution is not in conformity with it. The speeches that have been made do not recognize it, nor have they taken it into consideration for a single minute.

Sight is lost of the fact that two methods, and two only, are prescribed by the Constitution in section 5 by which the Constitution may be amended. Congress may submit to the legislatures of the States proposed amendments, which if ratified by three-fourths of the States become a part of the Constitution.

Now, we are not proceeding under that. We are not proceeding under that provision of the Constitution because the States have not asked us to submit the question, nor does the Constitution authorize them to request Congress to submit it. There is no mention in the Constitution with reference to the States requesting Congress to submit amendments to the Constitution. There is no reference to it.

The second method provided by the Constitution in the same section 5 is one that comes to us rather than flows from us. When the States act they do not act on an amendment. They do not propose an amendment to the Constitution. They ask, and their only power is to ask, that a constitutional convention shall be called. The States are not authorized by the Constitution to ask Congress or to petition Congress to submit amendments to the Constitution.

So these resolutions and memorials have come up here without authority and without recognition in the Constitution. There is no law, there is no precedent under which the States may ask Congress to submit the question to the people or to the legislature. I desire to impress this upon the minds of Senators. The only provision that provides for the action by the States is that which authorizes them, when a certain number of them agree, to call a constitutional convention, not a constitutional convention with limited powers. Section 5 does not contemplate that any constitutional convention shall assemble with a limitation on it to deal with a particular question. When the constitutional convention meets it is the people, and it is the same people who made the original Constitution, and no limitation in the original Constitution controls the people when they meet again to consider the Constitution.

I have heard Senators say here, in discussing this matter, that the small States were safe against any change in the basis of representation. When the people of the United States meet in a constitutional convention there is no power to limit their action. They are greater than the Constitution, and they can repeal the provision that limits the right of amendment. They can repeal every section of it, because they are the peers of the people who made it.

That is the thing that the States have been clamoring for—a convention. I have every resolution here in my desk, and so have other Senators. With the exception of less than seven, every one calls for what? That the Senate shall submit amendments? No; but that the Congress shall provide for the calling of a constitutional convention.

Now, you ought to bear that in mind. Do we want in this age that 90,000,000 people should undertake in a constitutional convention to make a new organic law? I do not believe that any nation on the earth exceeding, say, 5,000,000 people could make a constitution to-day, with all of the sectional interests, with all of the individual and class interests. In this country, just as soon as a constitutional convention was assembled they would be seeking to open every door to access and to carry out or make possible the carrying out of the fallacies, the fads, and the fancies of the imagination of the people who talk about the Government and the Constitution of the United States as glibly as though they knew something about it.

Mr. President, I think it is time that we had commenced at the beginning of the consideration of this question and know what we are called to pass upon. I have heard Senator after Senator state on this floor that the legislatures had demanded that Congress should submit these amendments. I defy any Senator to name seven States whose legislatures have asked that Congress do anything of the kind. I find only four among those I have in my desk. I find that some of them have asked that a constitutional convention be called to consider this question. They have no power to limit the request. The only power that they are given is by section 5, and it does not authorize them to call for a constitutional convention of limited powers, but to call for a constitutional convention of the people of the country.

Mr. President, we are not acting in pursuance of that part of the Constitution authorizing or prescribing the manner of amending the Constitution.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. As I understood the Senator, he said that only seven States had passed resolutions.

Mr. HEYBURN. For what? It depends on what the resolution is.

Mr. BORAH. I have not concluded my remark. Did he state that only seven States have passed a resolution outside of those which have called for a national convention?

Mr. HEYBURN. That is all that is on record.

Mr. BORAH. Will the Senator permit me to read some of them?

Mr. HEYBURN. Yes; if the resolutions are made available. I have copies of the resolutions here. I have gone over them carefully and I have had the officers of the Senate to check up to know whether I had them all.

Mr. BORAH. I do not know anything about what resolutions the Senator has. I apprehend that he has them all; but I do know, as a historical fact, that the resolutions which have been passed by the States are far in excess of seven.

Mr. HEYBURN. What resolutions?

Mr. BORAH. The resolutions asking the Senate to support an amendment to the Constitution.

Mr. HEYBURN. I suppose they are sitting up at nights doing it now. I notice that the Idaho Legislature seemed to linger one day for the purpose of doing it. How long since have they been adopted? Not long enough to reach the files of the Senate.

Mr. BORAH. That might be true, but they have been adopted by the legislatures. The reason why I rose was because my colleague said he thought no such resolutions had been passed. There have been resolutions passed by States far in excess of seven asking this body to submit this amendment. The number of States that have asked for it is somewhere in the twenties.

Mr. HEYBURN. Well, I have them here.

Mr. BORAH. I have a record of them here.

Mr. HEYBURN. Alabama asked Congress to submit an amendment; that is, August 10, 1909. Arkansas and California are not of record in the files of this body.

Mr. BORAH. Although both of them have passed resolutions.

Mr. HEYBURN. Within a few days?

Mr. BORAH. No; not within a few days.

Mr. HEYBURN. How recently?

Mr. BORAH. California first in 1893.

Mr. HEYBURN. That was for a constitutional convention.

Mr. BORAH. Oh, no; and California again in 1900 and in 1901, and then in 1903 California passed the resolution which the Senator refers to. In addition to that California had also passed the other resolution of 1873.

Mr. HEYBURN. But she repealed them when she passed her last one, which is what I have already stated in effect, that what she wanted was a constitutional convention.

Mr. BORAH. That was the sober second thought?

Mr. HEYBURN. Colorado, April 1, 1901, asked for a constitutional convention. Connecticut, Delaware, Florida, and Georgia, according to the files of this body, have not expressed themselves. Idaho, on February 14, 1901, asked for a constitutional convention. That is not this resolution. I know that within a few days, as I said, they sat up at night to pass one—after they had my letter, I think.

Mr. BORAH. But Idaho had passed the other resolution three separate times prior to that.

Mr. HEYBURN. But she repealed them by her last expression. I have it here. Illinois, May 10, 1907, asked for a constitutional convention. Indiana is not on record.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. I wish to suggest that possibly Idaho and California got tired knocking at the door of the Senate and concluded that they would take their own method.

Mr. HEYBURN. They will become more weary, so far as I am concerned. Iowa asked for a constitutional convention March 24, 1904. I am speaking now from the official files of the United States Senate. Kansas asked for a constitutional convention. Kentucky is not on record. Louisiana asked for a constitutional convention with general powers, without any limitation, to pass upon this and other questions.

Mr. BORAH. Kentucky passed her resolution in 1892 and asked for the submission of the amendment, and again passed a resolution asking for a constitutional convention in 1902.

Mr. BEVERIDGE. They want it either way.

Mr. HEYBURN. No; there is something definite about lawmaking. Governmental functions that are not definite are not to be counted upon. Maine and Maryland are not on record. I shall not spend much time on this. I did not intend to do more than make the general statement, having the data right before me. Michigan asked for a constitutional convention. Minnesota asked for one. Mississippi is not on record. Missouri asked for a constitutional convention. Montana asked for a constitutional convention. I think the Senator from Montana may consider himself released because they did not ask for that which this resolution proposes; they asked for a constitutional convention.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Montana asked for a submission of the amendment in 1893 and again in 1897 and again in 1899.

Mr. HEYBURN. Well, the last expression is February 21, 1907, when they asked for a constitutional convention. That is the last from Montana. Nebraska does not ask that Congress submit this amendment, but asks for a constitutional convention. New Hampshire is not on record. New Jersey, May 28, 1907, asked that a constitutional convention should be called. New York, North Carolina, North Dakota, and Ohio are not on record in the files of the United States Senate.

Mr. OVERMAN. I will state that I think the Legislature of North Carolina has twice passed a resolution asking that the question be submitted to the people for a constitutional amendment.

Mr. HEYBURN. They unfortunately seem not to have reached the Senate.

Mr. CLARK of Wyoming. Will the Senator from Idaho allow me to ask a question of the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. Has the Legislature of North Carolina at any time asked Congress to submit for consideration an amendment to the Constitution proposing to amend section 4 of Article I?

Mr. OVERMAN. Oh, no; I do not mean to say that. She asked for a submission of the amendment.

Mr. CLARK of Wyoming. Pertaining to section 4 of Article I?

Mr. OVERMAN. I mean that the Legislature of North Carolina instructed the Senators and requested the Members of Congress from that State to vote for a resolution submitting a constitutional amendment.

Mr. CLARK of Wyoming. But the constitutional amendment I am speaking of, the constitutional amendment sought to be submitted here, to wit, the amendment of section 4 of Article I?

Mr. OVERMAN. There is nothing said in it about section 4 of Article I.

Mr. HEYBURN. Mr. President, I come now to Oklahoma. They have not asked that Congress shall submit any question to the legislatures of the States. They have asked that a constitutional convention be called. They did that on January 29, 1908. The same is true of Oregon. Oregon has made no demand that we submit this question at all. She has asked that a constitutional convention be called. That was done on January 29, 1909. Pennsylvania and Rhode Island——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. When my colleague says that Oregon has made no such demand, I presume he means that her latest demand is for a constitutional convention, because Oregon had passed the other resolution twice previous to the last resolution.

Mr. HEYBURN. They were probably becoming gradually civilized. [Laughter.] This list is quite recent. Pennsylvania and Rhode Island still seem to be "standpatters." They have made no record. South Carolina seems to have made no record. South Dakota, on February 8, 1909, asked for a constitutional convention, but has never asked for a submission, so far as the records of the Senate show. My colleague seems to have a little book that looks like Goodrich's Geography there before him [laughter], and he may have some ancient history in it. That was old Peter Parley, that I was familiar with a long time ago.

Tennessee only requests that the constitutional convention be called. Texas, Utah, Vermont, Virginia, the State of Washington, West Virginia, Wisconsin, and Wyoming have no record, so far as the files of the Senate show their desire in this matter.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes; I yield.

Mr. BORAH. According to Goodrich's Geography, Wyoming has twice passed this resolution.

Mr. HEYBURN. How lately?

Mr. BORAH. And South Dakota four times.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I do.

Mr. CLARK of Wyoming. I doubt exceedingly the accuracy of the geography from which the Senator from Idaho reads.

Mr. HEYBURN. We used to doubt it when I studied it. [Laughter.]

Mr. CLARK of Wyoming. Wyoming has passed a resolution, twice, I think, asking Congress to submit an amendment to the Constitution providing for the election of Senators by direct vote; but it never has asked the Congress of the United States, within my knowledge, to submit to the legislatures the proposition that the Congress of the United States should pass an amendment to the Constitution whereby it should divorce the General Government from the right to have something to say in regard to these elections. I make that statement so that there may be no mistake on this question.

Mr. BORAH. Mr. President, I was discussing the matter as to the difference between a resolution providing for a constitutional convention and asking Congress to submit the question.

Mr. CLARK of Wyoming. In that attitude the Senator is entirely right, only I do not want his absolute statement to go unchallenged that this resolution had been asked for by the legislature of Wyoming.

Mr. BORAH. I am very glad to be corrected in that respect, but I did not intend it in that way, and I did not think the Senate would so interpret it in view of the discussion which was proceeding.

Mr. HEYBURN. Mr. President, I will pass from that presentation to another one that has struck me as being unusual. The whole gist of this proposition is to discredit the legislature as being an unfit body to select United States Senators. I will waive for the moment the question of the quality of the Senators that they are likely to elect or not to elect. But, singular to say, this resolution is to be submitted to this very discredited body, the legislature of the State. It is not to be submitted to the people. According to the procedure under consideration this amendment would be submitted to the legislatures, and the people—the dear people—would abide the will and action of the legislatures.

Mr. President, I have been busily engaged here for some months, and I perhaps have not had an opportunity to be advised as to the deterioration of the legislatures, but the Constitution of the United States was submitted to the States as a unit and not to popular vote. We were able to get pretty good results back in those days by recognizing the States and submitting the great charter to their legislatures, but now it seems that the conditions have changed in the imagination of some. The selected and picked men from the State who comprise the legislature are no longer to be trusted. It is proposed to substitute for them the ward heeler, precinct politics, and all that goes with them as a more reliable and trustworthy medium between the people and their Government. That does not appeal to me.

It is said that the legislatures are long in electing, in performing their duties. The legislatures that are now in a tie-up are going along with general legislation. They meet once a day at 12 o'clock in joint session, cast a ballot, and return to their respective duties. When the volume of laws enacted at this session of such legislatures shall have been published it will be found to be as comprehensive and it will be found to display as much evidence of good judgment as the work of other legislatures. I am quite confident that the general public is of the opinion that when they hear of a legislative tie-up on the United States senatorship the legislature is doing nothing except trying to elect a United States Senator, and they think if they could transfer that high function in government to the ward politics down along the river they would get a better result, or, at least, a quicker one.

Mr. President, the question that we must all settle is, Shall we have better results under the proposed change? For the moment I will leave out the proposition of the amendment offered by the Senator from Utah [Mr. SUTHERLAND], because the same spirit is moving the entire proposition. It is a spirit of change; it is a spirit that is most often evinced by those who have recently entered a new country. They have brought old traditions and different conditions with them, and they are uncomfortable; they are not accustomed to the style of house or furniture or living or food or scenery, and the first impulse is to try to gather around them the conditions from which they have fled. They are generally ready to propose an amendment to the Constitution of the United States about the time they declare their intention to become citizens of the United States. [Laughter.]

I have no doubt at all—and I speak in no spirit of disrespect to any State—that if you should go over into that Italian colony in a certain part of New Jersey where those people are largely in control, you can get a strong support and a majority for any amendment to the Constitution that will weaken the hands of the Government. A government that rests as lightly as a feather upon the well-trained American citizen is as lead upon those people. They are actuated by sentiments we do not recognize to demand a change in the law.

I can not conceive of a man proposing to change the Constitution of the United States except under the stress of war or its results or great combinations that could not have been foreseen by the framers of the Constitution. There never has been an hour or a moment in my life when I wanted to change the Constitution of the United States as it affects the balance of the three coordinate branches of the Government, and yet, Mr. President, we find resolutions thrown in here as glibly as if it were something unimportant and which could be corrected tomorrow if we found we were mistaken.

Mr. President, just contemplate for a moment a contest over the election of a Senator of the United States which was dependent upon investigation of charges of bribery and corruption in the precincts and wards and townships all over the United States or all over a State, as it might be. Suppose, for instance, a great city that cast half the votes of a State in some instances should nominate one of its citizens for Senator and agree that they wanted the Senator from that city, what share or participation would the country, that constituted the great volume of the State, have in that act?

As it is now, the legislature is made up of citizens from all over the State apportioned. They come together once in two or four years, as it may happen, with the knowledge that they are going to be required to elect a Senator. Nine times out of 10—I will put it nearly 99 times out of 100—they perform that duty within the first two or three days of the session.

Mr. GALLINGER. After they commence to vote.

Mr. HEYBURN. Yes; after they commence to vote. I have the official figures as to that. There have been during the lifetime of this Government 1,180 men elected to the United States Senate; and that does not include, in many instances, the reelection of some of the Senators. That you can find in the Senate Manual. The number of contested-election cases in the Senate during all these years is 161. You will find that in the official files of this body. The number of Senators denied a seat in the Senate is seven; seven out of 1,180. Where in the world, or in the history of the world, have the people shown such accuracy and judgment in the estimation of men and of their qualifications as is shown by that record?

Now, I will give you a little more detail in regard to those Senators. There were 161 contestants. Deduct from those the number of persons—38—whose cases were considered by reason of alleged acts not affecting the legality of their election, such as alleged acts and disabilities incident to the Civil War; deduct also the number of persons exceeding one in cases where the claims of two or more contestants related to the same seat and election, of whom there were 22, that makes 60 to deduct from 161. The result is that the number of elections, the legality of which was considered by the Committee on Privileges and Elections, from 1789 to 1903, was 101 cases.

Of these 101 cases, 16 contestants were denied seats on technical grounds—that is, on grounds other than alleged corruption, bribery, and so forth. Of these 101 cases, 15 were upon the ground of alleged bribery or corruption in connection with their elections. Fifteen men in all these years have stood at the bar of this great tribunal charged with corruption and bribery, not always on the part of the contestants, but on the part of others. What a record! Does it not stand as a bright light in the history of this country that in all those years only that small number of men should have sought to enter this body without legal right? Does that present a case demanding a change in the Constitution of the United States and the uprooting of a system that was the result of the wisdom of our ancestors in those days when they were free from the passion of conflict, when they stood at the threshold with the desire and the hope only of framing a Government that should bring together as the representatives of the people the best men from out the body of the people? There was no political juggling in that action.

We have heard much in regard to what took place in the way of conversations in the great Constitutional Convention relative to these matters. The thing that counts is what they did. It reminds me of a certain class of attorneys, who spend their time reading dissenting opinions of the courts and contending that they should have been the rule of law. Here we have the ultimate wisdom of the makers of our Constitution, and we have, in addition to that, the hundreds and hundreds of millions

of American citizens who have lived under that Constitution and given it their support and recognized it as being sufficient for all the wants of the people.

It is said the people demand this constitutional amendment. As I stated in my letter to the legislature, some men are prone to get their heads together with themselves and declare that "we, the people, want this or that." I am not a poll taker; but they tell me that the people are clamoring for it. I have been receiving in every mail letters from the State that sent me here bidding me godspeed and urging me to stand just where I stand in regard to this matter, and those letters are from men who count; they are from men who count for their citizenship, for their loyalty, and for their intelligence.

I do not intend to volunteer advice to Senators, but I would suggest that perhaps it would be well not to attach too much importance to the action of a legislative body upon this question, that, like a round robin, is going all over the country to-day. I have some of them here on printed forms on this question. Somebody is sending them out and demanding that I vote in a certain way; that I vote for this resolution, and a number of them do not know how to spell my name, and some of them do not even know how to spell their own names. [Laughter.] Yet they are demanding that I shall support this resolution. I adopted the policy of a carefully arranged letter as an answer that I have sent to most of them, in which I have acknowledged the receipt of their communications, which are nearly all printed except the signature and the date, and stated that I recognize the fact that they are among those capable of forming a judgment and whose judgment I should have the benefit of, and I have asked them to submit to me at length their ideas and the reasons for their conclusions.

I have not yet had any answers to those letters. [Laughter.] I did it in a just spirit of resentment against an unholy attempt to influence a man by fright in the performance of his duty. That is all there is in it. The effort has behind it the desire to scare one into the belief that, if he does not comply with this ignorant demand, he perhaps will some day lose a vote. Well, I do not want such votes. That kind of men never sent me here.

Mr. President, there is this to be said about these resolutions from the several States calling for a convention or asking that Congress shall call a convention: There is an element in this country that chafes against the laws, against the restraint of the law that prevents them from despoiling their neighbor, against the restraint of the law which makes them respect its mandates and the property and the lives of others. There are such men, and they want a constitutional convention so that they can get into the Constitution the recognition of these radical demands that shall give one man in court one right and deprive another man of that right; that shall authorize the court to afford relief to one man and deny it to another; that shall recognize voluntary organizations that present a fair face and have a black heart. If those men could get a constitutional convention and they should send their delegates to it, as they would, what kind of a result do you suppose would come out of it?

If anything ever came out of it—I doubt if they would ever reach a conclusion, but if they did—you would have crystallized in the organic law of the land every vicious piece of proposed legislation that we have had to fight down all these years to maintain our civilization. That is what you would have. All the old bitterness of the race question would have to be thrashed out in such a convention. I speak with perfect candor to my friends on the other side. I have no spirit of bitterness in my heart against any people nor against any man, though I may have my views in regard to policies proposed and existing; but suppose the constitutional convention of the United States was in session, can you imagine the strife and controversy growing out of sectional differences that would arise and that would have to be settled? It is a serious question.

There never will be a time when it will be a safe thing for the American people to open the doors of a constitutional convention. Ninety millions of people are incapable of making a constitution and agreeing upon it. Mark that. It is easy enough in the formative period of a nation for those who have not to provide themselves with that which they need; but we have a Government now representing a variety of ideas and of people, and all of those questions would have to be settled in a convention. Is there a Senator in this body who would vote for the calling of a constitutional convention? I am in earnest in asking that question. I should like to know what Senator would be willing to open the doors of a convention for the purpose and with the power of making an entirely new Constitution, for you can not limit the action of the American people if they should thus come together for the purpose of making the charter for their Government. The restriction that insures equal representation in this body would be wiped out, as would every other provision. That restriction only applies to the present power of changing it by Congress. You can not say that the people shall not make any charter upon which they agree.

Mr. RAYNER. Mr. President, I should like to ask the Senator——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. Certainly.

Mr. RAYNER. I should like to ask the Senator whether those remarks apply to the constitutional convention of Idaho, of which I understand he was a very prominent member, and, I believe, chairman of the judiciary committee.

Mr. HEYBURN. I fail to catch just the spirit of the Senator's remarks.

Mr. RAYNER. I say, do the remarks of the Senator apply to the constitutional convention that was held in the Senator's State?

Mr. HEYBURN. Which particular remark?

Mr. RAYNER. The Senator's remarks in reference to the constitutional conventions.

Mr. HEYBURN. Well, I would not like to see the State of Idaho undertake to make a new constitution. They are too prone to amend it now. Nearly every man that goes to the legislature has some idea that he would like to change the constitution, and I do not recall whether any session has ever passed by without such an attempt being made. The greatest element in any law is that of stability. It is the stability of law that distinguishes us from the people of tribal relations who are bound together only until they agree to disagree.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I wish the Senator from Idaho would propound again the question that he put a moment ago about Senators voting for a constitutional convention. I am not sure that I understood it, but, as I gathered it, he asked whether any Senator here would be willing to vote for a constitutional convention.

Mr. HEYBURN. Yes; with unlimited power. Of course it would have unlimited power—that will be admitted. I will ask that question over again. I should like to find that no Senator would favor such a proposition.

Mr. CUMMINS. Does the Senator from Idaho say that he would not under any circumstances vote for a constitutional convention?

Mr. HEYBURN. Under no circumstances, real or imaginary or possible, would I vote for a constitutional convention to be called, in which the people of the United States would start in upon the work of making a constitution.

Mr. CUMMINS. Then, Mr. President, I must observe that there might be circumstances under which the Senator from Idaho in refusing to vote for such a convention would not regard the oath under which he is a Member of this body.

Mr. HEYBURN. I should be glad to be reminded of it.

Mr. CUMMINS. I will remind him of it. Whenever two-thirds of the legislatures of the States ask Congress to call a constitutional convention, it is the positive, mandatory duty of Congress to call such a convention; and the Senator from Idaho, if he were a Member of the Senate at that time and should refuse to do so, would disregard the oath he has taken to sustain the Constitution of the United States.

Mr. HEYBURN. With all due personal regard for the Senator from Iowa, that is rather a far-fetched proposition. It is not to be presumed that every man will be deemed a traitor who does not vote for the calling of the convention. If that were true, then the Constitution would have provided that every Senator should vote for it. It evidently contemplated that all of them would not vote for it, because there is one-fourth of it that is immune under the text; and I belong to that one-fourth. I am excused from voting by the terms of the Constitution.

Mr. CUMMINS. On the contrary, the Senator from Idaho is mistaken in regard to that. There is no part of the Senate immune from that duty, and if the Senator will permit me to read the section, I am sure he will immediately agree with me.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution,

Mr. HEYBURN. That is no part of it.

Mr. CUMMINS. I agree that the Senator is immune from that part of the Constitution, no matter what the circumstances might be—

Or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

That is all there is in the Constitution in regard to the duty of Congress.

Mr. HEYBURN. How many votes are represented by the word "shall?" Has it to be unanimous?

Mr. CUMMINS. Every vote in Congress, in both the House of Representatives and the Senate, if the Members of both bodies do their duty under the Constitution.

Mr. HEYBURN. I have often heard that statement, that a man who differed with you did not do his duty; but, Mr. President, I think the Senator would not seriously contend that we would not have a vote on it, and if we are to vote on it, of course it implies that somebody is at liberty to vote against.

Mr. BACON. I want to suggest that possibly the section of the Constitution to which the Senator from Iowa has alluded does not mean exactly what the Senator recognizes as the meaning and the test of what the Senator from Idaho said.

As I understood the Senator from Idaho, the Senator said that under no circumstances would he vote to call a convention with power to change the Constitution; that is, to make a new Constitution. I understand the section the Senator from Iowa read to be this, that the convention thus called shall have the power simply to propose amendments——

Mr. HEYBURN. That is right.

Mr. BACON. And those amendments would have to be adopted by three-fourths of the States in the same way that an amendment proposed by Congress has to be adopted——

Mr. CUMMINS. Precisely.

Mr. HEYBURN. Which is a very different thing from a convention being called with unlimited power to make a new Constitution.

Mr. CUMMINS. A convention called would have unlimited power to propose amendments.

Mr. BACON. Yes; but I did not understand the Senator from Idaho to mean that. He spoke of unlimited power, and I understood the Senator from Idaho to refer to a convention which should be called, which would have the power, without limitation, to make a new Constitution.

Mr. HEYBURN. I so stated.

Mr. BACON. Yes.

Mr. CUMMINS. Of course, the Senator from Georgia knows well, as does the Senator from Idaho, that there is no power on the part of any Senator to vote at any time for a constitutional convention unless compelled to do it by the application of two-thirds of the States. The vote would be absolutely nugatory; it would have no validity; and no Senator could vote for a proposition to call a constitutional convention unless that power had been invoked by two-thirds of the legislatures of the Union. I understood the Senator from Idaho to say that under no circumstances would he vote for a constitutional convention having unlimited power——

Mr. HEYBURN. Yes; but——

Mr. CUMMINS. To propose amendments to the Constitution.

Mr. HEYBURN. The unlimited power to propose amendments to the Constitution.

Mr. CUMMINS. Precisely. I thought I did not misunderstand the Senator from Idaho.

Mr. HEYBURN. The Senator did not misunderstand me.

Mr. CUMMINS. While I am on my feet I want to refer the Senator from Idaho, if he will permit me, to a little history in connection with the applications made by the States for a constitutional convention. I am quite familiar with it, and I have no doubt the Senator from Idaho is familiar with it. For years and years the legislatures of various States—very many States, I think 30, in all—have been asking Congress to submit an amendment to the Constitution providing for the election of Senators by direct vote. The Senate of the United States has resolutely refused it.

Mr. HEYBURN. I want to ask the Senator a question.

Mr. CUMMINS. Just a moment, and then I will finish.

Mr. HEYBURN. I may forget it.

Mr. CUMMINS. That would not be an unalloyed misfortune. But these States, despairing of securing any action on the part of the Senate of the United States for the submission of such an amendment, have resorted to the only way that remains to them for proposing such an amendment, namely, by the application of such number of the States as will compel a constitutional convention.

Mr. HEYBURN. The States have no authority, nor are they warranted in lobbying with Congress on a question of this kind. These demands the Senator speaks of are mere impertinences on the part of individual members of the legislature; that is all. The Constitution tells the States how they may amend the Constitution, and there has not at any time been enough States—that is, a constitutional number of States—to demand it. They are like a lot of people I have seen in this world who were in the minority and insisted they should have their way notwithstanding that.

Now, less than two-thirds of the States, I believe, constitute a minority under the Constitution, because it requires two-thirds of the States to make a request, and Congress has no right to act upon the demand of less than two-thirds of the States, and there has never been a time when two-thirds of the States asked for the submission of this question of a constitutional convention. There never has been a time when Congress could legally act under that provision of the Constitution which says that they shall submit it upon the request of the legislatures of the States. There is not a line in the Constitution of the United States that authorizes the legislatures of the States to demand at the hands of this higher body that they shall act in a given way upon a question which can not originate with the States and about which they have nothing to do. That is about as plain as I can make it.

That is the situation to-day. We are being held up here with a demand that we shall comply with a demand that never was made. We are being held up here with a demand that we shall do something for which there is no warrant of law. I admit that Congress may of its own volition submit proposed amendments to the legislatures of the States—to that unholy combination of men selected to represent the citizenship of the States—and if the legislatures of three-fourths of the States adopt it, it becomes a part of the Constitution.

But if we were to comply with the request of the 17 States whose petitions are on file here, that a constitutional convention should be called, then it would not be submitted to the legislatures of the States, but it would be submitted to the people. Why do they not do it? They are clamoring that this question shall be submitted to the people. There is a constitutional method by which it may be submitted to the people and get around the legislature. Why do they not do it? It is because the constitutional majority of the people of the country do not want it. That is why. The Constitution, Article V, speaks of the method by which constitutional conventions are called. There they go outside of the legislature, and the legislature does not participate in it at all. The people do it by convention, or in such manner as they may prescribe. Yet we hear all this clamor about what the people want and the people have not indicated that they want it in a constitutional manner, and no Senator is under any obligation in this body to support this resolution because his legislature has voluntarily gone outside of and beyond the performance of its duties in undertaking to meddle and interfere with the duties of Congress. Then, what are they proposing?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. The Senator is conducting a very able discussion, and I should be very glad to have his views on the repeal or emasculation of section 4 of Article I.

Mr. HEYBURN. I will give that in a few minutes, and it will not take long.

Mr. President, while I am drawing the comparison as to the tribunals to which this question should be submitted, let me compare for a moment the legislatures of the various States with the proposed substitute. One represents organized government and the other represents unorganized government. The election booths down along wharves and rivers and in the heated centers of the big cities represent organized government, and yet every vote that is cast there is as potent in determining a United States Senator under this resolution as is the vote of a man who has won a place in the confidence of the people of a great State—won a place because of his honor and his honesty and his intelligence and his judgment, and yet you would substitute the action of an irresponsible voter who can vote and in five minutes be lost forever. Compare them, Mr. President, the consequences are something fearful to contemplate. Out of all the States that have been called upon during the last month to select Senators of the United States, I think but four have postponed that duty to this hour, and those States will at the end of the session show as good a record for legislation as the States which elected their Senators on the first day that they might elect under the Constitution. One might suppose from what we hear and read that the legislatures were hotbeds of corruption pending and during the time they were engaged in selecting a Senator.

The Idaho Legislature sent my colleague here—they elected him the first day and hour that it was possible to elect a Senator under the law. They were competent——

Mr. BORAH. Is the Senator referring to me?

Mr. HEYBURN. Yes; I say the legislature that elected my colleague did not lose an hour or a minute doing it, nor did they sacrifice public interest in doing it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. I appreciate the suggestion of the Senator, but the legislature which elected me elected under direct instructions of a popular vote, which I felt the necessity of getting in order that I might be sure to get the other.

Mr. HEYBURN. My colleague needed no such instructions. The legislature would have elected him as promptly without them.

I told the convention that placed me in nomination for United States Senator that they did not have any right to do it, and that I did not recognize their right to do it; that it was a function to be performed by the legislature when they met; that their first duty was to elect a Republican legislature and let me take my chances. They elected me at the earliest hour an election could be made.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. My colleague, however, advised the convention of that fact after it had passed the resolution nominating him. [Laughter.]

Mr. HEYBURN. I can not express my admiration of that statement, and I think when the Senator has thought over it he probably will wish he had not made it, because I had spoken to the convention before, and I had spoken to every convention in that State for a pretty long lifetime along those lines. I am sorry to have brought in the consideration of the question the necessity that forced my colleague to make the statement as though my views had not been known or stated before.

Mr. BORAH. I think my colleague misinterpreted my object in making that remark; and if so, I will withdraw it. I did not intend it in the manner in which he interprets it.

Mr. HEYBURN. It is all right; there is no harm done. My colleague is not capable of doing a mean thing. We all make mistakes.

Mr. President, let us get away from that side of it. I want the Senate to know that at least there the question of electing a United States Senator was not one of delay, nor was it the excuse for corruption, nor did it promote any corruption or discreditable condition. That is true 99 times out of 100. I see before me Senators who have spent more than a quarter of a century in this body, and no man ever dared to breathe a word of suspicion against the integrity of the body that sent them, and no man ever claimed that any other method would have sent abler, better, or purer men to this body.

Are you going to discredit the character of Senators by undertaking a change in the manner of selecting them in order that you may get better Senators, who will more ably and accurately represent the views of the people? Is that the purpose? That implies a confession that ought to humiliate any man. No; you are going to do it because some person not here sought the position and failed because the people did not want him. Discontent in politics never comes from the majority; it comes from the minority. Sometimes a portion of the majority are led to believe that there is something wrong, and they are led to conceive the necessity of a change and to agree with it. But they awaken by and by and they realize that they have been made the convenient instrument of somebody else's ambition or somebody else's revenge. Does not the standard of the United States Senate measure in this age to that of any other age? Have we degenerated?

Senators have been clamoring for a vote. I was rather impressed with the suggestion that was made yesterday. I will have to deal with it rather gently. Senators had spoken with eloquence and fluency, and doubtless thought that they had exhausted the subject and nothing more could be said, and as they brought down the arm in its oratorical flight, they said, "Now, let us vote, and vote quick, before anybody can think."

Mr. President, this is not the place for that kind of deliberation. We have heard from those who wanted the change, while they have avoided the question as to why they wanted it. They have rather dwelt upon the glories in which they would dwell after they had it. I want to consider the conditions before, when a change is proposed. I want to consider existing conditions. There is no necessity to cast an eye into the future until you have determined by the exercise of the very best wisdom you can control that you are going there.

I have seen men who would sit amid the disorder of their own neglected homes and farms and look out in envy over the lands of those who were more frugal and better husbandmen, while the weeds grew up and smothered them in their homes and their neighbor prospered. Let us look to the present in this matter. Under what are we suffering, because unless there is a reason for the change no thinking man will want it, unless it is for political gain or to satisfy the vain dreams of ambition or to be the apostle of some great change—noted for it; stand out in history as the man who brought about a change in the Constitution of the United States that wrecked it. Yes; some men do build themselves monuments because of the wrong they do, and to some men monuments are builded because of the good they do.

I feel more strongly upon this question than upon any question that I have ever participated in since the days of my responsibility as a citizen of the United States.

I have participated in great struggles in civil life where great interests were involved; I have participated in the proceedings of this body for eight years, where were involved only transient things or things that might be corrected should they prove to be mistakes; and I have been content, reasonably so, with the result; content with verdicts against me, judgments of the courts against me, votes in this body against measures that I deemed of great importance; but I always had the consolation of knowing that there was a to-morrow and that when wrong was shown to have been done right would come to the rescue. But when you make this change in the Constitution of the United States—and there are only a few men here who ever participated in changing the Constitution—when you make it and wake up some morning and find that it has failed of the purpose you had in mind, remember that you have no cable that binds you to the shore.

The Senator wants to know about the Sutherland amendment. It is the lesser question in one sense and the greater in another. The Sutherland amendment merely says, "Hands off." It does not propose to change the existing provisions of the Constitution. It is a protest against this raid upon the Constitution; that is all. I have heard it discussed here frequently as though it was a proposition of some new legislation. It is not. As I said in the letter which I read at the beginning of my remarks, it is a proposition merely that we do not change the Constitution.

Every presumption is in favor of the Sutherland amendment. I want to know from that side of the Chamber, if this proposed change is as harmless as you picture it, why do you want it?

Mr. BACON. I desire to say to the Senator from Idaho that I do not so regard it—as harmless.

Mr. HEYBURN. I exempt the Senator from Georgia from that suggestion; but other Senators have to-day, and on other days, said, if not in words in the effect of words, that it would be a condition controlling them in casting their vote upon this joint resolution.

Mr. BACON. I will say to the Senator very frankly that I expect it to control me. I do not give that as a final statement; that is my present expectation; and while I do not desire to enter into a discussion of it now, I will make one suggestion to the Senator, with his permission, as to the feature in which it will be a great change, not by way of general description of it but by way of illustration.

The Senator is familiar with what we know as the election laws which were repealed in 1893. I know that, because there is no Senator in this Chamber more familiar with the statute law of the United States than the Senator from Idaho, he having been for several years laboriously and industriously engaged in a revision of those laws. The Senator, I have no doubt, is also familiar with the bill which passed the House of Representatives in 1890 and came to this body and was favorably reported and occupied the attention of this body for possibly two months—I do not know exactly how long—and was at last defeated by a very narrow margin, known as the force bill, which was of a kindred character with the election laws and intended as an amendment of them and as an extension of them.

The single point to which I desire to call the attention of the Senator without now going into the details, although I may do so a little later, is that those laws were applicable only to the election of Representatives and could not be applicable under the present law to the election of Senators; and if this law is changed, so as to make it an election by the people, with the Sutherland amendment, leaving the present words, if you please, applicable to changed and new conditions, the changes will be most vital and far-reaching, and, unless I change my mind very

much, sufficient in their character in that respect to prevent my voting for the joint resolution if that is put upon it.

Mr. HEYBURN. Mr. President, I gave considerable attention to the authorities that have been discussed to-day affecting the fourteenth and fifteenth amendments to the Constitution. I had thought that I would enter into the consideration of the effect of those amendments to the Constitution to some extent, but I am impressed, whether I have impressed anyone else or not, with the fact that there are greater questions involved that are sufficient to control to my judgment, and, I trust, that of some others in determining this question. I have, therefore, devoted my time to a discussion of the practical side of the measure rather than the technical side. I am familiar with every decision that has been rendered affecting these amendments. I had occasion at other periods of my life to deal with them in a responsible way; but I do not believe it is necessary, in order to discuss and arrive at an intelligent conclusion, to go into the technical distinctions drawn by the courts in regard to the rights of the people in the particular cases considered under these amendments.

I would merely direct the attention of the Senate to the fact that in the fourteenth amendment Congress is given power to extend its hand down as far as the legislature of the State. That opens up rather a large question, one that I think it is not necessary to consider here. Some one has asked the question this afternoon, "What lies beyond that time when a State shall refuse to be a State?" Well, Territory lies beyond that. The Government of the United States, under the terms of the Constitution, may organize new States where no States exist, and a State does not exist that is not represented, or that refuses to be represented, in the Congress of the United States. The Congress of the United States made the States with the exception of the original colonies, and the original colonies by contract submitted to the dominion of the power which they themselves created. They created a power under a contract to submit to it as the governing power over them all. If any State thinks it can secede from the Union by a failure to perform the duties of statehood, let it try it, and it will have a Territorial governor placed over it.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. Yes.

Mr. RAYNER. Does the Senator contend that if a State does not send Senators here we can organize it into a Territory?

Mr. HEYBURN. Certainly. If a State is no longer a State it is public domain, a part of the territory of the United States. Anything else is to contend for the right of secession from the Union. Is there a man living to-day who will contend for that?

Mr. RAYNER. But does the Senator contend as a legal proposition that if a State should fail to send Senators here we could organize it into a Territory?

Mr. HEYBURN. Certainly; the Government has had to do it before.

Mr. RAYNER. For a failure to send Senators here?

Mr. HEYBURN. The United States has had to provide for the organization of governments in States where the States refused to organize and maintain a government that was a part of the United States, and they can do it again, and again, if necessary. Why in this case force up a controversy of that kind? We know that the Government can do it, and we know that it has done it. Now, I will not invade that field further than to say that there is no terror in the threat that some State may not send Members of Congress or Senators into the Congress of the United States.

Mr. BACON. I should like to ask the Senator who has ever made such a threat. Does not the Senator know that the condition of a State refusing to send Senators or Representatives to Congress is not one that can possibly exist?

Mr. HEYBURN. Not one; that is impossible.

Mr. BACON. I mean to say there is no possibility——

Mr. HEYBURN. No; not a particle.

Mr. BACON. That such a condition of affairs should arise.

Mr. HEYBURN. Not the slightest. It is discussing an academic question.

Mr. BACON. Then why discuss it?

Mr. HEYBURN. It has been brought into the consideration of this question to-day, and I felt like saying just a few words about it. There are no terrors in it at all for me.

Mr. RAYNER. It was brought in because Mr. Webster declared, in perhaps the greatest debate that ever took place on this floor, that there is no way to coerce a State to do it. That is the reason why it was brought in.

Mr. HEYBURN. Mr. President, I have a high regard for Mr. Webster, but if the generations of to-day are not as competent or more so to determine this question than was that man, great in his day, then the world has not advanced; that is all. We are not bound by any such precedent. There are many men on this floor whose learning and ability would confound the statesmen of that age. Things have happened in this country since that time. We have had to learn sharp lessons under pressure, and we have learned them, and we have proven ourselves capable of maintaining, aye, of defending and saving them, and those who in that day opposed us are to-day with us. As the Senator from Georgia [Mr. BACON] says, there is no possible room for even conjecture as to a State going out of existence. So we pass that by.

The Sutherland amendment, I repeat to the senior Senator from Minnesota, meets with my approval because it simply says that we will not lose that much of the Constitution anyhow if some accident does happen to us in regard to another part of it. Of course, I shall support the Sutherland amendment, just as I would reach out and grab the last of an escaping treasure. If I knew that there rested in the hearts of the Members of this body the same sentiment that will actuate me in casting my vote on the Sutherland amendment I would yield the floor now, or I never would have taken it this afternoon. But I want to know it. I would stay here and fret the ears of the Senate for some time to come if I thought that such labor was demanded as a price for preserving the Constitution of the United States.

I would do more than that, but that I would do. All I want to know is that there are enough patriotic men to save in this hour that portion of the Constitution, and then in the hours that will follow between this and adjournment I propose to fight as I would fight on a field of battle for what is left of that provision of the Constitution. Senators may have due warning of my temper in this matter. I am assured that there is enough strength in this body to adopt the Sutherland amendment. In faith of that I am going to conclude my remarks with the promise that if it is not adopted there will not be much progress in what is left of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

Mr. GALLINGER. The yeas and nays have been ordered.

Mr. BACON. Mr. President, I desire now to call for the yeas and nays rather than to have the question discussed as to whether a call for the yeas and nays some two or three weeks ago is now to be entertained.

The PRESIDING OFFICER. What is the Senator's question?

Mr. BACON. I call for the yeas and nays.

The PRESIDING OFFICER. The Chair is informed that the yeas and nays have already been ordered upon the amendment.

Mr. BACON. I call for the yeas and nays upon it.

The PRESIDING OFFICER. The Senator from Georgia demands the yeas and nays on the amendment of the Senator from Utah.

The yeas and nays were ordered.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. NELSON. Mr. President, it was my purpose to make a few remarks upon the proposition before the Senate. It is now late. There are other Senators who want to speak on it. I do not expect to take a great deal of time. I suggest to the Senator from Idaho that the joint resolution go over until to-morrow.

Mr. KEAN. Let it go over until Monday.

Mr. NELSON. I have no purpose to delay it.

Mr. BORAH. I am just as anxious to make headway as possible. At the same time, of course, I am anxious to accommodate the Senator from Minnesota and all other Senators. If I can have an agreement that we will vote upon amendments to the joint resolution and upon the joint resolution upon a certain day I should be glad to accommodate Senators. But if we can not have an agreement, there is only one way by which we can make progress, and that is to stay here and talk, and vote as we get a chance.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Let me suggest to the Senator from Idaho that he modify his request for unanimous consent and ask unanimous consent that we may vote upon the pending amendment on Monday.

Mr. GALLINGER. At a given hour.

Mr. OVERMAN. There are to be memorial exercises on Monday.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield to the Senator from Massachusetts?

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. I ask, in furtherance of the suggestion of the Senator from Utah, why can we not agree to vote on the amendment to-morrow at 2 o'clock? The special order does not begin until half past 2. We shall have two hours and a half. We might as well get something done, if possible, in that time.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. BACON. I simply want to make a suggestion. I have no disposition to delay the vote upon the amendment. I would dislike to agree to a specific hour, because in that case we may find that the vote is pressed at a time when possibly a Senator would like to make some rejoinder to what has been said, or would desire an opportunity to say something. I am perfectly willing to agree that on Monday the vote shall be taken. It will be impossible to agree for it to-morrow because of the special order which has been assigned for that day.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. NELSON. Will the Senator from Idaho yield to me for a minute?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. NELSON. I suggest that we agree, by unanimous consent, to take up the joint resolution immediately after the morning business to-morrow and go on with its consideration until the time for the special order.

Mr. BEVERIDGE. There are to be eulogies to-morrow.

Mr. GALLINGER. Not until 2.30.

Mr. SCOTT. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield to the Senator from West Virginia.

Mr. SCOTT. I hope it will be the pleasure of the Senate to set a time to-morrow to vote because of the pension bill that is here and that must be taken up. I want to have that bill considered at the very earliest possible moment. It looks to me as though this delay was for the purpose of trying to defeat that bill.

Mr. BORAH. Mr. President——

Mr. SCOTT. I should like to vote now.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I do.

Mr. MARTIN. I simply want to call attention to the fact that 2.30 on Monday has been assigned and that memorial exercises will then be in order. In fixing a time for the disposition of this measure I call attention to that fact so that there may be no conflict.

Mr. NELSON. Will the Senator from Idaho allow me to make a suggestion, and that is to ask unanimous consent for a vote at 2 o'clock on Monday, or any hour on Monday, on the Sutherland amendment?

Mr. BORAH. No; Mr. President, I do not want to agree to that, but I will ask for unanimous consent to take up this matter on Wednesday and vote upon all amendments and upon the joint resolution before the conclusion of the legislative day.

Mr. NELSON. On what day?

Mr. BORAH. On Wednesday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. BACON. What is the request?

Mr. BEVERIDGE. To vote on Wednesday.

Mr. NELSON. Of next week.

The PRESIDING OFFICER. Will the Senator from Idaho please state his request again?

Mr. BORAH. I ask unanimous consent that the joint resolution now before the Senate may be taken up next Wednesday, immediately after the conclusion of the routine morning business, and that all amendments thereto and the joint resolution itself may be voted on before the adjournment on that day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. HEYBURN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. SCOTT. Before it is agreed to, I ask whether this measure will come up as the unfinished business every day to haunt those of us who are trying to get up other business.

Mr. BORAH. If I can have a time agreed on to vote there will be no necessity of its standing in the way of any other measure.

The PRESIDING OFFICER. Objection has been made to the request of the Senator from Idaho.

Mr. GALLINGER. The regular order.

The PRESIDING OFFICER. The regular order is calling the roll to ascertain whether there is a quorum present. The Secretary will call the roll.

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE. Regular order!

Mr. HEYBURN. There has been no response, and I was recognized by the Chair.

Mr. LODGE. This whole debate has been proceeding out of order, after the point of no quorum had been made.

Mr. BEVERIDGE. The roll call must proceed.

Mr. LODGE. Nothing else is in order.

Mr. HEYBURN. Then this is a call for a quorum?

Mr. LODGE. Certainly.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Jones	Richardson
Beveridge	Cummins	Kean	Scott
Borah	Curtis	La Follette	Shively
Bourne	Depew	Lodge	Simmons
Brandegee	Dick	Lorimer	Smith, Md.
Briggs	Dillingham	McCumber	Smith, Mich.
Bristow	Dixon	Martin	Smith, S. C.
Brown	du Pont	Nelson	Smoot
Bulkeley	Fletcher	Newlands	Stephenson
Burnham	Flint	Nixon	Stone
Burton	Foster	Overman	Sutherland
Carter	Frye	Owen	Swanson
Chamberlain	Gallinger	Page	Taylor
Clapp	Gamble	Paynter	Thornton
Clark, Wyo.	Gore	Penrose	Tillman
Clarke, Ark.	Gronna	Percy	Warner
Crane	Guggenheim	Perkins	Warren
Crawford	Heyburn	Piles	Watson
Culberson	Johnston	Rayner	Wetmore

The PRESIDING OFFICER. Seventy-six Senators have responded to their names. A quorum is present.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The question is not debatable.

Mr. BORAH. I am not going to debate it; I understand the rules of the Senate. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered; and, being taken, resulted—yeas 37, nays 44, as follows:

YEAS—37.

Bacon	Curtis	Kean	Stephenson
Brandegee	Depew	Lodge	Sutherland
Briggs	Dick	Lorimer	Tallaferro
Bulkeley	Dillingham	McCumber	Warner
Burnham	du Pont	Nelson	Warren
Burton	Flint	Oliver	Wetmore
Carter	Frye	Page	Young
Clark, Wyo.	Gallinger	Penrose	
Crane	Guggenheim	Richardson	
Cullom	Heyburn	Smoot	

NAYS—44.

Bailey	Cummins	Martin	Shively
Beveridge	Davis	Newlands	Simmons
Borah	Dixon	Nixon	Smith, Md.
Bourne	Fletcher	Overman	Smith, Mich.
Bristow	Frazier	Owen	Smith, S. C.
Brown	Gamble	Paynter	Stone
Chamberlain	Gore	Percy	Swanson
Clapp	Gronna	Perkins	Taylor
Clarke, Ark.	Johnston	Piles	Thornton
Crawford	Jones	Rayner	Tillman
Culberson	La Follette	Scott	Watson

NOT VOTING—10.

Aldrich	Burkett	Hale	Terrell
Bankhead	Burrows	Money	
Bradley	Foster	Root	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] to the joint resolution.

Mr. NELSON. Mr. President, I had hoped that the Senator in charge of this joint resolution would extend to me the usual courtesy which has been extended to other Senators and would have allowed the joint resolution to go over until to-morrow morning, instead of forcing me to speak now. Of course, if the

Senator insists upon my going on, I shall have to submit a few remarks this evening, but I have been here all day ready to proceed without being able to get an opportunity to do so, and I prefer to go on in the morning.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. Mr. President, the Senator from Idaho feels that he has extended every courtesy that is possible in view of the evident disposition on the part of those in opposition that there shall be no vote at all upon the joint resolution. I should be very glad, indeed, to accommodate the Senator from Minnesota [Mr. NELSON], if I could have any assurance that there is any disposition to permit us to take a vote upon this measure. I am forced to conclude, however, that there is only one way to get a vote, and that is to pursue the course which we have been compelled to pursue.

We are now within two weeks of the close of the session, and I do not think this measure ought to stand in the way of other important business. There are a number of measures here which ought to have the consideration of the Senate, and I feel that it is my duty, being in charge of the joint resolution, to get it out of the way just as rapidly as possible. At the same time, I can not place the measure in a position where there is liable to be no vote upon it at all. I think if the Senator from Minnesota will reflect for a moment he will see that I am not in a position, in view of the situation here, to extend any other courtesy than I have done, much as I should like to do so.

Mr. NELSON. I suggest that the Senator might extend the courtesy, if it is agreed to take up the measure to-morrow and go on with it immediately after the routine morning business.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. I do.

Mr. GALLINGER. Mr. President, in view of the observations made by the Senator in charge of the joint resolution, I wish to say that I trust he did not apply his remarks to me. I made a motion to adjourn because I felt that we had sat here long enough to-day, and I did not think we would come to an agreement this evening. I am in favor of taking a vote on the joint resolution soon, the sooner the better, and I had hoped we would have taken it an hour ago, when there was a disposition on the part of many Senators to do so. I want the Senator to understand that I did not use any obstructive tactics, and I am not going to do so.

Mr. BORAH. Mr. President, my observations were not personal at all and were not intended for the Senator from New Hampshire; but I have asked for unanimous consent as far in advance as next Wednesday to dispose of this matter, and the fact that that has been denied is convincing proof to anyone that there is a disposition to prevent any vote at all.

Mr. NELSON. Mr. President, it is not my purpose——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. I do.

Mr. BEVERIDGE. For what it may be worth, I make the suggestion that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning. I suppose that we may not be able to hold the session much longer than an hour now, and the adoption of my suggestion would give more time to-morrow. I do not make a motion, but merely a suggestion, and I make it for what it may be worth.

Mr. CULBERSON and others. Regular order!

Mr. NELSON. Mr. President, it is not my purpose to enter into any extended argument upon this measure. I intend for a few moments, briefly, to call the attention of the Senate to the importance of what is known as the Sutherland amendment; but before I go into that question——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. I do, temporarily.

Mr. LODGE. Mr. President, it is very unusual at this late hour of the day, when a Senator asks, as the Senator from Minnesota [Mr. NELSON] has asked, that a measure be allowed to go over until morning, to compel him to take the floor and speak. I have been anxious for the Senate to take a vote on this measure at any time. I have another measure which I want to bring before the Senate. I do not believe there is any desire to unduly delay the joint resolution under consideration; but it is very unusual, indeed, to refuse a request such as the Senator from Minnesota has made, and such methods can lead to no promotion of the progress of this measure.

I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I hope the Senator will withhold that.

Mr. BORAH. Mr. President——

Mr. LODGE. It is the only motion that is open to me, and I make it.

Mr. BORAH. On that motion I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. DILLINGHAM. The Senator from South Carolina asked me to observe our pair on this question, and therefore I withdraw my vote.

The result was announced—yeas 46, nays 34, as follows:

YEAS—46.

Bacon	Dick	Nelson	Simmons
Brandegee	du Pont	Nixon	Smoot
Briggs	Flint	Oliver	Stephenson
Bulkeley	Frye	Overman	Sutherland
Burnham	Gallinger	Page	Tallaferro
Burton	Guggenheim	Paynter	Thornton
Carter	Heyburn	Penrose	Warner
Clark, Wyo.	Johnston	Perkins	Warren
Crane	Kean	Piles	Wetmore
Cullom	Lodge	Richardson	Young
Curtis	Lorimer	Root	
Depew	McCumber	Scott	

NAYS—34.

Bankhead	Crawford	Gronna	Smith, Md.
Beveridge	Culberson	Jones	Smith, Mich.
Borah	Cummins	La Follette	Smith, S. C.
Bourne	Davis	Martin	Stone
Bristow	Dixon	Newlands	Swanson
Brown	Fletcher	Owen	Taylor
Chamberlain	Frazier	Percy	Watson
Clapp	Gamble	Rayner	
Clarke, Ark.	Gore	Shively	

NOT VOTING—11.

Aldrich	Burkett	Foster	Terrell
Bailey	Burrows	Hale	Tillman
Bradley	Dillingham	Money	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 18, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1911.

COLLECTOR OF CUSTOMS.

Floyd Hughes, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia. (Reappointment.)

SURVEYOR OF CUSTOMS.

Cadet Taylor, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, in place of Benjamin H. Barrows, deceased.

UNITED STATES ATTORNEY.

Byron S. Ambler, of Ohio, to be United States attorney, district of Porto Rico, vice Jose R. F. Savage, whose term has expired.

SECRETARY OF PORTO RICO.

M. Drew Carrel, of Illinois, to be secretary of Porto Rico. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander George R. Salisbury to be a captain in the Navy from the 14th day of November, 1910, vice Capt. Thomas B. Howard, promoted.

Commander Frank W. Kellogg to be a captain in the Navy from the 14th day of January, 1911, vice Capt. Walter C. Cowles, promoted.

Lieut. Commander Warren J. Terhune to be a commander in the Navy from the 7th day of January, 1911, vice Commander Robert F. Lopez, promoted.

Lieut. Commander William K. Harrison to be a commander in the Navy from the 14th day of January, 1911, vice Commander Frank W. Kellogg, promoted.

Lieut. (Junior Grade) Nelson H. Goss to be a lieutenant in the Navy from the 1st day of July, 1910, vice Lieut. Fletcher L. Sheffield, promoted.

Lieut. (Junior Grade) Wilhelm L. Friedell to be a lieutenant in the Navy from the 14th day of October, 1910, vice Lieut. George T. Pettengill, promoted.

Lieut. (Junior Grade) Gordon W. Haines to be a lieutenant in the Navy from the 20th day of November, 1910, vice Lieut. Arthur G. Caffee, deceased.

Boatswain John Davis to be a chief boatswain in the Navy from the 16th day of May, 1910, upon the completion of six years' service as a boatswain.

Boatswain William Jaenicke to be a chief boatswain in the Navy from the 30th day of July, 1910, upon the completion of service as a boatswain of six years plus one year during suspension from promotion after failure at examination.

POSTMASTERS.

CALIFORNIA.

Pierce J. Elliott to be postmaster at Sausalito, Cal., in place of Pierce J. Elliott. Incumbent's commission expired January 23, 1911.

Matthew W. Grace to be postmaster at Lindsay, Cal., in place of Matthew W. Grace. Incumbent's commission expired January 18, 1911.

J. N. Hollis to be postmaster at Gridley, Cal., in place of Renaldo E. Taylor. Incumbent's commission expired February 12, 1911.

COLORADO.

Hockley T. Hamill to be postmaster at Georgetown, Colo., in place of Hockley T. Hamill. Incumbent's commission expired January 30, 1911.

IDAHO.

Jake Horn to be postmaster at Caldwell, Idaho, in place of Sophia Davis, resigned.

ILLINOIS.

George M. Bell to be postmaster at Sherrard, Ill. Office became presidential July 1, 1910.

Robert J. Hemphill to be postmaster at Ridgway, Ill. Office became presidential January 1, 1911.

Grant S. Remsburg to be postmaster at Ohio, Ill. Office became presidential October 1, 1910.

Jeter C. Utterback to be postmaster at Salem, Ill., in place of Jeter C. Utterback. Incumbent's commission expires February 28, 1911.

IOWA.

George T. Clevidence to be postmaster at Humboldt, Iowa, in place of Joseph W. Foster. Incumbent's commission expired January 10, 1911.

William H. McClure to be postmaster at Fontanelle, Iowa, in place of William H. McClure. Incumbent's commission expired January 31, 1911.

KANSAS.

O. F. Falls to be postmaster at Valley Falls, Kans., in place of Frank C. Scott, resigned.

E. D. George to be postmaster at Mankato, Kans., in place of Joseph H. Woollen. Incumbent's commission expired January 10, 1911.

Cliff W. Weeks to be postmaster at Osborne, Kans., in place of James M. Morgan, resigned.

MAINE.

Harry R. Hichborn to be postmaster at Stockton Springs, Me., in place of Harry R. Hichborn. Incumbent's commission expired December 6, 1910.

Varney A. Putnam to be postmaster at Danforth, Me., in place of Varney A. Putnam. Incumbent's commission expires February 20, 1911.

MASSACHUSETTS.

John Huxtable to be postmaster at Wareham, Mass., in place of John Huxtable. Incumbent's commission expired January 7, 1911.

Joseph A. Legare to be postmaster at Lowell, Mass., in place of Albert G. Thompson, deceased.

MICHIGAN.

J. Burt Kiely to be postmaster at Roscommon, Mich., in place of William F. Johnston, resigned.

Flora MacLachlan to be postmaster at Grand Marais, Mich., in place of Flora MacLachlan. Incumbent's commission expires February 28, 1911.

George W. Minchin to be postmaster at Evart, Mich., in place of George W. Minchin. Incumbent's commission expired January 10, 1911.

MINNESOTA.

Alton Crosby to be postmaster at Willmar, Minn., in place of Alton Crosby. Incumbent's commission expired December 20, 1910.

John L. Grady to be postmaster at Cass Lake, Minn., in place of John L. Grady. Incumbent's commission expired January 23, 1911.

Mark Swedberg to be postmaster at Luverne, Minn., in place of Mark Swedberg. Incumbent's commission expires March 2, 1911.

Edward A. Wasserzieher to be postmaster at Deer Wood, Minn. Office became presidential July 1, 1910.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, Miss., in place of Robert Burns. Incumbent's commission expires March 2, 1911.

MISSOURI.

Willis E. Flanders to be postmaster at Paris, Mo., in place of Willis E. Flanders. Incumbent's commission expired June 7, 1910.

Ivan S. Goodwin to be postmaster at Gilman City, Mo. Office became presidential January 1, 1911.

William L. H. Silliman to be postmaster at Clarksville, Mo., in place of William L. H. Silliman. Incumbent's commission expired February 13, 1911.

NEBRASKA.

William L. Bennett to be postmaster at Bladen, Nebr. Office became presidential January 1, 1911.

Herbert G. Miller to be postmaster at Holbrook, Nebr. Office became presidential January 1, 1911.

Noble Sanford to be postmaster at Axtell, Nebr. Office became presidential January 1, 1911.

NEW JERSEY.

Edward E. Haines to be postmaster at South Amboy, N. J., in place of Frank E. De Graw. Incumbent's commission expires March 2, 1911.

Charles B. Hunter to be postmaster at Bergenfield, N. J. Office became presidential January 1, 1911.

NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, N. Mex., in place of Thomas Branigan. Incumbent's commission expired February 11, 1911.

Robert E. Wherritt to be postmaster at Clayton, N. Mex., in place of Robert E. Wherritt. Incumbent's commission expired February 11, 1911.

NEW YORK.

Emil A. Peterson to be postmaster at Falconer, N. Y., in place of Emil A. Peterson. Incumbent's commission expired February 2, 1911.

Simon D. Replogle to be postmaster at Roslyn, N. Y., in place of Simon D. Replogle. Incumbent's commission expires February 28, 1911.

James A. Snell to be postmaster at Fonda, N. Y., in place of James A. Snell. Incumbent's commission expired January 16, 1911.

Frank Stowell to be postmaster at Mayville, N. Y., in place of Frank Stowell. Incumbent's commission expires February 28, 1911.

James A. Wilson to be postmaster at Sacket Harbor, N. Y., in place of James A. Wilson. Incumbent's commission expired February 12, 1911.

NORTH DAKOTA.

Niels G. Mosgaard to be postmaster at Scranton, N. Dak. Office became presidential October 1, 1910.

Horatio C. Plumley to be postmaster at Fargo, N. Dak., in place of Horatio C. Plumley. Incumbent's commission expires March 2, 1911.

OHIO.

Henry H. Coppock to be postmaster at Pleasant Hill, Ohio, in place of George W. Whitmer. Incumbent's commission expired February 2, 1911.

Don C. Corbett to be postmaster at Payne, Ohio, in place of Don C. Corbett. Incumbent's commission expired January 29, 1911.

Charles R. Crum to be postmaster at Forest, Ohio, in place of Charles R. Crum. Incumbent's commission expired February 2, 1911.

Edward J. Lewis to be postmaster at Girard, Ohio, in place of Edward J. Lewis. Incumbent's commission expired February 7, 1911.

OKLAHOMA.

Cassius M. Cade, jr., to be postmaster at Shawnee, Okla., in place of William S. Cade. Incumbent's commission expires March 2, 1911.

PENNSYLVANIA.

Thomas H. Bailey to be postmaster at Mansfield, Pa., in place of Thomas H. Bailey. Incumbent's commission expired February 13, 1911.

Florencio Bartow to be postmaster at Marcus Hook, Pa. Office became presidential January 1, 1911.

Theodore Lindermuth to be postmaster at East Mauch Chunk, Pa., in place of David P. Hughes. Incumbent's commission expired February 13, 1911.

William F. McDowell to be postmaster at Mercersburg, Pa., in place of William F. McDowell. Incumbent's commission expired February 4, 1911.

Earnest C. Pearce to be postmaster at Avonmore, Pa., in place of James A. Pearce, resigned.

Byron E. Staples to be postmaster at Jersey Shore, Pa., in place of Warren B. Masters. Incumbent's commission expires February 20, 1911.

TENNESSEE.

James F. Collins to be postmaster at Spring City, Tenn. Office became presidential October 1, 1907.

TEXAS.

Edward Blanchard to be postmaster at San Angelo, Tex., in place of Edward Blanchard. Incumbent's commission expires February 21, 1911.

Lucy Breen to be postmaster at Mineola, Tex., in place of Lucy Breen. Incumbent's commission expired February 13, 1911.

Josephine Chesley to be postmaster at Bellville, Tex., in place of Josephine Chesley. Incumbent's commission expired February 13, 1911.

Harry Harris to be postmaster at Gatesville, Tex., in place of Harry Harris. Incumbent's commission expires February 21, 1911.

J. Allen Myers to be postmaster at Bryan, Tex., in place of J. Allen Myers. Incumbent's commission expired February 7, 1911.

William Myers to be postmaster at Seguin, Tex., in place of William Myers. Incumbent's commission expired February 13, 1911.

William D. Rathjen to be postmaster at Canadian, Tex., in place of William D. Rathjen. Incumbent's commission expired February 13, 1911.

James A. Smith to be postmaster at El Paso, Tex., in place of James A. Smith. Incumbent's commission expires February 21, 1911.

UTAH.

James Don to be postmaster at Park City, Utah, in place of Peter Martin, deceased.

WISCONSIN.

C. L. Chistianson to be postmaster at Bloomer, Wis., in place of L. L. Thayer, resigned.

Alfred B. Kildow to be postmaster at Brodhead, Wis., in place of Alfred B. Kildow. Incumbent's commission expires February 28, 1911.

Leonard H. Kimball to be postmaster at Neenah, Wis., in place of Leonard H. Kimball. Incumbent's commission expires February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1911.

RECEIVER OF PUBLIC MONEYS.

Harold Hurd to be receiver of public moneys at Roswell, N. Mex.

REGISTER OF LAND OFFICE.

Lee Fairbanks to be register of the land office at Del Norte, Colo.

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Brig. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of brigadier general, for the period of four years, beginning July 1, 1911, with rank from July 1, 1907. His present appointment will expire by limitation June 30, 1911.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lieut. Col. John A. Hull, judge advocate, to be judge advocate, with the rank of colonel, from February 15, 1911, vice Col. Enoch H. Crowder, who accepted an appointment as judge advocate general, with the rank of brigadier general, on that date.

Maj. John Biddle Porter, judge advocate, to be judge advocate, with the rank of lieutenant colonel, from February 15, 1911, vice Lieut. Col. John A. Hull, promoted.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Samuel S. Bryant to be captain.
Second Lieut. Louis S. Emmanuelli to be first lieutenant.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

First Lieut. Edward A. Kreger, Twenty-eighth Infantry, to be judge advocate with the rank of major from February 15, 1911, vice Maj. John Biddle Porter promoted.

INFANTRY ARM.

To be second lieutenants with rank from February 11, 1911.

Frederick Rodman Palmer, of Wisconsin.
Stanley Willis Wood, of Missouri.
Alexander Wilson, of Missouri.
Xavier Francis Blauvelt, of the District of Columbia.
Frank Dorwin Lackland, of the District of Columbia.
Mason Wilbur Gray, jr., of Michigan.
Joseph Andrews, of Oklahoma.
Albert Samuel Peake, of California.
Floyd D. Carlock, of Ohio.
Cushman Hartwell, of Pennsylvania.
Arthur Boettcher, at large.
Elisha Francis Riggs, of the District of Columbia.
Horace Thurber Aplington, of New York.
Henry Burnet Post, of New York.
Fred Livingood Walker, of Ohio.
Alvan Cullom Gillem, jr., at large.
Rapp Brush, of Illinois.
James Edward O'Phelan, of Minnesota.
John O'Keefe Taussig, of Missouri.
Bert Milton Atkinson, of Georgia.
Edward George McCormick, of New York.

POSTMASTERS.

ARKANSAS.

Ruby Jones, Dermott.

CALIFORNIA.

Clyde F. Baldwin, Whittier.
Sheridan G. Berger, Ontario.
Oliver H. Duvall, Claremont.
George F. Hirsch, Longbeach.
Frank B. Mackinder, St. Helena.
Ada Mayes, El Monte.
James Mitchell, Dos Palos.
Samuel S. Wood, Rialto.

COLORADO.

Harry A. Cobbett, Cedaredge.
Judson E. Sipprelle, Grand Valley.

CONNECTICUT.

Jessie S. Rose, Manchester.

FLORIDA.

Noah Barefoot, Graceville.
Mary B. Bishop, Eustis.
Frank L. Collins, Winterhaven.
George E. Koons, Palmetto.

GEORGIA.

Willie Mishoe, Soperton.

ILLINOIS.

Charles L. Blandin, Blandinsville.
Henry K. Brockway, Barrington.
Ira M. White, Walnut.

INDIANA.

Charles T. O'Haver, Lyons.
William C. Porter, Red Key.

IOWA.

William N. Oursler, Odebolt.

KENTUCKY.

Washington A. Huggins, Cave City.

LOUISIANA.

M. G. Neuhauser, Slidell.

MARYLAND.

Clarence H. Oldfield, Ellicott City.
Fred W. Wilson, Upper Marlboro.

MINNESOTA.

Frank Hagberg, Winthrop.
John Lohn, Fosston.
Thomas M. Paine, Glencoe.
Caroline E. Smith, Morton.
W. J. Stock, Coleraine.
Edward Wilson, Kasson.
Edward Yanish, St. Paul.

OKLAHOMA.

Harry Jennings, Claremore.
Joseph M. De Lozier, Sapulpa.
Joseph V. Martin, Lone Wolf.
Calvin S. Ward, Roosevelt.

PENNSYLVANIA.

Newton S. Brittain, jr., East Stroudsburg.
Fred G. Brown, Knoxville.
Henry M. Brownback, Norristown.
Harry B. Heywood, Conshohocken.
Oscar D. Schaeffer, Nazareth.
George F. P. Wanger, Pottstown.

UTAH.

Thomas Braby, Mount Pleasant.

WEST VIRGINIA.

Luther S. Montgomery, Montgomery.
Isaac I. Riley, Spencer.
William F. Squires, Parsons.

WISCONSIN.

Alexander Archie, Waterloo.
John W. Bell, Chetek.
A. B. Chandler, Beaver Dam.
Robert Downend, Osceola.
Herbert A. Pease, Cumberland.
George A. Packard, Bayfield.
Mildred Smith, Withee.
John H. Snyder, jr., Elkhorn.
David B. Worthington, Beloit.

WITHDRAWALS.

Executive nominations withdrawn February 17, 1911.

Renaldo E. Taylor to be postmaster at Gridley, Cal.
Joseph H. Woollen to be postmaster at Mankato, Kans.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 17, 1911.*

The House met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

WATER FOR IRRIGATION.

Mr. REEDER. Mr. Speaker, I desire to call up the conference report on the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kansas calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. UNDERWOOD. What is the conference report?

The SPEAKER. The Clerk will report the title.

The Clerk read the title of the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes.

Mr. UNDERWOOD. I will ask the gentleman from Kansas what is involved in this.

Mr. REEDER. It is to authorize contracts with outside parties, either private persons or corporations, so that they, by paying their proportionate per cent of the money required for building reservoirs and ditches, can carry the water that belongs to their land through those ditches.

Mr. UNDERWOOD. In the differences between the House and Senate is there any charge on the Treasury or any disposition of the public lands?

Mr. REEDER. There is not.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask the gentleman——

Mr. REEDER. I will ask the gentleman to listen to the statement first.

The SPEAKER. The matter is not yet before the House. Is there objection to reading the statement instead of the report?

There was no objection.

The Clerk read the statement of the House conferees, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 6953, authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report, as to each of the amendments of the House, viz:

On amendments Nos. 1, 2, 3, 4, 5, and 6: Provide for carrying and impounding water, as proposed by the House, instead of disposing of water, as proposed by the Senate.

On amendments Nos. 7 and 8: Make verbal correction in the text of the bill.

On amendment No. 9: Provides that the use of reservoirs as well as the construction of reservoirs may be contracted for, as proposed by the House.

On amendments Nos. 10, 11, 12, and 13: Make verbal corrections in the text of the bill.

On amendment No. 14: Gives to the bill the title proposed by the House.

W. A. REEDER,
RALPH D. COLE,
W. R. SMITH,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I think we ought to have an explanation of this report.

Mr. REEDER. As it passed the Senate this bill provided for the disposition of water. The House committee held that Congress does not have the right to provide for the disposition of water; that water is appurtenant to the land, and that whoever by a proper course secures the water for his land makes the water appurtenant to that land. Therefore we changed the bill so as to provide for impounding and carrying the water, rather than for disposing of it. The Senate conferees agreed with us on every proposition. There were some changes made, however, in the phraseology and punctuation, and those are all the changes that were made in the bill as it was amended by the House.

Mr. MANN. What were the differences between the House and the Senate?

Mr. REEDER. The Senate proposed to dispose of the water. The House simply provided that when a person had secured the water for his land by the ordinary process to impound and carry the water, and that we do not have the power to dispose of the water.

Mr. MANN. This is water in a reclamation project, is it not?

Mr. REEDER. No; it is excess water in a reclamation project.

Mr. MANN. Well, it is water in a reclamation project.

Mr. REEDER. No; it is not; because if it were in a reclamation project it would be necessary for that project; but it is water that is in a stream where, after all the water necessary is used in the reclamation project, a surplus remains. In many cases there is only one good place to impound the water, and by making the dam higher and permitting these people to pay for the extra expense and making the ditch a little larger they can carry water that does not belong to the project to land that the water does belong to.

Mr. MANN. This proposes to have the Government and private parties enter into a partnership, does it not?

Mr. REEDER. Yes, sir.

Mr. MANN. And under that the Government pays part of the expense of the dam and private parties pay the rest?

Mr. REEDER. Yes; that is partly what it is intended for; but the dam is to remain entirely under Government control.

Mr. MANN. We can all imagine how well the Government is likely to have its interests protected.

Mr. REEDER. The bill provides that no water can be carried or disposed of until sufficient water is provided or reserved for the whole of the irrigation project. After that, if there is surplus water and no good place to store it, then by paying the expense necessary to make the reservoir large enough to store it and to make the ditches large enough to carry it, the outside parties can carry their water through the ditches to their own ditches.

Mr. MANN. I remember the bill as it passed the Senate, and I remember the bill as it passed the House. Just what changes have been made by the conferees in the bill as it passed the House?

Mr. REEDER. Not any.

Mr. MANN. I have read enough to see that there have been some changes.

Mr. REEDER. There have been no changes except in phraseology. The amendments are not intended to change the purpose of the bill.

Mr. MANN. What is the occasion of changing the phraseology if it does not mean anything?

Mr. REEDER. In one case there was placed an apostrophe, where if it had been placed lower down it would have been a comma, and we put it lower down. We struck out one section and inserted another section, and that same section was inserted again by the conferees with a few verbal changes. In the second amendment we struck out, in line 7, the words "to be fixed."

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. REEDER. I would be glad to.

Mr. TAYLOR of Colorado. When the Government of the United States, in locating these reclamation projects, determines the amount of land there is to irrigate and the size of the reservoir and the size of the canal necessary to irrigate it, what is the purpose of their having excess capacity, and why should they do so?

Mr. REEDER. Because there are other lands, in small tracts, or perhaps some taken under the Carey Act, that will find plenty of water after the Government has withdrawn what it wants for the purpose of irrigating the lands under the project, but the Government has taken the only practical place to store the water. The result is that after the Government has reserved all that is necessary for their project, if private individuals wish, they can put up the money (the Government still retaining control of the dam) to enlarge the reservoir or widen the ditches, and then they can carry the surplus water which belongs to their land. Without this these lands could not be irrigated at all in some places.

Mr. TAYLOR of Colorado. Why should the Government of the United States have any right to appropriate more water than they need any more than should an individual?

Mr. REEDER. We claimed that the Government did not have any such right, and hence we provided that anyone else that claimed the water should have a right to use it under conditions provided in this bill.

Mr. TAYLOR of Colorado. Is not there danger in this proceeding of having the Government of the United States put to the expense of building irrigation work and appropriating, we may say, water for the purpose of allowing a large number of private individuals to get water at the Government expense very cheaply?

Mr. REEDER. We have provided in our amendment that the Government shall not impound or carry water for others unless there is an excess over what is needed on the lands under the project. Then the Government, having the reservoir, when others furnish the money, may increase the size of the reservoir and increase the carrying capacity of the ditches and permit those who furnish the necessary funds to use the surplus water on their own land.

Mr. TAYLOR of Colorado. Does it not strike those on the committee who have had practical experience in irrigation operations of the West that this is rather an adroit entering wedge for the purpose of the Government controlling our waters in that country?

Mr. REEDER. I am very anxious not to do anything that will invalidate or deprive the people of the full benefits of the national irrigation law. I take great pride in this law. I think it is one of the greatest movements inaugurated by Congress since I have been a Member. By means of this law homes are being made for at least 30 persons each day out of desert lands, and these citizens are placed thereby under conditions which are favorable to the development of the highest type of citizenship.

Mr. TAYLOR of Colorado. Then why not let it alone?

Mr. REEDER. I have consulted practically all of the interested people of the West to know if this could in any way disturb the working of the irrigation law, so that I not only have my own judgment but the judgment of most of the Members interested in these matters.

Mr. TAYLOR af Colorado. Has the gentleman consulted anybody from Colorado, the greatest irrigation State in the West?

Mr. REEDER. No; I do not know that I have.

Mr. TAYLOR of Colorado. It seems to me that when the gentleman talks of irrigation lands he ought to remember the Centennial State.

Mr. MANN. Will the gentleman yield further?

Mr. REEDER. Yes, sir.

Mr. MANN. It seems to me this is so important a matter that we ought to have a full understanding of it.

Mr. REEDER. It is important.

Mr. MANN. As I understand now, under the reclamation project we construct reclamation systems for the furnishing of water directly in the first place through the Government; that this proposition is that the Government shall construct large reservoirs or dams for the purpose of impounding water which the Government has no use for in its reclamation project.

Mr. REEDER. Well, the gentleman is mistaken. It is not a provision of that kind. This is a provision——

Mr. MANN. I want to know whether I am mistaken.

Mr. REEDER. I am saying to the gentleman that my judgment is he is mistaken. The proposition is that the Government is to impound water or arrange to impound water sufficient for the lands under the project. Now, if there still remains a surplus of water, and other persons claim that water for their lands, then they must provide some method of getting that water upon their lands, and by paying the necessary expense the reservoir can be increased in size by building the dam higher and the main ditches enlarged.

Mr. MANN. Is not the very purpose of that to get more water impounded than the Government has any use for in its reclamation project?

Mr. REEDER. It is.

Mr. MANN. Is not that a very dangerous proposition? Here we have reclamation projects started. Now, the proposition is to go beyond that, and have the Government construct reclamation projects, not for the purpose of supplying water to the project, but for the purpose of supplying water to somebody else under contracts which may be made. What supervision is there over the contract?

Mr. REEDER. The Secretary of the Interior is empowered to make such contracts as he deems will make it safe for the owners of the lands to be irrigated under the project that they will have their water not only retained but impounded when they are ready to put water on their land.

Mr. MANN. Suppose there is a shortage of water in the end—who loses the water, the private parties, or the parties on the Government project?

Mr. REEDER. There is a question in my mind should such a condition arise. There is no question unless it should occur in this way, that certain units of the project were first supplied with water, then there is no question but what they would have the water first; but if the money in the irrigation fund should be short, and private individuals come in and establish a right to water and use it on their lands, and then another unit of the Government project is taken up, I am inclined to think that tae next unit under the irrigation project would suffer the loss, because ownership of water is regulated by beneficial use, and if a certain amount was claimed for this project and later on it had been used by other parties, I fear that that second part of the project would suffer the shortage of water.

Mr. MANN. Let me ask the gentleman a question. Here is a project or a reservoir to supply so much water. That must be in the nature of an estimate at the best. You require so much water to furnish irrigation to the people on the land under the Government project, and propose to supply any surplus water under a contract with other people. You do not make any limitation as to the character of the contract which remains?

Mr. REEDER. Yes; we say that this contract shall reserve to the irrigation project a sufficient supply of water to water the project, and there is not as much guesswork about that as the gentleman may think. The amount of water required for the land, as well as the supply in the streams, are pretty nearly known now.

Mr. MANN. Well, there is more or less guesswork about it.

Mr. REEDER. A good deal less guesswork than more.

Mr. MANN. We have not tried irrigation projects long enough to know that. If there is a shortage of water, that is the fault of private consumers only, under the gentleman's statement, but that will depend on the contract.

Mr. REEDER. I think it also depends upon the time of the commencement of the use of the water by different users.

Mr. MANN. Does the gentleman mean to say if the Government makes a contract authorizing the use of water, that the actual use of the water depends upon the time of making the contract?

Mr. REEDER. The ownership of the water depends upon the time of commencing the use of it and their continuance of beneficial use of the same.

Mr. MANN. That is clearly not the case.

Mr. REEDER. That clearly is the case.

Mr. MANN. Does the gentleman mean to say that if you make a contract with A to furnish him so much, and then with B to furnish him so much water in case there is a shortage, the contract with B fails and A can get the water?

Mr. REEDER. Certainly.

Mr. MANN. That will depend upon the contract.

Mr. REEDER. It does not depend on the contract at all.

Mr. RUCKER of Colorado. A has a priority of right.

Mr. REEDER. That is priority of right.

Mr. MANN. It depends upon the law or the contract, and there is no law governing it.

Mr. REEDER. Oh, there is a law.

Mr. MANN. What is it?

Mr. REEDER. If we contract with A to furnish water five years and he fails to use it, and at the end of four years we contract with B, and he commences and continues to use the water, A loses his right and B thus secures the first right to this water.

Mr. MANN. That depends upon the law upon the subject.

Mr. REEDER. It does not; it depends upon who makes continuous beneficial use of the water.

Mr. MANN. It absolutely must depend upon the law on the subject. While that may be governed by some State law the State law will not apply in this case where the Government provides for the making of a contract.

Mr. MONDELL. Will the gentleman yield to me?

Mr. REEDER. I will yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I want to call the attention of the gentleman from Illinois and the House to the fact that, in the first place, this conference report in no wise changes the bill as it passed the House except in matters of phraseology. No change in the purpose or intent of the bill is made.

Mr. MANN. The gentleman from Kansas a moment ago stated that the conference report in nowise changed the language of the bill as it passed the House except in phraseology or punctuation. Can the gentleman inform us in what other way it can possibly be changed except in phraseology and punctuation?

Mr. REEDER. I would like to answer that.

Mr. MONDELL. If the gentleman will allow me, the phraseology was changed very slightly to make the meaning a little clearer and does not in anywise affect the meaning and intent of the act. Then it was discovered that by inadvertence there was an error in punctuation, and the only changes were those of punctuation and such as were made to make the bill entirely clear. The conferees also struck from the bill some language that was mere surplusage and left in the bill through inadvertence.

Mr. MANN. That part I remember, the bill duplicated language, and, if the gentleman will yield, there was a wide difference between the Senate proposition and the House proposition. Now, it comes back with changes in language, and we are told that it is not intended to change the meaning. Why not answer that by telling what the difference is?

Mr. MONDELL. Well, I will say to the gentleman that it makes no essential change in the bill.

Mr. MANN. What is the purpose of doing it if it does nothing?

Mr. MONDELL. Well, for instance, in the matter of punctuation, the House bill at two points was erroneously punctuated.

Then, there were one or two places in the second section of the bill where a very slight change was made to make the language of the bill clearer, and I want to say to the gentleman the changes which had been proposed by the Senate at one time were none of them inserted in the conference report. And the bill comes back to the House substantially as it left the House.

Now, answering the gentleman's question as to what the bill does and how it can affect water rights, let me assure the gentleman it can not; that these contracts which are provided for can not affect the water right of any entryman under a reclamation project or under any unit of a reclamation project, for this reason, that when the reclamation project is inaugurated or initiated the water rights for the entire project and all units of it are filed, and the right dates from the time when the water-right application is made, provided due diligence is used in building works; so that the first rights are those under the project, and nothing can be done, nothing is contemplated in this bill, nothing that we could do could take from the project the water necessary for the irrigation of all of the lands under the project.

Mr. MANN. Does the gentleman mean we could not do it?

Mr. MONDELL. No; we could not do it, because the water rights are obtained from the State, and the water right dates from the date of application, work proceeding with reasonable diligence. So, as a matter of fact, we could not, if we were disposed to do it, which, of course, the House is not, take a water right from any land included in a project. But the first section of the bill provides that if a surplus has been provided by impounding reservoirs, as in the case of the North Platte, for instance, above the amount which will be needed for the irrigation of all lands under the entire project, the Secretary may make contracts for the use of the surplus of the impounded water. That can in nowise or under any circumstances affect any entryman on any project, but it is a contract which is pure velvet, if I may use that sporting expression, to the Reclamation Service, in that it brings to the service an increased income without any further outlay.

Mr. MANN. Is the gentleman absolutely correct about that? The gentleman from Kansas [Mr. REEDER] stated that it contemplated constructing dams higher and at greater expense.

Mr. MONDELL. I am speaking of the first section of the bill now, and I will come to the second section later. The first section of the bill relates primarily to those works which have been constructed. As I have said, it is an income to the service which otherwise the service could not acquire, and without this law, in the case of the North Platte Dam, the additional impounded water not needed for the irrigation of the lands under the project would simply be turned into the stream and the service would receive no benefit from it. That is the first section.

Now, the second section contemplates two essentially different operations: First, that the settlers on a unit of a reclamation project who are anxious to have immediate construction and do not care to wait for the time when the service in the expenditure of its funds can build their canals may make contracts with the Reclamation Service under which they build their own works on the unit, and the contract with the service in fixing their water-right charges gives them credit for the work they have done at their own expense, and which otherwise would have to be done by the Government. To that extent it relieves the Government from expenditure.

Mr. MANN. Right there, if this contemplates the construction of a more expensive dam——

Mr. MONDELL. I have not reached that point. I am speaking now of the first class of works, the more important class of works contemplated, giving the settlers upon a unit the right to build all or a part of the works of the unit themselves, thus saving expenditure by the Government and securing credit on their water rights for the amount of their expenditure. In other words, the water-right charge would be as much less as the cost of the work they constructed bore to the entire cost.

Mr. MANN. And do I understand the gentleman that this proposes to permit the water-right users under the reclamation project itself to construct part of the work which otherwise the Government would construct?

Mr. MONDELL. That is it. That is the more important feature of the second section.

Another feature of the second section which is also important is this, and it is best illustrated perhaps by the situation at Jackson's Lake: The Reclamation Service is irrigating a large amount of land on the Snake River in Idaho, and has withdrawn for irrigation all the public lands on the Snake River that they can reach with their works, so that there is now included in the Reclamation Service in that locality quite a large area that the Government can irrigate. It so happens that by impounding the waters of the Snake River at Jacksons Lake in Wyoming an amount of water can be impounded in excess of what is needed for all of the land under all of the units of the Government projects, and this act gives the Secretary of the Interior authority to allow private parties having land to irrigate down on the river to join in defraying the cost of constructing the dam at Jacksons Lake. The additional amount contributed, of course, would make it possible to raise the dam higher and impound more water, and that would be beneficial to the Government and beneficial to the private parties without costing the Government a penny, because the additional cost of building the dam higher than the Government might find it necessary to build it would be borne by the people who are to use the additional water for the irrigation of the lands under their project.

Therefore the bill does not contemplate the expenditure of additional money by the Government, but it does contemplate a saving to the Government—first, in the first section, by receiving sums for waters which otherwise would go to waste, so far as the Government is concerned; second, by being relieved from the necessity of constructing the laterals and distributing works where the settlers want to construct them themselves, or are willing to do so; and, third, by receiving contributions from private individuals in connection with the construction of dams or ditches, raising them higher or larger in capacity than it would be necessary to do if only Government lands were to be irrigated.

Mr. MANN. Does this bill require that these contributions shall be in cash, or is it proposed that the Government out of

the reclamation funds shall advance this money and at some time get it back?

Mr. MONDELL. No; it does not.

Mr. MANN. Is there anything in the bill to prohibit that?

Mr. MONDELL. Unquestionably.

Mr. REEDER. There is nothing in the bill even to suggest it. Nothing of that kind was contemplated.

Mr. MANN. The bill authorizes the Secretary of the Interior to make contracts, and it makes no limitation with respect to them.

Mr. REEDER. It gives him no money with which to execute contracts. I would like to make a brief statement on this subject, if my friend from Wyoming [Mr. MONDELL] is through. It will take but a moment.

Mr. MONDELL. So far as I know, no one has ever imagined such a thing, and in the case that I am using as an illustration I understand the parties who are irrigating lands down on the Snake River have been ready for the last year to put up the money necessary to build the dam higher than the Government would otherwise build it.

Mr. MANN. The gentleman says that nothing is contemplated about it. When the original reclamation act was passed there was nothing of this sort imagined by anybody, and yet the first thing we have is a proposition that the Government shall enter upon the work and build the reservoirs and dams for the purpose of supplying private parties with water.

Mr. REEDER. If my friend from Wyoming [Mr. MONDELL] has finished his statement, I would like to get a moment for a word of explanation.

Mr. MONDELL. Sometimes exaggerated statements are made in matters of this kind. In this case the Government is saved expenditure, rather than subjected to an additional expenditure.

Mr. REEDER. I would like to make a further remark or two in regard to this bill. First, I wish to state that but for the purpose of providing that the Government should not undertake to dispose of the water we should have made no amendments to this bill. The next proposition is this——

Mr. TAYLOR of Colorado. Mr. Speaker, I want to ask the gentleman from Kansas [Mr. REEDER] a question.

Mr. REEDER. All right.

Mr. TAYLOR of Colorado. In the last sentence of section 2 why is this language used?

Provided, That nothing contained in this act shall be held or construed as enlarging or attempting to enlarge the right of the United States under existing laws to control the waters of any stream in any State.

Why should you put in anything that even indirectly assumes to give the United States control over our streams?

Mr. REEDER. We desired to make it clear that the Government has no right to running water.

Mr. TAYLOR of Colorado. Why did you not say so? Why did you not provide, then, that the United States shall not be construed to have any authority?

Mr. REEDER. That is what we do provide.

Mr. TAYLOR of Colorado. You say "shall not be construed to have any enlarged authority." Why do you tacitly recognize that it has any authority at all?

Mr. REEDER. We amended this bill in such a way as to allay and set aside any suspicion that anyone might entertain that the Government had the right to the water.

Mr. TAYLOR of Colorado. If you intended to do that, I must say that the language hit upon was not very happy. I do not agree with you.

Mr. REEDER. That may have been an unfortunate use of language. I believe there is danger that these men who obtain surplus water under this bill may finally obtain the sole right to water that should go to landowners under the project. Now, I answered my conscience in this matter in this way: That if all the water in the stream is used near its source to produce crops, the sooner this can be consummated the better, and each comer will likely get water in the order of his putting it to beneficial use. We can not in any way increase the amount of water, and the well-established principle in water ownership for irrigation of "first come, first served" is probably best after all, whoever gets left.

Mr. COOPER of Wisconsin. Mr. Speaker, I should like to ask the gentleman from Kansas a question. Do not the first four lines on page 4 permit the private association or corporation to charge what they think is reasonable for the carriage and delivery of the water? The private corporations fix the rate, do they not?

Mr. REEDER. No; we provide in this bill that they shall not charge anything in excess of the cost of the storage and carrying to them; but, nevertheless, when they sell their land, they will get their profit. Everybody knows they will put in as much profit as they can get into the price they charge for the land they own.

Mr. COOPER of Wisconsin. They get this water from the Government, do they not?

Mr. REEDER. No; they do not. That is what we amended the bill to provide against. They get the Government to permit them to pay for the storage of it, and to pay the cost of the increase in the size of the ditches through which the Government carries their water.

Mr. COOPER of Wisconsin. The first four lines further say that they shall not charge in excess of the charge paid by them to the United States, except to such an extent as may be reasonably necessary to cover the carriage and delivery of said waters. The question as to what is reasonable is left to them to decide.

Mr. REEDER. In a way that is true.

Mr. COOPER of Wisconsin. Suppose they make an excess charge over and above that. Who can determine that question?

Mr. REEDER. It is not worth while to try to determine it, for this reason: When they commence to put in their lateral ditches, they are at some expense in addition to what they pay to the Government, and they will make a charge for that. Even if they should charge less than the cost for that, they are sure to make it up in the price they charge for their land anyway, and there is no way to prevent that. They will charge all that the settler will pay for the land. If they do not charge it for carrying water, they will charge it on the land.

Mr. SMITH of Texas. I think the users of the water can hold it down to a reasonable figure.

Mr. COOPER of Wisconsin. They can not if the corporation have a monopoly of the water.

Mr. REEDER. The gentleman does not understand. They have no monopoly of the water, for the reason that the water can only be made appurtenant to the land. They have a monopoly of carrying the water, unless the landowner provide another plan to carry it.

Mr. COOPER of Wisconsin. Where the water in an ordinary irrigation project is let on to land, is there not some officer somewhere or some authority that can fix the rate?

Mr. REEDER. The law fixes the rate, because it must be the cost of constructing the necessary works for impounding and delivering the water without interest. In these private projects there is no way to fix the rate. They own the land, and if they get the water at all, it is appurtenant to the land.

Mr. COOPER of Wisconsin. They would not get the water, except for this provision.

Mr. REEDER. They can get the water, but they have got to provide some way to utilize it. Now, we are simply providing for the best method for them to do this, because we have monopolized the place where the water can be cheaply impounded. That is all there is to the bill. They will charge what they can get for their land, just as the gentleman and myself would do if we owned it.

Mr. KOPP. Who determines whether they are charging what is reasonably necessary to cover the cost of carriage and delivery?

Mr. COOPER of Wisconsin. That is the exact question.

Mr. REEDER. That is determined by the man who buys the land.

Mr. KOPP. Has he any redress if he thinks they are charging him more than it is worth?

Mr. REEDER. No more redress than I would have if I tried to buy a farm from the gentleman, and I thought it was worth $75 an acre and the gentleman thought it was worth $100 an acre. The gentleman would own the farm, and there would be no power on earth that could compel him to sell it to me for $75 an acre if he chose to hold it at $100 an acre.

Mr. KOPP. Then, is not this perfect folly, if a man has no redress when they do that which the law prohibits?

Mr. REEDER. As long as they own the land to which the water is appurtenant, that can not be remedied any more than we can remedy the price of land which is held by any private person.

Mr. COOPER of Wisconsin. In the matter of railroad rates, where there is a monopoly of transportation, if the rate charged by the railroad is not reasonable, there is a commission authorized to fix rates, and the man can go before the commission or into court if necessary. Now, ought there not to be some way in which the question of the reasonableness of the charge for the water can be determined if a man wants to use it? As I understand it, this private corporation has the right to fix the rate.

Mr. REEDER. But they can not get the water unless they own the land to which the water is appurtenant.

Mr. COOPER of Wisconsin. This comes from a contract with the Secretary of the Initerior, does it not?

Mr. REEDER. They could not get the water unless they own the lands.

Mr. COOPER of Wisconsin. Certainly not; but after they sold the lands it is in the hands of the private owner. This company can raise the rate at any time it pleases.

Mr. REEDER. Oh, no.

Mr. COOPER of Wisconsin. It is left to their discretion, and there is no redress for the landowner.

Mr. REEDER. No; there is no contract made for the land under irrigation unless it carries with it a delivery of the water. If the contract is made, that fixes the price. You might as well say that if I bought land of you at $100 an acre and you gave me a deed of it, later on you could charge me more per acre. When they sell the lands they give a deed, and the deeds call not only for the land, but for the water at certain rates.

Mr. KOPP. This provides that—

No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage or delivery of such water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their work.

There is an absolute prohibition. Does the gentleman mean to say that when we insert an absolute prohibition and then attach no penalty to it, it is prohibited by law?

Mr. REEDER. They can not charge any more than the Government charges them for carrying the water.

Mr. KOPP. But suppose they do, what is the result?

Mr. REEDER. They can not collect it.

Mr. KOPP. Why?

Mr. REEDER. For the reason that the Government would not be justified, or the Secretary of the Interior would not permit the carrying of water under those conditions.

Mr. KOPP. But who determines whether they have charged an excess?

Mr. COOPER of Wisconsin. Who determines whether it is a reasonable price or not?

Mr. REEDER. If not determined there it would be determined by the court. But there is nothing in this proposition of the gentleman from Wisconsin. Suppose they were charged 10 cents or a dollar a miner's inch more than it cost; they are going to charge for the land and carrying the water in the private ditches enough to give them a good profit.

Mr. KOPP. That is begging the question. Suppose I have the land and I think I have been charged too much.

Mr. REEDER. But you make your contract when you buy the land. If you have made a contract for the land and paid $25 too much, you have lost your $25. You make your contract at the time and that includes the carrying of the water to the land.

Mr. KOPP. No matter what rate they charge, I either make the contract or I do not buy the land.

Mr. REEDER. That is the situation, and always has been. If a man owns property, he sets the price; you buy or let it alone.

In this case the owner must sell down to 160 acres or he can get no water at all for more than one 160-acre tract, and without the water the land is worthless. This makes the owner hunt a purchaser.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10559. An act to designate St. Andrews, Fla., as a subport of entry;

S. 10638. An act to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.;

S. 10756. An act granting public lands to the town of Omak, State of Washington, for public-park purposes;

S. 10591. An act to grant certain lands to the city of Trinidad, Colo.; and

S. 9113. An act fixing the salary of the collector of customs, district of Montana and Idaho.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, and further insists upon its amendments numbered 48, 76, and 82, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 10559. An act to designate St. Andrews, Fla., as a subport of entry; to the Committee on Ways and Means.

S. 10638. An act to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.; to the Committee on Military Affairs.

S. 10756. An act granting public lands to the town of Omak, State of Washington, for public-park purposes; to the Committee on the Public Lands.

S. 10591. An act to grant certain lands to the city of Trinidad, Colo.; to the Committee on the Public Lands.

S. 9113. An act fixing the salary of the collector of customs for the customs district of Montana and Idaho; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes; and

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

On January 27, 1911:

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On February 2, 1911:

H. R. 25235. An act to provide for the sale of lands acquired under the provisions of the reclamation act and which are not needed for the purposes of that act.

On February 3, 1911:

H. R. 15665. An act providing for the appointment of deputy clerks to the United States circuit court of appeals;

H. R. 15660. An act providing for second homestead and desert-land entries; and

H. R. 20109. An act to quiet title to certain land in Dona Ana County, N. Mex.

On February 6, 1911:

H. R. 20366. An act to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district.

On February 7, 1911:

H. R. 21220. An act transferring Maries County to the eastern division of the eastern judicial district of Missouri.

On February 8, 1911:

H. R. 710. An act for the relief of Cornelius Cahill; and

H. R. 17729. An act for the relief of James F. De Beau.

On February 13, 1911:

H. R. 15342. An act to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit.

On February 15, 1911:

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 21646. An act for the relief of William Doherty;

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co." approved March 2, 1907;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;"

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes; and

H. J. Res. 213. Joint resolution authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915 at San Francisco, Cal.

On February 16, 1911:

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 18342. An act for the relief of E. C. Young;

H. R. 19505. An act for the relief of Eugene Martin;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation, in Wyoming;

H. R. 30727. An act providing for the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form of eulogies, including illustrations, 7,000 copies of the proceedings on the occasion of the dedication of the Stephenson Grand Army memorial in Washington, July 3, 1909, of which 1,500 shall be for the use of the Senate, 3,500 for the use of the House of Representatives, and 2,000 to be delivered to the Stephenson Grand Army memorial committee—

to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.; and

H. R. 26018. An act for the relief of James Donovan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridge across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form of eulogies, including illustrations, 7,000 copies of the proceedings on the occasion of the dedication of the Stephenson Grand Army Memorial, in Washington, July 3, 1909, of which 1,500 shall be for the use of the Senate, 3,500 for the use of the House of Representatives, and 2,000 to be delivered to the Stephenson Grand Army memorial committee.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I call up the conference report on the Indian appropriation bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 28406) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if reading the report would not be more intelligent than the statement, in that the report quotes the language proposed to be inserted, and it is shorter than the statement.

Mr. BURKE of South Dakota. It is shorter than the statement, and it may be that the suggestion of the gentleman from Illinois is correct. I am not particular about it.

Mr. MANN. I am not particular, either; I only called the gentleman's attention to it. I will not object to the request of the gentleman from South Dakota.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota that the statement be read in lieu of the report?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to inquire of the gentleman whether there is any new matter that would be subject to a point of order.

Mr. BURKE of South Dakota. I think not; we have endeavored to avoid legislation beyond the power of the conferees.

The SPEAKER. The Chair hears no objection. The Clerk will read the statement. The Chair desires to call the at-

tention of the House to the fact that on pages 2699 and 2700 of the RECORD, a portion of this statement, there is quite an extensive table.

Mr. BURKE of South Dakota. Mr. Speaker, I will ask unanimous consent that the table be omitted in the reading of the statement.

Mr. SPEAKER. Is there objection?

There is no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement of the conferees.

[For statement see CONGRESSIONAL RECORD of February 16, 1911, page 2697.]

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a correction in the statement which has just been read. On page 2792, in the right-hand column, after the paragraph, occurs the following:

The items on which the conferees were unable to agree are as follows:

I wish to insert there the words "No. 48."

Then, before the second paragraph from the end, which begins—

That the Commissioner of the General Land Office be, and he is hereby, etc.—

I wish to insert the words "No. 76." Those figures are omitted from the report, as printed.

The SPEAKER. Without objection, the statement will be corrected in accordance with the statement of the gentleman.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. I yield to the gentleman.

Mr. TAYLOR of Colorado. Mr. Speaker, I desire to ask a question. I don't know whether it is proper to come here or not, but on page 48 of this bill I call attention to the item 76. Was that put in in the Senate as a Senate amendment or in conference?

Mr. BURKE of South Dakota. That item is a Senate amendment, to which the House conferees have not agreed, and we have reported a disagreement.

Mr. TAYLOR of Colorado. On that item?

Mr. BURKE of South Dakota. On that item.

Mr. TAYLOR of Colorado. The House conferees have not as yet agreed to that?

Mr. BURKE of South Dakota. No; we have not; and we may discuss it a little later when we come to the items in disagreement.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. COX of Indiana. Mr. Speaker, I want to call the attention of the chairman of the committee to amendment No. 48 of the bill on page 29, a Senate amendment. I have not had an opportunity of reading it except as I have observed it read in the report. It strikes me as rather a peculiar provision. Is it an attempt to make or constitute a court or quasi court at some Indian agency out there to try controversies between some man who may have squatted around on some reservation as a trader and the Indians?

Mr. BURKE of South Dakota. In reply to the inquiry of the gentleman from Indiana, I will say that the amendment to which he has reference is a Senate amendment, to which the House conferees have not agreed and on which they have reported a disagreement. At the proper time I shall discuss the reasons for the action of the House conferees in refusing to agree to the Senate amendment.

Mr. COX of Indiana. Before the gentleman moves——

Mr. BURKE of South Dakota. Oh, certainly.

Mr. COX of Indiana. Very well. I desire to hear an explanation of it, as to what the effect of it will be in the event that the conferees may eventually agree to the Senate amendment. It strikes me as being very peculiar.

Mr. STAFFORD. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. STAFFORD. Mr. Speaker, I wish to direct the gentleman's attention to amendment No. 88, which relates to the dead and down timber on the Menominee Indian Reservation. I have glanced over it hurriedly and have the impression that the amendment authorizes the Secretary of the Interior to dispose of the dead and down and also to cut additional green timber. Is it contemplated to have that timber cut at the lumber mill that the Government established a few years ago at Neopit on the Menominee Indian Reservation?

Mr. BURKE of South Dakota. I will say in reply to that inquiry of the gentleman that the item is a Senate amendment. Undoubtedly it is legislation, but owing to a fire during the last year a condition prevails in the Menominee Reservation by which, unless there is some legislation making it possible to make disposition of the burned timber, there will be great loss to the Indians. This legislation was suggested by the department, and I may say it was very carefully considered by a number of the colleagues of the gentleman in this House and was gone over very fully by the House conferees. It does not go further than the existing law in the amount of green timber that may be cut, but does increase the amount of timber that may be logged sufficiently to take care of the dead and down timber, and it is limited in its operation to the present year. It is proposed to use the mill that the gentleman has referred to in the sawing of this timber.

Mr. STAFFORD. Is the dead and down timber to be exclusively milled at the Government mill at Neopit?

Mr. BURKE of South Dakota. My understanding is that that is the purpose.

Mr. STAFFORD. And this provision is only granting additional authority to the Secretary of the Interior by reason of the exceptional conditions that have arisen since the forest fires of last year?

Mr. BURKE of South Dakota. Yes; and also provides an authorization of an expenditure of some of the funds for the construction of a logging road in order that this dead and down timber may be brought to the mill, there not being any authority of law at present for the construction of a railroad, the law, I believe, being limited to the construction of roads other than railroads.

Mr. STAFFORD. As to the authority of law, I recall when I visited this reservation two years ago that the Government was then engaged in the building of a railroad under the supervision of the Secretary of Agriculture, and I presume there was authority for that construction.

Mr. BURKE of South Dakota. I will say, Mr. Speaker, in response to the suggestion that, having understood that was the case, I made inquiry and was assured by representatives of the department and also by some of the colleagues of the gentleman from his State that there has been in fact no road constructed that could be paid for from the funds of the Indians. Any railroad entering there is part of some railroad company that the Government had no interest in, but I understood that considerable sums had been expended in the construction of other roads, but not railroads.

Mr. STAFFORD. I recall distinctly when the committee on the pulp and paper investigation visited the reservation there was then being graded a road along the Little Wolf River by officials of the Forestry Division of the Department of Agriculture, and I was informed it was to be a Government-aided project.

Mr. BURKE of South Dakota. And having had that information, Mr. Speaker, I made the inquiry, as I have stated, and I have been informed that it is not true.

Mr. STAFFORD. This provision does not seek to vest any authority in the Government to construct a railroad on the reservation?

Mr. BURKE of South Dakota. Except a logging road to get to this section of the reservation where the dead and down timber is located, and unless we make provision for the building of a road it would be impossible to do anything with the timber there.

Mr. STAFFORD. The gentleman does not mean to say that it is necessary to have a branch railroad on this reservation in order to bring the dead and down to the mill at Neopit?

Mr. BURKE of South Dakota. I understand, Mr. Speaker, this is to be a logging road, a sort of road from the section of the reservation where the fallen timber is located to the mill. Whether it is in connection with any other railroad I have no information.

Mr. STAFFORD. I thought it was possible to have the dead and down timber brought on the logging roads without the construction of a branch railroad, because there is plenty of snow up there during the winter season, and the dead and down timber could be brought out.

Mr. BURKE of South Dakota. Our information on that point was that there was no way to get the timber to the mill and that the cost of constructing the road would be nominal and not a matter of any great expense.

Mr. STAFFORD. When you say the construction of a road, you refer to the construction of a railroad?

Mr. BURKE of South Dakota. What we call a logging road; I do not know whether that is a railroad—I suppose it is—rails and ties.

Mr. STAFFORD. This uses the term "railroad" in the amendment. When the gentleman says it will not be constructed at any great expense, from the observation we made we thought the Government at that time was engaged in a very expensive project in the building of a railroad along the Little Wolf River. I can not see the necessity for the Government's

building a railroad, even though it may be a logging road, to be paid for out of the funds of the Indians.

Mr. BURKE of South Dakota. Let me say to the gentleman that the purpose of this legislation is to make it possible to dispose of a very large amount of timber that has been burned and which belongs to the Indians, and unless there is this legislation we are told that the timber will be worthless for any purpose, and that without this logging road you might as well not enact the balance of the legislation. That is our information.

Mr. STAFFORD. I quite agree with the main purpose and approve of it, but if there ever was a demonstration of wastefulness on the part of retaining dead and down timber that was down for four or five or six years until it was absolutely worthless it was shown by the millions of feet piled up all along the Little Wolf River on the reservation.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he can give us the information as to who is responsible. Does he mean to imply by that that the bureau which is charged with the responsibility of looking after the Indians was derelict and negligent in not properly protecting their interests on that reservation, and thereby they suffered, or was it through lack of legislation by Congress or by the fact that the legislation was inoperative.

Mr. STAFFORD. As I understand the situation, when this cyclone occurred some years back that caused so much devastation upon this Indian reservation to the standing timber, the then Representative from that district, Hon. Webster Brown, succeeded in passing through this House a bill whereby that could be utilized, but in another body, as I understand, it met with objection, and not only was that condition not limited to one session, but to more than one session, and as a result the Indians have suffered, and their trust funds have suffered by reason of that policy. As I understand, it was not through any fault of the department officials, but more through the neglect of Congress to come to an agreement by reason of the conflict between the two bodies.

Mr. MANN. That is hardly correct, either. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. This contemplates, as I understand, that the present mill upon this reservation shall be used for the purpose of manufacturing into lumber all of the timber on the reservation that ought to be cut and manufactured into lumber.

Mr. BURKE of South Dakota. With the exception that it is limited to 40,000,000 feet. The present law, as I understand it, limits the amount of timber that may be cut—that is, green timber—to 20,000,000 feet.

Mr. MANN. I understand. What I want to get at is this: Under the law that was passed some years ago we authorized the construction of a sawmill upon the reservation, and the Government constructed a very large and expensive sawmill, with a view, at that time not authorized by Congress, but with a view—and I have no criticism of it—of having the sawmill manufacture into lumber the timber on the reservation that could be manufactured into lumber in such a way as to keep the sawmill in perpetual operation, using the matured timber as it should be used.

Now, this 40,000,000 feet contemplated that the timber land upon this reservation shall be perpetually reserved as forest lands, and that 40,000,000 feet would simply take care of that which ought to be taken care of, with the view of the manufacture of that amount for many years, or perpetually.

Mr. BURKE of South Dakota. It is my understanding of this provision that, beyond authorizing the construction of a logging road, it does nothing except to permit the cutting of enough timber to take care of this dead and down timber, and does not increase the amount of green timber that may be cut.

I would like the gentleman, as he is well informed on that subject, to inform the House as to the construction and erection of this mill which he has referred to, as to whether or not that mill was constructed under the Bureau of Forestry or under the Bureau of Indian Affairs, if he knows?

Mr. MANN. It was constructed under the Bureau of Forestry—that is to say, it was done under the Indian Department—but the Bureau of Forestry was called in to take charge of that construction, as I recall it, by law, probably, but whether by law or not, it does not make any difference. They were authorized to do that. They constructed a mill much larger than would ever be required for purposes which were then contemplated, taking the view that, as the Government was entering into the manufacturing business at this reservation, it was economy in the long run to construct a mill of sufficient size to continuously manufacture logs into lumber at this mill. Whether that was wise or not I do not undertake to say. I thought it was a mistake at the time. The Government has entered upon it. Now, what I wished only to ascertain was whether, that being the case, it had been figured out or concluded whether the amount now authorized would tally in the end and work out, so that this mill might be kept in continuous operation in the future.

Mr. BURKE of South Dakota. I will say to the gentleman that I have heard some of the criticism that he has mentioned in regard to this mill. But as to answering his question as to what the mill will do with this legislation, as to whether or not this will keep it in operation, I am unable to state. The gentleman from Wisconsin [Mr. MORSE], who represents the district in which this reservation is located, perhaps could answer the question of the gentleman.

Mr. MANN. Some time I would like to ask the gentleman about some other items in the report.

Mr. BURKE of South Dakota. I should be very glad to have him do so.

Mr. MORSE. What was the question?

Mr. BURKE of South Dakota. The gentleman from Illinois [Mr. MANN] desires information regarding the mill on the Menominee Reservation, as to whether or not the amount of timber that has been milled at the mill under existing law has been sufficient to keep the mill in operation. If not, whether or not the additional timber that will be manufactured of dead and down will keep it in operation, and whether the mill can take care of it or not.

Mr. MANN. Of course, I know that the present amount is not sufficient to keep the mill in continuous operation. But will the 40,000,000 feet not only keep the mill in operation, but will the cutting of 40,000,000 feet keep the place in continual operation?

Mr. MORSE. In reply to the gentleman from Illinois [Mr. MANN] I will say that one of the estimates made was that the growth on the 10 townships would amount, I think, to a little less than the 40,000,000 feet. But I would like to call the attention of the gentleman from Illinois to the fact that at this time the forest is all matured; that is, it has never been cut over. It is the result of centuries of growth, and for the first 10 or 15 or 20 years it will probably be necessary or advisable to cut at least 50,000,000 feet a year.

Mr. MANN. Perhaps that is the truth, but the gentleman is slightly in error when he says that no timber has ever been cut on this forest, because I myself, personally, have seen too many stumps scattered all through the forest while walking through it.

Mr. MORSE. My statement was not absolutely accurate, and the gentleman is right about that. Heretofore some pine along the streams has been cut by the Indians themselves and floated down the streams and sold at Oshkosh, which is down the river some 50 or 75 miles. But the large part of the forest is uncut. A large part is hardwood, which would not float, and never until this time has there been a railroad; never until within three or four years. None of the hardwood could be taken out, because it would not float. A great many sections, in fact many townships, are composed mainly of hardwood. They are uncut. Of course, the fires in years gone by have run through there somewhat, but it is a magnificent body of hardwood.

Mr. MANN. It is the best I have ever seen, but I have never been to North Carolina or Arkansas to look at the hardwood forests there.

Mr. KOPP. I would like to ask the gentleman from Wisconsin [Mr. MORSE] whether this lumber has been able to compete with other lumber companies in the market?

Mr. MORSE. It has competed to the extent that many of the other lumber companies are doing all in their power to discredit the operation there. The enterprise has been very successful. Of course at the beginning there was a lot of timber that was blown down by the cyclone and it was not taken care of properly. In this matter the legislation was held up for months when it ought to have been passed promptly, and the result was that a large amount of that magnificent hardwood rotted in the woods and was destroyed. But since that the mill has been running successfully, and has been manufacturing lumber in successful competition with private institutions.

Mr. STAFFORD. I would like to direct the attention of the gentleman to the provision here authorizing the construction of a logging railway. Will the gentleman inform the House as to the necessity of constructing, at Government expense, a logging railway in this small reservation?

Mr. MORSE. Yes; with pleasure. It was supposed by many Members of this House when this measure was drawn that a little logging railway could be put in there on the reservation. The Attorney General, however, who advises the Indian Department, told them that it could not be constructed under the law. Now, in order to make it sure, we are giving them this power to build this little logging railway.

Mr. STAFFORD. As I understand, there was one that was projected, if not partly constructed, there two years ago.

Mr. MORSE. I do not remember that.

Mr. STAFFORD. Two years ago there was some construction of a logging railway on the Little Wolf River under Government supervision.

Mr. MORSE. The Government operated in cooperation with the Wisconsin Northern Railroad Co. there, and in order to get the rails down promptly I believe they did a little grading and furnished their own ties.

Mr. STAFFORD. They not only did that, but they also put in some bridges, as I understand.

Mr. GOULDEN. What is the extent and quality of the timber in this reservation?

Mr. MORSE. It is the finest body of hardwood left in the Northwest, probably the finest on the American Continent.

Mr. GOULDEN. What is the extent in acres?

Mr. MORSE. Ten townships. Of course, as the gentleman from Illinois has suggested, some of it was cut off years ago. A little of it is burnt over, but there are probably six or seven and possibly eight townships of solid timber left standing.

Mr. GOULDEN. Five or six thousand acres in round figures?

Mr. MORSE. Oh, a great deal more than that.

Mr. COOPER of Wisconsin. A township contains 36 square miles, and each square mile contains 640 acres.

Mr. GOULDEN. The gentleman stated that the timber had rotted. What kind of hard wood would rot so quickly?

Mr. MORSE. Basswood will rot in one summer. Birch will spoil almost completely in one summer.

Mr. GOULDEN. You mean wood that has been cut down?

Mr. MORSE. Down timber.

Mr. GOULDEN. Not standing and alive.

Mr. MORSE. Timber that was blown down by a cyclone.

Mr. GOULDEN. Was there much of it blown down?

Mr. MORSE. Yes; there was 50,000,000 feet of it blown down.

Mr. MILLER of Minnesota. I should like to ask the gentleman from Wisconsin if he can tell us approximately how many feet of hardwood timber are to be found on this reservation.

Mr. MORSE. I have not the figures. I am sorry I can not tell the gentleman.

Mr. MILLER of Minnesota. As a matter of fact, does it not run up into the hundreds of millions of feet?

Mr. MORSE. Yes; indeed.

Mr. MILLER of Minnesota. A further question. In a logging and milling plant commensurate with the size of this undertaking in these modern times, is it not absolutely essential that there be some kind of a logging railroad?

Mr. MORSE. It is. I do not know of one modern plant in northern Wisconsin that does not have some sort of a logging railroad connected with it.

Mr. MONDELL. Is it not true that most of your logging in Wisconsin is carried on in the winter on sleds?

Mr. MORSE. Yes.

Mr. MONDELL. Is it not expensive to log by railroad?

Mr. MORSE. No; it is less expensive to log by railroad. Understand that some of this timber is 7 or 8 miles away from the mill, and you can not haul that distance on sleds to advantage.

Mr. MONDELL. They do in Wisconsin.

Mr. MORSE. A township is 6 miles across, and there are 10 townships here.

Mr. BURKE of South Dakota. I yield to the gentleman from Minnesota [Mr. MILLER] for a statement.

Mr. MILLER of Minnesota. Mr. Speaker, there seems to be some little uncertainty in the minds of the membership of the House as to the advisability of this logging railroad. Having lived for some years in a lumber and logging community, I feel that my statement may be of some value in this connection. Years ago it was the common method to conduct logging operations exclusively by teaming and skidding. In recent years, however, that method has been found extremely expensive, and under the competition that now exists it is almost unknown as an exclusive method. There is now a combination of the two, the logging railway and the team. The team hauls the logs from the place where they are cut and banks them in a convenient place at the railroad track, and the railroad then hauls the logs to the mill. I do not think there is a lumber company in Wisconsin or Minnesota of any magnitude but that has as an essential part of its system some kind of a logging railway. Do not understand that this contemplates the construction of a permanent roadbed and trestles and that sort of thing. They run the railroad track right along on the surface, and if you ride over it you think you have gone to sea in a sailboat. The track is simply laid upon the surface and is very rough in places—is simply laid down for this particular purpose and moved about as prosecution of the work requires. While to gentlemen who are not familiar with the subject it may seem singular that a logging railway should be needed, yet everyone acquainted with logging operations knows that for a project of any size it is absolutely essential to successful operation of the plant.

Mr. BURKE of South Dakota. I yield to the gentleman from Wyoming [Mr. MONDELL] for a question.

Mr. MONDELL. I wish to ask the gentleman from Minnesota a question.

Mr. BURKE of South Dakota. I now yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, the gentleman from Minnesota has partly answered the question that I intended to ask, but I want to ask the chairman of the committee if he has investigated personally the question of the necessity of constructing logging railroads in this particular locality, and to what extent they expect to build them.

Mr. BURKE of South Dakota. I have not, Mr. Speaker, beyond being assured that the only logging road contemplated is to get into the section where the burned timber is located.

Mr. MONDELL. This is to supply the necessity arising from the project that was passed by the House some years ago?

Mr. BURKE of South Dakota. It is.

Mr. MONDELL. And it is necessary, in view of the fact that we have embarked on that undertaking, and the gentleman recollects that when the matter was in the House there was considerable objection to it, but it was heralded through the press and in magazine articles, very complimentary to the undertaking, which pleased all the friends of State socialism as an illustration of the wonderful things that could be done under Government supervision. But after the bubble was pricked it was discovered that the extravagancies that often attend Government undertakings in the domain of private enterprise had occurred here, and that the Indian fund had been vastly depleted by the tremendous expense in the building of this mill and the expensive lumber operations. Does the gentleman believe that we can hope for any better results in the future than the very unsatisfactory results in the past?

Mr. BURKE of South Dakota. I will say to the gentleman that I have not information sufficient to indorse what might be termed the "whereas" that precedes his question.

The question being predicated upon a state of affairs that may or may not exist, I am unable to answer the question, except to say that I have sufficient information to believe that no matter what has transpired in the past, now and henceforth there will be nothing that can be seriously criticized in the administration of the cutting of the timber and the manufacturing of the lumber at this mill to which the gentleman has referred.

Mr. MONDELL. I realize and approve the attitude of the gentleman in refraining from criticism, but it seems to me it is just to the House and fair to the country that the facts should not be overlooked. That it did turn out that this undertaking was tremendously expensive, that the results were nothing like what were prophesied for the undertaking, and that instead of being so useful and valuable and helpful as was widely prophesied and widely heralded should not be lost sight of, as a matter of fact it was almost a scandal, a tremendous expense, and I think I may properly say a harmful extravagance.

Mr. BURKE of South Dakota. I wish to suggest to the gentleman, and I know he will appreciate it, that this comes up in an entirely different way than would be the case if there was a bill to change materially the conditions with relation to the cutting of timber and the disposition of timber upon this reservation. The only question that is involved in this amendment is to make it possible to cut some timber that has been burned over in the last year that will be destroyed unless we provide for its manufacture. We do not change the existing law in any particular, except to increase the amount of timber that may be cut, limiting the increase to the down timber, and authorize the construction of this logging road.

Now, the only thing I sought to obtain information about related to the conditions and to ascertain whether they are such as to demand some remedial legislation to make it possible to save to the Indians this great amount of timber that otherwise would go to destruction. Therefore we did not go into the question which the gentleman has in mind when he asked this question, which he evidently asked laboring under the impression that there are conditions there that have not proved practical and that might be criticized. I do not know what those conditions are from any personal investigation.

Mr. MONDELL. I am not laboring under any such impression. The facts are well known to those who have taken the trouble to investigate them. As I understand it, the committee is endeavoring to make the best of a situation entered upon under exaggerated and flamboyant promises of splendid results to be achieved, in the achievement of which the country was sadly disappointed.

Mr. BURKE of South Dakota. The gentleman is endeavoring to make something out of a bad situation caused by a fire destroying a great quantity of timber in the reservation.

Mr. MONDELL. The destruction of the timber by the fire really had nothing to do directly with the undertaking of this enterprise. It might possibly have been made an excuse—I do not recall as to that—but if that were so, it was simply an excuse for the undertaking.

Mr. BURKE of South Dakota. I will say to the gentleman that he certainly does not wish to say this legislation is proposed except because of a condition that is caused by this fire. That is the only thing that suggests it. That is the only thing that it does.

Mr. MONDELL. It keeps the mill running, and it was stated that under legislation as it stood the mill would not have sufficient lumber.

Mr. BURKE of South Dakota. That question of keeping the mill running was not considered, and when the legislation was enacted it was proposed, as I recall, in the House, I think by the House bill, to make the amount of green timber that might be marketed 50,000,000 of feet annually.

Mr. MORSE. Yes; that was the amount in the original bill.

Mr. BURKE of South Dakota. And I think, at the instance of the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD], perhaps, there was an objection to there being so large an amount as that authorized to be cut annually, and it was reduced in the House.

Mr. MORSE. It was reduced to 25,000,000. Will not the gentleman from South Dakota yield to me to answer the question?

Mr. BURKE of South Dakota. I will yield to the gentleman later, but my understanding is that it was changed in the Senate, and when it became a law it was 20,000,000 feet.

Mr. MONDELL. Before the gentleman from Wisconsin takes the floor, if I have not lost my right, I simply want to say that I have no objection to the legislation. I think the committee has made the best of a bad situation. I feel as though it was proper to have the facts in regard to the matter brought to the memory of Members of the House, in order that we may not make a like mistake in the future.

Mr. CAMPBELL. Mr. Speaker, I do not understand why the gentleman from Wyoming persists in asserting and reasserting that we are trying to get out of a bad situation here or to correct a blunder that has heretofore been made by any administrative officer or by the Congress. We are endeavoring to market some down timber, the result of a fire, and authorizing the cutting of enough green timber to make roads so as to get that down and dead timber to the mill. That is all this agreement was inserted for and all the purpose that it has in this bill at this time.

Mr. STAFFORD. Does the committee have any information as to the expense that would be occasioned by the building of this logging railway?

Mr. CAMPBELL. Oh, it was estimated anywhere from $20,000 to $40,000.

Mr. STAFFORD. Twenty to forty thousand dollars would only build about 1 mile on the scale that the work was being undertaken some two years ago, because in that hilly country it was very difficult to lay any logging railway.

Mr. KENDALL. It was only a temporary road?

Mr. STAFFORD. The road then being built was of a permanent character.

Mr. BURKE of South Dakota. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. MORSE] for five minutes.

Mr. MORSE. Mr. Speaker, I feel that I must answer the innuendo contained in the question of the gentleman from Wyoming [Mr. MONDELL]. In the first place, we are not trying to get out of a bad situation; it is not a bad situation. It is a good proposition. This mill was put in there for the purpose of giving the Indians work, and does give them work. There are over 200 Indians out of that little tribe working continually. You are making men out of them, you are giving them work right there at home and giving them a valuable occupation.

Mr. STAFFORD. Can the gentleman inform the House of the number of Indians that are daily employed in this Neopit mill?

Mr. MORSE. The number varies. There are not so many in the mill, but a large number in the lumber camps, so that it runs some months as high as 300.

Mr. MONDELL. Do I understand the gentleman to say that the Indians would not work unless they could work for the Government?

Mr. MORSE. They had no chance to work. Under the rules of the Government, if they leave the reservation they lose their rights and there is no place to work there unless the timber is cut, and the timber is being cut on the reservation and being manufactured by Indian labor, and it is being manufactured at $10.24 per thousand feet, and they are running in competition with private business and they are being paid for the work.

Mr. McGUIRE of Oklahoma. Mr. Speaker, does the gentleman refer to the mill on the Menominee Indian Reservation?

Mr. MORSE. I do.

Mr. McGUIRE of Oklahoma. I understood the gentleman to say that it was a profitable enterprise.

Mr. MORSE. And I repeat it.

Mr. McGUIRE of Oklahoma. The evidence before the Committee on Expenditures in the Interior Department is to the affect, coming direct from the Interior Department, that it costs that tribe of Indians nearly a millions dollars to institute and conduct this enterprise and it has been done at a loss of nearly $1,000,000 to this tribe of Indians.

Mr. MORSE. I have a statement; I get the monthly statement from the Indian department itself each month frequently. Of course, it has been a large investment. What have you done? You have taken 20 townships of land; you are creating the most magnificent forest reserve on the American Continent. We have assisted in the building of railroads, sidetracks; we have built a magnificent mill, the finest in northern Wisconsin, and we have equipped it and it is in operation.

Mr. McGUIRE of Oklahoma. Is it not the statement of the Interior Department that the kind and character of this mill is not what it should be for the manufacture of this timber; that is, the capacity of the mill is very much greater than necessary for the manufacture of timber?

Mr. MORSE. The gentleman is in error; he has not listened to the debate. The capacity is not too large for the amount of timber there on the reservation. Listen, the capacity is too large for the amount of timber that they are permitted to cut under the law as it was originally passed by this House, and what we are trying to do right here by this amendment is to enlarge that amount. Now, my time is almost up, and I want to say, in reply to the gentleman from Wyoming with regard to State socialism, that I am informed he is about to or has reported into this House, or will within a day or two, a bill that goes further in the direction of State socialism than this bill ever thought of doing. He wants to mine coal on public land, the Government retaining title and control of those lands. If that is not State socialism I want to know what is.

Mr. MONDELL. It does not involve any draft on the Treasury, but it puts funds into the Treasury.

Mr. MORSE. This does not cost the Treasury 1 cent; the gentleman from Wyoming knows better than that.

Mr. MONDELL. Better than what?

Mr. MORSE. That this operation costs the Government a penny.

Mr. MONDELL. It costs over a million dollars——

Mr. MORSE. Of the Indians' money.

Mr. MONDELL. Oh, you take it from the Indians.

Mr. MORSE. The Indians' money is being used to develop their own plant and their own operations, and not one cent of the money has been taken out of the Treasury that did not belong to these Indians. I want to state further that this has not been a tremendously expensive proposition. The funds have not been depleted. They have been invested, and properly invested, and in place of its being a failure it is a success not only from a business standpoint, but a success from the standpoint of the Indians, and that is of primary importance, in placing the mill on this reservation; and I want to say to the gentleman if he bases his conclusion on the statement of that man who appeared before the Pinchot-Ballinger investigating committee that he has based it upon a tissue of falsehood from beginning to end. I wanted at that time to call the attention of this House to it.

Mr. MONDELL. I never heard of any statement of that character nor ever read any of the evidence before the committee.

Mr. MORSE. That was sent broadcast over the land, and I supposed the gentleman was basing his opinion on the opinion of that man who appeared before that committee.

Mr. MONDELL. My information comes entirely from official sources, I will say to the gentleman.

Mr. MORSE. The gentleman's information is misinformation.

Mr. MONDELL. Then it is official misinformation if it be misinformation.

Mr. MORSE. I think that is probably true, too.

Mr. BURKE of South Dakota. I yield to the gentleman from Oklahoma [Mr. McGUIRE].

The SPEAKER. The House has seemingly been proceeding by unanimous consent. The gentleman has not used an hour

yet. Although no motion is pending for time, I suppose the gentleman having the floor is entitled to an hour.

Mr. BURKE of South Dakota. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman has 15 minutes left of the hour.

Mr. BURKE of South Dakota. I would say, Mr. Speaker, if there are going to be many inquiries regarding different provisions in this bill, I do not care to discuss this one any further unless we can have some understanding as to the time.

The SPEAKER. The gentleman has had his time seemingly by unanimous consent. The Chair did not think proper to interrupt the gentleman, as everybody seemed to be happy. [Laughter.] The gentleman will proceed.

Mr. CARLIN. I want to suggest to the gentleman from South Dakota that we have no desire to postpone this conference report, but we do not wish to allow this conference report to be used for the purpose of defeating claims day.

Mr. BURKE of South Dakota. I will say to the gentleman that there is no disposition on the part of the gentleman in charge of this report to consume any time more than is absolutely necessary for the consideration of this report.

Mr. SIMS. The gentleman makes no motion.

Mr. BURKE of South Dakota. I am going to do so as soon as the gentleman from Oklahoma [Mr. MCGUIRE] makes a statement.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I am not quite willing to allow the statement of the gentleman from Wisconsin [Mr. MORSE] to go unchallenged with respect to the establishment and operation of this mill on the Menominee Indian Reservation. Before the Committee on Expenditures in the Interior Department there were a great number of witnesses who had personal knowledge of the situation and conditions on this reservation. The Indians, when this mill was established, had about $3,000,000 in cash. After the mill had been operated for some months the Indians had nearly $2,000,000 in cash. Every dollar that has been spent of the $3,000,000 has been spent in the construction and operation of this mill. According to the testimony of the officers of the Interior Department, the capacity of the mill was much greater than was necessary for the sawing and manufacturing of timber adjacent to the mill. There is other timber in that country, according to the testimony, but no timber near enough and accessible to the mill to be used by it, and the sum total of the facts are that $1,000,000, nearly, of the money of these Indians has been squandered by this unfortunate enterprise. I do not know whose fault it was. I do know this, that the Commissioner of Indian Affairs undertook to and did farm out some of his duties to the Forest Service, and under the supervision of the Forest Service they proceeded to construct this mill and manufacture the lumber, and the money of the Indians was squandered, and somebody is responsible for it. That is on the uncontradicted testimony of every witness before the Committee on Expenditures in the Interior Department.

Mr. MORSE. Just a word or two. The Forestry Department had nothing whatever to do with it, except to mark the trees.

Mr. McGUIRE of Oklahoma. The Forestry Department were in charge of this mill and a gentleman detailed from the Forestry Department was superintendent of this enterprise.

Mr. MORSE. However, he was working for the Interior Department, and it was all done under the supervision of the Interior Department. I just wanted to correct the gentleman.

Mr. McGUIRE of Oklahoma. It was done by contract, and the contract explains itself. It was done under a contract between the Commissioner of Indian Affairs and the Forestry Department, or Mr. Pinchot.

Mr. BURKE of South Dakota. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore (Mr. OLCOTT). The gentleman from South Dakota moves the adoption of the conference report.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. May I ask if amendment 16, on page 9, as printed, was agreed to?

Mr. BURKE of South Dakota. It was agreed to; yes, sir.

Mr. MANN. Just what is the purpose in providing in the bill that "the following sums be, and they are hereby, appropriated out of any money in the Treasury," and then, when you get over to this Senate amendment, provide that "there is hereby appropriated the sum of $30,000?" Since when did we commence to form bills in that way?

Mr. BURKE of South Dakota. I can only say to the gentleman the item to which he refers is an amendment of the Senate creating a revolving or reimbursable fund.

Mr. MANN. I am not discussing the merits of the proposition. I am trying to get at the reason for inserting in the body of the bill at various places the words "there is hereby appropriated" certain sums, when the first part of the bill starts out, in the first section, with an appropriation.

Mr. BURKE of South Dakota. I will say to the gentleman the language used is the language adopted by another body.

Mr. MANN. I understand. Subject to amendment, however.

Mr. BURKE of South Dakota. Wait a moment. The committee followed the language in the Indian appropriation bill approved April 4, 1910, verbatim, and just how the language happens to be in this form, in view of the fact that the last year's bill passed when the gentleman from Illinois [Mr. MANN] was present, is something that I can not answer.

Mr. MANN. I can say to the gentleman from South Dakota [Mr. BURKE] that last year's bill did not pass the House in that shape. The same thing is true on page 11 with respect to amendment numbered 18. It seems to me that the gentleman's committee in conference ought to put the Senate amendment in the proper shape. It can not be expected that that shall be done in some other body.

Mr. BURKE of South Dakota. I do not think the gentleman need take any time in discussing the phraseology of an amendment that has been disagreed to in conference.

Mr. MANN. I do as to the form of the item.

Mr. BURKE of South Dakota. We disagreed to it, both as to form and everything else.

Mr. MANN. The gentleman from South Dakota [Mr. BURKE] agreed to the form of amendment 16, did he not?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. I call it to the attention of the gentleman in the hope that, if agreed to, it will be put in the proper form.

Mr. BURKE of South Dakota. I think it is a technical criticism that the gentleman makes.

Mr. BYRNS. Mr. Speaker, I desire to call the attention of of the gentleman from South Dakota [Mr. BURKE] to amendment No. 57, on page 38 of the bill—a Senate amendment. I notice it provides for the repayment to J. Blair Shoenfelt, late United States Indian agent at the Union Agency, Okla., the sum of $3,578.63 for money embezzled by Lyman K. Lane, formerly financial clerk and cashier at that agency, for which the bill states the said Shoenfelt was accountable. Will the gentleman give some explanation as to why that money should be repaid?

Mr. BURKE of South Dakota. I will say that this amendment was not agreed to by the House conferees until after a number of days' discussion over the different amendments, and it was then with great reluctance that we did recede, not so much on account of the merits of it, but on account of the fact that it constitutes a claim, and we did not like to consent to anything in the nature of a claim being put upon this bill.

The facts of the case are that the shortage existed in the Union Agency in Oklahoma. The agent was short this sum of money that is herein mentioned. The shortage was due to an alleged embezzlement by some employee at the agency, and the superintendent or the agent got no part of the money himself. It was the subject of a very full report made by the Senate Committee on Claims, which went into it exhaustively, and it appeared to the committee that the merits of the claim were such as perhaps to demand the allowance of it. If the gentleman has ever had any experience in conference, he will know that he can not have his way in everything. The item was a small matter, and after discussion we receded and consented that this provision should go in.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. This amendment proposes to do two things?

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. First, to repay the agent the amount of money that he was compelled to pay into the Treasury, and, second, to credit the Indian fund with the amount embezzled. What sense is there in the United States making good the default on the Indians?

Mr. BURKE of South Dakota. I do not comprehend the gentleman's question.

Mr. FITZGERALD. I say this amendment provides two things: First, the repayment of the money that the agent was compelled to pay because of the defalcation, and, secondly, it compels the United States to make good the amount that was stolen from the Indian funds.

Mr. BURKE of South Dakota. It is not Indian funds. It is the fund that was appropriated, as I understand it, for that agency. The superintendent has made good this shortage to the amount that it is proposed to repay him, and the balance is charged to him. The purpose of it is to repay him what he has paid and relieve him of the amount charged against him on the books.

Mr. BYRNS. What became of the money he repaid?

Mr. BURKE of South Dakota. It went into the Treasury, I presume.

Mr. BYRNS. Not to the credit of the fund from which it was taken.

Mr. BURKE of South Dakota. I do not understand that this was an Indian fund.

Mr. CARLIN. Mr. Speaker, under what order are we proceeding? Is it by unanimous consent?

The SPEAKER pro tempore. We are proceeding under the rule which gives to the gentleman from South Dakota [Mr. BURKE] one hour.

Mr. BURKE of South Dakota. I move the previous question on the motion to agree to the conference report.

Mr. MANN. Without any explanation of any of these other things?

Mr. BURKE of South Dakota. If I can get further time, I shall be very glad to have an explanation of everything; but I do not wish to lose control of the floor. I withhold the motion for a moment.

Mr. BYRNS. I should like to have some further explanation of this item.

Mr. BURKE of South Dakota. I will consent to any time that is desired to discuss this report, but I do not propose to lose control of the floor within my hour without moving the previous question, unless I have an extension of time.

The SPEAKER pro tempore. The Chair will say to the gentleman from South Dakota that his hour has almost expired.

Mr. CAMPBELL. Mr. Speaker, a parliamentary inquiry.

Mr. BURKE of South Dakota. I yield to the gentleman from Kansas.

Mr. CAMPBELL. The gentleman from South Dakota took the floor and a general discussion ensued on the bill without any motion. The Speaker stated that evidently the discussion was proceeding by unanimous consent, there having been no motion made relative to the conference report. The gentleman from South Dakota a few moments ago moved to agree to the conference report. He made that motion not to exceed 10 minutes ago. Is he not entitled to one hour from the time he made the motion?

The SPEAKER pro tempore. That was merely a formal motion, but the gentleman within his hour has moved the previous question.

Mr. CAMPBELL. Mr. Speaker, I will take the floor in my own right.

The SPEAKER pro tempore. The gentleman can not take the floor in his own right when the previous question has been moved.

Mr. CAMPBELL. But not put.

Mr. BURKE of South Dakota. I withdraw the motion for the present.

Mr. SIMS. Then I renew it.

Mr. CAMPBELL. I have the floor, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMS] moves the previous question.

Mr. CAMPBELL. But the gentleman from Tennessee does not have the floor, Mr. Speaker. I have the floor.

Mr. SIMS. Recognition is with the Chair.

The SPEAKER pro tempore. The gentleman from South Dakota made the motion for the previous question on the adoption of the conference report. Then he withdrew it, and the gentleman from Tennessee [Mr. SIMS] renewed the motion for the previous question.

Mr. CAMPBELL. But the gentleman from Tennessee could not get the floor for that purpose while I had the floor.

The SPEAKER pro tempore. The gentleman merely had the floor to make a parliamentary inquiry, and the motion before the House is for the previous question.

Mr. CAMPBELL. Mr. Speaker, let me call the attention of the Chair to the fact that I had the floor.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MANN. In giving recognition, is not a member of the committee entitled to recognition prior to the gentleman from Tennessee, who is not a member of the committee?

The SPEAKER pro tempore. Not when a motion for the previous question is made. The motion for the previous question takes precedence.

Mr. MANN. Oh, not at all, unless the gentleman making the motion has the floor. Under that construction, Mr. Speaker, anyone could get up and move the previous question at any time.

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURKE of South Dakota. The gentleman from South Dakota who made the motion for the previous question withdrew that motion.

Mr. SIMS. And I renewed it.

Mr. BURKE of South Dakota. The gentleman from Kansas demanded recognition. The gentleman from Tennessee [Mr. SIMS] got up from his place and, without addressing the Chair, said, "I renew it," without getting recognition. Now, I desire to know if he would be recognized in preference to the gentleman from Kansas, who was demanding recognition from the Chair?

The SPEAKER pro tempore. The motion for the previous question would be recognized in preference to the recognition of the gentleman from Kansas.

Mr. CAMPBELL. The gentleman from Tennessee did not address the Chair.

The SPEAKER pro tempore. Oh, the gentleman from Tennessee did address the Chair. Upon the withdrawal of the motion for the previous question by the gentleman from South Dakota, the gentleman from Tennessee renewed the motion.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry. Has the Chair decided the dispute; and if so, will the Chair stand by his decision? We are only wasting time.

The SPEAKER pro tempore. The Chair will put the motion for the previous question.

The question was taken; and on a division (demanded by Mr. MANN) there were 66 ayes and 30 noes.

Mr. MANN. I make the point of order that no quorum is present.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. MANN. I move a call of the House.

The SPEAKER pro tempore. The gentleman from Illinois makes a point of no quorum and moves a call of the House. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. All those in favor of ordering the previous question will, when their names are called, answer "aye" and those opposed "no." The Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 80, answered "present" 4, not voting 117, as follows:

YEAS—183.

Adair	Dies	Jones	Plumley
Adamson	Douglas	Kahn	Pou
Aiken	Draper	Keliher	Pray
Alexander, Mo.	Edwards, Ga.	Kinkaid, Nebr.	Prince
Alexander, N. Y.	Edwards, Ky.	Kitchin	Pujo
Ames	Ellerbe	Lamb	Rainey
Anderson	Ellis	Langley	Randell, Tex.
Ansberry	Elvins	Law	Rauch
Ashbrook	Englebright	Lawrence	Reeder
Austin	Estopinal	Lee	Richardson
Barchfeld	Finley	Legare	Robinson
Bartholdt	Flood, Va.	Lever	Rothermel
Bartlett, Nev.	Floyd, Ark.	Lindbergh	Rucker, Mo.
Beall, Tex.	Focht	Livingston	Saunders
Bell, Ga.	Foss	Lloyd	Shackleford
Boehne	Gaines	Loud	Sheffield
Borland	Garner, Tex.	McCredie	Sheppard
Brantley	Garrett	McHenry	Sherwood
Broussard	Gillespie	McKinlay, Cal.	Sims
Burgess	Glass	McKinley, Ill.	Sisson
Burleson	Godwin	McKinney	Slemp
Burnett	Gordon	McLachlan, Cal.	Small
Byrd	Graff	McLaughlin, Mich.	Smith, Tex.
Byrns	Graham, Ill.	Macon	Southwick
Calderhead	Grant	Maguire, Nebr.	Sparkman
Candler	Hamlin	Malby	Stanley
Cantrill	Hammond	Martin, Colo.	Steenerson
Carlin	Hardwick	Martin, S. Dak.	Stephens, Tex.
Carter	Harrison	Massey	Sterling
Cary	Hawley	Mays	Sulzer
Clark, Mo.	Hay	Miller, Minn.	Talbott
Clayton	Hayes	Mitchell	Taylor, Ala.
Cline	Heflin	Mondell	Taylor, Colo.
Cole	Helm	Moon, Tenn.	Thomas, Ky.
Collier	Henry, Conn.	Moore, Pa.	Thomas, N. C.
Cowles	Henry, Tex.	Morgan, Okla.	Tou Velle
Cox, Ohio	Higgins	Morrison	Townsend
Craig	Hollingsworth	Morse	Turnbull
Creager	Howell, N. J.	Needham	Underwood
Crow	Hubbard, Iowa	Nicholls	Washburn
Currier	Hughes, Ga.	O'Connell	Watkins
Dawson	Hughes, N. J.	Olcott	Webb
Dent	Hull, Tenn.	Oldfield	Weeks
Denver	Jamieson	Padgett	Wickliffe
Dickinson	Johnson, Ky.	Page	Woodyard
Dickson, Miss.	Johnson, S. C.	Pearre	

NAYS—80.

Anthony	Cooper, Pa.	Esch	Griest
Barnard	Cooper, Wis.	Fassett	Guernsey
Bartlett, Ga.	Cox, Ind.	Ferris	Hanna
Bennet, N. Y.	Cullop	Fish	Hitchcock
Boutell	Dalzell	Fitzgerald	Houston
Burke, Pa.	Diekema	Fordney	Howell, Utah
Burke, S. Dak.	Dixon, Ind.	Foster, Ill.	Hull, Iowa
Butler	Dodds	Foster, Vt.	Johnson, Ohio
Campbell	Driscoll, M. E.	Fuller	Kendall
Cassidy	Durey	Garner, Pa.	Kennedy, Ohio
Chapman	Dwight	Good	Knapp

Korbly	Morgan, Mo.	Roberts	Taylor, Ohio
Küstermann	Moss	Rodenberg	Thistlewood
Langham	Moxley	Scott	Thomas, Ohio
Latta	Nelson	Smith, Iowa	Tilson
Longworth	Nye	Snapp	Volstead
McGuire, Okla.	Palmer, H. W.	Stafford	Vreeland
Madden	Parker	Stevens, Minn.	Wheeler
Mann	Parsons	Sulloway	Wiley
Miller, Kans.	Pickett	Tawney	Young, Mich.

ANSWERED "PRESENT"—4.

Hubbard, W. Va.	Kopp	McCall	Young, N. Y.

NOT VOTING—117.

Allen	Gardner, Mass.	Keifer	Poindexter
Andrus	Gardner, Mich.	Kennedy, Iowa	Pratt
Barclay	Gardner, N. J.	Kinkead, N. J.	Ransdell, La.
Barnhart	Gill, Md.	Knowland	Reid
Bates	Gill, Mo.	Kronmiller	Rhinock
Bennett, Ky.	Gillett	Lafean	Riordan
Bingham	Goebel	Lenroot	Roddenbery
Booher	Goldfogle	Lindsay	Rucker, Colo.
Bowers	Goulden	Lively	Sabath
Bradley	Graham, Pa.	Loudenslager	Sharp
Burleigh	Greene	Lowden	Sherley
Calder	Gregg	Lundin	Simmons
Capron	Hamer	McCreary	Slayden
Clark, Fla.	Hamill	McDermott	Smith, Cal.
Cocks, N. Y.	Hamilton	McMorran	Smith, Mich.
Conry	Hardy	Madison	Sperry
Coudrey	Haugen	Maynard	Spight
Covington	Havens	Millington	Sturgiss
Cravens	Heald	Moon, Pa.	Swasey
Crumpacker	Hill	Moore, Tex.	Wallace
Davidson	Hinshaw	Morehead	Wanger
Davis	Hobson	Mudd	Weisse
Denby	Howard	Murdock	Willett
Driscoll, D. A.	Howland	Murphy	Wilson, Ill.
Dupre	Huff	Norris	Wilson, Pa.
Fairchild	Hughes, W. Va.	Olmsted	Wood, N. J.
Foelker	Humphrey, Wash.	Palmer, A. M.	Woods, Iowa
Fornes	Humphreys, Miss.	Patterson	
Fowler	James	Payne	
Gallagher	Joyce	Peters	

So the previous question was ordered.

The following pairs were announced:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. ANDRUS with Mr. RIORDAN.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. HUMPHREY of Washington with Mr. HARDY.

Mr. SIMMONS with Mr. MAYNARD.

Mr. HEALD with Mr. SLAYDEN.

Mr. FAIRCHILD with Mr. CRAVENS.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. SMITH of California with Mr. HOWARD.

Mr. PAYNE with Mr. LINDSAY.

Mr. BATES with Mr. GILL of Maryland.

Mr. MURDOCK with Mr. RHINOCK.

Mr. GARDNER of Michigan with Mr. MOORE of Texas.

Mr. CAPRON with Mr. CLINE.

Mr. HUGHES of West Virginia with Mr. WILLETT.

Mr. BINGHAM with Mr. BOWERS.

Mr. BURLEIGH with Mr. CLARK of Florida.

Mr. CALDER with Mr. CONRY.

Mr. CRUMPACKER with Mr. GALLAGHER.

Mr. DAVIDSON with Mr. GILL of Missouri.

Mr. DAVIS with Mr. GOLDFOGLE.

Mr. DENBY with Mr. GREGG.

Mr. GARDNER of New Jersey with Mr. HAMILL.

Mr. GILLETT with Mr. HAVENS.

Mr. GREEN with Mr. HOBSON.

Mr. HILL with Mr. HUMPHREYS of Mississippi.

Mr. HOWLAND with Mr. KINKEAD of New Jersey.

Mr. KENNEDY of Iowa with Mr. WALLACE.

Mr. KNOWLAND with Mr. PETERS.

Mr. KRONMILLER with Mr. REID.

Mr. LAFEAN with Mr. RUCKER of Colorado.

Mr. LOUDENSLAGER with Mr. SHARP.

Mr. LOWDEN with Mr. RODDENBERY.

Mr. MCMORRAN with Mr. SHERLEY.

Mr. MADISON with Mr. SPIGHT.

Mr. MILLINGTON with Mr. WILSON of Pennsylvania.

Mr. MOREHEAD with Mr. BARNHART.

Mr. OLMSTED with Mr. BOOHER.

Mr. SMITH of Michigan with Mr. LIVELY.

Mr. WILSON of Illinois with Mr. DANIEL A. DRISCOLL.

On this vote:

Mr. WANGER with Mr. KOPP.

Until February 20, noon:

Mr. MOON of Pennsylvania with Mr. WEISSE.

Mr. MCCREARY with Mr. DUPRE.

Mr. GRAHAM of Pennsylvania with Mr. A. MITCHELL PALMER.

Mr. MCCALL with Mr. JAMES.

Until February 21, noon:

Mr. MURPHY with Mr. COVINGTON.

Commencing February 10 and ending February 18, inclusive:

Mr. JOYCE with Mr. RANSDELL of Louisiana.

Commencing February 10 and ending February 20, inclusive:

Mr. HUBBARD of West Virginia with Mr. SABATH.

Commencing February 21 and ending March 1:

Mr. SPERRY with Mr. MCDERMOTT.

The result of the vote was then announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors, and the question now is on agreeing to the conference report.

The conference report was agreed to.

Mr. BURKE of South Dakota. Mr. Speaker, I move to further insist on the disagreement of the House to the Senate amendment No. 48, and to consent to the request of the Senate for a further conference.

The SPEAKER. There seems to be three amendments here that are not disposed of.

Mr. BURKE of South Dakota. But may I not take them up one at a time?

The SPEAKER. Absolutely; but the conference is not asked until the amendments are disposed of.

Mr. BURKE of South Dakota. Then I call up amendment No. 48.

The SPEAKER. The Clerk will report the amendment to which the gentleman refers.

The Clerk read as follows:

Amendment No. 48, page 77, after line 3, insert:

"Any licensed trader in the Standing Rock Indian Agency of North and South Dakota, who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: *Provided*, That such Indian may at any time appear and contest any item in the said account which he has not proved."

Mr. BURKE of South Dakota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURKE of South Dakota. For the purpose of discussing this amendment and the motion I make that the House further insist on the disagreement to the Senate amendment No. 48.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. CARLIN. Mr. Speaker——

Mr. HANNA. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from North Dakota rise?

Mr. HANNA. Mr. Speaker, I was going to make the same motion that was made by the gentleman from Illinois—to recede and concur.

Mr. MANN. Then, Mr. Speaker, I will withdraw my motion, so that the gentleman from North Dakota may make the motion.

Mr. HANNA. Then, Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from North Dakota moves that the House do recede from its disagreement to the Senate amendments and concur in the same. That is a preferential motion to the motion of the gentleman from South Dakota, because that motion would bring the two bodies to an agreement.

Mr. CARLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. CARLIN. For the purpose of moving a substitute to that motion.

The SPEAKER. But the other motions are preferential motions.

Mr. CARLIN. My motion is to postpone the consideration of this entire conference report until the next legislative day.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is not in order.

Mr. BURKE of South Dakota. That motion is not in order.

The SPEAKER. The Chair thinks that motion is not in order—is inclined to think so.

Mr. CARLIN. If we postpone it to a day certain, or the next legislative day?

Mr. MANN. The gentleman has not the floor.

The SPEAKER. The gentleman from Virginia said he desires to move a substitute.

Mr. MANN. The gentleman was not recognized for any other purpose.

Mr. CARLIN. I now desire to make a privileged motion.

The SPEAKER. The gentleman will state what his privileged motion is.

Mr. CARLIN. The motion is to postpone the consideration of this conference report until the next regular legislative day.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman can not take the gentleman from South Dakota from the floor.

The SPEAKER. The conference report has been agreed to. There are amendments pending outside of the report and they are before the House.

Mr. CARLIN. And I desire to postpone their consideration until the next legislative day.

Mr. MANN. I make the point of order, Mr. Speaker, that the gentleman can not take the gentleman from South Dakota off the floor for that purpose.

Mr. CARLIN. The gentleman from South Dakota has never been on the floor.

Mr. BURKE of South Dakota. The gentleman from South Dakota still has the floor.

The SPEAKER. The Chair has no doubt as to the priority of these motions. The gentleman from South Dakota [Mr. BURKE] was compelled to yield, having made his motion to further insist on the disagreement to the Senate amendment, to the preferential motion made by the gentleman from North Dakota [Mr. HANNA] that the House recede and concur. Both of those motions are preferential, but the one made by the gentleman from North Dakota was of the highest preference. The gentleman from Virginia now rises to another motion which he claims to be a preferential motion, namely, to postpone the consideration of this amendment.

Mr. CARLIN. Of all amendments.

The SPEAKER. Until the next legislative day. Then the gentleman from Illinois [Mr. MANN] makes the point of order that this motion is not such a preferential motion as may intervene between the motion of the gentleman from South Dakota and his right to the floor upon the same, or rather the right to the floor of the gentleman from South Dakota on the motion of the gentleman from North Dakota, because under the practice he would be entitled to the floor. The Chair will hear the gentleman from Illinois upon his point of order. The Chair desires, again, to direct the attention of the gentleman from Illinois to the situation. While the gentleman from South Dakota was recognized to make a privileged motion the gentleman from North Dakota made a preferential motion of a higher character. It is upon this matter the Chair would be glad to hear the gentleman from Illinois; that is, whether or not the motion made by the gentleman from Virginia [Mr. CARLIN] may intervene before the motion of the gentleman from North Dakota. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the situation is this: The House passed the Indian appropriation bill. The Senate passed the bill with certain amendments. It comes to the House, the amendments are disagreed to in the House, and a conference is asked for, and the matter goes to conference. It now comes before the House on the conference report with certain items disagreed to.

The conference report has been agreed to as far as it goes, and thereupon the gentleman in charge of the bill moves that the House further insist upon its disagreement to Senate amendment numbered 48, and the gentleman from North Dakota moves that the House recede and concur in the Senate amendments, and the gentleman from Virginia claims the right to the floor for the purpose of moving a postponement to a day certain or a day uncertain—I do not know which it will be. There are only one or two motions in order. It has always been ruled that those motions which tend to bring the two Houses together shall be first in order. Now, the motion of the gentleman from North Dakota is the motion that brings the two Houses closest into union if it be agreed to. It seems to me it ought to take preference over the motion to postpone, which motion, of course, will be subject to debate, I suppose.

Mr. CARLIN. The gentleman can go on with his suppositions.

Mr. MANN. Now, it is perfectly certain that if the gentleman from Virginia had desired to make the motion for the previous question, he could not take the gentleman from South Dakota off the floor for that purpose, but the motion for the previous question takes precedence of the motion to postpone; and if the gentleman from Virginia can not take the gentleman from South Dakota off the floor for the purpose of offering the motion demanding the previous question, how can he do it for the purpose of permitting a postponement of the matter? The rule is—

> When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely, which several motions shall have precedence in the foregoing order.

Now, the motion for the previous question has precedence of the motion to postpone. It has been ruled time and time again that the gentleman in charge of a bill can not be taken off the floor during the hour to which he is entitled to recognition, for some one else to move the previous question. A moment ago when the gentleman from South Dakota had exhausted his hour the Chair recognized the gentleman from Tennessee to move the previous question, but would not recognize the gentleman from Tennessee or any other gentleman during the hour which the gentleman from South Dakota had under his right to be recognized.

The SPEAKER. The Chair will hear briefly the gentleman from Virginia.

Mr. CARLIN. Mr. Speaker, I do not care to be heard. I think it is a perfectly plain proposition, and I am ready for the Chair to rule.

The SPEAKER. Paragraph 4 of Rule XVI, page 383, of the Manual, says:

> When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely.

Now, this question is under debate. Two preferential motions have been made, one by the gentleman from South Dakota and one by the gentleman from North Dakota. Now the gentleman from Virginia makes another motion, applying to a different class of preference, because the other two motions were motions to bring the House to a disposition of these particular amendments, and may be said to be incidental to these amendments, but the motion of the gentleman from Virginia is to postpone to the next legislative day, and has relation not alone to this bill but to the general order of business in the House. He might have moved, if you choose, in the same order of motion, to postpone indefinitely or to lay on the table.

Now, on the question of laying on the table, which motion at this stage is of similar dignity, the Chair finds this precedent, which the Clerk will read, namely, section 5393, of volume 5 of Hinds' Precedents, where the whole question is so tersely and plainly put in the precedent that the Chair desires the Clerk to read it.

The Clerk read as follows:

> On April 23, 1897, Mr. Richard P. Bland, of Missouri, appealed from a decision of the chair and announced his purpose to debate the appeal. Mr. Dingley, being recognized, moved to lay the appeal on the table.
>
> Mr. James D. Richardson, of Tennessee, made the point of order that the gentleman from Missouri, Mr. Bland, who had taken the appeal, was entitled to the floor to debate it, and could not be prevented by the motion to lay the appeal on the table.
>
> The Speaker, in overruling the point of order, said:
>
> The appeal is debatable, unless the House decides otherwise. * * * The gentleman from Missouri was only on the floor to submit his appeal. Whether he should be recognized afterwards as having the floor to address the House involves a different recognition. * * * A privileged motion could come in between the two recognitions. * * * The House may, if it chooses, vote down the motion to lay the appeal on the table. If the House does not wish to hear debate, it need not hear it. * * * The House is not at the mercy of the individual Member, or any Member whatever. The vote of the House must decide the question. * * * If the House desires to hear the gentleman, it will vote down the proposition to lay the appeal on the table. If it does not desire to hear him * * * it will vote the other way.
>
> The question being taken on Mr. Dingley's motion; there were—ayes 86, nays 75, present 23; so the appeal was laid on the table.

The SPEAKER. The Chair thinks the precedent is in point, and therefore overrules the point of order.

Mr. MANN. Mr. Speaker, I rise to make a privileged motion. I move to lay on the table the motion of the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, I make the point of order that the motion is not in order.

The SPEAKER. The Chair will hear the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. It is a dilatory motion.

Mr. BURKE of South Dakota. I would like to make a parliamentary motion.

Mr. CARLIN. I make the point of order that the motion is dilatory.

The SPEAKER. It occurs to the Chair there is no evidence up to this point of delay.

Mr. BURKE of South Dakota. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I would like to inquire, Mr. Speaker, if the motion of the gentleman from Illinois should prevail, what would become of the Senate amendment.

The SPEAKER. The Chair is inclined to think if the motion of the gentleman from Virginia [Mr. CARLIN] should prevail it would carry the whole bill over to the next legislative day.

Mr. BURKE of South Dakota. Yes; but, Mr. Speaker, the motion of the gentleman from Illinois, if that motion is entertained, is to lay the motion of the gentleman from Virginia [Mr. CARLIN] on the table. Now, if that motion prevails, what becomes of the amendment?

The SPEAKER. The Chair, upon the point of order as to the motion of the gentleman from Illinois, will have read the following precedent.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order, if the gentleman from Virginia [Mr. CARLIN] makes the point of order upon my motion.

Mr. LANGLEY. The Chair has already decided the point of order.

The SPEAKER. The Chair will hear the gentleman from Illinois [Mr. MANN] if he desires to be heard further.

Mr. MANN. I prefer to be heard.

Mr. SIMS. Let us hear that read first.

Mr. CARLIN. This confirms my point of order that the motion is dilatory.

The SPEAKER. At this stage that is overruled.

Mr. MANN. The rule which has already been read provides:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or to postpone indefinitely; which several motions shall have precedence in the foregoing order.

Now, in that order, the motion to lay on the table follows the motion to adjourn, and there are a number of motions ahead of the motion to postpone to a day certain. Under the ruling of the Chair, the motion for the previous question being prior to a motion to postpone indefinitely, it would be in order for me to move the previous question as well as a motion to lay on the table, or a motion to adjourn, ahead of the motion to postpone to a day certain.

I am not certain whether the motion to postpone to the next legislative day is a motion to postpone to a day certain, or to postpone to a day indefinitely, because the Lord only knows—nobody in this House knows—when the next legislative day occurs. Doubtless it may occur to-morrow, but it is uncertain.

Mr. HUGHES of New Jersey. Is not that sufficiently definite?

Mr. MANN. I say that the gentleman's motion to postpone to a day certain is uncertain.

Mr. BARTLETT of Georgia. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Georgia will state it.

Mr. BARTLETT of Georgia. I make the point, Mr. Speaker, that the gentleman from Illinois [Mr. MANN] has moved to lay the motion of the gentleman from Virginia [Mr. CARLIN] on the table, and he is now discussing that motion.

The SPEAKER. And the gentleman from Virginia [Mr. CARLIN] makes the point of order that that motion itself is not in order——

Mr. LANGLEY. Because it is dilatory.

Mr. MANN. If the motion of the gentleman from Virginia [Mr. CARLIN] is a motion to postpone indefinitely, then ahead of it comes a motion to postpone to a day certain, or to refer, or to amend. I do not desire, Mr. Speaker, in any way to detain the House beyond what is necessary, but——

The SPEAKER. The Clerk will read the precedent.

The Clerk read as follows:

On March 18, 1910, Mr. JOSEPH H. GAINES, of West Virginia, moved to postpone the pending subject of discussion to the next day.

Mr. OSCAR W. UNDERWOOD, of Alabama, moved to lay on the table the motion to postpone.

The Speaker expressed at first doubt as to whether or not the motion was in order, but decided to admit it.

The SPEAKER. The Clerk will read the note to the precedent.

The Clerk read as follows:

In some cases one privileged motion is not applicable to another. Thus it would undoubtedly not be in order to move to lay on the table a motion to adjourn or for the previous question, as they are not debatable or amendable. But as the motion to postpone is both debatable and amendable, there is an advantage in applying to it a motion to lay on the table.

The SPEAKER. The Chair entertains the motion of the gentleman from Illinois [Mr. MANN] to lay on the table the motion of the gentleman from Virginia [Mr. CARLIN].

Mr. BURKE of South Dakota. Now, Mr. Speaker, I renew my parliamentary inquiry—to know what the effect of that motion would be, if it prevails, on the pending motion?

The SPEAKER. It will not be necessary for the Chair to answer the parliamentary inquiry, except to say that if the House votes to lay the motion of the gentleman from Virginia [Mr. CARLIN] on the table, that would be done. It is safe not to attempt to cross a stream until you come to it.

Mr. FITZGERALD. Mr. Speaker, I desire to inquire whether the motion——

Mr. SHERLEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] will state it.

Mr. SHERLEY. The parliamentary inquiry is, Will the motion of the gentleman from Virginia [Mr. CARLIN] carry with it the motion made by the gentleman from North Dakota and that made by the gentleman from South Dakota?

The SPEAKER. Certainly not. They are entirely independent motions.

Mr. FITZGERALD. It would carry both of them. Mr. Speaker, would not the effect of this motion be to carry everything with it that is now pending?

The SPEAKER. The judgment of the Chair is no.

Mr. FITZGERALD. I submit to the Chair that under a universal line of rulings a motion to lay an amendment on the table carries all that with it.

The SPEAKER. That is not on all fours with this motion. A motion to reconsider may lay on the table, and is frequently made, as the gentleman from New York [Mr. FITZGERALD] is aware, without carrying anything with it. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 58, noes 66.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors and the Sergeant at Arms will notify absent Members. The question is on the motion of the gentleman from Illinois [Mr. MANN] to lay on the table the motion of the gentleman from Virginia [Mr. CARLIN]. As many as favor the motion, as their names are called, will answer "yea;" as many as are opposed will answer "nay;" and those who are present and not voting will answer "present."

The question was taken; and there were—yeas 86, nays 173, answered "present" 7, not voting 118, as follows:

YEAS—86.

Anthony	Englebright	Lowden	Scott
Barchfeld	Esch	McCredie	Sheffield
Barnard	Fassett	McGuire, Okla.	Sherley
Boutell	Fish	McKinney	Simmons
Burke, Pa.	Fitzgerald	Madden	Smith, Iowa
Burke, S. Dak.	Foss	Madison	Snapp
Butler	Gaines	Malby	Stafford
Calderhead	Gardner, N. J.	Mann	Steenerson
Campbell	Garner, Pa.	Martin, S. Dak.	Sterling
Cassidy	Graff	Miller, Kans.	Stevens, Minn.
Cole	Hanna	Miller, Minn.	Sulloway
Cooper, Pa.	Henry, Conn.	Mondell	Swasey
Creager	Howell, N. J.	Morrison	Tawney
Currier	Howell, Utah	Moxley	Taylor, Ohio
Dalzell	Howland	Nelson	Tilson
Dawson	Hull, Iowa	Nye	Volstead
Diekema	Humphrey, Wash.	Palmer, H. W.	Vreeland
Draper	Kendall	Pickett	Wiley
Driscoll, M. E.	Kennedy, Iowa	Pratt	Wilson, Ill.
Durey	Kennedy, Ohio	Rauch	Woods, Iowa
Dwight	Lindbergh	Roberts	
Ellis	Loud	Rodenberg	

NAYS—173.

Adamson	Chapman	Garner, Tex.	Jamieson
Aiken	Clark, Mo.	Garrett	Johnson, Ky.
Alexander, Mo.	Clayton	Glass	Johnson, Ohio
Alexander, N. Y.	Cline	Godwin	Johnson, S. C.
Ames	Collier	Goebel	Jones
Anderson	Cooper, Wis.	Gordon	Kahn
Ansberry	Cowles	Graham, Ill.	Kelliher
Ashbrook	Cox, Ind.	Hamlin	Kinkaid, Nebr.
Austin	Cox, Ohio	Hammond	Kitchin
Bartholdt	Craig	Hardwick	Knowland
Bartlett, Ga.	Crumpacker	Hardy	Korbly
Beall, Tex.	Cullop	Harrison	Küstermann
Bell, Ga.	Dent	Haugen	Lamb
Bennet, N. Y.	Denver	Havens	Langham
Bingham	Dickinson	Hawley	Langley
Boehne	Dickson, Miss.	Hay	Latta
Borland	Dies	Hayes	Law
Brantley	Douglas	Heflin	Lawrence
Broussard	Driscoll, D. A.	Helm	Lee
Burgess	Edwards, Ga.	Henry, Tex.	Legare
Burleson	Edwards, Ky.	Higgins	Lever
Burnett	Ellerbe	Hitchcock	Livingston
Byrd	Elvins	Hobson	Lloyd
Byrns	Estopinal	Hollingsworth	McHenry
Calder	Ferris	Houston	McKinlay, Cal.
Candler	Finley	Hubbard, Iowa	McLachlan, Cal.
Cantrill	Flood, Va.	Hughes, Ga.	McLaughlin, Mich.
Carlin	Floyd, Ark.	Hughes, N. J.	Macon
Carter	Focht	Hull, Tenn.	Maguire, Nebr.
Cary	Foster, Ill.	Humphreys, Miss.	Martin, Colo.

Massey	Page	Saunders	Taylor, Ala.
Maynard	Parsons	Shackleford	Thomas, Ky.
Mays	Pearre	Sheppard	Thomas, N. C.
Mitchell	Peters	Sherwood	Tou Velle
Moon, Tenn.	Poindexter	Sims	Townsend
Morgan, Mo.	Prince	Sisson	Turnbull
Morgan, Okla.	Pujo	Slemp	Washburn
Morse	Rainey	Small	Watkins
Moss	Randell, Tex.	Smith, Tex.	Webb
Needham	Richardson	Sparkman	Wickliffe
Nicholls	Robinson	Stanley	Woodyard
O'Connell	Rothermel	Stephens, Tex.	
Oldfield	Rucker, Colo.	Sulzer	
Padgett	Rucker, Mo.	Talbott	

ANSWERED "PRESENT"—7.

Goulden	Kopp	Pou	Young, N. Y.
Hubbard, W. Va.	McCall	Taylor, Colo.	

NOT VOTING—118.

Adair	Foster, Vt.	Kinkead, N. J.	Pray
Allen	Fowler	Knapp	Ransdell, La.
Andrus	Fuller	Kronmiller	Reeder
Barclay	Gallagher	Lafean	Reid
Barnhart	Gardner, Mass.	Lenroot	Rhinock
Bartlett, Nev.	Gardner, Mich.	Lindsay	Riordan
Bates	Gill, Md.	Lively	Roddenbery
Bennett, Ky.	Gill, Mo.	Longworth	Sabath
Booher	Gillespie	Loudenslager	Sharp
Bowers	Gillett	Lundin	Slayden
Bradley	Goldfogle	McCreary	Smith, Cal.
Burleigh	Good	McDermott	Smith, Mich.
Capron	Graham, Pa.	McKinley, Ill.	Southwick
Clark, Fla.	Grant	McMorran	Sperry
Cocks, N. Y.	Greene	Millington	Spight
Conry	Gregg	Moon, Pa.	Sturgiss
Coudrey	Griest	Moore, Pa.	Thistlewood
Covington	Guernsey	Moore, Tex.	Thomas, Ohio
Cravens	Hamer	Morehead	Underwood
Crow	Hamill	Mudd	Wallace
Davidson	Hamilton	Murdock	Wanger
Davis	Heald	Murphy	Weeks
Denby	Hill	Norris	Weisse
Dixon, Ind.	Hinshaw	Olcott	Wheeler
Dodds	Howard	Olmsted	Willett
Dupre	Huff	Palmer, A. M.	Wilson, Pa.
Fairchild	Hughes, W. Va.	Parker	Wood, N. J.
Foelker	James	Patterson	Young, Mich.
Fordney	Joyce	Payne	
Fornes	Keifer	Plumley	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. OLCOTT with Mr. GALLAGHER.

Mr. DENBY with Mr. CONRY.

Mr. SOUTHWICK with Mr. BOWERS.

Mr. GILLETT with Mr. UNDERWOOD.

Mr. GARDNER of Massachusetts with Mr. TAYLOR of Colorado.

Mr. MCKINLEY of Illinois with Mr. RODDENBERY.

Mr. LAFEAN with Mr. SPIGHT.

Mr. KNAPP with Mr. WALLACE.

Mr. GRIEST with Mr. GILLESPIE.

Mr. FOSTER of Vermont with Mr. DIXON of Indiana.

Mr. FORDNEY with Mr. BARTLETT of Nevada.

Mr. MCMORRAN with Mr. PUJO.

From to-day until Monday noon:

Mr. MOORE of Pennsylvania with Mr. GREGG.

On this vote:

Mr. WANGER with Mr. KOPP.

Mr. CARLIN. Mr. Speaker, I demand the previous question.

Mr. HUGHES of New Jersey. I move that further proceedings under the call be dispensed with.

The SPEAKER. There will be no rights lost that are due to any Member under the rules of the House. A quorum is present, and the doorkeepers will open the doors.

Mr. CARLIN. Mr. Speaker, I demand the previous question on my motion.

Mr. BURKE of South Dakota. I desire to be recognized, Mr. Speaker, for the purpose of debating the motion.

Mr. MANN. Mr. Speaker, I submit——

Mr. CARLIN. I submit that I have the floor. The previous question is not debatable.

Mr. MANN. I submit that the gentleman in charge of the bill is always entitled to the floor on a motion, although the motion may have preferential rights.

Mr. BURKE of South Dakota. And the motion is debatable.

Mr. MANN. Mr. Speaker, on page 366 of the Manual, toward the bottom of the page, in reference to recognition, it says—

> But a Member may not, by offering a debatable motion of higher privilege than the pending motion, deprive the Member in charge of the bill of possession of the floor for debate—

referring to precedents in the Parliamentary Precedents. That is a clear statement of the situation. Now, on page 367 is a statement of the case when the right of recognition passes from the Member in charge of the bill to the opposition. That is:

> When an essential motion made by a Member in charge of the bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. The control of the measure passes under this principle when the House disagrees to the recommendation of the committee reporting the bill; when the Committee of the Whole reports a bill adversely; and, in most cases, when the House disagrees to a conference report.

Now, there has been no essential motion made by the gentleman in charge of the bill which has been defeated or which has been voted upon. The gentleman in charge of the bill made a motion that the House agree to the conference report, and that was agreed to. Thereupon the gentleman in charge of the bill made a motion about a pending amendment which was in disagreement; that motion has not yet been presented to the House for consideration, and if it had, even, on that question, on the next amendment the gentleman in charge of the bill would be entitled to recognition.

Now, there comes, intervening between the agreement to the conference report and the motion of the gentleman on the next amendment, a preferential motion which is debatable, made by the gentleman from Virginia. But the Manual expressly states that that does not take the gentleman from South Dakota off the floor for controlling the time for debate. For instance, suppose it did, and I was endeavoring to do what the gentleman from Virginia is endeavoring to do—delay the House and consume time—and I had made a preferential motion to the motion of the gentleman from Virginia and demanded the floor for an hour to discuss that motion. Suppose the gentleman from Virginia, now, in his efforts to consume the time of the House consumes the hour, whoever obtained the floor is entitled to discuss the question, keeping the gentleman in charge of the bill from the floor and keeping the matter from coming to a vote. The Chair can readily see what a power to filibuster that would be, because the motion to postpone is always in order under the ruling of the Chair.

Mr. CARLIN. Will the gentleman yield for a moment?

Mr. MANN. For an hour, if the gentleman desires.

Mr. CARLIN. The gentleman is so anxious not to consume the time of the House; I suppose he would not really do that.

Mr. MANN. I am anxious not to consume the time of the House unnecessarily.

Mr. CARLIN. Does not the gentleman know that the chairman of this committee yielded the floor to the gentleman from North Dakota [Mr. HANNA] to make a privileged motion, and therefore surrendered his right to the floor?

Mr. MANN. The gentleman is mistaken. The gentleman from South Dakota made a motion, and the gentleman from North Dakota offered a preferential motion.

Mr. CARLIN. The record will show that he has yielded the floor for that motion to be made.

Mr. MANN. That is all nonsense.

Mr. CARLIN. It may be nonsense; but it is a fact.

Mr. MANN. The gentleman from Virginia takes the gentleman off the floor to make his motion. In either case the gentleman from South Dakota is entitled to the floor. It is a similar case to this. If the gentleman from South Dakota makes a motion to insist upon the disagreement of the House to the Senate amendment and the gentleman from North Dakota makes a preferential motion to recede and concur, who is entitled to the floor, then? I have heard it ruled here 40 times or more that the gentleman in charge of the bill was entitled to the floor, although there was a preferential motion made to recede and concur, when the motion of the gentleman in charge of the bill was to insist on the disagreement.

Mr. CARLIN. If the gentleman's position be correct——

Mr. MANN. Which it is.

Mr. CARLIN. Then the motion to lay on the table could not have been entertained and ought not to have been voted upon.

Mr. MANN. That is a piece of logic which I have not yet appreciated.

Mr. CARLIN. That took the gentleman off the floor, did it not?

Mr. SIMS. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield to the gentleman from Tennessee.

Mr. SIMS. The gentleman has intimated that there is a filibuster going on on this side to consume time. [Laughter.] Let me ask the gentleman a straight question, or rather state the position so that there will be no mistake about it. It is well known, Mr. Speaker, by the gentleman from Illinois that this is the last day on which any private claim can be considered, that is reported by either the Committee on Claims or the Committee on War Claims. Now, it is very evident to every Member of this House——

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

Mr. SIMS. Mr. Speaker, I am in order. It is very evident to every Member of this House that all of this time is being consumed——

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

Mr. SIMS. To keep the other matters I have referred to from being considered, and further, the gentleman from Kentucky is not in order in making the point of order, or it may be that it is because the gentleman does not want the country to know the facts.

Mr. MANN. The gentleman is killing time.

Mr. LANGLEY. Why did not the gentleman say that sooner?

Mr. SIMS. We are not killing time.

The SPEAKER. What is the point of order the gentleman from Kentucky makes?

Mr. SHERLEY. There is no point of order now, because the violation of the rule has ceased.

The SPEAKER. The Chair is prepared to rule. The Chair desires to call attention to the general proposition—that a Member may not, by offering a motion of higher privilege than the pending motion, deprive a member of the committee in charge of the bill of the floor.

That arises from a series of rulings relating entirely to motions inhering in the particular bill, to enable the House, as promptly as possible, to deal with Senate amendments to House bills. Now, the ruling has been uniform that a Member can not take another in charge of a conference report off the floor by making a preferential motion touching the amendments of the other body. But this motion belongs to an entirely different class of motions; that is, motions that affect the general business of the House. It ought to be in the power of the House to consider the Senate amendments to a conference report, and it ought to be in the power of a majority of the House to postpone their consideration with as little delay as practicable under the rules, and the construction given to the rules by the Chair and the precedents heretofore made. Now, the gentleman from Virginia makes this preferential motion, and is the proposer and mover of the motion that this House shall not consider these amendments, if it be agreed to to-day, but on the next legislative day. That in no way affects the manner of dealing with the Senate amendments to the bill. Therefore if the gentleman in charge of the conference report should be entitled to the floor, he would be entitled to the floor for an hour touching a motion that does not affect the disposition of the Senate amendments to the House bill, but which does tend to determine, and does determine, or give the majority of the House the power to determine, whether they will consider it to-day or to-morrow. The Chair therefore recognizes the gentleman from Virginia to move the previous question on the motion to postpone.

Mr. CARLIN. Mr. Speaker, I move the previous question on the motion to postpone.

The question was taken, and the Chair announced that the Chair was in doubt.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will test. Upon this vote the ayes are 115 and the noes are 41. The point of not quorum being made——

Mr. MANN. Mr. Speaker, I made the point of order that there was no quorum present.

The SPEAKER. The vote, as well as the observation of the Chair, shows that a quorum is not present.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry. Is it proper for the gentleman just to keep up this performance of calling for no quorum time after time and——

Mr. MANN. It is not only proper, but you will have to keep a quorum here.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members; those in favor of ordering the previous question will, when their names are called, answer "aye," those opposed "no," those present and not voting will answer "present," and the Clerk will call the roll. One moment. The Chair states in answer to the parliamentary inquiry of the gentleman that a quorum, under the Constitution, must be present or business can not proceed.

Mr. RUCKER of Missouri. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 172, nays 80, answered "present" 4, not voting 128, as follows:

YEAS—172.

Adair	Beall, Tex.	Carlin	Cox, Ind.
Adamson	Bell, Ga.	Carter	Cox, Ohio
Aiken	Bennet, N. Y.	Chapman	Craig
Alexander, Mo.	Borland	Clark, Mo.	Creager
Alexander, N. Y.	Burke, Pa.	Clayton	Cullop
Anderson	Burleson	Cline	Dent
Ashbrook	Burnett	Cole	Denver
Austin	Byrns	Collier	Dickinson
Barnhart	Candler	Cooper, Wis.	Dickson, Miss.
Bartlett, Ga.	Cantrill	Cowles	Diekema
Dies	Heflin	Maguire, Nebr.	Rucker, Colo.
Dodds	Helm	Malby	Rucker, Mo.
Driscoll, D. A.	Henry, Tex.	Martin, Colo.	Shackleford
Driscoll, M. E.	Hitchcock	Martin, S. Dak.	Sheppard
Edwards, Ga.	Hollingsworth	Massey	Sherley
Edwards, Ky.	Houston	Maynard	Sherwood
Ellerbe	Hughes, Ga.	Mays	Sims
Elvins	Hughes, N. J.	Mitchell	Sisson
Estopinal	Hull, Tenn.	Moon, Tenn.	Slemp
Ferris	Jamieson	Morgan, Mo.	Small
Finley	Johnson, Ky.	Morgan, Okla.	Smith, Tex.
Fitzgerald	Johnson, Ohio	Morrison	Sparkman
Flood, Va.	Johnson, S. C.	Morse	Spight
Floyd, Ark.	Jones	Moss	Stanley
Foster, Ill.	Keliher	Nicholls	Stephens, Tex.
Gardner, Mass.	Kinkaid, Nebr.	O'Connell	Sterling
Garner, Pa.	Kitchin	Olcott	Sulloway
Garner, Tex.	Knowland	Oldfield	Talbott
Garrett	Korbly	Padgett	Taylor, Ala.
Glass	Lamb	Page	Taylor, Colo.
Godwin	Langham	Parsons	Thistlewood
Good	Langley	Pearre	Thomas, Ky.
Gordon	Latta	Peters	Thomas, N. C.
Graham, Ill.	Law	Pickett	Tou Velle
Grant	Lee	Plumley	Townsend
Hamlin	Legare	Prince	Turnbull
Hammond	Lever	Pujo	Underwood
Hardy	Livingston	Rainey	Wallace
Harrison	Lloyd	Randell, Tex.	Washburn
Havens	McHenry	Rauch	Watkins
Hawley	McLachlan, Cal.	Richardson	Webb
Hay	McLaughlin, Mich.	Robinson	Wickliffe
Hayes	Macon	Rothermel	Young, Mich.

NAYS—80.

Ames	Englebright	Keifer	Palmer, H. W.
Andrus	Fassett	Kendall	Parker
Anthony	Fish	Kennedy, Iowa	Pratt
Barchfeld	Fordney	Küstermann	Pray
Barnard	Foss	Lawrence	Reeder
Bingham	Fuller	Lindbergh	Roberts
Boutell	Gardner, N. J.	Longworth	Smith, Iowa
Burke, S. Dak.	Goebel	Lowden	Snapp
Butler	Graff	McGuire, Okla.	Stafford
Campbell	Greene	McKinley, Ill.	Steenerson
Cassidy	Guernsey	McKinney	Stevens, Minn.
Cocks, N. Y.	Hanna	Madden	Swasey
Cooper, Pa.	Henry, Conn.	Madison	Taylor, Ohio
Crumpacker	Hill	Mann	Thomas, Ohio
Currier	Hinshaw	Miller, Minn.	Tilson
Dalzell	Howell, N. J.	Moxley	Volstead
Dawson	Howell, Utah	Needham	Vreeland
Draper	Howland	Nelson	Wheeler
Dwight	Hull, Iowa	Norris	Wiley
Ellis	Humphrey, Wash.	Nye	Woods, Iowa

ANSWERED "PRESENT"—4.

Goulden	Hubbard, W. Va.	Kopp	McCall

NOT VOTING—128.

Allen	Durey	James	Payne
Ansberry	Esch	Joyce	Poindexter
Barclay	Fairchild	Kahn	Pou
Bartholdt	Focht	Kennedy, Ohio	Ransdell, La.
Bartlett, Nev.	Foelker	Kinkead, N. J.	Reid
Bates	Fornes	Knapp	Rhinock
Bennett, Ky.	Foster, Vt.	Kronmiller	Riordan
Boehne	Fowler	Lafean	Roddenbery
Booher	Gaines	Lenroot	Rodenberg
Bowers	Gallagher	Lindsay	Sabath
Bradley	Gardner, Mich.	Lively	Saunders
Brantley	Gill, Md.	Loud	Scott
Broussard	Gill, Mo.	Loudenslager	Sharp
Burgess	Gillespie	Lundin	Sheffield
Burleigh	Gillett	McCreary	Simmons
Byrd	Goldfogle	McCredie	Slayden
Calder	Graham, Pa.	McDermott	Smith, Cal.
Calderhead	Gregg	McKinlay, Cal.	Smith, Mich.
Capron	Griest	McMorran	Southwick
Cary	Hamer	Miller, Kans.	Sperry
Clark, Fla.	Hamill	Millington	Sturgiss
Conry	Hamilton	Mondell	Sulzer
Coudrey	Hardwick	Moon, Pa.	Tawney
Covington	Haugen	Moore, Pa.	Wanger
Cravens	Heald	Moore, Tex.	Weeks
Crow	Higgins	Morehead	Weisse
Davidson	Hobson	Mudd	Willett
Davis	Howard	Murdock	Wilson, Ill.
Denby	Hubbard, Iowa	Murphy	Wilson, Pa.
Dixon, Ind.	Huff	Olmsted	Wood, N. J.
Douglas	Hughes, W. Va.	Palmer, A. M.	Woodyard
Dupre	Humphreys, Miss.	Patterson	Young, N. Y.

So the previous question was ordered.

The Clerk announced the following additional pairs:

On this vote:

Mr. WANGER with Mr. KOPP.

Until further notice:

Mr. LOUD with Mr. RIORDAN.

Mr. DOUGLAS with Mr. RODDENBERY.

Mr. BARTHOLDT with Mr. ANSBERRY.

Mr. CALDERHEAD with Mr. BURGESS.

Mr. CARY with Mr. CLARK of Florida.

Mr. DENBY with Mr. HUMPHREYS of Mississippi.

Mr. FOCHT with Mr. SULZER.

Mr. HIGGINS with Mr. BRANTLEY.

Mr. KAHN with Mr. BOEHNE.

Mr. MCMORRAN with Mr. BYRD.

Mr. RODENBERG with Mr. BROUSSARD.

Mr. SIMMONS with Mr. HOBSON.

Mr. TAWNEY with Mr. GALLAGHER.
Mr. WEEKS with Mr. SAUNDERS.
For the session:
Mr. MOREHEAD with Mr. POU.
Mr. WOODYARD with Mr. HARDWICK.

The SPEAKER. Upon this vote the ayes are 172, the noes 80, present 4—a quorum. The Doorkeeper will open the doors; the ayes have it, and the previous question is ordered.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to have the motion reported.

The SPEAKER. The motion is to postpone the consideration of the Senate amendment until the next legislative day.

Mr. BURKE of South Dakota. May the motion be reported?

Mr. CLAYTON. It is not debatable, is it, Mr. Speaker?

The SPEAKER. The previous question is ordered. There is nothing in order now except to vote on the motion, and the motion is to postpone the consideration of the Senate amendments to the pending bill until the next legislative day.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. If there should be no other legislative day than this at this session, would it be possible to reconsider the vote so as to get at the Indian appropriation bill?

The SPEAKER. The Chair supposes a motion to reconsider might be entered to-day or to-morrow.

The question is on the motion of the gentleman from Virginia [Mr. CARLIN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 150, noes 60.

Mr. MANN. Mr. Speaker, I ask for tellers.

Mr. LIVINGSTON. Mr. Speaker, I make the point of order that the gentleman from Illinois [Mr. MANN] is filibustering and delaying the business of the House.

Mr. MANN. Mr. Speaker, I demand tellers.

Mr. LIVINGSTON. I make the point of order.

The SPEAKER. The Chair thinks the Constitution does not say anything about providing for tellers. The Chair will ask the gentleman from Illinois if he doubts the count, or is the proposition dilatory?

Mr. MANN. Oh, Mr. Speaker, I am in earnest about this.

The SPEAKER. The Chair knows that the gentleman is in earnest.

Mr. MANN. I withdraw the demand for tellers, and ask for the yeas and nays.

Mr. LIVINGSTON. And, Mr. Speaker, I make the same point of order.

The SPEAKER. The demand for the yeas and nays is a constitutional privilege that no rule or anything else can dispense with, and has never been ruled as dilatory. The gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 75, answered "present" 6, not voting 131, as follows:

YEAS—173.

Adair	Collier	Hamlin	McLachlan, Cal.
Adamson	Cooper, Wis.	Hardy	McLaughlin, Mich.
Aiken	Cowles	Harrison	Macon
Alexander, Mo.	Cox, Ind.	Haugen	Madden
Alexander, N. Y.	Cox, Ohio	Havens	Maguire, Nebr.
Ames	Craig	Hay	Mann
Anderson	Cullop	Hayes	Martin, Colo.
Ansberry	Davidson	Heflin	Massey
Ashbrook	Dawson	Helm	Maynard
Austin	Dent	Henry, Tex.	Mays
Barnhart	Denver	Hitchcock	Mitchell
Bartlett, Ga.	Dickinson	Hollingsworth	Moon, Tenn.
Beall, Tex.	Dickson, Miss.	Houston	Morgan, Mo.
Bell, Ga.	Dies	Hubbard, Iowa	Morgan, Okla.
Bennet, N. Y.	Dixon, Ind.	Hughes, Ga.	Morse
Boehne	Driscoll, D. A.	Hughes, N. J.	Moss
Booher	Driscoll, M. E.	Hull, Tenn.	Nicholls
Borland	Edwards, Ga.	Jamieson	O'Connell
Bowers	Edwards, Ky.	Johnson, Ky.	Oldfield
Brantley	Ellerbe	Johnson, Ohio	Padgett
Broussard	Elvins	Johnson, S. C.	Page
Burgess	Estopinal	Jones	Parsons
Burleson	Ferris	Keliher	Pearre
Burnett	Finley	Kinkaid, Nebr.	Peters
Byrd	Flood, Va.	Kitchin	Plumley
Byrns	Floyd, Ark.	Kopp	Prince
Candler	Foster, Ill.	Korbly	Pujo
Cantrill	Gardner, Mass.	Lamb	Rainey
Carlin	Garner, Tex.	Langham	Randell, Tex.
Carter	Garrett	Langley	Richardson
Chapman	Glass	Law	Robinson
Cary	Godwin	Lee	Rothermel
Clark, Fla.	Good	Legare	Rucker, Colo.
Clayton	Gordon	Lively	Rucker, Mo.
Cline	Graham, Ill.	Livingston	Shackleford
Cocks, N. Y.	Grant	Lloyd	Sheppard
Cole	Greene	McHenry	Sherley
Sherwood	Stanley	Thomas, N. C.	Watkins
Sims	Stephens, Tex.	Tou Velle	Webb
Sisson	Sulloway	Townsend	Weeks
Slemp	Talbott	Turnbull	Wickliffe
Small	Taylor, Ala.	Underwood	
Smith, Tex.	Thistlewood	Wallace	
Spight	Thomas, Ky.	Washburn	

NAYS—75.

Anthony	Fassett	Longworth	Reeder
Barchfeld	Fish	Lowden	Roberts
Barnard	Fitzgerald	McGuire, Okla.	Rodenberg
Burke, Pa.	Fordney	McKinley, Ill.	Simmons
Burke, S. Dak.	Foss	McKinney	Snapp
Campbell	Gardner, N. J.	Madison	Stafford
Cassidy	Graff	Malby	Steenerson
Cooper, Pa.	Hanna	Martin, S. Dak.	Sterling
Creager	Hinshaw	Miller, Minn.	Stevens, Minn.
Crumpacker	Howell, Utah	Morrison	Tawney
Currier	Howland	Moxley	Taylor, Ohio
Dalzell	Hull, Iowa	Needham	Thomas, Ohio
Diekema	Humphrey, Wash.	Nelson	Tilson
Douglas	Keifer	Norris	Volstead
Draper	Kendall	Nye	Wiley
Dwight	Kennedy, Iowa	Olcott	Wilson, Ill.
Ellis	Küstermann	Palmer, H. W.	Woods, Iowa
Englebright	Latta	Pratt	
Esch	Lawrence	Rauch	

ANSWERED "PRESENT"—6.

Goulden	Lindbergh	Pickett	Young, N. Y.
Hubbard, W. Va.	McCall		

NOT VOTING—131.

Allen	Gaines	Kennedy, Ohio	Pou
Andrus	Gallagher	Kinkead, N. J.	Pray
Barclay	Gardner, Mich.	Knapp	Ransdell, La.
Bartholdt	Garner, Pa.	Knowland	Reid
Bartlett, Nev.	Gill, Md.	Kronmiller	Rhinock
Bates	Gill, Mo.	Lafean	Riordan
Bennett, Ky.	Gillespie	Lenroot	Roddenbery
Bingham	Gillett	Lever	Sabath
Boutell	Goebel	Lindsay	Saunders
Bradley	Goldfogle	Loud	Scott
Burleigh	Graham, Pa.	Loudenslager	Sharp
Butler	Gregg	Lundin	Sheffield
Calder	Griest	McCreary	Slayden
Calderhead	Guernsey	McCredie	Smith, Cal.
Capron	Hamer	McDermott	Smith, Iowa
Clark, Mo.	Hamill	McKinlay, Cal.	Smith, Mich.
Conry	Hamilton	McMorran	Southwick
Coudrey	Hammond	Miller, Kans.	Sparkman
Covington	Hardwick	Millington	Sperry
Cravens	Hawley	Mondell	Sturgiss
Crow	Heald	Moon, Pa.	Sulzer
Davis	Henry, Conn.	Moore, Pa.	Swasey
Denby	Higgins	Moore, Tex.	Taylor, Colo.
Dodds	Hill	Morehead	Vreeland
Dupre	Hobson	Mudd	Wanger
Durey	Howard	Murdock	Weisse
Fairchild	Howell, N. J.	Murphy	Wheeler
Focht	Huff	Olmsted	Willett
Foelker	Hughes, W. Va.	Palmer, A. M.	Wilson, Pa.
Fornes	Humphreys, Miss.	Parker	Wood, N. J.
Foster, Vt.	James	Patterson	Woodyard
Fowler	Joyce	Payne	Young, Mich.
Fuller	Kahn	Poindexter	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. YOUNG of Michigan with Mr. SPARKMAN.
Mr. BARTHOLDT with Mr. CLARK of Missouri.
Mr. BINGHAM with Mr. GILL of Missouri.
Mr. BUTLER with Mr. GALLAGHER.
Mr. FOSTER of Vermont with Mr. SAUNDERS.
Mr. GILLETT with Mr. HAMILL.
Mr. GUERNSEY with Mr. HAMMOND.
Mr. HAWLEY with Mr. HOBSON.
Mr. HILL with Mr. TAYLOR of Colorado.
Mr. HOWELL of New Jersey with Mr. LEVER.

For the balance of day:

Mr. BOUTELL with Mr. RODDENBERY.

On this vote:

Mr. WANGER with Mr. KOPP.

Mr. MANN. Mr. Speaker, I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The name of the gentleman from Illinois [Mr. MANN] was called, and he answered "aye."

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I enter a motion to reconsider.

Mr. LIVINGSTON. On that, Mr. Speaker, I make the point of order that it is dilatory.

Mr. CARLIN. Mr. Speaker, I make the point that this is dilatory. I move to lay on the table the motion of the gentleman from Illinois [Mr. MANN].

Mr. MANN. If the gentleman wishes to have the matter disposed of, I will make the motion.

Mr. CARLIN. Let the gentleman from Illinois [Mr. MANN] go ahead and make the motion, unless the gentleman will agree at some time to call it up.

The SPEAKER. And that motion, which the gentleman from Illinois [Mr. MANN] enters, the gentleman from Virginia [Mr. CARLIN] moves to lay on the table, as the Chair understands the gentleman.

Mr. CARLIN. The Chair understood me exactly aright.

The SPEAKER. The question is on the amendment of the gentleman from Virginia [Mr. CARLIN] to lay on the table the motion of the gentleman from Illinois [Mr. MANN] to reconsider the vote.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 131, noes 41.

Mr. MANN. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. SHERLEY. Mr. Speaker, I make the point that that is dilatory.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia will state it.

Mr. BARTLETT of Georgia. Did not the roll call, just completed about six minutes ago, show the presence of a quorum?

The SPEAKER. The Chair will answer yes, it did. What was the point of the gentleman from Kentucky [Mr. SHERLEY]?

Mr. SHERLEY. The point is, Mr. Speaker, that the motion of the gentleman was dilatory.

The SPEAKER. The Chair is of the opinion that the point is well taken.

Mr. MANN. Does the Chair hold that there is a quorum present?

The SPEAKER. The roll call which was just taken showed the presence of 170 yeas and 90 nays—more than a quorum.

Mr. MANN. I call the attention of the Chair to the fact that there was a vote since that time—a standing vote—which showed that practically every Member of the House voted.

SEVERAL MEMBERS. No! No!

Mr. CARLIN. Mr. Speaker, I call the attention of the Chair to the fact that the Chair has already ruled.

The SPEAKER. It occurs to the Chair that the point is well made.

Mr. MANN. Then, Mr. Speaker, I rise to present a privileged conference report under the rule.

The SPEAKER. The Chair will say that on the last vote the ayes have it, and the motion to lay on the table prevails.

For what purpose does the gentleman from Illinois rise?

BRIDGES ACROSS CHARLES RIVER, MASS.

Mr. MANN. Mr. Speaker, I submit the following conference report on the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River between the cities of Cambridge and Boston, in the State of Massachusetts, for printing under the rule.

The conference report (No. 2183) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 1 of the bill, and agree to the same with an amendment as follows, to wit: Strike out of the Senate amendment the following:

"*Provided, further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed, because of the construction of said bridges without a draw."

And insert in lieu thereof the following:

"*Provided further*, That before the construction of said bridges, or any of them, is begun the State of Massachusetts shall by legislative enactment provide for adequate compensation for the owner, owners, lessee, or lessees of property abutting on said river above any of the said bridges for damages, if any, caused to said property or leasehold interests therein by reason of interference with the access by water to said property, due to the construction of bridges without draws: *Provided further*, That said legislative enactment shall provide for the appointment of three commissioners to hear the parties in interest and assess the damages to said property, their decision as to the amount of damages and questions of fact to be final; said commissioners to be appointed by the supreme judicial court of Massachusetts."

And the Senate agree to the same.

Also amend the title of the bill by striking out the present title and inserting in lieu thereof as the title of the bill the following: "To authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts."

JAMES R. MANN,
C. G. WASHBURN,
W. C. ADAMSON,
Managers on the part of the House.
CHAUNCEY M. DEPEW,
S. H. PILES,
WM. J. STONE,
Managers on the part of the Senate.

STATEMENT.

The amendment of the Senate struck out all of section 1 of the bill as it passed the House and inserted a substitute amendment. As agreed to in conference, the following provision in the Senate amendment is stricken out, to wit:

"*Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed, because of the construction of said bridges without a draw."

And in lieu thereof, there is inserted the following provision:

"*Provided further*, That before the construction of said bridges or any of them is begun, the State of Massachusetts shall by legislative enactment provide for adequate compensation for the owner, owners, lessee, or lessees of property abutting on said river above any of the said bridges, for damages, if any, caused to said property or leasehold interests therein by reason of interference with the access by water to said property, due to the construction of bridges without draws: *Provided further*, That said legislative enactment shall provide for the appointment of three commissioners to hear the parties in interest and assess the damages to said property; their decision as to the amount of damages and questions of fact to be final; said commissioners to be appointed by the supreme judicial court of Massachusetts."

The conference report also provides, in order to make the title agree with the Senate amendment as amended, to strike out the present title of the bill and insert in lieu thereof the following as the title: "A bill to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts."

JAMES R. MANN,
C. G. WASHBURN,
W. C. ADAMSON,
Managers on the part of the House.

BRITISH GOVERNMENT AND AMERICAN EXPRESS CO. CONTRACT.

Mr. MANN. Mr. Speaker, I present herewith a privileged report from the Committee on Interstate and Foreign Commerce on House resolution 962.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 962.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to send to the House of Representatives a copy of the contract (on file in the office of the Interstate Commerce Commission) between the British Government and the American Express Co., relative to the delivery of parcels and packages at post offices in the United States, elsewhere than in the State of New York, for a flat rate.

Mr. THOMAS of North Carolina. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from North Carolina [Mr. THOMAS] raises the question of consideration on this report. The question is, Will the House consider the report?

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 60, noes 153.

Mr. MANN. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 178, answered "present" 6, not voting 126, as follows:

YEAS—74.

Alexander, N. Y.	Esch	Küstermann	Roberts
Anthony	Fassett	Longworth	Rodenberg
Barchfeld	Fish	Lowden	Sheffield
Burke, Pa.	Foss	McGuire, Okla.	Simmons
Calderhead	Gaines	McKinley, Ill.	Smith, Iowa
Campbell	Garner, Pa.	McKinney	Stafford
Cassidy	Guernsey	Madden	Steenerson
Cole	Hanna	Madison	Sterling
Cooper, Pa.	Henry, Conn.	Malby	Stevens, Minn.
Cooper, Wis.	Hill	Mann	Swasey
Creager	Hinshaw	Martin, S. Dak.	Taylor, Ohio
Currier	Howell, N. J.	Moxley	Thomas, Ohio
Dalzell	Howell, Utah	Nelson	Tilson
Dodds	Howland	Norris	Volstead
Draper	Hull, Iowa	Nye	Vreeland
Durey	Humphrey, Wash.	Olmsted	Wiley
Dwight	Kendall	Palmer, H. W.	Woods, Iowa
Ellis	Kennedy, Iowa	Pratt	
Englebright	Kennedy, Ohio	Reeder	

NAYS—178.

Adair	Cullop	Hull, Tenn.	Oldfield
Adamson	Dent	Jamieson	Padgett
Aiken	Denver	Johnson, Ky.	Page
Alexander, Mo.	Dickinson	Johnson, Ohio	Parsons
Ames	Dickson, Miss.	Johnson, S. C.	Pearre
Anderson	Diekema	Jones	Peters
Ansberry	Dies	Keliher	Plumley
Ashbrook	Dixon, Ind.	Kinkaid, Nebr.	Pray
Austin	Douglas	Kitchin	Prince
Barnhart	Driscoll, D. A.	Knowland	Pujo
Bartlett, Ga.	Driscoll, M. E.	Korbly	Rainey
Beall, Tex.	Edwards, Ga.	Lamb	Randell, Tex.
Bell, Ga.	Edwards, Ky.	Langham	Richardson
Bennet, N. Y.	Ellerbe	Langley	Robinson
Bingham	Elvins	Latta	Rothermel
Boehne	Estopinal	Law	Rucker, Colo.
Booher	Ferris	Lawrence	Rucker, Mo.
Borland	Fitzgerald	Lee	Saunders
Bowers	Flood, Va.	Legare	Shackleford
Brantley	Floyd, Ark.	Lever	Sheppard
Broussard	Foster, Ill.	Lindbergh	Sherley
Burgess	Gardner, Mass.	Lively	Sherwood
Burke, S. Dak.	Garner, Tex.	Livingston	Sims
Burleson	Garrett	Lloyd	Sisson
Burnett	Glass	McHenry	Slayden
Butler	Godwin	McLachlan, Cal.	Slemp
Byrd	Good	McLaughlin, Mich.	Small
Byrns	Gordon	Macon	Smith, Tex.
Calder	Graham, Ill.	Maguire, Nebr.	Spight
Candler	Grant	Martin, Colo.	Stanley
Cantrill	Greene	Massey	Stephens, Tex.
Carlin	Hamlin	Maynard	Sulloway
Carter	Hardy	Mays	Taylor, Colo.
Cary	Harrison	Miller, Minn.	Thistlewood
Chapman	Havens	Mitchell	Thomas, Ky.
Clark, Fla.	Hay	Moon, Tenn.	Thomas, N. C.
Clark, Mo.	Heflin	Morgan, Mo.	Tou Velle
Clayton	Helm	Morgan, Okla.	Townsend
Cline	Henry, Tex.	Morrison	Turnbull
Collier	Hitchcock	Morse	Underwood
Cowles	Hobson	Moss	Watkins
Cox, Ind.	Hollingsworth	Needham	Webb
Cox, Ohio	Houston	Nicholls	Wickliffe
Craig	Hughes, Ga.	O'Connell	
Crumpacker	Hughes, N. J.	Olcott	

ANSWERED "PRESENT"—6.

Boutell	Kopp	Parker	Young, N. Y.
Davis	Goulden		

NOT VOTING—126.

Allen	Gardner, N. J.	Knapp	Reid
Andrus	Gill, Md.	Kronmiller	Rhinock
Barclay	Gill, Mo.	Lafean	Riordan
Barnard	Gillespie	Lenroot	Roddenbery
Bartholdt	Gillett	Lindsay	Sabath
Bartlett, Nev.	Goebel	Loud	Scott
Bates	Goldfogle	Loudenslager	Sharp
Bennett, Ky.	Graff	Lundin	Smith, Cal.
Bradley	Graham, Pa.	McCall	Smith, Mich.
Burleigh	Gregg	McCreary	Snapp
Capron	Griest	McCredie	Southwick
Cocks, N. Y.	Hamer	McDermott	Sparkman
Conry	Hamill	McKinlay, Cal.	Sperry
Coudrey	Hamilton	McMorran	Sturgiss
Covington	Hammond	Miller, Kans.	Sulzer
Cravens	Hardwick	Millington	Talbott
Crow	Haugen	Mondell	Tawney
Davidson	Hawley	Moon, Pa.	Taylor, Ala.
Dawson	Hayes	Moore, Pa.	Wallace
Denby	Heald	Moore, Tex.	Wanger
Dupre	Higgins	Morehead	Washburn
Fairchild	Howard	Mudd	Weeks
Finley	Hubbard, Iowa	Murdock	Weisse
Focht	Hubbard, W. Va.	Murphy	Wheeler
Foelker	Huff	Palmer, A. M.	Willett
Fordney	Hughes, W. Va.	Patterson	Wilson, Ill.
Fornes	Humphreys, Miss.	Payne	Wilson, Pa.
Foster, Vt.	James	Pickett	Wood, N. J.
Fowler	Joyce	Poindexter	Woodyard
Fuller	Kahn	Pou	Young, Mich.
Gallagher	Keifer	Ransdell, La.	
Gardner, Mich.	Kinkead, N. J.	Rauch	

So the House refused to consider the report.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BARTHOLDT with Mr. TALBOTT.

Mr. KAHN with Mr. GILL of Missouri.

Mr. OLMSTED with Mr. GALLAGHER.

Mr. HIGGINS with Mr. FINLEY.

Mr. BURLEIGH with Mr. RAUCH.

Mr. LAFEAN with Mr. TAYLOR of Alabama.

On this vote:

Mr. WANGER with Mr. KOPP.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. PRINCE. Mr. Speaker, I rise to make a motion which is preferential and privileged.

Mr. MANN. Mr. Speaker, I call the attention of the gentleman——

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the regular order. The gentleman from Illinois [Mr. PRINCE] rises for what purpose?

Mr. PRINCE. To move that the House resolve itself into the Committee of the Whole House for the consideration of business on the Private Calendar, this being Friday, the day set apart for that purpose.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the rule printed on page 444 of the Manual:

On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar.

Rule XXIV provides the order of business in the House:

The daily order of business shall be as follows: First, prayer by Chaplain; second, reading and approval of the Journal; third, reference of public bills; fourth, disposal of business on the Speaker's table; fifth, unfinished business.

The rule, quoting paragraph 6, Rule XXIV, provides:

On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into Committee of the Whole House to consider business on the Private Calendar.

The unfinished business is not completed until the business on the Speaker's table has been disposed of. There has come to the Speaker's table a message from the President, which is entitled to be disposed of.

Mr. FITZGERALD. Mr. Speaker, the uniform practice has been, when a message from the President comes at this stage of the proceedings, to lay it before the House immediately before adjournment.

Mr. MANN. That is the uniform practice where the committee rises informally to receive a message from the President, which is the usual way it gets into the House; but where the President's message comes to the House itself, I think it is the uniform practice to lay it before the House at the first opportunity. Now, of course there may be a question whether the term "unfinished business," in paragraph 6, relates to unfinished business named in the first paragraph of Rule XXIV, or the unfinished private business. I call the attention of the Speaker to the fact that the rule says that "after the unfinished business has been disposed of," and that the first paragraph of the rule refers to unfinished business as coming after the business on the Speaker's table is disposed of. So, whether it be unfinished private business or unfinished public business, it comes after the business on the Speaker's table has been disposed of.

Mr. FITZGERALD. Unfinished business referred to in the rule is the business that has come over with the previous question ordered upon it.

Mr. MANN. I am not saying that the unfinished business is to come up now, but the right to go into Committee of the Whole comes after the unfinished business is disposed of, and the unfinished business comes after the matter on the Speaker's table has been disposed of.

The SPEAKER. Many decisions have been made touching business on Friday. It is perfectly clear from all the decisions that a general appropriation bill or a revenue bill has the right of way as an original proposition, if it is asserted, until the House disposes of that business on Friday. Now, so far as the Chair has been able to ascertain from a hasty examination, the Chair would have no hesitancy in saying that a conference report is that nature of business that would have priority on a Friday. And so might a President's message; but the Chair, however, will not make a ruling touching that matter at this time without further examination; but a question of privilege of the House or of a Member would, under the

rules and practice of the House, come primarily first. The House might make a disposition of these matters, if it saw proper to do so, on the question of consideration.

Now, the demand is made for the regular order, and the disposition of business on the Speaker's table is one of the items in the call—that is, after the Journal, and so forth, comes business on the Speaker's table. The Chair is perfectly clear, under the decisions and under the precedents and under the rule that business on the Speaker's table on Friday of a private nature would equally come before the motion to go into Committee of the Whole is made.

Therefore the Chair lays before the House the following House bill with Senate amendment:

WILLIAM MITCHELL.

The bill (H. R. 8699) to authorize the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Mounted Infantry, Civil War.

The Senate amendment was read.

Mr. HAY. I move to concur in the Senate amendment.

Mr. CARLIN. Upon that motion I demand the previous question.

Mr. MANN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAY. I have the floor.

Mr. MANN. I want to ask the gentleman a question.

Mr. HAY. I will yield to the gentleman for a question.

Mr. MANN. I notice that the Senate amendment strikes out all after the enacting clause and inserts a new proposition.

Mr. HAY. It is in the usual form.

Mr. MANN. The Committee on Military Affairs, then, in reporting it, made a slight mistake.

Mr. HAY. It did.

The SPEAKER. The question is on the motion of the gentleman from Virginia, that the House do concur in the Senate amendments.

The question was taken.

Mr. MANN. Mr. Speaker, I demand a division.

Mr. CARLIN. Mr. Speaker, I make the point of order that that is a dilatory demand, as there was no vote heard in the negative.

The SPEAKER. By no means. This is the consideration of Senate amendments on a motion that the House concur in the Senate amendments. From a viva voce expression the Chair always recognizes a demand for a division.

Mr. CARLIN. Mr. Speaker, I withdraw the point of order.

The House divided; and there were—ayes 155, noes 8.

Mr. MANN. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. HAY. Mr. Speaker, I make the point that that is dilatory.

Mr. LANGLEY. The last roll call discloses a quorum present.

The SPEAKER. The Chair is inclined to think that a quorum is present. The Chair just counted the House.

Mr. MANN. The Chair's count did not show a quorum, but if the Chair thinks there is a quorum present, that is satisfactory to me.

The SPEAKER. The Chair is satisfied there is a quorum present.

So the motion to concur in the Senate amendments was agreed to.

HORACE P. RUGG.

The SPEAKER laid before the House the bill (H. R. 26722) for the relief of Horace P. Rugg, with Senate amendments thereto.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendments.

Mr. STEVENS of Minnesota. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. Who has charge of the bill?

Mr. STEVENS of Minnesota. Mr. Speaker, I make the motion that the House concur in the Senate amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. CARLIN. Mr. Speaker, would it be in order to move the previous question on the motion?

Mr. MANN. Let the gentleman move the previous question and we will have a roll call on it. Will the gentleman from Minnesota yield for a question?

Mr. STEVENS of Minnesota. Mr. Speaker, I yield to the gentleman from Illinois for a question.

Mr. MANN. Mr. Speaker, I notice that a resolution has been reported into the House for the purpose of correcting the language and the purport of all of the bills of this class which passed the House during the last calendar year, or the last fiscal year, I think, the year 1910. Is the gentleman's committee now satisfied that this form of bill would enable a man to get a pension, that being the purpose, the form we passed last year having failed in that direction?

Mr. STEVENS of Minnesota. Mr. Speaker, that is quite a different proposition than that presented by the Senate amendments to this bill.

Mr. MANN. Oh, I supposed it was that proposition.

Mr. STEVENS of Minnesota. The recipient of this bill does not demand any pension. He is a man of independent means, and an unfortunate mistake occurred in his military record, well known to one of the influential Members of this House—the gentleman from Pennsylvania [Mr. BINGHAM]—and upon the statement of that gentleman the Committee on Military Affairs framed and passed the bill. The Senate did not desire that there should be any question that a pension could not be had, and so amended it, and the Committee on Military Affairs of the House is quite content to accept the Senate amendment. The gentleman from Illinois suggests that there is pending on the House calendar a proposition to correct some of the language of bills that have passed the House heretofore, correcting military records. Under a construction of the Pension Office the language of the House bills or the bills as passed by both of the Houses of Congress did not allow a pension. I think that was a mistake on the part of the department, but to prevent any error and to prevent any injustice the Committee on Military Affairs did frame and prepare an amendment to those bills that have heretofore passed, which is now upon the calendar. But this is not one of those cases. This is a case of obvious injustice, as is well known, as I stated, by the distinguished gentleman from Pennsylvania [Mr. BINGHAM], and upon his statement the Committee on Military Affairs acted, so that under these circumstances I move that the House do concur in the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question was taken, and the motion was agreed to.

JOHN B. LORD.

The SPEAKER also laid before the House from the Speaker's table the bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia, with House amendments disagreed to by the Senate.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment. Mr. Speaker, having made the motion, not wishing to detain the House, but I did not hear what the Senate amendment was and I would like to have it reported. I have no intention of detaining the House in reference to the matter.

The SPEAKER. Does the gentleman move that the House recede from its disagreement and concur in the amendments?

Mr. MANN. If it is in that shape, I do not care to make any motion at all, but let the people in charge of it make the motion.

Mr. SHERLEY. Mr. Speaker, for information I would like to know from what committee of the House the bill comes.

The SPEAKER. This seems to be a District of Columbia bill.

Mr. SHERLEY. Mr. Speaker, I move to refer it to the Committee on the District of Columbia.

Mr. MANN. Oh, no.

Mr. SHERLEY. But there is nobody here to take care of it.

Mr. MANN. Then let it be referred to the District of Columbia Committee. Mr. Speaker, the gentleman from Kentucky has moved to refer the bill to the District Committee, and I offer an amendment to that.

Mr. SHERLEY. The gentleman has not the floor yet.

The SPEAKER. The gentleman from New York, Mr. OLCOTT, is present.

Mr. OLCOTT. Mr. Speaker, is there any particular reason why this bill can not remain on the Speaker's table? I personally do not know anything about the bill, but I presume some gentleman on the Committee on the District of Columbia is interested in it. It seems to me to be rather unfortunate if some one is accidentally away that an opportunity should not be accorded to him to have the bill taken from the Speaker's table when he is present, and I hope that will be done. I would like to suggest that the bill remain on the Speaker's table, if that is the proper motion to make.

The SPEAKER. Does the gentleman from New York ask unanimous consent that the bill remain on the Speaker's table?

Mr. OLCOTT. That is exactly what I do, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SHERLEY. Pending the right to object, if I understand the call for the regular order shall not bring that bill up again to-day.

Mr. MANN. We can not have any understanding about it.

Mr. SHERLEY. This is simply postponing it, and I am not willing for it to be used as a buffer.

Mr. MANN. All right; we will have two or three roll calls on it.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none, and the bill remains on the Speaker's table. This disposes of private bills on the Speaker's table.

Mr. PRINCE. Mr. Speaker, I now renew my motion that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is not in order if the regular order be demanded, and I wish to be heard for a moment on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, if it should be held that the public business on the Speaker's table can not be taken from the Speaker's table on Friday, pending the disposition of private business, there is no way, except by voting down the motion to go into the Committee of the Whole or by directly dispensing with the day, to get at even a President's message. This day may last for several days, and we would be without any method of taking from the Speaker's table a message from the President of the United States. It seems to me that is an unheard of proposition, that the President is not able to communicate with the Congress as provided by the Constitution. If you hold that you can not take from the Speaker's table a message from the President while the House is considering private business or pending the consideration of private business, the President is not able to communicate with Congress, as the Constitution provides he may, if a majority of the House do not wish to hear that message read or wish to keep on with some other business.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. AUSTIN. Has not the President of the United States in his annual message asked Congress to make an appropriation to pay claims certified by the Court of Claims?

Mr. MANN. Yes; but if he now sent in a message asking to have them paid, under the contention of the gentleman the message could not be communicated to the House.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. MANN. Certainly.

Mr. SHERLEY. If the gentleman's reasoning is right, would it not also apply when we were having prayer by the Chaplain, or reading and approval of the Journal, or correction, and reference of public bills, all of which come ahead of the President's message?

Mr. MANN. I do not see the force of the reasoning at all.

Mr. SHERLEY. The gentleman's reasoning is that you can not hear the President's message, because you can not hear it at this moment.

Mr. MANN. Here is the gentleman's proposition: The House goes into the Committee of the Whole House on the state of the Union on the Private Calendar, stays in Committee of the Whole, rises, and goes back into the House; the House does not adjourn, and you can not take the message from the Speaker's table to be read. There would be a motion still in order to go back into Committee of the Whole House on the state of the Union on the Private Calendar, and you get yourself involved in a situation where it is not possible to receive a message from the President under the Constitution of the United States, no matter how important that message might be, except by unanimous consent.

Mr. SHERLEY. Would it not be in order to adjourn, and would not that prevent the reading of the message?

Mr. FITZGERALD. Those were rules adopted by the majority, of which the gentleman from Illinois [Mr. MANN] is a member. He should not find fault with them now. He never has found fault with them before.

Mr. MANN. The gentleman is carrying on a conversation with his next-door neighbor there. I can not understand it over here.

Mr. FITZGERALD. The Speaker understands it.

Mr. MORSE. The reporter got it down.

Mr. MANN. The reporter got up close to his shoulder.

The SPEAKER. The rule is plain. The Chair will read Rule XXVI, as follows:

> Friday in every week shall be set apart for the consideration of private business unless otherwise determined by the House.

And the House may otherwise determine by motion if it is so ordered. In the absence of such order the Chair will not lay before the House public business.

Mr. FOSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSS. Is it in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill?

The SPEAKER. That has been uniformly held to be so with general appropriation bills and revenue bills.

Mr. FITZGERALD. Mr. Speaker, I desire to call the attention of the Speaker to this fact: That the proceedings to-day demonstrate that the House desires to vote on the motion which is in order to-day. The Chair not long since intimated that if a certain vote disclosed a disposition of the majority to do a certain kind of business, the House would not permit the interposition of motions, although they would be privileged.

Now, it is apparent that a substantial majority of the House desires to proceed to the consideration of business in order to-day. I believe the House is entitled to determine that question upon the motion in order in preference to the motion to be submitted by the gentleman from Illinois [Mr. Foss].

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] did make a motion that the House resolve itself into Committee of the Whole House on the state of the Union for consideration of business on the Private Calendar, but the gentleman from Illinois [Mr. MANN] made the point of order——

Mr. FITZGERALD. No; he did not. He asked the Chair a question.

The SPEAKER (continuing). That there was public business on the Speaker's table that under the rules should be first considered. Now, while there is public business on the Speaker's table, yet, so far as the Chair has been able to ascertain from the precedents, it is not of that nature that it would be entitled to be considered without action upon the part of the House. Therefore the Chair overrules the point of order and entertains the motion made by the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

Mr. THOMAS of North Carolina. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of North Carolina. Does the Speaker recognize the gentleman from Illinois, Mr. Foss, or the gentleman from Illinois, Mr. PRINCE?

The SPEAKER. The Chair has just decided that point. The question is on the motion of the gentleman from Illinois [Mr. PRINCE].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

The House divided; and there were—ayes 151, noes 50.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. All those who favor ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-one gentlemen have arisen.

Mr. CARLIN. Mr. Speaker, I demand tellers.

Mr. HEFLIN. Mr. Speaker, how many did the Chair announce?

The SPEAKER. Fifty-one—a sufficient number.

Mr. HEFLIN. The Speaker has superb counting ability and a marvelous imagination.

The SPEAKER. Does the gentleman from Virginia [Mr. CARLIN] demand tellers?

Mr. CARLIN. Yes, sir.

The SPEAKER. The Chair will state that as many as desire tellers on ordering the yeas and nays will rise and stand until counted.

Tellers were refused.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. PRINCE]. The yeas and nays are ordered. Those in favor of the motion will answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 181, nays 59, answered "present" 8, not voting 136, as follows:

YEAS—181.

Adair	Bartlett, Ga.	Burgess	Carter
Adamson	Beall, Tex.	Burke, Pa.	Cary
Aiken	Bell, Ga.	Burleson	Chapman
Alexander, Mo.	Bennet, N. Y.	Burnett	Clark, Fla.
Alexander, N. Y.	Boehne	Butler	Clark, Mo.
Ames	Booher	Byrns	Clayton
Anderson	Borland	Calder	Collier
Ashbrook	Bowers	Candler	Cooper, Wis.
Austin	Brantley	Cantrill	Cowles
Barnhart	Broussard	Carlin	Cox, Ind.

Cox, Ohio	Grant	Lever	Rucker, Mo.
Craig	Greene	Lively	Saunders
Creager	Guernsey	McHenry	Shackleford
Crumpacker	Hamlin	McKinlay, Cal.	Sheffield
Cullop	Hardy	McKinney	Sheppard
Dawson	Harrison	McLachlan, Cal.	Sherley
Dent	Haugen	Macon	Sherwood
Denver	Havens	Maguire, Nebr.	Simmons
Dickinson	Hawley	Malby	Sims
Dickson, Miss.	Hay	Martin, Colo.	Sisson
Diekema	Hayes	Maynard	Slemp
Dies	Heflin	Mays	Small
Dixon, Ind.	Helm	Mitchell	Smith, Tex.
Dodds	Hitchcock	Mondell	Spight
Driscoll, D. A.	Hobson	Moon, Tenn.	Stanley
Edwards, Ga.	Hollingsworth	Morgan, Mo.	Stephens, Tex.
Edwards, Ky.	Houston	Morgan, Okla.	Sulloway
Ellerbe	Hughes, Ga.	Morse	Swasey
Englebright	Hull, Tenn.	Moss	Taylor, Ala.
Estopinal	Jamieson	Nicholls	Taylor, Colo.
Ferris	Johnson, Ky.	Nye	Taylor, Ohio.
Finley	Johnson, Ohio	O'Connell	Thistlewood
Fitzgerald	Johnson, S. C.	Olcott	Thomas, Ky.
Flood, Va.	Jones	Oldfield	Thomas, N. C.
Floyd, Ark.	Keifer	Padgett	Tou Velle
Focht	Kelliher	Page	Townsend
Foster, Ill.	Kitchin	Pearre	Turnbull
Foster, Vt.	Knowland	Plumley	Underwood
Fuller	Korbly	Prince	Wallace
Gardner, Mass.	Lamb	Pujo	Watkins
Garner, Tex.	Langham	Rainey	Webb
Garrett	Langley	Randell, Tex.	Weeks
Godwin	Law	Richardson	Wickliffe
Good	Lawrence	Robinson	
Gordon	Lee	Rothermel	
Graham, Ill.	Legare	Rucker, Colo.	

NAYS—59.

Anthony	Garner, Pa.	Lundin	Roberts
Barchfeld	Goebel	McGuire, Okla.	Rodenberg
Barnard	Graff	McKinley, Ill.	Scott
Bingham	Henry, Conn.	Madden	Smith, Iowa
Burke, S. Dak.	Hinshaw	Mann	Snapp
Campbell	Howell, N. J.	Martin, S. Dak.	Stafford
Cline	Howell, Utah.	Miller, Kans.	Steenerson
Cooper, Pa.	Howland	Miller, Minn.	Sterling
Dalzell	Hubbard, Iowa	Morrison	Stevens, Minn.
Draper	Humphrey, Wash.	Moxley	Thomas, Ohio
Dwight	Kendall	Nelson	Tilson
Esch	Kennedy, Iowa	Norris	Volstead
Fassett	Küstermann	Olmsted	Wiley
Fish	Lindbergh	Palmer, H. W.	Woods, Iowa
Foss	Lowden	Pratt	

ANSWERED "PRESENT"—8.

Douglas	Goulden	Kopp	Pickett
Driscoll, M. E.	Hughes, N. J.	Massey	Young, N. Y.

NOT VOTING—136.

Allen	Fowler	Kinkaid, Nebr.	Peters
Andrus	Gaines	Kinkead, N. J.	Poindexter
Ansberry	Gallagher	Knapp	Pou
Barclay	Gardner, Mich.	Kronmiller	Pray
Bartholdt	Gardner, N. J.	Lafean	Ransdell, La.
Bartlett, Nev.	Gill, Md.	Latta	Rauch
Bates	Gill, Mo.	Lenroot	Reeder
Bennett, Ky.	Gillespie	Lindsay	Reid
Boutell	Gillett	Livingston	Rhinock
Bradley	Glass	Lloyd	Riordan
Burleigh	Goldfogle	Longworth	Roddenbery
Byrd	Graham, Pa.	Loud	Sabath
Calderhead	Gregg	Loudenslager	Sharp
Capron	Griest	McCall	Slayden
Cassidy	Hamer	McCreary	Smith, Cal.
Cocks, N. Y.	Hamill	McCredie	Smith, Mich.
Cole	Hamilton	McDermott	Southwick
Conry	Hammond	McLaughlin, Mich.	Sparkman
Coudrey	Hanna	McMorran	Sperry
Covington	Hardwick	Madison	Sturgiss
Cravens	Heald	Millington	Sulzer
Crow	Henry, Tex.	Moon, Pa.	Talbott
Currier	Higgins	Moore, Pa.	Tawney
Davidson	Hill	Moore, Tex.	Vreeland
Davis	Howard	Morehead	Wanger
Denby	Hubbard, W. Va.	Mudd	Washburn
Dupre	Huff	Murdock	Weisse
Durey	Hughes, W. Va.	Murphy	Wheeler
Ellis	Hull, Iowa	Needham	Willett
Elvins	Humphreys, Miss.	Palmer, A. M.	Wilson, Ill.
Fairchild	James	Parker	Wilson, Pa.
Foelker	Joyce	Parsons	Wood, N. J.
Fordney	Kahn	Patterson	Woodyard
Fornes	Kennedy, Ohio	Payne	Young, Mich.

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this session:

Mr. HILL with Mr. GLASS.

Until further notice:

Mr. CALDERHEAD with Mr. BYRD.

Mr. CURRIER with Mr. HAMMOND.

Mr. CAPRON with Mr. LIVINGSTON.

Mr. VREELAND with Mr. ANSBERRY.

Mr. FORDNEY with Mr. LATTA.

Mr. HEALD with Mr. SLAYDEN.

Mr. HIGGINS with Mr. SULZER.

Mr. KNAPP with Mr. LIVINGSTON.

Mr. GARDNER of New Jersey with Mr. LLOYD.

For the balance of the day:

Mr. LONGWORTH with Mr. HUGHES of New Jersey.

Mr. DOUGLAS with Mr. COLE.

On this vote:

Mr. WANGER with Mr. KOPP.

Mr. HUGHES of New Jersey. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman from New Jersey [Mr. HUGHES] is recorded in the affirmative.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to change my vote. I am paired with the gentleman from Ohio [Mr. LONGWORTH]. I desire to vote "present."

The name of Mr. HUGHES of New Jersey was called, and he answered "present."

The result of the vote was then announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CURRIER in the chair.

ORDER OF BUSINESS.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SIMS, Mr. PRINCE, and Mr. GARDNER of Massachusetts rose.

Mr. GARDNER of Massachusetts. Mr. Chairman, I call up the bill (S. 9674) for the relief of James Henry Payne, which I send to the Clerk's desk to have read.

Mr. SIMS. Mr. Chairman, I am a member of the Committee on War Claims, and I desire to make a preferential motion.

Mr. PRINCE. Mr. Chairman, I would much——

The CHAIRMAN. The Chair will first recognize a member of the Committee on Claims. The chairman of the committee desires to be recognized, and will be recognized.

Mr. PRINCE. Mr. Chairman, I would much prefer, if the committee would do so, to try to take up the bills in their regular order, for the reason, Mr. Chairman, that there has been a union of forces to bring about this result.

Mr. MANN. An unholy alliance, the gentleman means. [Laughter.]

Mr. PRINCE. It may be, but the alliance seemed to work out very well. [Laughter.]

Mr. HUGHES of New Jersey. If the gentleman from Illinois [Mr. MANN] is satisfied, you are.

Mr. PRINCE. If I am allowed by the Chairman of the Committee of the Whole to call up bills first, I will move to take up the first bill from the Committee on Claims, calendar No. 566.

Mr. SIMS. Mr. Chairman, I move as a substitute for that motion the following——

Mr. MANN. Mr. Chairman, I call the attention of the Chair to the fact that the gentleman from Tennessee [Mr. SIMS] is not a member of the Committee on Claims, which has priority to-day.

Mr. SIMS. I am a member of the Committee on War Claims.

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE], if he desires recognition, will be recognized to make any motion regarding the order of business on the Private Calendar.

Mr. GARDNER of Massachusetts. But, Mr. Chairman, I make the point of order that the gentleman has made no motion before the House.

Mr. PRINCE. Mr. Chairman, I move that we take up House bill 26121, calendar No. 566, a bill for the relief of Edward F. Kearns, which is the first bill coming from the Committee on Claims in order on the Private Calendar.

Mr. SIMS. Now, Mr. Chairman, I move to amend that motion——

The CHAIRMAN. Let the Chair state the question. The gentleman from Illinois [Mr. PRINCE] moves to take up the bill (H. R. 26121) for the relief of Edward F. Kearns, the first bill on the Private Calendar reported from the committee.

Mr. SIMS. I move to substitute for the bill mentioned by the gentleman from Illinois the bill (S. 7971) known as the omnibus claims bill, having claims in it from both the War Claims and the Claims Committees.

Mr. MANN. I make the point of order that the motion is not amendable.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the motion made by his colleague [Mr. PRINCE] is not amendable.

Mr. SIMS. I moved it as a substitute.

The CHAIRMAN. The Chair so understands. A substitute is in the nature of an amendment. The Chair can not see that it will expedite business any to entertain the motion of the gentleman to amend by substituting another bill, since it is just as easy to vote down the motion made by the gentleman from Illinois [Mr. PRINCE]. The Chair does not think that the motion made by the gentleman from Illinois [Mr. PRINCE] is either debatable or amendable.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. If the motion is voted down, then will the Chair recognize me to make this motion?

The CHAIRMAN. The Chair will have to recognize some one, but can not state at this time to whom recognition will be given.

Mr. SIMS. The rule is that the Committee of the Whole has a right to determine its own order of business after it has gone into Committee of the Whole.

The CHAIRMAN. And the gentleman from Illinois has made a motion looking to that determination. The question is on the motion of the gentleman from Illinois [Mr. PRINCE].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. SIMS and Mr. THOMAS of North Carolina demanded a division.

The committee divided; and there were—ayes 61, noes 82.

Accordingly the motion was rejected.

OMNIBUS CLAIMS BILL.

Mr. SIMS. Now, Mr. Chairman, I renew my motion to take up the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, known as the "omnibus bill."

The CHAIRMAN. The gentleman from Tennessee moves to take up the bill S. 7971. The question is on the motion of the gentleman from Tennessee.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Massachusetts. Is that motion debatable?

The CHAIRMAN. The motion is not debatable.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. MANN. Division!

The committee divided; and there were—ayes 86, noes 47.

Accordingly the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. SIMS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with.

Mr. MILLER of Kansas and Mr. GARDNER of Massachusetts objected.

The CHAIRMAN. Objection is heard.

Mr. SIMS. Mr. Chairman, is it in order to move to dispense with the first reading of the bill?

The CHAIRMAN. It is not in order to move it. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. PRINCE (when the Clerk had read to line 21, page 24). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. MANN. I object. I want the bill read, so that we may understand it. It seems to me, Mr. Chairman, that we ought to have a quorum of the committee here to hear the bill read, and I make the point of order that there is no quorum. I should not have made the point had it not been that my colleague interrupted the reading of the bill.

The CHAIRMAN (Mr. KENDALL). The genleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Seventy-nine Members present—not a quorum—and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen	Coudrey	Fish	Hamer
Andrus	Covington	Flood, Va.	Hamill
Anthony	Cox, Ind.	Focht	Hamilton
Ashbrook	Cravens	Foelker	Hanna
Barchfeld	Creager	Fordney	Hardwick
Barclay	Crow	Fornes	Harrison
Barnard	Crumpacker	Fowler	Haugen
Barnhart	Denby	Gaines	Havens
Bartlett, Nev.	Dent	Gallagher	Hawley
Bates	Dies	Gardner, Mass.	Hay
Bennett, Ky.	Dixon, Ind.	Gardner, Mich.	Heald
Boutell	Douglas	Garner, Pa.	Heflin
Bowers	Draper	Gill, Md.	Henry, Conn.
Burke, Pa.	Dupre	Gill, Mo.	Henry, Tex.
Burleigh	Durey	Gillespie	Hill
Calder	Ellis	Gillett	Hitchcock
Campbell	Elvins	Glass	Hobson
Capron	Englebright	Goebel	Howard
Cassidy	Esch	Goldfogle	Howell, Utah
Clark, Fla.	Estopinal	Graham, Pa.	Hubbard, Iowa
Cocks, N. Y.	Fairchild	Gregg	Huff, Pa.
Conry	Fassett	Griest	Hughes, W. Va.
Hull, Iowa	Lundin	Palmer, A. M.	Slayden
Humphrey, Wash.	McCreary	Palmer, H. W.	Smith, Cal.
Humphreys, Miss.	McCredie	Patterson	Smith, Mich.
James	McDermott	Payne	Sperry
Johnson, Ohio	McGuire, Okla.	Pearre	Steenerson
Johnson, S. C.	McKinlay, Cal.	Peters	Stevens, Minn.
Joyce	McLachlan, Cal.	Poindexter	Sturgiss
Kahn	McMorran	Pou	Talbott
Kinkead, N. J.	Madden	Pratt	Taylor, Ala.
Kitchin	Madison	Pujo	Thomas, Ohio
Knapp	Martin, S. Dak.	Ransdell, La.	Townsend
Knowland	Maynard	Reeder	Wallace
Kopp	Miller, Minn.	Reid	Wanger
Kronmiller	Millington	Rhinock	Washburn
Küstermann	Moon, Pa.	Richardson	Weeks
Lafean	Moore, Pa.	Riordan	Weisse
Langham	Moore, Tex.	Roddenbery	Wheeler
Lenroot	Morehead	Rodenberg	Willett
Lindbergh	Morgan, Mo.	Sabath	Wilson, Ill.
Lindsay	Morrison	Saunders	Wilson, Pa.
Livingston	Moss	Scott	Wood, N. J.
Longworth	Mudd	Shackleford	Woods, Iowa
Loud	Murdock	Sharp	Woodyard
Loudenslager	Murphy	Sheffield	Young, Mich.
Lowden	Nelson	Simmons	

The CHAIRMAN. Under the rule the committee will rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KENDALL, Chairman of the Committee of the Whole House, reported that that committee had found itself without a quorum, that the roll had been called, and that he returned the list of absentees.

The SPEAKER. The report shows that there are present 188 Members. Under the rule the committee will resume its sessions.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. KENDALL in the chair.

The Clerk resumed the reading of the bill.

Mr. SIMS (when the French spoliation claims were reached). Mr. Chairman, the part of the bill that the Clerk is now reading has been stricken out.

The CHAIRMAN. It is part of the bill.

Mr. SIMS. It appears on the bill, but it has been stricken out.

The CHAIRMAN. It is a part of the bill that is supposed to be stricken out.

Mr. SIMS. It is stricken out in the print.

Mr. MANN. If necessary I will ask that the original bill be read in which it is not stricken out.

The CHAIRMAN. It is a part of the bill and the Clerk will continue the reading.

The Clerk proceeded with the reading of the bill.

Mr. MANN (when the Clerk had reached page 82, line 3). Mr. Chairman, I think that the House ought to hear this bill, and I make the point of order that no quorum is present.

The CHAIRMAN (Mr. DIEKEMA). The gentleman from Illinois makes the point of no quorum, and the Chair will count.

Mr. HEFLIN. Mr. Chairman, I hope the gentleman will withdraw his point of order. He will get to bed much earlier, because we intend to stay here all night if necessary.

Mr. MANN. I do not see how I should get to bed any earlier if we stay here all night. [Laughter.]

Mr. HEFLIN. This is an important bill.

Mr. MANN. It is extremely important, and there is not a quorum in the House.

The CHAIRMAN. Fifty-five Members present—not a quorum—and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Chapman	Englebright	Graham, Ill.
Alexander, Mo.	Clark, Fla.	Esch	Graham, Pa.
Alexander, N. Y.	Clark, Mo.	Estopinal	Greene
Allen	Cline	Fairchild	Gregg
Anderson	Cocks, N. Y.	Fassett	Griest
Andrus	Cole	Ferris	Hamer
Ansberry	Conry	Fish	Hamill
Anthony	Cooper, Pa.	Focht	Hamilton
Ashbrook	Coudrey	Foelker	Hamlin
Barchfeld	Covington	Fordney	Hammond
Barclay	Cowles	Fornes	Hardwick
Barnard	Cox, Ohio	Foster, Ill.	Hardy
Barnhart	Cravens	Foster, Vt.	Harrison
Bartlett, Nev.	Creager	Fowler	Haugen
Bates	Crow	Fuller	Havens
Bennet, N. Y.	Crumpacker	Gaines	Hawley
Bennett, Ky.	Dalzell	Gallagher	Hayes
Bingham	Davidson	Gardner, Mass.	Heald
Boehne	Davis	Gardner, Mich.	Henry, Conn.
Boutell	Dawson	Gardner, N. J.	Higgins
Bowers	Denby	Garner, Pa.	Hill
Bradley	Dies	Gill, Md.	Hinshaw
Burgess	Dodds	Gill, Mo.	Hitchcock
Burke, Pa.	Douglas	Gillett	Howard
Burke, S. Dak.	Draper	Glass	Howell, N. J.
Burleigh	Driscoll, M. E.	Goebel	Hubbard, W. Va.
Campbell	Dupre	Goldfogle	Huff
Capron	Durey	Good	Hughes, W. Va.
Carter	Ellis	Goulden	Hull, Iowa
Cassidy	Elvins	Graff	Humphrey, Wash.

Humphreys, Miss.	McCall	Parsons	Southwick
James	McCreary	Patterson	Sparkman
Johnson, Ky.	McCredie	Payne	Sperry
Johnson, Ohio	McDermott	Pearre	Stanley
Johnson, S. C.	McGuire, Okla.	Peters	Steenerson
Joyce	McHenry	Pickett	Stephens, Tex.
Kahn	McKinlay, Cal.	Plumley	Sterling
Keifer	McKinley, Ill.	Poindexter	Stevens, Minn.
Kelliher	McKinney	Pou	Sturgiss
Kennedy, Iowa	McLaughlin, Mich.	Pratt	Sulzer
Kennedy, Ohio	McMorran	Pray	Swasey
Kinkaid, Nebr.	Madden	Pujo	Talbott
Kinkead, N. J.	Mann	Ransdell, La.	Taylor, Colo.
Kitchin	Martin, S. Dak.	Reid	Taylor, Ohio
Knapp	Maynard	Rhinock	Thistlewood
Knowland	Miller, Minn.	Riordan	Thomas, Ohio
Kopp	Millington	Roberts	Townsend
Korbly	Mondell	Roddenbery	Vreeland
Kronmiller	Moon, Pa.	Rodenberg	Wallace
Küstermann	Moore, Pa.	Rothermel	Wanger
Lafean	Moore, Tex.	Rucker, Colo.	Washburn
Langham	Morehead	Sabath	Webb
Langley	Morrison	Saunders	Weeks
Latta	Morse	Scott	Weisse
Law	Moss	Shackleford	Wheeler
Legare	Moxley	Sharp	Wiley
Lenroot	Mudd	Sheffield	Willett
Lever	Murdock	Sheppard	Wilson, Ill.
Lindbergh	Murphy	Sherley	Wilson, Pa.
Lindsay	Needham	Sherwood	Wood, N. J.
Lively	Nelson	Slayden	Woods, Iowa
Livingston	Nicholls	Small	Woodyard
Longworth	Norris	Smith, Cal.	Young, Mich.
Loud	O'Connell	Smith, Iowa	Young, N. Y.
Loudenslager	Page	Smith, Mich.	
Lowden	Palmer, A. M.	Smith, Tex.	
Lundin	Palmer, H. W.	Snapp	

The committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration bills on the Private Calendar and finding itself without a quorum, the roll was called, and he reported the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House reports that that committee, finding itself without a quorum, ordered the roll to be called under the rule, and reports the list of absentees. It appears from the roll that 117 Members are present—a quorum. The committee will resume its session.

Accordingly the committee resumed its session and the Clerk proceeded with the reading of the bill.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. DWIGHT. I object.

The Clerk continued to read the bill, and read as far as line 17, page 101, when,

Mr. KENDALL. Mr. Chairman, I make the suggestion that only about a dozen Members of the House are present, and they are not devoting any attention to the reading of the bill. I therefore ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. MANN. I object; and as there is nobody here, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. HEFLIN. Mr. Chairman, I trust the gentleman from Illinois [Mr. MANN] will withdraw his point of no quorum. It is now 7 o'clock and we have been here since 10 o'clock this morning, and Republican Members have been filibustering all of that time for the purpose of defeating this bill.

The CHAIRMAN. Of course, the gentleman realizes that he is proceeding by unanimous consent, since under the rules the Chair is compelled to begin the count.

Mr. HEFLIN. Then I ask unanimous consent to speak a few minutes. I want to say a few things about this filibuster of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I do not believe we ought to waste the time of the House at this time in that way, and therefore I object.

Mr. HEFLIN. I supposed the gentleman would object.

The CHAIRMAN. The point of no quorum having been made, the Chair must proceed with the count.

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Mr. Chairman, we will first have to ascertain whether there is a quorum present.

Mr. CARLIN. It is with reference to ascertaining the presence of a quorum that I wish to make the inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. It has been only about 15 minutes since the point of no quorum was made, and a quorum was disclosed.

The CHAIRMAN. But the gentleman's suggestion that the point of no quorum may be dilatory comes too late, as the Chair was counting and no point of order had been made. The Chair will continue the count. [After counting.] Fifty-seven Members present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Ellis	Joyce	Pratt
Alexander, Mo.	Elvins	Kahn	Pray
Alexander, N. Y.	Esch	Keifer	Rainey
Allen	Estopinal	Kelliher	Ransdell, La.
Andrus	Fairchild	Kennedy, Ohio	Reeder
Ansberry	Fassett	Kinkaid, Nebr.	Reid
Anthony	Fish	Kinkead, N. J.	Rhinock
Ashbrook	Fitzgerald	Kitchin	Riordan
Austin	Flood, Va.	Knapp	Roberts
Barchfeld	Focht	Knowland	Roddenbery
Barclay	Foelker	Korbly	Rodenberg
Barnard	Fordney	Kronmiller	Rothermel
Barnhart	Fornes	Küstermann	Rucker, Mo.
Bartlett, Ga.	Foster, Ill.	Lafean	Sabath
Bartlett, Nev.	Foster, Vt.	Langham	Saunders
Bates	Fowler	Langley	Scott
Bennet, N. Y.	Fuller	Latta	Shackleford
Bennett, Ky.	Gaines	Lenroot	Sharp
Bingham	Gallagher	Lindsay	Sheffield
Boehne	Gardner, Mass.	Lively	Sheppard
Booher	Gardner, Mich.	Livingston	Sherley
Borland	Gardner, N. J.	Lloyd	Sherwood
Boutell	Garner, Pa.	Longworth	Simmons
Bowers	Gill, Md.	Loud	Slayden
Bradley	Gill, Mo.	Loudenslager	Slemp
Burke, Pa.	Gillespie	Lowden	Small
Burke, S. Dak.	Gillett	Lundin	Smith, Cal.
Burleigh	Glass	McCall	Smith, Iowa
Burleson	Goebel	McCreary	Smith, Mich.
Burnett.	Goldfogle	McCredie	Smith, Tex.
Byrd	Good	McDermott	Snapp
Calder	Goulden	McGuire, Okla.	Southwick
Calderhead	Graff	McHenry	Sparkman
Campbell	Graham, Ill.	McKinlay, Cal.	Sperry
Candler	Graham, Pa.	McKinley, Ill.	Stafford
Cantrill	Greene	McMorran	Steenerson
Capron	Gregg	Madden	Stephens, Tex.
Carter	Griest	Malby	Sterling
Cassidy	Guernsey	Martin, S. Dak.	Stevens, Minn.
Chapman	Hamer	Massey	Sturgiss
Clark, Fla.	Hamill	Maynard	Sulzer
Clark, Mo.	Hamilton	Mays	Swasey
Cline	Hamlin	Miller, Minn.	Talbott
Cocks, N. Y.	Hammond	Millington	Tawney
Cole	Hardwick	Mondell	Taylor, Colo.
Conry	Hardy	Moon, Pa.	Taylor, Ohio
Cooper, Pa.	Harrison	Moore, Pa.	Thistlewood
Coudrey	Haugen	Moore, Tex.	Thomas, Ky.
Covington	Havens	Morehead	Thomas, Ohio
Cox, Ohio	Hay	Morrison	Tilson
Craig	Hayes	Morse	Tou Velle
Cravens	Heald	Moxley	Townsend
Creager	Henry, Conn.	Mudd	Turnbull
Crow	Higgins	Murdock	Volstead
Crumpacker	Hill	Murphy	Vreeland
Dalzell	Hinshaw	Needham	Wallace
Davidson	Hitchcock	Nelson	Wanger
Davis	Hobson	Nicholls	Washburn
Denby	Howard	Norris	Webb
Dent	Howell, N. J.	O'Connell	Weeks
Denver	Howland	Padgett	Weisse
Dickinson	Hubbard, Iowa	Page	Wheeler
Dickson, Miss.	Hubbard, W. Va.	Palmer, A. M.	Wiley
Diekema	Huff	Palmer, H. W.	Willett
Dies	Hughes, W. Va.	Parker	Wilson, Ill.
Dixon, Ind.	Hull, Iowa	Parsons	Wilson, Pa.
Dodds	Humphrey, Wash.	Patterson	Wood, N. J.
Douglas	Humphreys, Miss.	Payne	Woods, Iowa
Draper	James	Pearre	Woodyard
Driscoll, M. E.	Jamieson	Peters	Young, Mich.
Dupré	Johnson, Ky.	Pickett	Young, N. Y.
Durey	Johnson, Ohio	Plumley	
Ellerbe	Jones	Poindexter	

The committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration bills on the Private Calendar, had found itself without a quorum, and had ordered the roll to be called under the rule, and reported the list of absentees to the House.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House reports that that committee, having had under consideration bills on the Private Calendar and finding itself without a quorum, ordered the roll to be called, and he now reports the list of absentees. It appears from the roll that there are 84 Members present—not a quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. THOMAS of North Carolina. Mr. Speaker, I move the call of the House.

The SPEAKER pro tempore. The motion to adjourn takes preference. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 18, noes 51.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. All who are in favor

of demanding the yeas and nays will rise and stand until counted. [After counting.] There are 15 gentlemen standing; not a sufficient number.

Mr. MANN. I ask for the other side.

Mr. CARLIN. Mr. Speaker, I raise a point of order that the demand is dilatory.

The yeas and nays were refused.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House, and that the Sergeant at Arms be instructed to bring in absentees.

The SPEAKER pro tempore. The gentleman from Alabama moves a call of the House and that the Sergeant at Arms be instructed to bring in absentees.

The question was taken; and there were—ayes 56, noes 16.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. All who are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] There are 13 gentlemen standing, not a sufficient number; and the yeas and nays are refused.

A call of the House is ordered. The doors will be closed, and the Sergeant at Arms will bring in absent Members.

The roll was called.

Mr. UNDERWOOD. Mr. Speaker, does the roll call show a quorum?

The SPEAKER pro tempore. The Chair is informed that it does not.

Mr. UNDERWOOD. I move that the Sergeant at Arms arrest the absentees and bring them before the House.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] moves that the Sergeant at Arms arrest absentees and bring them to the bar of the House. The Chair thinks that motion is in order even in the absence of a quorum, as its manifest purpose is to secure the presence of a quorum.

The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I demand a division.

The House divided; and there were—ayes 65, noes 12.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are demanded. After counting the ayes——

Mr. MANN. I ask for the other side, Mr. Speaker.

The SPEAKER pro tempore. Upon this vote the ayes are 22, the noes are 76, and the yeas and nays are ordered.

The question was taken; and there were—yeas 121, nays 16, answered "present" 12, not voting 235, as follows:

YEAS—121.

Adair	Dent	Humphreys, Miss.	Prince
Adamson	Denver	Johnson, Ky.	Pujo
Ames	Dickinson	Johnson, S. C.	Rainey
Anderson	Dickson, Miss.	Jones	Randell, Tex.
Ashbrook	Dixon, Ind.	Kendall	Richardson
Beall, Tex.	Driscoll, D. A.	Kitchin	Robinson
Bell, Ga.	Edwards, Ga.	Korbly	Rucker, Colo.
Borland	Ellerbe	Lamb	Rucker, Mo.
Brantley	Elvins	Langley	Saunders
Broussard	Estopinal	Latta	Sheppard
Burgess	Ferris	Law	Sherwood
Burke, S. Dak.	Finley	Lawrence	Sims
Burnett	Floyd, Ark.	Lee	Sisson
Byrd	Garner, Tex.	Legare	Slemp
Byrns	Garrett	Lever	Snapp
Candler	Gillespie	Lindbergh	Spight
Cantrill	Godwin	Lively	Sulloway
Carlin	Gordon	Lloyd	Taylor, Ala.
Cary	Grant	McKinney	Taylor, Colo.
Chapman	Hamlin	McLachlan, Cal.	Thistlewood
Clark, Fla.	Hardy	McLaughlin, Mich.	Thomas, Ky.
Clayton	Harrison	Macon	Thomas, N. C.
Cline	Hawley	Maguire, Nebr.	Tou Velle
Collier	Hay	Martin, Colo.	Turnbull
Cooper, Wis.	Heflin	Mays	Underwood
Cowles	Helm	Mitchell	Watkins
Cox, Ind.	Henry, Tex.	Moon, Tenn.	Webb
Cullop	Hollingsworth	Morgan, Mo.	Wickliffe
Currier	Houston	Moss	
Dalzell	Hughes, Ga.	Oldfield	
Dawson	Hull, Tenn.	Page	

NAYS—16.

Driscoll, M. E.	Hull, Iowa	Mann	Pratt
Dwight	Kennedy, Iowa	Miller, Kans.	Southwick
Englebright	Küstermann	Morgan, Okla.	Sterling
Hanna	Langham	Nye	Tilson

ANSWERED "PRESENT"—12.

Butler	Edwards, Ky.	Howell, Utah	Pickett
Calderhead	Foster, Ill.	Kopp	Reeder
Carter	Graham, Ill.	Olmsted	Simmons

NOT VOTING—235.

Aiken	Fitzgerald	Kelfer	Peters
Alexander, Mo.	Flood, Va.	Keliher	Plumley
Alexander, N. Y.	Focht	Kennedy, Ohio	Poindexter
Allen	Foelker	Kinkaid, Nebr.	Pou
Andrus	Fordney	Kinkead, N. J.	Pray
Ansberry	Fornes	Knapp	Ransdell, La.
Anthony	Foss	Knowland	Rauch
Austin	Foster, Vt.	Kronmiller	Reid
Barchfeld	Fowler	Lafean	Rhinock
Barclay	Fuller	Lenroot	Riordan
Barnard	Gaines	Lindsay	Roberts
Barnhart	Gallagher	Livingston	Roddenbery
Bartholdt	Gardner, Mass.	Longworth	Rodenberg
Bartlett, Ga.	Gardner, Mich.	Loud	Rothermel
Bartlett, Nev.	Gardner, N. J.	Loudenslager	Sabath
Bates	Garner, Pa.	Lowden	Scott
Bennet, N. Y.	Gill, Md.	Lundin	Shackleford
Bennett, Ky.	Gill, Mo.	McCall	Sharp
Bingham	Gillett	McCreary	Sheffield
Boehne	Glass	McCredie	Sherley
Booher	Goebel	McDermott	Slayden
Boutell	Goldfogle	McGuire, Okla.	Small
Bowers	Good	McHenry	Smith, Cal.
Bradley	Goulden	McKinlay, Cal.	Smith, Iowa
Burke, Pa.	Graff	McKinley, Ill.	Smith, Mich.
Burleigh	Graham, Pa.	McMorran	Smith, Tex.
Burleson	Greene	Madden	Sparkman
Calder	Gregg	Madison	Sperry
Campbell	Griest	Malby	Stafford
Capron	Guernsey	Martin, S. Dak.	Stanley
Cassidy	Hamer	Massey	Steenerson
Clark, Mo.	Hamill	Maynard	Stephens, Tex.
Cocks, N. Y.	Hamilton	Miller, Minn.	Stevens, Minn.
Cole	Hammond	Millington	Sturgiss
Conry	Hardwick	Mondell	Sulzer
Cooper, Pa.	Haugen	Moon, Pa.	Swasey
Coudrey	Havens	Moore, Pa.	Talbott
Covington	Hayes	Moore, Tex.	Tawney
Cox, Ohio	Heald	Morehead	Taylor, Ohio
Craig	Henry, Conn.	Morrison	Thomas, Ohio
Cravens	Higgins	Morse	Townsend
Creager	Hill	Moxley	Volstead
Crow	Hinshaw	Mudd	Vreeland
Crumpacker	Hitchcock	Murdock	Wallace
Davidson	Hobson	Murphy	Wanger
Davis	Howard	Needham	Washburn
Denby	Howell, N. J.	Nelson	Weeks
Dickema	Howland	Nicholls	Weisse
Dies	Hubbard, Iowa	Norris	Wheeler
Dodds	Hubbard, W. Va.	O'Connell	Wiley
Douglas	Huff	Olcott	Willett
Draper	Hughes, N. J.	Padgett	Wilson, Ill.
Dupre	Hughes, W. Va.	Palmer, A. M.	Wilson, Pa.
Durey	Humphrey, Wash.	Palmer, H. W.	Wood, N. J.
Ellis	James	Parker	Woods, Iowa
Esch	Jamieson	Parsons	Woodyard
Fairchild	Johnson, Ohio	Patterson	Young, Mich.
Fassett	Joyce	Payne	Young, N. Y.
Fish	Kahn	Pearre	

So the motion was agreed to.

During the roll call the following occurred:

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. I would like to know if the call has not disclosed a quorum present.

The SPEAKER pro tempore. A quorum is not required to be present to vote upon this, and nothing is in order during the call. The Clerk will proceed with the call.

The Clerk announced the following additional pairs:

On this vote:

Mr. WEEKS with Mr. FOSTER of Vermont.

Mr. WANGER with Mr. KOPP.

For balance of day:

Mr. FOSS with Mr. FLOOD of Virginia.

Mr. PLUMLEY with Mr. STEPHENS of Texas.

Mr. NORRIS with Mr. CARTER.

Mr. KINKAID of Nebraska with Mr. SMITH of Texas.

Mr. MCKINLEY of Illinois with Mr. BURLESON.

Mr. WILEY with Mr. COX of Ohio.

Mr. HAYES with Mr. MORRISON.

Mr. HENRY of Connecticut with Mr. GRAHAM of Illinois.

Mr. NEEDHAM with Mr. FOSTER of Illinois.

Mr. O'CONNELL (against) with Mr. BOOHER (in favor).

Mr. TAYLOR of Ohio with Mr. SHERLEY.

Mr. HINSHAW with Mr. BOEHNE.

Mr. STERLING with Mr. CLINE.

Mr. BENNET of New York with Mr. CLARK of Missouri.

Until further notice:

Mr. PEARRE with Mr. WALLACE.

Mr. MALBY with Mr. STANLEY.

Mr. ESCH with Mr. SMALL.

Mr. MADDEN with Mr. SHACKLEFORD.

Mr. CRUMPACKER with Mr. PETERS.

Mr. COOPER of Pennsylvania with Mr. PADGETT.

Mr. HENRY W. PALMER with Mr. NICHOLLS.

Mr. KAHN with Mr. MCHENRY.

Mr. GRIEST with Mr. KELIHER.

Mr. BURKE of Pennsylvania with Mr. JAMIESON.

Mr. BINGHAM with Mr. HITCHCOCK.
Mr. GREENE with Mr. HAVENS.
Mr. DRAPER with Mr. FITZGERALD.
Mr. BARTHOLDT with Mr. CRAIG.
Mr. SULLOWAY with Mr. MOSS.
Mr. TAWNEY with Mr. ALEXANDER of Missouri.
Mr. BARNARD with Mr. HAMMOND.
Mr. HAMILTON with Mr. AIKEN.
Mr. AUSTIN with Mr. ANSBERRY.
Mr. BARCHFELD with Mr. BARTLETT of Nevada.
For the session:
Mr. BUTLER with Mr. BARTLETT of Georgia.
Mr. HIGGINS. Mr. Speaker, how am I recorded?
The SPEAKER pro tempore. The gentleman is not recorded.
Mr. HIGGINS. I would like to vote "no."
The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?
Mr. HIGGINS. I was not; I understood it was a call of the House.
The SPEAKER pro tempore. No; it is not a call of the House. Upon this vote the yeas are 121, the noes are 16, present 12. The ayes have it, and the motion prevails. The execution of the order of the House requires the issuance of a warrant or warrants, and in order that there may be no doubt of the authority of the present occupant of the Chair to issue and sign such warrants, the Clerk will read the following designation by the Speaker.
The Clerk read as follows:

FEBRUARY 17, 1911.

I hereby designate the Hon. MARLIN E. OLMSTED, of Pennsylvania, as Speaker pro tempore this day.

J. G. CANNON, *Speaker.*

The SPEAKER pro tempore. The Sergeant at Arms will be directed to arrest absent Members, as directed by order of the House, and present them at the bar of the House.
Mr. CLAYTON. Mr. Speaker——
The SPEAKER pro tempore. For what purpose does the gentleman from Alabama rise?
Mr. CLAYTON. I rise, Mr. Speaker, to ask unanimous consent to make a few remarks. [Cries of "Hear!" "Hear!"]
The SPEAKER pro tempore. The Chair can entertain nothing but a motion to adjourn.
Mr. CLAYTON. Mr. Speaker, I thought I would at least add to the instructiveness of the occasion or perhaps to its festivity by making a few remarks. [Laughter.] I therefore hope that I may have unanimous consent for that purpose.
Mr. LANGLEY. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman if his remarks will be of a nonpartisan character.
Mr. CLAYTON. They will be of a nonpartisan character; yes, sir. [Laughter.]
Mr. LANGLEY. Upon what subject? [Laughter.]
Mr. CLAYTON. On the state of the Union, the good of the order, and the patriotism involved in the payment of war claims. [Laughter and applause.]
Mr. LANGLEY. I will not object to the discussion of any such subject.
Mr. CLAYTON. Mr. Speaker, do I understand that I have unanimous consent?
The SPEAKER pro tempore. The Chair is not authorized in the absence of a quorum to do anything more than to execute the orders of the House.
Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry. Will the gentleman be ordered to be arrested if he proceeds to speak without anybody's consent? [Laughter.]
The SPEAKER pro tempore. The Chair will not rule until such a situation arises. When such an incident occurs and a point of order is made the Chair will pass upon it.
Mr. CLAYTON. Mr. Speaker, in the absence of an express ruling from the Chair, I shall take it for granted that I have the permission of the House to proceed. [Laughter and applause.]
Mr. Speaker, this is a serious occasion. It promises to be as serious as that celebrated filibuster when Mr. Butler of Missouri was turned out of this House by the party then in control of this House—and, thank God, soon to cease its control. [Cries of "Oh!" "Oh!" and "Regular order!"] Hear me for my cause, and be silent that you may hear, and believe me for mine honor, in order that you may pass a just war-claims bill. [Laughter and cries of "Good!"]
Mr. Speaker, the last bill of the character of the two omnibus claims bills now pending before the House that passed the Congress was considered in February, 1905. Since that day Congress has met and Congress has carried on the other legislation of the country and adjourned without passing a measure of this character, which the dictates of justice require. Now, it has come to pass that we have, from the Committee on War Claims, upward of $750,000, in round numbers, of just adjudicated war claims, passed on by the Court of Claims, said to be honest, said to be proper and lawful, and such as the conscience of the country demands shall be paid.
Mr. PRINCE. Mr. Speaker, does the gentleman yield for a question?
Mr. CLAYTON. I yield for a question, certainly. The gentleman was courteous enough to participate in giving me unanimous consent.
Mr. PRINCE. I would like to ask what does the gentleman think of the French spoliation claims. [Laughter.]
Mr. CLAYTON. Mr. Speaker, I will get through with one subject at a time. [Laughter and applause.] There were people who were interested in the French spoliation claims, I may say, many years gone by, but they have been so long dead and have been succeeded by so many generations of heirs that perhaps the French spoliation claims may wait a little bit longer. [Laughter.] But these $750,000 of just and adjudicated war claims are modern claims about which there is no dispute. These claims were referred to a court deliberately created by a solemn act of Congress. The evidence was heard, the law was expounded, and the findings on the law and facts were returned to Congress pursuant to your resolution. These claims have been from year to year embodied in a bill by the War Claims Committee and reported to the House, and yet session after session of Congress has passed and no action has been taken upon them.
Now, I appeal to gentlemen not to treat this as a matter of levity. You take it throughout the country—North and East and South, but for the most part in the South, for the South suffered more from the ravages of the Civil War than any other section of the country—and you will find that these claims are held in part by widows and other people sadly in need of the comforts of life. Many others are for the payment of church property, and some are for the payment of property of the Masonic order and other benevolent fraternities.
I can take you South and to other parts of the Union and can show you into homes of some of these claimants where once affluence abounded, where penury was unknown, and now there is abject poverty. And these claims, long deferred, are a reflection upon the sense of justice and the sense of fairness of our Government, and it is a shame upon the good conscience of our common country to longer delay their payment. [Applause.] Gentlemen, let us not make a partisan matter of this. You can read the court's findings, the reports of your committee, and you will know, if you do not already know, that these claims ought to be paid and that we ought to pass this bill to-night.
Mr. RICHARDSON. Will the gentleman yield?
Mr. CLAYTON. Certainly.
Mr. RICHARDSON. I would like to call the gentleman's attention, in that connection, to what the President of the United States said:

I invite the attention of Congress to the great number of claims which at the instance of Congress have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that these claims which come to Congress with the judgment and approval of the Court of Claims be promptly paid.

Mr. CLAYTON. And that is a just and patriotic utterance, and every man in this House ought to indorse it by enacting this bill into law. [Applause.]
Mr. Speaker, this matter ought not to be treated lightly. It ought not to be treated as a matter of partisanship. I may recall what was said to me to-day by one of the most accomplished and one of the fairest Members of this House. He is a Republican of service, ability, and experience. He told me that in a matter recently brought to his attention by one of his constituents who sought his advice, where the Government proposed to be a party and his constituent the other party to a business transaction, he said to his constituent, "Beware; do not go into a business transaction with the Government unless you are sure to have it in writing and have double assurance that you will be paid. For," he said, "however just your claim may be against the Government, however it may appeal to the honesty and conscience of men, and even if you have it in such shape where you have a writing and assurance, you may depend upon it that, after you are dead and gone, your children or your grandchildren may get a part of what is due you; but most likely you will never live to see the day that your claim will be paid." [Applause.]
Deferred payment of these claims is a reflection on the Government. It has shocked the conscience of the Chief Executive of our country. Gentlemen, are we to trifle with the right and just claims of individuals? Every day, nearly, we recognize the

just claims of men to the bounty of the Government. We say the Government ought to be generous to the old soldiers, disabled on account of war, and Congress has been most generous. But, Mr. Speaker, there is a principle higher than generosity, and that is justice. [Applause.] And the Government ought always to be just before it is generous, or at least as just as generous. Let us be just to these people and pay these claims so that the Government may no longer have the stigma placed upon its fair name, so that no longer it will be necessary for the Chief Magistrate of the Nation to urge Congress to do its duty in this particular. [Applause.]

Mr. CARLIN. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. CARLIN. I would like to hear the gentleman's views upon an assertion that has been frequently made in the House that it is always in the power of the majority of the House to legislate when it cared to do so.

Mr. CLAYTON. I am afraid that I shall trespass on the domain of partisan politics if I enter into that subject. If I should express an opinion, I might indulge in some strictures against the Members who have inaugurated and conducted this filibuster to-night. I would rather instead of criticizing them for what they have done appeal to their sense of justice and fairness and right to let us take up the war-claims bill and pass it here and now. I thank you for your kind attention. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point of order that no debate can take place in the House in the absence of a quorum.

Mr. RUCKER of Missouri. Mr. Speaker, I would like to answer a few things that the gentleman from Alabama [Mr. CLAYTON] said a few moments ago.

Mr. MANN. We ought to have a quorum in order that the gentleman may do it.

The SPEAKER pro tempore. The point of order being made, the Chair must sustain it. Debate is not in order in the absence of a quorum.

Mr. RUCKER of Missouri. Mr. Speaker——

Mr. MANN. Mr. Speaker, I demand the regular order.

Mr. RUCKER of Missouri. Oh, the gentleman does not want to do that.

Mr. MANN. I do want to do it.

Mr. RUCKER of Missouri. Do you? Well, do it and do it again. Mr. Speaker——

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. I would like to ask if there is not now a quorum present.

The SPEAKER pro tempore. The roll call does not disclose a quorum.

Mr. CLARK of Florida. Mr. Speaker, I move that we proceed with the reading of the bill.

The SPEAKER pro tempore. The Chair is unable to entertain that motion in the absence of a quorum.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I rise to inquire whether a quorum has appeared.

The SPEAKER pro tempore. The Chair is informed that it has not.

Mr. RUCKER of Missouri. Mr. Speaker, I rose about 15 minutes ago, more or less, to ask a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER of Missouri. Mr. Speaker, I have just had that inquiry partly answered by the Chair stating that a quorum is not present.

The SPEAKER pro tempore. That is correct.

Mr. RUCKER of Missouri. May I inquire, if it is proper, how many Members we lack of having a quorum?

The SPEAKER pro tempore. The Chair is informed by the Clerk that we are still 20 short of a quorum.

Mr. RUCKER of Missouri. Mr. Speaker, the question I am trying to get at is this: The process of the House is suspended, held up in the air, strung up until we get those 20, is it not? Is that true?

The SPEAKER pro tempore. Under the rules it is impossible to transact business without a quorum, the absence of a quorum having been ascertained.

Mr. RUCKER of Missouri. In other words, when there is an absence of a quorum and a gentleman makes the point and demands a roll call and the roll call discloses there is not a quorum present, we can not do a darned thing but talk. [Applause and laughter.]

Mr. STANLEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Kentucky rise?

Mr. STANLEY. To know whether I am here or not. [Laughter.]

The SPEAKER pro tempore. The Chair is informed by the Clerk that the gentleman is here. [Laughter.]

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CLARK of Florida. To make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. I would like to know whether the record shows that the gentleman from Illinois [Mr. MANN] is present.

The SPEAKER pro tempore. That is hardly a parliamentary inquiry.

Mr. MANN. Mr. Speaker, I answered to the roll, and I doubt whether the gentleman from Florida did.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I rise to state to the Chair that I have a very important message from an old soldier who lives in Illinois, which I would like to deliver to this House if I can have two or three minutes.

Mr. MANN. Mr. Speaker, I demand the regular order.

Mr. RUCKER of Missouri. Mr. Speaker, the trouble about it is if there is a quorum here we are going to be so busy that I will not have time to talk. I want only about two or three minutes. There is no politics in it and no personalities, just a clear statement of fact.

Mr. KENDALL. Mr. Speaker, I demand the regular order.

Mr. RUCKER of Missouri. Do I understand I have consent to speak?

Mr. MANN. Not exactly.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry. How many Members are present?

The SPEAKER pro tempore. The Chair is informed that there are about 16 less than a quorum.

Mr. HEFLIN. Mr. Speaker, I ask the Chair how many Members are present. How many does the roll show are present?

The SPEAKER pro tempore. The Chair is informed that the roll call shows that 181 gentlemen are now present.

Mr. RUCKER of Missouri. Mr. Speaker, I want to tell the House about an old soldier. I want to call attention to the fact that an old soldier by the name of Francis M. Shepherd, who used to live in the same State that Lincoln once lived in, and in which the gentleman from Illinois now lives, when the war came on——

Mr. MANN. Mr. Speaker, I demand the regular order.

Mr. RUCKER of Missouri. Mr. Speaker, there is no regular order, except to let the gentleman take his seat [laughter] and let me have the floor for about two minutes, and then I will sit down.

Mr. MANN. After we get a quorum, Mr. Speaker, I will ask unanimous consent that the gentleman have 20 minutes.

Mr. RUCKER of Missouri. This old soldier for four years followed the flag of his country. [Applause and cheers.] Mr. Speaker, can not we have better order? I will stand here all night, if I have to, to make my speech.

If you gentlemen will give me a few minutes I will tell you a very interesting story. This old man——

Mr. BROUSSARD. How old is he?

Mr. RUCKER of Missouri. He is old enough to have fought for nearly four years in the service of his country. He is to-night, in all probability, on a bed of sickness. For 50 years he has pleaded with the Government that he fought to perpetuate and preserve——

Mr. MANN. Mr. Speaker, I demand the regular order. There will be time enough for debate when we have a quorum.

Mr. RUCKER of Missouri. Will not the gentleman himself keep in regular order for a minute or two?

Mr. MANN. I will; and that is more than the gentleman from Missouri will do.

The SPEAKER pro tempore. In the absence of a quorum debate is not in order.

Mr. RUCKER of Missouri. I have the floor, and the gentleman from Illinois [Mr. MANN] can not take me off. The Sergeant at Arms is away hunting up absentees, and, Mr. Speaker, I have the floor, and, as I have assurances of protection from gentlemen on that side, I am going to hold it.

The SPEAKER pro tempore. Under the rule, debate is not in order.

Mr. RUCKER of Missouri. I am not going to debate. I am only relating a narrative.

Mr. MANN. I hope the gentleman will retain this interesting story until we have a quorum, and then he will get his full measure of appreciation.

Mr. RUCKER of Missouri. While this old man was performing his duty faithfully and well, with courage and patriotism, his general took from him $830 in money and confiscated $454 of it, and the Government has had the balance ever since.

He took it from this man while he had a musket on his shoulder and a knapsack on his back, and the Government has used part of the money and has had the rest of it in its possession for nearly 50 years. We are now trying to get it back. The reason it has not been paid back is because the Court of Claims finds, among other things, that the old soldier did not prove that he had not won it in a game.

But, Mr. Speaker, this brings me back again to that old soldier. [Laughter.] The time will come, if the gentleman from Illinois [Mr. MANN] can be suppressed long enough, when we will get to this bill, and I am going to ask this House to do justice to that old soldier. I do not believe the committee in reporting this bill has done him justice. It recommends only $376 instead of $830, and the reason alleged for it is that some pretended or sham tribunal held a kind of inquest on this man's case and came to the conclusion that $454 had been won in a game called "chuck-a-luck."

I want to say the Government, according to its own records, took from this old soldier $454, even money, on the theory that he had won it in some kind of a game. They did not return one dollar to the man who is alleged or supposed to have lost it, but the general of that regiment ordered the money to be expended for the expense of the company, and the records so show. The Federal officer in charge spent this soldier's money, or caused it to be spent, to supply the troops with necessary supplies, and the Government now refuses to refund it because it is supposed the old soldier won it in a game.

The Government used the tainted money, but refuses to pay it back. And let me say—most of you gentlemen are lawyers and those who are not lawyers have been on juries or around court rooms—50 years ago this old man, when he was told that $454 of his money was to be confiscated by the Government because it had been won in a game, emphatically denied the charge, and when his officer offered to pay him back $376 he at the time positively refused to accept it for the reason that the entire $830 was his, honestly acquired, and he wanted all or none. He said to the general of his regiment, he said to all of his officers, that the charge was false; that every dollar of this money was honestly earned by him and that he would not accept one dollar unless they refunded it all, and for 50 years he has stuck to that, and you gentlemen know that is part of the res gesta, and to my mind conclusively refutes the charge. That man's statement was true then, as the affidavit he made a few days ago on his sick bed is true. And, gentlemen of this House, I am going to ask you to stand by this meritorious claim and do full justice, so long delayed, to this claimant.

Gentlemen, I am not pleading by reason of personal friendship; I am pleading because it is my duty to represent the honest constituency in the district I represent, and this old man, whom I have known for 30 years——

Mr. CLARK of Florida. Mr. Speaker, I make the point that a quorum is not present.

The SPEAKER pro tempore. The Chair is informed a quorum is not present.

Mr. CLARK of Florida. I move a call of the House. Is it in order to move a call of the House to determine whether there is a quorum present or not?

The SPEAKER pro tempore. We are in the midst of a call now.

Mr. RUCKER of Missouri. This man is old, infirm, and impoverished, and will not live, in all human probability, until Congress assembles again. I plead with this House at the present time to let me send to him by the electric wire the glad tidings that this House to-day surrenders back to him the money that it took from him 50 years ago; and this amount of money, $850, let me say to you, let me give you my absolute assurance, will meet his necessary expenses until the angel of death summons him across the Great Divide.

Mr. Speaker, I thank you for the courtesy which you have shown me in permitting me to address the House. [Loud applause.]

The SPEAKER pro tempore. The total membership of this House, if all districts were represented, would be 391. But by reason of death there are six districts not represented, so the membership at present is 385, of which number 193 constitutes a quorum. There are now 193 Members present—a quorum.

The following Members failed to answer to their names:

Alexander, Mo.	Flood, Va.	Kronmiller	Plumley
Alexander, N. Y.	Foelker	Lafean	Poindexter
Allen	Fornes	Langham	Pray
Andrus	Foss	Lenroot	Ransdell
Ansberry	Foster, Vt.	Lindsay	Reid
Anthony	Fowler	Livingston	Rhinock
Barchfeld	Fuller	Longworth	Riordan
Barclay	Gaines	Loud	Roberts
Bartlett, Ga.	Gallagher	Loudenslager	Roddenbery
Bartlett, Nev.	Gardner, Mass.	Lowden	Rodenberg
Bates	Gardner, Mich.	Lundin	Sabath
Bennet, N. Y.	Garner, Pa.	McCall	Scott
Bennett, Ky.	Gill, Md.	McCreary	Sharp
Boutell	Gill, Mo.	McCredie	Sheffield
Bowers	Gillett	McDermott	Sherley
Bradley	Glass	McGuire, Okla.	Slayden
Burke, Pa.	Goebel	McKinlay, Cal.	Small
Burleigh	Goldfogle	McKinley, Ill.	Smith, Cal.
Burleson	Goulden	McMorran	Smith, Mich.
Calder	Graham, Pa.	Madden	Smith, Tex.
Campbell	Gregg	Madison	Sparkman
Capron	Griest	Malby	Sperry
Cassidy	Hamer	Martin, S. Dak.	Stephens, Tex.
Clark, Mo.	Hamill	Miller, Minn.	Stevens, Minn.
Cocks, N. Y.	Hamilton	Millington	Sturgiss
Cole	Hardwick	Mondell	Sulzer
Conry	Haugen	Moon, Pa.	Swasey
Cooper, Pa.	Havens	Moore, Pa.	Talbott
Coudrey	Hayes	Moore, Tex.	Tawney
Covington	Heald	Morehead	Taylor, Ohio
Cox, Ohio	Henry, Conn.	Morrison	Townsend
Craig	Hill	Morse	Vreeland
Cravens	Hinshaw	Moxley	Wallace
Creager	Hitchcock	Mudd	Wanger
Crow	Howard	Murdock	Washburn
Dalzell	Hubbard, W. Va.	Murphy	Weeks
Denby	Huff, Pa.	Needham	Weisse
Dies	Hull, Iowa	Nelson	Wheeler
Dodds	Humphrey, Wash.	Nicholls	Wiley
Douglas	James	Norris	Willett
Draper	Jamieson	O'Connell	Wilson, Pa.
Dupré	Johnson, Ohio	Palmer, A. M.	Wood, N. J.
Durey	Joyce	Palmer, H. W.	Woods, Iowa
Esch	Kelfer	Parker	Woodyard
Fairchild	Kennedy, Ohio	Parsons	Young, Mich.
Fassett	Kinkaid, Nebr.	Patterson	Young, N. Y.
Fish	Kinkead, N. J.	Payne	
Fitzgerald	Knowland	Peters	

Mr. UNDERWOOD. Mr. Speaker, I move that the House dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until to-morrow morning at 11 o'clock.

Mr. MANN. I demand the regular order, Mr. Speaker.

I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of bills on the Private Calendar in order to-day.

The SPEAKER pro tempore. The Chair is of the opinion that the motion to go into Committee of the Whole House is a preferential motion.

Mr. PRINCE. Mr. Speaker, I make a point of order against the motion of the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. PRINCE. Just wait a moment, Mr. Speaker, for this suggestion.

The SPEAKER pro tempore. The Chair will hear the gentleman if he so desires.

Mr. PRINCE. The gentleman from Illinois [Mr. MANN] made a motion to go into the Committee of the Whole House on the state of the Union.

Mr. MANN. Committee of the Whole House.

Mr. PRINCE. So I make my point of order and insist upon it.

Mr. MANN. For consideration of business on the Private Calendar in order to-day.

Mr. PRINCE. I do not object to that motion. That is right. We want things done in the right way.

The SPEAKER pro tempore. The point of order of the gentleman from Illinois [Mr. PRINCE] would be sustained as to a motion to go into a Committee of the Whole House on the state of the Union, but the Chair understands the motion of his colleague [Mr. MANN] is to go into the Committee of the Whole House for consideration of bills on the Private Calendar.

The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CARLIN. Division, Mr. Speaker.

The House divided; and there were—ayes 11, noes 98.

So the motion was rejected.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now take a recess.

Mr. STAFFORD. Mr. Speaker, I make the point that no quorum is present.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that is dilatory. We have just had a call of the House, which has shown that a quorum is present.

The SPEAKER pro tempore. The call of the House just had showed that a quorum was present. The Chair sustains the point of order of the gentleman from Alabama [Mr. UNDERWOOD] that that motion is dilatory.

Mr. UNDERWOOD. I move, Mr. Speaker, that the House take a recess until to-morrow morning at 10 o'clock.

Mr. MANN. Mr. Speaker, I demand the regular order, and I move that the House dispense with the proceedings in order to-day on the Private Calendar.

The SPEAKER pro tempore. The Chair thinks that the motion of the gentleman from Illinois [Mr. MANN] is in order. The gentleman from Illinois moves and desires to dispense with business in order on the Private Calendar.

The question was taken; and on a division there were—ayes 38, noes 120.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present, as disclosed by the vote.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present, as disclosed by the vote.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that is dilatory.

Mr. MANN. Mr. Speaker, it is never dilatory to make the point of order that there is no quorum present.

Mr. CLAYTON. Will not the Speaker kindly count, to ascertain a quorum?

The SPEAKER pro tempore (after counting). One hundred and eighty present—not a quorum. A quorum having failed on this vote, the doors will be closed, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those in favor of the motion of the gentleman from Illinois, when their names are called, will answer "yea;" those opposed will answer "nay." Those not voting will answer "present."

Mr. CLAYTON. Mr. Speaker, what is the question?

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. MANN] to dispense with the business on the Private Calendar in order under the rules to-day.

Mr. CLAYTON. Patriots, vote "No!" [Laughter and applause.]

The question was taken; and there were—yeas 29, nays 145, answered "present" 19, not voting 191, as follows:

YEAS—29.

Burke, S. Dak.	Howell, Utah	Moxley	Steenerson
Driscoll, M. E.	Howland	Norris	Sterling
Ellis	Hubbard, Iowa	Nye	Tilson
Englebright	Kahn	Olmsted	Volstead
Fordney	Kennedy, Iowa	Parker	Wilson, Ill.
Gardner, N. J.	Lawrence	Rodenberg	
Graff	Mann	Smith, Iowa	
Hanna	Miller, Kans.	Stafford	

NAYS—145.

Adair	Dixon, Ind.	Jones	Pou
Adamson	Driscoll, D. A.	Keliher	Pray
Aiken	Edwards, Ga.	Kendall	Prince
Ames	Edwards, Ky.	Kitchin	Pujo
Anderson	Ellerbe	Kopp	Rainey
Austin	Estopinal	Korbly	Randell, Tex.
Beall, Tex.	Ferris	Küstermann	Rauch
Bell, Ga.	Finley	Lamb	Richardson
Borland	Floyd, Ark.	Langham	Robinson
Brantley	Focht	Langley	Rothermel
Broussard	Garner, Tex.	Latta	Rucker, Colo.
Burgess	Garrett	Law	Rucker, Mo.
Burnett	Gillespie	Lee	Saunders
Byrns	Godwin	Legare	Shackleford
Calderhead	Good	Lever	Sheppard
Candler	Gordon	Lively	Sherwood
Cantrill	Grant	Lloyd	Sims
Carlin	Greene	McHenry	Sisson
Cary	Hamlin	McKinney	Small
Chapman	Hardy	McLachlan, Cal.	Southwick
Clark, Fla.	Harrison	McLaughlin, Mich.	Spight
Clayton	Haugen	Macon	Stanley
Cline	Hawley	Maguire, Nebr.	Sulloway
Collier	Hay	Martin, Colo.	Taylor, Ala.
Cooper, Wis.	Heflin	Massey	Taylor, Colo.
Cowles	Helm	Maynard	Thistlewood
Cox, Ind.	Henry, Tex.	Mays	Thomas, Ky.
Craig	Higgins	Mitchell	Thomas, N. C.
Cullop	Hobson	Moon, Tenn.	Tou Velle
Davidson	Hollingsworth	Morgan, Mo.	Turnbull
Davis	Houston	Morgan, Okla.	Underwood
Dawson	Hughes, Ga.	Moss	Watkins
Dent	Hull, Tenn.	Nicholls	Webb
Denver	Humphreys, Miss.	Oldfield	Wickliffe
Dickinson	Jamieson	Padgett	
Dickson, Miss.	Johnson, Ky.	Page	
Diekema	Johnson, S. C.	Pearre	

ANSWERED "PRESENT"—19.

Andrus	Cole	Hammond	Pickett
Barnard	Crumpacker	Hill	Simmons
Bingham	Currier	Hughes, N. J.	Swasey
Booher	Foster, Ill.	Knapp	Taylor, Ohio
Butler	Graham, Ill.	Lindbergh	

NOT VOTING—191.

Alexander, Mo.	Esch	Keifer	Peters
Alexander, N. Y.	Fairchild	Kennedy, Ohio	Plumley
Allen	Fassett	Kinkaid, Nebr.	Poindexter
Ansberry	Fish	Kinkead, N. J.	Pratt
Anthony	Fitzgerald	Knowland	Ransdell, La.
Ashbrook	Flood, Va.	Kronmiller	Reeder
Barchfeld	Foelker	Lafean	Reid
Barclay	Fornes	Lenroot	Rhinock
Barnhart	Foss	Lindsay	Riordan
Bartholdt	Foster, Vt.	Livingston	Roberts
Bartlett, Ga.	Fowler	Longworth	Roddenbery
Bartlett, Nev.	Fuller	Loud	Sabath
Bates	Gaines	Loudenslager	Scott
Bennet, N. Y.	Gallagher	Lowden	Sharp
Bennett, Ky.	Gardner, Mass.	Lundin	Sheffield
Boehne	Gardner, Mich.	McCall	Sherley
Boutell	Garner, Pa.	McCreary	Slayden
Bowers	Gill, Md.	McCredie	Slemp
Bradley	Gill, Mo.	McDermott	Smith, Cal.
Burke, Pa.	Gillett	McGuire, Okla.	Smith, Mich.
Burleigh	Glass	McKinlay, Cal.	Smith, Tex.
Burleson	Goebel	McKinley, Ill.	Snapp
Byrd	Goldfogle	McMorran	Sparkman
Calder	Goulden	Madden	Sperry
Campbell	Graham, Pa.	Madison	Stephens, Tex.
Capron	Gregg	Malby	Stevens, Minn.
Carter	Griest	Martin, S. Dak.	Sturgiss
Cassidy	Guernsey	Miller, Minn.	Sulzer
Clark, Mo.	Hamer	Millington	Talbott
Cocks, N. Y.	Hamill	Mondell	Tawney
Conry	Hamilton	Moon, Pa.	Thomas, Ohio
Cooper, Pa.	Hardwick	Moore, Pa.	Townsend
Coudrey	Havens	Moore, Tex.	Vreeland
Covington	Hayes	Morehead	Wallace
Cox, Ohio	Heald	Morrison	Wanger
Cravens	Henry, Conn.	Morse	Washburn
Creager	Hinshaw	Mudd	Weeks
Crow	Hitchcock	Murdock	Weisse
Dalzell	Howard	Murphy	Wheeler
Denby	Howell, N. J.	Needham	Wiley
Dies	Hubbard, W. Va.	Nelson	Willett
Dodds	Huff	O'Connell	Wilson, Pa.
Douglas	Hughes, W. Va.	Olcott	Wood, N. J.
Draper	Hull, Iowa	Palmer, A. M.	Woods, Iowa
Dupre	Humphrey, Wash.	Palmer, H. W.	Woodyard
Durey	James	Parsons	Young, Mich.
Dwight	Johnson, Ohio	Patterson	Young, N. Y.
Elvins	Joyce	Payne	

So the motion to dispense with private business in order on Friday was rejected.

During the roll call,

Mr. GARRETT. Mr. Speaker, I make the point of order that this roll call is not in order. I venture to call the attention of the Chair to section 2968, volume 4, of Hinds' Precedents. It reads thus:

When a Committee of the Whole rises and reports the lack of a quorum, the sitting of the committee is resumed upon the appearance of a quorum.

Now, I understand the situation to be this: The Committee of the Whole rose and reported to the House the lack of a quorum.

The SPEAKER pro tempore. The Chair thinks it is not in order to interrupt a roll call for the making of a point of order.

Mr. GARRETT. But, Mr. Speaker, the point of order that I am making is that this roll call itself is not in order.

The SPEAKER pro tempore. The Chair thinks it is too late to make that point of order after the roll call has been begun, or that it can not be entertained until after the roll is completed.

Mr. HEFLIN. It is never too late to make a point of order.

Mr. GARRETT. May I invite the attention of the Chair to that section of the Precedents? I understand the situation to be this: The Committee of the Whole rose and reported to the House the absence of a quorum. Thereupon there was a call of the House, and a quorum was ascertained to be present. Now, I make the point that the regular order, under the Precedents, was that there was nothing in order except a motion to adjourn, and that it was the duty of the Chair then immediately to declare that the committee resumed its session and that this call is not in order. I read this, Mr. Speaker:

On March 23, 1842, the Committee of the Whole House——

The SPEAKER pro tempore. The Chair thinks that it is not proper for the Chair, under the rule, to permit the roll call to be interrupted after it has begun. The Clerk will proceed.

The Clerk called the name of Mr. GILL of Maryland.

Mr. GARRETT. May I ask this, Mr. Speaker? Do I understand——

Mr. MANN. I suggest to the gentleman that he ask unanimous consent to suspend the rules, for the purpose of stating his point of order.

The SPEAKER pro tempore. The Chair declines to entertain the point of order in the midst of a roll call.

Mr. GARRETT. The Speaker does not overrule it then, but merely declines to entertain it during a roll call?

The SPEAKER pro tempore. The Chair does not pass upon it, but declines to entertain it in the midst of a roll call.

The Clerk proceeded with the calling of the roll.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. Does the roll call disclose the presence of a quorum?

The SPEAKER pro tempore. The Chair is informed that it does not.

Mr. MANN. Mr. Speaker, has the calling of the roll been completed?

The SPEAKER pro tempore. It has.

Mr. MANN. May I ask for the announcement of the result?

The SPEAKER pro tempore. A quorum is not yet present.

Mr. MANN. That is what I wish to ascertain. I thought, perhaps, the gentleman from Alabama would move a call of the House. If he does not, I shall move to adjourn.

Mr. UNDERWOOD. As I understand the order under which we are proceeding, a call of the House has already been ordered.

Mr. MANN. There has been no direction to bring in absentees, no direction for a warrant to be issued.

Mr. UNDERWOOD. As I understand it, we are proceeding now under the order for an automatic call of the House.

The SPEAKER pro tempore. We are.

Mr. UNDERWOOD. And the Speaker has already instructed the Sergeant at Arms to bring in absentees.

The SPEAKER pro tempore. He has.

Mr. MANN. I thought perhaps the gentleman would wish to repeat his performance, and have a warrant issued.

Mr. UNDERWOOD. I will trust the Sergeant at Arms to bring in the absentees.

Several Members appeared and voted.

The SPEAKER pro tempore. On this vote the yeas are 29 and the nays are 145, "present" 19, making in all 193 Members present—a quorum. The motion is not agreed to, and the Doorkeeper will open the doors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31353. An act for the relief of F. W. Mueller;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River;

H. R. 32473. An act for the relief of the sufferers from famine in China;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota;

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased; and

H. R. 11798. An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until to-morrow morning at 11 o'clock.

The question was taken, and the motion was agreed to; accordingly (at 9 o'clock and 25 minutes p. m.) the House took a recess until to-morrow, Saturday, February 18, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting recommendation of a credit to the accounts of Lieut. Col. I. W. Littell, United States Army (H. Doc. No. 1385); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting the claims of the Morse Dry Dock & Repair Co. and the John N. Robins Co. (H. Doc. No. 1386); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of Commerce and Labor, transmitting a list of papers no longer needed in the business of the department (H. Doc. No. 1387); to the Committee on Disposition of Useless Papers and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a monument at Guilford Court House (H. Doc. No. 1388); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Civil Service Commission submitting an estimate of appropriation for traveling expenses (H. Doc. No. 1389); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. J. Res 140) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion to be held at Little Rock, Ark., in May, 1911, reported the same without amendment, accompanied by a report (No. 2186), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 2190), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 31689) to provide American registers for the steamers *San Jose, Limon, Esparta, Cartago, Parismina, Heredia, Abangarez, Turrialba, Atenas, Almirante, Santa Marta, Metapan, Zacapa, Greenbrier, Peralta, La Senora,* and *Sixaola,* reported the same with amendment, accompanied by a report (No. 2187), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 32822) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2182), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 291) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Melchor Batista, reported the same without amendment, accompanied by a report (No. 2184), which said resolution and report were referred to the Private Calendar.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10313) to provide for the appointment and retirement of late Ensign John Tracey Edson as lieutenant in the United States Navy, reported the same with amendment, accompanied by a report (No. 2185), which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite with the rank of medical inspector, reported the same without amendment, accompanied by a report (No. 2188), which said bill and report were referred to the Private Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8736) providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla., reported the same without amendment, accompanied by a report (No. 2193), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the House (H. Res. 962) calling on the Secretary of Commerce and Labor for a copy of contract between the British Government and American Express Co., reported the same adversely, accompanied by a report (No. 2189), which said resolution and report were laid on the table.

Mr. McKINLEY of Illinois, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 977) requesting the President to furnish the House of Representatives certain information, reported the same adversely, accompanied by a report (No. 2191), which said resolution and report were laid on the table.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. Con. Res. 60) for the annexation of Canada, reported the same adversely, accompanied by a report (No. 2192), which said resolution and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LIVINGSTON (by request): A bill (H. R. 32823) to reorganize the Patent Office; to the Committee on Patents.

By Mr. WATKINS: A bill (H. R. 32824) to authorize the city of Shreveport to construct a bridge across Red River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 32825) for the relief of Bicento Fresquez; to the Committee on Claims.

Also, a bill (H. R. 32826) for the relief of Jose Salazar; to the Committee on Claims.

By Mr. FASSETT: A bill (H. R. 32827) granting an increase of pension to Henry G. Tuthill; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 32828) granting an increase of pension to John Torbenson; to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 32829) granting a pension to Daniel O'Connell; to the Committee on Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 32830) granting an increase of pension to Michael Welch; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 32831) granting a pension to William P. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32832) granting an increase of pension to Leonard A. Wilson; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 32833) for the relief of Daniel Flick; to the Committee on Military Affairs.

By Mr. SHEFFIELD: A bill (H. R. 32834) granting an increase of pension to Maria Hanley; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 32835) for the relief of the heirs of Thomas J. Benson, deceased; to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 32836) granting public land to the city of Canon City, Colo., for public-park purposes; to the Committee on the Public Lands.

By Mr. BYRD: A bill (H. R. 32837) for the relief of the administrators of Joseph S. Rogers, deceased; to the Committee on War Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 32838) granting an increase of pension to Morton B. Chrisman; to the Committee on Invalid Pensions.

By Mr. MILLINGTON: Resolution (H. Res. 979) to compensate David J. Berger for extra services performed; to the Committee on Accounts.

By Mr. ENGLEBRIGHT: Resolution (H. Res. 980) of inquiry relative to action of Department of Agriculture against Hydro Electric Co., of California; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Association of Military Surgeons of Richmond, for Senate bill 6049, department of health; to the Committee on Agriculture.

Also, petition of Metal Trades Department, American Federation of Labor, of Washington, D. C., insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Philadelphia Chamber of Commerce, for a parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of business firms of Archbold, Ohio, against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of National Metal Trades Association, for legislation in line with Article IX of findings of the anthracite coal strike commission of 1902; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Emma Spencer and seven other citizens of Newark, Ohio, and Philadelphia Chamber of Commerce, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. BENNET of New York: Petition of citizens of Washington, against language used by Judge Daniel Thew Wright in passing sentence on defendant Green; to the Committee on the Judiciary.

By Mr. BURKE of Pennsylvania: Petition of Chamber of Commerce of Pittsburg, for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of Aroostook County Pomona Grange, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BUTLER: Petition of citizens of Pennsylvania, for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. CALDER: Petition of business men of New York City, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia Chamber of Commerce, for legislation to secure in all kinds of transportation a maximum of

facilities and minimum of rates; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Communication from the Metal Trades Department, American Federation of Labor, protesting against the proposed measure to have battleships built by private contractors; to the Committee on Naval Affairs.

By Mr. COWLES: Petition of citizens of North Carolina, against bill of Representative Andrews donating 300,000 acres of land to the Archbishop of Santa Fe, N. Mex.; to the Committee on the Territories.

By Mr. CULLOP: Petition of citizens of Sullivan County, Ind., against Senate bill 404, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Chamber of Commerce of Tombstone, Ariz., against congressional action changing county seat removal legislation; to the Committee on the Territories.

By Mr. FOCHT: Petition of Commandery of Pennsylvania, Military Order of Loyal Legion of the United States, for House bill 32725, for removal of remains of Maj. Gen. Hancock from Norristown, Pa., to national cemetery at Arlington; to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Petition of members of the Prairie View Methodist Episcopal Church, Fairview Methodist Episcopal Church, Seventh Day Baptist Church, Farina, Ill., and Congregational Church of Olney, Ill., for House bill 23641 and Senate bill 7528; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Barnard & Miller, Chicago, Ill., for Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petition of Philadelphia Chamber of Commerce, for extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Farnsworth & Son, of Oldtown, Ill., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of A. H. Geighorn, Morris, Ill., for the Carter-Weeks bill concerning postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of United Association of Plumbers and Steam Fitters, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Association of Military Surgeons, for a national department of health and for Senate bill 6049; to the Committee on the Judiciary.

Also, petition of Federal Labor Union, of Peru, Ill., against repeal of law for printing bonds, checks, and notes; to the Committee on Printing.

By Mr. GOEBEL: Petition of Price Hall Council, No. 210, Harmony Council, Addyston Council, Victor Council, and many others, Junior Order United American Mechanics, of Cincinnati, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of W. J. Thompson Co., New York City, and editors and publishers of newspapers of the Bronx Borough, New York City; to the Committee on the Post Office and Post Roads.

Also, petition of the Atlas Engraving Co., New York, and Paul Black, New York City, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against repeal of duty on barley; to the Committee on Ways and Means.

Also, petition of residents of North Dakota on rural routes, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against the Burnham parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of Washington Camp No. 14, Patriotic Order Sons of America, Hartford, Conn., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Highland County Grange, Plainfield Grange, and Wolf Den Grange, of Connecticut, for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of Updegraff (Ohio) Grange, No. 1427, Patrons of Husbandry, for a general parcels-post system: to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of Kentucky, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Master Bakers' Association of Massachusetts, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. KOPP: Petition of citizens of third Mississippi congressional district, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Mrs. Fred Garritt and 23 others, Island View Grange members and two others, and E. V. Esmond and 29 others, of Hale, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MITCHELL: Petition of citizens of Gardner, for House bill 25825; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of State of Washington, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of National Bank Cashiers' Association of Massachusetts, for legislation to improve banking laws; to the Committee on Banking and Currency.

By Mr. McMORRAN: Petition of Capac Woman's Christian Temperance Union, for congressional investigation of New Mexico's constitution to prevent liquor traffic controlling the situation; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Chamber of Commerce, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of Lynn Board of Trade, for construction of two revenue cutters at Government navy yards; to the Committee on Naval Affairs.

By Mr. PLUMLEY: Petition of General Stark Council, Junior Order United American Mechanics, of Springfield, Vt., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Petition of Will Powell and others and Joe Miller and others, of Tullerton, La., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the American National Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. REEDER: Petition of the American National Live Stock Association, against reciprocal tariff with Canada; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petitions of C. Van Camper and 21 others, of Shiawassee County; D. W. Irwin and 18 others, of Osceola County; W. J. Geddes and 34 others, of Mecosta County; P. Hayes and 8 others, of Menominee County; Stewart Bowman and 18 others, of Lake County; B. A. Pitchie and 18 others, of Sanilac County; James B. Strattan and 30 others, of Delta County; Master Chinos and 39 others, of Wexford County; Albert Gentle and 16 others, of Wexford County; and Lesser M. Van Camper and 21 others, of Shiawassee County, all in the State of Michigan, for a general parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of John L. Paddison and 63 others, against the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. SIMMONS: Petition of New York Assembly, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Grange No. 1147, Patrons of Husbandry, of Garnis, N. Y., in favor of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SWASEY: Petitions of Leeds Grange, Norway Grange, Crockett Grange, and Aroostook County Grange, State of Maine, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of citizens of Cutler, Ill., for House bill 23641; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Milk Producers' Association of Illinois, Indiana, and Wisconsin, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of citizens of Blissfield and Unionville, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of citizens of Wayne County, Mich., favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petitions of J. H. Simmons, of New York City, and Printing Pressman's Union, No. 70, of Trenton, N. J., against increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *February 18, 1911.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Eternal God, our heavenly Father, with whom do live the spirits of them that depart hence and with whom the souls of the faithful evermore dwell, to Thee alone can we turn in this hour of sorrow and of loss. Thy compassions have been ever of old, and because Thy faithfulness changeth not, therefore are we not cast down. As Thou dost call us to this day of memory, when not as we would but as we are able we speak forth the praise of Thy servants, help us, we pray Thee, by the light of their lives to be faithful in duty, loyal to the service of our country, and obedient to the heavenly vision, because of those who walk no more with us on earth.

And unto Thee, who art the light of them that sit in darkness and who dost comfort all that mourn, giving beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness, will we ascribe praise now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BROWN. I ask that the further reading of the Journal be dispensed with.

Mr. KEAN. Let the Journal be read.

The VICE PRESIDENT. Objection is made.

The Secretary resumed the reading of the Journal.

Mr. BORAH. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. KEAN. Let it be continued.

The VICE PRESIDENT. The Senator from New Jersey objects. The Secretary will continue the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. DIXON. I renew the request that the further reading of the Journal be dispensed with.

Mr. KEAN. I withdraw any further objection. I have heard what I wanted to hear read.

There being no objection, the further reading of the Journal was dispensed with, and it was approved.

THE FIVE CIVILIZED TRIBES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th ultimo, a letter from the Commissioner of the Five Civilized Tribes relative to the cost of closing up the affairs of the Five Civilized Tribes, etc. (S. Doc. No. 825), which, with the accompanying papers, was referred to the Committee on the Five Civilized Tribes and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8699. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War; and

H. R. 26722. An act for the relief of Horace P. Rugg.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint resolution 62a.

Joint resolution relating to urging Congress to pass the bill abolishing the use of phosphor in manufacturing matches.

Whereas there is now before Congress a bill introduced by the Hon. JOHN J. ESCH, known as bill No. 30022; and

Whereas this bill will abolish the use of phosphor in the manufacturing of matches, thereby doing away with the loathsome occupational disease known as phossy jaw: Therefore be it

Resolved by the assembly (the senate concurring), To urge Congress to pass this bill before the close of its present session; and further

Resolved, That the secretary of state be instructed to forward to each of the Wisconsin Congressmen a copy of this resolution immediately after its passage.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 62a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution 7a.

Joint resolution requesting the Members of the United States Senate and of the House of Representatives from Wisconsin to vote for and use every effort to bring about the adoption of a joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States.

Whereas the following joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States has been introduced in the United States Senate:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragrah 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"'The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years, and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"'The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"'When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"'This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution;'" and

Whereas it is fitting that the State of Wisconsin, a leader in the enactment of progressive legislation, should through its Senators and Representatives in Congress aid to the utmost in furthering the popular election of United States Senators: Therefore be it

Resolved by the assembly (the senate concurring), That the Members of the United States Senate and of the House of Representatives from the State of Wisconsin be requested to support a measure substantially in accord with the provisions of the resolutions hereinbefore recited.

Resolved further, That copies of this resolution be at once forwarded to the United States Senators and Members of Congress from the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 7a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Fisheries and ordered to be printed in the RECORD, as follows:

Joint resolution 57a.

Joint resolution relating to an interstate conference on fish-and-game laws, their enforcement, and the adjustment of conflicting provisions.

Whereas uniformity of the fish-and-game laws in the North Central States would be beneficial and mutual cooperation in their enforcement desirable: Be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Michigan, the Legislature of the State of Indiana, the Legislature of the State of Illinois, the Legislature of the State of Iowa, the Legislature of the State of Minnesota, the Legislature of the State of North Dakota, and the Legislature of the State of South Dakota be requested to send a committee of not less than three nor more than five members of the legislature of each such State to meet with a like committee of the Legislature of the State of Wisconsin at the capitol, in the city of Madison, in said State of Wisconsin, on the 21st day

of February to confer upon legislation relating to fish and game, to consider the means of enforcement of such laws, and also to adjust any interstate questions in relation thereto between any of the States so represented.

Resolved, That a copy of this joint resolution be forwarded to the governor and the legislature of each of said States and to the governor of the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

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STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 57a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

The VICE PRESIDENT presented a petition of the Kavanaugh Knitting Co., of Waterford, N. Y., praying for the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, which was ordered to lie on the table.

He also presented a petition of the secretary of the Butter and Egg Board of Chicago, Ill., praying for the ratification of the proposed reciprocal agreement beween the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Adam Jenkins, commander of Greenville Post, Department of Mississippi, Grand Army of the Republic, of Greenville, Miss., and the petition of Amos L. Griffith, of Pell City, Ala., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. PERKINS. I present a telegram transmitting a joint resolution of the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 17, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

SIR: I am directed to transmit the following joint resolutions adopted unanimously in a case of urgency this 17th day of February, 1911, by both houses of the legislature:

Introduced by Leroy A. Wright, senate joint resolution No. 20, relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto:

"Whereas the United States Government heretofore authorized the putting in of a weir in the Colorado River to aid in the diversion of water into the intake of the canal which supplies water to the Imperial Valley, situated in Imperial County in this State; and

"Whereas we are informed that the War Department has ordered the removal of this weir on 12 hours' notice; and

"Whereas we are informed such removal will endanger the water supply to 250,000 acres of land within the county of Imperial in this State, all of which is entirely dependent upon irrigation; and

"Whereas the canal by which water is delivered for irrigation purposes in the Imperial Valley traverses during a part of its course a portion of Lower California, in the Republic of Mexico; and

"Whereas heading known as 'Sharps Heading' is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial Valley; and

"Whereas there exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading: Now therefore be it

"*Resolved*, That the senate and assembly of this State jointly urge upon the Federal Government the necessity of delay in the removal of the said weir in the Colorado River until proper investigation can be made as to the effect of such action upon the said Imperial Valley; and be it

"*Further resolved*, That the Federal Government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial Valley and the said Sharps Heading and the said canal within the territory of Mexico, and to guarantee a permanent delivery to said territory; and be it

"*Further resolved*, That a copy of these resolutions be transmitted immediately by telegraph to the President of the United States, the Secretary of War, and the Senators and Representatives in Congress from this State, and that said Senators and Representatives be instructed to use their best efforts to insure the protection of the people of Imperial County, in this State, and to prevent the irreparable injury which would result to them should their water supply be interfered with or cut off, either by reason of the action of the Federal Government, in taking out the weir referred to, or by reason of the distubance existing within the territory of Lower California."

WALTER N. PARRISH,
Secretary of Senate.

Mr. PERKINS presented a petition of the Fruit Growers' Association of California, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Stationary Fireman Union, No. 86, of San Francisco, Cal., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 21, of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was ordered to lie on the table.

He also presented a petition of the Valley Development Association, of Sacramento, Cal., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented memorials of the Typographical Union of Pasadena, the Typographical Union of San Diego, the Typographical Union of Los Angeles, and the Typographical Union of San Francisco, all in the State of California, remonstrating against any increase in the rate of postage on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. HEYBURN. I present a joint memorial of the Legislature of the State of Idaho, relative to the transfer of 1,000,000 acres of public land to that State for the purpose of creating a fund for establishing and maintaining good roads in the State of Idaho. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 3.

Good-roads memorial, memorializing the Congress of the United States to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund for establishing and maintaining good roads in the said State of Idaho.

Be it resolved by the senate of the State of Idaho (the house concurring), That the Congress of the United States be memorialized as follows:

Whereas good roads are one of the great first needs of every State, and also one of the surest means of aiding the material prosperity and advancing the settlement thereof, this being especially true in Idaho, where the country it not thickly populated, and where the means of communication between the several parts of the State are not numerous: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund to be used by the State of Idaho solely for the establishment and maintenance in good repair of the system of public roads within its borders.

Be it further resolved, That a certified copy of this memorial be sent to each of the Members of the congressional delegation from this State in Congress with a request that they employ their best efforts to secure action in the premises.

The above senate joint memorial No. 3 passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

The above senate joint memorial No. 3 passed the house of representatives on the 11th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

I hereby certify that the above senate joint memorial No. 3 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth—good roads memorial—relating to the transfer of 1,000,000 acres of the public land now held by the United States to this State for the purpose of creating a fund for establishing and maintaining good roads in the State of Idaho (passed the senate February 6, 1911; passed the house February 11, 1911), which was filed in this office the 14th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 14th day of February, in the year of our Lord 1911, and of the independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. HEYBURN presented a telegram, in the nature of a memorial, signed by A. S. Lion and George Seivers, of Moscow, Idaho, members of the Farmers' Educational and Cooperative Union of America, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry settlers upon the ceded portion of the Coeur d'Alene Indian Reservation, State of Idaho, praying that an appropriation be made to compensate the Indians for the land and that the settlers be relieved from paying more than ordinary filing fees, which was referred to the Committee on Indian Affairs.

Mr. WARREN. I present a memorial of the Cattle and Horse Growers' Association of Laramie County, Wyo., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

LARAMIE COUNTY CATTLE AND HORSE GROWERS' ASSOCIATION,
Underwood, Wyo., February 14, 1911.

Senator F. E. WARREN, *Washington, D. C.*

DEAR SENATOR: I note the President has sent to Congress a reciprocity treaty with Canada for its indorsement, which, on the face of it, seems to be free trade in the matter of meat products and wool. On behalf of the members of this association and the stockmen in general in Wyoming, I sincerely trust you will do all in your power against this treaty. From a cattleman's standpoint, this simply looks like a wedge to bring into the United States free cattle and free meat, not only from Canada, but from Mexico and the South American countries. I understand on good authority that the packing interests and all stockyard interests are in favor of this move. If the President and the Congress wish to put us out of the beef-raising industry entirely, this is surely the move to do it with. If the packers are short of meat in their coolers, it will be a simple matter for them to order up a large consignment from their South American plants or Canada, and they will then be in a position to say to the producers in the United States, "We have all the meat we require, and if we purchase yours it must be at a greatly reduced price." At the same time I have my serious doubts as to whether the packers will lower the price of meat one cent to the consumers. I am firmly of the opinion that if the President and Congress wish reciprocity that they should begin with it at home, as they say about charity. The Government has taken the duty off hides and all brands of shoes and all leather goods have advanced—even after we proved before the committees of Congress that the evidence of the hide and leather people all tended to show that no reductions could possibly be made. They have torn down the fences of the cattleman and destroyed his business. If Congress will take the reports of the Government cattle inspectors, they will find that there has been a heavier movement of cattle to the markets this year than in any two previous ones. In Laramie County alone I think, without any doubt, the Government has done $500,000 worth of damage to the cattle raisers. Congress says, and the President upholds it, that no laboring man shall work over 8 hours a day, but they compel a cattleman to work now 16 hours a day, and every day in the year. If they want to have reciprocity, why not give it to the raisers of meat products in our own country? We need an opportunity to lease or buy our grazing lands in order that we may put our business on a systematic and legal basis. If Congress will do that, I will venture the assertion that in a short period of time we will be raising all the meat products and wool that we require, and not at an exorbitant price to the consumer either. If I had the time I would show you where men who have spent a score of years trying to build up a perfect herd of cattle have been compelled to sell the achievements of these years of toil in one month because the Government thought they knew more about the cattle business than the producer. There is about as much judgment displayed toward the producers of meat to-day as I would show if I would walk down a crowded street and throw away a pocketful of twenty-dollar gold pieces and not expect someone to get hurt trying to pick them up. The producers are very much discouraged at this time. Free trade with Canada will simply tend to send the herds of the majority of producers to the markets next fall. They will not reenter the breeding industry.

I think Congress should leave this matter alone until the Tariff Board can look into the cost of raising meat products in this country and report its decision back to Congress. In the meantime Congress should do all in its power to encourage the raising of meat products in our own country. We have millions of acres here in the West that would double their capacity if handled right. I sincerely trust that Congress will look at this in the right way and protect the meat producers.

Very respectfully, J. C. UNDERWOOD, *Secretary.*

Mr. WARREN. I present a memorial of the American National Live Stock Association, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DENVER, COLO., *February 13, 1911.*

A PROTEST AGAINST THE PROPOSED CANADIAN TREATY.

To the President and Congress of the United States:

At the fourteenth annual convention of the American National Live Stock Association, held at Fort Worth, Tex., January 10, 11, and 12, 1911, the following resolutions were unanimously adopted:

"URGING THE RETENTION OF DUTIES ON LIVE STOCK AND ITS PRODUCTS.

"Whereas live stock and its products—wool and hides, and meat and meat-food products—should in justice receive the same measure of portection as is accorded to the products of other industries of the United States in the form of import duties, whether levied as a protective tariff or as a tariff for revenue, or on any other basis; and

"Whereas we believe it to be the sentiment of the live-stock producing interest of the United States that live stock and its products should receive an equal and equitable share in whatever benefit may flow from any system of import duties equally with other products and industries; and

"Whereas it is unjust to not only the live-stock interest of this country, but, as we believe, to the interest of the United States generally, to place live stock or any of its products upon the free list: Now, therefore, be it

"*Resolved by the American National Live Stock Association in convention assembled at Fort Worth, Tex., January 12, 1911:*

"1. That we favor equal, fair, and just import duties upon live stock and its products.

"2. That we condemn as unjust, unfair, and discriminatory the action of Congress in the Payne-Aldrich bill in placing hides on the free list.

"3. That we are unalterably opposed to placing live stock and its products upon the free list.

"CONDEMNING THE PAYNE TARIFF BILL AND INDORSING THE CREATION OF A PERMANENT NONPARTISAN TARIFF COMMISSION.

"Whereas we believe that the tariff law recently enacted, known as the Payne bill, unfairly distributes the advantages and impositions of the protective tariff system; that the inequalities of its various schedules result in grants of favor and exemptions designed to create monopolies in certain branches of large manufacturing interests, enabling them to control prices on many necessary articles to the consequent great detriment of the producing and consuming classes, who are least able to bear such discriminations; that in the light of past experience in the revision of the tariff it is plain that a just and equitable tariff can only be secured through the medium of a permanent nonpartisan tariff commission, instructed to ascertain and publish in great detail all the facts surrounding every schedule, and submit its recommendations to Congress: Now, therefore, be it

"*Resolved by the American National Live Stock Association, at Fort Worth, Tex., January 12, 1911,* That we express our disapproval of the new tariff law because of its unfair discriminations in favor of eastern manufacturing interests and against the producers and consumers of both the East and West; and be it further

"*Resolved,* That we recommend the creation by act of Congress of a permanent nonpartisan tariff commission and a further revision of the present tariff at the earliest practicable time along equitable and scientific lines; and be it further

"*Resolved,* That the secretary be instructed to forward a copy of this resolution to the President of the United States and to all Members of Congress."

The Canadian tariff agreement, now being considered by Congress, provides for the free admission into the United States of cattle, horses and mules, swine, sheep, lambs, and all other live stock imported from Canada, and the free admission into Canada of live stock exported from the United States. The present duty on cattle imported into the United States is: "Cattle, if less than 1 year old, $2 per head; all other cattle, if valued at not more than $14 per head, $3.75 per head; if valued at more than $14 per head, 27½ per cent ad valorem." On sheep, swine, horses, and mules our present import duties are approximately the same. On fresh meats from Canada to the United States, or vice versa, the duty to be imposed by each country, according to the proposed agreement, is fixed at 1½ cents per pound. The present duty on imported freshs meats into this country is 1½ cents per pound, a reduction of only one-fourth of a cent per pound.

The carcass of an average beef steer weighs about 600 pounds, and on that basis the proposed duty on such a fresh-meat carcass from Canada would be $7.50, or five to six times the total cost of all the labor involved in the slaughter of a beef steer.

Thus by the proposed treaty the labor of the farmer and ranchman in producing a beef steer receives no protection, the labor of the slaughterer receives a protection of five or six times the total cost of slaughter, while the consumer gets only a reduction of one-fourth of a cent per pound, if any. The farmer and ranchman is shorn of all the benefits he might receive under the present duty, and the consumer profits only a fractional part of the benefit taken away from the producer.

The present 25 cents a bushel duty on wheat imported into this country is removed by the proposed Canadian treaty, but a duty of 50 cents per barrel on flour is retained, which is many times the total cost of all the labor employed in making a barrel of flour out of wheat. Where will the consumer profit by the proposed treaty with a 50 cents per barrel duty on flour?

The entire treaty is tinctured with other equally glaring inconsistencies, preferences, and discriminations, and well illustrates the method by which the manufacturing trusts and middlemen are nourished under the guise of protecting the difference between the cost of labor in this country as compared with the cost in other countries. The advocates of this Canadian treaty claim it will reduce the cost of living. The analysis of its terms as applied to live stock and wheat, two important staples of life, utterly fails to disclose the slightest foundation for such claims. In these two cases it simply transfers to the middleman practically the entire benefit resulting from the placing of live stock and other agricultural products on the free list, and gives him a greater advantage than enjoyed under the present tariff law.

Our country has been a large exporter of live stock and agricultural products for many years and, consequently, the import duties levied by this country on those commodities have in the past meant nothing; have been paper duties—a sop to the farmer. Now that the time seems to be approaching when such duties might mean something to the farmer the attempt is made, as in this treaty, to entirely remove them.

This association has stood for many years for fair and equitable reciprocal trade agreements with other countries, whereby all the interests of this Nation (the producer, consumer, the manufacturer, and the middlemen) will surrender some favors or benefits of the tariff system in exchange for mutual advantages to be secured from other nations. That is our position to-day. The proposed Canadian treaty unfairly distributes all its burdens on the producers of this country and all its benefits on the middlemen and manufacturers. It is not real reciprocity, in the general acceptation of that term; it is plain discrimination, a specious kind of special legislation; another increase in the unnecessary and unjust advantages now enjoyed by the manufacturers of the East and other special interests; truly a step backward, instead of forward, in the settlement of the tariff question.

Commercially, racially, and in the character of resources, Canada and the United States are alike, and there should be no prohibitive tariff wall between them. This association heartily approves of a fair, equitable trade arrangement with Canada, and the live-stock industry is willing to stand its share of any concessions toward that end. Such an arrangement, however, should include every commodity likely to be interchanged between these two nations, so closely related. It is not fair or right to single out the producing industry of the United States to make a grand sacrifice in favor of other interests. We have waited long for a fair trade agreement with Canada and we can well afford to wait a little while longer, until the question is settled right. So long as the present system of import duties, either for protection or revenue, is continued in effect, the live-stock industry demands the same equality of treatment as is accorded to any other industry. If duties are levied for the protection of any labor, then the labor engaged in live-stock or agricultural pursuits should receive an equitable share of such protection.

The American National Live Stock Association, representing and speaking for the live-stock interests generally, therefore vigorously protests against the proposed treaty with Canada, and urges that

Congress instruct the tariff board, or some other arm of the Government, to negotiate as speedily as possible a treaty with Canada, covering substantial reductions in the duties on all the commodities interchanged between this country and Canada, and that the just interests of all the citizens of this Nation, whether producers, consumers, or middlemen, be given equal and fair consideration.

Respectfully submitted.

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
MURDO MACKENZIE, *President*,
T. W. TOMLINSON, *Secretary*.

Mr. WARREN. I present a memorial of the Wyoming State Legislature, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring):

Your memorialists, the Eleventh Legislature of the State of Wyoming, do ask and request the passage of the bill giving to the survivors of the soldiers who served the United States of America 90 days or more in actual service in the Indian wars from 1865 to 1883 the same pensions as the veterans of the Civil War and those of the Spanish War are now so justly receiving.

Many of those who participated in these struggles of more hardships than ordinarily endured on the field of battle in protecting our frontier from savage foes have passed away, and their survivors are now in need of protection from want in their old age, and it is clearly the duty of this great Government, without exception, to protect and make endurable the lives of those who came to the rescue of settlers and their families, and thus made possible the civilization and growth of the Great Plains and the Rocky Mountain region, and to give them a serene old age, freed from poverty or the bitter bread of dependence.

Approved February 14, 1911.

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STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of senate joint memorial No. 2 has been carefully compared with the original filed in this office on February 14, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX,
Secretary of State,
By C. M. MACGLASTIAN,
Deputy.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

Memorializing the Congress of the United States to grant to the State of Wyoming 2,000,000 acres of the public lands for the purpose of creating a fund for the establishing and maintaining of public roads in the State of Wyoming.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the State of Wyoming is not thickly populated and the means of communication between the several parts of the State not numerous, and the establishment of intercounty roads from border to border of the State will be one of the surest means of aiding the material prosperity and advancing the settlement of the State; and

Whereas the State of Wyoming did not receive grants of land in proportion to those received by other adjoining States on their admission; and

Whereas the State of Wyoming did not receive grants of land in an amount necessary for the support and maintenance of its institutions in comparison with the lands granted other States: Now, therefore, be it

Resolved, That the Congress of the United States be requested to enact legislation granting to the State of Wyoming 2,000,000 acres of the public lands within the boundaries of the said State for the purpose of creating a fund, to be secured through the leasing of the said lands or from the revenue secured from the investment of the proceeds of the sale of said lands at not less than $10 per acre, the said fund to be used solely for the establishment and maintenance and good repair of a system of public roads within the State of Wyoming. Be it further

Resolved, That a certified copy of this memorial be sent to each of the members of the congressional delegation from the State in Congress, with a request that they employ their best efforts to secure action in the premises.

Approved, February 14, 1911.

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STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original senate joint memorial No. 1, filed in this office on the 14th day of February, A. D. 1911, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX,
Secretary of State,
By C. B. MACGLASHAN,
Deputy.

Mr. WARREN presented memorials of the Board of Trade of Carthage, N. Y., and of sundry farmers of the United States, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the American News Co. of New York, remonstrating against any increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. DILLINGHAM presented a petition of Lincoln Council, No. 4, Junior Order United American Mechanics, of Windsor, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of Local Grange No. 295, of Northfield; of Local Grange No. 237, of Waterbury Center; of Local Grange No. 319, of Clebe Mountain; of Local Grange No. 416, of Newark; of Tyler Branch Grange, No. 336, of West Endsburg; of Mill River Grange, No. 430, of East Wallingford; of Victory Grange, No. 164, of Wilmington; of Florona Grange, of Monkton; and of Local Grange No. 312, of East Montpelier, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented a petition of the Grand Council of the Royal Arcanum of the State of Rhode Island, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Thomas F. Murray and sundry other members of the legislative committee of Newport Lodge, No. 119, International Association of Machinists, of Rhode Island, remonstrating against the elimination of the eight-hour provision from the naval appropriation bill, and the provision that battleships shall be built at Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of Washington Camp No. 9, Patriotic Order Sons of America, of Chicago, and of Fort River Valley District Council, United Brotherhood of Carpenters and Joiners, of Aurora, both in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the International Molders' Conference Board, of Chicago, Ill., remonstrating against the elimination of the eight-hour provision from the naval appropriation bill, and the provision that the battleship *New York* shall be built in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Trades Council of Staunton, Ill., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chicago Association of Commerce, of Chicago, Ill., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented memorials of sundry citizens of St. Clair County; Point Lookout Grange, No. 1749, of New Athens, in the State of Illinois, and of the Milk Producers' Association of Illinois, Wisconsin, and Indiana, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. FRYE presented memorials of Caribou Grange, No. 133, of Lyndon; John F. Hill Grange, No. 393, of Eliot; Sebasticook Grange, No. 90, of Burnham; Somerset Pomona Grange, of Anson; and of Local Grange No. 369, of Nobleboro, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURROWS presented petitions of sundry citizens of Lincoln Township and of Richland, and of the Woman's Christian Temperance Union, of Union, Gladwin, Plainwell, Algonac, and Detroit, all of Michigan, praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which were referred to the Committee on the Judiciary.

Mr. BULKELEY presented memorials of Killingworth Grange; Hope Grange, No. 20; Eureka Grange; Litchfield Grange; and East Canaan Grange, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the passage of the so-called parcels-post bill and praying for the

passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange, No. 66, Patrons of Husbandry, of Killingworth, Conn., and a memorial of Konomoc Grange, Patrons of Husbandry, of Waterford, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 252, of Bridgeport, Conn., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. SCOTT presented a memorial of Mount Zion Grange, No. 89, Patrons of Husbandry, of Lewis County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Macmillan Publishing Co., of New York City, N. Y., praying for an increase in the rate of postage on magazines and periodicals, which was ordered to lie on the table.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for a revision of the maritime laws so that the mails will be carried in ships built in American yards, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

He also presented a petition of the Produce Exchange of Omaha, Nebr., praying for the enactment of legislation providing for the inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. BRIGGS presented memorials of the Mullica Hill, Shrewsbury, Plainsboro, Locktown, Windsor, Manalapan, Ringoes, Cedarville, Haddon, Elmer, Johnsonburg, and Monmouth Granges, Patrons of Husbandry, all in the State of New Jersey, and of the De Laval Separator Co., of New York City, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. FLINT. I present a telegram, transmitting joint resolutions adopted by the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 17, 1911.*

Hon. FRANK P. FLINT,
United States Senate, Washington, D. C.

SIR: I am directed to transmit the following joint resolutions, adopted unanimously in a case of urgency, this 17th day of February, 1911, by both houses of the legislature, introduced by Le Roy A. Wright, senate joint resolution No. 20, relative to the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto:

"Whereas the United States Government heretofore authorized the putting in of a weir in the Colorado River to aid in the diversion of water into the intake of the canal which supplies water to the Imperial Valley, situated in Imperial County, in this State; and

"Whereas we are informed that the War Department has ordered the removal of this weir on 12 hours' notice; and

"Whereas we are informed such removal will endanger the water supply to 250,000 acres of land within the county of Imperial, in this State, all of which is entirely dependent upon irrigation; and

"Whereas the canal by which water is delivered for irrigation purposes in the Imperial Valley traverses during a part of its course a portion of Lower California in the Republic of Mexico; and

"Whereas heading known as 'Sharps heading' is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial Valley; and

"Whereas there exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading: Therefore be it

"*Resolved*, That the senate and assembly of this State jointly urge upon the Federal Government the necessity of delay in the removal of the said weir in the Colorado River until proper investigation can be made as to the effect of such action upon the said Imperial Valley; and be it

"*Further resolved*, That the Federal Government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial Valley and the said Sharps heading and the said canal within the Territory of Mexico, and to guarantee a permanent delivery to said territory; and be it

"*Further resolved*, That a copy of the resolutions be transmitted immediately by telegraph to the President of the United States, the Secretary of War, and the Senators and Representatives in Congress from this State, and that said Senators and Representatives be instructed to use their best efforts to insure the protection of the people of Imperial County, in this State, and to prevent the irreparable injury which would result to them should their water supply be interfered with or cut off, either by reason of the action of the Federal Government in taking out the weir referred to or by reason of the disturbances existing within the territory of Lower California."

WALTER N. PARRISH,
Secretary of the Senate.

Mr. GRONNA. A few moments ago my colleague presented a telegram from Andrew Veitch, chairman of a meeting of farmers and business men held at Grand Forks, N. Dak., which was read.

I now present a telegram, signed by E. Y. Sarles, ex-governor of the State of North Dakota, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

HILLSBORO, N. DAK.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

If J. J. Hill's statement made in Chicago yesterday is correctly reported, stating that the northwestern farmers are two to one in favor of the Canadian reciprocity, he knowingly has misrepresented the situation. In my opinion, not a single legitimate farmer in our State is in favor of it. Approval of this measure means disaster to our State.

E. Y. SARLES.

Mr. YOUNG. I present a memorial from members of the Iowa Agricultural College Grange, No. 2047, of Ames, Iowa, relative to the Canadian reciprocity agreement. I ask that the memorial be printed in the RECORD, including the names.

There being no objection, the memorial was ordered to be printed in the RECORD, together with the names, as follows:

To the honorable Senate of the United States, Washington, D. C.:

We, the undersigned members of the Iowa Agricultural College Grange, No. 2047, Ames, Iowa, respectfully urge that the Canadian reciprocity bill now pending in Congress should not become law for the following reasons:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which any considerable quantity of these products can under any circumstances be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list, the reciprocity bill makes no material reduction in the high-tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high-protective duties on manufactures practically untouched.

5. The Canadian farmers, by reason of their lower general tariff and their preferential trade arrangements, can buy manufactured goods at lower prices than those prevailing in this country. The prices of farm lands in Canada are also much lower than in the United States. These conditions give the Canadian farmers an advantage over us, and the free admission of their products will subject us to unfair competition.

6. We hold that the farmers should receive exactly the same measure of protection as is given the manufacturers and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

7. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer it is sufficient to point out that while wheat is on the free list flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1½ cents per pound for the benefit of the Meat Trust.

As the adoption of the proposed reciprocity law would be a serious injury to the farming interests of this country, and would greatly reduce the value of our farm lands, while increasing the value of Canadian farms, we earnestly protest against its enactment.

C. F. CURTIS,
S. A. BEACH,
F. M. COULTER,
E. W. STANTON,
P. G. HOLDEN,
M. MOOTENSEN,
HARRY B. POTTER.

Approved:

NAHUM J. BACHELDER,
T. C. ATKESON,
AARON JONES,
Legislative Committee, National Grange.

Mr. YOUNG presented a petition of Custer Post, No. 25, Department of Iowa, Grand Army of the Republic, of Cherokee, Iowa, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of the State of Iowa, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. OVERMAN. I present a joint resolution, adopted by the Legislature of the State of North Carolina, which I ask may be read and referred to the Committee on Appropriations.

There being no objection, the joint resolution was read and referred to the Committee on Appropriations, as follows:

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and

Whereas this assay office is a great convenience to the mining industry in the two Carolinas and Georgia: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such action and to secure the continuance and maintenance of this office as heretofore.

Resolved further, That this resolution shall be forwarded at once to both Senators and to the 10 Representatives in Congress from this State.

In the general assembly read three times and ratified this the 14th day of February, 1911.

W. C. NEWLAND,
President of the Senate.

W. C. DOWD,
Speaker of the House of Representatives.

Examined and found correct.

PETHEL, *for Committee.*

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
Raleigh, February 14, 1911.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, hereby certify that the foregoing is a true and correct copy of the original resolution on file in this office.

Witness my hand and official seal at my office in Raleigh, this the 14th day of February, 1911.

[SEAL.] J. BRYAN GRIMES, *Secretary of State.*

Mr. GALLINGER. I present a telegram in the nature of a memorial, signed by John Flynn, of Berlin, N. H., relative to the Canadian reciprocity agreement. I ask that the telegram be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BERLIN, N. H., *February 15, 1911.*

Hon. J. H. GALLINGER, *Washington, D. C.:*

Pulp and paper provisions of the reciprocity bill ruinous to industry in this county. Work and vote against this feature until free raw material secured.

JOHN FLYNN.

Mr. SHIVELY presented telegrams in the nature of petitions of J. H. Hover, editor of the Pierceton Record, of Pierceton; the Idaville Observer, of Idaville; Walter E. Grant, proprietor of the Weekly Journal, of Pennville; George Hahn, secretary of the Master Printers' Association of the St. Joseph Valley, of South Bend; and of the Crescent Paper Co., of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of L. M. Locke, member of the Board of Trade, of Chicago, Ill., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 93, Brotherhood of Stationary Firemen, of Hammond, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of F. C. Heath, president of the Indiana State Medical Association, of Indianapolis; G. W. H. Kemper, of Muncie; Albert E. Bulson, jr., editor of the Journal of the Indiana State Medical Association, of Indianapolis; Lowell M. Green, secretary of the Rush County Medical Society, of Rushville, all in the State of Indiana; M. E. Douglas, member of University of Michigan Alumni Association, of Philadelphia, Pa.; and of Stephen Farrelly, manager of the American News Company, of New York, N. Y., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented the petitions of Mrs. J. B. Woods, Mrs. B. B. Stephenson, Frank Tanzy, Tillman Stockmill, Elma P. Mattor, Mrs. K. Lovinger, Richard Burke, Mrs. Anna Mason, Cathrine Sirp, Carrie Bauke, Mr. and Mrs. H. D. Pope, Mrs. Emma Nicoll, Mrs. Frank A. Wall, Miss Kizzie Allen, Mrs. John A. Lombard, Mrs. James Dawson, Mrs. William Folkening, R. G. Lemol, Mrs. Hellie Sheridan, Henry Eden, M. P. Orr, Mrs. Ida E. Ehlert, Mrs. Henry Heil, Mrs. Anna Rochford, Sarah Brooks, Joseph Brown, Nettie West, Mrs. Kate Boles, Anna Haley, Lizzie Caston, Mrs. Harriett Rarksdale, Mrs. Bertha Kaspel, Mrs. Carrie B. Thomas, Mrs. Mary Sexson, Mrs. Winnie McInteer, Sallie Jahnson, George P. Griffin, D. W. Keely, William E. Ray, Elnare Hughes, Frank L. Gortin, Georgia Shavers, Arther E. Hart, E. A. Horton, R. S. Wilhelm, Mrs. Julian, Mrs. May Fletcher, Bridget O'Hara, J. L. Perier, Mrs. August Lipperd, Mrs. W. F. Nerge, T. H. Nell, Mrs. Margaret Hermann, Mrs. Bridget Bowers, Mrs. W. Sougbeir, Mrs. J. C. Kuhn, Annie Moore, Mary Althoff, Mrs. Beach, Mrs. S. C. Young, Flora D. Hamer, John H. Goll, Mrs. Ella Gordmon, Mrs. Ellen Howard, Walter Boyd, Mrs. Sarah Goodman, Mrs. W. H. Carter, Lucy Barnett, Ellen Terrell, Cleo Brackshaw, Mrs. Patsy P. Stout, Agnes La Follette, Charles M. Adams, Mrs. Maggie Gant, Adelaide James, Mrs. Charles Blake, Mrs. Richard Wall, Mrs. Robert Kirst, Miss Margaret Lyons, Henry Spacke, Virgil McDumid, Anna Hendey, Elise Maxey, Mrs. Anna Weller, Mrs. Elizabeth Haverstick, Fred H. Ackelow, Mrs. Frank Faust, John Geiger, Robert L. Flanagan, Nona Cook, Charles W. Hulsman, Andrew Kellemeyer, T. H. Hollenbeck, Michael Rieger, Mrs. Nellie Lakey, William Losche, L. Gray, Mrs. C. A. Casey, Mrs. J. F. Geiger, Minnie Pasche, Mrs. Zora Lee, Mrs. Oldham, Mrs. William Dinger, Mrs. Masker, Albert T. Koch, Sophia Braun, Cordelia E. Zregler, Ida Atown, Mrs. Mary A. Graves, Glendor Kline, W. E. Davis, Thomas Cox, Anna Hardin, Helen E. Hardin, Minnie M. Battle, Algina Swisher, Lorenzo D. Fuller, Mrs. Lydia Yiley, Clara Cruch, Miss R. Dunn, William Aukenbrock, Lula Howard, Mrs. Emma Winters, Albert Walker, Molly Carter, John F. Henning, George C. Gerdt, sr., Emil Stoll, Mrs. Matilda J. Ballard, Mrs. Barbara Speece, Laura S. Tompkins, E. E. Bradfield, Mrs. Mary Brard, Mrs. Mattie Steele, Grace Darnall, William Johnson, Jennie Corcoran, Charles McCarthy, Grace Mehring, Mrs. J. J. Steele, Elizabeth Adams, M. G. Farnham, E. B. Waggoner, Mrs. Courtney Crumb, Raymond Trout, Mrs. Jessie Donnor, Mrs. Bertha Kenner, Henry McGall, Mrs. Jessie Van Pelt, James M. Bannon, Abe Eberhardt, Mrs. W. Moone, Michael McGinley, Harry James, Mrs. J. Davey, Anton Miller, Malvina Eberhard, Mrs. Claude Martin, Minnie E. Graves, Elizabeth Niclaun, Mrs. P. M. O'Neal, Annie Mussmann, Frank Shening, Margaret C. Doherty, Ida Mae Miller, Mrs. Nettie Green, Ruth Schmidt, Mrs. J. A. Volt, Mrs. Mary Costello, N. Lemontree, Charles Williams, Mrs. William Tyler, Mrs. O. Huhn, Alvin Ray Murphy, Rena Champion, Mrs. Laura Thompson, Mrs. Jennie Wheeler, Anna Alexander, Mrs. Daisy Adams, Mrs. Mary Bennett, Mrs. Ida Lytte, Lula Wood, Sallie Gowdy, Mr. Emanuel Douglas, Alma Brown, Mrs. Minnie Payne, Mrs. Ella Hutchison, O. Baker, Mrs. O. A. Wetson, William E. Winter, Mrs. William Hutchins, William Sweir. Mrs. Mollie Colligan, Mrs. William Martin, Mrs. L. Woelz, Mrs. Henry Kinkle, Mrs. Mary J. Rebholz, Mrs. L. F. Tyner, Lowell Blair, Fred Cochran, Mrs. Marsch, Mrs. G. W. Pein, John O. Keith, Ida A. Hert, Amelia F. Grassow, Charley H. Bailey, Mrs. A. B. Burger, Charles E. Young, Thomas G. McDonald, Mrs. Nora Venis, Mrs. Sophia Ziegler, Mrs. J. Hofer, Miss Albert Philips, Mrs. Naomi E. Carroll, James M. Gordon, Mrs. I. T. Zimmerman, Mrs. W. T. Dodd, Pearl Webb, Mrs. Viola Johnson, Helen Overstreet, Lorena Spellman, Mrs. Mary A. Harris, Mrs. Laura Engelage, Mrs. Mamie Baganz, Mrs. Martin Moran, Catherine Denny, Mrs. Mary J. Nogle, Miss Daisy Duke, Mrs. Albert Wilkerson, Christine Jensen, W. D. Adair, Mary Hanf, Mrs. C. F. Goss, R. J. Snyder, Ella C. Shea, Mrs. Eliza Sebricketary, Gertrude Robinson, Agatha Brockhausen, Malinda W. Berry, Minnie Cummings, Mrs. Kate Marstill, Clara Hert, Mrs. H. F. Landis, Mrs. Elrouna Hamilton, Mrs. Ida Hernisen, Mary A. Dean, F. L. Schaf, Buck A. McDonald, Martin Finnigan, Anna E. Schoppe, Mrs. Mary Callahan, Mrs. Martha W. Wing, Sarah Graham, Mrs. M. F. Healey, Mrs. Kellermeyer, Bert C. Weadon, Mildred Allach, Mrs. Grace Chapman, S. Smith, Anna Thomas, Rosa Lancaster, Mary Waters, Maud Lytton, Lolla Sears, Alice Goodale, Kathrine Raines, Mrs. John Tollwer, Ward Scott, Mrs. O. Campbell, Florence Lee, Clara Kiess, Lottie Throm, Mrs. C. E. Pann, Anna Lynch, W. F. Bradley, Alice Spears, Kate Marshall, Mrs. Louis Reising, Jennie Kennedy, Mary Merringer, Mrs. Carpenter, Mary E. Hall, Susannah Petty, Alice Land, Mary Jefferies, Harry Phillips, Mrs. V. G. Loremy, William J. Clark, Jesse Collins, Mrs. Dawson, Jone Stark, Mrs. Goodwin, Jessie Worth, James H. Flynn, Ruth Scanlin, Mrs. E. Hafner, Minnie Michel, Catherine Cudworth, S. G. Patern, Kate Pickering, G. W. Ford, Hannah Heicker, Minnie Kassing, Zitta Hartman, Maggie Morris, D. J. Rinderknecht, Miss B. Griffen, Mrs. Cora Catts, John Baner, Lizzie Machold, Madge McLeod, Francis Hillman, Mary V. Huegoll, Gertie Stewart, Sarah B. Ader, Henry Nicoll, Mrs. Lucy J. Brooks, Frank Ackerman, Eliza McMurry, Mary Bess, Pearl Jones, Mattie Williams, Ellen Brown, H. B. McMurray, John Hart, Mrs. Rice, Willie Hall, Hanie Hall, Edward Bapter, Mrs. T. J. Kelly, W. R. Mattock, Mr. Williams, Mrs. Mary Esx, Mrs. J. Dewald, Mrs. Blonde Kite, Mrs. Ellsworth Bradshaw, Mrs. E. Klansmanor, Jacob Stewart, Mrs. Eliza A. White, W. C. Botkin, E. B. Price, Namie Johnson, Fred Wolfolk, Homer Bapter, Ashford Nicholls, Mrs.

Cora Holden, Mrs. Lizzie Porter, Nellie Sindernam, Mrs. Betty Thielmann, Katie Hayes, M. J. Hanenhan, Mrs. Nina M. Dennis, Louise Gaibben, Fannie E. Seay, Minnie Alexander, F. G. Smith, Josephus Richardson, J. W. Montgomery, James Hurley, E. Williams, Mrs. Sarah L. Blanchard, Mary Dean, Mrs. Myra L. Jackson, Mrs. Anna Lehi, Caroline Gillispie, Mary Stone, Susie Miller, Annie P. Rutledge, Mary Smith, Anna Van Carry, Henry Hackinger, and Anna Paulus, all in the city of Indianapolis, in the State of Indiana, praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. NIXON presented a petition of Typographical Union, No. 105, of Goldfield, Nev., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1761, United Brotherhood of Carpenters and Joiners of America, of Goldfield, Nev., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURNHAM presented memorials of Spofford Grange, No. 83, of West Chesterfield, and of Lamprey River Grange, No. 240, of Newmarket, Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Boot and Shoe Club of Boston, Mass., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. DU PONT presented memorials of Diamond State Grange, No. 2, of Stanton; Sunny Side Grange, No. 7, of Bridgeville; Clayton Grange, No. 41, of Dagsboro; Champion Grange, No. 35, of Dover; Trophy Grange, No. 22, of Felton; Harmony Grange, No. 12, of Marshallton; Capital Grange, No. 18, of Dover; and New Castle Grange, No. 37, of New Castle, all of the Patrons of Husbandry, in the State of Delaware, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BROWN. I present a communication signed by W. M. Armstrong, post commander of Russell Post, No. 77, Grand Army of the Republic, of Fairbury, Nebr., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

FAIRBURY, NEBR., *February 14, 1911.*

To Hons. NORRIS BROWN and ELMER J. BURKETT,
Senatorial Delegation of Nebraska.

DEAR SENATORS: In view of the fact that the State of Nebraska, as well as other States and communities, are now paying out large sums of money every year to indigent old Union soldiers, their widows and children—Jefferson County alone having paid out the sum of $350.51 for the year ending February 13, 1911—we, the 12,000 old soldiers of the State and many other good people of the State, respectfully urge that you will use your best endeavors to have passed at an early day the so-called Sulloway pension bill, which was passed in the House of Representatives by a very decisive majority, because we believe if it were done it would go very far to ameliorate the difficulties the poor broken-down old soldiers are now laboring under, and it is probably the last opportunity to assist the old boys who are so rapidly passing away.

And thus we shall every pray.

Done by order Russell Post 77, Grand Army of the Republic.

W. M. ARMSTRONG, *Post Commander.*

Attest:

E. A. YONTZ, *Adjutant.*

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Fisheries.

There being no objection, the joint resolution was referred to the Committee on Fisheries and ordered to be printed in the RECORD, as follows:

Joint resolution No. 57a.

Joint resolution relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions.

Whereas uniformity of the fish and game laws in the North Central States would be beneficial and mutual cooperation in their enforcement desirable: Therefore be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Michigan, the Legislature of the State of Indiana, the Legislature of the State of Illinois, the Legislature of the State of Iowa, the Legislature of the State of Minnesota, the Legislature of the State of North Dakota, and the Legislature of the State of South Dakota be requested to send a committee of not less than three nor more than five members of the legislature of each such State to meet with a like committee of the Legislature of the State of Wisconsin at the capitol in the city of Madison, in said State of Wisconsin, on the 21st day of February, to confer upon legislation relating to fish and game, to consider the means of enforcement of such laws, and also to adjust any interstate questions in relation thereto between any of the States so represented.

Resolved, That a copy of this joint resolution be forwarded to the governor and the legislature of each of said States and to the governor of the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the joint resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint resolution 62a.

Joint resolution relating to urging Congress to pass the bill abolishing the use of phosphor in manufacturing matches.

Whereas there is now before Congress a bill introduced by the Hon. JOHN J. ESCH, know as bill No. 30022; and

Whereas this bill will abolish the use of phosphor in the manufacturing of matches, thereby doing away with the loathsome occupational disease known as phossy jaw: Therefore be it

Resolved by the assembly (the senate concurring), To urge Congress to pass this bill before the close of the present session; and further

Resolved, That the secretary of state be instructed to forward to each of the Wisconsin Congressmen a copy of this resolution immediately after its passage.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution 7a.

Joint resolution requesting the Members of the United States Senate and of the House of Representatives from Wisconsin to vote for and use every effort to bring about the adoption of a joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States.

Whereas the following joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States has been introduced in the United States Senate:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"'The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"'The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"'When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"'This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution;'" and

Whereas it is fitting that the State of Wisconsin, a leader in the enactment of progressive legislation, should through its Senators and Representatives in Congress aid to the utmost in furthering the popular election of United States Senators: Therefore be it

Resolved by the assembly (the senate concurring), That the members of the United States Senate and of the House of Representatives from the State of Wisconsin be requested to support a measure substantially in accord with the provisions of the resolutions hereinbefore recited.

Resolved further, That copies of this resolution be at once forwarded to the United States Senators and Members of Congress from the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented memorials of the Milk Producers' Association of Wisconsin, Illinois, and Indiana, and of

the Commercial Club of Clear Lake, Wis., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 654, United Brotherhood of Carpenters and Joiners of America, of Rhinelander, Wis., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Local Musicians' Union No. 46, of Oshkosh, Wis., remonstrating against the employment of enlisted musicians in competition with civilians, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Ellison Bay, Wis., praying for the passage of the so-called parcels post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Sister Bay, Wis., praying for the adoption of an amendment to the Constitution of the United States providing for the election of the United States Senators by a direct vote of the people, which was ordered to lie on the table.

Mr. DEPEW. I present a resolution of the lower house of the New York State Legislature and ask that it be printed in the RECORD.

Mr. CULBERSON. I ask that it be read. Being a communication from the legislature of a State, it ought to be read.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

IN ASSEMBLY, *February 14, 1911.*

By unanimous consent, Mr. Bush offered for the consideration of the house a resolution in the words following:

"Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

"*Resolved* (*if the senate concur*), That we heartily approve of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendment as to benefits provided.

"*Resolved*, That copies of this resolution, signed by the respective officers of the house, be sent to each of the Senators from New York in the Congress of the United States."

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate and request their concurrence therein.

IN ASSEMBLY, *February 15, 1911.*

The senate returned the concurrent resolution in relation to the Sulloway bill now pending in the Senate of the United States with a message that they have concurred in the passage of the same without amendment.

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OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, *County of Albany, ss:*

I, Luke McHenry, clerk of the assembly, do hereby certify that I have compared the foregoing resolution and record of proceedings of the assembly had thereon with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York of the 14th and 15th days of February, 1911, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and record of the proceedings of the assembly had thereon on the said dates and of the whole thereof.

In witness whereof I have hereunto affixed my hand and official seal this 16th day of February, 1911.

[SEAL.] LUKE MCHENRY,
Clerk of the Assembly.

Mr. DEPEW presented memorials of Peru Grange, No. 93; Marilla Grange, No. 1133; Clintondale Grange, No. 957; Rushford Grange, No. 1004; Chaffee Grange, No. 987; Floyd Grange, No. 665; Star Grange, No. 9; Brockport Grange, No. 93, all of the Patrons of Husbandry; of Corinth Business Men's Association; and of sundry citizens of Slingerlands, Fort Edward, and Rochester Junction, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Republican county committee of Richmond County, N. Y., praying for the ratification of the propsed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented petitions of Islip Council, No. 49, of Islip; Hunting Council, No. 26, of Bridgehampton; William McKinley Council, No. 125, of Lockport; and Martha Washington Council, No. 11, of New York City, Junior Order United American Mechanics; of Cigar Makers' Union No. 6, of Syracuse; Camp No. 41, of Newburgh; Camp No. 9, of College Point; and Camp No. 10, of Yonkers, Patriotic Order Sons of America; of the Central Federation of Labor of Albany; of the Musicians' Union No. 78, of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Gaines Grange, No. 1147, Patrons of Husbandry; Wallkill River Grange, No. 983, Patrons of Husbandry; and of the Republican county committee of Richmond County, all in the State of New York, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Alfred M. Wood Post, No. 368, Department of New York, Grand Army of the Republic, of Jamaica, N. Y., and of Henry Van Aernam Post, No. 232, Department of New York, Grand Army of the Republic, of Ellicottville, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the Boss Bakers' Business Association, of Brooklyn, N. Y., praying for the enactment of legislation providing for an inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. McCUMBER. I present two telegrams, one of which I ask may be read and that the second may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

GRAND FORKS, N. D., *February 17, 1911.*

Senator P. J. MCCUMBER, *Washington, D. C.:*

At a meeting of the farmers and business men called at Grand Forks for the purpose of discussing the reciprocity agreement now before the Senate it was unanimously decided to express our gratitude for the stand you have taken and request you to use every honorable means in your power to defeat the measure. Believing its passage will greatly injure producer without materially benefiting the consumers, and consequently reduce farm values, we believe it means loss of many millions of dollars per year to our State. No doubt the price of wheat until the past few years was largely controlled by Liverpool, but with increased consumption the same is not true at this time. There has been very little difference in prices between Minneapolis and Liverpool in the last six months. One hundred million surplus is none too much for a nation of 90,000,000 people to keep constantly on hand. The increased interest in and adoption of better farming methods warrant the prediction that increased demands of the future will be more than met by the increased production in England, France, and Germany. We will do the same, and will also raise the standard of farmers and farm life and increase their purchasing power of our manufactured products.

ANDREW VEITCH, *Chairman.*

The VICE PRESIDENT. The telegram will lie on the table.

Mr. McCUMBER presented the following telegram, which was ordered to lie on the table and to be printed in the RECORD:

FARGO, N. D., *February 17, 1911.*

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.:

The farmers of North Dakota would respectfully ask that you use all honorable means to prevent the passage of the proposed Canadian reciprocity agreement now before the United States Senate, knowing should this bill become a law it would do us great injustice.

JAMES HOLES.

Mr. McCUMBER presented a memorial of sundry citizens of Valley City, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Flaxton, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

INCREASE OF PENSIONS.

Mr. McCUMBER. I present a resolution of the Legislature of the State of North Dakota, which I ask may be read, and I wish to submit a brief statement concerning it.

The VICE PRESIDENT. Without objection, the resolution will be read.

The Secretary read as follows:

BISMARCK, N. DAK., *February 17, 1911.*

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.:

In the matter of the Sulloway pension bill—

Resolved by senate of North Dakota (*house concurring*), That we heartily approve of all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passes the House of Representatives, without alteration or amendment as to benefits provided.

The foregoing resolution passed both houses February 17, 1911.

ALBERT ROBERTS,
Department Commander, Grand Army of the Republic.
D. G. DUELL,
Acting Adjutant General.

Mr. McCUMBER. Mr. President, it is known that a few days ago I submitted a substitute for the Sulloway bill as one of the minority of the committee of which I am chairman.

This resolution from the State of North Dakota, through its legislature, requests me to vote for the Sulloway bill. I desire to say that if I have an opportunity I shall vote in favor of the substitute which I have recommended in lieu of the Sulloway bill, and that in doing so I am positive in my own mind I am subserving the very best interests of the veterans of the great Civil War; and I am equally certain that if the members of the Legislature of the State of North Dakota were present here and understood the situation as I understand it they would with equal unanimity pass a resolution in favor of the substitute I have offered upon the floor.

I desire to say further that if the substitute is not carried I will then feel it my duty to vote for the original proposition as amended by our committee; but I am thoroughly convinced that the very best interests of the soldiers of the Civil War would require the substitute in place of the Sulloway bill. I think that the veterans of the Civil War can rest assured upon my past record, and that the bills the passage of which through Congress I have secured for their benefit will fully justify them in believing that I am in this respect acting for what I consider to be their very best interests.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Dakota whether it is the purpose of the Committee on Pensions to vigorously press the legislation to which he has referred to a conclusion.

Mr. McCUMBER. Mr. President, I can answer that question by saying that it is the intention of the Committee on Pensions to secure a vote upon this general pension legislation. I know there are quite a number of Senators who are opposed to the bill which involves the greater appropriation, but I have not learned that there are any Senators who are opposed to the bill who will especially oppose allowing the Senate an opportunity to vote upon any substitute that may be presented; and it is possible that if a substitute should be carried there would be no objection on the part of any Senator or Senators to a vote upon the bill as amended.

Mr. SMITH of Michigan. I should like to say to the Senator from North Dakota and other Senators that, as one Member of the Senate, I shall look forward with a great deal of pleasure to the probability that we may have an opportunity to vote upon the bill reported by the committee, as well as upon any substitute that may be offered. This is very important legislation, and should challenge the patriotism of every Senator who appreciates the sacrifices made by the soldiers of the Republic in the hour of our greatest trial. We can never fully show the depth of our gratitude for this noble service, but we can relieve these aged veterans from want and make their declining years happier by the prompt passage of this bill, and I hope no obstacle will now be interposed to prevent immediate consideration.

Mr. McCUMBER. I certainly wish that, because, as I stated, I want to have legislation at this session.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I shall do so in a moment.

Mr. President, I admit that with the short time at our disposal it is in the power of almost any one or more Senators to prevent legislation on anything but the general appropriation bills, but I sincerely hope that we shall be able to vote upon a proposition which passed the other House almost unanimously.

Mr. SCOTT. Mr. President, I do not believe there is a Senator here who will not agree that I am big enough and broad enough, if it were in my power, to extend the benefits of the pension list to the men who wore the gray as well as to those who wore the blue.

I want to call attention, Mr. President, to a time a few years ago when we assembled in Arlington, when 342 dead bodies of brave soldiers were brought back from Cuba that they might rest in sacred soil, when the President of the United States, the General of the Army, and the citizens of Washington and of the country at large were there at that impressive ceremony. Mr. President, 342 corpses lay beside the 342 open graves, and each casket was wrapped in the flag of our country. Walking down between those rows of graves, Mr. President, I saw the body of a boy from Texas, one from Ohio, one from Virginia, another from Michigan, and so on, showing that the country was again united and that we had one flag and one people.

Here, Mr. President, are these dear old men of the Civil War growing gray and decrepit. The father must go to the soldiers' home and the mother must work as long as she can, and when she can work no longer she must go to the poorhouse.

I say, Mr. President, in view of these facts and the earnestness with which I have tried to get up this bill and the feeling that I have in it, it strikes me that the Senate should give it prompt and favorable consideration, but there are men on the floor of this Senate who are doing all they can to prevent a vote upon this bill; and I give notice that it shall be my constant effort from now until the 4th day of March at least to secure a vote upon the bill. Each day as soon as the morning business is over I shall make a motion for its consideration.

Mr. SMITH of Michigan and others. Do it now.

Mr. SCOTT. I am urged by Senators around me to ask now for the immediate consideration of House bill 29346.

Mr. CURTIS. Mr. President, I simply want to suggest, in answer to the Senator from Michigan [Mr. SMITH], that the Senator from West Virginia [Mr. SCOTT] has been trying every day since this bill was reported, as have others of its friends, to get the measure up for consideration. As one of the majority favoring the report, I propose to join with the Senator from West Virginia [Mr. SCOTT] in doing everything possible to secure early action upon the Sulloway bill as reported from the committee and I hope it may be taken up to-day.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

Mr. OVERMAN. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. SCOTT. Then I move that the bill be taken up; and on that motion I ask for a yea and nay vote.

Mr. BAILEY. I submit that that motion is not now in order, Mr. President.

The VICE PRESIDENT. The motion is not now in order. The order of business is now the presentation of petitions and memorials.

Mr. SCOTT. I give notice that as soon as it will be in order I shall move to take up the bill.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the bill (S. 10675) to amend the immigration law relative to alien seamen and stowaways, reported it without amendment and submitted a report (No. 1192) thereon.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indian Head, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indian Head, Md., reported it without amendment.

Mr. NEWLANDS, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 21225) for the relief of certain persons having supplied labor and materials for the prosecution of the work of making the main canal of the Belle Fourche irrigation project, reported it without amendment and submitted a report (No. 1193) thereon.

HOMESTEAD ENTRIES IN MONTANA.

Mr. DIXON. From the Committee on Public Lands I report back the bill (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes, and I submit a report (No. 1194) thereon. In view of the fact that the homes of 500 or 600 people are in jeopardy because of a ruling of the department recently made I ask unanimous consent to put the bill on its final passage.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. Let the bill first be read.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. DIXON. Mr. President, I want to say, by way of explanation, that this territory was opened up 18 years ago, but under a crude wording of the original act the department has recently held that soldiers' additional homestead entries were not permissible within the Territory. After pursuing an uninterrupted course of patenting such entries for about 18 years the department has held up about 500 or 600 entries made in good faith. The bill is merely to cure the wording of the original act. The department has recommended it.

The amendment reported by the Committee on Public Lands was to add at the end of the bill the words "if said entries are in other respects regular and the laws relating thereto have been complied with," so as to make the bill read:

Be it enacted, etc., That section 3 of the act of May 1, 1888, ratifying and confirming an agreement with the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservations, in Montana Territory, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of laws regulating the entry, sale, or disposal of the same: *Provided*, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands, if said entries are in other respects regular and the laws relating thereto have been complied with."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF CERTAIN PROPERTIES IN PORTO RICO.

Mr. WARREN. From the Committee on Military Affairs, I report back the bill (S. 10759) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department, and I submit a report (No. 1191) thereon. As it is a short bill, and it is necessary that it be considered early, I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in order to give effect to a provisional agreement between the governor of Porto Rico and the commanding general, Department of the East, the Secretary of War be directed upon the release to the United States by the Government of Porto Rico of all its rights and title to the buildings and grounds of the insane asylum, otherwise known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., to convey to the government of Porto Rico all the right and title of the United States in and to the following property: The building and grounds of Santo Domingo Barracks and the "Quartermaster's Corral," at San Juan; Fort Mayaguez, Mayaguez Barracks, and Mayaguez Hospital, at Mayaguez; the military land and buildings near Aibonito; Aguadilla Fort, at Aguadilla; and all of Henry Barracks, at Cayey, except "Hospital Hill," on which are located the hospital, commissary quarters, administration buildings, guardhouse, stables, etc., with metes and bounds as shown on map of survey by First Lieut. William H. Armstrong, September 12, 1909, and except so much of the water system of Henry Barracks as the Secretary of War shall determine is necessary to be retained in connection therewith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURPLUS POWER ON IRRIGATION PROJECTS.

Mr. BAILEY. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, to report it with a recommendation that it be passed with certain amendments which are indicated in it, and I ask unanimous consent for its present consideration.

Mr. HEYBURN. I think the bill had better go over.

The VICE PRESIDENT. Objection is made.

Mr. BAILEY. I did not understand the Senator from Idaho.

Mr. HEYBURN. This is the bill which provides for the 40-year lease of water rights.

Mr. BAILEY. Only as to water users' associations.

Mr. HEYBURN. But it is of general application?

Mr. BAILEY. No, sir. It is, by amendment reported by the committee, confined to the El Paso project.

Mr. HEYBURN. Oh, it is confined to that.

Mr. BAILEY. Yes.

Mr. HEYBURN. Then I have nothing to say. I wanted to keep an eye on it if it extended over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments, on page 2, line 12, after the word "authorized," to strike out "to make such lease," and insert "in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico;" and in the same line, before the word "years," to strike out "forty" and insert "fifty," so as to read:

SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico for a longer period not exceeding 50 years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act approved June 17, 1902.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 344, submitted by Mr. CARTER on the 10th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills and matters pending before said committee, and have the same printed for the use of said committee, and that such stenographer be paid out of the contingent fund of the Senate.

MARY E. HICKCOX.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 342, submitted by Mr. NIXON on the 10th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mary E. Hickcox, widow of John S. Hickcox, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

OSAGE INDIANS IN OKLAHOMA.

Mr. OWEN. I should like to call up the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, which was read several days ago.

Mr. SCOTT. Is morning business closed?

The VICE PRESIDENT. Morning business is not.

Mr. SCOTT. Then I ask that the request of the Senator from Oklahoma go over until morning business is over.

The VICE PRESIDENT. Objection is made.

Mr. OWEN. Just a moment. The bill has already been read. It is a department bill. It will require only a moment or two. I hope the Senator from West Virginia will not object.

Mr. SCOTT. I only ask for the regular order of business. I tried to get a very important bill up a few minutes ago and it was objected to.

The VICE PRESIDENT. Objection is made.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FOSTER:

A bill (S. 10849) to authorize the city of Shreveport to construct a bridge across Red River; to the Committee on Commerce.

By Mr. FRYE:

A bill (S. 10850) granting an increase of pension to George M. Roak (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 10851) to acquire land along the course of Rock Creek for the purpose of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. LORIMER:

A bill (S. 10852) granting an increase of pension to Joseph W. Eystra; and

A bill (S. 10853) granting an increase of pension to Thomas Penwarden (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 10854) granting an increase of pension to Lorentz Thoreson (with accompanying papers); and

A bill (S. 10855) granting an increase of pension to John Leister (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10856) granting an increase of pension to Joseph Garbison; and

A bill (S. 10857) granting an increase of pension to Joseph Antram (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 10858) granting a pension to Allie W. Thompson; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 10859) for the relief of the heirs of Matthias Leonardy; to the Committee on Claims.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. BACON. I introduce a joint resolution, which I ask may be considered at this time. It is for the purpose of filling a vacancy on the Board of Regents of the Smithsonian Institution, about which the regents have agreed. It will take but a moment.

The VICE PRESIDENT. The Senator from Georgia introduces a joint resolution, which will be read for the information of the Senate.

The joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of the Hon. John B. Henderson, to take effect on that date, be filled by the appointment of Mr. John B. Henderson, jr., of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF SUBMARINE TENDERS.

Mr. FLINT submitted an amendment proposing to appropriate $250,000 toward the construction of one submarine tender, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

RECIPROCITY WITH CANADA.

Mr. JONES (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PENSIONS TO SURVIVORS OF CIVIL AND MEXICAN WARS.

Mr. FLETCHER submitted an amendment in the nature of a substitute to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was referred to the Committee on Pensions and ordered to be printed.

DECISIONS RELATING TO OYSTER TRADE.

Mr. CULLOM submitted the following resolution (S. Res. 355), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce of the Senate is hereby authorized to investigate the application of pure-food decisions Nos. 110 and 121, issued by the Pure Food Board October 14, 1909, and May 14, 1910, respectively, and report to the Senate proper measures for the relief of oyster producers and shippers under said decisions, in order that the commercial value of said commodity may not be impaired or destroyed.

SENATOR FROM ILLINOIS.

Mr. BAILEY. Mr. President, I rise to a personal statement.

On Tuesday last, when I resumed the discussion of the contested-election case, I exhibited to the Senate an affidavit which the Senator from Iowa [Mr. CUMMINS] had received and which he was kind enough to loan to me. After I had commented on it I handed it to the Senator from South Carolina [Mr. TILLMAN], who sits next to me, for examination, and that Senator handed it to some other Senator, and it was taken across the aisle. I assumed until I looked among my papers that it had been returned to my desk, but that was not done. I am satisfied that no Senator has been careless enough to mislay it, and that some Senator, after inspecting it, put it in his desk. I will ask that those who had it will make a search for it.

I not only want to return it to the Senator from Iowa, who is entitled to the possession of it, but I want to print the signature to the affidavit for comparison. I intended to do that in the speech which was printed in the RECORD this morning, but was unable to do so for the reason which I have stated. I hope the Senators who inspected it will examine their desks, and if they find it deliver it either to the Senator from Iowa or to me.

INCREASE OF PENSIONS.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. GALLINGER. Let it be read.

Mr. MONEY. Unless that is a local bill, I will ask the Senator from West Virginia if he will not yield to me for about three minutes, to call up a local bill.

Mr. SCOTT. Just as soon as I understand my bill has been taken up I will yield.

Mr. MONEY. I will ask the Senator if this is a public measure whether he will not yield.

Mr. SCOTT. I yield.

The VICE PRESIDENT. The Senator from West Virginia yields temporarily to the Senator from Mississippi.

DISTRICT JUDGE FOR MISSISSIPPI.

Mr. MONEY. I ask unanimous consent for the consideration of the bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes. It has been favorably reported by the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

Mr. SCOTT. I renew my request.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico. Is there objection?

Mr. OVERMAN. Last night I voted to adjourn in order that the Senator from Minnesota [Mr. NELSON] might make his speech on the joint resolution then pending, with the understanding that he should make his speech to-day. I therefore object.

The VICE PRESIDENT. Objection is made.

Mr. SCOTT. I move that the bill be taken up.

The VICE PRESIDENT. The Senator from West Virginia moves that the Senate proceed to the consideration of the bill the title of which the Secretary has just read.

Mr. SCOTT. Question!

The VICE PRESIDENT. The question is on agreeing to the motion.

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. BEVERIDGE. I think——

The VICE PRESIDENT. The motion is not debatable.

Mr. BEVERIDGE. A motion to proceed to the consideration——

The VICE PRESIDENT. A motion to proceed to the consideration of a measure is not debatable.

Mr. BEVERIDGE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. If this motion carries, will it displace——

Mr. GALLINGER. No.

Mr. BEVERIDGE. Will it displace the consideration of the business for which we adjourned?

The VICE PRESIDENT. It will not displace the unfinished business.

Mr. BEVERIDGE. Was there not unanimous consent?

Mr. BORAH. No.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the motion of the Senator from West Virginia.

The Secretary called the roll; and the result was announced—yeas 49, nays 35, as follows:

YEAS—49.

Beveridge	Clark, Wyo.	Gronna	Piles
Borah	Cullom	Guggenheim	Richardson
Bourne	Cummins	Heyburn	Scott
Bradley	Curtis	Jones	Shively
Briggs	Depew	Lorimer	Smith, Mich.
Bristow	Dick	McCumber	Stephenson
Brown	Dillingham	Nelson	Sutherland
Burkett	Dixon	Nixon	Warner
Burnham	du Pont	Oliver	Wetmore
Burrows	Flint	Owen	Young
Carter	Frye	Page	
Chamberlain	Gallinger	Penrose	
Clapp	Gamble	Perkins	

NAYS—35.

Bacon	Culberson	Money	Stone
Bailey	Davis	Newlands	Swanson
Bankhead	Fletcher	Overman	Taliaferro
Brandegee	Foster	Paynter	Taylor
Bulkeley	Frazier	Percy	Thornton
Burton	Johnston	Rayner	Tillman
Clarke, Ark.	Kean	Simmons	Warren
Crane	Lodge	Smith, Md.	Watson
Crawford	Martin	Smith, S. C.	

NOT VOTING—7.

Aldrich	Hale	Root	Terrell
Gore	La Follette	Smoot	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $36 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The VICE PRESIDENT. There is one committee amendment. It will be read.

Mr. BAILEY. Is there a report with the bill?

Mr. SCOTT. There is a report. I hope it is on the Senator's desk.

Mr. BAILEY. I do not want to read it, but I want the Senate to hear it. I call for the reading of the report.

Mr. SCOTT. Will the Senator from Texas allow the amendment to the bill to be first announced?

Mr. BAILEY. I think the report ought to be read, and then the amendment can be acted on.

Mr. LODGE. Let me ask, if I may, is there no report except the House report?

The VICE PRESIDENT. There is a Senate committee report, which the Secretary will now read.

Mr. LODGE. I have tried to get the Senate committee report, but have as yet been unsuccessful.

Mr. SCOTT. I will hand a copy to the Senator.

Mr. McCUMBER. I ask that the Secretary read not only the majority report, but also the minority report.

Mr. LODGE. Yes.

Mr. BAILEY. Yes; there are two.

Mr. LODGE. For that purpose I think it would be well, if the Senator does not object, to have the amendment offered by the Senator from North Dakota [Mr. McCUMBER] read first.

Mr. BAILEY. Very well.

Mr. LODGE. And then the minority report.

Mr. SCOTT. I should like very much if Senators would allow the amendment to the original bill to be read.

The VICE PRESIDENT. The amendment of the Committee on Pensions will be read.

The SECRETARY. In section 1, page 2, line 2, before the word "dollars," strike out "thirty-six" and insert "thirty," so as to read:

Seventy-five years or over, $30 per month.

The VICE PRESIDENT. The Senator from North Dakota proposes an amendment, which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon application therefor, be entitled to receive a pension upon reaching the age specified in the following table, in an amount therein mentioned, according to the days or years of his service, to wit:

"Sixty-two years: Ninety days' service, $12; 1 year's service, $13; 2 years' service, $14; 3 years' service, $15; 4 years' service, $16.

"Sixty-six years: Ninety days' service, $13; 1 year's service, $14; 2 years' service, $15; 3 years' service, $16; 4 years' service, $17.

"Seventy years: Ninety days' service, $15; 1 year's service, $16; 2 years' service, $17; 3 years' service, $18; 4 years' service, $19.

"Seventy-five years: Ninety days' service, $21; 1 year's service, $22; 2 years' service, $23; 3 years' service, $24; 4 years' service, $25.

"That the same provision shall apply to the officers, soldiers, and sailors of the War with Mexico, except that 60 days' service shall entitle such officers, soldiers, or sailors to the amount that would be allowed the officers, soldiers, or sailors of the Civil War having 90 days' service."

The PRESIDING OFFICER (Mr. KEAN in the chair). The report of the committee will be read.

Mr. GALLINGER. I wish to make a suggestion to the Senator from North Dakota, whether he ought not to insert sections 3 and 4 of the original bill in his substitute, providing that rank shall not be considered and that no pension attorney or claim agent shall receive any compensation for services rendered.

Mr. McCUMBER. I will state to the Senator that my substitute does not interfere with those sections, but is a substitute for the other provisions.

Mr. GALLINGER. I think it is a substitute for the entire bill.

Mr. LODGE. The amendment proposes to strike out all after the enacting clause.

Mr. GALLINGER. I think the Senator had better modify his amendment by adding sections 3 and 4 of the original bill to it.

Mr. McCUMBER. I did not intend to strike out those sections.

The PRESIDING OFFICER. The Senator from New Hampshire offers an amendment to the amendment, which will be stated.

Mr. GALLINGER. I will move that sections 3 and 4 of the bill, to be numbered sections 2 and 3, be added to the substitute of the Senator from North Dakota, or the Senator can modify his amendment by adding those sections.

Mr. BURKETT. Would it not be better, since this is the House bill, to offer the amendment in the nature of a substitute for sections 1 and 2 of the House bill? Then we will be perfecting the House bill rather than perfecting the substitute.

Mr. GALLINGER. If the Senator wishes to put it in that form I have no objection.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. SCOTT from the Committee on Pensions on the 13th instant, as follows:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended when amended as follows:

On page 1, line 14, strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

As the bill passed the House of Representatives it carried a rate of $36 per month for soldiers who had served 90 days or more and who had arrived at the age of 75 years, increasing the amount above the present rate $16 per month. In the opinion of your committee this great increase on account of greater age is not warranted, and your committee believe that a rate of $30 per month would be more equitable in view of the fact that at the age of 70 years the rate is $25 per month; and hence recommend making the rate at 75 years and over $30 per month instead of $36 as provided in the bill as it passed the House.

An estimate from the Secretary of the Interior submitted to your committee is to the effect that the reduction of this rate to $30 per month would reduce the estimate of total cost of this bill, as set forth

in the report of the House committee, $4,693,825 per annum, making the total cost of the bill $40,795,643.

It might be added that a later report from the Secretary of the Interior is to the effect that owing to the fact that all claims arising under this bill could not be adjudicated the first year, it is probable that the additional cost, over and above the estimated pension appropriation, for the first year, will be about $30,000,000, as set out in the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1911.

SIR: Referring further to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, I have the honor to advise you (in response to your verbal request for an estimate as to the probable amount required for the payment of pensions for each of the fiscal years ending June 30, 1912, and June 30, 1913) as follows:

It is estimated that should such a bill become a law there would be issued between the date of its enactment and June 30, 1912, some 300,000 certificates thereunder. This would cause an increase of about $30,000,000 in the disbursements for pensions for the fiscal year ending June 30, 1912, and would require an appropriation for that year of approximately $183,000,000.

The full effect of the bill, however, would not be felt until the second year after its enactment. It is believed that there would be issued thereunder during the fiscal year ending June 30, 1913, between 150,000 and 200,000 certificates, including the increase certificates which would be allowed on account of pensioners thereunder reaching the ages entitling them to the next higher rates. The average value of first payments on the certificates issued during the last two fiscal years was about $52. On account of the increased rates provided by this bill the average first payments during the second year after its passage would be about $100. In addition to the first payments the new certificates to be issued during the fiscal year 1913 would add approximately $15,000,000 more to the disbursements for that year. The amount which would therefore be required for the payment of pensions for the fiscal year ending June 30, 1913, should this bill be enacted into law, would, according to the best information now at hand, be about $210,000,000.

The loss to the roll on account of the death of pensioners has been fully taken into consideration in reaching the above conclusions. Such loss would be, to a great extent, overcome by the increased rates to which a large percentage of the survivors would be entitled by reason of their attaining the next higher age specified in the bill entitling them to the increased rates provided thereunder.

The height of the expenditures under this bill would be reached during the fiscal year 1913. The decrease in the first payments during the following year, together with the losses by death, would probably cause a decrease of some $10,000,000 in the cost of pensions for the following year, and the loss to the roll by reason of death would probably cause a reduction of about $5,000,000 per year thereafter.

Very respectfully, R. A. BALLINGER, *Secretary.*

Hon. P. J. MCCUMBER,
Chairman Committee on Pensions, United States Senate.

[House Report No. 1767, Sixty-first Congress, third session.]

The Committee on Invalid Pensions, to whom was referred House bill 29346, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, having had the same under consideration, beg leave to report as follows:

This bill, if enacted into law, will grant to all persons who served 90 days or over in the Civil War or 60 days or over in the Mexican War, and who have reached the age of 62 years, a pension of $15 per month. This is $3 per month more than is now allowed under the act of February 6, 1907; 65 years, $20 per month. This is a new rating. Under the existing age act there is no rating between the ages of 62 and 70 years, and your committee thinks this is unjust to the soldier, and that in his declining years, with a majority of the veterans partially or wholly unfit to perform manual labor, there should be an increase allowed at the age of 65 years; hence the recommendation of a new rate of $20 per month; 70 years, $25 per month. This is an increase of $10 per month over the existing rates; 75 years of age, $36 per month, being an increase of $16 per month over the amount now allowed under the maximum rate of the age act.

Congress in the last few years has become practically a pension bureau. With old age and its attendant infirmities creeping upon the survivors of both the Civil and Mexican Wars, there is not a Member of either branch of Congress who is not besieged with hundreds of the most deserving and pitiable cases where the beneficiary is pleading for relief by special act, there being no existing law to cover these distressing cases. The Pension Committees of Congress, working by night and by day, have been able to bring relief to a few thousand soldiers, yet in comparison with the thousands who are still knocking at its doors for help, it is but a drop in the bucket. In this Congress alone there has been referred to the two Pension Committees of the House of Representatives more than 20,000 bills for private pensions. Among this vast number are thousands of blind, paralyzed, bedridden, and pain-racked soldiers with long and honorable records, whose cases can never be reached under the present system, and who will be obliged to pass their last days in misery and want.

Your committee feels that the time has come when there should be something done to relieve the Pension Committees of Congress from the tremendous amount of work that confronts them; that instead of taking up the few cases that the committees can possibly consider, all soldiers should be put upon an equal footing, and in their few remaining years equal justice should be meted out to all. The so-called McCumber Act of February 6, 1907, has proven a great blessing to the soldiers, but all must admit that it has not lessened the work of Congress in dealing with private pension cases. Your committee feels that the time has come when Congress should enact general legislation that will reduce private pension legislation to a minimum; that specific rates should be allowed sufficient to care for the soldier in his old age, so that his last days may be days of peace and contentment; that a law should be passed with the rates sufficiently equitable and just that there will not be a demand or need of any general legislation along these lines for many years to come.

If anything is to be done further in the line of legislation for the soldiers it must come soon. The services they rendered can not be measured by dollars or cents or by any pecuniary emolument, and the least this great Nation can do is to see that they are comfortably cared for in their few remaining years. With over 100 of them dying every 24 hours, or at the rate of over 3,000 a month, the ranks are fast becoming depleted. The average age of the soldier is now between 65 and 72 years. Of the 450,000 on the rolls under the age act, nearly 300,000 are estimated to be between the ages mentioned above. These men are practically beyond the years of manual labor, and thousands of them, as every Member knows by personal contact, are practically hopeless and helpless invalids. If the veterans are to be helped at all they should be helped sufficiently so that they will not be obliged to appeal immediately to Congress for special legislation in order that they may secure for themselves relief sufficient to purchase the absolute necessities of life. The country can afford to give this increase to the old veterans, as it has grown wealthy and powerful on account of the services they rendered.

According to the information furnished your committee by the Commissioner of Pensions, the estimated cost of carrying out the provisions of this proposed bill is as follows:

Age.	Increase per month.	Number.	Annual increase.	Amount.
62 years	$12 to $15	93,589	$36.00	$3,369,204.00
65 years	12 to 20	184,577	96.00	17,719,392.00
70 years	15 to 25	101,778	120.00	12,213,360.00
75 years	20 to 36	63,461	192.00	12,187,512.00
Total				45,489,468.00

While these estimates add a large sum to the present pension appropriation, yet it is necessary to do this if we are to bring the pension of the soldier to a point where Congress will be relieved of a vast amount of special pension legislation, and if an amount is given to the veteran sufficient to properly care for him, even in the plainest way, in his old age. With these facts in view, the passage of the bill is therefore recommended.

Mr. McCUMBER. Mr. President, I withdraw my request for the time being for the reading of the minority report for the reason that I am afraid that some Senators will lose the principal features in the report on account of the large number of tables that are inserted therein for their further investigation. I want to place this matter just as clearly as I can in a very few minutes before the Senate, so that Senators can understand the proposition as it is now before them.

Mr. President, let us remember now that under the present service-pension law—and the pending bill is a service-pension bill only—there are three rungs in a ladder of progression upon which are based the amount which will be received by the soldiers at certain ages. They are as follows: Those who have served 90 days and are 62 years of age are receiving $12 per month; those who are 70 years of age are receiving $15 a month; and those who are 75 years of age are receiving $20 per month.

The Grand Army of the Republic have a committee called the committee on pensions and legislation. That committee at the encampment of the Grand Army of the Republic in August last, I believe, passed a resolution declaring what they believed to be a fair and just pension law and recommended a bill accordingly. In that bill, which relates to those who have served 90 days, or any length of time beyond that, they have placed an additional rung in this ladder of progression, and provided that those who are 62 years of age are to receive $12, which is the same as they are receiving now; when they reach the age of 66 years, under that recommendation, they would receive $15; at 70 years, $20; and at 75 years, $25. In other words, the 62-year-old men would be upon the same plane that they are now; the 66-year-old men would be raised from $12 to $15; the 70-year-old men from $15 to $20; and the 75-year-old men from $20 to $25.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. CRAWFORD. Is the Senator discussing the minority report?

Mr. McCUMBER. I am discussing now what the Grand Army of the Republic requested of Congress at its last meeting.

This would require, Mr. President, an appropriation, according to the estimate of the department, of $17,210,992. In round numbers it would require an addition of $17,000,000 to the pension rolls, and would require an appropriation to meet it of that amount.

Following the Grand Army of the Republic bill, which was introduced in the Senate by me, came the Sulloway bill. The Sulloway bill raises the 62-year-old men from $12 to $15 per month, the 65-year-old men from $12 to $20 per month, the 70-year-old men from $15 to $25 per month, and the 75-year-old men from $20 to $36 per month. We have reduced that by striking out "thirty-six" and inserting in lieu thereof the word "thirty," so that the 75-year-old man will receive, if the Sulloway bill passes as proposed to be amended, only $30 per month.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. The only difference between the bill as reported by the committee on the Sulloway bill is the reduction from $36 to $30?

Mr. McCUMBER. For the soldier who has reached the age of 75 years.

Mr. BROWN. And in other respects it is the same?

Mr. McCUMBER. In other respects it is the same.

Mr. GAMBLE. Mr. President, I desire to make an inquiry of the Senator.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. GAMBLE. How many veterans who are now drawing pensions and who are 75 years of age would this affect?

Mr. McCUMBER. If I remember—it is stated in the report—something over 50,000.

Mr. CURTIS. Sixty-three thousand four hundred and sixty-one.

Mr. McCUMBER. The number is stated in the report.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the junior Senator from South Dakota?

Mr. McCUMBER. I yield, but I would rather the Senator would let me boil my statement down clearly so that Senators can understand it, and then I can go into details.

Mr. CRAWFORD. I will not take the Senator's time to any great extent. I want to get as much information as I can out of the statement of the Senator from North Dakota.

Mr. McCUMBER. I yield to the Senator.

Mr. CRAWFORD. Neither the Sulloway bill nor the substitute fixes the rate as low as the Grand Army itself recommended at its last encampment.

Mr. McCUMBER. Under the proposed substitute the rates are lower in some cases and higher in others; but neither the Sulloway bill nor the Sulloway bill with the amendment of the committee makes the rates lower.

I have explained the Sulloway bill. It will require, according to the estimate of the Department of the Interior, for the year 1912 an additional appropriation of $30,000,000; it will require in 1913 an additional appropriation of $45,000,000, in round numbers, over and above what would be allowed without the enactment of the bill.

Mr. President, there was considerable complaint by the old soldiers about——

Mr. LODGE. May I ask the Senator a question before he leaves the Sulloway bill?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. Certainly.

Mr. LODGE. I have heard it stated as coming from the department that the Sulloway bill as it passed the House would add in 10 years an expenditure of $400,000,000.

Mr. McCUMBER. Mr. President, I do not think that is true. I think that it is impossible for that to be true, because the report of the Commissioner of Pensions is to the effect that in the third year there would be a shrinkage of $5,000,000 and probably $5,000,000 a year thereafter for several years.

Mr. LODGE. The Senator has stated—and that is what called my attention to it—that in 1913 it would require $45,000,000. Now, would it, over a period of 10 years, average as much as $40,000,000?

Mr. McCUMBER. I have not made that estimate, Mr. President; I think not; but I prefer now to just explain this matter clearly, and then I will take that up.

Mr. President, on account of some complaint and after considerable correspondence with members of the Grand Army of the Republic, I introduced a substitute for the Sulloway bill. That substitute adopted a double standard of measurement of pensions. Under that the man 62 years of age, if he had served 90 days, still receives his $12; and, in fact, I have not raised the 90-day man under this substitute in any instance except a dollar a month on the soldier who has arrived at the age of 70 years and a dollar a month on those who have arrived at the age of 75 years. So under this the soldier who is 62 years of age and has served 90 days will receive a pension of $12 per month. If he is 66 years of age he will receive $13 a month; 70 years of age, $15 a month; and 75 years of age, $21 a month; and for each additional year there will be allowed a dollar a month in addition to what he would receive for the 90 days' service.

For instance, I have before me a letter from a member of one of the posts that I am acquainted with. He recites that he is yet under 70 years of age; that he is receiving $12 a month; that he served four years and some months; that there are four other members of his post who served but a trifle over 90 days, but who came in at the close of the year when we were pressed for men, and who were older than the average soldier, who are receiving $20 a month now, and under the Sulloway bill would receive $36 a month, while the man who served the four years would be receiving $15 a month.

To cure that we have adopted this double standard, which will take into consideration not only the age but also the service of the soldier, and will to a certain extent eliminate those conditions which seem to act unjustly.

I want to call attention to what this means to the Treasury of the United States. While under the Sulloway bill it would require but $30,000,000 the first year, it would require about $45,000,000 the second year in addition to what would be granted without any additional laws. Under this provision there would be required $8,439,148; say, in round numbers, $8,500,000.

I want to call attention to the fact that this would all be the first year. The next year there would be a decrease of about $2,000,000, and $2,000,000 annually thereafter. But here is the more important feature that I want Senators to look at for a single moment, and that is this: The pension estimate for the year 1912 is $153,638,000. If we add to that what would be required to take care of all of the cases under the proposed amendment we would appropriate $162,063,000 in round numbers.

I want to call attention right here that in 1909 we used $164,826,000 for paying pensions and the costs incident to the running of the pension department. In other words, to carry out this law we would need $2,763,000 less than we used in 1909. There would be a saving of over $2,000,000 instead of an addition.

Now, in 1910 we used——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Yes.

Mr. NELSON. That saving arises from the deaths that have occurred.

Mr. McCUMBER. Yes, certainly; the saving arises entirely from the deaths.

Mr. NELSON. Among the old soldiers?

Mr. McCUMBER. Yes. I have called attention to the fact that we have estimated for only $153,638,000 to carry out the requirements of pensions for the ensuing year.

I call attention of Senators again to the fact that in 1910 we paid $162,631,729, or $162,500,000 in round numbers. This amendment would require but $162,000,000, or $568,000 less than we used to pay pensions in 1910.

The only question then is, to what extent we ought to go in order to meet the requirements and the demands of the surviving veterans of the Civil War. I call attention to the fact that in this amendment we have in several instances granted to those who have had the longer service more than would be granted under the bill that was recommended by the Grand Army of the Republic, and we have granted as much in every instance under this bill as the highest amount that was asked by the Grand Army of the Republic.

The only difference is this: That while some of the 90-day men and one-year men and less-than-one-year men would receive $25 under the bill that was recommended by the Grand Army of the Republic, they will not receive this unless they served four years, and only $24 a month if they served but three years, and the 90-day men are given $1 a month more than they are receiving under the present bill.

Mr. President, the question that is appealing to me is the question of our financial condition; the question whether or not, considering the state of the Treasury of the United States and what it probably will be at the end of the year, we should add thirty to fifty million dollars to the pension roll.

While I believe that the time is coming, and should come, when every soldier who has reached the age of 70 years should receive $30 a month—even more than is granted by the Sulloway bill—my conviction is that if we can not reach that by a single step, we ought to try to reach it by successive steps, and enact, if we can, a bill that will be accepted by both branches of Congress and by the President of the United States, and which will give adequate relief to the soldiers of the Civil War under the present conditions.

I am not at all concerned about the idea that anything will be the last general legislation that we shall have; that any one act will be the limit of the action of the Congress of the United States. I believe if we can once get on a more equitable basis that will be established by this double standard we can increase the pensions next year a dollar more, the next year a dollar more; and we will very soon reach the full amount, and more than the amount that would be required to fulfill the demands of the Grand Army of the Republic.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I do.

Mr. CURTIS. The Senator from North Dakota forgets that the soldiers are dying at the rate of about 5,000 a month.

Mr. GALLINGER. Oh, no.

Mr. SCOTT. Five thousand died in December.

Mr. McCUMBER. The deaths were about 35,000 last year.

Mr. GALLINGER. That is right.

Mr. McCUMBER. The deaths last year were about 35,000; and I agree with the Senator from West Virginia that there were nearly 5,000 in December.

Mr. SCOTT. Yes; at least those are the figures I got. But apparently the soldiers are not dying fast enough to suit some of the Senators. They want to reduce this appropriation, and the veterans are not dying fast enough. They are dying at the rate of one every 11 minutes. Several have died since we took up this bill.

Mr. McCUMBER. That is true——

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. Yes.

Mr. FLETCHER. I desire to ask the Senator how it is, if they are dying at the rate he mentions, the pension rolls keep increasing?

Mr. CURTIS. The pensions have not been increasing; they have been decreasing. The Spanish-American War veterans who are justly entitled to pensions have been added to the roll, in addition to those of the Civil War.

Mr. LODGE. I think it is a correct statement that as the pensioners have diminished the pension appropriations have increased.

Mr. SCOTT. The Senator from Kansas answered that by saying survivors of the Spanish-American War have been added.

Mr. LODGE. I do not think he did answer it. I think I can demonstrate it by the figures.

Mr. CURTIS. The Senator from North Dakota has just read a statement of the reductions that have been made in the last three years. In 1909 there was $164,826,287.50 disbursed for pensions, while the amount carried in the bill for the coming year amounts to $153,000,000.

Mr. LODGE. Here is the proposition: With the rapid death rate that has been spoken of, the face of this report shows that the appropriations in three years will reach $210,000,000, the highest ever known.

Mr. CURTIS. That estimate was made on the original bill, and does not give the correct figures on this bill. The highest figure placed under this bill is an increase of $40,000,000 next year. This year only $30,000,000 will be required if the bill is enacted into law as reported from the committee.

Mr. SCOTT. That is right.

Mr. CURTIS. Senators talk about the funds. We will have on the 1st day of July in the general fund about $100,000,000. There is no earthly excuse for delaying action on this bill.

Mr. LODGE. I do not pretend to know the details of pension expenditures; I propose to look into them; but I do know that there is no surplus in the Treasury such as the Senator has described. There will never be such a surplus in the Treasury. We are about to issue bonds now to pay for the Panama Canal.

Mr. CURTIS. I desire to read from a statement of the Secretary of the Treasury showing there will be a surplus on the 1st of July of nearly $16,000,000 as estimated, and there was a total balance in the general fund on February 9, 1911, of nearly $85,000,000; and if you can issue bonds to build the Panama Canal, why not, if necessary, issue bonds to pay just pensions to the soldiers who preserved the Union and upheld this Government of ours?

Mr. McCUMBER. I am interested, Mr. President, in getting through both Houses of Congress a pension law that will be signed by the President of the United States and become a law at this session. I have stated that if this amendment which I propose does not prevail I still will vote for the bill as it was reported by the majority of the committee.

Mr. NELSON. Will the Senator allow me a question?

Mr. McCUMBER. Certainly.

Mr. NELSON. Does the Senator's substitute—I have not followed it—make any difference between those soldiers who served only three months and those who served a longer period—a year, or two years?

Mr. McCUMBER. That is just exactly what I have been explaining, that it adds a dollar a month for each additional year of service. It takes the 90-day man and leaves him exactly the same as he is to-day, with the exception that if he is 66 years of age he is to receive a dollar a month more than to-day, and if he is 75 years of age a dollar more than he would receive to-day.

Mr. NELSON. Fifteen dollars, then?

Mr. McCUMBER. Under the 90-day proposition; then, for each additional year, each soldier that would come under these subdivisions would be allowed a dollar a month extra, until the four years would give him $4 a month more than he is receiving now. The 3-year man would receive $3 a month more than he is receiving now; and the 2-year man $2 more, and so on.

Mr. NELSON. This would increase the 90-day man—that is, those that had reached the age limit—up to $15.

Mr. McCUMBER. No; not the——

Mr. NELSON. If he has attained the age of 75 years——

Mr. McCUMBER. If he is 75, he gets $21.

Mr. NELSON. Twenty-one dollars?

Mr. McCUMBER. Twenty-one dollars, if he is 75 years of age.

Mr. NELSON. And the bill makes no difference between a man who is a millionaire and a man who really needs it. They all get it alike?

Mr. McCUMBER. We have under all of the bills entirely eliminated all matter of physical disability and of financial ability in the consideration of a purely service pension roll.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. In the House report on the Sulloway bill there is a sentence which appeals to us all. It reads:

> Among this vast number are thousands of blind, paralyzed, bedridden, and pain-racked soldiers, with long and honorable records.

I will ask the Senator from North Dakota if his committee has ever taken into consideration the propriety or desirability of presenting a bill that would take care of those who are in this condition of extreme physical disability, taking care of that class that most needs pensions from the Government? These bills that are before us do not make any difference between the man who is well and the man who is broken in health, some of them requiring the constant aid and attendance of another. They make no difference between the man who has a million dollars and the man who has not a penny.

I have thought for a long while that it would be a wise thing if the committee would take up the matter of giving the large pensions to the men who are in the hopeless and helpless condition that the House committee represents as having overtaken a great many of the soldiers.

Mr. McCUMBER. I will answer that in just a moment. I want now to present another matter in answer to the feeling, possibly, on the part of some veterans of the Civil War that we are not progressing rapidly enough in the increases on general pension legislation.

I call attention to the fact that for 17 years—from June 27, 1890, until February 6, 1907—there was no general pension legislation whatever, and since that time, in the last four years, we have enacted the following legislation: The act of February 6, 1907, which increased the amount annually distributed among the pensioners $16,000,000; the act of April 9, 1908, which increased the amount that was given to the widows of soldiers $13,000,000; and if this act or the substitute which I propose should pass we would have increased the amount about $8,500,000 more, making in all about $38,000,000 increase within the last four years.

I think we have been advancing quite rapidly along in that direction and that we will be able to meet the exigencies of the demands of the soldiers probably as rapidly as they will arise.

Right here I wish to answer the Senator from New Hampshire [Mr. GALLINGER]. We have eliminated——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I understand that at 2.30 other business has been provided for and that the Senator from Minnesota [Mr. NELSON] does not care to enter upon the discussion at this time, as he would not be likely to have time to close.

Mr. NELSON. I would not have time to finish my remarks before the time set for the eulogies.

Mr. BORAH. I ask unanimous consent that we may take up the joint resolution upon Monday immediately after the reading of the Journal, and that we may vote upon the Sutherland amendment at 2 o'clock on that day.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be taken up on Monday—did the Senator say immediately after the reading of the Journal or after the morning business?

Mr. BORAH. After the reading of the Journal, in order to give the Senator from Minnesota ample time.

The VICE PRESIDENT. And that a vote be taken on the Sutherland amendment at 2 o'clock?

Mr. BORAH. At 2 o'clock.

The VICE PRESIDENT. That is as far as the request goes?

Mr. BORAH. That is as far as the request goes.

Mr. McCUMBER. I wish the Senator would not urge that request. The Senator from Minnesota wishes to be heard on the joint resolution. I will undoubtedly submit some few remarks on the same proposition. It would not give us time before we would be compelled to vote upon it. The time allowed might be entirely consumed by the Senator from Minnesota in the manner in which he desires to discuss it.

Mr. SCOTT. At what hour did the Senator from Idaho ask that the vote be taken?

Mr. McCUMBER. At 2 o'clock.

Mr. SCOTT. Why not say on that day?

Mr. McCUMBER. There are eulogies on that day. If the Senator would fix it for Tuesday or Wednesday, I would have no objection.

Mr. BORAH. I am unable to put it on Tuesday, because there are other matters which have been assigned for that day; that is, the record is closed for that day, practically. I would be willing to extend it until 2.30 p. m. That would give sufficient time.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Idaho to the fact that at 2.30 the Senator from Virginia [Mr. MARTIN] has given notice he will ask the Senate to consider resolutions commemorative of the memory of the late Senator DANIEL and the late Senator MCENERY.

Mr. KEAN. Say at 2.20.

Mr. BORAH. I will ask that it be fixed at 2.20, then. That will give us time to take a vote.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that immediately after the reading of the Journal on Monday the unfinished business of the Senate be taken up, and that at 2.20 on that day a vote be taken on the Sutherland amendment. Is there objection?

Mr. McCUMBER. I think I will have to object to a time on that day.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. I ask then that we proceed with the unfinished business.

The VICE PRESIDENT. The unfinished business is before the Senate as in Committee of the Whole. Does the Senator from North Dakota desire to proceed?

Mr. SCOTT. I should like to say a few words in reply to the Senator from North Dakota.

Mr. McCUMBER. I have not finished.

Mr. SCOTT. Then go ahead.

Mr. McCUMBER. I do not like to speak on one subject when another one is before the Senate. Must I finish on the joint resolution the brief statement I was about to make?

Mr. SCOTT (to Mr. MCCUMBER). Ask to lay it aside.

Mr. BORAH. I do not understand that I can control the subject upon which the Senator desires to address his remarks. The joint resolution being before the Senate, if the Senator desires to talk on the subject on which he has been talking he may do so.

Mr. McCUMBER. Would not the Senator agree to let the joint resolution be temporarily laid aside until I finish?

Mr. BORAH. No; that is not necessary.

Mr. LODGE. It is not necessary to do that.

Mr. McCUMBER. Very well; I will finish what I had to say. I rather dislike to do it, as another subject is before the Senate, but I wanted to answer the question by the Senator from New Hampshire [Mr. GALLINGER], in which he wished to know whether I had proposed any general legislation that would take care of the poor and absolutely destitute veterans of the Civil War.

Mr. President, in the year 1910 we took care of over 6,000 cases of destitution by private pension legislation. This year we will take care of about 3,000 cases of destitute soldiers. If I may have the attention of Senators, because many of them seem to be restive under this private pension legislation and feel that it is simply looting the Treasury of the United States, it is probably fair for me to say that in no case have we ever voted enough money in private pension bills to amount to a million dollars in a single year. The greatest amount that we have ever voted was in the year 1910, in which we added about $850,000 by reason of private pension legislation. In an ordinary year we vote about the same as we will vote this year, an average of 3,000 cases. Of the amount that would be required to give the additional pensions for the 3,000 cases there will be an equal amount lost by the death of those to whom we have granted private pensions; in other words, the increase by private pension legislation is taken care of by the death of those who have been recipients of that legislation.

Now, let me call attention to another matter, and it is in answer to the proposition I have seen in the press of the country to the effect that the private pension legislation evidences simply a desire of Senators and Representatives to take care of some of their particular friends. This is met and answered and refuted by the fact that last year there were 70 deaths out of every 1,000 pensioners generally, and there were 150 deaths out of every 1,000 of those granted relief under private legislation. In other words, the death rate is more than twice as great in those cases where private pensions have been granted as in the other pension cases. All this shows that we are trying, as near as we can, to meet those cases where relief is required.

The Senator from New Hampshire asked me if we are considering legislation for those extreme cases that he has mentioned. In answer to that I reply that nearly 400 Congressmen and more than 90 Senators by bills which they introduce in Congress are taking care of every one of the most destitute cases; and I believe, Mr. President, if there is a single old soldier destitute and hapless whose case has not been taken care of amply by the Committee on Pensions of the two Houses a telegram to the chairman of either of those committees would bring speedy relief.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I do.

Mr. GALLINGER. I think the Senator does not quite state that matter accurately. The report from which I read, made by a Member of the House of Representatives, represents that 20,000 private pension bills have been introduced during this Congress. We will pass a very small proportion of those. So we do not amply take care of all the cases of extreme destitution and suffering, and in the very nature of things we can not do it.

Mr. McCUMBER. But the Senator is assuming that every one of those cases represents destitution.

Mr. GALLINGER. I assume that no Senator would introduce a private pension bill unless it was in a case of destitution or extreme suffering. I would not, and I have not done so.

Mr. McCUMBER. I wish that all followed the same rule as the Senator from New Hampshire, but unhappily that does not seem to be the rule which has governed. The pension bills have been introduced, and it is left for the committees to weed out the poor ones and take the most worthy cases.

Mr. GALLINGER. Now, Mr. President, one other question, if it will not disturb the Senator.

Mr. McCUMBER. Not at all.

Mr. GALLINGER. Some 10 years ago I offered an amendment, I think to the pension appropriation bill, that I thought was in the interest of the soldiers and in the interest of the Treasury of the United States. It was to cut off from pensions the young women who are marrying the old soldiers 50 years after the war. We are going along that same road to-day. We have on the pension roll now several thousand widows of soldiers of the War of 1812.

If we continue to pension that class of widows, we will have on the pension roll 50 or 60 years from now widows who had no relation whatever to the war. It seems to me that we ought to purge the pension roll to that extent if it possibly can be done.

I hope the committee, in its wisdom, in the near future will take that matter into consideration and see if we can not at

least save some money in that direction and give it to the poor, destitute, and suffering soldiers who served their country on the battle field.

Mr. McCUMBER. Mr. President, I am very glad to have the Senator ask that question of me, so that it may be made clear to the Senate. My first answer is that no widow is entitled to draw a pension if she married since 1890 unless she can prove that the soldier's death was due to wound or disease of service origin.

Mr. GALLINGER. Eighteen hundred and ninety. That is not true of——

Mr. McCUMBER. It is under the general law. The law of 1890 only allows pensions to widows who were married prior to that date. That is a service law only.

But, Mr. President, here is a matter which I want Senators to consider right in connection with the question asked by the Senator from New Hampshire. There are a great many practically young women who are marrying old soldiers who still wear gold braid and shoulder straps. There are very few of them who are marrying the old veterans who walked down in the ditch and did the fighting for the country; but the young widows who are drawing the pensions were in nearly every instance the wives of officers. Encouraged by the Senate of the United States, against the kindly advice of the chairman of the Committee on Pensions, we have granted them a private pension when they were not destitute and did not need it, and when they should not have been granted any private pension whatever. So every other one now, just as soon as there is the death of an officer, immediately comes in and demands private legislation in her favor.

I agree with the Senator that we ought to eliminate those cases, but I have not had a great deal of encouragement on the part of the Senate in eliminating those cases, because these private pensions laws are passed over my objection and against my protest.

Mr. President, I hope that we will forever keep out of the pension legislation any provision relating either to physical condition or finanical condition. We have seen the frauds that were practiced under it. We have seen cases where the honest man, who would not stretch his imagination a quarter of an inch in order to secure a pension, is denied, while the man of greater elasticity of conscience is able to slide in and get a pretty good pension by showing that his physical condition or his financial condition is worse than that of the other.

We have eliminated both those provisions, and we have made the pension roll a roll of honor, without any sort of poverty or penury. I hope it will remain exactly in that condition.

Mr. President, I am going to offer this substitute, with the idea that if we can pass it into a law we will greatly subserve the interests of the veterans of the Civil War, and if we carry the amendment I am then constrained to believe that we will be able to secure legislation at this session.

Mr. OVERMAN. May I ask the Senator a question for my own information?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. Is there a soldier who served as much as 90 days not receiving a pension now or not entitled to it under the law?

Mr. McCUMBER. Will the Senator repeat his question?

Mr. OVERMAN. Is there a soldier who fought in the Union Army and served as much as 90 days who is not getting a pension to-day or is not entitled to one under the laws as they are now?

Mr. McCUMBER. Every one of them is entitled to a pension. There are a great many who have not availed themselves of the right and who are not drawing pensions.

Mr. GALLINGER. They are receiving pensions without reference to whether, then, they incurred any disability whatever in the service.

Mr. President, for the purpose of having the record correct, I questioned the accuracy of the statement made by the Senator from West Virginia that 5,000 soldiers of the Civil War died last month.

Mr. SCOTT. No; in December, I said.

Mr. GALLINGER. In December. I have asked the Commissioner of Pensions to give me the figures on that subject, and he has just informed me over the telephone that the number of soldiers who died during the month of December is 2,718 and the number of deaths in January is 3,479, which, he says, is considerably above the average. It is a large fatality, but it is not quite fair that it should go to the country that 5,000 soldiers died in December when really less than half that number died during that month.

Mr. SCOTT. I want to say to the Senator from New Hampshire that those are the figures which were furnished me, whether they were correct or not, and I think the Senator from Kansas [Mr. CURTIS] got the same figures.

Now, this 90-day business appears to be a kind of stumbling-block. As you know, we have the Scripture for saying that those who were hired about the eleventh hour were entitled to the same pay as those who had borne the heat and burden of the day. I have here the data regarding a regiment that went into the service from Massachusetts. The Senator refers to the inequalities and possible injustices from making the basis of the bill 90 days, and much has been said about the 90-day and other short-term men. An examination of the records of the War Department will show that many of the regiments got into more fighting and suffered severer losses in a few months than other regiments did in three years of service.

An illustration is pertinent here as to the Fifty-seventh Massachusetts Regiment, which left Boston Common April 18, 1864, which was pretty late in the war. It mustered 1,052 men. It marched directly into the awful fighting of the Wilderness, where it lost 200 men. Every day thereafter it was under fire, losing more or less, until by the time of the Battle of Poplar Spring Church, September 30, 1864, it had lost 802 of the 1,052 in killed or wounded. It could only muster 70 men under its colors, but they went into the fight and four of those survivors were killed in that battle. I think that is argument enough for the 90-day men.

Mr. OVERMAN. Have they not all been given pensions? They were in the service for more than 90 days.

Mr. SCOTT. I will say to the Senator from North Carolina they have not all received pensions. I sincerely hope they will all get pensions.

Mr. OVERMAN. I say so, too.

Mr. SCOTT. And I will do everything in my power to get pensions for them.

Mr. OVERMAN. So will I.

Mr. SCOTT. They served for $4.60 a month, that being the value of the depreciated currency in which they were paid when getting $13. The Senator's own State gives the Confederate soldiers pensions. Why should he object to paying a pension to those who wore the blue? I will go to North Carolina and help him pay pensions. There are 3,000 veterans of the Mexican War, all of them over 83 years old. Some of the very best people in the Senator's State are appealing to me to help get this bill through. Look at the territory the War with Mexico gave us. I believe it was an unjust war, and it ought never to have taken place, but look at the territory we acquired. Yet here you are refusing to increase the pensions of the 3,000 men who are left, all of them over 83 years of age. It is an outrage and a disgrace to this great country of ours.

Mr. OVERMAN. Mr. President, I want to say to the Senator I have never failed to vote for a pension. I was on the Pension Committee for three years; I have been here eight years, and I have voted for every pension bill. Every man in the regiment to which the Senator referred is getting a pension to-day who is entitled to a pension under the law.

HOUR OF MEETING ON MONDAY.

Mr. BORAH. I move that when the Senate adjourns to-day it adjourn to meet on Monday at 11 o'clock.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that when we meet upon Monday, immediately after the morning business, we take up the joint resolution now before the Senate and proceed with its consideration.

Mr. GALLINGER. After the routine morning business?

Mr. BORAH. After the routine morning business.

Mr. McCUMBER. I ask the Chair to state the request.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that immediately following the disposal of the morning business on Monday the Senate shall take up for consideration Senate joint resolution 134.

Mr. McCUMBER. We have just agreed to a motion to meet at 11 o'clock on Monday. The Committee on Finance will meet that day for hearings and will have hearings through Monday and Tuesday. I will not say that the hearings will continue all day long, but there will be hearings on those days. The committee will meet at 10 o'clock, and as it could not possibly be through by the time the Senator suggests I feel disposed to object to the unanimous consent.

Mr. BORAH. Very well.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. I give notice, so that the Senate may be informed, that upon Monday, immediately after the routine morning business, I will move to take up the joint resolution.

Now, in view of the fact that the hour has practically arrived for eulogies, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

SENATOR FROM ILLINOIS.

Mr. LORIMER. Mr. President, I desire to submit to the Senate some remarks on my election to this body. I therefore make a request for unanimous consent that I may proceed on Wednesday immediately after the routine morning business.

The VICE PRESIDENT. Is there objection? The Chair hears none.

MEMORIAL ADDRESSES ON THE LATE SENATORS CLAY AND DOLLIVER.

Mr. BACON. Mr. President, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 357) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ALEXANDER STEPHENS CLAY, late a Senator from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BACON. Mr. President, it was a sad meeting of Senators when Congress convened in December last. As they gathered in this Chamber there were four vacant seats, four names absent from the roll.

Since the end of the former session, and in the interval of five short months, four who were Members of this body and so long familiar to these scenes had passed away and gone to their final rest.

As the Vice President announced the close of the session in June he said, "Please God, that when the Senate assembles again next December we shall all be here." The echo of his fervent wish had scarcely died away before the veteran MCENERY received his death stroke while still upon the railroad train that only bore him to his home in time to die among his loved ones. And then within five days thereafter passed from earth the knightly soul of DANIEL. Only too soon thereafter from the West there flashed over the electric wire the dire news that the brilliant DOLLIVER was dead. Last of these, and but three weeks before we convened in the present session, in his final sleep were closed the eyes of my own honored and loved colleague, ALEXANDER STEPHENS CLAY. Each of these was a prominent figure in this Chamber. The eldest of the four, MCENERY, patient under a physical infirmity which debarred him from many of the enjoyments within the reach of others, firm and unswerving in his adherence to policies and measures approved by him. DANIEL, eloquent in speech, in manner courtly, classic in mould of feature and in his halting gait ever a picturesque reminder of the titanic struggle in which he bore his part. DOLLIVER, the orator whose voice rang out like a clarion and whose onset in debate was like a battle charge. And CLAY, ever at his post, alert to every duty, unwearying in labor, strong and fearless in debate, seeking out and challenging every wrong, a very tribune of the people.

The passing of these four Senators could but leave a great void in our midst; and their deaths, all announced in this Chamber within the same hour, presented a scene such as has never before been witnessed in the Senate since the foundation of the Government, and which, pray God, may never again be seen within these walls!

The life of my late colleague was from his childhood one of unwearying activities, one of unceasing struggle for that which was for the better and the higher. With him, from boyhood, each attainment was but a step upon the stairway that led to a higher plane of advancement.

He was not cradled in luxury nor were the muscles of his early boyhood softened in indulgent ease. He was the eldest son of a modest farmer in Cobb County, Ga., where he was born. During his boyhood he assisted his father in the manual labor of the farm. At one time, since the date when he became a United States Senator, when passing with him through his native county, he pointed out to me a field where as a boy, during the time spared from school, he had for years himself guided the plow and assisted in making the crops. On that same day he narrated to me an incident to which later events lent a more than ordinary interest. It was that, three years after the close of the Civil War, he was called from his plow in the field to the bordering roadside by his father and presented to one who was passing by and who was to him unknown. It proved to be Gen. John B. Gordon, the battle-scarred veteran who, at 32 years of age, had, by Lee's personal selection, commanded the right wing of his dauntless army. Gordon took the wide-eyed boy by the hand, commended his industry, and predicted for him a prosperous future. The boy with swelling heart returned to his plow, which he had left in the furrow, and he who was to his youthful imagination the magic hero went upon his way. Twenty-eight years after that first meeting, when Gen. Gordon closed his last term of service here, he who had then met him as the 15-year-old farmer boy succeeded him as a Senator from Georgia in this body.

While young CLAY was thus busy with the needs of the farm, they were not allowed to deny to him the advantages of a liberal education, and from the common and high schools, through the successive grades of which he passed, he was transferred to Hiawassee College, in the State of Tennessee, where in due time he was graduated with distinction. As the college doors closed behind him, he girded himself for the life work, which only ended when he finally laid down his burden 35 years later. During the years while he guided the plow in the field and conned his lessons in the village school, visions of advancement and place and fortune had stirred within him. And now that opportunity was his, the profession of the law was that with which he proposed to achieve fortune and leadership and position in public life. These he was to seek through the avenues to distinction opened in the career of a successful lawyer, the prize he set himself to win. Like so many men who in America have later achieved the highest place, when he left college he taught school while he prepared himself for admission to the bar. This he did for two years, teaching his scholars by day and himself studying the law books at night. Among those scholars was a charming, fair-haired girl, Miss Frances White, who soon thereafter became his loving and devoted wife, sharing his every burden, inspiring him in every effort, encouraging him in every struggle, and proud of him in all his successes, ending with the highest honors within the power of the State to bestow. With his admission to the bar, his work of preparation was ended, and, like a strong athlete who begins a race, he entered the lists of endeavor.

His rise at the bar was rapid, continuous in its progress, and certain and conspicuous in its achievement. So much so that within a few years, while still a very young man, he was one of the recognized leaders in a bar of exceptional ability. His success in his profession brought him not only prominence but also material reward. But it was not for him to be content with the fame of a successful lawyer nor with its pecuniary rewards. He was not indifferent to the one nor neglectful of the other, but from the not distant field there fell upon his ears and fired his imagination the echoes of political struggles, in which he was only too eager to take a part; and his pulses quickened as out of the mists of the years that stretched out before him phantom arms seemed to beckon him on to the public arena. He had not long to await his opportunity.

The same qualities which so distinguished him here made him a leader in his community and section. Soon he was chosen to represent his county in the legislature of the State, where he served for six consecutive years. Here again his ability and superior qualities brought him success, and during the last two years of his service he was elected and served as speaker of the house of representatives. From the house of representatives he was transferred by popular election to the State senate, where he was, upon his first entrance, chosen as the president of that body, and so continued until the expiration of his term two years later. From being a local leader in his own section he had become a recognized leader in his State. In all the Commonwealth there was no man of wider and more active personal influence, and there have been few public men who could confidently number so many warm personal and political friends. Without seeking the position, he was chosen the head and leader of the Democratic Party in his State, and guided and conducted it through the most exciting struggle for political mastery with the Populist Party. Soon thereafter an unexpected stroke of fate opened the door to him which led to the Senate. Upon the approaching close of the senatorial term of Gen. John B. Gordon, Charles F. Crisp, former Speaker of the National House of Representatives, had by a popular primary in the State been chosen to succeed him; but on the eve of the assembling of the legislature which was

to elect him, while his hand was outstretched to receive the commission which would consummate his life's ambition, he was suddenly stricken in death, and the legislature, in his stead, chose CLAY to succeed Gordon in the Senate.

He came here March 4, 1897, when 43 years of age, and was then sworn into office. Together on that day we walked from this Chamber and witnessed on the east front of the Capitol the first inauguration of McKinley on as beautiful a day as ever shone upon this or any other city.

Within the limits proper for these remarks it is a difficult task, and in a degree an impossible one, to speak in reasonably adequate terms of his labors and services as a Senator. From the outset he grappled earnestly with the task he had here set for himself. He was active and untiring in his labor and in his studies, and with each succeeding month he acquired to a greater and still greater extent a mastery of the work to be done in the Senate, until not only in the end, but during many years preceding the end, he was known to all the Senate, and to all the public as well, as one of the most hard-working, best-informed, and efficient of all the Senators.

Few people realize, or indeed imagine, to the extent of one-tenth of the reality the great range and extent of the labors of the Senator who shirks no duty, who sets no limit upon the range of his activities, and who endeavors to set his hands to the work of the Senate wherever it is presented to him. It is a fact, realized by all who have been in a position to properly judge, that the work of the Senator has more than doubled within the past 13 years. This has resulted from the growth of the country and the very great development and increase in governmental work and in the enlargement and multiplication of governmental functions. But this is not the only explanation of the vast range of the work of a Senator. Because the Senate is a body small in numbers, and because of its liberal rules of procedure, each Senator has the opportunity for participation and activity in every phase of the Senate's work. He is not limited to the range of a particular subject of legislation, as is largely the case with members of other legislative bodies having a large number in membership and with restrictive rules. The business of the Senate, and the scope of its subjects for debate as well, are as wide as all the affairs of this great Government, not only in relation to its own internal affairs, but also in regard to its relations to the business and politics of all the earth. No small arena is this, and great is his task who daily engages in its struggles and who, by study and thought, is fitted for the arduous work.

There are some Senators who labor only in the work of committees and who take no part in the debates. There are other Senators who do little work on committees and who are only active in speeches or in the debates. Senator CLAY was one of the small number who do both. It may be confidently said that there was not in the Senate a more diligent and faithful worker than he on its committees and in its daily routine duties. It is equally true that he was one of the most active debaters in the Senate. Not only was he an almost daily participant in the daily current debates, but when great issues were at stake, after careful study, he prepared and delivered elaborate and exceptionally strong speeches upon the questions involved therein. Perhaps the most notable of these was his speech in opposition to the ship-subsidy bill in 1902. This was most carefully prepared and was an exceedingly strong and notable speech and attracted the marked attention and elicited the strongest commendation of the press and country at large. It made a deep impression upon the Senate. It was recognized by all as far and away the strongest speech which was delivered in that notable debate and as having exerted a potent influence in defeating the passage of the bill.

Many other speeches of high excellence were made by him of which time will not now permit the mention, but among them, his speeches on the Sugar Trust will be long remembered. In addition to the work of the committees and in the open sessions of the Senate, his general work on a hundred lines, which are ever pressing here, but of which the public knows little, was immense. He not only did his own work, but was constantly helping his colleagues in the House and Senate in accomplishing theirs. In common parlance he was constantly "on the go," either on his own business or that of some of his colleagues. No one ever appealed to him in vain for assistance.

He was a lovable man and he was greatly beloved on both sides of this Chamber. That this was true of him every Senator who served with him will attest; and in Georgia no public man has ever been personally more widely loved than was he. His attention to duty, his fidelity to his trust, his capacity, and his official and personal integrity had all made a deep impression upon the general public at large, and the announcement of his death elicited from the press and public men throughout the country heartfelt tributes to his worth and public services such as have been rendered to few others. He was the uncompromising foe of extravagance in the Government and as well of every form of corruption. Of everything that could benefit the people at large he was the active champion. It was no affectation in him that he loved the common people and was devoted to their interest. It was with him an instinct, a part of his organization. He had drunk it with his mother's milk and it was bred into his blood and bone. To no safer man than he could have been intrusted the guarding of the people's interest.

Mr. President, I have personally known 30 years of legislative life, 14 years in the legislature of my State, with annual sessions, and 16 years in the Senate of the United States. In those 30 years I have been intimately associated with several thousand legislators, and I now say, with confidence in the correctness of my judgment, that, among all those thousands and in that long experience, I have never known a legislator who combined in a higher degree all at the same time the excellence of industry, fidelity, and capacity in the work of legislation. Those who labored with him in the work of committees know how industrious and how valuable he was in that sphere of work.

The Senate and the public knew of his activity in debates and in the work of the open session, while many thousands will attest his never-failing services in the vast multitudes of matters which press daily for the attention of a Senator and of which the general public knows nothing.

There can be but little doubt but that in his death he was a self-immolated martyr to his official duty as he conceived it. For more than a year he had been in a very alarming and precarious condition of health. With each succeeding month his progressing decline was painfully apparent to those who stood nearest to him. It was not doubted by those who watched him most closely that each day's labor was fixing more and more plainly the stamp of death upon him. He was daily conjured by them to leave the work and seek the restoration of his health, but in vain. He steadfastly refused to go. Three Democratic members of the Appropriation Committee were absent, seriously ill, and a fourth was attending the bedside of a member of his family in a well-nigh fatal illness, and he would not leave his post. With the shadow upon him of the wing of the hovering death angel he remained until the close of the session, and then went home to die.

Mr. President, throughout Georgia there was universal sorrow when he died; and all will agree that his death has caused a great loss to the country and to the Senate. Of the personal loss that it has brought to me I can scarcely venture to speak. I have known him for 30 years past. During the 14 years that he has been a Senator I have been most closely and most intimately associated with him, and during that time I have grown to love him as Jonathan loved David. During all those years there was never a clash or a difference between us. There was never a jealousy or rivalry between us. There was never a time when each of us was not glad to advance the interests of the other. I was the older in years and in official life, and yet I grew to lean heavily upon him and drew strength from his sustaining support. I miss him every day and every hour. To me there still come the echoes of his voice, while in absent moments I look to his accustomed seat, as if again to see him there.

Mr. President, I have consumed all the time which now is properly mine, and yet it seems to me that I have said nothing as I should of my dead friend, and I linger reluctant to say my last word of him.

At his bier stood four generations of his immediate family—his revered father and mother, each beyond fourscore in years; his loved wife and brothers; his dear children, five sons and one daughter; and his not less dear little grandson, who bears and will transmit his name.

With this grief-stricken family, and with the whole sorrowing community, on a beautiful hilltop, in the closing hour of a golden autumn day, we laid him to his final earthly sleep to await another dawn—"some radiant Easter beyond the gates of Night."

Mr. CUMMINS. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). The Secretary will read the resolutions submitted by the Senator from Iowa.

The resolutions (S. Res. 356) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JONATHAN PRENTISS DOLLIVER, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. CUMMINS. Mr. President, JONATHAN PRENTISS DOLLIVER was born in the country, not far from Kingwood, Preston County, Va., now West Virginia, on the 6th day of February, 1858. His father was a Methodist minister—a circuit rider of the old times—of New England ancestry. His mother was a southern woman of gentle grace and dignity. His early boyhood was spent largely upon the farm of his maternal grandparents, where he was born. He entered the West Virginia University while still very young and graduated in 1875, at the age of 17, with the scientific honor of his class. Very soon thereafter he turned his face to the West, taught school in Illinois for a brief period, and then settled down in Fort Dodge, Iowa, where he was admitted to the bar in 1878. The promise of a brilliant career in his chosen profession, so obvious to those who knew him, had brief opportunity for fulfillment, for, after one unsuccessful effort before the district convention, he was nominated and elected to the House of Representatives in 1888, and from that time forward his life was given to his country, and his great mind and faithful heart were devoted to the service of his fellow men in the discussion of moral, economic, and political questions either in the House, the Senate, or in the forum of the people.

He was continuously a Member of the House from March 4, 1889, until August 2, 1900, when he was appointed to the Senate to fill the vacancy caused by the death of John H. Gear. He was elected to the Senate by the Legislature of Iowa in 1902 and again in 1907. He was married in November, 1895, to Miss Louisa Pearsons, a most accomplished woman, who, in the best and highest sense was a helpmate in all the remaining arduous years of his life, and whose loving concern, loyal zeal, and wise counsels contributed mightily to his distinguished career. Of this union three children were born—Margaret, Frances, and George Prentiss. He died at his home in Fort Dodge on the 15th day of October, 1910, leaving behind him his wife, his three children, two sisters, and a brother.

This is the meager outline of one of the most conspicuous and one of the most fruitful lives of our day and generation, and the Senate has now turned aside from its usual work to survey for a brief time this towering figure which so lately, in vigor and strength, walked to and fro through this Chamber and which but a short while ago stood on this very spot quivering all over with righteous fervor and patriotic enthusiasm, delivering the last and greatest speech of his life in the Senate; a philippic, an argument, an appeal; a masterpiece in the annals of this historic body; an oration that will never be forgotten by those who heard it and that will be read by future generations with increasing delight, so long as good literature is admired and so long as freedom of political thought and public action are preserved among men. As I listened to it I thought of the remark made by Webster in explanation of his famous speech, "I only had to reach out my hand and grasp the thunderbolts as they went smoking by."

We did not know it, and maybe he did not, but the hand of death was even then upon him, and in this memorable address he seemed to gather up all his expiring energies; his strength stiffened, his power grew, and he swept on and up to his highest point of human attainment; and this was his farewell to the Senate and to the world. What an exit from the stage of human activities! What an entrance into the mysteries of the life beyond!

I did not know Senator DOLLIVER's mother, but I knew his father well, and knowing him, I would have been surprised if the son had been other than he was. The father was a striking character. Filled with religious faith that knew no shadow of doubt, he fashioned his life accordingly and turned neither to the right nor left from the path of duty. He never temporized nor compromised. He knew but one way to deal with wrong, and that was to fight it in season and out of season. He rode his circuit to preach and spread the gospel because he believed the gospel was necessary to man's salvation, and to him the luxurious and sinful pleasures of the world were not even a temptation. Just such stern, unflinching belief has made our country what it is, and it was such a man who gave JONATHAN DOLLIVER the bent and direction which kept him true and steady to the highest ideals and made it possible for him to confer lasting benefits upon the age in which he lived.

Senator DOLLIVER was an industrious student in every branch of learning. He enriched an unsurpassed natural endowment by constant explorations into all the fields of knowledge. He not only mastered the facts of history, but he caught and held its spirit and knew the relation of events to each other; and you will all bear witness to his marvelous aptitude in illustrating and illuminating the discussion of a current question by the parallels of former times. He knew the Bible better than any man of my acquaintance, and he knew it not only for its spiritual guidance, but he knew it as the source of the best and most impressive English spoken by our race. Its strong and homely idioms were always upon his lips, whether in private conversation or in public discourse, and never did a man draw from this inexhaustible fountain sweeter and richer drafts than did our beloved friend.

He was a keen analyst and a profound reasoner, and in every debate he made real contributions to the sum of knowledge upon the subject. Entirely apart from the charm of his oratory, his researches into the policies of government and into the economic problems of his time lifted him up to high distinction among his fellow workers of the House and Senate. All these virtues and accomplishments he shared with many other faithful souls, but he had one power which was not held in equal degree by any other man of his day—his wonderful, almost divine, gift of speech.

The truth is not always interesting, not always convincing, but upon his tongue it always took a form so picturesque and unique that his utterances challenged immediate attention and bore his hearers irresistibly along to his conclusion. His imagination was alive with parallels, illustrations, and pictures. The instant he touched a subject it began to glow, not only with the steady light of truth, but with the shifting, moving light of his imaginative genius. He was able to compress in a single sentence not only the most profound postulates of philosophy, but the concentrated evidences of all time of their soundness. I can not upon this occasion quote from his writing and speeches. I must content myself with saying that, measured by the standard of effectiveness and purity, his use of the mother tongue has never been surpassed and rarely equaled.

All these attributes of power, and strength, and manliness, however, shrink into trivialities when compared with his love for humanity and the fixedness of his purpose to do something for his fellow men. His great mind surveyed with intelligence and comprehension the rights and wants of the people, and his big heart drove him on and on to accomplish something in their behalf. He had a fine instinct of justice, and in attempting to secure it for the multitudes of his country he bore upon his own shoulders the burdens which injustice had imposed upon theirs. During the last two years of his life these burdens seemed to grow heavier and heavier, but he bore them manfully, and from an eloquent advocate of civil righteousness he was transformed into an impassioned apostle of reform; and in the flaming torch of his zeal he burned out his life as he led the hosts of his country toward higher and better things. You wil look in vain for a better, brighter example of sacrifice for the general welfare and the common good, and so long as men value devotion and are grateful to their deliverers his memory will be enshrined in the affections of mankind.

Of the personal loss which his death inflicted upon me I must not speak at length. During the two years through which we served together in this body the ties of friendship were so strengthened and our association became so close that when he passed away it seemed to me that my own energies were gone. I can say no more.

But of the loss sustained by that little band, so closely united in the struggles of the two sessions, I may with propriety give utterance to the special sorrow which fills and overflows their hearts. We shall miss him as we would have missed no other man. His elemental strength was not only our refuge, but our weapon. His kindliness, so pervading and so persistent, smoothed every path and removed every obstacle. We shall not soon look upon his like.

Death has in a brief period taken many of our number, and we mourn to-day not only the brilliant and courageous DOLLIVER, but the bold and resolute CLAY. He, too, had endeared himself to his associates as few men can. Clear and forcible, he was in the forefront of every important debate. His eye was single for the truth, and where the truth led him he was always willing to follow. Nothing could deter him, nothing swerve him from the utterance of his honest convictions, and the sorrow of the people of Georgia in the death of Senator CLAY can only be equaled by the grief which was felt in every home in Iowa when JONATHAN P. DOLLIVER crossed the river to receive the reward which the Ruler of the Universe has ordained for the true and the faithful.

Mr. SCOTT. Mr. President, it is always a sad occasion when we meet together in this body to speak of the death of one of our associates whose work for the betterment of mankind has been finished. Truly, he is the most worthy servant who doth well and brings sunshine into the lives of others. True wealth is of the heart, not of the hand; and ALEXANDER STEPHENS CLAY was a man whose ear was ever ready to listen to the grievances of his fellow man and to truly champion his cause if he considered that he was being unfairly dealt with or neglected.

I had the honor of being appointed as one of the representatives of this honorable body to attend the funeral services of Mr. CLAY at his home in Marietta, Ga. The heart-felt sympathy and loss of a community is shown by the last tribute paid to the one who has passed over the river of life into the Great Beyond. It was plainly manifest through the State, and especially at Marietta and Atlanta, that the hearts of the citizens of that Commonwealth keenly felt their loss by the tribute they paid him who had served them with fidelity and sincerity of purpose for so many years. For humanity gives in love what we render in faith, and after all there is a great deal of humanity in human nature, even if it takes death to awaken one to the sense of love and gratitude which lies dormant in the mind and heart. In the death of Senator CLAY the State of Georgia not only lost an able representative, an honest representative, but she lost a most worthy citizen, one whose place will be hard to fill in this body.

Thomas Carlyle said, "Do the duty that lies nearest thee, the next is already clearer;" and Mr. CLAY's public life is an example of this saying. He was fearless in his utterances when once he was convinced that he was fighting under the right flag and for a just cause, for he was one who did not attempt to win the crown of life by dodging the crosses which are to be borne by mankind, for he believed that one deed of right was worth a world of all that we hold as creeds. Surely man must stand by that which is right, for when the years that we shall pass on earth are at an end our measures of life's deeds, and our bequest to mankind through the influence of the life we lived, we are judged by the noble deeds that we have done, for the man who leaves a lasting memory to the world is the man who does good deeds to and for his fellow man.

It was my privilege, in the 12 years I have been a Member of this body, to be thrown into close personal relations with the late Senator CLAY on several committees. I think there is no place where we really learn the true character of a man or appreciate his worth as much as we do with those with whom we are associated in committee work. He was always broad in his views on matters before the committees, yet conservative, and above all things, fair to all sections and people, and with a most fervent desire to protect the interests of the Government. He asked for nothing more than he was willing to concede to others, and he was of a most genial nature, companionable, and lovable.

Well do I remember that upon one occasion he secured an authorization for a site and building in a town in his own beloved State. Shortly after, at another meeting of the Committee on Public Buildings and Grounds, he called its attention to the fact that he had made investigation in reference to the matter and was very sorry to say that he found that he had been misinformed and misled as to the needs of such a building, and stated that it was his purpose, if opportunity offered, to rectify as far as possible the wrong which would be done the Government should such a building be erected. That, to me, bespoke the man's true character. His presence and efforts on the committee were most helpful to me, and I am sure I voice the sentiment of my colleagues when I say that it was most pleasant and beneficial to have him as one of its members.

Senator CLAY's voice will never again be heard in this Chamber; but his influence, written in "memory's halls," will be felt not only in this generation but for generations to come, as his record will be one of the beacon lights for others who shall follow.

We mourn his loss, but are thankful for his great qualities of character and for the uplifting influences of his life. For—

What is our duty here? To tend
From good to better—thence to best;
Grateful to drink life's cup—then bend
Unmurmuring to our bed of rest;
To pluck the flowers that round us bloom,
Scattering our fragrance as we go.
And so to live, that when the sun
Of our existence sinks in night,
Memorials sweet of mercies done
May shine our names in memory's light,
And the blest seeds we scattered bloom
A hundredfold in days to come.

Mr. CULLOM. Mr. President, as the short session of Congress is drawing to a close, notwithstanding the pressure of public business, we have laid aside this afternoon the regular business of the Senate to pay our last tribute of respect and affection to the memory of the dead. Notwithstanding the public business, these hours devoted to memorial addresses on the lives and characters of deceased colleagues are well-spent hours of tribute and respect, which we, who are fortunate enough to be their survivors, should pay those who have gone before.

It seems to me that there have been a greater number of prominent Senators who have passed away since the close of the last session of Congress than during any similar period since I have been a Member of the Senate.

Senator Daniel, one of the most cultivated men in the Senate; Senator Elkins, one of the most popular men among his colleagues; Senator Clay, an able and fearless Senator; Senator McEnery, noted for his independence; Senator Hughes, although here but a short time, noted for his ability as a lawyer—all have passed to the beyond since our last session closed. The death of Senator DOLLIVER, however, came as more of a shock to me than the death of any Senator in recent years. It was one of the most forcible reminders that we have had of the uncertainty of life. When I saw him last he was full of life, vigor, and verile manhood. With his powerful physique, just at the prime of life, when he had the most to live for, assured of a brilliant future, he was the last man in the Senate that one would associate with the thought of death.

I first knew him as a Member of the House of Representatives. I became more or less intimately acquainted with him soon after he entered the House by frequently meeting him in the committee room of the late Senator Allison. Senator DOLLIVER, I believe, was a protégé of the late Senator Allison, who was one of the most intimate friends with whom I ever served in either House, and one of the most popular and agreeable men of his time in Congress. Senators who were here at the time will remember how much Senator Allison thought of Senator DOLLIVER, how delighted he was to hear him speak in this Chamber, and how proud he seemed to be of him.

I remember when Senator DOLLIVER was first appointed as a Member of the Senate. He then had a national reputation as an orator. He advised with Allison and me as to making speeches in the Senate. Having the old-fashioned traditions of the Senate in mind, we told him that it would be better if he made no speeches here for a year, and as I recollect it now he did not make a speech in the Senate during his first year of service.

He had a most interesting and honorable career. Born in the mountain district of West Virginia, then a part of the State of Virginia, the son of a clergyman of honest but humble New England ancestry, after receiving a liberal education at the University of West Virginia he left his native State and took up his residence in a small town in my State, Sandwich, Ill., and taught a school in that village. Teaching a school was not sufficient to satisfy the ambition of the young man, and he entered upon the study of the law, was admitted to the bar, and settled in Fort Dodge, Iowa, where he lived the balance of his life and where he died. He had the usual struggle, I suppose, that all young lawyers had in western towns, and which I myself had when I commenced the practice of the law in Springfield, Ill. He never became a great lawyer, as we understand that term here now, but he did become a great orator. Although born in a Democratic State, he was an ardent Republican, and believed in the principles and policies of his party. It was not strange, considering his ability, that he soon became prominent in national campaigns. I would not consider it an exaggeration to say that at the time of his death he was among the three or four most eloquent campaign speakers in America.

At the age of 31, in 1888, he became a Member of Congress, and continued as such until his death. In 1900 he succeeded my friend the late Senator Gear, one of the pioneer statesmen of the West, as a Member of this Senate. His service as a Member of Congress was long and distinguished. He was a prominent member of the Committee on Ways and Means of the House and was one of the framers and supporters of the Dingley law. He was then an advocate of a high protective tariff. It was not, however, his prominence as a Member of the House that resulted in his elevation to the Senate. It was his prominence as a candidate for Vice President in 1900 that induced Gov. Shaw to appoint him to succeed Senator Gear, and finally resulted in his election for a full term by the Legislature of Iowa. I have often thought of the strangeness of destiny when I think of the life of the Senator we are eulogizing this afternoon. Is it true, after all, that there is some great overruling providence which guides the destinies of nations and men? Singular it is that the two men in this country who came nearest to the Presidency and who did not succeed were Allison and DOLLIVER. Allison was the logical nominee in the Chicago Republican convention in 1888, and was defeated on account of the eastern opposition to the aggrarian element, and DOLLIVER would have been our candidate for Vice President in 1900 and would have succeeded McKinley, and probably would have been the regular nominee in 1904, had not Senator Platt, for reasons of his own, forced the nomination of Theodore Roosevelt. It seemed to be predestined that Theodore Roosevelt should become President of the United

States and one of the great characters of his day and that Mr. DOLLIVER should enter the Senate.

His reputation was probably made as a Member of the House. An honorable, able, dignified Senator he was, but oratory is not appreciated here as it is in the House. An ambitious man would have a much better chance of reaching the Presidency from the House, from the governorship of a great State, or even from private life, than he would have from the Senate. It is true that Harrison was elected from the Senate and that Garfield was a Senator-elect, but Harrison's nomination came about from a combination of circumstances needless for me to relate here, and Garfield's reputation as a Member of the House and an orator brought about his nomination in Chicago. Thinking of Garfield reminds me that there was much resemblance between Garfield and DOLLIVER. If I were to compare DOLLIVER with any American statesman, I would say that he more nearly resembled Garfield than he did any statesman of my time, although he had far more wit, combined with eloquence, than did Garfield.

Oratory is a gift of nature. The Senator from Iowa possessed that gift in a marked degree, but added to that he was a prodigious worker. When I first knew him I thought he was inclined to be indolent and that his speeches came from his wit and his marvelous command of language, but I later learned that the ideas, the thought, the arrangement, the form, and style were the result of the hardest kind of work, and that he never attempted to speak without preparation and prepared his speeches with the greatest care.

He changed his position radically on the tariff and other legislation after he entered this body, and especially after the death of the late Senator Allison. I have always been what might be termed an old-line Republican and have always supported the policies of my party. Senator DOLLIVER seemed to have the same view until the time of the consideration and passage of the Payne Tariff Act. While we differed on that legislation and he became what we term now an Insurgent or Progressive, yet we remained warm personal friends. We were neighbors. I liked and admired him and had no less respect and liking for him when he joined the opposition to the Payne Act. I realized that he was following what then seemed to be the sentiment of the people of Iowa. I do not consider it a disparagement of him to say that he was not a leader. He watched to see the sentiment of his people, just as McKinley, Blaine, and other popular American statesmen did, and when he thought he knew their real sentiment he followed them.

Every successful public man must generally follow public sentiment, at least to a certain degree, if he expects to remain in public life.

Mr. President, I pay this tribute of love and reverence to the memory of one whom I for years regarded as a devoted friend and in whose death the Nation lost one of its most brilliant and patriotic statesmen.

Mr. TALIAFERRO. Mr. President, my personal acquaintance with Senator CLAY began on my coming here as a Member of this body nearly 12 years ago. I knew him, of course, as one of the group of great and patriotic men of which his State may be justly proud, but to appreciate his full worth, the uprightness of his character, the thorough justness of his nature, the cleanness of his life, and his devotion to duty one had to know him through close and intimate association.

We here, Mr. President, so knew him, and for my part I can scarcely recall ever having met a more conscientious or faithful man. He was faithful in his friendships, in his duty, and loyal to the principles in which he believed. All of his career, from his boyhood days to the end of his life, fully sustains this estimate of his character. He was an earnest and faithful student at school and college, earnest and faithful in his work of teaching to provide means to complete his education, earnest, honest, and faithful to the people in all of the positions to which they called him, and deserving of his steady advancement from the city council of his home town through the assembly and senate of his State to a seat in this Senate, whose wisdom and moderation in its relations to the complex problems of peace and war have won for it the name of the greatest deliberative body of the world.

He regarded the position of Senator as no light or trivial honor. He esteemed it the highest in the gift of his State. He knew its responsibilities and appreciated its dignity, and he gave in return a zeal and devotion worthy of our finest and best traditions.

Nor can less be said of his private life. He was a devoted husband, a patient, indulgent, and affectionate father, and an exemplary citizen, who enjoyed and deserved the love and esteem of his friends and neighbors.

I was a member of the Senate committee which attended his funeral at his Georgia home; and, while the duty was a sad one, there was nevertheless a sense of comfort in being able to show to his memory some small measure of the respect and affection in which I held him as a man. And it was a gratification to see from the vast concourse of people embracing every walk in life—old and young, rich and poor, white and black—assembled from all the surrounding country to do honor to his memory, that our high estimate of his character was borne out at his own home, for here, where they knew him best, they loved him most. The signs of sorrow in their faces, the touching eulogies, the wealth of flowers, all eloquently testified that a good man, an upright citizen, and a faithful friend had passed away.

I know of no duty here which Senator CLAY shirked or performed in a half-hearted way. Diligent and faithful in all things, he was unwilling to concede to himself even that measure of rest which the preservation of his health demanded. He had pronounced views on the principles of government, and hesitated at no sacrifice of time or thought to make clear and plain to others the truth as he saw it.

In the tariff session of 1909 Senator CLAY was a close listener to all the discussions and a deep student of the many problems involved. He took part in the debates with ability, eloquence, and force. He was a dependable contestant on the Democratic side and a wise and experienced legislator and counselor.

I believe that the arduous work of that session undermined his health and led ultimately to his death; and so it may be said, I think, that he sacrificed his life to his high sense of duty.

Some of the religions of the Far East, Mr. President, teach their followers that the slaying of enemies in battle is one of the highest duties of the faithful and surely to be rewarded by a place in Paradise. They therefore invite death with a courage so matchless as to startle the world.

The purpose of our Government, Mr. President, is not to kill or to destroy, but to establish justice, insure tranquillity, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity.

It is not founded upon the Constitution and the Declaration of Independence alone, for they are but parts of a fabric which rests upon that deeper and more enduring foundation, the teachings of the Prince of Peace—peace on earth and good will toward men.

In the many problems which come before us we seem at times to forget this true purpose and to wander into devious ways, but if the tangled thread be traced to the end it will be found to lead unerringly to that high purpose of the fathers to establish on this soil a government so sound in principle as to endure throughout the ages. The aim of good government is, as Senator CLAY realized, peace and good will and happiness for all. He recognized that there is no higher science than the science of government, and knew fully the importance of study and thought—the light of wisdom—to illumine the work of legislation.

He had a profound consciousness of the responsibilities of those who make laws for their fellow men; and the manner of his life and death shows that he regarded no sacrifice too great to make and no penalty too heavy to pay in such a cause.

And so, when we review his career, its zeal and faithfulness, and analyze his conceptions of the high and sacred purposes of government, we must bow our heads in approval and say to ourselves and among ourselves that here, too, was a soldier who died in battle. Not in battle to kill and destroy, but to insure to mankind forever the inestimable blessings of peace and happiness.

Mr. TILLMAN. Mr. President, I have not the strength—I do not feel able to say much on this occasion. It is a sad one for all of us, and peculiarly sad to me, for since I was borne from this city last March, to all intents and purposes, and the expectations of myself and my friends, a dead man, or one who would never return, and then find that I am here still, I feel the transitory nature of human life. We are as shadows who pursue one another, and soon there is an end.

The paths of glory lead but to the grave.

The high places we have achieved here are but a step to the last resting place. All this I feel very deeply. But I would be unjust—recreant to myself—if I did not try to put a flower on each of these newly made graves.

Since I went away, death has cut a wide swath in the Senate. Six of our fellows have taken that journey—

From whose bourn no traveler returns.

I feel death is even now peeping at us around this Chamber somewhere and selecting the next to summon.

I loved these two men. They were worthy of my love. They were worthy of the admiration that we all felt for them. No two Senators who have ever been here have been more faithful to duty or endeavored more thoroughly and completely to discharge it as they understood it. I say that not because I want to pay them a compliment. Such is not my purpose. I simply want to tell the truth.

DOLLIVER, as we all called him, was a great man. Great men are plentiful in this country, but not as great as DOLLIVER. Good men are plentiful in this country, but not as good as CLAY. They both have left us and we know not how soon our own time may come. I feel that with especial force. But—but, I can not go on, Mr. President. I have thoughts, but the words will not come. So I will sit down.

Mr. LODGE. Mr. President, my acquaintance, which soon grew into friendship, began with Senator CLAY when he entered the Senate. We formed a standing pair which continued unbroken throughout his service. This brought us gradually into a close relation, and I came to know him well. Increased knowledge brought increased friendship and respect, which is not always the case. He was eminently a lovable man. His simplicity of nature, the directness of his outlook upon men and upon life, his straightforward ways, his kindness and sympathy all grew upon one, were all qualities that appealed alike to one's affection and respect. He had fought his way up in the world and attained to the highest positions by hard work and by the strong, simple qualities of both mind and character. But he had none of the aggressive vanity which too often accompanies such a career and such achievements. Because he had learned something for himself he did not at once conclude that it was unknown until it had appeared above his own horizon. Because in the ocean of human thought he discovered an island, he did not immediately decide that it had never before been trodden by man. He was wholly free from that consuming egotism which is of such a quality that it can permit nothing but its possessor to be seen or heard. This, in a roundabout way, is saying that Senator CLAY was as modest as he was simple and as unpretentious as he was straightforward.

I have thus spoken of him as a friend, of the qualities which made him a friend to be desired and loved, all too insufficiently I well know, but that is the thought which is uppermost in my mind. I must think first, when I come to speak of him here, as the friend I have lost.

It would be most unsatisfying, however, to stop there. Others, better instructed than I, will give here the record of his early life, of his labors and success, and of his steady progress to distinction and to fields of large usefulness. But I can not close without a word as to his public service as I saw it here from day to day and year to year. Senator CLAY was a good Senator, a good and an able legislator. He was diligent and thorough, and was especially industrious in that unadvertised but essential task, the work of committees, where laws and policies are shaped and where the glaring and deceptive headline rarely penetrates. He was equally diligent and painstaking on the floor. Better than anyone else, perhaps, can I bear witness to his faithful attendance, to his rare absence from a vote. He came well prepared to debate and knew and understood the subjects he discussed, but although he took a due share in all discussions, he wasted no time and never sought to utter words merely for the pleasure of utterance. He was not a time waster and was impatient of that pleasing occupation when indulged in by others. He was a high-minded, honorable man, a faithful public servant, an honor alike to the State which sent him and to the Senate of the United States. He bore his ill health and its trials with great patience and courage and kept at his work with conscientious fidelity under great difficulties. His death left a gap here not easily to be filled, but to his friends will always remain a sense of abiding loss, for he commanded not only public confidence, but the affection of all who knew him well.

Mr. BEVERIDGE. Mr. President, what can I say of JONATHAN DOLLIVER? What tribute can any man pay to this great soldier of the common good which the grateful heart of a mighty Nation has not already paid more abundantly?

And why has a whole people with uncovered heads laid upon the grave of JONATHAN DOLLIVER that tribute of mingled grief and gratitude which they seldom give to any man and reserve only for their rare beloved who have fought and fallen in the people's service?

It is not because of his brilliant abilities, whose splendor has so often illuminated this Chamber and reached beyond its walls to the confines of the Republic. It is not because his great heartedness claimed the affection of all who came within the radiance of its charm. It is not because his kindly humor threw over all he said and did a mellow geniality more compelling than those sterner and more acrid methods which many powerful men employ.

No! The American people have enshrined JONATHAN DOLLIVER in the temple of their regard because he gave, to the uttermost, all his noble and peculiar powers in the service of his countrymen, and, with an abandonment of devotion to their cause, threw the elemental force of his extraordinary gifts against the people's enemies.

For JONATHAN DOLLIVER gave himself, a living sacrifice, to the cause of human advance as much as Winkelreid in his Swiss mountains or Warren at Bunker Hill. He fell in battle for the people as surely and as really as any uniformed soldier ever fell stricken on the field of armed conflict.

While from the beginning his career was notable, it was the last two years of his life that gave JONATHAN DOLLIVER his exalted place in the esteem of the masses of his fellow citizens from ocean to ocean.

It was during these last two years that the personal relations of Senator DOLLIVER and myself grew to an intimacy of friendship which was and is one of the most uplifting and strengthening influences of my life, as it is and always will be one of the fondest and most cherished memories which I shall carry to life's end.

During these two years there was scarcely a day that we did not spend an hour or more together. Seldom did an evening pass that we did not meet at his home or mine for a little period of companionship and talk. Almost every day we walked from our neighboring homes to the Senate and back again in the evening.

A remark of Senator DOLLIVER's on one of these morning walks threw a flashlight upon that flowering out of his genius during this period which engaged the attention of all of us here, of the country at large, and indeed of the English-speaking world.

We had stopped while DOLLIVER talked a few minutes with an old, gray-haired negro. It was his custom to do just such human things. As we continued our walk I said to him: "The country always recognized your intellect and eloquence, but the country did not give you its confidence in the same degree that it gave you its admiration. You have grown more in the last 12 months in the people's trust and faith than during your whole public life."

DOLLIVER stopped, and, taking off his hat, passed his hand over his brow in that characteristic gesture all of us so well remember, and said, "Yes; I think that is so. And why is it so? It is because for the first time in my life I have determined to be intellectually free. That old, gray-haired negro to whom we were talking a moment ago was not so much emancipated physically 50 years ago as I have been emancipated intellectually within the last year and a half."

He had determined to be free. So, like another Samson, he broke the withes that bound his mind and heart and stood forth an unshackled giant, acknowledging no master but truth and his conscience.

The full meaning of this is best set forth in his career. A strange accident gave me the opportunity of hearing JONATHAN DOLLIVER's first notable public speech—a speech whose every word was so tipped with the fire of genius that in a day it made him a notable figure in contemporaneous American politics.

This speech was delivered as chairman of the Republican State convention of Iowa in 1884. I was then a college student and was spending my junior vacation in Des Moines, Iowa, at the head of a large number of other students who were selling books in that State. I went to that convention, and standing on the outskirts of the crowd, which occupied every inch of space back of where the delegates were seated, listened in wonder to this amazing address.

After that speech of course it was inevitable that DOLLIVER should enter national public life. Those were the days of an intense and bigoted partisanship, inherited from the passions which the Civil War set flaming. Also, real and vital issues divided the American people into hostile political camps of opposing convictions which were as sincerely genuine as they were clearly marked. The period has not yet come when these fundamental issues had been settled. Partisanship was then a living thing, representing crystallized opinion based on reason, although superheated by the feelings of our fratricidal conflict.

So it was natural and inevitable that JONATHAN DOLLIVER, like all the rest of us, should be ultrapartisan. And like the rest of us, when those conditions passed away, when new and real issues had risen and in their turn been settled, and when no genuine issues longer separated thinking and patriotic citi-

zens, the thrall of partisanship still chained him, as it did all of us, to party name and party organization.

But, as always has been and will be the case, when the real issues that create or continue parties have passed away, instead of the organization remaining the instrument of the party and the party name the political designation of citizens who belong to it, parties tend to become the servants of party organizations and party names an influence to compel the millions of party voters to accept anything that so-called party managers might decide on, no matter whether right or wrong.

Instead of the millions of voters who make up the party issuing their orders to party managers, it comes about that the latter issue their orders to the millions of voters who make up the party.

Thus the curious result occurs of measures being passed bearing bipartisan complexion, while, strangely enough, at the very time party managers shout more loudly than ever obsolete party catch words, demand unquestioning party regularity—meaning obedience to the ukase of self-appointed party managers instead of obedience to the desires and needs of millions of voters, with conscience alert, reason vigorous, and facts established.

To this more and more grudgingly JONATHAN DOLLIVER yielded his assent, with ever-increasing reluctance. Finally the time came when he could yield to it no longer.

He felt that this tendency inevitably must result to the injury of the people and to the impairment of parties. Ultimately came a crisis when with all the force of his powerful nature he believed that injury actually was being worked to the people under these conditions.

And so he felt it his duty to return himself and bring all men with him back to the true theory of political parties, which is that political parties are the millions of voters who compose them, and that the supreme court of party policy sits at the firesides of the Nation.

This meant, of course, the service of the whole people in its purest form. It meant that a political party ought to gather its strength solely from things it does for the welfare of the millions.

This position, of course, was as old as the theory of free government, yet as new as the fresh necessities of the people which each day's rising sun looks down upon. In a different forum JONATHAN DOLLIVER therefore stood for the same fundamental things for which Washington fought from White Plains to Yorktown, and for which Lincoln planned and labored for four heroic and immortal years.

This outburst of a conviction on DOLLIVER's part surprised many. It resembled the fierce temper of the Scotch Covenanters, the militant resolve of Cromwell's Ironsides. It was as remorseless as a storm, yet steady as the Gulf Stream. Always, to the very end, it blazed with increasing brightness and power as of the sun rising to its zenith. And, indeed, it was at its zenith that that great light went out—went out so far as his physical personality, living brain, and throbbing heart projected it, but not in its influence over this great people.

And yet it was not strange that at the period which God had appointed there awoke in JONATHAN DOLLIVER's soul the spirit of his West Virginia mountaineer, circuit-riding, abolitionist, preacher father. Blood tells, and the blood of a hero and martyr flowed in the veins of JONATHAN DOLLIVER unsuspected by those who gauged his character from his gift of wit and almost boyish love of fun. But the hero-martyr blood was there.

Had he lived in the fifties he would have been another Wendell Phillips, only more human and therefore more powerful. Had he lived in pre-Revolutionary times, he would have been another Patrick Henry, only broader-minded, more kindly, and therefore more influential. Had he been an Englishman at the time of Lord North, he would have been another Burke, only more pointed, more pungent, and therefore more effective. Had he been a Frenchman in the period of France's epochal upheaval, he would have been another Mirabeau, only with a greater blood sympathy with the common people from whom he sprang, and therefore with a wider potentiality for good.

I think that all who knew or heard DOLLIVER will admit that these comparisons are not extravagant. For, when he died, he was beyond any possible doubt the greatest orator in the contemporaneous English-speaking world. In the compelling art of oratory which has swayed the hearts of men and influenced the destinies of people from the beginning of time until now and which grows more effective as the intelligence of those addressed increases, nature made JONATHAN DOLLIVER a master; and to the mastery of this art which nature gave him he added the finished technique of decades of cultivation.

And so with these endowments he answered the high call which had come to other gifted men in like periods of human history. He put his hand upon the shoulder of his country, which he believed was being lulled into a neglect of its own interests, and rousing it from this creeping lethargy, turned its comprehending eyes once more to the sacred fires burning on the altar of those ideals which established the Republic and which alone can preserve it.

I said that he fell in battle for the people as truly as any soldier ever killed upon the fields of war. His family and close friends feared what they now sadly but proudly know, that his extraordinary output of mental and physical energy in the people's cause during those last two years hastened his untimely death. But for that he might have lived for many years.

The work he did during the tariff session drew heavily on his physical powers. Many times during that historic session JONATHAN DOLLIVER worked all night and then next day debated through long, exhausting hours. And during the months that followed, when he should have been replenishing his physical resources, he was compelled to give out more and more from the already diminished reservoirs of his power.

Who that heard it ever will forget his last speech in this body shortly before adjournment at the last session? He spoke as one inspired. He laid down fundamental principles of statesmanship and public conduct. There are parts of that speech which can be compared only to Edmund Burke's immortal address "To the electors of Bristol." But it is needless to recount either to his colleagues here or to his countrymen the details of those last two years of righteous effort and of enduring glory. The Senate and the country know them.

JONATHAN DOLLIVER in the flesh is gone from us; but with us and with the whole American people abides his spirit. Before us and before our successors will stand his inspiring example. Not so much do we do a duty to-day in celebrating the memory of a great statesman as we exercise a proud privilege in paying tribute to our personal friend and brother, and to the people's fearless, resistless soldier of their common good.

Mr. CLAPP. Mr. President, in paying my feeble but heartfelt tribute to the memory of JONATHAN P. DOLLIVER, it seems to me it is a plain duty resting upon me to place in the records of this body his concept of that impending struggle at the threshold of which he fell, and wherein he displayed such splendid courage and resplendent abilities. He realized, as every student of the great forces which make for history must realize, that in the evolution of free government there is bound to be two great decisive struggles, linked together in the indissoluble chain of sequence.

The first of these struggles was, of course, that one which finally found fruition in the establishment of free government. No one can study the character of that spirit of power and dominion which sought to block at every step man's progress toward free government, which sullenly retreated, step by step, before the advance of human progress, without realizing that that same spirit of power and dominion would attempt to regain, in a measure, in its control of the spirit of free institutions the political power which it had lost in their establishment. The long story of oppresson written on the page of history by this spirit of power and dominion betrays a character loth to yield. On the other hand, no one can study the character of that spirit which inspired man in his long, toilsome journey to the goal of free government, that spirit of sacrifice which sustained him in the struggle, without realizing that it will be slow to yield in the spirit of free institutions that which it seemed to gain in their establishment. In other words, he realized that we stand face to face with the question, more plainly stated, of whether that spirit of dominion and power within the peaceful sphere of industrial and commercial life, recast to meet that sphere as a spirit of commercialism, should dominate the spirit of institution, or whether free government, regulating and controlling that spirit as a developing force in its industrial and commercial life, should make that spirit and force the servant of free government instead of its master.

Senator DOLLIVER saw this impending struggle with a clear vision. He could see it cast its portentious shadow across the pathway of American progress. I have thus briefly and imperfectly outlined what, had he lived, would some day have been the theme of a presentation at his hands, which, recognizing his marvelous powers and his keen concept of the subject, would have ranked as one of the world's great orations.

I now turn to his relations to this struggle, which relation was, by his untimely death, terminated at its very threshold. Possessed of rare and unusual powers as an orator, of genial personality, of a broad grasp of fundamental principles, of an earnest loyalty to what he recognized as the instrumentality in

the solution of public questions, he early became prominently and closely identified with the party which, from his standpoint, most strongly appealed to him. His service to his party in the advocacy of its claim to popular approval as well as his participation in molding its policies, coupled with a personality that drew men to him and drew him to men, brought him in close association with that somewhat vague and undefined but generally recognized force called party leadership. By nature a champion of the cause of the people, he threw himself into his work with ardor and enthusiasm. He was a great potentiality in that series of legislative policies which from 1901 to 1909 left those years historical in the evolution of the effort of the American people, by regulation and control, to subordinate commercialism to the common interest. During those years he rejoiced in what he felt to be not only the triumph of his party, but the triumph of the cause of free government, and found pleasure in the association in which this work was being done.

Less than two years before his death he discovered what at first seemed to be an abatement of enthusiasm on the part of some with whom he had been associated in the great work of establishing the mastery of this Government over every agency which develops under its protection. This was something of a shock to him, but slowly and irresistibly the truth was forced into his consciousness that not only was there an abatement of that purpose for which he and those with whom he had been associated had labored, but that the spirit of commercialism had resolved to wrest from the people all that it could of what the people had won in the preceding years. He realized that he now stood at a point where he must abandon that for which he had labored or be abandoned by many of those with whom he had labored. Shocked as he was at the discovery of this condition, he never hesitated for a moment as to which alternative he would choose. He had been a potentiality in what had seemed to be the triumph of the real spirit of free government, which, in its last analysis, if it is to be free government, must hold in control and regulation the great forces which energy and ambition develop under its fostering care, because he had thoroughly believed in that; and when this alternative presented itself, without a moment's hesitation he pressed forward with renewed vigor.

At this point it seemed to many who had not known of his earnest purpose and deep sympathy with the cause of industrial freedom, that there came an awakening, but it was such an awakening as comes to a man who is pressing forward to a given goal and suddenly discovers obstacles which had not before been apparent. There was no change in his purpose, in his concept of duty, except that he realized with clearer vision than he had ever realized before, the masterful spirit, the inordinate love of power, the dogged insistence never to yield, of that force which is seeking to reestablish in the activities fostered by free government, that political dominion which it had lost after centuries of struggle and realized that the challenge meant his own emancipation. He now realized with keener concept than ever before that there could be no truce until the supremacy of free institutions were as firmly established in the peaceful field of their activities as they had been established in that more tempestuous field wherein the spirit of liberty had delivered free government from the womb of ages. This, then, was what seemed to be the awakening, and I have given this analysis, because some day the historian will record the story of this struggle, and there should be in the records of this body the statement of one who knew the very deepest heart throbs of the man whose name will be forever associated with the struggle.

He seemed also to develop new and marvelous powers, yet they, too, were but a part of that reserve force which seemed ever present when putting forth his greatest effort as when engaged in a less important debate. He felt the bitter shafts of ingratitude and his great noble nature felt the pain of the wound, but this no more deterred him than did the thought of separation, and, clad in the panoply of Truth, invulnerable as that magic shield which Merlin, the enchanter, wrought, he pressed forward like "knight of old;" with generous sympathy, to do battle for the weak; with courageous heart, to meet in battle the strong.

At this point Senator DOLLIVER began to realize that in the impending struggle, if the true spirit of free institutions is to prevail, maintain, and master the forces developed under its ægis, that equation of citizenship which we call the composite citizen, in which equation must ever rest the best, the truest, and the broadest recognition of equality, must be brought into more direct relation as a more direct factor in shaping and molding the policies of government. He again realized that it was only in the more direct application of this force that representative government would be responsive government.

When he fell in the early dawn of the struggle the people realized that a great champion had been stricken, and with tremulous voice asked when and whence will come his successor. That inquiry remains unanswered. Men combining the great traits which rendered him so conspicuous are rare indeed, and I must digress here for a moment to point out that rarest of all combinations, an intuitive grasp of fundamentals and a mastery of details, both which traits he possessed to such a marked degree. They are rarely combined, but when they are combined they produce a great and masterful mind.

While we may not find his successor, we must remember that "the blood of the martyrs became the seed of the church." Though cast in heroic mold of body as well as mind, his physical strength proved unequal to the task. Worn out and exhausted with his work, he fell, and when he was stricken, after that last great effort which was a warning to his countrymen, those for whom he had struggled, realizing that he had fallen in their cause, in their grief and sorrow, they too awoke to a deeper sense of the impending conflict and to a firmer determination to preserve their industrial and commercial liberties. And so, while we mourn his departure and deplore his loss, we realize that, like all who have died for a cause, he did not die in vain.

Back of every picture lies a background, and grand and heroic as is the picture of DOLLIVER'S public life, there is an instructive, glorious, and luminous background, and with reverent hand—for it should never be done but with reverent hand—I part the curtain to contemplate what lies mirrored back of his public service. Born of a parentage that gave to him his wonderful mental powers, his broad and intuitive grasp of fundamentals, his keen appreciation of the right, all merged into a religious faith simple as that of a child, as real to him as his earthly existence. In his home, despite the demands upon his time in his public service, he was not only loved and adored by his children, but he, in turn, loved and adored, and he found companionship in them, and that Saturday night when the news of his death came, amid the grief of that hour the thought came to me that the little boy, whom he so loved and idolized, would grow to manhood and hear of his father's fame, but could never know that companionship which would have been a joy to both.

Senator DOLLIVER, like all truly great men, recognizing that however keen a man's perception of right and wrong might be, a true woman's perception was keener yet, and in his great, generous nature he recognized the woman at his side as an inspiration. Like all truly great men he recognized that however strong of arm and courageous the heart of man, there is a more enduring strength, a more sublime courage, in the nature of a true woman, and, again, in his generous nature, he recognized his obligations to the woman at his side for this added strength, this greater courage. Small wonder, then, that a man thus equipped by nature and thus environed should be willing to sacrifice his life in humanity's cause.

Mr. OVERMAN. Mr. President, for Senator CLAY I entertained a real affection. For him as a Senator I had great respect, and I would be untrue to myself if I did not add to what has been already so beautifully and justly said, a simple and modest tribute to his memory.

The great State of Georgia has furnished to the country a long list of great men who have been distinguished at the bar, in the pulpit, and in statesmanship, some of whom have gained renown in the Halls of Congress.

She may have had greater orators, for I doubt if any State ever produced such thrilling orators as Bishop George F. Pierce and Benjamin H. Hill. She may have had some greater statesmen, for few States have furnished greater statesmen than William H. Crawford, Robert Toombs, and Alexander H. Stephens, who in statecraft had few superiors. But Georgia has never had a more faithful representative to serve her in this body; her people have had no more loyal, devoted public servant or one who did more for his State than ALEXANDER STEPHENS CLAY.

He first saw the light upon a farm in the beautiful and fertile Piedmont section of Georgia,

> Where the heart of nature
> Beats strong amid her hills.

There, as Burns said of the poetic genius of Scotland, the guardian fate of his native State—

> Found him at the plow and threw her inspiring mantle over him.

From young manhood to that scene which was his latest he could always be found in the path of duty and honor. He grew up in the country, among the plain people. He was one of them. He had their confidence to a marked degree, and they had his

love; and their interests he always had at heart. From the hour he entered public life his State heaped honors upon him, refusing not even the highest and rarest in her gift, until, while yet in his young manhood, they elevated him to a seat in this body. Three times he was elected to represent his State in the Senate of the United States—twice elected without opposition—and at the time of his sad taking-off he was serving the middle of his third term. Almost to the very last, while disease and almost the hand of death was upon him, he remained here at his post of duty, unmindful and heedless of the advice and urgent appeals of his friends and colleagues to desist from work and go away for rest.

He will be remembered here as one of the most industrious and painstaking Members of this body—always in his seat and ready to debate any question which would arise; and he never spoke but what he shed light and information upon the subject under consideration. He had an exalted conception of duty and superb courage to do it. Nothing could swerve him from doing that which he conceived was for the best interest of the people of his native State and the country.

In all the relations of life Senator CLAY was a good man, a loving husband, a kind and indulgent father, a devoted son to his old father and mother, who still survive him; a loyal friend, he was faithful, gentle and kind, modest but bold, generous but brave. He was a Christian gentleman, worshiped by his family, loved by his people, admired by his colleagues, and the pride of his State.

Mr. President, within the short time of 12 months death has invaded our midst and cast its dark chilling shadow over this Chamber, and six of our colleagues have been borne away by the mysterious rider upon the pale horse into the great beyond—a journey which the humble and the great, the rich and the poor, and we too, all alike, some day must take. We are continually brought face to face with the great mystery. Every day some friend departs, and fewer and fewer our band of friends become. And we are reminded that—

> There is no union here of hearts
> That finds not here an end.

Senator CLAY was a firm believer in the Christian religion. He had great faith in the immortality of the soul. With him it was not death to die. He was a regular attendant upon the worship of God. I have often met him on the Sabbath day wending his way to church to spend an hour in worship. His life duty done, laying aside the sorrows and troubles which infest this fitful life of ours, while the full orb of his being was slowly sinking to its setting calmly until the lengthening shadows of the sun sent his spirit beyond the shore, but—

> When the gorgeous sun illumined the eastern skies,
> He passed through glory's morning gate,
> And walked in Paradise.

The realm of death seems an enemy's country to most men, on whose shores they are loathly driven by stress of weather; to the wise man it is the desired port where he moors his bark gladly, as in some quiet haven of the Fortunate Isles; it is the golden west into which his sun sinks, and sinking, casts back a glory upon the leaden cloud-tack which had darkly besieged his day.

Mr. President, these are not idle ceremonies. Good men live not in vain. We do well to arouse the aspiration of the rising generation by telling of those who served the people faithfully and well by telling the simple and beautiful story of a life well spent, trials and difficulties overcome, the days and nights of toil and struggle, and at last the victory won, the Christian life, the living faith, the hope of better life in the great beyond.

A great, good man has gone forever. His memory will be enshrined in our hearts and bring encouragement to all who aspire to leadership, who love their country and would serve their fellow citizens.

Let us indulge the hope that when our friend crossed the dark river he awoke rejoicing to rest "in that home of the soul" which "I fancy but thinly the veil intervenes between that fair city and me."

> Beyond the flight of time,
> Beyond this vale of death,
> There surely is some blessed clime
> Where life is not a breath.

Mr. CARTER. Mr. President, during this session of Congress the Senate has been called upon to suspend its ordinary legislative work to an unusual extent to pay tributes of respect to the memory of deceased Senators. The hand of death has fallen heavily upon the Senate during the Sixty-first Congress.

This day is devoted to the memory of two former Members, who were very near and very dear to their colleagues—Senator CLAY, of Georgia, and Senator DOLLIVER, of Iowa. Words of commendation spoken for one might well be applied to both of these distinguished men.

My committee relations were such as to bring me into intimate association with Senator CLAY, and I embrace the sad privilege of bearing witness to his balmeless life, his splendid ability, and his tireless devotion to duty. For more than 10 years we served together on the Committee on Post Offices and Post Roads, and for 5 years of that time we were associated as members of a joint committee of the two Houses charged with the investigation of alleged abuses of the second-class mail privilege and the proposed reorganization of the Post Office Department and the postal service. That joint committee consisted of Senators PENROSE, CLAY, and CARTER, on the part of the Senate, and Representatives Overstreet, GARDNER of New Jersey, and MOON of Tennessee, on the part of the House.

The task assigned was extremely difficult and the labor involved correspondingly great. All Senators witnessed the close attention and the vigilant watchfulness of Senator CLAY in this Chamber, but it was given to the members of the Post Office Committee and the joint committee of the two Houses to observe the painstaking care and singular devotion of the Senator in dealing with facts, figures, and details, of which the public at large have little or no knowledge.

The serious work of our legislative body is performed by its committees, and this is notably true of the United States Senate; and, in turn, the actual work on each committee is performed by a minority of its members, the majority dealing, as a rule, only with the general principles involved. In the last analysis it falls to the lot of one, two, or three members of a committee to take special charge of important measures, to master the details, approve the phraseology, and determine the constitutionality of the measure before reporting it to the full committee and ultimately to the Senate.

ALEXANDER S. CLAY was one of those possessed of both the ability and the inclination to perform this onerous kind of service. Although tenacious of his own opinions, he was always open-minded and tolerant in his consideration of the views of others. Always firm but never dogmatic, he was both helpful and accommodating. Although adhering to his own views with sufficient strength to test the policy, the logic, and the wisdom of the counter proposition, he was always prepared to accept the true and correct view when that view was clearly developed.

Two large volumes stand as monuments to the labor of the joint committee on postal rates and postal reorganization, and to the memory of our deceased colleague must be placed a full measure of the credit for all the committee did in preparing the way for a more enlightened and efficient organization for the greatest business department connected with any government in the world.

Senator CLAY died a victim to what may well be termed a mistaken sense of duty. It was apparent to his colleagues in the Chamber that he had overtaxed his strength and was jeopardizing his life by refusal to leave the post of duty for needed rest. Time and again I urged him to withdraw from this field of exacting labor, to repair to some place where he could secure needed rest and exemption from the burdensome duties of his great office. He realized the peril, but in tones of touching resignation he said, "I know that I should not be here, but I can not leave my post."

I have no doubt that he would be alive to-day had he not continued in the Senate throughout the last session of Congress. When the vacation came with the adjournment his overtaxed constitution had become so weakened that recovery was impossible.

He repaired to his home in the State he loved and served so well, and after lingering for a time, surrendered his hovering powers of life to the final impulse.

Like the majority of Members of this body, Senator CLAY was a product of the farm. From obscurity and poverty he reached great distinction and high official recognition at the hands of his countrymen. In his death the State of Georgia suffered a great loss and the Nation at large was by that sad event deprived of the services of a pure, high-minded, and efficient public servant.

To those near and dear to our departed colleague we can give little in the way of consolation, nor is it necessary to attempt to console by mere words of mouth, for by an honorable career and through duty well and faithfully performed in every relation of life, ALEXANDER S. CLAY left to his countrymen and to his family not only consolation, but cause for rejoicing.

Mr. LA FOLLETTE. Mr. President, I saw him first nearly a quarter of a century ago, mounted on a table, addressing the crowd of delegates that thronged the headquarters of a presidential candidate at a national convention. I see his commanding figure as plainly now as then, and again I hear his

animated and stirring appeal, his eloquent periods, his flashing wit. It was young DOLLIVER, of Iowa, pleading with visiting delegates to nominate Allison as the Republican candidate for the Presidency. For several days before the balloting began this remarkable young orator made the Iowa headquarters the center of interest when the convention was not in session.

That same year he was elected a Member of the Fifty-first Congress and entered upon his brilliant public career. His delightful personality, his rare talents, won him strong friends and high rank at once. I was then a Member of the House, and we became friends. At the close of that Congress he was returned to the House. I was defeated, and returned to my State. He came to the Senate, and our ways lay apart for some 16 years. The difference of environment and experience separated us somewhat in our opinions as to men and measures. Both of us carried our convictions to the public platform, covering the same States and often addressing the same audiences. While each recognized the differences of those years, our friendship was unbroken, and a brief service here in this body brought us into perfect agreement on public questions and knit closer the ties of that friendship which I shall cherish while I live.

When Senator DOLLIVER entered public life, and for many years thereafter, party feeling was very strong. Issues, the offshoot of those which had riven this country with civil strife, still swayed political conventions and found prominence in political platforms. The life here, to the prejudice of the highest public service, does much to furnish artificial stimulus to party regularity. None of us wholly escape its influence.

But, sir, as the years unfolded, as evil fostered in privilege grew strong and bold, its aggression roused the giant strength reposing in this man of power. He was no longer simply the polished orator, charming with eloquence and epigram, but a new being in the grip of a mighty conviction, armed with the truth, against which organized wrong, unable to stand, broke and fled in consternation.

Who that heard him in the debates of 1909 and 1910 can ever forget? He seemed to have brought back to us something of the greatness of the Senate of other days. The impression upon the country was scarcely less profound. His power was felt in every commercial center and by every fireside in the Nation. His scathing denunciation of the "brutal tyranny of great interests" seared like a hot iron those whom he charged with "capitalizing the schedules of our tariffs." His prophecy of the "good time coming, when this people shall so frame their statutes as to protect alike the enterprises of the rich and poor in the greatest market place which God has given to His children," strengthened the hope of democracy and the resolution of good men and women in every home throughout the land.

The generations had been preparing him for his work. By ancestry, endowment, training, he had been made ready to challenge wrong and oppression.

It was not alone his eloquence, the purity and rhythm of his diction, the fine touches of vivid imagination, the dazzling play of his nimble wit, but over and above all was the everlasting righteousness of his cause, the appeal for human rights that will not be denied—God's eternal justice, the fundamental law of social life.

He was cast in a heroic mold—a giant with the tenderness of a little child. His powerful blows leveled against wrong made him a host in the present struggle for political justice. His was a philosophic spirit. He held no grudges, harbored no animosities. His opponents feared and respected him. His comrades loved him as a brother.

Anything which we may say here to-day can but imperfectly suggest the beauty and symmetry and power of this remarkable character. When loving hands shall give his addresses and writings to his country, they will best portray the life and services of JONATHAN PRENTISS DOLLIVER.

He set the mark of his genius upon everything he touched.

Out of the libraries which have been written on Lincoln, where will be found anything superior to these words which brought all his hearers cheering to their feet when they fell from the lips of DOLLIVER:

> Who is this, sitting all night long on a lounge in the public offices of the White House, listening, with the comments of a quaint humor, to privates and officers and scared Congressmen and citizens who poured across the Long Bridge from the first battlefield of the rebellion to tell their tale of woe to the only man in Washington who had sense enough left to appreciate it or patience enough left to listen to it? Is it the log-cabin student, learning to read and write by the light of the kitchen fire in the woods of Indiana? It is he. Can it be the adventurous voyager of the Mississippi, who gets ideas of lifting vessels over riffles while he worked his frail craft clear of obstructions in the stream, and ideas broad as the free skies, of helping nations out of barbarism as he traced the divine image in the faces of men and women chained together, under the hammer, in the slave market at New Orleans? It is he. Can it be the awkward farm hand of the Sangamon who covered his bare feet in the fresh dirt which his plow had turned up to keep them from getting sunburned while he sat down at the end of the furrow to rest his team and to regale himself with a few more pages of worn volumes borrowed from the neighbors? It is he. Can it be the country lawyer who rode on horseback from county to county with nothing in his saddlebags except a clean shirt and the Code of Illinois, to try his cases and to air his views in the cheerful company which always gathered about the courthouse? It is he. Is it the daring debater, blazing out for a moment with the momentous warning, "A house divided against itself can not stand," then falling back within the defenses of the Constitution, that the cause of liberty, hindered already by the folly of its friends, might not make itself an outlaw in the land? It is he. Is it the weary traveler who begged the prayers of anxious neighbors as he set out for the last time from home, and talked in language sad and mystical of One who could go with him and remain with them and be everywhere for good? It is he.
>
> They said he laughed in a weird way that night on the sofa in the public offices of the White House, and they told funny tales about how he looked, and the comic papers of London and New York portrayed him in brutal pictures of his big hands; hands that were about to be stretched out to save the civilization of the world; and his overgrown feet; feet that for four torn and bleeding years were not to weary in the service of mankind. They said that his clothes did not fit him; that he stretched his long legs in unsightly postures; that he was common and uncouth in his appearance. Some said that this being a backwoodsman was becoming a rather questionable recommendation for a President of the United States; and they recalled with satisfaction the grace of courtly manners brought home from St. James. Little did they dream that the rude cabin yonder on the edge of the hill country of Kentucky was about to be transformed by the tender imagination of the people into a mansion more stately than the White House; more royal than all the palaces of the earth; it did not shelter the childhood of a king, but there is one thing in this world more royal than a king—it is a man. (Extract from address of Hon. JONATHAN P. DOLLIVER, delivered at the annual Lincoln dinner of the Republican Club of the city of New York, Feb. 13, 1905.)

It is very hard to be reconciled to the loss which the country and the cause of human rights sustained when he was summoned. We can not understand. We can only bow in submission, grateful that God spared him to do the work which rounded out his great career, and gave his enduring name to the plain people of America.

He had climbed to the summit of the mountain. His vision swept the wide horizon. He was ready for the highest service which man can render unto men.

And then—almost without warning—came the mandate:

> Be ye ready; the summons cometh quickly.

And in the twinkling of an eye the impenetrable shadow fell about him, and he was gone.

We look for him in vain. We cry aloud, but death makes no answer to the living. We can not know whether our cry is heard. Baffled, we can only blindly call across the tomb to our beloved companion: Hail, hail, and farewell!

Mr. BAILEY. Mr. President, in my time I have known and loved many true and noble men, but I never knew and I never loved a truer or a nobler man than the late Senator CLAY. He was one of those perfect characters that grow on us day after day and shame us for our own imperfections.

It was my privilege, sir, during the last years of his service here to sit by his side, and I came to know him almost as a brother. I saw the workings of his mind and I saw him always striving and eager to know and to do the right. During all of my intimate association with him I can say of him what I would deem a sufficient epitaph for my most partial friend to write of me when I am gone, and that is, he never acted and he never spoke an unworthy deed or thought.

He was not great in the sense in which some men use that word, but he was great according to the best sense in which it can be used, because true greatness in this world consists in always being right, and not one amongst us here erred so seldom as did that splendid man.

When I was younger I thought men were only great when God had given them such power of speech that they could move the multitude to tears and shouts, but, sir, I have lived long enough to change my mind. So often have I seen men gifted with great eloquence speak as if they were inspired, and ere the echo of their voices had died away and while the music of their voices was still enthralling the audience I have seen them cast some very foolish vote.

And so I have concluded that the really great man in this world is not the one who stirs our souls to their profoundest depths, but he is the one who teaches us to do what is right; and such a man was Senator CLAY. Responsive always, here and everywhere, to calls for sympathy, he was responsive more to justice. He understood the distinction, which all public men should cherish, between the privilege of a man to do benevolence and the duty of a Senator to do justice. His hand was "open as day to melting charity" with what belonged to him, but when he came to appropriations from the public Treasury he set his face like flint against the waste of the people's money.

No man of any generation better deserved the tribute which Blaine paid to the southern statesmen of the time before the war, when he said that they were liberal and even lavish with

the money which was their own, but they regarded the public money as a trust fund and spent it only for the Government's necessities.

He was a plain man, too, in the sense that every honest man beneath the flag of this Republic could approach him and petition him for justice. No formalities, even in this high station, ever removed him from the people whose commission he bore, and I have seen the pages bring him cards when he was engrossed with some question before the Senate, but whenever there was the name of a Georgian written on it he always answered it in person. Promptly and cheerfully, no matter how much he was occupied, he answered the call of every man or woman who came to the Capitol of this Republic from the State which had honored him with a seat in this great assembly.

He was a demagogue, sir, in the older and better sense of that word, which implied that he was a leader of the people against class and privilege; but he was anything but a demagogue in the modern sense, which means that a man follows rather than leads the people.

He believed as earnestly as man ever believed before him and as man will ever believe after him in the intelligence and in the patriotism of the American people, and he never feared to trust their sober judgment for his vindication when he believed that he was right. If he had one shortcoming as a public man it was his intense anxiety always to be right. I have seen him worry even when his fatal illness was on him; and one day I said to him, "My friend, you are killing yourself not only with work—I doubt if that ever killed any man—but you are killing yourself with work and worry." "Well," he said—and he said it with the simplicity of a child—"I am always afraid that upon these great questions I may give a vote that in the years to come will work an infinite injury to my people and to my country."

Mr. President, it was difficult to chide a sublime consecration to the public service like that, and I could make no answer to him. He not only professed this fear of being wrong, but he lived it, and I saw him work until he fell a sacrifice, as the Senator from Montana has so well said, to his all-controlling sense of duty. Perhaps, after all, that is the most glorious death that can come to men. The soldier on the field of battle, meeting his death in a furious charge, deserves no credit, for, stimulated by the strains of martial music and under that strange spell woven around them by the cannon's roar, men feel no danger and fear no death. But here in civil life, with nothing to stir his blood or move his passions, he is brave beyond all description who unflinchingly looks death in the face and refuses to flee its presence.

Mr. President, many have fallen from these high seats into an honored grave; many have left behind them friends to mourn and fame to live; but amongst all who have gone before us not one went to a more certain reward than ALEXANDER STEPHENS CLAY, for if he had one faith sublimer than his confidence in his countrymen it was his faith in God. He did not proclaim, as so many men of less sterling virtues have done, his belief in a state to come. He did not stand upon the corners as the publicans of old, inviting those who pass to applaud his righteousness. But, sir, he died believing in God and in the Scriptures, and, like all others who have so died, he shall live again.

Mr. BACON. I desire to state that my colleague [Mr. TERRELL] was to have taken part in these exercises to pay a tribute to the memory of the late Senator CLAY, but he is necessarily deprived of that opportunity by his personal illness, which has detained him from the Chamber.

Mr. GORE. Mr. President, I do not rise to pay either an adequate or a studied eulogy to our late friend, our lamented colleague and associate. I do not rise to lift up a splendid monument to his memory. I come to plant a flower upon his grave and to pay a loving tribute to his services and to his character.

We do honor to ourselves in the observance of this ancient custom of the Senate. Mr. President, even the savages of the wildwood held in affectionate remembrance those warriors who were loved in life and lamented in death. How much the more fitting then that we who are heirs to all the ages should commemorate the deeds of those mighty dead whose spirits still rule us from their sacred urn. How much the more fitting that we should commemorate the services of those who have bequeathed to us a legacy of glory that can not fail so long as public and private virtues are reverenced among the sons of men.

In every time and in every clime the undying dead have risen and have lived again. Some have lived again in the beaten brass and in the sculptured marble. Some have lived again in story and in song. But, sir, these fleeting tributes may pass with their authors to the oblivious tomb. The beaten brass may buried lie beneath the accumulated dust of ages. Even the marble may molder and surrender its epitaph to the untiring tooth of time. All these tributes, all these memorials, await alike the inevitable hour. They pursue those paths that lead but to the grave. The best and the brightest monument which we can dedicate to our friends that are gone, the holiest shrine that we can consecrate to our departed patriots, must be found in the hearts and in the memories of their countrymen.

Mr. President, the pyramids still stand, but the names of their royal builders have hardly escaped forgetfulness, and are now remembered rather for the oppression and the miseries that they wrought. Scholars may dispute as to the tomb of Mary's Son, but no one will be found to deny the beneficence of His influence and His example.

The fame and the name of DOLLIVER are secure. He won his way to the exalted station which he occupied and which he adorned. He was born of unpretentious parents in a modest home in Virginia. The modest American home has ever been and must ever be the nursery of true genius and of true greatness. His opportunities were limited, but his ambition was unconfined; not that "ambition which overleaps itself," but, sir, that ambition which seeks no other outlet than service and seeks no other reward than merited honor.

Nature dealt generously with our lamented friend and he was grateful unto her. She gave him more than ten talents and he increased his talents more than twofold. He was both brilliant and versatile; but, sir, he added depth to versatility, and he added weight to brilliancy. By talent and ambition not alone did he succeed. Men have been possessed of both, yet wanting untiring industry, have failed. Men have wanted both, yet possessing an energy that did not falter, have achieved and have deserved success. Unfaltering effort and ungrudging self-sacrifice go far to make up the price of his success.

The best possession of a free people is their men of high character and unspotted integrity. The best heritage of a free people is the influence and the memory of such men.

The lesson of DOLLIVER's life is this, that in his youth the time had not come, and that the time has not yet come, when every gate is barred with gold and opens but to golden keys. Worth was the key whereby he did advance. We have in this country a democracy of worth instead of an aristocracy of birth. Much of the glory of our institutions, much of the glory of our history, is due to the fact that American society can avail itself of the best talents born beneath our flag.

Access to opportunity explains much of our history. Whatever glory we may achieve in the future, access to opportunity must in great measure account for its achievement.

Any system should be unrelentingly resisted that would cheat talent of opportunity or cheat society of talent.

In the example of Senator DOLLIVER every youth may see the star of hope, and in his achievements may perceive the bow of promise.

Mr. President, there is one striking resemblance in the public services of Senator DOLLIVER to the public services of the great English prime minister. Mr. Gladstone began his political career as a high Tory, as a conservative of conservatives. He closed his long and illustrious life as the chosen and acknowledged leader of the liberal sentiment of the United Kingdom. The liberality of DOLLIVER was rational, was temperate, was judicious. He assailed nothing old merely on account of its antiquity; he accepted nothing new merely on account of its novelty. He accepted the good notwithstanding its age, and he likewise accepted the good notwithstanding its youth.

I believe that no man in American public life had a keener appreciation of the tendency of the times. He looked as deeply as any man into the secret causes which are to-day responsible for the currents and countercurrents that are agitating public life in America.

I have sometimes thought that while he united ethics to politics, he allowed the moral side to preside and to predominate over political considerations, and I have also thought that during the last session sometimes the shadow of the coming event was falling across his way, and that the light of another world was even then breaking upon his vision.

DOLLIVER loved his fellow men, and he was loved by them in return. He was just. He neither hated nor flattered the rich

on account of their riches, nor patronized the poor on account of their numbers. He could not be lured from the path of duty by the blandishments of wealth nor driven from that straight and narrow way by the mutterings of the mob. Unlike the time server, he did not hover about the heels of progress nor did he, like the revolutionist, outrun the vanguard of rational reform and of enlightened advancement. He held the scales of justice with even hand. He was both just and generous; but, sir, he deemed it better to be just than to be generous.

It has been said that republics are ungrateful. I have never been willing to own that harsh impeachment. I believe the people are wise to know and generous to reward their friends. I believe the example of DOLLIVER demonstrates that the people are willing to render honor where honor is due. In his life and in his death he enjoyed the affectionate confidence of the American people, and the desponding statesman may well look upon his fate and his destiny and be of good cheer.

Mr. President, if usefulness were a safeguard against the last dread summons, DOLLIVER had survived. His country needed his services; the Senate could not spare so useful a Member; the Republic could not spare so useful a public servant. Progress lost an apostle, freedom lost a friend, liberty lost a lover when DOLLIVER died.

He was a champion of the right; he was a challenger of the wrong. No more have we his presence, his eloquence, and his counsel among us; but we have the best of all heritages, his influence and his example. I feel sure that his life will constitute an example that will prove an inspiration to every youth who to-day is putting on the tender leaves of hope; it will prove at once an assurance and a warning to all those who to-day bear their blushing honors full thick upon them; and his example will prove a consolation to all those who still linger in the sere and yellow leaf. All those who are now in the sunset of life may see in his example those stars that are invisible by day.

Well, Mr. President, may we cherish his memory, for, taking him all in all, we shall too rarely look upon his like again.

Mr. CHAMBERLAIN. Mr. President, when I was honored by being requested to say a few words on this occasion I hesitated to accept the invitation because I felt that there were those of my colleagues in this Chamber who, from a more intimate acquaintance with the late Senator JONATHAN P. DOLLIVER and from long association with him, both socially and politically, were better qualified than I to speak of his many excellent qualities of head and heart. But knowing him slightly, as compared with others here, I had learned to love and admire him, and, yielding to none in my veneration to his memory, I did not feel that I could with propriety decline to say a few words in commemoration of his distinguished services to his country in whatever capacity he was called upon to act.

My acquaintance with him began during the presidential campaign in 1904, and after that I saw much of him, particularly during my service in this body and as a member of the Committee on Agriculture and Forestry, of which he was chairman. Here I came into intimate touch with him socially and officially and had many opportunities to observe his methods of getting at the merit of things affecting the public. He was one of the most remarkable men from every point of view it has ever been my pleasure to meet, and I have sometimes wondered where he found opportunity, in the multitude of his official as well as private engagements, to make of his mind such a storehouse for all the learning that goes to make the polished orator and the finished statesman.

That he was an orator with few, if any, equals in this day and generation, is recognized throughout the length and breadth of the land. Whenever and wherever he arose to address an audience, whether on the rostrum or in a legislative body, he was sure to command the respectful and undivided attention of his audience; and it was the subject of general remark among us here that he was one of the very few members of the Senate who was always able to command the attention both of his colleagues and of the galleries, and this whether those who listened to him agreed with him or radically and essentially differed from him in the opinions he held and in the views he expressed. The previous announcement that Senator DOLLIVER was to address the Senate at a given time, upon any subject, was sure to bring around him his colleagues and insure him the respectful attention of all who heard him.

Not only was he an orator, but his strongest political opponents freely accord to him the elements of the highest statesmanship. In the earlier days of his public career I think it may be truly said that he was rather of the conservative type of statesman, sometimes following—as I have heard him say—those who had been designated as the leaders of his party even into paths where his better judgment disapproved; but in later years he showed a spirit of independence, which not only placed him in opposition to those with whom he had been wont to work in harmony, but placed him in the front rank of the leaders of a progressive Republicanism. Knowing him as I did, I am unwilling to believe the suggestion that has sometimes been made against him, as it has been made against other strong progressive leaders of his party, that he and they were actuated rather by a desire to win the plaudits of the multitude than to voice the sentiments which came from the promptings of the heart and conscience. On the contrary, I am satisfied that as he grew older and his line of vision extended he felt more independent, and, realizing his ability, grew restive under the restraints of partisan leadership. Shortly before the last address he delivered in this distinguished body he told me that he felt more independent than he had in the earlier days of his public career, and was sure that in the exercise of that independence which he intended should characterize his future conduct he could serve his country best and surely better satisfy his own conscience.

Yet notwithstanding this I am satisfied that in measurably separating himself from those with whom he had been wont to work in perfect harmony he experienced that regret which all good men naturally experience when there comes a parting of the ways for those who for a lifetime have served side by side, burying differences which were nonessential for the purpose of united action on those things which were essential from the party standpoint. As evidence of this I have but to call attention to that last splendid address delivered by him on the floor of this Senate. His motives had been impugned by a portion of his party press and by some of his old associates because he had allied himself with the progressive element of his party. I thought that there was a tone of sorrow in his voice as he dwelt upon the sundering of the older ties, but he nevertheless fearlessly outlined his policy and purposes and masterfully analyzed his own position and that of those who had criticized him so severely.

When—

He exclaimed—

it is said that I betray my party, that I fight against the Republican Party, I deny it. I fight for the Republican Party and propose, with millions of other people, to do what I can to make it more than ever the servant of the great constituency which it has represented for so many years.

I am aware that when one sits down to count the cost of such a struggle as I have outlined, he ought to take into consideration the fact that his motives are likely to be misconstrued; his purposes, however pure they may be, are likely to be disparaged; but such things as those have never injured anybody's standing in society, unless they were acquiesced in by those who were most concerned.

And, again, in speaking of his differences with the distinguished President of the United States, he said:

When he was mentioned as a candidate for the Presidency, I did what I could in my own State and everywhere else to promote his ambition. When he was nominated, I gave up my time, far past the limit of my strength, in presenting his case before the American people from one ocean to the other. When he entered this Chamber to take the oath of office, and the multitude arose with bowed head, every thought went out of my head, every sentiment out of my heart, except that the new President might be endued with power from on high to grapple with the corrupt influences that stood ready to recapture the strongholds of this Government, and that he might succeed, even where strong men had failed, in protecting this market place against the conspiracies of greed and avarice which have attempted to enslave it.

I have known some of the vicissitudes of life, some of the ups and downs of politics, some of the hardship as well as the good fortune of this world, but I never dreamed that within less than a year I should feel compelled to stand here and for the misdemeanor of taking the President's campaign speeches seriously, and for the still higher crime of regarding the platform of the Republican Party as a binding moral obligation, be called on to defend myself and the little group of men, who stood together as it was given them to see the right, against the charge of treason and disloyalty to the party which they have loved and served all the days of their lives.

I quote this, Mr. President, because I felt when he was delivering it that there was a tone of sorrow in his voice, which no one could appreciate who did not hear him at the time.

During all the debates of the last Congress there was no more masterful analysis from his viewpoint of the tariff measure that had been previously enacted into law than this last address of the distinguished gentleman who was so soon to answer the call of the white-winged messenger of death, and whose memory we are now here to honor, filled as it is with pathos, with hard, cold facts and figures, and with inimitable humor. At times he soared to heights of eloquence and by a sudden anticlimax indulged in a humor, with a characteristic smile and a gesture, that brought a smile to every face, and as

suddenly branched off into a brilliant peroration that compelled the admiring applause of all who heard him.

Senator DOLLIVER was indeed a most remarkable type of man. Born as he was amid the mountains of Virginia, I have often wondered if this early environment did not have much to do with the development of his character and of his mind, which had so much of poetry and pathos, and yet of manly strength in it. He was wont often to speak of this environment and of the rugged mountains that as a youth he daily looked out upon, and many of the word pictures painted by him could only have found inspiration in the snowcapped peaks and rugged ranges that he learned to know and to love as a child. He always spoke with veneration of the old State of his birth, and most loyally loved that of his adoption. He loved his party and revered the memory of the fathers of the Republic, and on the occasion of his last address, to which I have referred, he said:

I was born in the Republican Party, down among the loyal mountains of Virginia. I think I know what the articles of its faith are. From my youth I have pored over the pages of its history and found inspiration in all of its high traditions. I have followed its great leaders and sought direction in the wisdom of their counsel. We have sometimes lived in very humble houses, but we have never lived in a house so small that there was not room on its walls for the pictures of the mighty men who in other generations led it to victory; and now my own children are coming to years and are looking upon the same benignant, kindly faces as I teach them to repeat the story of our heroic age and to recite all the blessed legends of patriotism and liberty.

Senator DOLLIVER was of a strong religious temperament, and I have heard him speak of the wholesome instruction he received from a pious father and mother; not religious in the narrow Puritan sense of the word, because he did not believe it was necessary to go through the world with a long face, closing his heart and conscience to the lighter things, which tend to relieve the monotony of life, or avoiding the contests in which it is necessary for every useful citizen to engage. In an address delivered by him on the occasion of the unveiling of a statue to Gov. Francis Harrison Pierpont, a little more than a year ago, he defined a great man as one—

who fears God, keeps His Commandments, and with an ordinary good sense has the fortune to stand in some angle of the light where the history of the world is being made. He becomes great because he has the opportunity of doing great things, though before the deed he may not have been lifted up among his fellow men, and though after the deed he may fall into such obscurity as to raise questions within 50 years as to what he did and what manner of man he was.

Many of his utterances might be cited, if time permitted, to show his trust and belief in the one Supreme Ruler of the universe and his reverence for things that make for a better life; but in his intercourse with his fellows, whether officially or socially, in his beautiful family relations as a son, a husband, and a father, are to be found the best evidences of the faith that was in him. How difficult it is to realize that a man who has accomplished so much for his country, for his family, and for his friends has been called hence in middle life and before he had reached the zenith of his splendid promise.

The life of Senator DOLLIVER has been an inspiration and an example to the youth of our land. Attaining the highest place in the gift of the people of his adopted State, through his indomitable courage and energy, he fittingly illustrates the truth of the history of this country that all things are possible of accomplishment to him who, in whatever he undertakes, presses onward and upward. In his death the people of the country have lost a most exemplary citizen, his family a devoted husband and father, and this body one who has at all times set an example of fidelity to duty as God gave him the light to see it. When we think of such a man we can not but hope that there may be truth in what the poet has so beautifully said:

There is no death! the stars go down
To rise upon some other shore,
And bright in Heaven's jeweled crown,
They shine forevermore.

There is no death! the dust we tread,
Shall change, beneath the summer showers,
To golden grain, or mellow fruit,
Or rainbow-tinted flowers.

The granite rocks disorganize
To feed the hungry moss they bear,
The forest leaves drink daily life
From out the viewless air.

There is no death! the leaves may fall,
The flowers may fade and pass away,
They only wait, through wintry hours,
The coming of the May.

There is no death! an angel form
Walks o'er the earth with silent tread;
He bears our best loved things away,
And then we call them dead.

He leaves our hearts all desolate;
He plucks our fairest, sweetest flowers;
Transplanted into bliss, they now
Adorn immortal bowers.

The birdlike voice, whose joyous tones
Made glad the scene of sin and strife,
Sings now its everlasting song
Amid the tree of life.

Where'er he sees a smile too bright,
Or soul too pure for taint or vice,
He bears it to that world of light
To dwell in Paradise.

Born into that undying life,
They leave us but to come again;
With joy we welcome them the same,
Except in sin and pain.

And ever near us, though unseen,
The dear immortal spirits tread,
For all the boundless universe
Is life, there are no dead!

Mr. YOUNG. In our State him whom we mourn to-day had but one name and that was "DOLLIVER." If audiences wished to call him, voices shouted "DOLLIVER." This single name appeared upon all posters announcing his meetings. From the beginning of his career he was an Iowa favorite. His name drew the crowd. But no one called him JONATHAN P. DOLLIVER. That may have been the form upon the legal ballot or in the Congressional Directory. This circumstance is complimentary and means that honor rather than disrespect was intended.

I shall speak of DOLLIVER as I knew him. If I had been selecting a comrade for a journey across the continent, either in a prairie schooner or a palace car, I would have selected DOLLIVER. Every day would have been a new day. Every thought would have been fresh and refreshing. When he looked out of a window he saw more than mountains and streams. He saw more than prairies and crops. He photographed with a lens which painters and poets know. Nature delighted him. Trees and plants told their own story to him. He loved books. The best class of romance pleased him. History and biography delighted him. It is a surprise to know that he seldom attended the theater, though he loved music, and was especially thrilled by patriotic airs. His whole character can be summed up in the statement that he loved his fellow man and was a good comrade with anyone whom he chanced to meet. Acquaintances made on a railroad train often developed into lifelong friendship. His charm of manner was in his simplicity, and he was willing to listen as well as to talk. He probably knew more people in Iowa than did any other of our public men. Certainly more people knew him. He had canvassed the State for 25 years and had spoken on all manner of occasions. He held the esteem of all with whom he served in either House or Senate. The relationship existing between himself and Senator Allison will long be borne in the minds of Iowa people. The dead Senator was devoted to his kindred. In all his calculations the thought of his kindred came first. His affection for his venerable father, known in Iowa as "Father Dolliver," was touching. The Senator believed his father to be one of the greatest men, and he remained to that father as a child always.

When President McKinley was governor of Ohio he made a speech in Des Moines. Senator DOLLIVER alternated between two meetings with Gov. McKinley. In one large opera house Father Dolliver was anxious to be near the stage from which his son was to speak. Father Dolliver was a large man and late in life had suffered the loss of a limb. The son stepped from his seat on the stage to assist his father to a better position. He did this unconscious that 2,000 people were admiring his filial devotion. As a rule, Senator DOLLIVER'S early friendships lasted through life. No mention of his life would be complete which failed to record what our one-time great editor, Gen. James S. Clarkson, did for the struggling youth. Clarkson discovered many Iowa men, but none reached the fame of DOLLIVER. Clarkson was DOLLIVER'S admiring and helpful friend. He never tired in praising the young man's oratory. DOLLIVER was Clarkson's one intellectual gold nugget. The mine proved not to have been salted. Later prospecting developed a richer lead.

In his earlier career the Senator said bitter things in relation to the other party. He had breathed an intensity of feel-

ing following the great war. He had heard bitter talk from his childhood, for all politics were bitterness in his youth. He loved the old soldier and was a favorite at all Grand Army gatherings. One of his favorite utterances was that no decrepit Union soldier should ever be seen going away from the Treasury window bearing the broken promise of Abraham Lincoln. Before being elected to Congress, DOLLIVER had a national reputation as an orator. In the House he was as a cavalry leader. He was called into action when the fight was thick, and, no matter how brief the notice, he was found with well-filled oratorical cartridge box. He seldom sought opportunity for debate, but was willing to respond to the order of his party. DOLLIVER's service in the House might be called educational years, his constructive years, his years of character forming and purpose defining. His friends at home discovered by his service in the House that he was a growing man. As years passed, there came to him intellectual poise. His form of expression grew more conservative. Thus he reached a standing in public estimation of being something more than an orator.

But his intellectual fires burned brightest in the presence of the multitude. This ability, he always felt, was an inheritance from his father.

DOLLIVER MIGHT HAVE BEEN PRESIDENT.

After DOLLIVER had served in the House and his reputation had become national, he was frequently mentioned for the office of Vice President, and some months before his death there had been a conspicuous expression that he would some time be President.

Just before the convening of the Republican national convention held in Philadelphia in 1900, a great western newspaper suggested Senator DOLLIVER for Vice President. The movement grew to be one of importance. I was a delegate to that convention and received a telegram from my associate delegates, already at Philadelphia, to come on at once, prepared to help the DOLLIVER movement and to prepare a speech to be used in placing him before the convention. I proceeded at once to Philadelphia and our political activities began. We opened headquarters. We secured banners and a band of music. Then we began to inquire in relation to our candidate. We discovered that he was stopping with friends in a Philadelphia suburb and that he was much unconcerned in regard to the suggestion of his name. He was urged and yet his enthusiasm did not grow. He was asked to go before the Iowa delegation and finally did so, but with half-unconcerned and lukewarm spirit. The DOLLIVER enthusiasm had not reached DOLLIVER. But his friends continued their campaign in his behalf. Congressional associates visited headquarters and urged the movement forward. But the Senator said that he could not afford to be Vice President; that the social requirements were too many. The only other name mentioned for Vice President was that of Col. Roosevelt. Col. Roosevelt's friends were urging him not to be a candidate and not to accept the place, giving as a reason that four years later they hoped to nominate him for President. This, then, was the situation: Senator DOLLIVER's friends were urging him to accept the vice presidential nomination, regardless of his future, and Col. Roosevelt's friends were determined that he should not accept, having in mind his future. I have always believed that if Col. Roosevelt had not consented to accept the nomination, Senator DOLLIVER would have been the nominee. And thus the whole course of history might have been changed.

The negotiations and consultations among party leaders were numerous. Senators Platt, of New York, and Quay, of Pennsylvania, then conspicuous in party management, were anxious for the nomination of Col. Roosevelt, to make what they called "a well-balanced ticket," meaning that men of different types should be chosen for the two great offices; but these party leaders were unable to secure Col. Roosevelt's consent. A little later in the proceedings these two Senators, now dead, left the field, placing everything in charge of Senator Mark Hanna. Senator Hanna was chairman of the Republican national committee. With his usual energy, he undertook to ascertain the situation. It is doubtless true that he knew the situation. There had been so much in the way of diplomacy between the camps that the situation was generally known to active party men. The first thing Senator Hanna did was to call upon Senator DOLLIVER and his friends. Learning that the Senator did not have his heart in the cause, he asked the Senator and myself to go with him to call upon Col. Roosevelt for the purpose of securing an acceptance or an unequivocal refusal. Col. Roosevelt had all the time refused to say that he would not accept the nomination for Vice President, refusing to assume that the office was beneath him for the reason that he regarded it as a great office. We called upon Col. Roosevelt. Senator Hanna asked him, "Col. Roosevelt, will you accept the nomination for Vice President?" As I remember it, the Colonel responded, "I will, at your hands and at the hands of the entire Republican Party." Then Senator DOLLIVER turned and with a smile said, "It is all over. My name shall not be used." Senator Hanna assured Col. Roosevelt who would present his name. The Colonel turned to Senator DOLLIVER and Senator DOLLIVER turned to me, remarking that, "You can just change your speech a little and nominate the Colonel." Senator Hanna then, turning to me, said, "It is up to you, young man." My speech nominating DOLLIVER had already gone out to the Press Association and had to be suppressed by wire. This is the story of the Vice Presidency at Philadelphia, briefly told. Senator DOLLIVER and myself have many times agreed to write the story jointly. We disagreed in no detail in our recollections, and I have now given it as I remember it.

At the Chicago convention of 1908 Senator DOLLIVER was urged to accept the nomination for Vice President and again declined, stating to all that he preferred to remain in the Senate.

Senator DOLLIVER will not be longest remembered as a politician. He was not an organizer. He could not band men together except by their affections. He will be remembered longest for his humanitarian side. He was stirred most by what newspapers call "human interest stories." This is true of all men who have hearts. Of all themes, man is the greatest. Of all texts he is the first. DOLLIVER's mind seemingly never rested. When sitting upon his front porch his scintillating remarks played like sunshine through the branches of the trees, adding brightness to the circumstances surrounding him. He was a rare comrade. The humblest loved him, others respected and admired. None hated him. It is pitiful to know that before he died he could not have known that all the people of Iowa loved him as in former years, and that new political conditions had not actually dimmed the memories of the past or caused all the State to lose interest in the youth whose activity had been their activities and whose achievements had been their achievements.

When strong men die in their prime others say "what a pity." But is it a pity? DOLLIVER lived his day, fought his fight, won a great name, established a home, and leaves to his descendants a heritage as enduring as time. He might have left a fortune, but, according to his own theory, this would have been a misfortune. In his own defense of American youth he many times said "The farther you can disconnect the young man from fifty thousand a year, the better for him." He did not believe in riches and idleness as a means of mental and moral growth. His own experiences mellowed his life and created his philosophy. His friends discovered, in the discharge of his duties, that his purposes were patriotic, his love of country genuine. If we shall always send such men to the Senate revolutions will represent the advancement following thoughtful consideration, weighed in the balance of judgment, and the Republic will be secure. In all his intensity, he never forgot his responsibilities to his country. He was one of the few men who could interest and sway the multitude by a speech full of patriotism and optimism.

His life's labors are ended. His neighbors and friends and an admiring people are preparing to build a monument marking his resting place. The shaft will look from an eminence to the valley of the Des Moines River. From this position the eye can see busy people and moving trains. Generations will come and go, and the name of DOLLIVER will not be forgotten.

Last evening the residents of this capital witnessed a beautiful sunset. The clouds were red, purple, and gold. The west was in its glory. Viewed from the western steps of the Capitol of the Nation, there, in the background of this wonderful picture, stood the Nation's monument to Washington. It was a scene to inspire the painter. The shaft, in its simplicity, pierced the sky and stood in the illumination as if it were an American outpost with the light of history behind it. Thus stands out, from the achievements of a life, a strong character. Thus will stand DOLLIVER in the years to come.

Mr. President, as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 6 o'clock p. m.) the Senate adjourned until Monday, February 20, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 18, 1911.*

(Continuation of the legislative day of Friday, Feb. 17, 1911.)

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

ORDER OF BUSINESS.

Mr. SIMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. To move that the House go into Committee of the Whole to consider the bill S. 7971, which was before the House yesterday.

Mr. MANN. Mr. Speaker, that motion is not in order, and I demand the regular order.

Mr. UNDERWOOD. Mr. Speaker, I desire to hear what the gentleman's point of order is.

The SPEAKER. The Chair will hear the gentleman from Illinois on his point of order, in connection with his demand for the regular order. The gentleman from Tennessee has submitted a motion which might be the regular order.

Mr. MANN. Mr. Speaker, I shall not detain the House long. The question is whether the House meets to-day in accordance with the rules of the House that requires the House to meet on this legislative day, or whether it meets to-day in pursuance of a motion last night for a recess until 11 o'clock. If this is the legislative day of Saturday and the House meets in pursuance of the rule that the House meet daily at 11 o'clock then the regular order is the prayer by the Chaplain. If the Speaker holds that the House is now in session as on the legislative day of yesterday, the motion of the gentleman from Tennessee is in order.

Mr. UNDERWOOD. Mr. Speaker, I desire to say, in answer to what the gentleman from Illinois has said, that as the Speaker knows, last night the House took a recess until 11 o'clock to-day. There was no adjournment of the House yesterday. The position I take is that until there is an adjournment there is no termination of the legislative day. I refer the Speaker to Hinds' Precedents, volume 5, section 6738, in which it states:

There must be an adjournment before the legislative day will terminate, and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.

The legislative day continues until terminated by an adjournment, irrespective of the passage of calendar days.

Instance of prolonged dilatory proceedings in the House.

Form of the resolution by which general debate was closed in Committee of the Whole in former years.

On May 11, 1854 (Thursday), the House was considering the following resolution, submitted by Mr. William A. Richardson, of Illinois:

"*Resolved*, That all debate in the Committee of the Whole House on the state of the Union on the bill of the House (No. 236) to organize the Territories of Nebraska and Kansas shall cease at 12 o'clock m. to-morrow (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee."

By the alternation of dilatory motions the proceedings on this resolution were greatly prolonged, and after there had been 65 roll calls, the hour of 12 o'clock m. (Friday) having arrived, Mr. Gilbert Dean, of New York, rose and inquired whether, under the first rule, it was not now the duty of the Chair to cause the Journal of the preceding day to be read.

The Speaker stated that the rule referred to required the Speaker "to take the chair precisely at the hour to which the House shall have adjourned on the preceding day;" but as there had been no adjournment, he thought there could be no new meeting of the House, and that the legislative day, which commenced yesterday at 12 o'clock m., would not terminate until the adjournment did take place. He consequently decided that the Journal could not now be read.

It seems to me that that precedent—and there are a number of others in the same line—clearly sustains my position, and, more than that, this House should have the right to control its own business. There was a matter of business in order yesterday that the majority of the House desired to terminate before the legislative day ceased. There may be other business before the House that some other gentleman may prefer to take up, but unquestionably the majority of this House ought to have the right to determine what legislation shall be passed in the House, and the House, by a majority of the House, has a right to continue in the session of a particular day so long as it desires.

Now, Mr. Speaker, because the House ran beyond the calendar day on which it commenced doing business, to say that the House was deprived of the right to go ahead and transact the business that the majority Members of the House desired to transact would be to suppress the will of the House by a precedent that prevented it from doing business in the manner the House preferred. Besides that, the rules themselves state that the legislative day shall terminate on the adjournment of Congress. Now, the fact that the House projected a recess up to the time that another legislative day commenced clearly is not terminating the first recess. I think the whole question revolves on that proposition. Even if it did not, if the House recessed to the beginning of another legislative day, as it did to-day, the moment the Speaker found himself in the chair—and he can not divide that moment—the moment he found himself in the chair, in accordance with the recess of the House he found himself in the legislative day of Friday, under the order and rule of the House, as directed by a majority of the Members of this House.

Therefore I insist that the proposition of the gentleman from Tennessee, to go into the Committee of the Whole to consider a bill that was in order on the legislative day of Friday, is the regular order, and he is entitled to recognition for that reason.

Mr. MANN. Mr. Speaker, under the rules the regular hour of meeting of the House is 11 o'clock. The House last night, by vote, took a recess until 11 o'clock to-day, precisely the same time. The gentleman from Alabama [Mr. UNDERWOOD] presents some precedents clearly correct, and claims that these precedents sustain him in his contention that the House has a right to take a recess, and until the House adjourns it does not meet until another legislative day. The precedents which the gentleman cites are precedents where the House took a recess until a time prior to the regular hour of meeting of the House, and when the time for the regular hour of meeting of the House arrived the Speaker found himself in the chair under the prior legislative day; and if the House yesterday had taken a recess until 10 o'clock this morning, or until 10 o'clock and 59 minutes this morning, when the hour of 11 o'clock had arrived the Speaker would find himself in the chair under the legislative day of yesterday, and the precedents are that that would not constitute an adjournment of the House by reason of the fixing of the hour for meeting this morning.

But let us see what the effect of the contention of the gentleman from Alabama is. His contention is that until the House adjourns it can not meet on another legislative day, that it may take a recess instead of adjourning. On that theory the House might have taken a recess until 12 o'clock to-day——

Mr. UNDERWOOD. I think so.

Mr. MANN. I understand that is the gentleman's position—might take a recess until 12 o'clock to-day, and the House could not meet at 11 o'clock then—I take it that is the gentleman's position—as of this legislative day. Let us see what the effect of that is. If the House can take a recess until 12 o'clock to-day, an hour later than the hour for meeting of the House, it could take a recess until 5 o'clock to-day. That is the gentleman's contention?

Mr. UNDERWOOD. One of his contentions.

Mr. MANN. It could take a recess until 12 o'clock Monday, it could take a recess until 12 o'clock next Saturday. Is that the gentleman's contention?

Mr. UNDERWOOD. Of course I recognize we could not take a recess beyond three days at a time.

Mr. MANN. Ah, that is just it. There is no limitation in the Constitution in reference to taking a recess.

Mr. UNDERWOOD. There is a limitation on adjournment and there is a limitation on recess.

Mr. MANN. There is a limitation on adjournment but no limitation on a recess. If the House can take a recess and is not required to meet on the regular day of meeting, while it can not adjourn for more than three days it can take a recess for three weeks. The gentleman's contention is that under the rules the House can not meet in its daily meeting until it meets under the recess provision. If the gentleman's contention is correct, it proceeds to violate in spirit, if not in effect, the terms of the constitutional provision that neither House during the session of Congress shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. That is a question of adjournment. The Constitution says that the House shall fix its time and place of meeting. It has fixed the time and place of meeting. It fixed the time of meeting this morning under adjournment at 11 o'clock. It could not adjourn yesterday for more than three days.

Now, Mr. Speaker, there is absolutely no escape from the logic of that situation. If the House can not meet on a new legislative day until it has adjourned on the previous legislative day, and it has the power to take a recess that runs over the next legislative day, there being no restriction on that in the Constitution, and while the Constitution provides in effect the House can not disband for more than three days without the consent of the other body, then if it can take a recess that runs it beyond the hour of meeting, it could take a recess for three weeks or three months. The gentleman is absolutely driven into the position under his contention that while the House may take a recess or run over one legislative day it can not take a recess running over three legislative days, and his position is that the House can not meet on a new legislative day until it

has adjourned on the previous day. Now, the Constitution contemplated that the House could not adjourn for more than three days, and the gentleman thereupon offered precedents to show that a recess can run over, and what are those precedents? Those precedents are where the House finds itself in session; absolutely correct.

Mr. UNDERWOOD. What is the difference?

Mr. MANN. The House finds itself in session and there is no disbandment of the House, and the taking of a recess over to the legislative day when it was not in session on the next legislative day; but the position of the gentleman is that it can take a recess without limitation.

Mr. SHERLEY. Will the gentleman permit me a question?

Mr. MANN. Certainly.

Mr. SHERLEY. When does the House meet after its first meeting?

Mr. MANN. What is the question of the gentleman from Kentucky?

Mr. SHERLEY. The question is, When does the House meet after its first meeting?

Mr. MANN. It has to be fixed by order of the House.

Mr. SHERLEY. Yes; it meets at the time provided in the adjournment of the House.

Mr. MANN. Oh, not at all. The House might not provide that time by adjournment.

Mr. SHERLEY. It provides the time, necessarily so, in the general order or a special order at the time of the adjournment. Now, to what time has this House adjourned?

Mr. MANN. Ah, but the motion to fix the hour of adjournment for the next day was not in order and could not be in order under the rules of the House.

Mr. FITZGERALD. It was as much in order as a motion to recess was.

Mr. MANN. Well, that is another proposition. If the House takes a recess and runs beyond the hour of adjournment fixed by the House it must meet at the time fixed by the House by the general rule, and when it adjourns to the same hour it meets under the rule of the House providing that it shall meet on that day, which is the next legislative day, and if the gentleman's contention is correct and it is conceded on that side of the House and in the next Congress the gentlemen find themselves in a minority upon some afternoon in the House and this side of the House should desire to have a recess for several days, there would be no way of calling the House together, no provision made by which the Speaker or the entire House could meet and transact business.

Mr. SHERLEY. Will the gentleman yield to me for another question?

Mr. MANN. I will.

Mr. SHERLEY. Suppose the House undertook to adjourn beyond three days, would there be any way by which the House could meet?

Mr. MANN. Why, certainly. My contention is that if the House takes an adjournment beyond three days under the rules of the House the House meets the next day at 12 o'clock, at the hour fixed, because the power to adjourn beyond three days is unconstitutional and there is no provision against taking a recess——

Mr. HARDY. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. HARDY. I believe the gentleman is right when he says it can not recess beyond the legislative day, but I want to know when a recess is taken until 11 o'clock if immediately when the Speaker comes to call the House at a regular legislative session he does not find it here automatically in session on this day.

Mr. MANN. Oh, not at all. There is no logic about that.

Mr. HARDY. And a continuous session.

Mr. MANN. The only proposition is whether the House could take a recess that runs beyond the hour of meeting. If the House can not do that, we meet under the rules of the House.

Mr. HARDY. But we are in session now, is the point I make.

Mr. MANN. If we meet under the rules of the House fixing the hour of adjournment, we meet on the legislative day of Saturday. If we meet by virtue of the motion carried to take a recess, we meet on the legislative day of yesterday.

Mr. HARDY. The gentleman does not understand me.

Mr. MANN. I understand. The gentleman does not understand the question.

Mr. HARDY. The gentleman does not understand me.

The SPEAKER. Has the gentleman from Illinois [Mr. MANN] concluded?

Mr. MANN. I yield the floor.

Mr. UNDERWOOD. Mr. Speaker, I only have a few words to say in reference to the gentleman's constitutional argument. The gentleman asserts that if we can take a recess beyond the legislative day we can take a recess beyond the time that the Constitution prescribes that this House can take an adjournment. Now, it is very clear that the House can take an adjournment for two days; it can take an adjournment for three days, because it is within the terms of the Federal Constitution, but it can not take an adjournment for five days, because it is prohibited by the Constitution. If the House took an adjournment for five days it would be in violation of the Constitution, and at the end of the third day the general rule would be in operation for the Speaker to call the House together. Why? Because the order was prohibited by the Constitution, and for that reason alone.

Now, the same thing applies to the matter of recess. The House can take a recess within the terms of the Federal Constitution where there is no rule to prohibit it from doing so, but if it takes a recess beyond the time that the Constitution of the United States says it shall not adjourn or recess to, why, of course, the order then is inoperative, because it has gone beyond the time fixed by the Constitution in which the House must again assemble.

So I do not think there is any more force in the constitutional argument of my friend if it is within the three days than there would be to argue that we might take an adjournment for five days. It is all in the same line, absolutely. This House to-day, at this hour, can pass an order for adjournment for five days. Now, that would not be a valid order, because it would be in violation of the Constitution, and at the end of three days the Speaker, under the general rules of the House, would be compelled to call the House together. But any adjournment within the limitations of the Constitution would be in order.

Now, the same thing applies to a recess. There is no rule in this House that prescribes that the House shall not recess as long as it wants to do so. The precedents all recognize the fact of a legislative day. The Constitution, Mr. Speaker, contemplates calendar days, and we could not continue a legislative day and go beyond the calendar days contemplated by the Constitution.

The SPEAKER. Will the gentleman allow the Chair a suggestion?

Mr. UNDERWOOD. Certainly.

The SPEAKER. It is now 25 minutes after 11 o'clock. By order of the House, the House is to meet daily at 11 o'clock a. m. It met this morning at 11 o'clock, and there seems to have been a motion to recess until 11 a. m. Suppose a motion was made to adjourn now, and a majority of the House should sustain that motion, when would be the next session of the House?

Mr. UNDERWOOD. The next session of the House would be to-morrow, unquestionably, at 11 o'clock a. m., or the time fixed for meeting. If we had taken a recess until to-day at 10 o'clock and had run on until 25 minutes past 11 and adjourned, would we have met again to-day? Certainly not. We would have met, under the rules of this House, on Monday, unless a session had been fixed for Sunday. Now, if the Speaker will examine the rule, it provides for a legislative day and contemplates a legislative day. Now, that legislative day, as has been held by all the precedents of this House, can not terminate until an adjournment unless the legislative day violates the Constitution of the United States in some way, and there is no constitutional question involved here.

The House having met to-day at 11 o'clock, pursuant to the taking of the recess, and it being now 11.26 o'clock, an adjournment now would have the same effect as if we had met at 10 o'clock and adjourned now. Or if we had met at 10 o'clock to-day and had run until 2 o'clock, and then adjourned, I have no doubt in the world that the Speaker would rule, as I have heard the Speaker rule before, that that adjournment would carry the House over until the next legislative day, which would be to-morrow, if there is a special order for Sunday eulogies, or Monday if there is not. In other words, the session having extended beyond the hour fixed for the daily meeting to-day, and an adjournment being then had, the Speaker would not call the House in session again on this calendar day.

The SPEAKER. It was the order of the House that the House should meet daily at 11 o'clock. That is a standing order, with the effect of a rule. If the recess had been until 12 o'clock, what would have become of this legislative day?

Mr. UNDERWOOD. Mr. Speaker, it seems to me that that question is not involved here, because we took a recess until 11 o'clock, the time at which the House would have met, and the Speaker this morning took the Chair by virtue of the recess, and not as though it were on a new legislative day. But

although that question is not involved in this case, if the Speaker wants to know my opinion, I say that according to good parliamentary practice and procedure, in order that this House may transact its business as the majority of the House desire to transact it, if the House desires to take a recess from one calendar day into another calendar day beyond the time fixed by the rule for the hour of daily meeting the new legislative day would never have a chance to start. Its operation in starting would be cut off by the action of the House, just the same as it would have been cut off if we had taken a recess until 10 o'clock to-day. There is no question about that.

If we had recessed until 10 o'clock to-day and had gone on with our business until 12 o'clock, surely the new legislative day of Saturday would have been set aside. Why? Because the House by its action had ordered it to be set aside. There can not be any question about that, or any reason to controvert it; and by the same reasoning, if the House by a majority vote expresses the desire not to have a legislative day begin on Saturday, it has a perfect right to do that, by taking a recess and keeping the House intact, because the House has not adjourned. A recess does not adjourn the House. The flag flies on the top of this Capitol during the continuance of the recess. From the beginning of the sessions of this House, under the Constitution, the mace has reposed on its pedestal during each session until adjournment, as it now reposes there, recognizing and symbolizing the fact that the House is in session. A recess does not destroy the session. It merely allows the Members to leave the Hall temporarily and come back again at a fixed hour. The House is in session as much while in recess as it is while it is actually transacting business. And during the recess just taken that emblem of the authority of the House has been reposing there, recognizing the fact that the House was in session. The flag has flown on top of this Capitol in recognition of the fact that the House has not adjourned. Therefore if the Speaker should say to-day that, notwithstanding a majority of the House does not desire to start a new legislative day, he will hold that he will start a new legislative day, merely because the recess has run up to a time when a legislative day would begin if there had been an adjournment, it seems to me it would be a usurpation of power by the Speaker to defeat the will of the majority of this House. [Applause.]

Mr. SHERLEY. Mr. Speaker, the proposition involved here, and the questions asked by the Chair, all seem to be predicated upon a misconception of the manner in which a general order fixing the hour for the meeting of the House can be gotten rid of. The questions of the Chair are all predicated on the notion that the only method of doing away with the general order fixing the time when the House shall meet is by adjournment to a different time; when, in point of fact, you can just as well do away with that general order by a recess. Now, nobody, not even the gentleman from Illinois [Mr. MANN], disputes the fact that if we had recessed last night until 10 o'clock this morning, and had then gone into session at 10 o'clock, continuing yesterday's legislative day, and if that session had gone on past 11 o'clock to-day, we would still have been holding yesterday's legislative session, and the fact that the hour had been reached that had been fixed by a general order for the meeting of the House would not serve to adjourn yesterday's day and create a new legislative day. If we had recessed until 10 o'clock this morning and had continued in session until this present moment, and then a motion had been made to adjourn, we would adjourn until Monday morning, unless a session had previously been ordered for Sunday, and this particular calendar day would have been lost as a legislative day. Now, in order to uphold the position of the gentleman from Illinois [Mr. MANN] you must in effect hold that a recess is an absolutely void act if it be to a time equal to or beyond the hour fixed for the regular meeting of the House on the next day, a proposition that has no support except the general statement of the gentleman that an adjournment beyond three days would be void because of the Constitution, and therefore a recess would be void, but we are not confronted with that situation. This recess order is a valid order, and the ruling of the Chair sustaining the point of order would be to deny to the House the power that it exercised last night. The fact that the House this morning can not do something else does not change the validity of the order of last night. The fact that the Republican majority ceased to be a majority last night does not make the action of the House invalid for that reason.

Mr. FITZGERALD. Mr. Speaker, the Chair should note carefully the first sentence of the first rule of the House:

> The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting.

The rest of it is not material to this discussion.

> The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting.

Yesterday the Speaker took the chair precisely at 10 o'clock, the hour fixed for the meeting of the House; and that sitting of the House, as disclosed by an examination of the Journal so far prepared, has not been adjourned. If it had adjourned without fixing, at the time of adjournment, some time at which it should convene, the Speaker would take the chair under the order previously adopted fixing the time for the daily sessions of the House. If the House adjourned, and before doing so had fixed a time different from that fixed in the special order, the Speaker would be compelled to obey the more recent order of the House, and to take the chair at the time fixed in that order.

Under the standing order under which the House is operating, the time at which the Speaker will take the chair on the next legislative day is 11 o'clock a. m. The legislative day which commenced at 10 o'clock yesterday morning has not been adjourned. It has not terminated. Business has been suspended temporarily during that sitting. I call the attention of the Chair to this statement in the Manual.

Jefferson states that—

> when it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, etc., it adjourns during pleasure—

but the note explaining the practice of the House is that the House suspends its business temporarily by motion for a recess.

The Speaker will notice this important difference between the motion for a recess and the motion to adjourn; it requires a quorum of the House to take a recess and a quorum of the House is not required to adjourn.

Assuming that the House should adjourn at the present moment, the Speaker inquires when it would reconvene. It would reconvene under the rule, which I have read, because, unless the Speaker is suffering from disability or designates some other person, he must call the House to order under the rule, and shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned. If the House were to adjourn now without fixing some other time for meeting, the Speaker would take the chair under the special order fixing a session of the House for eulogies at 12 o'clock noon February 19, 1911. The Speaker would have no authority, if the House should adjourn now, to take the chair before the expiration of this calendar day. Eleven o'clock has passed, and the legislative day, which sometimes runs into two or more calendar days, will not commence until 12 o'clock noon to-morrow.

Mr. Speaker, this is well recognized by some of the best writers on parliamentary law. In a very excellent little digest on parliamentary procedure known as "Wilson's Digest on Parliamentary Law," it is laid down as settled in the procedure of the House that the continuation of a session into the next day is but the legislative day of that preceding, and so remains until the House adjourns. It refers to the precedent in the Congressional Globe, Thirty-eighth Congress, first session, page 3522. The House by continuing the legislative day of Friday into to-day does not terminate the day, and there is nothing in any rule which will operate to terminate this legislative day at 11 o'clock. If the House last night decided to stand in recess until 12 o'clock, the Speaker could not have called the House to order at 11 o'clock under the rule directing him to take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last session, the only rule under which he has any power, even at 11 o'clock, if the business had been temporarily suspended and the House was standing in recess at 12 o'clock; and it is immaterial whether a recess has been taken to a period prior to the time fixed in the general order or subsequent to that time as to what the Speaker's duty is.

The House suspended its proceedings on the legislative day of Friday until 11 o'clock to-day. That legislative day can terminate only in two ways—one by adjournment and the other by the expiration of the term for which the Congress exists. Now, will some gentleman suggest another way?

Mr. MANN. We have already suggested one. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. If the House can not terminate its legislative day without adjournment, how long can it take a recess for?

Mr. FITZGERALD. The Chair is not called upon to decide that question.

Mr. MANN. I am not asking the Chair now to decide the question, I am asking the gentleman from New York, to see if

he can fit it into his logic. I do not blame the gentleman for not answering either.

Mr. FITZGERALD. That is purely an academic question.

Mr. MANN. It is not purely academic, and the gentleman will find it so in the next Congress.

Mr. FITZGERALD. Even if the gentleman from Illinois should succeed in having the majority of the House adjourn for four days, I do not know that anything particular would happen to him; for there is no penalty prescribed in the Constitution. A great many persons familiar with the Constitution believe that under the practice adopted by that side of the House of holding a session only on two days in the week and calling Sunday a dies non, an adjournment over three days at a time has been taken in the past. I do not know that anybody has been seriously injured by it, and nobody has attempted to prevent that practice.

Mr. MANN. Will the gentleman yield for another question?

Mr. FITZGERALD. Yes.

Mr. MANN. Under the contention of the gentleman that the House continues in session until it adjourns, although it may take a recess, would not that obviate the trouble and permit the House to take a recess for a week?

Mr. FITZGERALD. Oh, I know the ingenuity of the gentleman from Illinois to divert the discussion. The only question before this House is, Can the Speaker hold that the session of yesterday is adjourned so as to take the chair at 11 o'clock to-day and call the House to order in a new legislative day?

Mr. MANN. If the gentleman will pardon me, he made his argument based upon the logic that the House could not meet on a new legislative day until it had adjourned on the prior legislative day.

Mr. FITZGERALD. Mr. Speaker, I insist on the propriety of that contention, whether it carry it beyond three days or not. It might suffice to say in answer to the gentleman from Illinois [Mr. MANN] that I know of no authority who has yet attempted to determine whether the three days mentioned in the Constitution are to be construed as calendar days or as legislative days. That is a question that still remains to be determined. But there is a great distinction——

Mr. MANN. I would like to have the gentleman's opinion on that subject.

Mr. FITZGERALD. I decline to express my opinion on that subject.

Mr. MANN. I do not wonder that the gentleman does not want to express his opinion.

Mr. FITZGERALD. Mr. Speaker, I must decline to permit these interruptions.

Mr. MANN. I do not blame the gentleman for that.

Mr. FITZGERALD. Mr. Speaker, I am not attempting to enlighten the gentleman from Illinois sitting here. I am attempting to enlighten the gentleman from Illinois who occupies the Speaker's chair, and I am perfectly willing to answer questions propounded from that direction.

Mr. DALZELL. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DALZELL. What is the regular hour of the meeting of the House now?

Mr. FITZGERALD. The regular hour for meeting to-day was 11 o'clock.

Mr. DALZELL. What is the regular hour of meeting of the House in the absence of a special order fixing another time?

Mr. FITZGERALD. Eleven o'clock.

Mr. DALZELL. The hour of meeting of this House, if I am not mistaken, is 12 o'clock.

Mr. FITZGERALD. Yes; but upon the adoption of an order——

Mr. DALZELL. We have adopted no new order except temporarily from day to day.

Mr. FITZGERALD. Oh, I beg the gentleman's pardon. An order was adopted some days ago that we should meet hereafter at 11 o'clock.

Mr. DALZELL. I am on the gentleman's side and I thought I was going to help him out, but if I am wrong as to the changing of the hour, then of course my proposition will not hold.

Mr. FITZGERALD. Mr. Speaker, my understanding is 11 o'clock is the regular hour, but the rule is so clear there can be no question about the matter. A legislative day must terminate before a new legislative day can commence. It is clear if the House had recessed until 10 o'clock and the Speaker had then assumed the chair, he would not reconvene the House, but he would simply assume the chair and the business would proceed. He could not have called the House to order at 11 o'clock under the standing order. Let me call the attention of the Chair to the difference in the method of proceeding at the termination of a recess and in the convening of a new legislative day. At the hour fixed to which the House shall stand in recess the Speaker assumes the chair and the business proceeds unless somebody raises the question that there be no quorum present, but if the House had adjourned, the rule prescribes what the Speaker shall do:

> The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

That is not what the Chair had to do at 11 o'clock to-day. He had to resume the chair because of the order of the House that it stand in recess until that hour. There is only one way the Chair can avoid that conclusion, and that is that by some way or other a motion to take a recess operates at times as a motion to adjourn. What is there in the suggestion that a motion to take a recess shall operate as a motion to adjourn? The Manual shows that a recess is not a termination of the business at a sitting, but is merely a temporary suspension of the business.

The SPEAKER. Is there anything, and has there been anything whatever in the rules of the House from one Congress to another, and the rules of the present House, that authorizes a motion to recess?

Mr. FITZGERALD. What rule of the House prescribes the method for considering conference reports? The fixed customs of the House. A motion to take a recess is so well recognized in the procedure of the House that even the distinguished gentleman at the Speaker's right has a number of references in his Manual and in his Precedents to it. Until the revision of 1890 it had a different status from its present status. At that time it was enumerated among the motions which were in order when a question was under debate, it had a privileged standing, and the only difference, so far as the motion is concerned to-day, is that the motion can not be offered in the face of a demand for the regular order; but the practice of this House to stand in recess is already well established and need not be discussed. This motion is as firmly established in the procedure of the House as if specifically enumerated in the rules, and the Chair has repeatedly recognized that fact and recognized the motion last night. We conduct our business under the operation of it, and it has been firmly established that while the House may adjourn under the Constitution with less than a majority it can not stand in recess unless a majority be present.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to take much of the time of the House in the discussion of the points at issue, but it is my desire to make a few remarks in regard to the point of order. This House to-day, when the Speaker took the chair, found itself just as if no recess had been taken last night. For the convenience of the House, having been in session since 10 o'clock in the morning yesterday, a majority of the Members concluded to recess until 11 o'clock to-day. The Chair has often remarked that a majority of this House could take whatever action they deemed proper touching any matter. We were fatigued yesterday by the long day's session and last night a majority of the House concluded to recess until 11 o'clock to-day. This morning at 9 o'clock approaching the Capitol I noticed the flag flying over this structure as a notification that the House was still in session. When the blind Chaplain arrived this morning to offer prayer, the Speaker directed him not to appear at his place and offer the usual invocation because the House was in recess, and still in session. Mr. Speaker, the Journal was not read because the House was still in session. We had the power to recess for two minutes, for three minutes, for an hour, and we had power to recess until 5 o'clock this afternoon, and if such recess encroached upon the legislative day pro tanto the action of a majority of the House in recessing vacated six hours of this legislative day. This House has the absolute power by a vote of the majority to take a recess for one hour, for one day, or for three days, and it could recess for longer than three days if it were not for that provision in the Constitution which forbids either branch of Congress recessing or adjourning for more than three days at a time without the consent of the other body. Mr. Speaker, a majority has acted, and when the Speaker appeared here to-day he took the chair as if the House was still in session, regardless of having recessed at all. And if we had not recessed from yesterday till 11 o'clock to-day this day's session would have been absorbed by the unbroken session of yesterday running into to-day. The majority has the right to suit their convenience and let matters go over for any length of time they see proper until they come in conflict with the provision of the Constitution which inhibits such action.

Mr. Speaker, it seems perfectly clear to me that having taken that action to recess until 11 o'clock we come back here and

find ourselves in the same position we were when we left the House of Representatives last night. We have the right to eliminate the one day or the two days or the three days, just as we see proper at any time through recessing by a vote of the majority. At this instant this House is in session as of yesterday; the Speaker ought to so hold and proceed with the business under consideration on yesterday's legislative day. [Applause.]

Undeniably if we had not recessed at all this legislative day fixed to meet at 11 o'clock by special order of the House would be eliminated and obliterated by our fixed status of yesterday merging into this day and rising superior to it.

The SPEAKER. The gentleman from Massachusetts [Mr. WEEKS] is recognized.

Mr. WEEKS. Mr. Speaker, it is not my purpose to take the time of the House to discuss this question any further than to call to the attention of the Chair precedents which I think bear directly on this matter. I refer particularly to volume 5 of Hinds' Precedents, section 6736 to section 6739, inclusive. Section 6739 is so short and applicable to this case that I want to take the time to read it. It says:

> On the legislative day of Monday, March 23, 1868 (but the calendar day of Tuesday, March 24), during proceedings relating to the impeachment of Andrew Johnson, President of the United States, the hour of 12 m., the time fixed for the daily meeting of the House, arrived.
>
> Thereupon Mr. Fernando Wood, of New York, as a question of order, insisted that the House should begin the session of Tuesday.
>
> The Speaker overruled the point of order, saying:
>
> "The House of Representatives continues its session of Monday till the final adjournment, even if the session runs for several calendar days. In the great parliamentary struggle on the Missouri compromise the session continued two days and two nights, and the House of Representatives received on Monday a message sent from the Senate on Tuesday."

It seems to me, Mr. Speaker, that this is exactly parallel to the case at hand, and the only way to terminate the session of yesterday is to make a motion to adjourn and for the House to concur in that motion.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is recognized.

Mr. NORRIS. Mr. Speaker, the House several days ago agreed, either by motion or unanimous consent, but the effect would be the same, that it should convene daily at 11 o'clock a. m.

Now, yesterday a motion was made and carried that we should recess until 11 o'clock. We are brought, therefore, face to face with the proposition that there is a direct conflict between these two orders of the House, taken on different days, and it seems to me that the question is as to which one of these orders must take precedence, which one will prevail.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. NORRIS. I will yield.

Mr. GARRETT. Did not the House by its action of last night in taking a recess set aside the previous order?

Mr. NORRIS. I am coming to that question. I asked the question, and expect to answer it, if the gentleman will permit me to proceed.

I think under all judicial procedure where there is a conflict of two statutes and there is no way to compromise between them or to so construe them as to give effect to both, and where they both come from the same authority, from the body having the right to make them, then the one that is made last must prevail over the one that is made first. [Applause.] It seems to me that it follows, therefore, Mr. Speaker, that the motion to take a recess, coming in direct conflict with the preceding motion that a new day shall begin at 11 o'clock, must take precedence over that order, and that the motion to take a recess prevails over the standing order of the House. Now, I say that, Mr. Speaker, as one who has no sympathy with the motion to go into Committee of the Whole to consider the question of claims. I intend to vote against it, and did yesterday, but I think this ought to be decided without reference to whether we are in favor of one bill or the other, in the interest of orderly procedure. It does look to me that there can be no doubt but the last order made by the House must for the time being supersede the first one.

Mr. MANN. Will the gentleman yield to a question?

Mr. NORRIS. I will yield to the gentleman from Illinois.

Mr. MANN. The rule is, under the order of the House, to meet at 11 o'clock. Now the gentleman says that the motion to take the recess supersedes that order, as I understand the gentleman.

Mr. NORRIS. Yes, sir.

Mr. MANN. Suppose the motion to take a recess was to take a recess until 5 o'clock to-day. It would have the same effect, would it not?

Mr. NORRIS. Well, assuming that such a motion would be in order, I presume, logically, it would, although the question is not involved here.

Mr. MANN. Oh, yes; it is involved.

Mr. NORRIS. Well, I am perfectly willing to involve it here. If there is a conflict between two orders by the same body having authority to make both orders, and nobody disputes that, then the order made last, if it conflicts with the first one, must prevail.

Mr. MANN. There is a difference, if the gentleman will pardon me. One is a rule of the House.

Mr. NORRIS. Well, you may call it a rule of the House, but it was done, I think, on the gentleman's request, by an unanimous-consent agreement, that we should meet at 11 o'clock a. m. Now, that had no more legal effect than though it had been fixed by motion.

Mr. MANN. When the House met at the beginning of the Congress it adopted the rule, or order, fixing the hour of meeting.

Mr. NORRIS. That was done, I think, by unanimous consent.

Mr. MANN. No.

Mr. NORRIS. Suppose it was done by a motion; the gentleman's request, which was acceded to by the House, modified that rule. It illustrates, I think, the point I am trying to make. It was made by the same body that made the first order to meet at 12 o'clock m., and afterwards the meeting at 12 o'clock was superseded by the order to meet at 11 o'clock. It only shows that where two orders conflict and are irreconcilable and both are made by the body having authority to make them, then the order made last must prevail.

Mr. MANN. But it would not be in order to make that motion, except by unanimous consent, to change the hour of meeting. As I understand, the gentleman's position is that an order of the House——

Mr. NORRIS. Right there, where the gentleman makes that proposition, he must admit this, that the order made at his request was legally made.

Mr. MANN. Certainly.

Mr. NORRIS. Then it does not matter whether it was made by unanimous consent or on motion.

Mr. HENRY of Texas. Will the gentleman from Nebraska [Mr. NORRIS] let me interrupt him right there?

Mr. NORRIS. Yes.

Mr. HENRY of Texas. Suppose we make this test—that the House did not take any recess at all, but continued in session all night, and was in session until 10 o'clock to-day. Now, what action would have been taken by the Speaker and the House if we had still been in session at 11 o'clock?

Mr. NORRIS. We would still be in session. Nobody claims that a new day would have begun then.

Mr. HENRY of Texas. The gentleman and I agree.

Mr. SIMS. Let us not take up all our time on general agreements. We are all agreed on this. Let the Chair rule. [Cries of "Rule!" "Rule!"]

The SPEAKER. By constitutional provision the House can not adjourn without the consent of the Senate for a longer period than three days. The House has determined by an order, which is equivalent to a rule, that the daily meeting shall be at 11 o'clock, at which time the Journal shall be read, and so forth, and then comes the daily order of business.

Now, it is quite competent for the House, by unanimous consent, to fix a different time for meeting. For instance, the House has made an order, which has the dignity of a rule, that it shall meet to-morrow, Sunday, at 12 o'clock. There is not anywhere in the rules, so far as the Chair can find, anything said about a recess prior to 1880. An amendment to the rules adopted at that time made a motion to take a recess a privileged motion. In 1890 the provision providing for a recess was dropped out, and it has been continually left out from that time down to the present. Yet, in practice, from time to time the House has taken recesses.

Now, if the House had adjourned yesterday prior to 11 o'clock the adjournment would, by virtue of an order, which is in effect, if not in form, a rule of the House, have been to meet again at 11 o'clock to-day. But it seems that the House on the calendar day of yesterday made an order to take a recess until 11 o'clock to-day, which brought the expiration of the recess to the exact hour that the standing order provided for the daily meeting. On the daily meeting, the beginning of the legislative day, the Journal would be read, and so forth.

Now, it is perfectly clear to the Chair that if a point of order had been made against the motion to take a recess until 11 a. m. to-day the point of order would have been sustained, since that motion had the effect of abrogating a standing order of the House, namely, that the House shall meet daily in regular session at 11 o'clock.

Now, it seems that, notwithstanding the rules of the House, the House did in fact agree to a motion to stand in recess until

11 o'clock this morning. You may say that the House could not do it. Well, everybody understands that. It is like the case of the man who was in jail, and whose lawyer came to see him and said, "Great God! They can not put you in jail for that!" "But," said the man in jail, "they have." [Laughter and applause.] Now, in point of fact, the House, acting by a majority, did agree to a motion to recess until 11 o'clock. Having recessed until 11 o'clock, the precedents that have been cited do not fit this case at all, because in all the precedents the recess was not taken beyond the hour set for the beginning of the coming legislative day, as fixed by standing order of the House. This case is different; but the House having, in fact, recessed, having manifested its will to go into recess until 11 o'clock to-day, it seems to the Chair that the various rules of the House have been set aside by that action of the House, and that the House is still in session as of the legislative day of yesterday. [Prolonged applause.]

Mr. SIMS. Mr. Speaker, I renew the motion made prior to the point of order.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I rise to a point of order.

Mr. GARRETT. I rise to a point of order.

The SPEAKER. The Chair will first state the motion.

Mr. PRINCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SIMS. I make the point of order that the motion should be to resume consideration——

Mr. PRINCE. Very well, to resume consideration of the bill (S. 7971) which was under consideration at the time of the taking of the recess; but I should prefer to make the motion to go into Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. Has not the Speaker held that the House took a recess last night until 11 o'clock to-day for the purpose of considering the matter then under consideration?

The SPEAKER. Oh, no. The Chair only said that by the action of the House yesterday a recess was taken, the Chair holding that this was a continuation of the legislative day of Friday; that is all. This whole question came up on the motion of the gentleman from Tennessee [Mr. SIMS].

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Under the rule, does not the House automatically resolve itself into Committee of the Whole to continue consideration of the bill?

The SPEAKER. The Chair knows of no such rule.

Mr. CLARK of Florida. Let me call the attention of the Chair to the rule.

The SPEAKER. Yes.

Mr. CLARK of Florida. I call attention to the note to Rule II on page 425 of the Manual.

On the failure of a quorum the roll is called but once. Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum.

Mr. MANN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. There is nothing before the House.

The SPEAKER. The gentleman from Florida, as the Chair understands, makes a parliamentary inquiry.

Mr. MANN. I demand the regular order.

Mr. CLARK of Florida. I am making a parliamentary inquiry and submitting some authorities to the Speaker.

The SPEAKER. The Chair will hear the gentleman very briefly.

Mr. CLARK of Florida. I simply want to read a few lines.

Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum.

Now, I submit, Mr. Speaker, that the point of no quorum was made, and now upon the appearance of a quorum the House automatically should go back into Committee of the Whole for further consideration of the bill.

The SPEAKER. Replying to the parliamentary inquiry, the Chair thinks that the rule cited does not apply to the present condition of the House.

Mr. FOSS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOSS. I rise to make a privileged motion, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. SHERLEY. I make the point of order that the motion is not privileged; that during this day the House determined not to consider that bill, and did determine to consider matters on the Private Calendar. The gentleman from Illinois [Mr. PRINCE] has made a motion for further consideration of bills on the Private Calendar, and it is not, therefore, in order for the gentleman from Illinois [Mr. Foss] to make his motion.

The SPEAKER. If the gentleman will examine the uniform practice of the House and the precedents he will find that on Friday, private-bill day, as well as on District day on Monday, a motion to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill or a revenue bill takes precedence of a motion to go into Committee of the Whole House.

Mr. SHERLEY. But I call the attention of the Chair to the fact that during this legislative day of Friday such a motion was made and the House voted down that motion, thereby exercising its privilege of not considering an appropriation bill and going to the Private Calendar.

The SPEAKER. The Chair is under the impression that no motion was made that the House resolve itself into the Committee of the Whole House on the state of the Union on a general appropriation bill. The Chair thinks this is the first time that the motion has been made on behalf of the naval appropriation bill.

Mr. CARLIN. The gentleman from Illinois [Mr. Foss] made the same motion yesterday at about 12 o'clock, and we voted him down.

Mr. MANN. The gentleman from Virginia is mistaken.

The SPEAKER. The recollection of the Chair is that this motion is made touching the naval appropriation bill for the first time during this legislative day.

Mr. CARLIN. Mr. Speaker, I will ask the Chair to refresh his recollection by asking the gentleman from Illinois [Mr. Foss], who, I think, will admit that he made the motion.

Mr. MANN. The gentleman from Illinois [Mr. Foss] rose to make the motion.

Mr. FOSS. Mr. Speaker, I rose to a parliamentary inquiry and asked whether it would be in order to go into the Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

The SPEAKER. Did the gentleman from Illinois submit the motion yesterday to go into Committee of the Whole House on the state of the Union on the naval appropriation bill?

Mr. FOSS. I did not submit a motion.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. Foss], which is clearly in order, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of a general appropriation bill, to wit, the bill H. R. 32212, the naval appropriation bill.

The question was taken; and the Chair being in doubt, the House divided, and there were 109 ayes and 138 noes.

Mr. FOSS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 181, answered "present" 8, not voting 97, as follows:

YEAS—98.

Andrus	Fish	Knowland	Pickett
Anthony	Fitzgerald	Kopp	Pratt
Barclay	Fordney	Langham	Reeder
Barnard	Foss	Lawrence	Roberts
Bingham	Foster, Vt.	Lenroot	Rodenberg
Boutell	Gaines	Lindbergh	Scott
Burke, S. Dak.	Garner, Pa.	Loud	Sheffield
Butler	Gillett	Loudenslager	Simmons
Calder	Goebel	Lowden	Smith, Iowa
Campbell	Graff	Lundin	Snapp
Cassidy	Heald	McCredie	Stafford
Cooper, Pa.	Henry, Conn.	Madden	Steenerson
Currier	Higgins	Madison	Sterling
Dalzell	Hinshaw	Malby	Stevens, Minn.
Davidson	Howell, Utah	Mann	Swasey
Dawson	Howland	Martin, S. Dak.	Tawney
Dickema	Hubbard, Iowa	Miller, Kans.	Taylor, Ohio
Draper	Hull, Iowa	Moxley	Tilson
Driscoll, M. E.	Humphrey, Wash.	Needham	Volstead
Durey	Keifer	Nelson	Vreeland
Dwight	Kendall	Norris	Wiley
Ellis	Kennedy, Iowa	Nye	Woods, Iowa
Esch	Kennedy, Ohio	Olcott	Young, Mich.
Fairchild	Kinkaid, Nebr.	Palmer, H. W.	
Fassett	Knapp	Parker	

NAYS—181.

Adair	Ansberry	Beall, Tex.	Burgess
Adamson	Ashbrook	Bell, Ga.	Burleson
Aiken	Austin	Bennet, N. Y.	Burnett
Alexander, Mo.	Barnhart	Boehne	Byrd
Alexander, N. Y.	Bartholdt	Booher	Byrns
Ames	Bartlett, Ga.	Brantley	Calderhead
Anderson	Bartlett, Nev.	Broussard	Candler

Cantrill	Garrett	Legare	Rucker, Colo.
Carlin	Glass	Lever	Rucker, Mo.
Carter	Godwin	Lloyd	Saunders
Cary	Good	McHenry	Shackleford
Chapman	Gordon	McKinlay, Cal.	Sharp
Clark, Fla.	Graham, Ill.	McKinney	Sheppard
Clark, Mo.	Grant	McLachlan, Cal.	Sherley
Clayton	Greene	McLaughlin, Mich.	Sherwood
Cline	Guernsey	Macon	Sims
Collier	Hamlin	Maguire, Nebr.	Sisson
Cooper, Wis.	Hammond	Martin, Colo.	Slemp
Cowles	Hanna	Massey	Small
Cox, Ind.	Hardwick	Maynard	Smith, Tex
Cox, Ohio	Hardy	Mays	Sparkman
Craig	Haugen	Miller, Minn.	Spight
Creager	Havens	Mitchell	Stanley
Crow	Hawley	Moon, Tenn	Stephens, Tex.
Cullop	Hay	Morgan, Mo.	Sulloway
Davis	Heflin	Morgan, Okla.	Talbott
Dent	Helm	Morrison	Taylor, Ala.
Denver	Henry, Tex.	Morse	Thistlewood
Dickinson	Hitchcock	Moss	Thomas, Ky.
Dickson, Miss.	Hobson	Nicholls	Thomas, N. C.
Dies	Hollingsworth	O'Connell	Tou Velle
Dixon, Ind.	Houston	Oldfield	Townsend
Dodds	Hughes, Ga.	Padgett	Turnbull
Douglas	Hughes, N. J.	Page	Underwood
Driscoll, D. A.	Hull, Tenn.	Parsons	Wallace
Edwards, Ga.	Humphreys, Miss.	Pearre	Wanger
Edwards, Ky.	Jamieson	Peters	Watkins
Ellerbe	Johnson, S. C.	Plumley	Webb
Elvins	Kellher	Pou	Weeks
Estopinal	Kitchin	Prince	Weisse
Ferris	Korbly	Pujo	Wheeler
Finley	Küstermann	Rainey	Wickliffe
Flood, Va.	Lamb	Randell, Tex.	Woodyard
Floyd, Ark.	Langley	Rauch	
Foster, Ill.	Law	Richardson	
Garner, Tex.	Lee	Robinson	

ANSWERED "PRESENT"—8.

Goulden	Howell, N. J.	McCall	Rothermel
Harrison	Hubbard, W. Va.	Olmsted	Young, N. Y.

NOT VOTING—97.

Allen	Gallagher	Kinkead, N. J.	Poindexter
Barchfeld	Gardner, Mass.	Kronmiller	Pray
Bates	Gardner, Mich.	Lafean	Ransdell, La.
Bennett, Ky.	Gardner, N. J.	Latta	Reid
Borland	Gill, Md.	Lindsay	Rhinock
Bowers	Gill, Mo.	Lively	Riordan
Bradley	Gillespie	Livingston	Roddenbery
Burke, Pa.	Goldfogle	Longworth	Sabath
Burleigh	Graham, Pa.	McCreary	Slayden
Capron	Gregg	McDermott	Smith, Cal.
Cocks, N. Y.	Griest	McGuire, Okla.	Smith, Mich.
Cole	Hamer	McKinley, Ill.	Southwick
Conry	Hamill	McMorran	Sperry
Coudrey	Hamilton	Millington	Sturgiss
Covington	Hayes	Mondell	Sulzer
Cravens	Hill	Moon, Pa.	Taylor, Colo.
Crumpacker	Howard	Moore, Pa.	Thomas, Ohio
Denby	Huff	Moore, Tex.	Washburn
Dupre	Hughes, W. Va.	Morehead	Willett
Englebright	James	Mudd	Wilson, Ill.
Focht	Johnson, Ky.	Murdock	Wilson, Pa.
Foelker	Johnson, Ohio	Murphy	Wood, N. J.
Fornes	Jones	Palmer, A. M.	
Fowler	Joyce	Patterson	
Fuller	Kahn	Payne	

So the motion was rejected.

The Clerk announced the following pairs:

Until Saturday, February 18:

Mr. KAHN with Mr. ROTHERMEL.

Mr. OLMSTED with Mr. JONES.

Until Monday morning, February 20:

Mr. LONGWORTH with Mr. HARRISON.

Until Tuesday, February 21, inclusive:

Mr. HOWELL of New Jersey with Mr. JOHNSON of Kentucky.

Until further notice:

Mr. PRAY with Mr. SULZER.

Mr. MOREHEAD with Mr. TAYLOR of Colorado.

Mr. JOHNSON of Ohio with Mr. KINKEAD of New Jersey.

Mr. MCGUIRE of Oklahoma with Mr. LIVELY.

Mr. MCKINLEY of Illinois with Mr. LIVINGSTON.

Mr. HILL with Mr. GOLDFOGLE.

Mr. LAFEAN with Mr. LATTA.

Mr. HAYES with Mr. HAMILL.

Mr. FULLER with Mr. GILL of Maryland.

Mr. CRUMPACKER with Mr. CRAVENS.

Mr. COLE with Mr. SLAYDEN.

Mr. BURLEIGH with Mr. CONRY.

Mr. SOUTHWICK with Mr. BOWERS.

Mr. BURKE of Pennsylvania with Mr. RODDENBERY.

Mr. COCKS of New York with Mr. BORLAND.

Mr. MCMORRAN with Mr. RIORDAN.

Mr. GARDNER of Massachusetts with Mr. GALLAGHER.

The result of the vote was announced as above recorded.

BILLS ON THE PRIVATE CALENDAR.

Mr. PRINCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole for the purpose of considering business in order to-day.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 137, noes 45.

Mr. MANN. I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. [After counting.] Thirty-seven gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 187, nays 57, answered "present" 13, not voting 128, as follows:

YEAS—187.

Adair	Creager	Hobson	Padgett
Adamson	Cullop	Hollingsworth	Page
Aiken	Currier	Houston	Pearre
Alexander, Mo.	Dalzell	Hughes, Ga.	Peters
Alexander, N. Y.	Davis	Hughes, N. J.	Poindexter
Ames	Dent	Hull, Tenn.	Pou
Anderson	Denver	Humphreys, Miss.	Prince
Ansberry	Dickinson	Jamieson	Pujo
Ashbrook	Dickson, Miss.	Johnson, S. C.	Rainey
Austin	Diekema	Kinkaid, Nebr.	Randell, Tex.
Barclay	Dies	Kitchin	Rauch
Barnhart	Dixon, Ind.	Knowland	Richardson
Bartholdt	Dodds	Kopp	Robinson
Bartlett, Ga.	Draper	Korbly	Rucker, Colo.
Bartlett, Nev.	Driscoll, D. A.	Küstermann	Rucker, Mo.
Beall, Tex.	Driscoll, M. E.	Lamb	Saunders
Bell, Ga.	Durey	Langham	Shackleford
Bennet, N. Y.	Edwards, Ga.	Langley	Sharp
Boehne	Edwards, Ky.	Latta	Sheffield
Booher	Ellerbe	Law	Sheppard
Brantley	Estopinal	Lee	Sherley
Broussard	Ferris	Legare	Sherwood
Burgess	Finley	Lever	Sims
Burleson	Flood, Va.	Lindbergh	Sisson
Burnett	Floyd, Ark.	Lively	Small
Butler	Foster, Ill.	Livingston	Smith, Tex.
Byrd	Garner, Tex.	Lloyd	Stanley
Byrns	Garrett	McHenry	Stephens, Tex.
Calder	Glass	McKinlay, Cal.	Sterling
Calderhead	Godwin	McLachlan, Cal.	Sulloway
Candler	Good	Macon	Talbott
Cantrill	Gordon	Maguire, Nebr.	Taylor, Ala.
Carlin	Graham, Ill.	Martin, Colo.	Taylor, Colo.
Carter	Grant	Massey	Thistlewood
Cary	Greene	Mays	Thomas, Ky.
Chapman	Guernsey	Mitchell	Thomas, N. C.
Clark, Fla.	Hamlin	Moon, Tenn.	Tou Velle
Clark, Mo.	Hammond	Morgan, Mo.	Townsend
Clayton	Hardwick	Morgan, Okla.	Turnbull
Cline	Hardy	Morrison	Underwood
Cole	Havens	Morse	Wanger
Collier	Hay	Moss	Watkins
Cooper, Wis.	Heflin	Needham	Webb
Cowles	Helm	Nicholls	Weisse
Cox, Ind.	Henry, Tex.	O'Connell	Wickliffe
Cox, Ohio	Higgins	Olcott	Woodyard
Craig	Hitchcock	Oldfield	

NAYS—57.

Andrus	Fish	Kennedy, Ohio	Palmer, H. W.
Anthony	Fitzgerald	Lawrence	Roberts
Barnard	Foss	Lenroot	Rodenberg
Bingham	Gaines	Loudenslager	Stafford
Boutell	Gardner, N. J.	Lowden	Steenerson
Burke, S. Dak.	Garner, Pa.	McCredie	Stevens, Minn.
Campbell	Gillett	McGuire, Okla.	Tawney
Cassidy	Goebel	Madden	Tilson
Cooper, Pa.	Heald	Malby	Volstead
Dawson	Henry, Conn.	Mann	Wiley
Dwight	Hinshaw	Martin, S. Dak.	Wilson, Ill.
Ellis	Hubbard, Iowa	Miller, Kans.	Woods, Iowa
Esch	Hull, Iowa	Moxley	
Fairchild	Keifer	Norris	
Fassett	Kendall	Nye	

ANSWERED "PRESENT"—13.

Goulden	Hubbard, W. Va.	Olmsted	Young, N. Y.
Harrison	Knapp	Rothermel	
Howell, N. J.	McCall	Simmons	
Howland	McKinley, Ill.	Young, Mich.	

NOT VOTING—128.

Allen	Focht	Hawley	McCreary
Barchfeld	Foelker	Hayes	McDermott
Bates	Fordney	Hill	McKinney
Bennett, Ky.	Fornes	Howard	McLaughlin, Mich.
Borland	Foster, Vt.	Howell, Utah	McMorran
Bowers	Fowler	Huff	Madison
Bradley	Fuller	Hughes, W. Va.	Maynard
Burke, Pa.	Gallagher	Humphrey, Wash.	Miller, Minn.
Burleigh	Gardner, Mass.	James	Millington
Capron	Gardner, Mich.	Johnson, Ky.	Mondell
Cocks, N. Y.	Gill, Md.	Johnson, Ohio	Moon, Pa.
Conry	Gill, Mo.	Jones	Moore, Pa.
Coudrey	Gillespie	Joyce	Moore, Tex.
Covington	Goldfogle	Kahn	Morehead
Cravens	Graff	Kelher	Mudd
Crow	Graham, Pa.	Kennedy, Iowa	Murdock
Crumpacker	Gregg	Kinkead, N. J.	Murphy
Davidson	Griest	Kronmiller	Nelson
Denby	Hamer	Lafean	Palmer, A. M.
Douglas	Hamill	Lindsay	Parker
Dupre	Hamilton	Longworth	Parsons
Elvins	Hanna	Loud	Patterson
Englebright	Haugen	Lundin	Payne

Pickett	Roddenbery	Southwick	Vreeland
Plumley	Sabath	Sparkman	Wallace
Pratt	Scott	Sperry	Washburn
Pray	Slayden	Spight	Weeks
Ransdell, La.	Slemp	Sturgiss	Wheeler
Reeder	Smith, Cal.	Sulzer	Willett
Reid	Smith, Iowa	Swasey	Wilson, Pa.
Rhinock	Smith, Mich	Taylor, Ohio	Wood, N. J.
Riordan	Snapp	Thomas, Ohio	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until 3 o'clock to-day:

Mr. LOUD with Mr. MAYNARD.

For all votes on claims:

Mr. YOUNG of Michigan with Mr. SPARKMAN.

For this legislative day:

Mr. DOUGLAS (for) with Mr. HOWLAND (against).

Until further notice:

Mr. KENNEDY of Iowa with Mr. BOWERS.

Mr. KNAPP with Mr. WALLACE.

Mr. DAVIDSON with Mr. SPIGHT.

Mr. MOON of Pennsylvania with Mr. SLAYDEN.

Mr. FORDNEY with Mr. KELIHER.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the further consideration of Senate bill 7971, and the Clerk will resume the reading of the bill——

Mr. MANN. Mr. Chairman, the House is not in the Committee of the Whole for the consideration of this bill.

The CHAIRMAN. For the purpose of considering bills on the Private Calendar. The Clerk will resume the reading of the bill.

(The Clerk commenced the reading of the bill at line 18, page 101.)

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the further first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that the further first reading of the bill be dispensed with. Is there objection?

Mr. MANN. I object.

(The Clerk resumed the reading of the bill on line 15, page 102.)

Mr. MANN. Mr. Chairman, my attention was distracted for a moment, and I would like to inquire just where the Clerk is reading.

The CHAIRMAN (Mr. BENNET of New York). The Clerk is reading on page 115, line 17.

Mr. MANN. That is a very important part of the bill, and I have to make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. CLAYTON. Will the gentleman from Illinois [Mr. MANN] tell me, without looking at the bill, what it relates to?

Mr. MANN. Yes; the French spoliation claims. I have just stated that my attention had been distracted for a moment by gentlemen in conversation.

The CHAIRMAN (after counting). There are 61 gentlemen present—not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Denby	Hammond	McCredie
Allen	Denver	Hanna	McDermott
Ames	Dickson, Miss.	Haugen	McHenry
Anderson	Diekema	Havens	McKinlay, Cal.
Ansberry	Douglas	Hawley	McLachlan, Cal.
Anthony	Draper	Hayes	McMorran
Ashbrook	Dupre	Higgins	Malby
Barchfeld	Elvins	Hinshaw	Miller, Kans.
Bates	Englebright	Hitchcock	Millington
Bennett, Ky.	Fairchild	Howard	Mondell
Bingham	Fish	Howell, N. J.	Moon, Pa.
Borland	Foelker	Howell, Utah	Moore, Pa.
Bowers	Fordney	Hubbard, Iowa	Moore, Tex.
Bradley	Fornes	Huff, Pa.	Morse
Burgess	Foster, Vt.	Hughes, W. Va.	Mudd
Burke, Pa.	Fowler	Hull, Iowa	Murdock
Burleigh	Fuller	James	Murphy
Calder	Gallagher	Johnson, Ky.	Nye
Calderhead	Gardner, Mich.	Jones	Palmer, A. M.
Campbell	Gardner, N. J.	Joyce	Palmer, H. W.
Capron	Garner, Pa.	Kahn	Patterson
Cassidy	Gill, Md.	Keliher	Payne
Cocks, N. Y.	Gill, Mo.	Kinkead, N. J.	Plumley
Conry	Gillespie	Kopp	Poindexter
Cooper, Wis.	Goebel	Kronmiller	Pratt
Coudrey	Goldfogle	Lafean	Rainey
Covington	Graham, Pa.	Latta	Ransdell, La.
Cox, Ind.	Grant	Lindsay	Reeder
Cox, Ohio	Gregg	Livingston	Reid
Craig	Griest	Lloyd	Rhinock
Cravens	Hamer	Longworth	Riordan
Creager	Hamill	Loud	Roddenbery
Crumpacker	Hamilton	McCreary	Sabath
Sharp	Southwick	Taylor, Ohio	Wheeler
Sherwood	Sperry	Thomas, Ohio	Wilson, Ill.
Simmons	Steenerson	Underwood	Wilson, Pa.
Slayden	Stevens, Minn.	Volstead	Wood, N. J.
Slemp	Sturgiss	Vreeland	Woods, Iowa
Small	Sulzer	Wallace	Young, Mich.
Smith, Cal.	Swasey	Wanger	Young, N. Y.
Smith, Mich.	Taylor, Ala.	Washburn	
Snapp	Taylor, Colo.	Weeks	

Thereupon the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that the Committee of the Whole House had had under consideration bills on the Private Calendar, and finding itself without a quorum, the roll was called, and that he returned a list of the absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House has reported that the committee has had under consideration private bills, in order under the rule, and that finding itself without a quorum, the roll was called, and he returns a list of the absentees.

Mr. MANN. I move, Mr. Speaker, that the list of absentees be reported.

Mr. STANLEY rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. STANLEY. I rise to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky will state it.

Mr. STANLEY. I desire to know if the Clerk's eyesight is good? [Laughter.] Last night I inquired of the Clerk if I was recorded as being here, and the Clerk assured me that I was here. The RECORD shows that I was not. I wish to correct the RECORD, that it may show that I was here. [Laughter.]

Mr. MANN. Does the gentleman himself know whether he was here or not? [Laughter.] I ask that the list of absentees be reported.

The Clerk read the names of the absentees.

The SPEAKER pro tempore. The roll call discloses the presence of 216 Members—a quorum—and the committee will resume its session.

Mr. CURRIER resumed the chair as Chairman of the Committee of the Whole House.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. I want to state to Members that if they do not stay here and keep a quorum we shall be compelled to abandon the fight. I am not going to fight to win a victory here for men who will not stay with me and make a quorum.

Mr. LANGLEY. We will all stay with you. [Laughter.]

Mr. MANN. Mr. Chairman, I would like to hear the Clerk read the bill. That can not be done in the confusion that now prevails.

Mr. BARTLETT of Georgia. Regular order!

The CHAIRMAN. The gentleman from Georgia calls for the the regular order.

Mr. SIMS. The gentleman from Illinois [Mr. MANN] persists in making the point of order that there is not a quorum present, and each time on the ascertainment of a quorum, as soon as the quorum is announced, the Members vanish and scatter themselves throughout the lobby, and it takes up the time that should be devoted to proper proceedings in consideration of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded with the reading of the bill, beginning on page 115, line 17.

The Clerk, proceeding with the reading of the bill, read to line 21, page 132.

Mr. MANN. Mr. Chairman, as I do not see the Representative from Massachusetts [Mr. GARDNER] in his seat, in his absence I will make the point that there is no quorum present.

Mr. CARLIN. I make the point of order that that point is dilatory.

Mr. MANN. It is not dilatory.

Mr. CARLIN. The gentleman's purpose is obvious. It is to filibuster.

Mr. MANN. I am entitled to have the members of the committee stay here and listen to the reading of this bill.

The CHAIRMAN. It is evident to the Chair that a quorum is now present. The Chair therefore sustains the point of order.

Mr. MANN. Let these gentlemen who have something in this bill stay here and listen to the reading of it.

Mr. AUSTIN. We will stay.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: *Provided*, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 15th day of January, 1911, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The Clerk has begun the reading of section 4 of the act, which contains provisions repealing two or more sections of the statutes. I wish at the proper time to make a point of order. Is it necessary to make it during this first reading?

The CHAIRMAN. Does the gentleman's point of order go to the question of jurisdiction?

Mr. MANN. It goes to the question of jurisdiction. I wish to inquire whether I must call attention to it on the reading of the first paragraph or when the section has been completed.

The CHAIRMAN. The reading of a paragraph is not completed until the succeeding section or paragraph has been read.

Mr. MANN. The section is divided into two parts. My inquiry is whether the question should be raised upon the completion of the reading of the section or when the first part has been read.

The CHAIRMAN. The Chair will say to the gentleman that if a point of order raising a question of jurisdiction is to be made it should be made upon the reading of the first part, treating it as a paragraph.

Mr. MANN. Then, Mr. Chairman, I make the point of order against this provision in the bill, which is a matter of general legislation, not in order on the Private Calendar, not in order even to-day. The committee has no jurisdiction to report a proposition of general legislation in this bill, which is a bill properly referable to the Private Calendar. I do not know upon what excuse or what parliamentary proposition it is presented here.

Mr. PRINCE. If my colleague from Illinois insists on his point of order, I have no doubt that the point is well taken. The Committee on Claims has no jurisdiction other than over the question of claims. We are not the Committee on the Judiciary, and we have no right to legislate; but we found this bill in its present form, as it came from the Senate.

Mr. MANN. Let me be perfectly fair with the Chair and with the House. This, of course, is a Senate bill. The committee could not divide up the bill. The question arises as to whether the bill ought to be on the Private Calendar or on the Public Calendar. I do not desire to detain the House at any length. I simply raise the question.

The CHAIRMAN. The question presented is a troublesome one, and the Chair would like to hear from gentlemen who wish to discuss the point of order.

SEVERAL MEMBERS. Rule!

The CHAIRMAN. The Chair is not prepared to rule. It is a very troublesome and important question.

Mr. AUSTIN. I understood the chairman of the Committee on Claims to concede that it was legislation and subject to a point of order.

The CHAIRMAN. The difficulty is that you can not strike this out as you could if it was a House bill. It is a Senate bill. The question is on which calendar it should be.

Mr. PRINCE. Mr. Chairman, if it is the contention of my colleague that this should not be on the Private Calendar, but on some other calendar, ought not that point to have been made at the time the bill was first under consideration——

Mr. MANN. This is the first time it has been under consideration.

Mr. PRINCE (continuing). And not wait until so much time has been consumed and we have read to this point in the bill?

Mr. MANN. The gentleman from Illinois, my colleague, confuses the first reading of the bill with the second reading of the bill. This is the first opportunity I have had, this being the first reading of the bill.

Mr. PRINCE. Undoubtedly the gentleman knew about it before we started to read the bill.

Mr. MANN. But I could not rise and make the point then, for the gentleman would not give me any concession to do anything in the House.

Mr. PRINCE. But the gentleman has had most of the time.

Mr. MANN. There was no concession; I have had nothing except my rights.

Mr. PRINCE. Yes; and the gentleman has had to fight for that.

Mr. SIMS. I do not think the gentleman has had to fight much, when he was making points of order all the time.

Mr. MANN. I have had to fight the gentleman from Tennessee sometimes.

The CHAIRMAN. The Chair will make some examination of the precedents.

Mr. OLCOTT. Mr. Chairman, there are several District of Columbia bills to be passed, and if there is nothing going on I should like to have an opportunity to take hold of them.

The CHAIRMAN. The gentleman from New York is mistaken; something is going on. If no one cares to discuss the point of order, the Chair will ask the Clerk to read, for the information of the House, the section to which the point of order is addressed, the first part of section 3 of the bill.

The Clerk read as follows:

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the Army or Navy during the War for the Suppression of the Rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: *Provided*, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the War for the Suppression of the Rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 15th day of January, 1911, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act.

The CHAIRMAN. The Chair wishes to state to the committee that to his mind it is perfectly clear that the provision just read is general legislation, and, standing alone, would make it clearly a public bill. But that is only a part of the bill. The Chair realizes the difficulty in dealing with this bill. The Chair would be glad of suggestions from Members as to how it is affected. If this was the only provision in the bill then clearly the point of order would lie. The bill would certainly be improperly on the Private Calendar, and the objection to it comes in time. The trouble in dealing with the bill is that if it was put on the House or Union Calendar it would be difficult to deal with it there since it includes a large number of private matters. The Chair can hardly see where this bill would go. In view of that difficulty the Chair would be glad to hear from the gentlemen who desire to discuss it.

Mr. CARLIN. I suggest to the Chair to leave it to the House to decide it and we will determine where it shall stay.

Mr. MANN. Mr. Chairman, I appreciate the difficulty in reference to this matter. While I made the point of order on this, I do not see how it would have been possible to have referred this bill to the House Calendar, where these legislative provisions would have gone if it had been a separate bill. I do not see how it would be possible to refer to the House Calendar provisions for the payment of money out of the Treasury. I do not see how it would be possible to refer it to the Union Calendar, being on the one side a private-claim bill and on the other side a legislative proposition going to the House Calendar.

Now, it has been referred to the Private Calendar. These provisions are not in order in the Committee of the Whole on the Private Calendar, but because I believe in being fairly fair, and if this should now be referred to the House Calendar, which of course would end the bill, I will withdraw the point of order.

The Clerk proceeded and completed the reading of the bill.

Mr. MANN. Mr. Chairman, I ask for the reading of the committee amendments.

The CHAIRMAN. The Clerk will read the committee amendments.

The Clerk proceeded to read the committee amendments to strike out the French spoliation claims, beginning on page 47, line 10, down to and including line 26, page 117.

Mr. SIMS (interrupting the reading). Mr. Chairman, I understand the Clerk is simply reading from what he has already read.

The CHAIRMAN. The Clerk is reading a committee amendment.

Mr. SIMS. Which is absolutely a duplication of what he has already read. It is an amendment striking out.

The CHAIRMAN. That is true, but it is an amendment reported by the committee.

Mr. SIMS. It has already been read.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 20, noes 81.

So the motion was rejected.

The Clerk continued the reading of the amendments.

Mr. CARLIN (interrupting the reading). Mr. Chairman, I make the point of order that it is not in order to read this matter which has already been previously read.

The CHAIRMAN. The point of order is overruled.

Mr. CARLIN. I appeal from the decision of the Chair.

Mr. MANN. Mr. Chairman, I make the point of order that there is no appeal from the decision of the Chair on a matter of order of this kind.

The CHAIRMAN. The Chair will entertain the appeal. The question is, Will the judgment of the Chair stand as the judgment of the committee?

Mr. LLOYD. What was the ruling of the Chair?

The CHAIRMAN. The Chair overruled the point of order made by the gentleman from Virginia, that the reading of the committee amendments should not proceed.

Mr. GARDNER of Massachusetts. Mr. Chairman, I will move to lay that appeal on the table.

Mr. CARLIN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the committee amendments.

Mr. PRINCE. Mr. Chairman, the bill having been read, and the committee amendments having been read, I desire to make a few remarks upon the bill. This is what is known as the omnibus bill. There are carried in the bill as it came from the Senate for individual claims under the war claim division of the bill $475,123.04, church claims under the war claims portion of the bill to the amount of $377,174.08, making in all $852,297.12 which was carried by the bill when it was presented to the Senate. In addition to what I have named, upon the floor of the Senate an amendment was made adding $95,382. That makes the total carried by the Senate bill now under consideration by the committee $947,779.12. The Committee on Claims directed me, as chairman, to refer a part of this at least for consideration to the War Claims Committee. They will show to this committee at the proper time, and this is not the proper time, how much they will add to this measure on the war claims provision of the bill and how much they have deducted for reasons good and sufficient to that committee. As I understand, totaling it, the bill will carry, if amended for war-claim purposes, $1,164,291.13. When the bill came to the Committee on Claims it contained a provision to pay a certain kind of French spoliation claims. There are three kinds of French spoliation claims—one going to individuals, one going to private underwriters, and one going to insurance companies. For reasons not known to me, the Senate declined to consider in that bill any French spoliation claims pertaining to insurance claims, and this bill, when it came to our committee, had two kinds of French spoliation claims—one individual claims and one private underwriters' claims—the total aggregate of those claims being $842,688.43.

There are other claims in the bill known as overtime navy-yard claims, and six or seven miscellaneous claims. The total of those is $345,961.22. If the bill should pass as the proponents of the bill may desire to have it passed it would carry $1,164,291.13 in war claims, $842,688.53 in French spoliation claims of the kind I have mentioned, and overtime claims amounting to $345,961.32, or a total of $2,352,940.78.

Mr. MANN. Will my colleague yield for a question?

Mr. PRINCE. I will, for a question.

Mr. MANN. My colleague only named three classes of claims; that is, war claims, French spoliation claims, and overtime claims. Are not there a number of claims in the bill which do not come within any one of those designations?

Mr. PRINCE. There are only very few that do not come under that class; a very few, indeed.

Mr. MANN. Will the gentleman tell how much is involved in those claims?

Mr. PRINCE. Not very much.

Mr. MANN. Oh, but the gentleman has some idea.

Mr. PRINCE. There may be in the rough——

Mr. MANN. Will not the gentleman give it to us a little more closely?

Mr. PRINCE. I have not figured it up, but I should say $50,000.

Mr. MANN. In the figures which the gentleman gave as to overtime claims, do those figures include all these other claims?

Mr. PRINCE. Yes.

Mr. MANN. That is the sum of the overtime and the other claims?

Mr. PRINCE. Yes; I so stated. I stated here, and it is in the report, of the kind of claims the total is $345,961.22, which includes the overtime and the other claims to which the gentleman refers.

Mr. KITCHIN. What are the other claims?

Mr. PRINCE. I will reach those in a moment.

Mr. AUSTIN. If the gentleman will permit, in his classification of war claims, under the head of church claims do you include claims due Masonic lodges and Odd Fellows?

Mr. PRINCE. No. We call those church claims, and they are specified as such. The other would be individual claims to cover these organizations and not as a church.

Mr. AUSTIN. My second question is this: Has the Court of Claims passed on all of these claims?

Mr. PRINCE. I will reach that in a moment.

Mr. GARDNER of Massachusetts. If the gentleman will permit, before he leaves the matter of French spoliation claims——

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Those in this bill only include two classes of claims, as I understand it.

Mr. PRINCE. I so stated.

Mr. GARDNER of Massachusetts. The same two classes which have been included in the last three omnibus bills which have appropriated for French spoliation claims.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Another thing. You stated that the amount of the claims was a little over $800,000.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. In your report I find it amounts to but a little over $110,000.

Mr. PRINCE. That is not a report at all; that is a matter that I gave you which is in the nature of a subcommittee's report to the full committee, which the committee declined to favor.

Mr. GARDNER of Massachusetts. If the gentleman will listen for one moment, the gentleman can perhaps explain the matter to my satisfaction. On page 6, halfway down, speaking of the French spoliation claims, it says:

> Of the 59 cases reported to the Sixty-first Congress, only 19 have been favorable, involving $105,000, and of the 21 cases reported from the court to this session only one has been favorable, involving $4,500.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Where does the balance come in?

Mr. PRINCE. If the gentleman would read closely what he has read, it says of the 59 cases reported to the Sixty-first Congress——

Mr. GARDNER of Massachusetts. Yes.

Mr. PRINCE. The cases that are included in the Senate bill are those that come from former Congresses between the time of the last passage of the bill and this bill, and if you add to that what came in the Sixty-first Congress you get the sum total which I have given you—$842,688.53.

Mr. AUSTIN. Now, I wish to ask the gentleman how long it has been since Congress appropriated money to pay the claims from the Court of Claims.

Mr. PRINCE. My impression is that it was in 1905—six years ago.

Mr. MANN. Will the gentleman yield to one question in reference to the French spoliation claims? We have had certain French spoliation claims, I think, now three times before, and, I suppose, to a certain extent established the policy, and is the gentleman able to say whether the French spoliation claims involved in this case are in any way different from the classes of claims which Congress has heretofore paid? Do they stand in any way upon a different footing?

Mr. PRINCE. No, sir.

Mr. MANN. Why is it that these claims were not paid before?

Mr. PRINCE. As I understand, in the former bills they included the French spoliation claims favorably passed upon up to that time. These are subsequent to the time that payments have been made.

Mr. MANN. Were all the French spoliation claims of these classes that are covered in this bill, and that have been through

the Court of Claims, carried in the bills which passed before?

Mr. PRINCE. Yes.

Mr. MANN. These are the only claims which have gone through the Court of Claims since the passage of the last bill that carried French spoliation claims?

Mr. PRINCE. Yes.

Mr. MANN. The gentleman is accurate about that, now?

Mr. PRINCE. That is my recollection.

Mr. GARDNER of Massachusetts. I am quite confident that is a fact.

Mr. MANN. I am very frank with the gentleman. The gentleman understands my position.

Mr. PRINCE. I understand your position.

Mr. MANN. The only reason we have taken time on this, or possibly a little extra time, is because we have no information on the subject. Now, if the gentleman can give us information, not estimates or guesswork, it will make a great deal of difference in the way I feel toward the bill.

Mr. PRINCE. Very well; I will try to answer the gentleman.

Mr. GARDNER of Massachusetts. If the gentleman from Illinois [Mr. PRINCE] will yield, permit me to say that at the time the last spoliation claims were paid by Congress I had occasion to look the matter up to see if all findings had been included.

Mr. MANN. When was that time?

Mr. GARDNER of Massachusetts. I should say about four years ago, but I can not be sure. At that time I found that by amendment all French spoliation claims reported favorably by the Court of Claims up to the date of the offering of that amendment, which, I think, was December 20, in that year, were taken care of, except the claims which are usually called insurance company claims.

Mr. ANTHONY. Will the gentleman give a little information in regard to the navy yard back-pay claims by navy-yard workmen?

Mr. PRINCE. I will do the best I can.

Mr. ANTHONY. Have those ever been considered by the committee of the House?

Mr. PRINCE. I will answer that as I go along, and if I do not answer it ask me the question again.

Mr. ANTHONY. The reason I asked the question was because there were certain bills under the eight-hour law pending in the House, and certain claims have come from the Senate that have been heretofore rejected by the House Committee on Claims.

Mr. PRINCE. I have something else in my mind now. If I do not answer the question, ask me again.

Mr. KITCHIN. When was the first appropriation made on these so-called judgments?

Mr. PRINCE. I am unable to give my colleague that information from memory here, but I will see if I can tell him in a minute.

Mr. KITCHIN. Perhaps the gentleman from Massachusetts [Mr. GARDNER] can do so.

Mr. PRINCE. Just wait and I will answer you. I will read:

In 1896 the general deficiency bill passed both Houses carrying an appropriation for French spoliations of $1,000,000 and was vetoed by President Cleveland. The first omnibus claims bill was passed in 1899, and was approved by President McKinley, carrying an appropriation for French spoliation claims amounting to $1,055,734.04. The second and third omnibus claims bills passed both Houses in 1902 and 1905, respectively, and were both approved by President Roosevelt, carrying appropriations for French spoliations of $798,000 and $752,000 and odd.

These four general appropriation acts, as far as the French spoliation cases are concerned, amounted in the aggregate to $3,810,000 or $4,000,000 in round numbers. During the last 14 years there has been no debate nor dissent in the House in the acceptance of the Senate amendments to these claims.

Have I answered the gentleman?

Mr. KITCHIN. What is the gentleman reading?

Mr. PRINCE. I am reading from a subcommittee report that was prepared on the omnibus bill to submit to the full committee.

Mr. KITCHIN. Which was adversely reported.

Mr. PRINCE. And which was rejected by the committee.

Mr. KITCHIN. Now, what I wanted to ask is, I see that there has been appropriated about $4,000,000 at three different times.

Mr. PRINCE. Yes, sir.

Mr. KITCHIN. I would like to know if there is any man in this House who heard any of the debates concerning these appropriations at all. I would like to know if it is not a fact that they were put on a bill by the Appropriations Committee as judgments of the court, and if it was not so stated, and if the House did not so understand, when they were put upon the appropriation bill, that they were final judgments of the court—such judgments as the Government is under moral and legal obligations to pay. Is it not a fact that these claims simply went on the appropriation bill and never went before any Claims Committee of this House and were never considered by such committee, but came to the Appropriations Committee as judgments of the court? How did they get before the House?

Mr. PRINCE. My answer to my colleague on the Committee on Claims is this, that the first omnibus claims bill—which was not an appropriation bill—was passed in 1899. I was then a Member of this House, and must have voted for it.

Mr. KITCHIN. I know; but did the gentleman hear any discussion thereon?

Mr. PRINCE. When, may I ask, did the gentleman from North Carolina enter Congress?

Mr. KITCHIN. I was elected in 1900.

Mr. PRINCE. Let me read what was done since the gentleman has been here.

Mr. KITCHIN. I know; but I do not know anything about it, nor does any other Member here seem to know how those appropriations were made.

Mr. MANN. The first time the French spoliation claims went through the House there was a long contest waged against them. I voted against them, as I recall.

Mr. KITCHIN. How long has the gentleman from Illinois been here?

Mr. MANN. I have been here since the spring of 1897. I think that is the only time that the House ever directly passed the French spoliation claims, inasmuch as after that the French spoliation claims were added to the general deficiency bill, I think, in the Senate.

Mr. PRINCE. No; I beg the gentleman's pardon. I can give you the statute covering that. It is the Thirtieth Statute. I can also give you the page, so that you can verify what I am saying and need not accept any guesswork about it.

Now, are there any further questions from my colleague in regard to these claims?

Mr. MANN. What is the statute and page of the last act?

Mr. PRINCE. The Thirty-third Statute, law 743.

Mr. KITCHIN. What does the gentleman's brief say about these appropriations of 1902 and 1905? I know that they did not come before our committee. I have been a member of the Claims Committee since 1901, and they ought to have gone before that committee——

Mr. PRINCE. I can not say as to that——

Mr. KITCHIN. Unless they went to the Appropriations Committee as judgments of the court or, perhaps, quietly tacked on to some bill in the Senate.

Mr. PRINCE. I can say this to my colleague on the Committee on Claims, that the reference has been first to the War Claims Committee and then to the Claims Committee. No; there is no uncertainty as to which committee of the House has jurisdiction over the French spoliation claims, but in the Senate the situation is different. In the Senate there is but one Committee on Claims, while the House has four committees which deal with claims—the Committee on Indian Affairs, the Committee on Private Land Claims, the Committee on War Claims, and the Committee on Claims—so that if a bill goes from this body to the other body, and they there put on war claims, they may put French spoliation claims upon a war-claims bill, and it will go to the War Claims Committee on its return from the Senate.

Mr. MANN. Every omnibus bill that has passed the House, I think, in recent years has been an omnibus bill from the War Claims Committee.

Mr. PRINCE. Yes.

Mr. MANN. The French spoliation claims have been added by the Senate to this bill, and, of course, when it returned to the House it went to the Claims Committee.

Mr. PRINCE. Yes; that is true.

Mr. GARDNER of Massachusetts. Is not this the fact, that the last bill that contained French spoliation claims was an omnibus bill coming before the War Claims Committee? Inasmuch as they were findings, but not judgments, of the Court of Claims, they could not be put upon any of the appropriation bills, as they could have been put if they had been judgments, and therefore the Senate by amendment put these French spoliation claims on as an amendment to the omnibus war claims bill, and when they came back they went into a conference conducted by conferees on the part of the Senate selected from the Senate Committee on Claims and three conferees selected on the part of the House from the Committee on War

Claims, although the Committee on War Claims did not, perhaps, have jurisdiction of the subject.

Mr. PRINCE. That is correct. They had not.

Mr. KITCHIN. Does the gentleman remember any discussions here in 1902 and in 1905 by any Members of the House?

Mr. GARDNER of Massachusetts. I do not recall as to the discussion of 1905. I filled a vacancy and was reelected in 1902. I have not heard these claims discussed before the House.

Mr. MANN. The title of the act that the gentleman referred to as being the last one carrying spoliation claims is the act approved February 24, 1905, entitled "An act making allowances of certain claims reported by the Court of Claims, and for other purposes."

Mr. PRINCE. I wish to say this, that prior to this Congress the indexes of the CONGRESSIONAL RECORD will give you no information as to whether a claim belongs to one committee or another.

We have tried before our committee, which I think is a well-equipped committee in its clerical department, to get these claims separated in some way; and if you will look at the index since the beginning of this Congress you will find under the head of "Claims" the claims that belong to our committee. You will find under "War claims" those which belong to that committee. In the earlier indexes you can not tell to which they belong or what a bill is about until you read it.

Mr. MANN. Will the gentleman yield, and see if we can get at a fact or two?

Mr. PRINCE. Yes.

Mr. MANN. I wish to be informed whether the items in the bill now pending, headed "War claims," on the first page, down to the title "French spoliation claims," on page 47, are all war claims, and whether the Committee on Claims have given consideration to those items in the bill, or left them to the War Claims Committee.

Mr. PRINCE. We have given no consideration to them, and I would not want to be held responsible, either individually or as representing the committee.

Mr. MANN. I understand. Now the committee has reported recommending the striking out——

Mr. SHACKLEFORD. Let me ask the gentleman in that connection whether the Committee on Claims had these items before them, and if they did not pass a resolution that so far as the Committee on Claims were concerned we would approve those items and send them to the War Claims Committee with our approval.

Mr. PRINCE. Yes; and that is in the report.

Mr. MANN. You gave no consideration to that?

Mr. PRINCE. No; we did not consider it.

Mr. SHACKLEFORD. You took a vote on it.

Mr. PRINCE. We referred it to the War Claims Committee.

Mr. SHACKLEFORD. Did you not pass a resolution in your committee that you would do that?

Mr. PRINCE. We passed a resolution in our committee that the bill be referred to the Committee on War Claims, and if we had referred this bill to the Committee on War Claims you would not have had it considered at this session. We have adopted the means to do what you wanted to have done.

Mr. MANN. Outside of the French spoliation claims and the claims that the gentleman has jurisdiction of, the claims commencing at page 118, marked "Navy-yard overtime and other claims," the gentleman's committee made no change whatever in the bill as it passed the Senate in reference to those claims?

Mr. PRINCE. We have not.

Mr. MANN. Now, is the gentleman able to state from personal examination that all of these claims which the Navy Department inserted in this bill ought to be paid and that there are no other claims of that character which ought to be paid?

Mr. PRINCE. Will the gentleman please state that again? It is a double question.

Mr. MANN. Has the gentleman or his committee examined all the items, commencing with page 118 in the bill, which were inserted by the Senate?

Mr. PRINCE. Yes.

Mr. MANN. So as to express the opinion of the gentleman in reference to those items? Or has the gentleman simply taken those items in a way as represented by the opinion of the Senate?

Mr. PRINCE. I will answer the gentleman, and that will give information to the committee. I had the clerks in the Committee on Claims get for me every document, every court finding, on every bill and every paragraph not only in the navy-yard overtime and other claims, but the French spoliation claims. I looked through those myself. I have them here, bound. It took me two or three weeks to get the findings of the Court of Claims, and I have before me the findings bound in this form for the use of the committee—the findings of the Court of Claims on every item in this bill, beginning on page 48 with the French spoliation claims and going to the end of the bill.

Mr. MANN. There is quite a difference between getting the findings and expressing an opinion in reference to them.

Mr. PRINCE. Yes.

Mr. MANN. There is no great difficulty in having the findings bound. Has the gentleman examined the findings in reference to all and each of these claims?

Mr. PRINCE. I have examined the findings, and it is my opinion that every one of these claims in this bill that this committee has jurisdiction of and charge of is based upon a finding of facts by the Court of Claims, so far as overtime and navy-yard claims are concerned, and the miscellaneous claims, the few that are in there; and as to the French spoliation claims, it is a finding of facts and a conclusion of law.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. PRINCE. Certainly.

Mr. SHACKLEFORD. Were these items to which the gentleman refers ever read in your committee, section by section?

Mr. PRINCE. No, sir; they were not.

Mr. SHACKLEFORD. Was the bill ever read in your committee?

Mr. PRINCE. The gentleman is a member of the committee and he ought to know.

Mr. SHACKLEFORD. No; it was not. The bill never was read in the committee. I asked the gentleman the question in order that the House might know the facts.

Mr. PRINCE. Well, I will state what I know about it.

Mr. MANN. The gentleman from Illinois knows that the bill has been read in this committee. [Laughter.]

Mr. PRINCE. Yes. There was a subcommittee of five members appointed, and that subcommittee obtained the information that I have told you I based my judgment upon. We reported to the full committee, and the full committee approved of all we did except the French spoliation claims.

Mr. SHACKLEFORD. Did not the full committee, with this entire bill before it, move to adjourn sine die, and did not you get the committee together on special call and report this bill out without reading it at all?

Mr. PRINCE. Is the gentleman from Missouri for or against the bill?

Mr. SHACKLEFORD. I want the facts before the House. I ask the gentleman if it is not a fact that with the bill before the committee somebody asked for its consideration, and did not the committee in the face of that vote to adjourn sine die?

Mr. PRINCE. I will answer the whole question. I do not think it is proper to disclose committee affairs or what took place, but when this bill was under consideration the committee determined by a majority vote of a roll call to postpone action on this entire bill and adjourn sine die.

Mr. SHACKLEFORD. That was the unanimous vote?

Mr. PRINCE. No; I will not say that; there was no roll call on the adjournment. Later on I was beseeched by a Representative from Virginia [Mr. CARLIN], and I was beseeched by the gentlemen on that side of the Chamber as well as on this, begging of me to call the committee together again, to not pigeonhole a bill of this kind, but submit it to the House. I said I would not sign that paper, because it was addressed to me. A majority of the committee asked me to call the committee together again, and I did call it together, and the committee reconsidered their action, and then took the action that I have told you about, and reported the bill favorably to the House, turning over the war claims to the Committee on War Claims and striking out the French spoliation claims. Is not that correct?

Mr. SHACKLEFORD. Yes.

Mr. PRINCE. Well, what is the use of bringing it all out?

Mr. SHACKLEFORD. In order that the House might know that the bill was never read item by item and was not considered at all.

Mr. PRINCE. Why, I have told the gentleman that the subcommittee was appointed and that they went over the bill item by item and reported to the full committee and the full committee struck out the French spoliation claims and then approved of the rest.

Mr. MANN. I agree with my colleague that it is not a question of what was read to the committee. The question is what consideration was given to the items in the bill by the members of the committee. I am perfectly willing to take the judgment, ordinarily, of the gentleman from Illinois, my colleague, in reference to claims if he has given them examination and consideration. But I say to the gentleman that it seems remarkable to me that the distinguished body at the other end of the

Capitol should happen to light upon just exactly the claims that ought to be paid and include them all and leave out or exclude none that ought to be paid. And yet the gentleman has reported in a bill including all the claims inserted by the Senate and adding not one to this class of claims.

Mr. PRINCE. After this bill came to the committee and the subcommittee was appointed I went personally to the Court of Claims and I asked the clerk, Mr. Randolph, to go over every case that had been sent by the Committee of the House on Claims and which had been referred under the resolution to the Court of Claims from the House, to look them over and give me every one of those findings. We put in hours and I put in days, and we went over item by item, every one, from 1905 down to the date this bill was being considered.

We found that there were no claims that had been referred by the committee of the House by resolution to the Court of Claims that had been reported back to this House that had any right to go into this bill. I found one there. There was one there that was here before the committee in another way, that of Hans Peter Gutterson. That had been reported by the committee. There was another bill for injury that is pending in the committee. There was not a single, solitary measure in the nature of overtime or French spoliation claims or findings of the Court of Claims since 1905 up to this minute that belongs in this bill that originated in this House or should be put in here.

Mr. MANN. Then you added nothing to it?

Mr. PRINCE. No. The gentleman wanted to know the reason why and how we got at it, and I have told him.

Mr. MANN. Then the gentleman did not consider it was his province to add any claims which were reported back from the Court of Claims to the Senate?

Mr. PRINCE. That is right.

Mr. MANN. No one desires to quarrel with the gentleman or with his committee about that.

Mr. PRINCE. I am familiar with what the committee did, and we took the position the second time the committee met that here was an important measure, here were men interested all over the United States in these claims, and no committee of this House had the right to pigeonhole a measure of this kind. [Applause.]

Mr. MANN. Now, let us take the navy-yard overtime claims. Is that a new proposition, or how old is that? How many of those have been paid in the past that are on all fours with this class?

Mr. PRINCE I guess that is more of a new proposition than the others.

Mr. MANN. Is it not a fact that the gentleman's committee has never looked with favor on that class of claims in the past?

Mr. PRINCE. It is true that the committee, so far as I know, has not sent to the Court of Claims any resolutions along that line.

Mr. MANN. Can the gentleman indicate or state a list of the other claims in the bill that were included with the navy-yard overtime claims that are not navy-yard overtime claims?

Mr. PRINCE. There are very few in that; six or seven.

Mr. MANN. I understood the gentleman to say there were very few, but what are they?

Mr. PRINCE. Well, for instance, on page 126 there is one.

Mr. MANN. I mean has the gentleman a list of them?

Mr PRINCE. No; I have not, now.

Mr. MANN. Did the gentleman examine all of those claims?

Mr. PRINCE. I have examined all of them, and you will find, I think, the only one there is any dispute about is on page 126 of the bill, and that is known as the Aaron Van Camp case. I looked into the findings. I have the findings before me. It struck me and other members of the committee that it was a just claim. That is something for the House to determine, whether we were right or wrong in our judgment.

Mr. MANN. That is a large claim?

Mr. PRINCE. It is.

Mr. MANN. The gentleman is familiar with the fact that there have been claims pressed against the Government a long time on account of the extra pay for longevity in the Navy.

Mr. PRINCE. Yes.

Mr. MANN. Are any of those claims in this bill?

Mr. PRINCE. I do not recall of any of them being in this bill.

Mr. MANN. Well, is the gentleman able to say whether there are any in the bill?

Mr. PRINCE. If the gentleman will point out one, I will be glad to tell him. I do not now recall.

Mr. MANN. If the bill had been reported and if I had been told it would be called up, I probably would not ask the gentleman anything about it. I have not had an opportunity to inform myself and Members have not had an opportunity to inform themselves about the bill. It seems to me the bill ought not to have been called up until we had an opportunity to know about it, although I am not desirous of criticizing my colleagues for that.

Mr. AUSTIN. If the gentleman will permit, I desire to ask him the question if these are not the class of claims referred to by the President in his annual message, in which he stated that he believed it to be the duty of Congress to properly pay them?

Mr. PRINCE. Well, I will read what the President says on that, and you may judge as well as myself. You will find it in the report I made. President Taft, on December 6, 1910, said:

> I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that those claims which come to Congress with the judgment and approval of the Court of Claims should be promptly paid.

That is what the President said.

Mr. MANN. In that connection the gentleman has read the statement of the President about these claims. Now, has the gentleman read the statement of the President about the Southern Pacific claims, which is much longer than that?

Mr. PRINCE. Oh, my colleague——

A MEMBER. That is not in this bill.

Mr. MANN. But the gentleman called up this bill, or some gentleman, ahead of the other bill. I am not in favor of the other bill—no not misunderstand me; but if you are undertaking to find out what the President is for, he gave a good deal more attention to the other claim than to this claim. Those are the ones taken out——

Mr. AUSTIN. Have not these claims been pending five or six years longer than the claim of the Southern Pacific Railroad?

Mr. PRINCE. I wish the gentleman would not seek to befog the issue. The issue here is whether we will pay these claims or not which are before the bar of the House for consideration. Now let us try them. If you have any questions you want to ask along this line ask them, and if able I will tell you, but let us get at the issue.

Mr. THOMAS of North Carolina. The President's position has already been stated, and perhaps the gentleman has stated already what I am going to ask, but I want to call attention to it in the debate. If I understand the gentleman, his committee has recommended the striking out of the French spoliation claims from the Senate bill referred to his committee.

Mr. PRINCE. The committee has so determined.

Mr. THOMAS of North Carolina. That is your committee amendment. Now, excepting the French spoliation claims, there is not a claim over which your committee has any jurisdiction in your bill upon which the Court of Claims has not made a favorable finding?

Mr. PRINCE. No.

Mr. SIMS. And also on the French spoliation claims.

Mr. SULLOWAY. And also on the French spoliation claims.

Mr. THOMAS of North Carolina. And I understand also the Court of Claims made favorable findings on the French spoliation claims. Is that a fact?

Mr. PRINCE. Every claim that is in this bill, war claims the same, and the gentlemen on the Committee on War Claims can say that as I have not gone over those——

Mr. THOMAS of North Carolina. Your committee has not jurisdiction of war claims, of course.

Mr. PRINCE. We have not jurisdiction and have not gone over them, but the French spoliation claims and navy-yard overtime and other claims have been referred in the Senate to the Court of Claims. Now, let me read what that court consists of. Chief Justice Stanton J. Peelle, Judge Charles B. Howry, Judge Fenton W. Booth, from Illinois; Judge Samuel S. Barney, a former Member of this House; and Judge George W. Atkinson. These men were the judges, clothed with all the responsibility of judges. They had before them these claims. On the one side was the claimant pressing for his rights through his attorneys; on the other side was the Government objecting to these claims through some representative connected with the Department of Justice. The claims were very carefully considered by the court, and the court has found, and in every instance that was before this committee, a favorable finding. Now, it is true that these findings are not binding upon the House, and it is true that they are advisory to the House; but they have thrashed out this question, and their judgment ought to be considered as worth something. When we hold out to the people of the country a tribunal to which they can go to get their cases tried, and that tribunal should decide in their favor, we ought to carry out the will of the tribunal or abolish that tribunal and not

hold out a false light to our people and cause such unnecessary expense and trouble.

Mr. MARTIN of South Dakota. Mr. Chairman, a question.

Mr. PRINCE. Yes.

Mr. MARTIN of South Dakota. I understood the gentleman—and I have been following quite closely—to say as to these navy-yard overtime claims and the other miscellaneous claims that the court had made certain findings of fact but not conclusions of law.

Mr. PRINCE. Let me answer that.

Mr. MARTIN of South Dakota. What I desire to know, if that is the case, is whether these miscellaneous claims are legal liability against the Government or whether that question has not yet been determined.

Mr. PRINCE. It depends on what you call a legal liability. There is no statute of limitations that runs against the Government.

Mr. MARTIN of South Dakota. Without regard to that, why is it in that class of cases there are no conclusions of law as to the liability in the case?

Mr. PRINCE. Because under the law which refers these cases to the Court of Claims they have no authority to render a conclusion of law, but only to have a finding of fact.

Mr. MARTIN of South Dakota. What would the gentleman say as to the legal liability of the Government as to these miscellaneous claims?

Mr. PRINCE. If the gentleman did not think they were proper claims, the gentleman would not have them in this bill. That is his answer to you. Now, on the question of the French spoliation claims, it is stronger than the other claims for this reason: The statute which gave authority for the French spoliation claims to go to the Court of Claims clothed the Court of Claims with additional authority from that which already clothed the claims under the Bowman and Tucker Acts.

Mr. MARTIN of South Dakota. And why have the committee reported against the French spoliation claims and in favor of the others?

Mr. PRINCE. I can not answer that. I can only tell you what the facts are about the law.

Mr. MARTIN of South Dakota. It might help to guide the Committee of the Whole House, perhaps.

Mr. PRINCE. It is impossible for me to tell you how the individual members vote. I have been drawn into telling what was transacted in the committee, in violation of the rules of the House.

Mr. MARTIN of South Dakota. That is not the purpose of my question. The purpose of my question is to know what may guide the membership of this House as to the merits of those claims. The committee has rejected them.

Mr. PRINCE. I will answer you further on that. The act which created the authority for the French spoliation claims to go before the Court of Claims and gave them authority to hear and try these cases gave them authority to render their findings of fact.

Now, I will have opened by a Member, without any knowledge whatever, this book, so that you will see whether there is any thimble-rigging about it or not.

[A Member opened the book, at the request of Mr. PRINCE.]

Now, there has been a finding of fact in favor of this case. Let me read what they said, with the conclusions of law, on the French spoliation claims. They said:

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the said Government of the United States by the said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States—

And then gives the amount.

Mr. PARKER. Will the gentleman tell me whether that case has ever been appealed to the Supreme Court of the United States?

Mr. PRINCE. This one case?

Mr. PARKER. The cases in the Court of Claims as to the existence of the state of war between France and the United States. The question in that case is as to whether there was a state of war between the United States after the acts of 1798, by which every French ship was to be captured on the high seas.

Mr. PRINCE. Is the gentleman familiar with the ground upon which the Government is liable for this French spoliation?

Mr. PARKER. The ground on which they are liable? I do not think they are liable.

Mr. SHACKLEFORD. In that connection, before you pass that——

Mr. PARKER. If I get any time I will let the House know what I think concerning it.

Mr. SHACKLEFORD. Was not this submitted to the Court of Claims under an act to cut the Government out of an appeal to the Supreme Court?

Mr. PRINCE. Oh, no. Now, gentlemen, let me read to you:

In the year 1778, at the most critical period of the Revolution, Benjamin Franklin succeeded in negotiating on behalf of the United States certain treaties with France, under the terms of which France agreed to furnish money and ships to aid us in carrying on our struggle for independence. In return the United States agreed to guarantee forever to France her possession of the West Indies, to give her certain exclusive port privileges, to make an offensive and defensive alliance, and to aid her with men, money, and supplies in the event of future wars with Great Britain. How France made good her promises is a matter of history. She furnished 20,000 troops, a navy of 36 war vessels, and expended $280,000,000 in our behalf.

That is the basis of these claims.

When the time came for us to settle and we became a Republic, and when we had our trouble with England, France insisted that we carry out that agreement and enter into a contest with Great Britain. Many Members of this House, who have read the early history of our country, will recall that when the French minister was here he went about through the country and stirred up trouble, and finally President Washington repudiated that formal agreement that we had entered into with France and said we should have no entangling alliances with foreign nations. I think he did wisely. That controversy at the time divided the great men of the day. Mr. Jefferson took one side and President Washington took the other. Mr. Jefferson, by reason of his insisting on fair dealing and square treatment, finally came to the consideration of the Louisiana Purchase, and part of the consideration in that transaction was that we were to have that princely domain at a relatively nominal price. We assumed this obligation, and it was thought to be a part of the purchase money that we should pay for Louisiana.

Now the statement comes up at this late date that it is an old and stale claim—$280,000,000 expended in the effort to make us a Republic, 36 naval warships of the kind that existed at that time, and 20,000 troops from France, sent here to give us our independence. We assumed certain obligations. We paid $4,000,000 of those obligations in 1889, in 1902, and in 1905. Are you going to repudiate this to-day?

Mr. NORRIS. Will the gentleman yield there?

Mr. PRINCE. Yes.

Mr. NORRIS. As I understand the gentleman, these particular claims that he is speaking of now have all been cut out by the committee, or the committee recommends that they be not paid?

Mr. PRINCE. I am speaking of the bill as a whole, as it appears before this committee. We have made a recommendation from the Committee on Claims. The gentleman from Illinois [Mr. MANN] has insisted that that portion of the bill shall be read to the House for its information before the House takes action upon it.

Mr. MANN. It is sure to be in the law.

Mr. PRINCE. Yes; it is sure to be in the law. If you want this bill to be a law, you want the French spoliation claims to be included here; you want the war claims in here, and you want the overtime claims in here. The failure to include all of these claims means certain defeat for the bill.

Mr. NORRIS. Why did the committee leave them out?

Mr. PRINCE. I can not answer that question. Five Democrats voted to cut them out; five Republicans voted to keep them in, and one Republican voted to cut them out—no doubt for a good and sufficient reason. I do not question their motives. They have a right to cut them out if they see fit to do so.

Mr. KITCHIN. I believe the gentleman from Illinois [Mr. PRINCE] said that five Democrats and one Republican voted against it?

Mr. PRINCE. Yes, sir.

Mr. KITCHIN. And five Republicans voted for it?

Mr. PRINCE. Yes; that is right.

Mr. KITCHIN. That was not on a full hearing of the committee?

Mr. PRINCE. No.

Mr. KITCHIN. That was, as I understand, on a second recall meeting, and the subcommittee explained it to the full committee when the meeting of the full committee was had; and at that time was not the opposition to this class of claims, both on the Republican side and on the Democratic side of the committee, so unanimous that no man even dared to call for a holding up of hands or a record vote, and immediately after that, on a motion made to adjourn sine die, was not that motion carried when there was a full committee meeting of eight Republicans and five Democrats—was it not carried unanimously?

Mr. PRINCE. I can not agree entirely with the gentleman. I will answer the gentleman in this way: I think the number that he says were there were there at the first meeting.

Mr. FINLEY. Mr. Chairman, I make the point of order that the gentleman should not refer to, or discuss on the floor of the House, proceedings that took place in committee.

The CHAIRMAN. The gentleman from South Carolina makes the point of order that it is not proper in the House or in the Committee of the Whole to refer to proceedings which took place in a standing committee. The Chair sustains the point of order.

Mr. PRINCE. I think the gentleman is in the main correct. I do not want to discuss that. I have no criticism to make of my colleagues on the committee who differed with me. We have had the most cordial relations heretofore, and I do not want anything to occur in the closing days of this Congress that will disturb them. I believe that each member of the committee, irrespective of party, was there as a judge, believing he was doing his full duty. We have not sought to play favorites. We have not sought to put one man above another; and yet I have been criticized by gentlemen because I did not do it. I have endeavored to do my duty thoroughly, impartially, and honestly, and the same is true of every member of that committee. We have done the best we could. We submit it to the House. That is all we can do. We will be content with whatever the judgment of the House is upon the question.

Mr. KITCHIN. Mr. Chairman, I was absent from the Hall temporarily; but I understood that the gentleman from New Jersey [Mr. PARKER] asked if these claims had ever been passed upon by the Supreme Court of the United States after they were passed upon by the Court of Claims.

Mr. PRINCE. I do not know that any of them were appealed to the Supreme Court, and I do not know of any adverse decision from the Supreme Court.

Mr. KITCHIN. Is it not a fact that the statute which committed these claims to the Court of Claims forbade an appeal and expressly declared that the findings of that court should be only advisory, and that it should report back its findings to Congress, and therefore by the law itself the Government had no right of appeal to the Supreme Court to test the question whether or not these French spoliation claims were valid? But did not the Supreme Court, on a provision in one of these appropriation bills, go out of its way and say that these appropriations to pay the judgments of the Court of Claims were simply gratuities and gifts by the Government, and that they had no moral obligation upon which to rest? And did not Mr. Cleveland, when he vetoed the first appropriation to pay the findings of the court, state in his veto message what the Supreme Court had declared?

Mr. PRINCE. Let me answer the first question. The law is as the gentleman states. Congress in its wisdom saw fit to pass that kind of a law and have these cases come before it, the findings of the court to be advisory to Congress; but they were to render their findings of facts and their conclusions of law. Thereupon they proceeded to try those cases. They sent men to all quarters of the globe to get information, to get facts. Of 100 cases tried before them, 86 were decided to be without foundation and 14 per cent were allowed.

At the first hearing the Government was not satisfied with its attorneys. It changed attorneys to get others more skillful perhaps and with more enlarged views. The Court of Claims at that time was composed of men who were as good as United States circuit judges. Many days were used in the trial of the cases. The court again heard it, and finally came to the conclusion that certain of these claims were good, and they made their findings of fact and their conclusions of law. Now, are they binding upon this House? Nothing is binding upon this House. We create law. We make and unmake statutes. The Supreme Court construes those statutes. We pass some laws that are unconstitutional. At every session of Congress we are amending some of the laws. Every State legislature is busy amending its statutes. If we made a mistake, then we have not seen fit to correct that mistake up to this moment. Now, Mr. Cleveland did veto that bill——

Mr. KITCHIN. Did not President Pierce veto a bill to pay these claims, too, and did he not make a lengthy argument showing that they were not valid?

Mr. PRINCE. President Pierce vetoed these claims on the ground of expediency, because the country was not large enough at that time.

Mr. KITCHIN. Did he not go into a long argument to show that they were not valid claims against the Government?

Mr. PRINCE. Suppose he did; that was in an earlier day. We have paid $4,000,000 of them since then. That is the answer.

Mr. KITCHIN. Did not President Polk veto a bill to pay these claims?

Mr. PRINCE. Presidents Pierce, Polk, and Cleveland vetoed them.

Mr. KITCHIN. And yet Presidents Pierce and Polk were 50 years nearer the event, nearer the time when the damages occurred, and President Cleveland was 96 years after the event.

Mr. PRINCE. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes.

Mr. PRINCE. Very well, I will say a few words more.

Mr. SIMS. Do you want to be notified in two minutes?

Mr. PRINCE. Yes. Now, gentlemen of the House, let us strip this question of all prejudice of any kind. Here is the Court of Claims, constituted of some excellent men on that bench; they have considered these cases, and their advice to us is to pay them. That is all that it is. The committee have acted on their advice in the Senate and it has passed that body. It has come to us. We had no claims of the kind and character to put in there, and therefore we made no amendment. We took the bill as we found it. We have gone over the findings of the Court of Claims, have carefully looked them over, and find they correspond with what, in our judgment, ought to be done with this bill.

Mr. CARLIN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. CARLIN. I want to go into the House and close general debate, and if that motion is not made before the hour has expired it will be too late.

Mr. PRINCE. If the gentleman from Virginia wishes to make that motion, he can.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. CARLIN. But he has yielded to me.

Mr. PRINCE. I will yield one minute to the gentleman from Virginia.

Mr. CARLIN. Then, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that the committee do now rise.

The question was taken; and on a division (demanded by Mr. MANN) there were—88 ayes and 23 noes.

So the motion was agreed to.

Accordingly the committee determined to rise; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MANN) there were—41 ayes and 86 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. SIMS. It does not require a quorum to adjourn.

Mr. MANN. I did not make the point of order that there was no quorum voting.

The SPEAKER pro tempore. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 73, nays 130, answered "present" 17, not voting 164, as follows:

YEAS—73.

Alexander, Mo.	Fordney	McLaughlin, Mich.	Scott
Andrus	Foster, Ill.	Macon	Shackleford
Anthony	Foster, Vt.	Madison	Smith, Iowa
Barnard	Graff	Maguire, Nebr.	Snapp
Burke, S. Dak.	Graham, Ill.	Mann	Southwick
Carter	Hanna	Martin, S. Dak.	Stafford
Cassidy	Howell, Utah	Miller, Kans.	Sterling
Cooper, Pa.	Hubbard, Iowa	Miller, Minn.	Stevens, Minn.
Cullop	Hughes, N. J.	Mondell	Swasey
Davidson	Keifer	Morgan, Okla.	Tawney
Davis	Kendall	Moxley	Tilson
Dawson	Kennedy, Ohio	Needham	Volstead
Denver	Kitchin	Nelson	Vreeland
Dickema	Knowland	Norris	Weisse
Dwight	Kopp	Olcott	Wiley
Englebright	Lawrence	Parker	Woods, Iowa
Esch	Lenroot	Pickett	
Fairchild	Lindbergh	Reeder	
Fitzgerald	Loud	Roberts	

NAYS—130.

Adamson	Bartlett, Ga.	Burgess	Calderhead
Aiken	Bartlett, Nev.	Burleson	Candler
Anderson	Beall, Tex.	Burnett	Cantrill
Ashbrook	Bell, Ga.	Butler	Carlin
Austin	Brantley	Byrns	Cary
Barnhart	Broussard	Calder	Chapman

Clark, Fla.	Grant	Legare	Rucker, Mo.
Clark, Mo.	Greene	Lever	Saunders
Clayton	Hamlin	Lively	Sheffield
Cline	Hammond	Lloyd	Sheppard
Cole	Hardy	McHenry	Sherwood
Collier	Haugen	McLachlan, Cal.	Sims
Cooper, Wis.	Havens	Martin, Colo.	Sisson
Cowles	Hay	Massey	Slemp
Cox, Ind.	Heflin	Mays	Small
Creager	Helm	Mitchell	Smith, Tex.
Dent	Henry, Tex.	Moon, Tenn.	Stanley
Dickinson	Higgins	Morgan, Mo.	Sulloway
Dickson, Miss.	Hobson	Morrison	Taylor, Ala.
Dixon, Ind.	Hollingsworth	Morse	Taylor, Colo.
Dodds	Houston	Moss	Thistlewood
Edwards, Ga.	Hughes, Ga.	Nicholls	Thomas, Ky.
Ellerbe	Hull, Tenn.	Oldfield	Thomas, N. C.
Estopinal	Humphreys, Miss.	Padgett	Tou Velle
Finley	Johnson, S. C.	Page	Townsend
Flood, Va.	Jones	Parsons	Underwood
Floyd, Ark.	Kinkaid, Nebr.	Pray	Wanger
Garner, Tex.	Korbly	Prince	Watkins
Garrett	Kustermann	Rainey	Webb
Gillespie	Langley	Randell, Tex.	Weeks
Godwin	Latta	Richardson	Wickliffe
Good	Law	Robinson	
Gordon	Lee	Rothermel	

ANSWERED "PRESENT"—17.

Boehne	Gardner, Mass.	Olmsted	Young, Mich.
Booher	Glass	Rauch	Young, N. Y.
Douglas	Howland	Simmons	
Driscoll, D. A.	Hubbard, W. Va.	Sparkman	
Edwards, Ky.	McKinney	Steenerson	

NOT VOTING—164.

Adair	Ferris	James	Palmer, A. M.
Alexander, N. Y.	Fish	Jamieson	Palmer, H. W.
Allen	Focht	Johnson, Ky.	Patterson
Ames	Foelker	Johnson, Ohio	Payne
Ansberry	Fornes	Joyce	Pearre
Barchfeld	Foss	Kahn	Peters
Barclay	Fowler	Keliher	Plumley
Bartholdt	Fuller	Kennedy, Iowa	Poindexter
Bates	Gaines	Kinkead, N. J.	Pou
Bennet, N. Y.	Gallagher	Knapp	Pratt
Bennett, Ky.	Gardner, Mich.	Kronmiller	Pujo
Bingham	Gardner, N. J.	Lafean	Ransdell, La.
Borland	Garner, Pa.	Lamb	Reid
Boutell	Gill, Md.	Langham	Rhinock
Bowers	Gill, Mo.	Lindsay	Riordan
Bradley	Gillett	Livingston	Roddenbery
Burke, Pa.	Goebel	Longworth	Rodenberg
Burleigh	Goldfogle	Loudenslager	Rucker, Colo.
Byrd	Goulden	Lowden	Sabath
Campbell	Graham, Pa.	Lundin	Sharp
Capron	Gregg	McCall	Sherley
Cocks, N. Y.	Griest	McCreary	Slayden
Conry	Guernsey	McCredie	Smith, Cal.
Coudrey	Hamer	McDermott	Smith, Mich.
Covington	Hamill	McGuire, Okla.	Sperry
Cox, Ohio	Hamilton	McKinlay, Cal.	Spight
Craig	Hardwick	McKinley, Ill.	Stephens, Tex.
Cravens	Harrison	McMorran	Sturgiss
Crow	Hawley	Madden	Sulzer
Crumpacker	Hayes	Malby	Talbott
Currier	Heald	Maynard	Taylor, Ohio
Dalzell	Henry, Conn.	Millington	Thomas, Ohio
Denby	Hill	Moon, Pa.	Turnbull
Dies	Hinshaw	Moore, Pa.	Wallace
Draper	Hitchcock	Moore, Tex.	Washburn
Driscoll, M. E.	Howard	Morehead	Wheeler
Dupre	Howell, N. J.	Mudd	Willett
Durey	Huff	Murdock	Wilson, Ill.
Ellis	Hughes, W. Va.	Murphy	Wilson, Pa.
Elvins	Hull, Iowa	Nye	Wood, N. J.
Fassett	Humphrey, Wash.	O'Connell	Woodyard

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Mr. HENRY of Connecticut with Mr. LAMB.

For balance of calendar day, February 18:

Mr. MCKINNEY with Mr. BOOHER.

Mr. BARTHOLDT with Mr. TALBOTT.

Until 11 p. m. Saturday:

Mr. HEALD with Mr. DIES.

Until next meeting day of House for business:

Mr. DRAPER with Mr. LIVINGSTON.

Until Monday morning:

Mr. HINSHAW with Mr. BOEHNE.

Until 10 a. m. Monday:

Mr. GAINES with Mr. SHERLEY.

Until Monday noon:

Mr. GARDNER of New Jersey with Mr. BORLAND.

Until further notice:

Mr. SIMMONS with Mr. FERRIS.

Mr. WASHBURN with Mr. TURNBULL.

Mr. TAYLOR of Ohio with Mr. SULZER.

Mr. PEARRE with Mr. STEPHENS of Texas.

Mr. MALBY with Mr. SHARP.

Mr. MCKINLEY of Illinois with Mr. RUCKER of Colorado.

Mr. LOUDENSLAGER with Mr. PETERS.

Mr. LAFEAN with Mr. O'CONNELL.

Mr. HAWLEY with Mr. MAYNARD.

Mr. HULL of Iowa with Mr. KELIHER.

Mr. FASSETT with Mr. JAMIESON.

Mr. DALZELL with Mr. HITCHCOCK.

Mr. CURRIER with Mr. DANIEL A. DRISCOLL.

Mr. CRUMPACKER with Mr. SPIGHT.

Mr. BOUTELL with Mr. CRAIG.

Mr. BINGHAM with Mr. COX of Ohio.

Mr. BENNET of New York with Mr. BYRD.

Mr. BARCHFELD with Mr. BOWERS.

Mr. AMES with Mr. ANSBERRY.

Mr. ALEXANDER of New York with Mr. RAUCH.

Mr. MOREHEAD with Mr. POU.

Mr. DOUGLAS. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER pro tempore. In the negative.

Mr. DOUGLAS. Mr. Speaker, I forgot that I was paired. I would like to have my name called.

The name of Mr. DOUGLAS was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PRINCE. Mr. Speaker, I would like to ask if I can agree with my colleague from Illinois or with my colleague on the committee, the gentleman from North Carolina [Mr. KITCHIN], as to the time we will use in general debate.

Mr. KITCHIN. Mr. Speaker, I would like to have at least 30 minutes myself to explain these French spoliation claims. Give us an hour. The gentleman has had half an hour—maybe an hour. Give us an hour on our side.

Mr. MANN. I think we ought to have a little more than an hour.

Mr. MILLER of Kansas. I want half an hour myself.

Mr. PRINCE. Now, let us be fair with one another. We are of age, 21 years and upward. Meet us squarely. What do you really want; what is the least you can take? [Laughter.]

Mr. MANN. Those who wish to do it, at least I do, want a chance to discuss the merits of the different classes of claims in the bill.

Mr. PRINCE. That is not an unreasonable proposition. How much time is desired?

Mr. MANN. I am not able to say. If I have the opportunity I expect to consume very little time in general debate, except by asking questions.

Mr. PRINCE. Let us put it at 45 minutes on a side.

Mr. MANN. Is the gentleman's proposition to give those opposed to the provisions of the bill an hour and a half?

Mr. PRINCE. Let us say an hour.

Mr. MANN. Well, we ought to have more than an hour. The gentleman has already consumed an hour.

Mr. PRINCE. I have.

Mr. SIMS. Give them an hour and a half.

Mr. PRINCE. It was consumed in really answering questions. Well, let us say an hour and a half.

Mr. FITZGERALD. Mr. Speaker, inasmuch as this bill has been expedited so much, I think that we should have a reasonable amount of general debate.

Mr. KITCHIN. Is the time that is now being agreed upon to cover all the bills you have—the Salton Sea bill and——

Mr. PRINCE. Oh, no; just the bill that is now before the committee, S. 7971, and none other. If we go on with other matters, they will stand by themselves. It has nothing to do with those others. I suggest one hour and a half on each side, the time to be controlled by me on this side and by the gentleman from North Carolina [Mr. KITCHIN] upon the other side.

Mr. MANN. The gentleman's position is that he gets two hours and a half and the other people get an hour and a half.

Mr. PRINCE. I will say very frankly to my colleague that I did not expect to talk over five minutes, but the gentleman asked questions and others asked questions——

Mr. MANN. Oh, I am not complaining at all. The gentleman made an excellent impression upon me in his speech. If others had done the same thing, we might have passed the bill.

Mr. PARKER. Mr. Speaker, I desire to ask the gentleman a question.

Mr. PRINCE. I yield to the gentleman from New Jersey.

Mr. PARKER. Whether in the Committee of the Whole there will be an opportunity to consider any of the claims separately, or whether a motion will be made for a substitute to be read as a whole, with no opportunity to take up each claim by itself.

Mr. PRINCE. Well, the only answer I can make to the gentleman is that when we go into the Committee of the Whole the committee can determine its own course.

Mr. PARKER. Does the gentleman intend to move a substitute on the first section, so that there will be no debate on the items of that substitute at all and it will be read as a whole?

Mr. PRINCE. I will yield to my colleague from New York [Mr. LAW] to answer that question.

Mr. LAW. Mr. Speaker, I may perhaps answer the gentleman from New Jersey.

Mr. PARKER. Can the gentleman answer my question? I press for an answer, and my reason is this: I understand that the report of the committee states a certain number of claims as having gone through the Court of Claims and I find, on the other hand, a great many claims are in the bill which are not stated as having gone through the Court of Claims.

Mr. CLAYTON. If the gentleman from New Jersey will permit, the lung capacity of the gentleman from New York was not sufficient for the gentleman to hear him. He was endeavoring to answer your inquiry. I supplement his lack of lung capacity with enough lung power for you to hear what I say, and I assure you that he will answer your question. [Laughter.]

Mr. LAW. Mr. Speaker, I want to thank the gentleman from Alabama for securing for me the attention of the gentleman from New Jersey. It was my endeavor to answer the question which I think is in his mind and to say that when the reading of the first paragraph of the Senate bill is concluded I shall offer as a substitute for that paragraph House bill 32767, reported from the Committee on War Claims, and shall at the same time give notice that if that substitute is adopted I shall move to strike out subsequent paragraphs down as far as the French spoliation claims.

Mr. PARKER. Mr. Speaker, will the gentleman from New York permit a question?

Mr. LAW. Certainly.

Mr. PARKER. On the reading will not the House be deprived entirely of the power to consider any particular claim and have to swallow them as a whole or else reject them as a whole?

Mr. LAW. Mr. Speaker, I do not so understand. I understand if I offer this as a substitute to the first paragraph the substitute itself may be perfected by an amendment.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. LAW. Certainly.

Mr. CLARK of Missouri. Is there going to be any chance to move to get rid of these French spoliation claims on their own merits?

Mr. LAW. To that the gentleman from Illinois [Mr. PRINCE] can answer.

Mr. PRINCE. Mr. Speaker, in response to the inquiry of the gentleman from Missouri I will say that the committee has reported to this House a Senate bill with the French spoliation claims stricken out.

Mr. CLARK of Missouri. Are they out now and never can get in anywhere?

Mr. PRINCE. Yes——

Mr. MANN. They are not out yet.

Mr. PRINCE. They are out so far as our committee is concerned. What the Committee of the Whole will do, why, I can not answer truthfully to the gentleman, for I do not know.

Mr. NORRIS. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. NORRIS. I would like to call the attention of the gentleman from Missouri and ask the gentleman from Illinois if he did not state in general debate that this bill ought not to pass without it included the French spoliation claims?

Mr. PRINCE. I so stated, and I state it again, in my judgment.

Mr. NORRIS. Then will not this be the result if it is enacted into law, that it will have those claims in?

Mr. CLARK of Missouri. I am not interested at all in the opinion of the gentleman from Illinois——

A MEMBER. He will be on the conference committee.

Mr. CLARK of Missouri. But I am interested in knowing whether we are going to get a crack at these spoliation claims in the way of amendment or striking them out.

Mr. PRINCE. I have answered the gentleman that he will get a crack at them.

Mr. NORRIS. But they are going to go on in conference—everybody understands they will go in the conference report.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman from Illinois [Mr. PRINCE] a question.

The SPEAKER pro tempore. Will the gentleman from Illinois yield?

Mr. PRINCE. I yield.

Mr. CLAYTON. I wish to know if it is not true that one of the propositions to be brought before the House in the consideration of this measure is a proposition to strike out all the French spoliation claims by amendment.

Mr. PRINCE. I will state that when we get into the committee the first move will be to take up, if there are any, the committee amendments, and the committee has recommended that the French spoliation portion of it be stricken out.

Mr. MANN. He is perfectly frank about that. The bill will be read for amendment, and the committee amendments will come up as they are reached in order in the bill. That will be after the war-claims matter has been disposed of, so that it will not come up the first thing.

Mr. PRINCE. The first thing will be the reading of the bill, and the first will be pertaining to war claims, next spoliation claims, the next overtime navy-yard claims, and then miscellaneous claims.

Mr. THOMAS of North Carolina. Will the gentleman yield to me?

Mr. PRINCE. I will.

Mr. THOMAS of North Carolina. You will offer an amendment at the proper time to strike out, as your committee has recommended, the French spoliation claims?

Mr. PRINCE. I am directed by the committee to do that.

Mr. THOMAS of North Carolina. Exactly. And every Member of this House will have an opportunity to vote just as he pleases on striking out the French spoliation claims?

Mr. MANN. If we get that far along.

Mr. TILSON. May I ask a question?

Mr. PRINCE. Yes, sir.

Mr. TILSON. Can not each one of these French spoliation claims be presented as an amendment to this bill, and demand consideration on its merits and be considered separate and alone?

Mr. BUTLER. They are separate items.

Mr. TILSON. I would like to know from the chairman.

Mr. PRINCE. I am going to ask that the committee amendments be presented to the House. I presume any Member has the right to amend the committee amendments as he sees fit.

Mr. TILSON. As to all those to be stricken out by the committee amendment, and all of those to be stricken out en bloc, can one of those be taken and offered by an amendment, and if the House so choose, put it in again?

Mr. PRINCE. That is for the Chair to rule and not for me. [Cries of "Regular order!"]

Mr. KITCHIN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. PRINCE. Yes.

Mr. KITCHIN. A few moments ago you stated to the House, when it was in the Committee of the Whole, that these war claims will never become a law or will never pass this House unless these French spoliation claims are put in.

Mr. PRINCE. No.

Mr. KITCHIN. What did you say about that?

Mr. PRINCE. I said it was my judgment that if the proponents of this bill wanted to pass it that they better include in it the French spoliation claims. I have no right to tell what I may guess at, but I am only giving you my best judgment as a member of the Committee on Claims.

Mr. MANN. And with 16 years of experience in the House.

Mr. KITCHIN. In your opinion, as chairman of this committee, having had charge of this bill, if gentlemen who want to get the war claims through will consent to vote for the French spoliation claims the bill will go through?

Mr. PRINCE. I am not asking the gentleman to consent. Every man must use his own judgment; but there is such a thing as obtaining legislation and there is such a thing as not obtaining legislation.

Mr. MANN. There might be such a thing as reciprocity by a vote here the other day.

Mr. CLAYTON. There are two sides to the Equator.

Mr. PRINCE. Yes, sir. Now, Mr. Chairman, I renew my motion that debate be limited in Committee of the Whole to one hour and a half on each side, one half of the time to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half to be controlled by myself, and upon that motion I ask the previous question.

Mr. MANN. Has the gentleman made his motion to go into the Committee of the Whole?

Mr. PRINCE. I move to go into Committee of the Whole.

Mr. MANN. And, pending that, he makes another motion.

Mr. PRINCE. And, pending this motion, I move the previous question. Now, I ask unanimous consent that the question be considered as ordered.

Mr. MANN. There is no previous question on that.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent that the time of debate be limited to one hour and a half on each side.

Mr. MANN. I suggest, Mr. Speaker, that the gentleman make a motion first that the House resolve itself into the Committee of the Whole House for the consideration of private business on the calendar.

Mr. PRINCE. I have already done that, I may say to my colleague.

Mr. MANN. I do not think the Chair understood it.

The SPEAKER pro tempore. As the Chair understands it, the gentleman from Illinois [Mr. PRINCE] moves that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar; and, pending that, he asks unanimous consent—to do what?

Mr. PRINCE. That the debate on the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, be limited to three hours, one hour and a half to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and one hour and a half to be controlled by myself.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PRINCE] moves that debate on the Senate bill 7971 be limited to three hours, one half of the time to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half to be controlled by himself. Is there objection? [After a pause.] The Chair hears none.

The question now is on the motion of the gentleman from Illinois [Mr. PRINCE] that the House resolve itself into Committee of the Whole House for the consideration of bills upon the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of bills on the Private Calendar, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. General debate on the unfinished business, which is Senate bill 7971, is, by unanimous consent, limited to three hours, one half to be consumed by the gentleman from Illinois [Mr. PRINCE] and the other half by the gentleman from North Carolina [Mr. KITCHIN]. The Chair recognizes the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Chairman, I understand that one of our Members here desires to go elsewhere for a short time, and I will ask that my colleague [Mr. KITCHEN] use some of his time first in order to accommodate him.

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] yields 10 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I have never expected to speak upon a general claims bill. It was years ago that my attention was drawn to the class of claims called the French spoliation claims, and it was especially drawn to these claims because many of my friends and relatives claimed an interest in them and insisted that they had been very badly treated by the United States. Under those circumstances I gave the matter study. I am sorry to say that a very vigorous search at my house last night failed to produce the documents and the reports from this House that I desired on this subject, and therefore in what I shall now say I shall have to speak from memory; but my knowledge of the subject was so vivid that I have no hesitation in stating what I do as being so.

Mr. PRINCE. If the gentleman will be kind enough to tell me of the names of the persons who made the reports, perhaps I can find them for him.

Mr. PARKER. I do not recall the names. There were several reports. Mr. Henderson, of Iowa, made one. At one time I had quite a number of them in my hands. The whole foundation of these claims is in the theory that American vessels and cargoes were captured in time of peace. In my opinion it was a time of war.

It seems that from the year 1796 to the year 1800 the relations between the United States and France became very acute. We had agreed by a treaty made in 1778, or perhaps in 1788, to aid the French forces if they got into a war with Great Britain. But the old French Government was gone; a revolution was in progress, and the question was whether we desired to aid the French Revolution.

We refused that aid, and as a result, as between different orders and decrees in England and France, all vessels of the United States trading with either of those countries were seized. We became especially involved with France, and in July, 1798, we passed two separate acts of Congress, which were not in terms declarations of war, because they were not for war both by land and sea, but they were acts which, taken together, ordered that every French vessel found upon the sea should be captured, brought in, and condemned. We carried on a naval war to which Maclay in his history of the Navy of the United States devotes a hundred pages, heading it "Vigorous Naval War on France," and glorifying the American Navy for its capture of French frigates and smaller vessels, and its battles with the armed forces of France. We brought in several hundred prizes. We sent convoys with our ships to Cuba. Our vessels were captured by French men of war and privateers, and were condemned. Then in the year 1800 our envoys met the great Napoleon, and the question came up not merely as to what should be done with reference to Louisiana, of which he offered us the purchase, but as to these captures. We said, "If there has been peace and not war, France ought to pay us for our vessels which you have taken." And he said, "If there has been peace and not war, we retain these old treaties." The first draft of the convention provided that these two matters should be left in abeyance. The Senate of the United States said, "No; we will have nothing to do with those old treaties or keeping those matters in abeyance," and thereupon Napoleon accepted the treaty, striking out that clause, agreeing that the new treaty should last only eight years, and expressly providing that all claims should be retrenched.

The preliminary conversation is given very particularly in one of these reports. The negotiations were mostly with deputies, but a conversation with Napoleon himself is given. When our commissioners wanted those treaties to be denounced and put an end to and to be paid for our vessels, he said: "Gentlemen, was it war or was it peace? If it was peace, the treaties remain and I pay you for your vessels. If it was war, the treaties, of course, are gone, but I pay nothing for your vessels, because they were captured in time of war." The commissioners replied that we can not agree that the treaties shall remain, and he said, "Then I can not pay the claims." Now, this was no bargain to set the treaties off against the claims; it was a simple admission of the fact that there had been a state of war. It was nothing else but a state of war. Our vessels were receiving war freights, war rates of insurance were being paid, convoys were taking our vessels down to Cuba and other places in the West Indies, men were taking the chance of great profit by taking war risks, and there was no claim by either against the other side for acts of war. Can anybody maintain that it was peace, when the frigates of the two nations were meeting and capturing one another, and when they captured every French or American vessel that they could find?

Now, Mr. Chairman, when I had read that matter and came to the equity of the case I concluded that neither the insurers nor the insured, who received war rates and war freights and took war risks, had any claim against France while a naval war was going on. There was, therefore, no claim against France, and when the United States said, "Those treaties are gone," they declared that they were gone because an actual state of war had existed.

Committee after committee have held this in this House. Some great men have held the other way, on some technical theory that war must be both by sea and land. Drake's war was by sea only; it was none the less war. Some good men have been confused by a subsequent treaty of 1831, which has no reference to these claims, but to subsequent claims, coming after 1800. Some others have been confused, as many of my friends have been, by the fact that their friends and ancestors were interested in these claims. I have known of one man who had $300,000 worth of ships sailing from Philadelphia when these difficulties began, and in 1800 he was a bankrupt. I have near friends who are interested in these matters, but it was a war, the claims arose from the war, and are no claim at all. It is well acknowledged by all law that when peace is made after war there is no claim against the other side for what damage was done during the war, and there was therefore nothing to be shifted over to the United States of America.

I believe that is all I have to say.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. PARKER. Yes.

Mr. PARSONS. By section 3 of the act giving the Court of Claims jurisdiction of these French spoliation claims, it is provided:

That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

Now, Congress having given the court jurisdiction over these claims, with instructions to find their validity and amount, does the gentleman from New Jersey contend that we ought not to be amenable to the conclusions of the court, but set up our own opinion as to what the law was?

Mr. PARKER. I would say no, for I think there ought to be provision for an appeal to the Supreme Court. Now I am done with that matter. The rest of this bill worries me. It is a fact that I can not find in the reports any specific facts or report with reference to the different claims in this bill. I can not find them in any report of this session. I find very numerous claims, and quite a number are said to have gone through the Court of Claims, but they are a very small fraction of the whole number in the bill.

Mr. PRINCE. I wish to say to my friend that every claim in this bill, from beginning to end, has been passed upon by the Court of Claims.

Mr. PARKER. It does not state so in the report, nor does it give any informaiton as to where they are.

Mr. PRINCE. It took a week to get all of these findings.

Mr. PARKER. There is mighty little information in it.

Mr. PRINCE. It took days and days to get the information.

Mr. PARKER. True; but is there any information before the House as to these particular claims? I can not find them.

Mr. PRINCE. The committee has stricken out all of these claims.

Mr. PARKER. I am now talking of the others, not of French spoliation. I can find no information as to what these claims are.

Mr. PRINCE. If the gentleman will be kind enough to examine Report No. 2148——

Mr. PARKER. I have read it.

Mr. PRINCE. The gentleman will see it gives the Congress, the session, and the Senate document——

Mr. PARKER. This begins with California, and then there is a whole lot of claims under Alabama——

Mr. PRINCE. Oh, I have nothing to do with the war claims.

Mr. PARKER. I am talking about the war claims. I can not find any report before the House that covers these war claims.

Mr. PRINCE. I will refer the gentleman from New Jersey to the gentleman from New York [Mr. LAW]. Mr. Chairman, I reserve the balance of my time, and I yield 15 minutes to the gentleman from New York [Mr. LAW].

Mr. LAW. Mr. Chairman, as has been intimated in the discussion here to-day, one of the principal difficulties in the way of passing omnibus claims bills in the past has been that in the Senate one committee exercises jurisdiction exercised by two or more committees in the House. The last omnibus claims bill was enacted into law in the Fifty-eighth Congress. An omnibus bill was introduced and passed in the House in the Sixtieth Congress, and I believe one in the Fifty-ninth Congress, and were subsequently passed by the Senate with many amendments, but never passed the House thereafter.

As has also been intimated here to-day, the general custom heretofore has been for the omnibus bills to originate in the Committee on War Claims of the House. As an example, in the Sixtieth Congress an omnibus claims bill was reported by the Committee on War Claims and passed the House, I believe, without much objection. It contained, of course, war claims only. It contained only such matters as the Committee on War Claims had jurisdiction over. It went to the Senate, was referred to the Senate Committee on Claims, and subsequently reported back, and the Senate passed the bill largely amended, so as to contain a number of classes of claims such as French spoliation claims, overtime claims, and other classes of claims over which the Committee on War Claims in the House had no jurisdiction. Consequently, when the bill came to the House it met this situation, that while the House had had an opportunity to consider the war claims in the bill, and to consider them item by item, the House was given no opportunity to act under that arrangement upon the Senate amendments and had no opportunity to consider the other classes of claims which had been put in by the Senate, except in conference through its conferees.

Mr. MANN. I think the gentleman from New York is slightly in error. The bill was referred to the Committee on War Claims, and had to come back and go through the regular course in Committee of the Whole.

Mr. LAW. Yes; but it came back from the Senate so late that the practical effect of its being loaded up with the other class of claims in the Senate was to kill the bill.

Mr. MANN. Undoubtedly. Would the gentleman from New York answer one question?

Mr. LAW. Yes.

Mr. MANN. The bill went through the House without opposition to any extent. I tried to get a statement that it should go through the House and the Senate without opposition. Now will the gentleman say, as to the bill reported from his committee as compared with the bill at that time——

Mr. LAW. The Haskins bill?

Mr. MANN. The Haskins bill—what character of items or how many items this bill includes that were not included in the Haskins bill?

Mr. LAW. I do not know that I could give the exact number, but I will say this much, which I think would be a general reply: In making up this bill, so far as the House Court of Claims findings were concerned, we did not rely upon the action of the Committee on War Claims of the House of the Sixtieth Congress. Every one of the items which were in the bill in the Sixtieth Congress, as it passed the House, were scrutinized by the committee of the Sixty-first Congress, and I believe some of the claims that were in the bill in the Sixtieth Congress, as it passed the House, have been eliminated in the present bill, and then we added all such House findings that were transmitted to the House since that bill as, in our judgment, presented a proper claim against the Government of the United States.

Mr. MANN. If the gentleman will pardon me a little further, the Senate bill contains 47 pages of war claims.

Mr. LAW. Yes.

Mr. MANN. The bill reported from the gentleman's committee contains 100 pages of war claims.

Mr. LAW. Yes.

Mr. MANN. Are any of those duplicates, or is it the proposition that the 100 pages of war claims be added to the 47 pages of the Senate bill?

Mr. LAW. I will say to the gentleman from Illinois I have discovered there was a printer's error by which a duplication did occur at pages 81 and 82 of the House bill.

Mr. MANN. I am not asking about that, but as to whether the proposition now is to add the claims that are in the House bill to the claims that are in the Senate bill.

Mr. LAW. The proposition is to add the House findings to such of the items as are in the Senate bill as the Committee on War Claims approved.

Mr. MANN. How many of the Senate claims have been cut out? Of course, they have not been cut out yet.

Mr. LAW. No—are not contained in the House bill?

Mr. MANN. Are all the Senate claim bills the gentleman approves of contained in the House bill?

Mr. LAW. All that we approve, but not all that are in the Senate bill.

Mr. MANN. How many pages of the Senate bill, if the gentleman has an estimate of the Senate war claims, are included in the House bill?

Mr. LAW. How many pages?

Mr. MANN. Yes.

Mr. LAW. I could give the information better in another way. I can tell the gentleman the exact amount that is in the Senate bill which has been eliminated by the House.

Mr. MANN. I do not ask the gentleman to give it if he does not happen to have it, but to me it would be more explicit to know the number of pages. The amount might be one single claim.

Mr. LAW. I would hesitate to try to give the number of pages, but I can say that the amount in the Senate bill that has been cut out by the War Claims Committee is $287,473.55.

Mr. MANN. What proportion does the gentleman think that would be to the Senate claims?

Mr. LAW. The total war claims contained in the Senate bill is $947,679.12.

Mr. MANN. Now, the other claims in the Senate bill which the gentleman's committee has approved and put in his bill the committee has gone over, and is the gentleman himself prepared to say that those claims in his judgment ought to be paid?

Mr. LAW. Absolutely.

Mr. MANN. And were examined by the gentleman?

Mr. LAW. I want to say in reply to the gentleman from Illinois that there are included in the House bill, which embraces those of the Senate claims which we approved of and our own claims, in the neighborhood of 2,250 court findings.

Mr. MANN. In the House bill?

Mr. LAW. I will have to correct that statement. The findings, including the Senate findings that are in the Senate bill, including all of the House findings which we have either included or rejected, are something like 2,250. I personally examined every single one of them with a great deal of care. Some of them I have examined a good many times.

Mr. MANN. Is the gentleman able to say how many findings have been rejected by the gentleman?

Mr. LAW. I could not give the exact number.

Mr. MANN. I understood the gentleman to say he had approved 2,200.

Mr. LAW. I am informed by the clerk of the committee that something like eighty-odd have been rejected among the House findings. Now, Mr. Chairman, for the reasons which I have already explained, this year the Committee on War Claims adopted a different method and declined to report any bill until the Senate had taken action.

The Senate committee was so notified, and finally did pass the present omnibus bill. It contained matter, of course, over which both committees of the House had jurisdiction, but there was a little more matter in it over which the Committee on Claims had jurisdiction than over which the War Claims Committee had jurisdiction; consequently it was referred to the Committee on Claims frankly with the expectation that when they had reported on everything in the bill except war claims it would be then referred to the Committee on War Claims, so that we might perfect that portion of the Senate bill.

Mr. AUSTIN. May I interrupt the gentleman to ask a question?

Mr. LAW. Certainly.

Mr. AUSTIN. How long has it been since Congress appropriated money to pay for war claims certified by the Court of Claims?

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. AUSTIN. Mr. Chairman, I suggest that the gentleman withdraw that until I get an answer.

Mr. LAW. I hope the gentleman will not insist upon his point of order.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present.

Mr. HEFLIN. Mr. Chairman, I trust the gentleman will not insist upon his point of order, as many Members on both sides of the House have gone to get something to eat and will soon return. I trust the gentleman will withdraw his point of order.

Mr. GARDNER of Massachusetts. I will withdraw the point of order temporarily.

The CHAIRMAN. The point of order is temporarily withdrawn.

Mr. AUSTIN. Mr. Chairman, I desire to ask the gentleman from New York having this war-claims bill in charge how long it has been since Congress has appropriated money to pay for war claims that have been reported from the Court of Claims.

Mr. LAW. Fifty-eighth Congress; February 24, 1905.

Mr. AUSTIN. Five years.

Mr. KENDALL. Can the gentleman inform me why these claims were not adjudicated in that Congress?

Mr. MACON. Mr. Speaker, I make the point of order that no quorum is present.

Mr. LAW. Oh, because——

Mr. MACON. Members go out to suit their pleasure and some of the rest of us would want to go and get something to eat.

Mr. KENDALL. Mr. Chairman, I hope the gentleman will withdraw his point of order until the gentleman from New York can reply to my question.

Mr. MACON. I think we had better have an audience here.

The CHAIRMAN. The gentleman from Arkansas is clearly within his constitutional rights. Everybody is proceeding by unanimous consent; the regular order has not been demanded. [Cries of "Regular order!"]

The CHAIRMAN. Regular order is demanded.

Mr. KENDALL. Is not the regular order the disposition of the motion of the gentleman from Arkansas?

The CHAIRMAN. The Chair was just about to state it.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of Georgia. Was not the gentleman from New York on his feet addressing the Chair and the committee?

The CHAIRMAN. Yes; but the gentleman from New York is entitled to have a quorum present to hear him.

Mr. BARTLETT of Georgia. The gentleman from New York could not be taken from the floor by a point of no quorum without his yielding.

Mr. MACON. The Chair had the right to do so.

Mr. BARTLETT of Georgia. It was a very rude piece of business.

Mr. HEFLIN. I submit to the committee that Members went away from here under the impression that the point of no quorum would not be made until they could eat.

The CHAIRMAN. Regular order has been demanded, and the Chairman must deal with the point of order made by the gentleman from Arkansas [Mr. MACON].

Mr. BARTLETT of Georgia. The gentleman from New York [Mr. LAW] has the floor and should continue his address.

The CHAIRMAN. The gentleman was taken from the floor by the point of order.

Mr. MACON. If the gentleman will not make a point of order, I will not make it now.

Mr. MANN. I will not make any agreement.

Mr. MACON. Some of the rest of us want to get something to eat, and if they will not agree to not insist on the point of order the moment some of the rest of us step out of the House, I will insist on it now.

The CHAIRMAN. Can the Chair have the attention of the gentleman from Arkansas [Mr. MACON]?

Mr. MACON. Certainly.

The CHAIRMAN. Does the gentleman make the point of order that no quorum is present?

Mr. MACON. I made it some time ago.

The CHAIRMAN. The Chair will count.

Mr. CLAYTON. There is no use of counting, Mr. Chairman. It is evident a quorum is not here.

The CHAIRMAN. The Chair will count. [After counting.] Forty-one gentlemen are present—not a quorum. The roll will be called.

Mr. MANN. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that the committee do now rise.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will call the roll under the rule.

The roll was called, and the following Members failed to answer to their names:

Aiken	Elvins	Keliher	Plumley
Alexander, Mo.	Esch	Kennedy, Iowa	Poindexter
Alexander, N. Y.	Estopinal	Kennedy, Ohio	Pou
Allen	Fairchild	Kinkaid, Nebr.	Pratt
Ames	Fassett	Kinkead, N. J.	Pujo
Anderson	Fish	Knapp	Rainey
Andrus	Fitzgerald	Knowland	Ransdell, La.
Ansberry	Focht	Kopp	Reeder
Ashbrook	Foelker	Korbly	Reid
Barchfeld	Fordney	Kronmiller	Ihinock
Barclay	Fornes	Küstermann	Richardson
Barnard	Foss	Lafean	Riordan
Barnhart	Foster, Ill.	Lamb	Roberts
Bartholdt	Foster, Vt.	Langham	Roddenbery
Bartlett, Nev.	Fowler	Langley	Rodenberg
Bates	Fuller	Lawrence	Rothermel
Beall, Tex.	Gaines	Legare	Rucker, Colo.
Bell, Ga.	Gallagher	Lenroot	Rucker, Mo.
Bennet, N. Y.	Gardner, Mich.	Lindsay	Sabath
Bennett, Ky.	Gardner, N. J.	Livingston	Saunders
Bingham	Garner, Pa.	Lloyd	Scott
Boehne	Gill, Md.	Longworth	Shackleford
Borland	Gill, Mo.	Loudenslager	Sheffield
Boutell	Gillespie	Lowden	Sherley
Bowers	Gillett	Lundin	Sherwood
Bradley	Goebel	McCall	Simmons
Burgess	Goldfogle	McCreary	Sisson
Burke, Pa.	Good	McCredie	Slayden
Burke, S. Dak.	Goulden	McDermott	Small
Burleigh	Graff	McGuire, Okla.	Smith, Cal.
Burleson	Graham, Ill.	McKinlay, Cal.	Smith, Iowa
Burnett	Graham, Pa.	McKinley, Ill.	Smith, Mich.
Calder	Greene	McKinney	Smith, Tex.
Calderhead	Gregg	McLachlan, Cal.	Snapp
Campbell	Griest	McLaughlin, Mich.	Sperry
Cantrill	Guernsey	McMorran	Stafford
Capron	Hamer	Madden	Stanley
Carter	Hamill	Madison	Steenerson
Cassidy	Hamilton	Malby	Stephens, Tex.
Clark, Fla.	Hammond	Mann	Sterling
Clark, Mo.	Hanna	Martin, Colo.	Stevens, Minn.
Cline	Hardwick	Martin, S. Dak.	Sturgiss
Cocks, N. Y.	Hardy	Maynard	Sulzer
Conry	Harrison	Miller, Minn.	Talbott
Cooper, Pa.	Haugen	Millington	Tawney
Cooper, Wis.	Havens	Moon, Pa.	Taylor, Ala.
Coudrey	Hawley	Moon, Tenn.	Taylor, Colo.
Covington	Hayes	Moore, Pa.	Taylor, Ohio
Cox, Ind.	Heald	Moore, Tex.	Thistlewood
Cox, Ohio	Henry, Conn.	Morgan, Mo.	Thomas, Ky.
Craig	Higgins	Morgan, Okla.	Thomas, Ohio
Cravens	Hill	Morse	Tilson
Crow	Hinshaw	Moss	Townsend
Crumpacker	Hitchcock	Moxley	Underwood
Cullop	Hobson	Mudd	Vreeland
Dalzell	Houston	Murdock	Wallace
Davidson	Howard	Murphy	Wanger
Davis	Howell, N. J.	Needham	Washburn
Dawson	Howland	Nelson	Watkins
Denby	Hubbard, Iowa	Nicholls	Webb
Dent	Hubbard, W. Va.	Nye	Weeks
Denver	Huff	Olcott	Weisse
Dickinson	Hughes, Ga.	Padgett	Wheeler
Dickson, Miss.	Hughes, W. Va.	Page	Wiley
Diekema	Hull, Iowa	Palmer, A. M.	Willett
Dies	Humphrey, Wash.	Palmer, H. W.	Wilson, Ill.
Dodds	James	Parker	Wilson, Pa.
Douglas	Johnson, Ky.	Parsons	Wood, N. J.
Draper	Johnson, Ohio	Patterson	Woods, Iowa
Dupre	Johnson, S. C.	Payne	Woodyard
Durey	Joyce	Pearre	Young, Mich.
Dwight	Kahn	Peters	Young, N. Y.
Ellis	Keifer	Pickett	

Mr. CLAYTON. Mr. Chairman, I ask unanimous consent, in view of the fact that we are consuming time unnecessarily, to vacate the order for the roll call.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to vacate the order for the roll call.

Mr. MACON. Mr. Chairman, if the Chair will allow me to join him in that, I will be glad.

The CHAIRMAN. The Chair will say he doubts whether he can submit that request for unanimous consent, for the reason that the Chair has already declared, as it will appear in the RECORD, that there is no quorum present.

Mr. KENDALL. The Chair could say that obviously a quorum is not present.

Mr. MANN. I object.

Mr. CARLIN. It is too late for the gentleman to object.

The CHAIRMAN. It would be very difficult to find a method by which the Chair could vacate the order, inasmuch as the Chair has counted and found no quorum present.

Mr. CARLIN rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. CARLIN. I rise to suggest to the Chair that it is perfectly apparent now that a quorum is present, and——

The CHAIRMAN. Under the rule, that can only be determined by calling the roll.

Mr. CARLIN. I had not finished what I was going to say. I was going to say that, inasmuch as both the gentleman from Illinois [Mr. MANN] and the gentleman from Arkansas [Mr. MACON] have left the House, perhaps we might get unanimous consent to vacate the order.

The CHAIRMAN. The Chair will say, as he said before, that, having called for a quorum and finding a quorum wanting, he can not submit that request.

Mr. PRINCE. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The committee will rise under the rule, and the gentleman from Pennsylvania [Mr. OLMSTED] will take the chair.

Mr. OLMSTED resumed the chair as Speaker pro tempore.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

Mr. CURRIER. Mr. Speaker, the Committee of the Whole House, that has under consideration bills on the Private Calender, finding itself without a quorum, a roll was called under the rule, and I herewith report the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House [Mr. CURRIER] reports that that committee, having under consideration bills on the Private Calendar, found itself without a quorum and proceeded to a roll call in pursuance of the rule, and he now reports the list of absentees. The roll call discloses 88 Members present—not a quorum.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. KENDALL) there were—ayes 7, noes 33.

So the motion was rejected.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that no quorum is present.

Mr. BARTLETT of Georgia. Mr. Speaker, it is not necessary to have a quorum in order to adjourn.

Mr. BUTLER. The House refuses to adjourn. There are only 88 men here.

The SPEAKER pro tempore. The Chair will state to the gentleman from Massachusetts [Mr. GARDNER] that it has already been announced from the Chair that there is no quorum present.

Mr. CARLIN. Mr. Speaker, I want to move that the doors be closed and that the Speaker direct the Sergeant at Arms to bring in absentees.

The SPEAKER pro tempore. No call of the House has been moved as yet.

Mr. CARLIN. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. CARLIN] moves a call of the House.

The question was taken, and the motion was agreed to.

Mr. CARLIN. Mr. Speaker, I think that automatically it becomes the duty of the Speaker to direct the Sergeant at Arms to bring in absent Members. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Virginia will state it.

Mr. CARLIN. I desire to know whether it becomes the duty of the Speaker now to order the Sergeant at Arms to bring in absentees. If it is in order, I now move that that be done.

The SPEAKER pro tempore. That is not in order at this stage of the proceedings. The doors will be closed and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Allen	Gaines	Knapp	Ransdell, La.
Ames	Gallagher	Knowland	Reeder
Andrus	Gardner, Mich.	Kronmiller	Reid
Barchfeld	Gardner, N. J.	Lafean	Rhinock
Barclay	Garner, Pa.	Lawrence	Riordan
Bartholdt	Gill, Md.	Lindsay	Roberts
Bates	Gill, Mo.	Livingston	Roddenbery
Bennett, Ky.	Gillett	Longworth	Rodenberg
Bingham	Goldfogle	Loudenslager	Rucker, Colo.
Boehne	Good	Lowden	Sabath
Boutell	Graham, Pa.	Lundin	Scott
Bowers	Greene	McCall	Sheffield
Bradley	Gregg	McCreary	Sherley
Burke, Pa.	Griest	McDermott	Slayden
Burleigh	Guernsey	McGuire, Okla.	Slemp
Burleson	Hamer	McKinlay, Cal.	Small
Capron	Hamill	McKinney	Smith, Cal.
Cassidy	Hamilton	McLaughlin, Mich.	Smith, Iowa
Cocks, N. Y.	Hanna	McMorran	Smith, Mich.
Conry	Hardwick	Madden	Smith, Tex.
Cooper, Pa.	Haugen	Madison	Southwick
Cooper, Wis.	Havens	Maynard	Sperry
Coudrey	Hayes	Miller, Minn.	Stafford
Covington	Heald	Millington	Sturgiss
Cox, Ohio	Henry, Conn.	Moon, Pa.	Sulzer
Craig	Higgins	Moore, Pa.	Talbott
Cravens	Hinshaw	Moore, Tex.	Tawney
Crow	Hitchcock	Morehead	Taylor, Ala.
Crumpacker	Howard	Morgan, Okla.	Taylor, Colo.
Dalzell	Howell, N. J.	Morse	Taylor, Ohio
Denby	Hubbard, W. Va.	Moxley	Thomas, Ohio
Dies	Huff	Mudd	Tilson
Douglas	Hughes, W. Va.	Murdock	Townsend
Driscoll, D. A.	Hull, Iowa	Murphy	Wallace
Dupre	Humphrey, Wash.	Nelson	Wanger
Ellis	James	Nye	Washburn
Elvins	Johnson, Ky.	Olcott	Webb
Fairchild	Johnson, Ohio	Palmer, A. M.	Weeks
Fassett	Joyce	Palmer, H. W.	Wheeler
Fish	Kahn	Parker	Wiley
Foelker	Kelfer	Patterson	Wilson, Ill.
Fornes	Keliher	Payne	Wilson, Pa.
Foss	Kennedy, Iowa	Pearre	Wood, N. J.
Foster, Vt.	Kennedy, Ohio	Plumley	Woodyard
Fowler	Kinkaid, Nebr.	Poindexter	Young, Mich.
Fuller	Kinkead, N. J.	Pou	

Pending the arrival of a quorum, the following occurred:

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. My understanding of the rule is that where there is a call of the House it becomes the duty of the Chair, when the absence of a quorum is disclosed, to direct the Sergeant at Arms to send for absentees.

The SPEAKER pro tempore. The Sergeant at Arms has been so directed.

Mr. CARLIN. That is what I desired to inquire.

Mr. SHACKLEFORD. Mr. Speaker, would it be in order, while we are waiting for a quorum, to have an address by the gentleman from Tennessee [Mr. SIMS]?

The SPEAKER pro tempore. The Chair is forced to rule that in the absence of a quorum debate is not in order.

Mr. JOHNSON of South Carolina. Mr. Speaker, the rule is that no business can be transacted. This would not be business. This would be something to entertain those of us who are here.

The SPEAKER pro tempore. The Chair thinks that the remarks of the gentleman from Tennessee [Mr. SIMS] are always in the nature of business.

Mr. SIMS. Mr. Speaker, I am not asking for any time.

Mr. JOHNSON of South Carolina. But we are asking it for him.

Mr. CARLIN. Mr. Speaker, I wish to inquire how many we lack of a quorum.

The SPEAKER pro tempore. Between 60 and 70.

Mr. CLARK of Florida. Mr. Speaker, is it a fact that there are over 100 Members present?

The SPEAKER pro tempore. The Chair is informed by the Clerk that at this moment there are 128 Members present.

Mr. CLARK of Florida. I make the point that under a call of this kind, when 100 Members appear, the Committee of the Whole should resume its sitting. I submit that it takes a quorum of the committee and not a quorum of the House.

The SPEAKER pro tempore. The Chair is of the opinion that at this stage it requires the presence of a quorum of the House.

Mr. CLARK of Florida. As I understand it, the point was made that there was no quorum in the committee.

The SPEAKER pro tempore. The point was made that there was no quorum in the House.

Mr. CLARK of Florida. I thought we were in committee when the point was made.

The SPEAKER pro tempore. The point was originally made in the committee. Since then a call of the House has been ordered.

Mr. CLARK of Florida. When the point is made that there is no quorum in the Committee of the Whole, and then 100 Members appear, I submit to the Chair that the Committee of the Whole should resume its session, and that we are not endeavoring to secure a quorum of the House, but a quorum of the committee. I call the attention of the Chair to the rule on page 425 of the Manual.

The SPEAKER pro tempore. The Chair is quite familiar with that rule.

Mr. CLARK of Florida. It says:

On the failure of the quorum the roll is called but once. Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum. The quorum which must appear to enable the Speaker to direct the committee to resume its sitting is a quorum of the committee and not of the House.

I submit that when 100 Members appear here that is a quorum of the committee, and it is the duty of the Speaker to direct that the committee resume its sittings. I do not think there can be any question about that rule, Mr. Speaker.

Mr. MANN. Mr. Speaker, may I be heard on that point?

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the rule to which the gentleman from Florida refers is paragraph 2 of Rule XXIII, which provides:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consists of 100 Members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The words "such call" refer to the call of the roll in the committee. If on that call of the roll in the committee a quorum appears, when the report is made to the House the Speaker directs that the House resolve itself into Committee of the Whole again without further order of the House; but that call did not disclose the presence of a quorum of the committee, so that the power of the Speaker to direct the committee to resume its sitting no longer exists.

Mr. CLARK of Florida. Where do you get that from?

Mr. MANN. The only exception to the rule requiring a motion to be made is this exception in paragraph 2 of Rule XXIII:

If a quorum of the committee appears on the call of the committee, then the Speaker directs that the committee resume its sitting.

But a quorum did not appear on that call, or "such call" as the rule referred to.

Now we are in the House; we have got beyond that point. While it is in order when a quorum appears to make a motion that the House resolve itself into Committee of the Whole again, the provision in the rules to which the gentleman refers does not apply. There was no quorum of the committee on that call.

Mr. CLARK of Florida. Mr. Speaker, I understand that in the committee the point was made that there was no quorum—that is, no quorum of the committee. No other point could be made. Therefore there was a call of the House ordered under the rules. The rule says that if upon such call—call of the committee—a quorum shall appear, and a quorum has appeared, the committee shall resume its sitting without further order of the House.

Mr. MANN. Does the gentleman understand that the call now is not a call in the committee? This is another call on a motion for a call of the House.

Mr. CLARK of Florida. There have not been two calls, have there?

Mr. MANN. Certainly. There was a call of the committee and now there is a call of the House.

The SPEAKER pro tempore. The Chair is ready to rule. Reference has been made to paragraph 2 of Rule XXIII, which provides:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

That event has happened several times during this legislative day. The present occupant of the chair has upon several occasions, when the Chairman of the Committee of the Whole House has reported a roll call in that committee and more than 100 Members appeared upon that call, directed the Committee of the Whole to resume its sitting without any motion or order of the House.

The rule permits that to be done when a quorum of 100 has appeared on the roll call in the Committee of the Whole House. That is what is referred to when the rule says "if on such call a quorum shall appear, the committee shall resume its sitting." But in this instance, on the last roll call in the Committee of the Whole, no quorum appeared; only 88 gentlemen answered to their names. Therefore the rule loses its authority. It does not apply. It gives to the Speaker no authority to direct the committee to resume its session or to declare that the House shall be in Committee of the Whole, except upon its vote.

Since that report was made by the Chairman of the Committee of the Whole there has been made and voted upon a motion to adjourn. After that a call of the House was ordered. We are now proceeding under that call. The roll call in Committee of the Whole is to ascertain if a quorum of that committee is present; 100 is sufficient for that call; but this is a call of the House ordered by the House. It is not such a call as that referred to in the rule. The Chair is clearly of the opinion that when a quorum of the House appears the House may order the committee to resume its session, but that under the rule, in the absence of a quorum, it is beyond the power of the Speaker to make such an order, and therefore there is nothing to do but wait until we have a quorum of the House.

Mr. CARLIN. Mr. Speaker, may I inquire if there has been any report from the Sergeant at Arms?

The SPEAKER pro tempore. The Chair thinks reports are constantly being made by Members coming in.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRINCE. I beg the pardon of the Speaker, but I did not catch all that the Speaker said while I was busy looking over other matters, but I wish to inquire if when a quorum of the House appears the committee resumes its session automatically, or does it require a motion to go back into Committee of the Whole for the consideration of bills in order?

The SPEAKER pro tempore. The rules give the Chair no authority to return the House to the committee at this stage. It can be done only upon a motion and vote of the House when a quorum has been secured.

Mr. THOMAS of North Carolina. Mr. Speaker, a parliamentary inquiry. How many are we short of a quorum?

The SPEAKER pro tempore. The Speaker is advised by the Clerk that in order to constitute a quorum 58 more Members must appear.

Mr. CARLIN. Mr. Speaker, I move that the Speaker issue his warrant, directed to the Sergeant at Arms, to arrest the absentees and bring them to the bar of the House.

The SPEAKER pro tempore. The gentleman from Virginia moves that the Speaker be directed to issue his warrant to the Sergeant at Arms, who shall thereupon be directed to arrest absent Members and bring them to the bar of the House. The Chair is of opinion that that motion is in order even without the presence of a quorum, as its object is to compel the attendance of absent Members, and thus secure a quorum.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 49, noes 10.

So the motion was agreed to.

The SPEAKER pro tempore. As the order of the House just made requires the issuance of warrants, to the end that there may be no doubt as to the authority of the present occupant of the chair to sign such warrants, the Clerk will read the following.

The Clerk read as follows:

I hereby designate the Hon. MARLIN E. OLMSTED, of Pennsylvania, as Speaker pro tempore this legislative day, February 17.

JOSEPH G. CANNON, *Speaker.*

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The last vote in the House disclosed the presence of 59 Members out of 385. I would like to inquire of the Chair whether that indicates a great desire on the part of Members to transact business and pass this bill.

The SPEAKER pro tempore. The Chair does not think that is a parliamentary inquiry, but in justice to the membership the Chair thinks the statement should be corrected. A few minutes ago the Chair stated that there were 58 short of a quorum.

Mr. MANN. A moment ago there was a motion made and carried, and the Chair announced the result—49 ayes and 10 noes.

Mr. HEFLIN. Mr. Speaker, in order that the House may calculate for itself how many Members are necessary to make a quorum, I ask how many there are present as reported by the roll call?

The SPEAKER pro tempore. In order that the gentleman may make the calculation for himself, the Chair informs the gentleman that 143 Members have now answered to their names.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. Will it be in order to consider any of these claims, except those that relate to churches, on Sunday?

The SPEAKER pro tempore. Not in the absence of a quorum. [Laughter.]

Mr. KITCHIN. When we get a quorum, how can we keep them here?

The SPEAKER pro tempore. That is a conundrum, not a parliamentary inquiry.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that I may address the House while the quorum is being gathered.

Mr. CAMPBELL. On what particular subject?

The SPEAKER pro tempore. The Chair is unable to submit that request in the absence of a quorum.

Mr. HEFLIN. Then I yield myself 15 minutes, Mr. Speaker. [Laughter and applause.]

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Does this time that the gentleman proposes to occupy come out of the time which the House has allotted for general debate on the bill?

The SPEAKER pro tempore. The Chair will state that that is a parliamentary inquiry which will have to be addressed to the Chairman of the Committee of the Whole when the House has again gone into committee.

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAWSON. Is it necessary to keep the doors of the House locked for the next 15 minutes? [Applause.]

Mr. HEFLIN. Mr. Speaker, I would say to my friend from Iowa that under the present circumstances I do not think it will be necessary to lock the doors, but if the gentleman should occupy that time it would be necessary not only to lock the doors but to stand at the doors with a club to compel the Members to remain. [Laughter.]

Mr. Speaker, the gentleman from Illinois [Mr. MANN] asks the question if the absence of a quorum at this time indicates that the membership of the House desires to pass this legislation. The majority of this House, in my judgment, desires to pass this Civil War claims bill. It has been passed upon by the Court of Claims. It has been recommended by a Republican President, who is now at war with his party on a great many Democratic questions. [Laughter.]

Mr. Speaker, I heard the gentleman from New York [Mr. PAYNE], about three years ago, say that the majority side of this House is responsible for the legislation that it passes and responsible for that which it refuses to pass, and I want to say to the gentlemen on that side who have conducted this filibuster for two days and two nights it is the most shameful and contemptible performance that I have witnessed since I have been in this House. [Applause.] The old Federal soldiers in the Southland, who supported the Union in that struggle between the States, and whose substance was taken to feed the Federal Army, and their children are denied by this Republican House payment for that substance. [Applause.] You have defeated these claims in this fashion before. You dare not bring them to the issue and defeat them in the open. You fight them by this miserable filibuster plan; and I want to say to you, gentlemen, that this performance will not help you with any self-respecting Republican in the South. Does it appeal to those old men who wore the blue, you think, to see you stand here conducting a filibuster to keep from paying for churches destroyed by fire in those days? [Applause.] Some of those claims are in this bill.

Widows and orphans of Federal soldiers have claims in this bill for property taken by the Federal forces, and the able gentleman from Illinois [Mr. MANN]—and I pay him the compliment of saying that he is the ablest and most astute politician on that side in some things, but he is now making the most serious blunder for his party that it has made since he has been in the House. [Applause.] Is it true that you are nagging the President? Is it true that you are trying to make him withdraw his threat for an extra session? I challenge you to give us an extra session. You have been repudiated by the country, and the sooner that we can meet in extra session the better it will be for the masses of the people of this country. [Applause on the Democratic side.] Let us have that extra session.

The gentleman from Pennsylvania [Mr. DALZELL] spoke against the reciprocity agreement with Canada—this effort to improve our trade relations with that people. He was bitter in his denunciation of this measure, which Mr. BENNET of New York characterized as being in "opposition to Republican policies and in accord with Democratic policies," and when he realized that the robber tariff which now curses the country was about to receive a considerable blow by the passage of this reciprocal trade agreement with Canada he assumes a rôle strange, indeed, for the gentleman from Pennsylvania. He becomes anxious about the farmer.

He professes friendship for the farmer. "O Liberty, what crimes are committed in thy name!" [Laughter and applause.] The gentleman from Pennsylvania [Mr. DALZELL] spoke for and voted for a tariff law during this Congress that imposes burdens upon the farmer grievous to be borne. He supported the most obnoxious and oppressive tariff law that ever afflicted a free people, and now when we undertake to relieve the masses, to free the farmers from some of the abuses and hardships of the Payne-Aldrich tariff law, he poses as the farmer's friend and, thus disguised, seeks to destroy a measure which secures to the farmers of our country better trade relations with a friendly people and a wider market for their products. This reciprocal agreement is not all that I would have it. But this proposed agreement between the two countries was submitted to us for ratification or rejection, and it was thoroughly understood that any change in it, any addition to the things proposed, would defeat the measure, and that is why we could not vote for amendments. During my service here I have seen amendments offered for no other purpose than to defeat the measure under consideration, and I must confess that I am of the opinion that the gentleman from Pennsylvania had no other purpose in view yesterday when he moved to recommit the reciprocal trade agreement with Canada to the Committee on Ways and Means, with instructions to include bagging and ties and agricultural implements in the agreement.

The gentleman knows that practically all the agricultural implements used in the United States are manufactured in the United States and that the tariff on such implements is so high that competition in the implement business is impossible, and that while but few agricultural implements come into our country the farmer has to pay the amount of the tariff tax just the same to the manufacturer, and that the cotton bagging used in the United States is manufactured in this country, with the exception of about 20,000,000 yards which come in from Germany and India, and that cotton ties are all manufactured here. The gentleman knows that the farmer is heavily taxed in the tariff law which he helped to pass, and he also knows that he has always opposed putting bagging and ties and agricultural implements on the free list. Mr. Speaker, if there is any one man in this House who has opposed, in season and out, every measure looking to tariff relief for the farmer, it is the gentleman from Pennsylvania [Mr. DALZELL]. [Applause on the Democratic side.]

I want to say to the gentleman from Pennsylvania that if he will prepare a bill putting bagging and ties and agricultural implements on the free list that I will vote for it, and I want to say further to the gentleman that all or nearly all of the Democrats of this House will vote for it. Mr. Speaker, I will say more than that. The gentleman from Pennsylvania will not introduce such a bill, and he would not vote for such a bill if he had the opportunity. The gentleman is not in favor of putting bagging and ties and agricultural implements on the free list. He has always opposed it.

In order to put the gentleman to the test I have introduced the following bill, and I ask him to help get the Ways and Means Committee to report it favorably to this House. Here is the bill:

[Sixty-first Congress, third session. In the House of Representatives, Feb. —, 1911.]

Mr. HEFLIN introduced the following bill:

A bill (H. R. —) to repeal the duties on agricultural implements and cotton bagging and ties.

SECTION 1. Be it enacted by the Senate and House of Representatives in Congress assembled that all agricultural implements and cotton ties and bagging hereafter imported into the United States from any foreign country shall be admitted free and exempt from duty.

SEC. 2. That as much of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, as is inconsistent with this act is hereby repealed.

Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY], a high-tariff Republican, was frank enough to say to this House that he wanted to amend this trade agreement with Canada, and when asked if he would then vote for the agreement as amended—the candid gentleman that he is—said, "No; I would vote against it." So it is perfectly plain that all the gentlemen on the Republican side who opposed the trade agreement with Canada wanted to amend it for the purpose of killing it.

I want to put the gentleman from Pennsylvania [Mr. DALZELL] on notice that during the next Congress, when we will be in control of this House, he will have an opportunity to join us in voting to put bagging and ties and agricultural im-

plements and several other things on the free list, and then we will see how good a friend the gentleman is to the farmer.

Mr. Speaker, those of us who represent the South in this House hail with delight any opportunity to improve our trade relations with other countries. We are anxious to have and hold the good will and friendship of the people of Canada. We want her markets thrown wide open to our products, and we will do anything reasonable to restore the good feeling and the right liberal trade that we enjoyed with Canada before the Payne-Aldrich tariff law went into effect. That law went into effect August 5, 1909. The Government statistics show that from June, 1908, to June, 1909, we sold to Canada 65,726,749 pounds of lint cotton. Then, from June, 1909, to June, 1910, after the Payne-Aldrich tariff law went into effect, we sold to Canada 62,796,152 pounds of lint cotton.

These figures disclose the fact that there was a falling off in our cotton trade with Canada in one selling season of 2,930,597 pounds of lint cotton. This is one of the straws that shows how the trade wind is blowing under the damaging influence of the Payne-Aldrich tariff law.

This trade agreement is at least a large stepping-stone in the right direction. Let us hope that Canada will soon find out and fully appreciate the fact that the robber tariff laws of the United States, passed by the Republican Party, are thoroughly repudiated by a proud and patriotic people.

Why, gentlemen, do you think that the people are deceived by this kind of a performance? You had better let us bring this issue up and meet it in the open. If you want to vote against it, do so, and let the people know how you vote. We have driven you from power in this House. [Applause on the Democratic side.] We will drive you from power in the Senate two years from now and elect a Democratic President. [Applause on the Democratic side.] The Republican Party wears upon its breast the scarlet letter of deceit and unfaithfulness to the American people. It has been weighed in the balance and found wanting. You deserve to be driven from power. [Applause on the Democratic side.]

Some of you gentlemen conducting this filibuster remind me of the story of old Uncle Rufus, who was lying asleep by the roadside. He had imbibed about 3 pints of fermented millet juice, and was lying on his back with his tongue out. A medical student found him in this predicament and he sprinkled one of these horsechestnut capsules full of quinine on Rufus's tongue. [Applause and laughter.] Old Rufus rolled his eyes a little, and finally swallowed some of the quinine. Then he commenced to work his lips and blink his eyes. He saw the medical student standing not far away, and he said to him, "Mistah, air you a doctor?" "No;" replied the medical student. "Well," said Rufus, "I'se obliged to have a doctor."

The student said, "What is the matter with you?" Rufus replied, "I wants a doctor, and I wants him quick. [Laughter.] I know what's de mattah wid me." Then the medical student said, "Down this road about a quarter of a mile, on the right of the road, there lives a doctor." "Is you gwine to be 'round here for a few minutes?" said Rufus. The student wanted to know why. Rufus said, "I want you to watch my coat an' hat. I'm in a hurry." "Well, what is the matter with you?" demanded the student. Rufus said, "My gall is busted." [Applause and laughter.]

Mr. Speaker, gentlemen on that side have exhibited such unmitigated gall in conducting this miserable filibuster against this long line of poverty-stricken people, who are entitled to the money that the Court of Claims says they ought to have and that the President begs you to give them, that I should hate to be around when that gall explodes. [Laughter.] Do you hope to conduct this filibuster and defeat this measure, and think that we will not tell the country that your purpose was to defeat it? You move to have a call of the House, and yet your party constitutes a majority in this House. You are responsible for the things you have passed and the things you do not pass, and the country knows this.

If you defeat this measure in this way, you will hear from it again. It will haunt you in the future. We have been reminding you for the last two years of your unwarranted and unfair tactics, and we have trimmed you up according to our notion right recently. [Laughter.] We have got you now in shipshape, and two years from now——

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. HEFLIN. Certainly.

Mr. STANLEY. To whom are we indebted for this delay to the gentleman from Illinois or the gentleman from Arkansas? [Laughter.]

Mr. HEFLIN. I hardly know, Mr. Speaker, but I never thought the gentleman from Kentucky would interrupt such a burst of eloquence with a question like that. [Laughter and applause.] Two years from now——

Mr. STANLEY. Mr. Speaker, I want to again interrupt the gentleman from Alabama, and I want to say that the gentleman from Illinois is evil by willful intent, but the gentleman from Arkansas is mistaken by the mysterious providence of God. [Laughter.]

Mr. ROBINSON. Mr. Speaker, will the gentleman from Kentucky kindly discriminate between the gentlemen from Arkansas and indicate which one he means. [Laughter and applause.]

Mr. STANLEY. Mr. Speaker——

Mr. HEFLIN. I can not yield any more.

Mr. STANLEY. Mr. Speaker, I want to say that nobody who knows the high-browed gentleman from Arkansas will suspect that I meant him. [Laughter.]

Mr. HEFLIN. Now, Mr. Speaker, in conclusion. [Applause and cries of "Go on!"] I see that I have excited the desire of a good many people to speak, but I can not yield any more time; but I want to say to the other side that all this filibuster, that all your recent attempts to defeat friendly trade relations with Canada, that all your efforts to defeat the wishes of your President, puts you in the attitude of the old negro at the protracted meeting. After the parson had finished his sermon, he said to the congregation, "All of you who are livin' in peace an' love with your neighbors, stand up." And they all stood up.

The next night he said, "Bretheren and sisters, I wants all of you who air livin' right to stand up." And they all stood up; and the old parson said to the local preacher, "What do you think er dat? Every last hoof uv 'em stood up. Dey ain't deceivin' me and dey ain't deceivin' de Lord. You know there ain't nobody livin' exactly right. The Bible says there ain't none absolutely good, and yet every last hoof of 'em stood up and said they wus 'er livin' right. What are you gwine to do about it? We can't separate the sheep from the goats; we can't tell the saints from the sinners. [Laughter.] Now, what you gwine to do?"

The local preacher said, "You remembah dat old nigger Gabriel what used to blow de bugle in slavery times? Well, tomorrow night when you gets to preachin' one of your ambitious sermants I'm gwine to put that nigger in the fork of de tree by de church, and when you gits to de right place ax 'em if Gabriel wus ter blow his bugle, sayin' time on earth is over, 'How many of you would be ready to go?' Den dey'll all stand up, and den you call on Gabriel to blow his bugle and shake dem niggers into a realization of the situation." [Applause and laughter.]

The next night the parson came down and looked over the congregation, and said, "I've been preachin' to you a long time," and they said "Um-um." He said, "I wants to know if you want to hear me to-night." And they said, "Yes, good Lord; um-um." [Laughter.] And he said, "Bretheren and sisters, one of these days—and it won't be long—you are gwine to look out yondah and see the gospel train comin', sweepin' 'round the mountain, and you'll heah the conductah say, 'All abo'd!' [Laughter.] Oh, poor sinner, what's gwine to become of you when you see the devil comin', with fire rollin' out of his nose like a steam engine gwine up a hill? [Laughter.] He said, "I want to know if at dis very moment Gabriel should blow his bugle, sayin' time is over, how many of you would be ready to go home to glory? I want you to stand up," and the last one of them stood up. The old parson said, "Whoo-ooh, Gabriel, G-a-b-r-i-e-l; blow your bugle, calm and easy." And out in the tree top old Gabriel answered, "Too-ooh, too-ooh!" [Laughter.]

A great, big, fat nigger out in front moved out and said, "Dar's somethin' wrong around here." [Laughter and applause.] Then a little bow-legged nigger, standing by the big fat nigger, said, "Oh, hush, and listen to the parson." "Don't come scrouging up around me," said the fat nigger. [Laughter.]

The old parson said, "Whoo-ooh, Gabriel; blow your bugle loudah than seven claps of thundah." And out in the tree top old Gabriel said, "Too-ooh! Too-te-too-tooh!" [Laughter and applause.]

The big, black, fat nigger said, "Clear de way dere; clear de way. Dat nigger has fetched judgment here and I know I ain't prepared," and out he went at the door. [Applause and laughter.]

So, my Republican friends, the way you are conducting matters on that side [laughter and applause], from the way you are now carrying on this filibuster, and dallying with trade agreements, and fighting your own party's President, and getting in the way of Democratic doctrines, two years from now

judgment day will come, and you will not be prepared. [Loud applause and laughter.]

Mr. PRINCE. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRINCE. I wish to know, Mr. Speaker, if there is a quorum present for the transaction of business.

The SPEAKER pro tempore. The Chair will inform the gentleman that a quorum is still lacking.

Mr. HEFLIN. Mr. Speaker, I reserve the balance of my time. May I inquire, Mr. Speaker, how many we lack of a quorum.

The SPEAKER pro tempore. The Chair is informed that 172 Members are present.

Mr. STANLEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. STANLEY. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STANLEY. Was the statement of Bobbie Burns, that—

> Man's inhumanity to man
> Makes countless thousands mourn—

poetry or philosophy? And did it refer to the gentleman from Illinois? [Laughter.]

The SPEAKER pro tempore. That is hardly a parliamentary inquiry.

Mr. HARDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARDY. When an irresistible force meets an immovable body, what is the result?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry.

Mr. HARDY. We seem to be trying to move the gentleman from Illinois [Mr. MANN] and he seems to stand still. [Laughter.]

Mr. BARNHART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARNHART. Is there anything doing?

The SPEAKER pro tempore. Not in the absence of a quorum.

Mr. THOMAS of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] have five minutes in which to address the House.

The SPEAKER pro tempore. In the absence of a quorum it is not within the power of the Chair to submit the request.

The Chair must again call the attention of gentlemen to the rule which prohibits smoking in any part of the House at any time.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER of Missouri. Has the Chair any right to prohibit smoking on the floor when a quorum is not present?

The SPEAKER pro tempore. The Chair thinks that rule applies at all times, even in the absence of a quorum.

Mr. RUCKER of Missouri. I am glad there is something the Chair thinks we can do in the absence of a quorum.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to know whether the Sergeant at Arms has made any report as to the Members upon whom he has executed the order of the House, and whether any have come in under that order.

The SPEAKER pro tempore. The Chair is under the impression that the Sergeant at Arms is now out in search of absent Members.

Mr. BARTLETT of Georgia. Mr. Speaker, another parliamentary inquiry. Can the Chair inform the House how many men the Sergeant at Arms has at his disposal for the purpose of carrying out the orders of the House?

The SPEAKER pro tempore. The Chair is not informed upon that point.

Mr. BARTLETT of Georgia. I should like to inquire whether he has a sufficient number of men. I am asking in order that I may, if possible, facilitate the business of the House in the obtaining of a quorum. If the Sergeant at Arms is unable, by reason of a lack of a sufficient number of men, to execute promptly the orders of the House so that we may have a quorum, I desire to aid the Sergeant at Arms by moving that a sufficient number of men be sworn in.

The SPEAKER pro tempore. The Chair is of the impression from the constant arrival of Members that the Sergeant at Arms is doing his duty.

Mr. BARTLETT of Georgia. I do not doubt that. That is not the purpose of my inquiry. It is simply to know whether the Sergeant at Arms needs more than the force he has at his command for the purpose of executing the orders of the House. I know the Sergeant at Arms, and I know he is efficient, but he can not perform his duty as promptly as he might if he needs more men to help carry out his orders, and what I have said is not intended as any reflection on that officer.

The SPEAKER pro tempore. The Chair is informed that the Sergeant at Arms has at this time four deputies out who are engaged in the performance of that duty.

Mr. BARTLETT of Georgia. I do not think that number is enough. Will it be in order to move to add to the force of the Sergeant at Arms by swearing in additional men for the purpose of executing this order of the House?

Mr. DAWSON. Will the gentleman yield for a suggestion?

Mr. BARTLETT of Georgia. I will.

Mr. DAWSON. If the Sergeant at Arms was directed to go to the banquet of the Gridiron Club might he not dig up something?

Mr. BARTLETT of Georgia. I have not the list of gentlemen to be present at the banquet.

Mr. LANGLEY. I understand there are about 50 Members there.

Mr. BARTLETT of Georgia. I understand the Gridiron banquet is being held to-night, but I want to make a motion to aid the Sergeant at Arms.

The SPEAKER pro tempore. In the opinion of the present occupant of the chair, such a motion is not in order. About one year ago, under similar circumstances, such a motion was carried after the House had overruled the Chair, but the Speaker of the House declined to sign the warrant, fearing that the direction made in the absence of a quorum was not sufficient authority for him to do so. A warrant for the arrest of a Member of this House should not be issued or served upon doubtful authority. The rules provide how deputies may be appointed, and other deputies, or deputies to be appointed in some other manner, can not, in the opinion of the Chair, be authorized in the absence of a quorum. A warrant of arrest is a serious matter, and should neither be issued nor served upon doubtful authority.

Mr. BARTLETT of Georgia. I am not making any reflection upon the Sergeant at Arms. I simply wanted to expedite the business of the House by furnishing what aid was necessary to carry out the orders of the House.

Mr. SIMS. Mr. Speaker, I think that, under the law of both Houses, gentlemen who absent themselves, except for sickness of themselves or their family, are subject to have their salary and allowance for that day deducted. Now, if it is in order to direct the Sergeant at Arms to execute the plain law of the statute from this time on to the end of the session, I want to make that motion and invoke the law. If gentlemen do not care for the business of the House, they ought not to want pay for staying out of the House, unless they are sick or there is sickness in the family.

Mr. KITCHIN. Will the gentleman from Tennessee yield for another song?

Mr. SIMS. Personally I do not feel like singing. [Laughter.]

The SPEAKER pro tempore. The Chair has a very decided opinion on the subject, but in order to be certain he will consult the precedents. Will the gentleman from Tennessee state his motion?

Mr. SIMS. My motion is that the Sergeant at Arms be instructed to execute the provision of the law requiring the salaries of Members of the House to be deducted for all such days as they are absent, except for sickness of themselves or of members of their family, and that it be executed for this day and the rest of the session. Gentlemen are paid $20 a day to stay here, and they ought to be here unless they or their families are sick.

The SPEAKER pro tempore. The Chair desires to rule upon the parliamentary inquiry followed by the motion of the gentleman from Tennessee. The House is now without a quorum. We are in the midst of a call of the House. The only motion which can be entertained in the absence of a quorum is the motion to adjourn, or some motion which has for its manifest, plain purpose merely the bringing in of Members, so as to compel attendance and secure a quorum. Such a motion has been adopted, and the order of the House is now in process of execution. The Chair is of opinion that a motion to enforce a penalty against absent Members by deducting something from their salaries at the end of the month would not help to secure a quorum this evening, although it might insure more faithful attendance in future, and that the motion is of such nature that it can not be entertained at this time, when no quorum is present.

Mr. SIMS. Does it require a motion to make the Sergeant at Arms obey the plain mandates of statutory law?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The Chair has not the law before him. The Chair is

informed that the existence of such a law has been questioned. Whether it is still in force or not the Chair does not undertake to state, and it is not within the province of the Chair to answer whether such a motion is requisite or not; it would not be in order at this time.

Mr. COLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COLE. Does not the eight-hour law apply to Congress as well as to all labor on public contracts?

The SPEAKER pro tempore. If there were a quorum present, the Chair would refer that to the Committee on Labor.

Mr. HEFLIN. Mr. Speaker, how many Members do we lack of a quorum?

The SPEAKER pro tempore. The Chair is informed that we lack nine of a quorum.

Mr. KOPP. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. KOPP) there were—ayes 48, noes 80.

Mr. KOPP. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted.

Mr. CARLIN. Mr. Speaker, I make the point of order that the yeas and nays can not be ordered while a call of the House is proceeding.

Mr. CLARK of Florida. The present roll call is on a motion to adjourn.

The SPEAKER pro tempore. The present roll call is on a call of the House.

Mr. RANDELL of Texas. Mr. Speaker, I rise to a point of order. I make the point of order that the House has voted on a motion to adjourn, since which time no other business has intervened, and that therefore the motion to adjourn is out of order.

The SPEAKER pro tempore. The Chair thinks that that point comes too late, the motion having been entertained and a division ordered upon it.

Mr. RANDELL of Texas. Mr. Speaker, I rose to my feet and the Speaker paid no attention, but went on with his counting. I was in time. I think the Speaker counted me as one who voted for the yeas and nays, when I was making the point of order.

The SPEAKER pro tempore. The Chair has not counted the gentleman as one demanding the yeas and nays. Before the gentleman made his point or rose for that purpose, if the Chair is correct—and if not the gentleman will inform the Chair—a division had been taken.

Mr. RANDELL of Texas. That is true.

The SPEAKER pro tempore. After that the Chair thinks it is too late to make the point.

Mr. MANN. Mr. Speaker, I demand the other side.

The SPEAKER pro tempore. The other side is demanded. Those who are not in favor of ordering the yeas and nays on the motion to adjourn will rise and stand until counted.

Thirty-three gentlemen rose to demand the yeas and nays, and 99 gentlemen rose upon the other side—a sufficient number—and the yeas and nays were ordered.

The question was taken; and there were—yeas 47, nays 135, answered "present" 14, not voting 188, as follows:

YEAS—47.

Anthony	Durey	Küstermann	Needham
Barchfeld	Dwight	Langham	Norris
Barnard	Englebright	Lenroot	O'Connell
Burke, S. Dak.	Esch	Lindbergh	Pickett
Butler	Garrett	McCredie	Pratt
Calder	Goebel	McKinley, Ill.	Sterling
Campbell	Graff	Maiby	Stevens, Minn.
Currier	Guernsey	Mann	Tawney
Davidson	Hill	Martin, S. Dak.	Volstead
Dawson	Howell, Utah	Miller, Kans.	Vreeland
Dickema	Hubbard, Iowa	Mondell	Woods, Iowa
Driscoll, M. E.	Kopp	Morgan, Okla.	

NAYS—135.

Adair	Bennet, N. Y.	Clark, Fla.	Dickson, Miss.
Adamson	Borland	Clark, Mo.	Dixon, Ind.
Aiken	Brantley	Clayton	Dodds
Alexander, Mo.	Broussard	Collier	Edwards, Ga.
Anderson	Burgess	Cooper, Wis.	Edwards, Ky.
Ansberry	Burnett	Cowles	Ellerbe
Ashbrook	Byrns	Cox, Ind.	Estopinal
Austin	Candler	Creager	Ferris
Barnhart	Cantrill	Cullop	Finley
Bartlett, Ga.	Carlin	Davis	Fitzgerald
Bartlett, Nev.	Carter	Dent	Flood, Va.
Beall, Tex.	Cary	Denver	Floyd, Ark.
Bell, Ga.	Chapman	Dickinson	Focht
Foster, Ill.	Hughes, N. J.	Mays	Sheppard
Garner, Tex.	Hull, Tenn.	Mitchell	Sherwood
Gillespie	Humphreys, Miss.	Moon, Tenn.	Simmons
Glass	Jamieson	Morgan, Mo.	Sims
Godwin	Johnson, S. C.	Morrison	Sisson
Gordon	Jones	Moss	Small
Graham, Ill.	Kitchin	Nicholls	Spight
Grant	Korbly	Oldfield	Stanley
Greene	Latta	Padgett	Sulloway
Hamlin	Law	Page	Swasey
Hammond	Lee	Peters	Thistlewood
Hardy	Legare	Pray	Thomas, Ky.
Hawley	Lever	Prince	Thomas, N. C.
Hay	Lively	Pujo	Tou Velle
Heflin	Lloyd	Rainey	Turnbull
Helm	McHenry	Randell, Tex.	Underwood
Henry, Tex.	McLachlan, Cal.	Richardson	Watkins
Hobson	Macon	Robinson	Weisse
Hollingsworth	Maguire, Nebr.	Rucker, Mo.	Wickliffe
Houston	Martin, Colo.	Saunders	Willett
Hughes, Ga.	Massey	Shackleford	

ANSWERED "PRESENT"—14.

Booher	Draper	Lamb	Steenerson
Calderhead	Fordney	Langley	Young, N. Y.
Cline	Harrison	Olmsted	
Cole	Howland	Rauch	

NOT VOTING—188.

Alexander, N. Y.	Gallagher	Knowland	Reeder
Allen	Gardner, Mass.	Kronmiller	Reid
Ames	Gardner, Mich.	Lafean	Rhinock
Andrus	Gardner, N. J.	Lawrence	Riordan
Barclay	Garner, Pa.	Lindsay	Roberts
Bartholdt	Gill, Md.	Livingston	Roddenbery
Bates	Gill, Mo.	Longworth	Rodenberg
Bennett, Ky.	Gillett	Loud	Rothermel
Bingham	Goldfogle	Loudenslager	Rucker, Colo.
Boehne	Good	Lowden	Sabath
Boutell	Goulden	Lundin	Scott
Bowers	Graham, Pa.	McCall	Sharp
Bradley	Gregg	McCreary	Sheffield
Burke, Pa.	Griest	McDermott	Sherley
Burleigh	Hamer	McGuire, Okla.	Slayden
Burleson	Hamill	McKinlay, Cal.	Slemp
Byrd	Hamilton	McKinney	Smith, Cal.
Capron	Hanna	McLaughlin, Mich.	Smith, Iowa
Cassidy	Hardwick	McMorran	Smith, Mich.
Cocks, N. Y.	Haugen	Madden	Smith, Tex.
Conry	Havens	Madison	Snapp
Cooper, Pa.	Hayes	Maynard	Southwick
Coudrey	Heald	Miller, Minn.	Sparkman
Covington	Henry, Conn.	Millington	Sperry
Cox, Ohio	Higgins	Moon, Pa.	Stafford
Craig	Hinshaw	Moore, Pa.	Stephens, Tex.
Cravens	Hitchcock	Moore, Tex.	Sturgiss
Crow	Howard	Morehead	Sulzer
Crumpacker	Howell, N. J.	Morse	Talbott
Dalzell	Hubbard, W. Va.	Moxley	Taylor, Ala.
Denby	Huff	Mudd	Taylor, Colo.
Dies	Hughes, W. Va.	Murdock	Taylor, Ohio
Douglas	Hull, Iowa	Murphy	Thomas, Ohio
Driscoll, D. A.	Humphrey, Wash.	Nelson	Tilson
Dupre	James	Nye	Townsend
Ellis	Johnson, Ky.	Olcott	Wallace
Elvins	Johnson, Ohio	Palmer, A. M.	Wanger
Fairchild	Joyce	Palmer, H. W.	Washburn
Fassett	Kahn	Parker	Webb
Fish	Keifer	Parsons	Weeks
Foelker	Kelliher	Patterson	Wheeler
Fornes	Kendall	Payne	Wiley
Foss	Kennedy, Iowa	Pearre	Wilson, Ill.
Foster, Vt.	Kennedy, Ohio	Plumley	Wilson, Pa.
Fowler	Kinkaid, Nebr.	Poindexter	Wood, N. J.
Fuller	Kinkead, N. J.	Pou	Woodyard
Gaines	Knapp	Ransdell, La.	Young, Mich.

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until 8 p. m. to-day:

Mr. LANGLEY (in favor) with Mr. MADISON (against).

For balance of legislative day:

Mr. WASHBURN (in favor) with Mr. FOSTER of Vermont (against).

Mr. WEEKS (in favor) with Mr. SCOTT (against).

Until 10 a. m. Sunday:

Mr. FAIRCHILD with Mr. CASSIDY.

Mr. KINKAID of Nebraska with Mr. CLINE.

Mr. KENNEDY of Ohio with Mr. BURLESON.

On all votes on claims bill:

Mr. WANGER (in favor) with Mr. KENDALL (against).

Mr. GOOD (in favor) with Mr. NELSON (against).

Mr. CALDERHEAD (in favor) with Mr. FORDNEY (against).

Until further notice:

Mr. LOUDENSLAGER with Mr. SHARP.

Mr. ALEXANDER of Missouri with Mr. BOWERS.

Mr. MCMORRAN with Mr. RUCKER of Colorado.

Mr. CRUMPACKER with Mr. DANIEL A. DRISCOLL.

Mr. GILLETT with Mr. HAMILL.

Mr. HIGGINS with Mr. HAVENS.

Mr. TILSON with Mr. SMITH of Texas.

Mr. LAWRENCE with Mr. STEPHENS of Texas.

Mr. LAFEAN with Mr. TAYLOR of Alabama.

Mr. OLCOTT with Mr. TAYLOR of Colorado.

Mr. SOUTHWICK with Mr. WEBB.

For the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. ANDRUS with Mr. RIORDAN.

Mr. FORDNEY. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Kansas [Mr. CALDERHEAD].

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. FORDNEY was called, and he answered "Present."

The SPEAKER pro tempore. On this vote the yeas are 47, the nays are 135, present 14. The nays have it, and the House refuses to adjourn. Under the call of the House 199 Members have appeared—a quorum. The Doorkeeper will open the doors.

Mr. SIMS. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER pro tempore. The gentleman from Tennessee moves that further proceedings under the call be dispensed with.

The question was taken, and the motion was agreed to.

Mr. PRINCE. Mr. Speaker——

Mr. CLAYTON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Alabama rise?

Mr. CLAYTON. Mr. Speaker, I desire to offer the following resolution and ask the immediate consideration of the same.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Rules be, and is hereby, required to report not later than Monday a special rule providing for the consideration of the bill, Senate bill 7971, reported by the Committee on Claims; that the consideration of said bill be made a continuing order until the bill is disposed of under appropriate provision bringing the House to a vote on the passage of said bill and all amendments thereto not later than 4 o'clock p. m., Tuesday next.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not in order and ask for the regular order.

The SPEAKER pro tempore. The Chair assumes that the gentleman from Alabama asks unanimous consent.

Mr. CLAYTON. Mr. Speaker, the Chair is in error; "the gentleman from Alabama" assumed that the gentleman from Illinois at least would object to it, and therefore "the gentleman from Alabama" desires to ask the present consideration of the resolution.

The SPEAKER pro tempore. Then he moves its consideration?

Mr. CLAYTON. He moves its consideration at the present time.

The SPEAKER pro tempore. And to that the gentleman from Illinois makes his point of order. Will the gentleman from Illinois state his point of order?

Mr. MANN. I demand the regular order, and move that the House resolve itself into the Committee of the Whole House for the further consideration of bills on the Private Calendar in order to-day.

The SPEAKER pro tempore. The Chair, in the first place, would like to hear the gentleman from Illinois briefly upon his point of order.

Mr. MANN. Well, Mr. Speaker, there is no authority at this time, even if there were at any other time, to bring in this resolution. The House has already decided, the Speaker has decided, that the only thing that can be taken up in the House at this time is the motion to go to a consideration of the business on the Private Calendar. However, there is no authority for the resolution at any time.

The resolution may be introduced and referred to the Committee on Rules. There is no authority for the introduction of the resolution on the floor of the House. It can be put into the basket, like any other resolutions relating to the rules of the House.

The SPEAKER pro tempore. The Chair will call attention to section 53 of Rule XI:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

The Chair thinks it very plain that the resolution offered by the gentleman from Alabama, not having been referred to or reported from the Committee on Rules, its consideration is not in order at the present time. The motion of the gentleman from Illinois is in order.

Mr. CLAYTON. Mr. Speaker, from the decision of the Chair I desire to appeal, and do now appeal, and upon that question I move the previous question. [Applause.]

The SPEAKER pro tempore. From the decision of the Chair the gentleman from Alabama [Mr. CLAYTON] appeals, and upon that appeal moves the previous question. So the question is, Shall the decision of the Chair stand as the judgment of the House? and upon that the previous question is demanded.

The question comes first on ordering the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. What is the proposition? Is it the appeal now, or the previous question?

The SPEAKER pro tempore. The previous question.

The House divided; and there were—ayes 93, noes 60.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARLIN. Mr. Speaker, the last roll call, I think, showed 199 Members present, and is that not a sufficient number?

The SPEAKER pro tempore. The Chair has taken the vote by division on the last vote taken.

Mr. CARLIN. The last vote?

The SPEAKER pro tempore. The Chair announced that the ayes were 93 and the noes were 60.

Mr. CARLIN. I am speaking of the last roll call.

The SPEAKER pro tempore. The Chair will suggest that if the gentleman from Virginia [Mr. CARLIN] desires to demand the other side he has that privilege.

Mr. CARLIN. No; I do not desire to call it.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 49, answered "present" 16, not voting 191, as follows:

YEAS—128.

Adair	Dent	Hughes, Ga.	Oldfield
Adamson	Denver	Hughes, N. J.	Padgett
Aiken	Dickinson	Hull, Tenn.	Page
Alexander, Mo.	Dickson, Miss.	Humphreys, Miss.	Peters
Anderson	Dickema	Jamieson	Prince
Ansberry	Dixon, Ind.	Johnson, S. C.	Pujo
Ashbrook	Dodds	Jones	Rainey
Austin	Edwards, Ga.	Kitchin	Randell, Tex.
Barnhart	Edwards, Ky.	Korbly	Rauch
Bartlett, Ga.	Ellerbe	Langley	Richardson
Bartlett, Nev.	Estopinal	Law	Robinson
Beall, Tex.	Ferris	Lee	Rucker, Mo.
Bell, Ga.	Finley	Legare	Shackleford
Borland	Flood, Va.	Lever	Sheffield
Brantley	Floyd, Ark.	Lindbergh	Sheppard
Broussard	Focht	Lively	Sherwood
Burgess	Foster, Ill.	Lloyd	Sims
Burnett	Garner, Tex.	McCredie	Sisson
Byrns	Gillespie	McHenry	Spight
Candler	Glass	Macon	Stanley
Cantrill	Godwin	Maguire, Nebr.	Stephens, Tex.
Carlin	Graham, Ill.	Martin, Colo.	Sterling
Carter	Greene	Massey	Sulloway
Clark, Fla.	Hamlin	Mays	Thistlewood
Clark, Mo.	Hardy	Mitchell	Thomas, Ky.
Clayton	Hawley	Moon, Tenn.	Thomas, N. C.
Collier	Hay	Morgan, Mo.	Tou Velle
Cowles	Heflin	Morrison	Turnbull
Cox, Ind.	Helm	Morse	Underwood
Creager	Henry, Tex.	Nicholls	Weisse
Cullop	Hobson	Norris	Wickliffe
Davis	Houston	O'Connell	Woods, Iowa

NAYS—49.

Anthony	Dawson	Kopp	Pratt
Barchfeld	Dwight	Küstermann	Pray
Barnard	Englebright	Langham	Reeder
Bennet, N. Y.	Esch	Lenroot	Snapp
Burke, S. Dak.	Garrett	McLachlan, Cal.	Steenerson
Butler	Goebel	Mann	Stevens, Minn.
Calder	Graff	Martin, S. Dak.	Swasey
Campbell	Grant	Miller, Kans.	Tilson
Cary	Guernsey	Mondell	Volstead
Chapman	Hammond	Morgan, Okla.	Vreeland
Cooper, Wis.	Hill	Moss	
Currier	Hollingsworth	Needham	
Davidson	Howell, Utah	Pickett	

ANSWERED "PRESENT"—16.

Booher	Draper	Knapp	Simmons
Calderhead	Harrison	Lamb	Sparkman
Cline	Howland	Olmsted	Watkins
Cole	Hubbard, Iowa	Saunders	Young, N. Y.

NOT VOTING—191.

Alexander, N. Y.	Covington	Foss	Hanna
Allen	Cox, Ohio	Foster, Vt.	Hardwick
Ames	Craig	Fowler	Haugen
Andrus	Cravens	Fuller	Havens
Barclay	Crow	Gaines	Hayes
Bartholdt	Crumpacker	Gallagher	Heald
Bates	Dalzell	Gardner, Mass.	Henry, Conn.
Bennett, Ky.	Denby	Gardner, Mich.	Higgins
Bingham	Dies	Gardner, N. J.	Hinshaw
Boehne	Douglas	Garner, Pa.	Hitchcock
Boutell	Driscoll, D. A.	Gill, Md.	Howard
Bowers	Driscoll, M. E.	Gill, Mo.	Howell, N. J.
Bradley	Dupre	Gillett	Hubbard, W. Va.
Burke, Pa.	Durey	Goldfogle	Huff
Burleigh	Ellis	Good	Hughes, W. Va.
Burleson	Elvins	Gordon	Hull, Iowa
Byrd	Fairchild	Goulden	Humphrey, Wash.
Capron	Fassett	Graham, Pa.	James
Cassidy	Fish	Gregg	Johnson, Ky.
Cocks, N. Y.	Fitzgerald	Griest	Johnson, Ohio
Conry	Foelker	Hamer	Joyce
Cooper, Pa.	Fordney	Hamill	Kahn
Coudrey	Fornes	Hamilton	Keifer

Kellher	McLaughlin, Mich.	Pearre	Sperry
Kendall	McMorran	Plumley	Stafford
Kennedy, Iowa	Madden	Poindexter	Sturgiss
Kennedy, Ohio	Madison	Pou	Sulzer
Kinkaid, Nebr.	Malby	Ransdell, La.	Talbott
Kinkead, N. J.	Maynard	Reid	Tawney
Knowland	Miller, Minn.	Rhinock	Taylor, Ala.
Kronmiller	Millington	Riordan	Taylor, Colo.
Lafean	Moon, Pa.	Roberts	Taylor, Ohio
Latta	Moore, Pa.	Roddenbery	Thomas, Ohio
Lawrence	Moore, Tex.	Rodenberg	Townsend
Lindsay	Morehead	Rothermel	Wallace
Livingston	Moxley	Rucker, Colo.	Wanger
Longworth	Mudd	Sabath	Washburn
Loud	Murdock	Scott	Webb
Loudenslager	Murphy	Sharp	Weeks
Lowden	Nelson	Sherley	Wheeler
Lundin	Nye	Slayden	Wiley
McCall	Olcott	Slemp	Willett
McCreary	Palmer, A. M.	Small	Wilson, Ill.
McDermott	Palmer, H. W.	Smith, Cal.	Wilson, Pa.
McGuire, Okla.	Parker	Smith, Iowa	Wood, N. J.
McKinlay, Cal.	Parsons	Smith, Mich.	Woodyard
McKinley, Ill.	Patterson	Smith, Tex.	Young, Mich.
McKinney	Payne	Southwick	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MOXLEY with Mr. GORDON.

Mr. GARDNER of New Jersey with Mr. WATKINS.

Mr. NYE with Mr. MAYNARD.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I ask for recognition under the rules.

Mr. CARLIN. To that I make a point of order, Mr. Speaker. The previous question having been ordered, no debate is in order.

Mr. MANN. If the gentleman were as familiar with the rules as I had supposed him to be, he would know better.

The SPEAKER pro tempore. The Chair will state that the rule provides that whenever the previous question has been ordered on any proposition on which there has been no debate, there shall be 40 minutes for debate, one-half to be allotted to each side.

Mr. SIMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIMS. If, during this debate, gentlemen leave the Hall, we are liable to break a quorum, are we not?

Mr. BARTLETT of Georgia. We have got just an even quorum now.

Mr. SIMS. It is just an even quorum that we have got.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, I call the attention of the House to the situation, especially if I can get the attention of the gentleman from Tennessee [Mr. SIMS] and the gentleman from Alabama [Mr. CLAYTON], to whom, among others, I wish to address a few remarks. A little while ago, when the committee had ceased the first reading of the bill, and after an hour's discussion in the committee, the committee rose and reported to the House, and an agreement was entered into in the House for three hours' general debate, and without a roll call the House went back into Committee of the Whole House. I did not make the point, and no gentleman on this side of the House made the point, of no quorum, which has kept the House from debating this bill for the last three hours.

Mr. SIMS. Who made it?

Mr. MANN. It was a gentleman on that side of the House.

Mr. SIMS. Who made it?

Mr. MANN. I ask that gentlemen do not interrupt me. It was made by a gentleman on that side of the House who is in favor of the bill.

Mr. CLAYTON. I would like to say——

Mr. MANN. I can not yield.

Mr. CLAYTON. What I may say, I hope, will not disconcert the gentleman.

Mr. MANN. I do not wish to give my time to the gentleman.

Mr. CLAYTON. I will give the gentleman a part of my time.

Mr. MANN. How much?

Mr. CLAYTON. I will give the gentleman as much of my time as I may occupy of his time.

Mr. MANN. There is no way to ascertain that.

Mr. CLAYTON. I want to say this, that I first objected and then withdrew my objection, and after I withdrew it the gentleman from Illinois [Mr. MANN] renewed it. If the gentleman insists on telling only part of the truth, I insist on telling the whole of it.

Mr. MANN. Mr. Speaker, I understand the situation. The gentleman from Alabama [Mr. CLAYTON] does not understand it. After the gentleman on that side of the House had made the point of no quorum and the Chairman had declared that no quorum was in the Hall, then some gentleman asked that the roll call in progress should cease. But the Chair, having declared that no quorum was present, could not by unanimous consent then declare that a quorum was present. The Chair had made a declaration, and the Chair so stated.

Now, what is the proposition? Having agreed to three hours' debate, having provided a quorum on that side of the House and having provided for debate, the gentlemen now propose to take the bit in their teeth. Let me suggest to gentlemen an easier way to pass the bill than the way they now propose: Let the gentleman from Arkansas [Mr. MACON] demand recognition from the Chair and move to pass the bill, and when the point of order is overruled, appeal from the decision of the Chair and pass the bill without reading, without consideration. That would be no more revolutionary than the proposition now proposed by the gentleman, and it is much speedier.

This is a sample, let me say to this side of the House, and also to that side of the House—this is a sample, I suppose, of the parliamentary proceedings that we may expect when the next Congress meets.

A MEMBER. We will do business then.

Mr. MANN. A few days ago that side of the House reversed itself. Having declared last winter that a motion to change the rules was in order as a constitutional privilege, the other day it voted that it was not in order as a constitutional privilege, and now it again proposes to reverse itself. Precedent! What is precedent to a majority like that? What are parliamentary proceedings to these gentlemen? What are orderly proceedings to these gentlemen who propose now to overrule the Chair, knowing that the Chair is right and knowing that they are wrong? Let them go to the country on the proposition that they propose to run the proceedings of Congress without regard to order, without regard to rules. Let them do it effectively. They can pass the bill now, after overruling the Chair. Gentlemen, have the nerve to do the thing you determine to do in a nervy way.

Mr. HOBSON. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. MANN. Yes.

Mr. HOBSON. Merely to ask which party is in the majority, and therefore responsible for legislation, at this time.

Mr. MANN. Now, Mr. Chairman, what are the facts? What has been done? The first reading of the bill was demanded. Do gentleman want to say that in Congress a bill can not be read a first time? The first reading of the bill could have been concluded last night or yesterday afternoon easily, if the gentleman who now interrupts me and others had remained on the floor of the House.

I looked in vain for the gentleman from Alabama last evening, and his presence was not noted. Where were these gentlemen who claim that they want to proceed in an orderly method? Why were they not here? It only took 100 to maintain a quorum of the Committee of the Whole. Where was that hundred? Where were the men on that side of the House who claim that they want to pass the bill? It only took 100 to keep the committee going.

Mr. CARLIN. Where were they on your side of the House?

Mr. MANN. These gentlemen who will go home and tell how they fought and died in behalf of their constituents were away at supper, drinking wine, perhaps, or something else [cries of "Oh!"], having a good time, not at their post of duty on the floor of the House, not attempting to pass the bill. These Members were away, and now they complain because those who stay here wish to proceed in an orderly way.

I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, will the gentleman permit a correction? I simply wish to tell him that I was here last night, and remarked to the whip on our side that I would be here until a certain very hot place froze over, or as long as the gentlemen on the other side continued the tactics that I regard as so unworthy. [Applause.]

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. MANN. Why, I yield; and if I had the time I would read the roll. I would read the call of the roll, and state how many times the gentleman had been absent on the call of the roll, and I dare him to do it. I reserve the balance of my time.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Alabama.

Mr. SHACKLEFORD. I want to ask the gentleman from Illinois a question.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Alabama.

Mr. SHACKLEFORD. I simply want to ask a question.

The SPEAKER pro tempore. Does the gentleman from Alabama yield?

Mr. CLAYTON. I yield for a question.

Mr. SHACKLEFORD. I ask the gentleman from Alabama whether this morning 15 or 20 Members did not arise in their places and challenge the correctness of the roll calls of yesterday and say that, although they sat here and answered to their names, they had not been properly recorded.

I know some others who are improperly recorded as being absent—Members who were here and answered to every roll call. The Chairman knows, if he has taken any notice of what has happened, that that RECORD does not recite the facts, and was not intended to do it.

SEVERAL MEMBERS. Oh, no!

Mr. CLAYTON. I think the statement of the gentleman from Missouri is correct.

Mr. SHACKLEFORD. It was the evident intention not to record them.

Mr. CLAYTON. The gentleman from Missouri consumed some of my time.

The SPEAKER pro tempore. The Chair will not charge the gentleman from Alabama with the time consumed by others to whom he had not yielded. The gentleman has 19 minutes remaining.

Mr. CLAYTON. Mr. Speaker, I think it but fair to the gentleman from Arkansas [Mr. MACON], inasmuch as the gentleman from Illinois has been severe in his strictures upon him, that I yield to the gentleman from Arkansas [Mr. MACON] three minutes at this juncture. [Applause.]

Mr. MACON. Mr. Speaker, I want to say, in reply to what the gentleman from Illinois has said in regard to my having obstructed the business of the House, that I have been in my seat since yesterday morning at 10 o'clock, with the exception of the recess hour. I have not taken up a single minute of time of the House, and hence I have not delayed it a single moment.

To-night, about half past 6, when the gentleman from Illinois was passing my seat, he remarked that he was going down to get lunch, and I remarked to him, "Then, I suppose you will not make a point of no quorum until some of the rest of us get something to eat." I myself have been here all day and responded to every roll call, and I have not been out of the House during the entire day, even to get a bite of something to eat. The gentleman from Illinois assured me that he would make the point of no quorum and would not wait until I could get something to eat, whereupon I remarked, "If you are going to make it as soon as I leave, I will make it now, so that you can not get your lunch." [Laughter and applause.]

Now, in reply to the criticisms that have been thrust at me because I made the point of order, I want to say that there were less than 50 Members in this House when I made it. If Members had been on the floor attending to their business as I was attending to mine, in my humble way, there would not have been any necessity for the point of order.

I want to say further, to those who have been thrusting criticisms at me, that I am in my seat when they are away, and when they say that I have delayed this House one single moment they tell something that is untrue. It was the absent Members that delayed the House, not myself, and they know it as well as they know anything. Because I sometimes balk their efforts to do things, when I think it is not proper for them to be done, they want to lay blame on me, when I am here attending to my duties while they are away frolicking around over town, attending dinners, suppers, and engaged in other social pleasures.

Mr. HEFLIN. Will the gentleman yield?

Mr. MACON. Yes.

Mr. HEFLIN. Is it not a fact that after the call had proceeded for a minute or two the gentleman from Arkansas asked unanimous consent to abandon the call.

Mr. MACON. Yes; and I want to say that that precedent has been established in this House by the Speaker himself. On one occasion—it happened on the Speaker's birthday—we had begun to call the roll, and the gentleman from Missouri [Mr. CLARK] called attention to the fact that it was the Speaker's birthday. There was at that time a filibuster on. I arose in my seat and asked unanimous consent that the order directing the roll call be vacated and that the House stand adjourned out of respect to the Speaker's birthday. That proposition was submitted to the House, and nobody objected, and we adjourned, despite what the gentleman from Illinois has stated about no such thing as that ever having been done. It has been done, and the gentleman from Illinois knows it, and if he was in his place at the time that precedent was established he would have seen it when it was established. Away with all such idle criticisms of Members of the House, who seek to shift their irresponsibilities and dereliction of duty upon the shoulders of some one else! [Applause.]

Mr. CLAYTON. Mr. Speaker, I do not myself desire to contribute to this discussion anything of a personal nature other than that which may be absolutely necessary to state the case correctly to the House. It is evident, Mr. Speaker, and has been evident since noon yesterday, that a majority of this House desires to consider, desires to amend, and desires to pass this bill. It is incontrovertible that the majority of the membership here, irrespective of party division, desires to accomplish that end. But this House has stayed in session to accomplish that desire since 10 o'clock yesterday morning until now, nearly half past 10 to-night, with the slight recess noted in the RECORD.

So it is evident that the House has not been permitted to accomplish the desire of the Members of the House. Now, gentlemen talk about revolution. Who is it that is revolutionizing? The one man with a small coterie that will stand up here day after day and night after night and filibuster against accomplishing the will of the majority? Is he revolutionizing, or can it be said that those who want to bring the House to action to accomplish its will and its purpose are revolutionizing? [Applause.] Mr. Speaker, I have great respect for the legal rules and precedents; less respect, though considerable respect, for parliamentary rules and precedents.

No set of parliamentary rules can ever bind me to sit still and acquiesce in a small filibuster, inaugurated and carried on by one man, assisted by a few chosen lieutenants, less than a half dozen, for 48 hours or more. If it is revolution to overturn his filibuster, if it be revolution to enable this House to carry out its will and purpose, then I am for revolution, and the gentleman may make the most of it. That is the case before this House. Can it be that in this Republic of ours, in a free Republic, we are so bound down by parliamentary rules that it is in the power of one man to thwart the will of the majority? It is for this reason that I have offered this resolution, so that on Monday next your Committee on Rules may bring an appropriate special rule, providing for the consideration of this pending bill, under a continuing order, which continuing order shall by appropriate provision provide that the House shall come to a vote on the passage of the bill and all amendments thereto not later than 4 o'clock Tuesday next. That is the extent of the revolution with which the gentleman from Illinois compliments me.

I now yield five minutes to the gentleman from Virginia [Mr CARLIN].

Mr. CARLIN. Mr. Speaker, I will yield back the time to the gentleman.

Mr. CLAYTON. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I desire only to ask a question. If the Committee on Rules reports the rule as ordered, then of course it is with the House whether they adopt it or not. If they do adopt it it will be enacted in order and if they fail to adopt it its failure will be orderly. Is that not true?

Mr. CLAYTON. I think that is correct.

Mr. BROUSSARD. Mr. Speaker, will the gentleman from Alabama permit me to ask him a question for information?

Mr. CLAYTON. Certainly.

Mr. BROUSSARD. Will the rule contemplated by the resolution of the gentleman from Alabama permit a vote on the French spoliation claims?

Mr. CLAYTON. Yes; that is one of the amendments that the committee has already reported, to strike out the French spoliation claims.

Mr. BROUSSARD. There will be an opportunity under that rule, if that is adopted, to vote on that proposition?

Mr. CLAYTON. That is my opinion.

Mr. BROUSSARD. Will the gentleman say whether the Committee on Rules will give it the construction that the gentleman is now giving as his opinion?

Mr. CLAYTON. Mr. Speaker, in reply to the gentleman, in all frankness, I can not say more than I have already said, that under this resolution, I think, the committee is bound to report a rule that will provide for that and will also provide for the amendment of the gentleman from New York [Mr. LAW], which proposes to add to this bill the war-claims measure. It is drawn in the usual form, and this contemplates that a rule shall be reported for the consideration of the bill and all amendments thereto that may be offered, and that after the matter has been considered the House shall vote upon the passage of the bill and all amendments thereto not later than 4 o'clock Tuesday next.

Mr. BROUSSARD. I want to say this to the gentleman—not to interrupt him—that I wanted his construction of the resolu-

tion as a guidance to the Committee on Rules, because I should like to have an opportunity of voting on that proposition.

Mr. CLAYTON. I have tried to give the gentleman the construction I believe it bears.

Mr. CANDLER. May I say to the gentleman that the pending amendment now before the House is the committee amendment, recommending that the French spoliation claims be struck out, and hence it would be a question that would be considered.

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. CLAYTON. I reserve the remainder of my time and ask the gentleman from Illinois to consume some of his time.

Mr. MANN. Mr. Speaker, I just want to say, in the first place, that I did not criticize the gentleman from Arkansas [Mr. MACON] for making the point of order, nor was the gentleman from Arkansas correct in his conclusion when he referred to the incident which took place once before, about suspending a roll call. That was where the House had a quorum present. It is not within the power of the Chair, when a quorum has been declared not to be present, to reverse that declaration until a quorum has appeared.

That may seem strange to the gentlemen who are studying parliamentary law on that side of the House, but they will discover that in the next House, in all probability. Some of them, I know, like my distinguished friend from New York [Mr. FITZGERALD], is perfectly well aware of that fact; others will learn it. [Laughter.] It is not a bad thing, I take it, to have conducted for the other side of the House a parliamentary school during the last 48 hours for the benefit of that side of the House. A moment ago the gentleman from Alabama [Mr. CLAYTON] introduced a resolution taking an appeal from the decision of the Chair, and in order to prevent debate moved the previous question. Of course anyone might have made the motion to lay it on the table, and that would have prevented debate, but my distinguished friend from Alabama, who is still studying the rules and may acquire in the course of time some knowledge of them, believed that a motion for the previous question would prevent debate, and not being familiar with the fact even that if he had discussed that motion in two sentences he could then have moved the previous question and cut off debate, but not being familiar with that fact [laughter], in order to prevent debate he moved the previous question in such a way as to give debate. [Laughter and applause on the Republican side.]

The knowledge of that fact is worth something to that side of the House, and instead of criticizing me they ought to give me a vote of thanks in helping them to learn something about the rules. [Laughter on the Republican side.] And yet I am not sure that they need any knowledge of the rules, because it is quite evident that they intend when they come into power to dispense not only with a knowledge of the rules but with orderly procedure under rules. They are in possession of the House at present; they are not willing to stay here except occasionally to get on roll calls, and then as a rule hustle out to something else, but they are in fact in control at present, and I repeat that if I were in their position and determined to override the Chair in a righteous decision and to pass a bill, as they propose, without regard to debate or proper amendment, I would move to pass the bill with such amendments as I desired, and if the Chair held that motion was not in order I would appeal from the decision of the Chair, and by the same brute force and lack of intelligence they now propose to overrule the Chair, I would overrule the Chair on that motion and pass the bill. [Laughter on the Republican side.]

The gentlemen will find, if anybody chooses to test it, that the rule which they order under this resolution will not permit them to vote on that which they want to vote on. They will have to get my friend from New York [Mr. FITZGERALD], who does know the rules, to prepare a rule which will permit them to do what they want to do, although I am not at all certain he can do that within the time they have allotted; and it is very likely they can not accomplish what the gentleman from Alabama has stated they desire to accomplish under the rule which the gentleman proposes, and that will be an occasion for teaching more parliamentary law, which may be of advantage to them in the next House. [Applause on the Republican side.]

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the decision of the House?

Mr. CLAYTON. Mr. Speaker, just a word. The gentleman from Illinois does me credit overmuch when he attributes to me as having said that debate could not be had because the previous question was ordered. It was the gentleman from Virginia [Mr. CARLIN] who made the suggestion.

Mr. MANN. I did not credit it to the gentleman, and I did not say anybody said that. I do not wish to do any discredit to the gentleman.

Mr. CLAYTON. But, Mr. Speaker, modesty compels me to say, and the truth as well, that I am not an expert paliamentarian. If I knew as much about parliamentary law, and as much about all other subjects, as the distinguished gentleman from Illinois thinks he knows, the service here in the House would not be the measure of my ambition. [Laughter and applause.] I have never heard, Mr. Speaker, such arrogance displayed and such egotism manifested on the part of any one man during 14 years of service as we have had exhibited to us to-night by the extremely modest gentleman from Illinois. [Laughter and applause.]

If modesty be a virtue that we commend to the good women of the land, let us point to the distinguished gentleman from Illinois as a conspicuous example of modesty worthy of the imitation of all good women and men.

Now, Mr. Speaker, I am trying in the best way I can to enable the House to execute the will of the majority, and the gentleman can not with all of his coarse characterization of the conduct that led to the offering of this resolution and the conduct which has characterized me in offering it, divert attention from the fact that stands up like the walls of the Rock of Gibraltar against all the waves that may dash upon it, and that is that for 48 hours he has conducted an inexcusable filibuster here against the payment of just claims that the President has said ought to be paid, and that by that filibuster he has thwarted the sovereign, and I say that it ought to be the sovereign, will of a majority of this House.

I yield two minutes to my colleague [Mr. HOBSON].

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from Alabama [Mr. CLAYTON] a question. This resolution does not provide at what time the committee, if it is adopted, shall report. It provides only for a report on Monday. The Committee on Rules may not report under this resolution until the hour of adjournment on Monday. Ought it not to be amended in that respect?

Mr. CLAYTON. I can not assume that the committee would do that.

Mr. FITZGERALD. Let me say to the gentleman from Indiana that the Committee on Rules can not report on Monday at all.

Mr. CULLOP. Now, I desire to ask the gentleman from Alabama [Mr. CLAYTON] one other question. The Law amendment has not yet been offered, and it is not before the House. Would not the adoption of this resolution, if the rule is brought in in accordance with it, prevent a vote on the Law amendment if it was offered, and would it not be out of order if a point of order was raised against it?

Mr. CLAYTON. It is my opinion, and the opinion of such parliamentarians as I could discuss the question with here to-night, that the Law amendment and all other amendments can be considered and will be considered under the rule if the committee reports it in accordance with the resolution.

Mr. CULLOP. I desire to ask you one other question, and that will be all: Can other amendments than the one known as the Law amendment be offered under this resolution?

Mr. CLAYTON. I take it that any amendment under the appropriate rule can be offered when the House comes into consideration of the bill. It will be in order to amend the bill when the bill comes up for consideration.

Mr. CULLOP. By anyone who desires to offer it?

Mr. CLAYTON. I take it to be that, and that was my purpose.

Now, Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Illinois has eight minutes remaining, and the gentleman from Alabama [Mr. CLAYTON] four minutes remaining.

Mr. MANN. I just want to call attention to another peculiar situation, Mr. Speaker.

Mr. HOBSON. Mr. Speaker, will the gentleman from Illinois [Mr. MANN] permit? Does the gentleman reserve his time? I did not hear him.

Mr. MANN. It is not necessary to reserve 20 minutes of time. That goes without saying. Now, Mr. Speaker, I just want to call attention to the fact that Monday is suspension day, unanimous-consent day, and committee-discharge day. Only a short time ago that side of the House, with some gentle-

men on this side of the House, voted that no business was in order after unanimous consent on Monday, except when a demand was made for it, or a motion to discharge a committee, and ruled that the Chair could not entertain even a report from the Committee on Rules.

But I suppose that, having decided to reverse themselves two or three times in one year on one question, it will not bother them at all to reverse themselves on that question. Unless they do, although the Committee on Rules should be ordered to bring in a resolution, it would not be in order to present it on Monday as against my motion to discharge the Committee on the Post Office and Post Roads from the further consideration of that great bill to codify the postal code. [Laughter.] I wonder if the gentlemen have forgotten that they made a ruling on that point. Is there no consistency on that side of the House? Is there no intention to maintain their position a week, or a month, without reversing themselves? Have gentlemen no conscience about voting to-day that a thing is in order, and to-morrow that, under the same conditions, the thing is not in order? I leave it to them, reminding them that, after all, "chickens come home to roost." [Cries of "Vote!" "Vote!"]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. CARLIN. How much time has the gentleman on the other side?

Mr. MANN. Unless some gentleman over there desires time, I shall not use the balance.

Mr. CARLIN. I think you have used your time.

Mr. MANN. No.

Mr. CLAYTON. Does the gentleman desire to use the balance of his time?

Mr. MANN. I am perfectly willing to say that I think the gentleman is entitled to close the debate on that side.

Mr. CLAYTON. I will say in all frankness to the gentleman that I do not intend at this time to make any further observations myself.

Mr. MANN. I mean, on that side you are entitled to close the debate.

Mr. CLAYTON. I reserve the right to do so, however, and, Mr. Speaker, I now yield two minutes of my four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I am a simple sailor. I have two thoughts. One is that the Government ought to set an example of rectitude and business ethics to its citizens, and that just claims, such as are contained in this bill, should be considered without further delay; and the other is that we are the guardians in a most responsible sense of the Nation's honor, and that it has fared very poorly, in my judgment, at the hands of the gentleman who has led the obstruction.

It reminds me of the condition that sometimes arises in the naval service by the presence of what we call a "sea lawyer," who thinks he knows it all. [Laughter.] There is nothing left from the beginning of the books to the end. He keeps on insisting on his rights under the regulations, and he goes beyond the regulations to the statutes, and then he goes beyond the statutes to the Constitution of the United States. [Laughter.] He knows it all, and in trying to sit there and split hairs on some petty little question of regulations he will thwart, or try to thwart, the great purposes for which the Navy exists.

I see his analogue here in this House. That "sea lawyer" is a very valuable man at certain times, but at other times he is the greatest nuisance we have in the Navy. [Laughter and applause.] And I will tell you the ultimate fate of every "sea lawyer" I ever knew: He kept on his lawing on the sea until at last he was thrown overboard and sank to the bottom of the sea. [Laughter and applause.]

Mr. CLAYTON. Now, Mr. Speaker, unless the gentleman desires to occupy further time I do not.

Mr. MANN. I do not care to.

Mr. CLAYTON. And I desire, Mr. Speaker, that the matter may come to a vote.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT of Georgia rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I desire to have the resolution read. There are a number of Members who did not hear it.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House? The Clerk will call the roll.

The question was taken; and there were—yeas 125, nays 51, answered "present" 23, not voting 185, as follows:

YEAS—125.

Adair	Driscoll, M. E.	Kitchin	Padgett
Alexander, Mo.	Durey	Kopp	Page
Anthony	Dwight	Korbly	Parsons
Ashbrook	Englebright	Küstermann	Pickett
Barchfeld	Esch	Langham	Pratt
Barnard	Ferris	Law	Pray
Barnhart	Fitzgerald	Lawrence	Prince
Bartlett, Ga.	Flood, Va.	Lenroot	Reeder
Beall, Tex.	Focht	Lever	Saunders
Bennet, N. Y.	Foster, Ill.	Lindbergh	Shackleford
Broussard	Gardner, Mass.	Lloyd	Sharp
Burke, S. Dak.	Garrett	McCredie	Sheffield
Butler	Gillespie	McKinlay, Cal.	Sheppard
Calder	Glass	McLachlan, Cal.	Simmons
Campbell	Goebel	Macon	Snapp
Carter	Graff	Madison	Stafford
Cary	Graham, Ill.	Maguire, Nebr.	Steenerson
Chapman	Grant	Mann	Sterling
Cole	Greene	Martin, S. Dak.	Stevens, Minn.
Collier	Guernsey	Massey	Sulloway
Cooper, Wis.	Hammond	Miller, Kans.	Swasey
Cowles	Hawley	Mitchell	Thistlewood
Cox, Ind.	Henry, Tex.	Mondell	Tilson
Creager	Hill	Morgan, Okla.	Ton Velle
Cullop	Hollingsworth	Morrison	Turnbull
Currier	Howell, Utah	Morse	Volstead
Davidson	Howland	Moss	Vreeland
Davis	Hubbard, Iowa	Needham	Weisse
Denver	Hughes, N. J.	Nicholls	Woods, Iowa
Dickema	Humphreys, Miss.	Norris	
Dixon, Ind.	Jamieson	O'Connell	
Dodds	Jones	Olcott	

NAYS—51.

Adamson	Clark, Fla.	Hardy	Richardson
Aiken	Clayton	Heflin	Robinson
Anderson	Dent	Helm	Rucker, Mo.
Austin	Dickinson	Hobson	Sherwood
Bartlett, Nev.	Dickson, Miss.	Houston	Sims
Bell, Ga.	Edwards, Ga.	Hughes, Ga.	Sisson
Borland	Ellerbe	Lee	Spight
Burgess	Estopinal	Legare	Stephens, Tex.
Burnett	Finley	Lively	Thomas, Ky.
Byrns	Floyd, Ark.	Martin, Colo.	Thomas, N. C.
Candler	Godwin	Mays	Underwood
Cantrill	Gordon	Oldfield	Wickliffe
Carlin	Hamlin	Pujo	

ANSWERED "PRESENT"—23.

Boehne	Edwards, Ky.	McHenry	Small
Booher	Fordney	Moon, Tenn.	Taylor, Colo.
Brantley	Hay	Morgan, Mo.	Watkins
Calderhead	Hull, Tenn.	Rainey	Webb
Cline	Lamb	Randell, Tex.	Young, N. Y.
Draper	Langley	Rothermel	

NOT VOTING—185.

Alexander, N. Y.	Fuller	Kennedy, Ohio	Poindexter
Allen	Gaines	Kinkaid, Nebr.	Pou
Ames	Gallagher	Kinkead, N. J.	Ransdell, La.
Andrus	Gardner, Mich.	Knapp	Rauch
Ansberry	Gardner, N. J.	Knowland	Reid
Barclay	Garner, Pa.	Kronmiller	Rhinock
Bartholdt	Garner, Tex.	Lafean	Riordan
Bates	Gill, Md.	Latta	Roberts
Bennett, Ky.	Gill, Mo.	Lindsay	Roddenbery
Bingham	Gillett	Livingston	Rodenberg
Boutell	Goldfogle	Longworth	Rucker, Colo.
Bowers	Good	Loud	Sabath
Bradley	Goulden	Loudenslager	Scott
Burke, Pa.	Graham, Pa.	Lowden	Sherley
Burleigh	Gregg	Lundin	Slayden
Burleson	Griest	McCall	Slemp
Byrd	Hamer	McCreary	Smith, Cal.
Capron	Hamill	McDermott	Smith, Iowa
Cassidy	Hamilton	McGuire, Okla.	Smith, Mich.
Clark, Mo.	Hanna	McKinley, Ill.	Smith, Tex.
Cocks, N. Y.	Hardwick	McKinney	Southwick
Conry	Harrison	McLaughlin, Mich.	Sparkman
Cooper, Pa.	Haugen	McMorran	Sperry
Coudrey	Havens	Madden	Stanley
Covington	Hayes	Malby	Sturgiss
Cox, Ohio	Heald	Maynard	Sulzer
Craig	Henry, Conn.	Miller, Minn.	Talbott
Cravens	Higgins	Millington	Tawney
Crow	Hinshaw	Moon, Pa.	Taylor, Ala.
Crumpacker	Hitchcock	Moore, Pa.	Taylor, Ohio
Dalzell	Howard	Moore, Tex.	Thomas, Ohio
Dawson	Howell, N. J.	Morehead	Townsend
Denby	Hubbard, W. Va.	Moxley	Wallace
Dies	Huff	Mudd	Wanger
Douglas	Hughes, W. Va.	Murdock	Washburn
Driscoll, D. A.	Hull, Iowa	Murphy	Weeks
Dupre	Humphrey, Wash.	Nelson	Wheeler
Ellis	James	Nye	Wiley
Elvins	Johnson, Ky.	Olmsted	Willett
Fairchild	Johnson, Ohio	Palmer, A. M.	Wilson, Ill.
Fassett	Johnson, S. C.	Palmer, H. W.	Wilson, Pa.
Fish	Joyce	Parker	Wood, N. J.
Foelker	Kahn	Patterson	Woodyard
Fornes	Keifer	Payne	Young, Mich.
Foss	Keliher	Pearre	
Foster, Vt.	Kendall	Peters	
Fowler	Kennedy, Iowa	Plumley	

So the decision of the Chair was sustained.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MALBY with Mr. WATKINS.

Mr. DOUGLAS with Mr. HULL of Tennessee.

Mr. TAWNEY with Mr. CLARK of Missouri.

Mr. MCKINLEY of Illinois with Mr. HAY.

The result of the vote was announced as above recorded.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 19, 1911.*

(Continuation of proceedings of legislative day of Friday, Feb. 17, 1911.)

Mr. PRINCE and Mr. BUTLER rose.

Mr. BUTLER. Mr. Speaker, I move to suspend further consideration of business upon the Private Calendar.

Mr. PRINCE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. PRINCE. "The gentleman from Illinois" rises because he is chairman of the committee that has the bill in charge, to make a motion, and he was on his feet in his place addressing the Chair.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar.

Mr. BUTLER. Was I not recognized to make my motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, chairman of the committee.

Mr. CARLIN. Let us vote that motion down in order to move a recess.

Mr. PRINCE. I think you will get a thousandfold nearer to what you want if you will be kind enough to let me run it awhile, at the rate you are going.

Mr. MANN. You have not got very far.

Mr. PRINCE. If you will let me try to run it awhile and not disturb me, I think we will get nearer what we want. If you want to run it, go ahead. I will not be held responsible much longer.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar.

Mr. MANN. Mr. Speaker, I suggest that pending that we try to shorten the time for general debate. How much time for general debate was remaining, if we can ascertain?

The SPEAKER pro tempore. The Chair will state that the gentleman from Illinois has 77 minutes remaining and the gentleman from North Carolina [Mr. KITCHIN] 79 minutes.

Mr. PRINCE. I am willing to shorten my time to seven minutes.

Mr. SHACKLEFORD. Mr. Speaker, may I suggest to the chairman of the committee that he has already used about an hour in defense of the French spoliation claims, and he ought to yield some time to those who desire to oppose them? Nobody has had any time in opposition to them, and they have been very eloquently defended by the gentleman who has them in charge.

Mr. PRINCE. I will ask my colleague on the committee who is dividing the time with me how little time he can now get along with?

Mr. KITCHIN. I really do not know.

Mr. MANN. I suggest to the gentlemen that they limit general debate to one hour—30 minutes on a side.

Mr. KITCHIN. Oh, no.

Mr. MANN. Very well; I will stand with the gentleman in anything he wants.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House for the further consideration of bills on the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CURRIER in the chair.

Mr. KENDALL. Mr. Chairman, just before the chaos was precipitated I was inquiring of the gentleman from New York why these claims, which he says were considered by the Fifty-eighth Congress, were not allowed by that Congress and paid.

Mr. LAW. In reply I will say that they were allowed and were paid.

Mr. KENDALL. Are we duplicating the payment of those claims now in this bill?

Mr. LAW. Not at all; they are claims that were not paid in that bill. Every claim found in an omnibus bill is based upon a Court of Claims finding of fact. These claims which are in the present bill had not at that time been transmitted by the court to either branch of Congress.

Now, Mr. Chairman, at the time I was interrupted I was calling the attention of the committee to the fact that at the time the Senate bill was referred to the Committee on Claims it was the expectation that it would thereafter be referred to the Committee on War Claims.

However, there was considerable delay in reporting the bill from the Claims Committee, and when it was finally reported, it was after what will probably be the last war-claims day in the House, and it was therefore considered the wiser plan for the War Claims Committee to report a separate omnibus bill, as it did do, containing such of the war-claims items in the Senate bill as it approved.

Accordingly, as I explained this afternoon, when the proper time arrives the House omnibus bill will be offered as a substitute to a portion of the Senate bill. In addition to the war claims, the War Claims Committee also considered certain other provisions contained in the Senate bill and will probably move to strike them out, or, at least, to change them.

The most important of these matters are the amendments to the so-called Bowman and Tucker Acts contained in the Senate bill.

I will not detain the committee to describe in detail just the character of the Bowman and Tucker Acts and the changes which the Senate proposed to make in them further than to say that the Senate proposes amendments to these two acts, the effect of which will be to repeal them so far as the Civil War claims are concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I yield the gentleman five minutes more, or such time as he may need.

Mr. LAW. So that after a certain date, named in the bill, none of the committees of Congress and neither the House nor the Senate would have the power to refer to the Court of Claims any claims against the Government, which they might have before them, for findings of facts. In my opinion, and in the opinion of the Committee on War Claims, this would be an unwise thing to do for the reason that if neither the committees of the two Houses nor Congress has the power to refer claims to the Court of Claims for findings of fact, the result would be that such pressure would be brought to bear on the committee to report appropriations upon mere ex parte proof that great danger would result.

Prior to the last session of Congress the court had no power under either the Bowman or the Tucker Acts to supply Congress with any conclusion whatever based upon the findings of facts. It had the power only to make findings of fact and leave to Congress entirely to say whether those facts as found constituted any legal or equitable claim against the Government of the United States.

However, at the last session of Congress the so-called Tucker Act was amended so as to give the court power, in addition to finding the facts, to render conclusions as to whether the facts found constituted any legal or equitable claim against the Government, or a mere gratuity, and, if a legal or equitable claim, to find the amount due.

I believe this was a great improvement to the Tucker Act, and the committee will recommend the amendment of sections 1 and 2 of the Bowman Act in practically the same manner in which the Tucker Act has already been amended.

Now, I might simply say, in conclusion, that the war items contained in the Senate bill amount to $852,297.12, as it reached the Senate from the Senate Claims Committee. There was added on the floor of the Senate $95,382, making a total of $947,679.12. Of this amount the War Claims Committee has eliminated $287,473.55, leaving a total of Senate war claims of $660,205.57. To this the House War Claims Committee has added court findings amounting in all to $504,085.56. So that if the House bill is substituted for the war claims portion of the Senate bill, the Senate bill then will carry war claims to the amount of $1,164,291.13. I think that this explains in general the character of the proposals which will be made by the Committee on War Claims.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. LAW. Yes.

Mr. MARTIN of South Dakota. How much does the bill in its present form carry of war claims?

Mr. LAW. Does the gentleman mean the Senate bill?

Mr. MARTIN of South Dakota. Yes; the bill now before the House.

Mr. STAFFORD. The gentleman knows that some of those claims are eliminated.

Mr. LAW. War claims, or all told?

Mr. MARTIN of South Dakota. War claims.

Mr. LAW. Nine hundred and forty-seven thousand six hundred and seventy-nine dollars and twelve cents.

Mr. MARTIN of South Dakota. And the amendments which the gentleman's committee intends to propose will increase it to how much?

Mr. LAW. One million one hundred and sixty-four thousand two hundred and ninety-one dollars and thirteen cents.

Mr. SWASEY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I yield the gentleman five minutes more.

Mr. SWASEY. I want to call the gentleman's attention to page 15 of the Senate bill, to the claims of Edward W. Larrabee, administrator, and George H. Greenleaf. I would like to know why those were eliminated in the bill reported by the gentleman's committee.

Mr. LAW. Mr. Chairman, I will say that those are both so-called Selfridge Board claims. The Senate bill contained eight, I believe, of those Selfridge Board claims. Frankly, we do not like those Selfridge Board claims. We realize that some of them in the past have been paid, but in my judgment and in the judgment of the Committee on War Claims the resolution which provided for the creation of the Selfridge Board provided an absolutely wrong measure of damages.

Mr. SWASEY. Well, I will ask whether or not the findings of the court to which these claims were referred was not a substantiation by their report of the claims as made and accepted and agreed to by the board.

Mr. LAW. Mr. Chairman, I think that perhaps there is no better time than this to say something about these Selfridge Board claims. They were upon findings of facts rendered by the board which was created by the following resolution of the Senate, passed on March 9, 1865:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons whose duty it shall be to inquire and determine how much vessels of war and steam machinery contracted for by the department in the years 1862 and 1863 cost the contractors over and above the contract price and the amount for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the department to be considered.

In other words, the proposal contained in that resolution of the Senate was simply this: Certain contractors had made contract with the Government to construct certain boats of war. Those ships cost the contractors concededly more than the contract price, and this resolution contemplated that the Government should pay these contractors the difference between the contract price and what the ships cost them, regardless of whether such increased cost was caused by any fault of the Government or not. I believe it was finally recognized that this did not supply any proper measure of damages, as I think every gentleman in this House will concede it did not, and later on there was an act passed, known as the act of March 2, 1867, which created the so-called Marchand Board, that was authorized to make findings of facts which did provide a proper measure of damages, namely——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PRINCE. I yield the gentleman five minutes more.

Mr. LAW. Namely, among other things, the Marchand Board was authorized to find the amount of such increased cost caused by the delay and inaction of the Government. That did constitute a proper measure of damages, beyond the slightest question.

Now, the first claim that the gentleman from Maine refers to was presented to the Marchand Board, and the Marchand Board found that the amount of such increased cost caused by the delay and action of the Government, as determined by the board, to be due was nothing. It did find that the ship cost the contractors something like about $25,000 more than the contract price. But the point is just this: If a contractor comes to you and makes a contract to build a ship for you, and then afterwards finds out that he has made that bid too low and that the ship cost him more than the contract price, you do not expect him to come back to you and say that he made a mistake, and that he wants you to make up the difference. Exactly the same thing applies to the second claim mentioned by the gentleman from Maine, in addition to this fact, that the claim in the Portland company case was paid in full and receipted for in full, and thereafter the claimants claimed more than they got when they receipted in full, presented their claim again to the Senate, and on February 5, 1902, the Senate Committee on Claims reported adversely on the proposition, and yet that same claim is in the Senate omnibus bill this year.

Mr. SWASEY. Now, as a matter of fact, I would like to ask whether or not under the resolution the Secretary of the Navy did not organize a board consisting of Commodore Selfridge, Chief Engineer Anderson, and Paymaster Eldridge, to pass upon these claims and they found that amount due.

Mr. LAW. No; they did not find that amount due. They were not authorized to find anything due. They were simply authorized to find out the difference between the contract price and what the ship cost them.

Mr. SWASEY. And later, upon their basis, was it not submitted to the court and the court found this?—

No evidence satisfactory to the court has been adduced to impeach the report or conclusions of the Selfridge board as above sent forth by either party to this case, and after deducting the allowances and payments for extra work, the difference between the contract price and the cost of the vessel to the contractors is $11,708.97.

That was found by the court.

Mr. LAW. Certainly. The court simply found that the facts found by the Selfridge Board were presumably correct, nor am I in any way impeaching the finding of the Selfridge Board; but there is just this in regard to all those Selfridge Board claims, that the facts found by the Selfridge Board constituted no proper measure of damages and that the Selfridge Board resolution itself did not contemplate any proper measure of damages. They simply found the difference between the contract price and what the ship cost them, without regard to whether the Government itself was responsible in any wise for the excessive cost.

Mr. SWASEY. Was not there an act passed that there be paid to Amos L. Allen, surviving partner of Larrabee, and this amount of $11,000 was found as the balance by the Selfridge Board and also by the Court of Claims?

Mr. LAW. I know of no such act.

The CHAIRMAN. The gentleman's time has again expired.

Mr. CALDER. Mr. Chairman, I ask that the gentleman's time be extended two minutes. I would like to ask him a question.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Illinois [Mr. PRINCE] are in control of the time.

Mr. KITCHIN. Mr. Chairman, I yield two minutes to the gentleman from New York.

Mr. CALDER. I want to call the gentleman's attention to the Senate bill, page 22, lines 8 to 14, containing two claims, one of Jeremiah Simonson, deceased, late of Brooklyn, and the claim of Tucker and others, of Brooklyn. These claims are both from the city which the gentleman [Mr. LAW] in part represents.

Mr. BUTLER. Is that Brooklyn, N. Y.?

Mr. CALDER. Yes, sir; Brooklyn, N. Y.

Mr. BUTLER. Oh!

Mr. CALDER. I want to ask the gentleman why these claimants are left out of the report from his committee.

Mr. LAW. I will be very glad to explain to my colleague. Two of the eight Selfridge claims that were cut out of the bill come from Brooklyn, N. Y., and they were cut out for precisely the same reason I have given to the gentleman from Maine [Mr. SWASEY], namely, that these are both Selfridge Board claims. Both of these claims were presented to the so-called Marchand Board, and the findings of that board as to the amount of such increase caused by the delay and action of the Government, as determined by the board, to be due is nothing in each case.

Mr. SWASEY. One question more.

The CHAIRMAN. Will the gentleman from New York [Mr. LAW] yield to the gentleman from Maine?

Mr. LAW. Yes.

Mr. SWASEY. I call your attention to another claim in the Senate bill, of the Portland Co., of Portland, $16,173.49. I would like to inquire why that was cut out and not incorporated in your bill.

Mr. LAW. I explained that to the gentleman when I was on my feet before. That also is a Selfridge Board claim and comes in the same category, and in addition to that there is the fact that the Portland Co. was once settled with and receipted in full for all claims on account of this. Subsequently they came in and claimed more, and their claim was submitted to the Senate. In the Fifty-seventh Congress the Committee on Claims of the Senate considered this claim and reported adversely upon it, on the ground that they had already been settled with in full and had receipted in full.

The CHAIRMAN. The gentleman's time has again expired.

Mr. PRINCE. Does the gentleman from New York [Mr. LAW] desire more time?

Mr. LAW. I used all the time that the gentleman gave me, which was all the time I wished.

Mr. PRINCE. I will yield you five minutes more.

Mr. LAW. I do not care for it.

Mr. PRINCE. I yield to the gentleman from North Carolina [Mr. THOMAS] 10 minutes.

Mr. THOMAS of North Carolina. Mr. Chairman, it is incomprehensible to me that there should have been manifested the opposition which has been manifested to the consideration of this bill.

Mr. Chairman, those of us who favor the bill have been here now for two days and nights, nearly, fighting, not for any particular claim in the bill, although many of us are interested in specific claims for our respective States and districts, not only in the South but throughout the whole country; but, Mr. Chairman, we are standing here and making this fight against the filibuster which has been carried on by one man, the gentleman from Illinois [Mr. MANN], contending for what we deem to be simple justice, namely, a payment of the honest and righteous debts of this Government. That is our position.

I have heard it suggested in this debate, Mr. Chairman, that gentlemen upon both sides of the House are for this bill because they have some interest for their constituents in this bill. That is not true. We are interested for our constituents, but we are more interested in seeing that the findings of the Court of Claims to pay the just war claims and other claims of this Government are enacted into law by the House of Representatives and by the Congress of the United States. [Applause.]

Now, Mr. Chairman, what does this bill carry? What is in it? Why, it carries only the claims which have been adjudicated by the Court of Claims (and there is not a single claim in it that has not been adjudicated by the court) to pay losses incurred during the Civil War—losses incurred by individuals, by churches, and by schools, commonly known as war claims—to the amount of about $1,154,000, and some navy-yard overtime and other claims, all having favorable findings of the Court of Claims.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Missouri [Mr. SHACKLEFORD]?

Mr. THOMAS of North Carolina. I can not yield.

Mr. SHACKLEFORD. For just a question.

Mr. THOMAS of North Carolina. I have not the time. I beg the gentleman's pardon.

Mr. SHACKLEFORD. I grant it.

Mr. THOMAS of North Carolina. Now, how much has the Government paid on these war claims? Why, Mr. Chairman, in the whole history of the Government we have paid of these claims only a small part. During a period of 27 years Congress has passed only four omnibus claims bills, namely: The act of March 3, 1891; the act of March 3, 1899; the act of May 27, 1902; and the act of February 24, 1905. It has been six years since the Congress of the United States has passed a single omnibus claims bill.

Mr. BURGESS. How much did they aggregate?

Mr. SHACKLEFORD. How long has it been since the war? [Laughter.]

Mr. THOMAS of North Carolina. The aggregate of amount claimed in all cases tried by the Court of Claims since the Bowman Act is about $100,000,000 and the aggregate that has been allowed by the court is about $8,000,000. The amount of the war claims and other claims, except French spoliation claims, paid since the Bowman Act is about $4,000,000.

Now, Mr. Chairman, they say the court makes only findings of facts. But let me call the attention of gentlemen to what is said in the report of the committee on that subject. It is said here, and I indorse every word of it—

> The same considerations which make it imperative upon Congress to appropriate to pay final judgments of its courts should dictate the line of policy to be adopted with regard to findings of facts under the Bowman Act.
>
> It is a general rule of international law, and has been laid down by the Supreme Court of the United States in many cases, that a person residing in an enemy's country is an enemy so far as his property rights are concerned. In modern practice, however, this rule has been disregarded when the necessity has arisen for supplying the invading army from the surrounding country. When Gen. Scott invaded Mexico he left behind him no unpaid bills for stores and supplies, and when Emperor William marched in triumph into the city of Paris he paid for every pound of produce taken from the French peasantry and consumed by his troops.

Shall the United States Government do less and be less just and honest? [Applause.]

Mr. Chairman, these claims have the approval of the President of the United States as well as the Court of Claims. [Applause.] Here is what the President says:

> I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that those claims which come to Congress with the judgment and approval of the Court of Claims should be promptly paid.

[Applause.]

Gentlemen on the Republican side of the House, do you propose to set aside the recommendation of your President? [Cries of "Never!" "Never!"]

Now, Mr. Chairman, besides the war claims which are included in this bill there are simply some claims for navy-yard overtime and other just claims, all of which have been adjudicated by the court. Not a single one otherwise than an adjudicated claim is in this bill.

Now, in regard to war claims in our respective States and districts, gentlemen have said that we are interested in this bill, not to maintain the credit of the Government, not because it is just and right to pass the bill, but because our constituents are interested. That is true; but this bill not only interests our districts, but our States and the whole South.

I hold in my hand one particular claim that shows the interest of the people in these claims. It is a resolution of the Baptist State Convention of North Carolina, assembled in its eightieth annual session, petitioning Congress to make payment to the Baptist Church of Newbern, N. C., for the occupation of that church by the Union soldiers during the Civil War. It reads as follows:

> Whereas the First Baptist Church of Newbern, N. C., was denied the use of its house of worship from October 10, 1862, to May 10, 1865, by reason of its use and occupancy by the military authorities of the United States during the whole of that period; and
>
> Whereas the Court of Claims has investigated the matter and found the facts as above, and has recommended to Congress the payment to the said church a fair rental for period of its occupancy:
>
> *Resolved by the Baptist State Convention of North Carolina assembled in its eightieth annual session*, That it is the sense of this convention that the payment of this claim will be but a simple act of justice, the claim being thoroughly honest and equitable, and that the convention petition the Congress to pass the bill introduced in the Senate by Hon. F. M. SIMMONS and in the House of Representatives by Hon. C. R. THOMAS to carry out the recommendation of the Court of Claims in the said matter.
>
> I certify that the above is a true copy of preamble and resolution adopted by the Baptist State Convention of North Carolina in session at Hendersonville, Thursday, December 8, 1910.
>
> N. B. BROUGHTON, *Secretary*.

And those of us who are making the fight for the payment of these war claims are fighting not only for the principle that the Government should pay its just debts and abide by the decisions of its own courts, but in order to see that these claims of churches and schools in the Southland are paid, as they ought to be paid, as well as the claims of individuals. [Applause.]

After all, Mr. Chairman, what does this bill amount to in the aggregate? It is a mere bagatelle compared with the millions of money that this Government is spending for other governmental purposes—the Army and the Navy, and the Philippine policy of the Government; and after these claims have been adjudicated, after the interest that has been manifested in them by the Chief Executive, after the War Claims Committee and the Committee on Claims have passed upon them favorably, a refusal by this House to pass them would be, in my honest opinion, a gross injustice to the people of the whole country, and the people of the country, regardless of party, will place the responsibility for the failure to pass the bill, and the refusal to pay the honest debts of the Government, where it properly belongs, not upon us who have been standing here day after day and night after night fighting for their payment, but upon the gentlemen who have inaugurated this filibuster to prevent the payment of these claims and the passage of this bill. [Applause.]

Mr. Chairman, these claims go to every State. They are not confined to the South alone. It is true, as to the war claims, the larger port of the appropriation goes to the South; but the claims are distributed among all the States.

So far as the French spoliation claims are concerned, these have been favorably adjudicated by the court, but there is a committee amendment reported upon this Senate bill 7971 by the Claims Committee which gives every Member of this House the right to vote separately upon those claims, and upon a roll call, if it is demanded, to determine the question whether the French spoliation claims shall stay in the bill or go out of the bill. You have a right to vote upon that as a separate proposition; but do not let the French spoliation claims, or any other claims which you may be opposed to, keep you from voting for this bill as a whole and for the payment of the just and honest debts of the Government of the United States. [Applause.]

Mr. PRINCE. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, one of my colleagues asked me the question a few minutes ago if I intended to vote to override the decision of my esteemed friend from Pennsylvania [Mr. OLMSTED], who was at that time occupying the exalted position of Speaker pro tempore of this House. I said I would vote to override the decision of a dozen Speakers, if necessary, in order to reach a vote on a bill which would honor a judgment of the Court of Claims, composed of a membership of Republican judges.

There are men in my district who were loyal to the Union who had their stores and supplies taken 50 years ago to maintain the Union Army. They have waited half a century for their pay. They have complied with the rules of law laid down by a Republican Congress. They have presented their cases to a Republican court created by a Republican Congress and administration. They received judgments in their favor six years ago, and I would be untrue to their interests, I would be untrue to what I conceive to be plain and simple justice, if I permitted any ruling or any set of rules to prevent me from voting out

of the Public Treasury the money to meet the decisions of the court in favor of those men.

I will stand here and fight for the maintenance of their rights if it involves an extra session of Congress. [Applause.] And if there be an extra session of Congress as a result of this matter, the reponsibility will not rest entirely upon this side of the House, but upon those gentlemen who are willing to disregard the recommendation of our President and the decisions of our courts, and to stifle the will of a hundred majority in the House of Representatives. [Applause.] I believe we ought to remain here and fight this fight to a finish and put down the tactics of the gentleman from Illinois [Mr. MANN] and his lieutenants from Wisconsin and other States. [Applause.] They do not represent the great Republican Party of which I am a member. [Applause.] And I want to say to the gentlemen on the other side of the House we are not responsible for the filibustering tactics of this small crowd and we will stay here and vote this bill through or have an extra session of Congress. [Applause.]

Mr. BUTLER. You are not going to vote it through on Sunday, are you?

Mr. AUSTIN. Yes; or any other good day. Now, I want to make public acknowledgment of the splendid services of the chairman of the Committee on Claims and the chairman of the Committee on War Claims. They have rendered excellent service to this House and the country. They and their subcommittees have investigated the provisions of these bills, the findings of the court, and upon their responsibility as Members of this House have said that these claims are just, and that they ought to be paid. So we have the unanimous decision of a Republican court, we have the indorsement of two of the Republican committees in this House, we have the approval of the Republican President of this country, and we have back of us 100 majority of this House, and let us stay with them and put this bill through. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, the gentleman from Tennessee, who has just preceded me, gave his testimony of his loyalty to the cause of his constituency. I know that virtue to be in him, much as I enjoy his outward favor. No man on the floor of this House, North or South, East or West, is more faithful in the discharge of his public duties, more loyal to the highest interests of his constituency and country, than the gentleman from Tennessee [Mr. AUSTIN]. [Applause.]

Mr. Chairman, I am in favor of the adoption of this measure. It has been a football in this Congress for many years, and if for no other purpose than to remove the subject matter of this exalted game, I would be more than anxious to secure its adoption at this session of Congress.

Most of these claims, Mr. Chairman, come from that section of our country called the Southland. They are claims for property destroyed in this Nation during the Civil War and owned by men who were loyal to the flag of this Nation. I sat here a few days ago and voted for a pension bill increasing for the Union soldiers of this Nation their annual allowance between $30,000,000 and $40,000,000. If that measure becomes a law, and the indications are that it will, we will pay to the Federal soldiers in this Government over $200,000,000 per annum, a sum of money unexampled in the annals of time as a contribution to the patriots of any nation.

I saw on yonder side of this House a man who, I am informed, stood with the Confederates in that mighty conflict, a man who marshaled his boys on the plains of battle and fought for the flag of the South. That man voted, three weeks ago, for an addition of $40,000,000 to the brave and gallant men against whom he contended on the plains of battle, and it is no more than just that we, as the descendants of these patriotic men of the North, should make this small contribution in return to the gallant men of the South. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, it is not my desire to talk on the present occasion; but, like some of my brethren, I feel like making an honest confession for the benefit of our constituents. The War Claims Committee is besieged by Members who have claims, begging us to make favorable reports and get their bills on the calendar. We do so, and I have been a kicker on many a bill and refused to report it because I did not think it was just and proper. When we get these bills on the calendar it seems to satisfy some gentlemen that they can write home that the bill is reported, but when the time comes to take action and it takes votes, some gentlemen are indifferent. We have been unable to keep 100 men here out of 391 in the House during the sitting of the committee.

We have taken every move we know how ever since 10 o'clock on yesterday to try to have this bill considered, under the rules, in an orderly and proper manner. Every Democrat in this House voted against the rules of this House, as my recollection is—it may be a few voted for the rules. We have proceeded under these rules until we find it is impossible further to consider this measure—I mean with any hope of success—in a manner in order under these rules which we did not make. But after patience and resources were exhausted the gentleman from Alabama [Mr. CLAYTON], who is the ranking member of the Judiciary Committee, who will be the Chairman of the Judiciary Committee in the next House, whose reverence for law and order we presume to be of the highest, presented a resolution to make this bill in order for consideration next Tuesday, knowing that if we adjourned to-day for the special order to-morrow the privilege of bringing this bill up again is lost. The rule he offered for present consideration was met by a point of order, which point of order was sustained by the Chair, from which ruling of the Chair an appeal was taken.

But gentlemen on this side who voted against these rules and have abused them all over this country as Cannon rules and Cannonism, by which the hands of the minority are fettered, thought so much of these rules that they stood here with a yea-and-nay vote and refused to overrule the Chair. The Chair was correct under the rules, under these rules of the majority, made to enable the majority to legislate and prevent the minority from doing anything. Let me show you how the majority get around things. Whenever general rules get in the way of the majority they send a rule to their own Committee on Rules, of which they have a majority, and make that in order to be considered which would otherwise be held out of order. Now, how is the minority to make rules? Only to vote that the decision of the Chair shall not become the decision of the House by the vote of the House.

Now, in all probability we have lost every opportunity we have to pass this bill by Democratic votes—Democrats who have come back here by abusing the very rules that they have here sustained rather than to have just debts paid to your constituents. Now, what are we to do? When men love the fetish of form more than the substance of absolute justice, how is justice to be attained? I have stood here in poor health for two days and nights, and yet when we propose to make a matter in order in the only way the minority can make it in order, by voting to overrule the Chair, the gentlemen who love the rules, the Cannon rules, which they voted against and which enabled them to get back to Congress by abusing them, stood up here for these very rules and made it impossible in all probability to get these just judgments of the United States court paid.

What are we to do? Will these same gentlemen go before the Committee on War Claims in the next Congress and beg us to report bills and say they will get up any time to sustain a Cannon rule when it is applied by a majority to them, when the majority, by making the rule which they have the power to make, can relieve themselves?

Now, the chairman of the next Ways and Means Committee, one of the most eminent authorities on our side on parliamentary law, voted to overrule the Chair. When our leading expert on rules is willing himself to make a rule by the force of a vote, how are you gentlemen going to apologize and explain to your constituency that you stood by the Cannon rules when UNDERWOOD would not stand by them?

Mr. BUTLER. They will have to say that UNDERWOOD was wrong. [Laughter.]

Mr. SIMS. I would like to hear them explain to a fellow who has a claim and can not get it paid. The gentleman from Alabama admitted that we worked a revolution last winter in order to get the Speaker off the Committee on Rules, but we can have no revolution when it comes to paying just debts. Now, if you gentlemen who know the rules and who love them better than success, who would rather live up to them than to insure the payment of just debts, will tell us how to get together and get this bill passed, I will follow you. I will admit, so far as I am concerned, I do not know how to do it except by a rule making a date certain for a vote.

Mr. ALEXANDER of Missouri. I would like to suggest one way to pass the bill——

Mr. SIMS. What is it?

Mr. ALEXANDER of Missouri. And that is for you folks to quit talking and let us vote. [Prolonged applause and laughter.]

Mr. SIMS. Mr. Chairman, what is the difference in talking and voting when you vote wrong? Talking is harmless, but voting is powerful, and you stand here and vote to Cannonize the rules, to raise a monument to them. I would like to fol-

low the leadership of anybody who knows how to get this bill passed. [Laughter.] I suppose the gentlemen who think more of the rules than they do of getting claims paid will furnish a remedy.

Mr. PRINCE. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, there is no better way of securing applause than to throw the chest out and bring down your fist on the nearest desk and say that you are not afraid of anybody, and then say something about your constituents. [Applause.] But we are called upon here to appropriate about two and three-quarter millions of dollars, and we have been listening for 48 hours to declamations, defiances, and denunciations and have had absolutely no explanation of any one of the items making up this bill. I hold in my hand the report of the committee, and I find six pages are taken up in tables showing how the items making up this pork barrel are distributed among the several States. [Laughter and applause.]

A MEMBER. How much does Kansas get?

Mr. CAMPBELL. There is one item; but I do not care how much Kansas gets, the barrel stinks.

Mr. HUGHES of New Jersey. That is the case that stinks—Kansas.

Mr. CAMPBELL. I would like any gentleman to tell if he has examined any one of the items making up this pork barrel. I do not care who it is; I would like to have the gentlemen from Tennessee or one of the gentlemen from Tennessee——

[Cries of "No!"]

Mr. CAMPBELL. Gentlemen say "No," but I would like to hear some of the facts upon which some of these claims are based.

Mr. KENDALL. Take his word for it; he is a truthful man. [Laughter.]

Mr. CAMPBELL. Yes; he is truthful, but he does not testify in behalf of any of these items.

Mr. KENDALL. He knows.

Mr. CAMPBELL. But he only asks for the money, without giving evidence and declaring the claimants were loyal——

Mr. KENDALL. Is the gentleman from Kansas trying to impeach the gentleman from Tennessee?

Mr. CAMPBELL. Not at all; far be it from me to impeach the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Will the gentleman from North Carolina yield to me?

Mr. KITCHIN. I will yield the gentleman two minutes.

Mr. CAMPBELL. Now, gentlemen, I am talking seriously to this House.

You may think it an unimportant matter to the country to vote two and three-quarter millions out of the Public Treasury without an explanation of a single item in the bill making up this omnibus bill.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL. I have no time.

Mr. AUSTIN. Is it not a fact the gentleman has voted for public buildings without any explanation?

Mr. CAMPBELL. Not at all; we always have the report of the committee on building bills——

Mr. AUSTIN. But not item by item.

Mr. CAMPBELL. Yes; item by item, after hearings upon them; but this report does not show a reason for the passage of a single one of the bills incorporated here in this pork barrel; not one.

Mr. AUSTIN. I desire to ask the gentleman if he heard the statement of the chairman of the committee in regard to this bill.

Mr. CAMPBELL. I heard the chairman's statement, and I have the report in my hand made by the committee, and I find the items distributed among the States so as to get votes for the pork barrel. That is what the report shows, and all it shows.

Mr. KENDALL. It was necessary to distribute these bills that way or this omnibus bill could not be passed.

Mr. CAMPBELL. Oh, yes; that is what I say; it was absolutely necessary, I take it, that the report should distribute the items among the States, but there has been nothing said about the merits of the cases; not one.

Mr. COLE. Does the gentleman think that by putting that one item in it would get the whole Kansas delegation?

Mr. CAMPBELL. Well, it will not get one Member from Kansas, I will assure the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to give the gentleman an extra half hour.

Mr. NORRIS. Mr. Chairman, I yield him all the time he wants. [Laughter.]

Mr. PRINCE. Mr. Chairman, I call for the regular order.

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey will state it.

Mr. HUGHES of New Jersey. Who has the floor?

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] has the floor.

Mr. HUGHES of New Jersey. I ask the gentleman to yield to my friend from Tennessee [Mr. GARRETT] five minutes of time.

Mr. KITCHIN. I have yielded to my friend from Mississippi [Mr. CANDLER] four minutes.

Mr. CANDLER. Mr. Chairman, I must confess I am very much surprised at the speech which has just been made by the distinguished gentleman from Kansas. He says there is not a single reason given in the report of the chairman of the committee for the payment of these claims. There is one question that is beyond controversy, and that is the fact that standing behind every single, solitary claim that is presented by the report of the committee is a favorable finding of the Court of Claims of the United States. [Applause.] This court was established by Congress in order to determine and pass upon the validity of these claims.

Mr. AUSTIN. By a Republican Congress.

Mr. KENDALL. That does not invalidate it.

Mr. CANDLER. As I said a moment ago, there is not a claim included in the bill as reported by the Committee on Claims upon which there is not a favorable finding by this court of competent jurisdiction established by the legislative branch of this Government to pass upon these claims.

Mr. CAMPBELL. May I ask the gentleman a question?

Mr. AUSTIN. And every judge upon that court is a Republican.

Mr. CAMPBELL. Did the gentleman from Mississippi [Mr. CANDLER] ever read the testimony in any one case of the cases submitted to the Court of Claims upon which a finding was made?

Mr. CANDLER. That was the business of the court.

Mr. CAMPBELL. Did the gentleman read any of that testimony? We are called upon here to render a judgment.

Mr. CANDLER. That was the duty of the court and not the duty of "the gentleman from Mississippi." When you submit a case to a court, and before that court the Government is represented by attorneys——

Mr. CAMPBELL. They are nothing more than a referee.

Mr. CANDLER (continuing). And the claimant is represented by counsel, and the facts are presented to the court, then the court of competent jurisdiction under their oaths to do their duty perform it—I presume, patriotically—and with the purpose of finding out the truth and finding out the facts. There is one thing that is remarkable, and it is getting to the point in this country when the people are getting very tired of it, and that is, that the Government of the United States demands of its citizens the payment of every dollar that any citizen of this country owes to the Government.

It uses every power at the command of the Government in order to enforce payment, and it usually succeeds; but when comes to the time when this great Government that is filled with marvelous and wonderful resources and, thank God, has always been able, up to date, to meet its responsibilities and to meet its obligations, comes to the payment of its debts to its citizens, it puts them off from year to year and for decades of years, until the claimants have grown old with age, and even in their old age, when they are feeble and oftentimes unable to support themselves, the Government withholds from them what it honestly ought to pay them. I believe that the time has come in these United States when the Government ought to pay its honest debts, and especially when those debts are backed up and sustained by the judgment of a court of competent jurisdiction. [Great applause.]

In the States, whenever a judgment is obtained against a county, aye, in a municipality, when a judgment is obtained against a municipality and payment is refused, there are some means provided by law whereby a claimant may get into court and at least, by judicial proceeding, have an opportunity to enforce the payment of the judgment which has been rendered in his favor. [Applause.] But the Government of the Untied States can not be forced to pay. The citizens must depend upon their Representatives in Congress to see that the Government does pay what it honestly owes to its people.

Mr. CAMPBELL. Does the gentleman from Mississippi contend that a judgment has been entered in any of these cases?

Mr. CANDLER. I contend that there is a favorable finding of facts in favor of the claimants.

Mr. CAMPBELL. A very different thing from a judgment.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER. We are called upon here to render our judgment, and to authorize the payment of these debts of the Government.

Mr. KITCHIN. I yield to the gentleman two minutes more.

Mr. ANDERSON. I ask unanimous consent to give the gentleman from Mississippi [Mr. CANDLER] an extra half hour.

Mr. CANDLER. I sincerely thank my good friend from Ohio.

The CHAIRMAN. The time of the committee is in the hands of the gentleman from North Carolina [Mr. KITCHIN].

Mr. CANDLER. Under the law as passed by Congress these claims were referred to the Court of Claims.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KITCHIN. Mr. Chairman, I yielded him two minutes more.

Mr. CANDLER. Under the law as passed by Congress these claims were referred to the Court of Claims in order that that court might pass on the facts and report its findings. For the benefit of the gentleman from Kansas [Mr. CAMPBELL] I will say again that every claim in this bill as reported has a favorable finding of facts from the Court of Claims. The committee put no claims into the bill without a favorable finding of facts reported from the Court of Claims.

Mr. COLE. Is there anything in this bill, may I ask the gentleman, for the Tombigbee River?

Mr. CANDLER. No. But I may state to the gentleman that if the Tombigbee River had a claim in this bill it would be a just claim, because the Tombigbee River has never and will never present a claim but one that is just and right. [Great applause.]

Now, just a word more. The gentleman from Kansas has said that this is a "pork barrel." Let me say that you can not make a pork barrel out of findings, favorable findings, coming from a court of justice. Such findings never made a pork barrel in this country, and never will make a pork barrel, because when a finding is made by that court and comes back from that court to this body in a report of the court as to the findings, showing that the claim is a just claim, it is up to us to see whether it shall be paid or not. [Cries of "Go on!" "Go on!" "Don't stop; go on!"]

Mr. MASSEY. The gentleman from Mississippi was speaking about a pork barrel. May I ask him if the contents of it are not old enough to be stale and tainted? [Laughter.]

Mr. CANDLER. Some of it is old, and ought to have been paid a long time ago, and if the Government had discharged its honest obligations it would have been paid. And the gentleman from Kansas said it did stink. If that is true, the way to disinfect it and to keep it from stinking is for the Government to pay its honest debts promptly. [Laughter and applause.]

I believe that the debts of the Government should be paid with the same promptness and honest integrity that we as individuals pay our own honest debts. [Great applause.]

Mr. KITCHIN. Now, Mr. Chairman, I yield five minutes to my venerable friend from Missouri, Judge RUCKER. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I am glad to find the gentleman from North Carolina in such a happy mood tonight. The fact of it is the Democracy is happy—all of us are happy. Moreover, we are united, and what appeared to be a lecture delivered by the distinguished gentleman from Tennessee [Mr. SIMS] was not really intended to be a lecture. He recognizes as well as anybody that each individual Member has a right to vote on such questions as these as he thinks proper. He recognizes that every Democrat here who voted to sustain the Chair voted his convictions. I, myself, voted with the gentleman from Tennessee, and I really think it would be more difficult for me to explain my vote than it would be for some of my colleagues who voted the other way to explain theirs.

But, Mr. Chairman, we have a gentleman springing up from the West, away out from the plains of Kansas, who undertakes to tell trusted Representatives of the people what they should do; and not only so, but in his broad and sweeping denunciation he impugns the organized tribunals of this land; he assails the judiciary of the country; he assails the integrity of this House; he assails gentlemen who have the approval of the President of the United States, and who owe their positions to him; and he assails gentlemen who have behind them no less support than that of the distinguished Speaker of this House, who, without consulting anybody, appointed every man on every committee in the House. [Laughter and applause.]

It may be that the gentleman's criticism is just. It may be that the Republican committees of this House are reckless in the discharge of duty. It may be that they have reported a pork barrel, as charged by the gentleman from Kansas [Mr. CAMPBELL], but I deny it. I, for one, want to say, on the contrary, they have hewn too closely to the line. They have allowed even sentimentality to guide their actions, it seems to me. So far as my observation is concerned, I cheerfully indorse the committees of the House; not only the committees now on trial, but all the committees, for faithful, honest, and efficient work generally, and always, so far as the Democratic side of the committee is concerned. [Applause on the Democratic side.]

Mr. Chairman, we read every day in the press of the pork barrels that we make here, and no wonder we are criticized by the public and it has become a questionable honor to represent a proud constituency on this floor, when we find gentlemen here with the hardihood to stand upon this floor and denounce the courts of the United States and the committees of the House for reporting bills and for alleged prorating among the membership the so-called pork, in order to capture, to subsidize, or to buy the votes of Representatives.

Mr. CAMPBELL. I find that Missouri has only 16 pieces in this pork barrel.

Mr. RUCKER of Missouri. The gentleman from Kansas is as far wrong about that as about the other, and if he makes that statement deliberately, and made the other deliberately, neither one of them is true.

Mr. CAMPBELL. I have the bill here.

Mr. RUCKER of Missouri. I do not intend to indulge in personalities. I like the gentleman from Kansas.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. RUCKER of Missouri. Certainly, I will yield to him; but I ask him to be quick about it, because I have only a few minutes.

Mr. CAMPBELL. On page 19, the gentleman from Missouri will find 16 claims from the State of Missouri.

Mr. RUCKER of Missouri. Oh, the gentleman is talking about the whole State of Missouri?

Mr. CAMPBELL. Yes.

Mr. RUCKER of Missouri. The gentleman might as well put in Kansas, too. I do not represent the whole universe. Unfortunately, or perhaps fortunately, I am not one of those few who arrogate to themselves supremacy over the universe.

Mr. CAMPBELL. The Missouri claims are 16 to 1.

Mr. RUCKER of Missouri. A distinguished author, frequently quoted, once wrote of a character whom he described as a man who—

> With odd old ends stol'n forth of holy writ;
> And seem a saint, when most I play the devil.

And I sometimes wonder if that language was prophetic and could have any reference to certain gentlemen on the floor of this House.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KITCHIN. I yield to the gentleman from Missouri two minutes more to round up. [Laughter.]

Mr. RUCKER of Missouri. Mr. Chairman, I want to say, with reference to the care and painstaking ability that these gentlemen on the committee have exercised in reporting this bill, that if they have treated every claimant as they treated an old man in my district, the criticism should be the other way; and before this Congress adjourns, if this filibuster ever ends, I am going to oppose the Committee on War Claims with all my force, not because they have been unjust to the Government, but because they have been unjust to an old man who until recently resided in my district, and I want to assure the gentleman from Kansas [Mr. CAMPBELL] it is no humiliation for me to stand here in advocacy of the rights of a citizen of that district. I compliment my Republican friend from Tennessee [Mr. AUSTIN] for his advocacy of the interests of his constituents.

I say the highest duty a man owes is to be loyal and true to those whom he courted and wooed and whose confidence he won. I say that the man who is disloyal to them never was worthy of the confidence reposed in him, and I rejoice in seeing gentlemen stand for the integrity of their districts and for the integrity of the citizens of their districts. I am going to ask the House after a while not to decrease this bill, but to increase it for the benefit of an old man I have heretofore referred to, and give him what I am absolutely sure he should have.

Mr. KENDALL. Is that the same man you were talking about last night?

Mr. RUCKER of Missouri. Yes; it is the same man; that is the second edition about him. Mr. Chairman, can I get unanimous consent for a few minutes longer?

Mr. KITCHIN. Mr. Chairman, I will yield the gentleman a minute to finish the story about the poor old soldier.

Mr. RUCKER of Missouri. I am very grateful to my friend, but one minute is hardly adequate to describe his condition and the merits of his claim. I will take some other time when the House is in a better frame of mind, when I will ask for an hour to tell the House fully about the merits of his case. I thank the gentleman from North Carolina.

[Mr. COLLIER addressed the committee. See Appendix.]

Mr. KITCHIN. I now yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, as I am a member of the War Claims Committee, I want to resent, in behalf of that committee, the charge made by the gentleman from Kansas that this is a "pork-barrel" bill. The Committee on War Claims have reported in this House a bill with only such claims as have been referred to the Court of Claims by the House and reported favorably by that court.

As has been stated by the gentleman from Mississippi, in every one of these claims the loyalty of the claimant has been established by the court. Not only have these claims been considered by the court, but resolutions were first referred to the War Claims Committee, favorably reported by that committee, and passed by the House before they went to the court, and in each case ex parte proof was made before that committee and then the case went to the Court of Claims, and was tried by the very tribunal that this Congress has created for the purpose of hearing and determining such claims.

They are based on findings of the Court of Claims and not apportioned to the States according to the number of districts in the several States, nor according to the individual Representatives of the State, but apportioned to the States according to the number of findings of the Court of Claims on the subject.

The gentleman from Kansas challenged the committee to cite one case that is just, and I would like to have his attention while I tell him about one. The case is of William H. Engles, of Washington County, Ark., for $1,510. He lives at Prairie Grove, in Washington County, Ark. At Prairie Grove was fought one of the bloodiest battles of the Civil War fought west of the Mississippi River. This old man, in a country where his neighbors and the whole community were in insurrection and rebellion against the Government, remained loyal, and the commanding officer of the Federal forces took his corn, his meat, and his wheat, to the amount of $3,000, according to the order given by the commanding officer. He receipted for the amount.

That old man to-day is still living, 87 years old, and this great Government has refused to pay him one dollar, and yet the Court of Claims, established by this Congress to adjudicate such claims, after hearing the testimony, has adjudicated and reduced the amount below what the commander gave him to $1,510.

Mr. KENDALL. Mr. Chairman, I would like to ask the gentleman when that claim was first presented to Congress.

Mr. FLOYD of Arkansas. I could not tell the gentleman when it was first presented, but he has been trying to get it paid ever since the Civil War and never has received a cent. I say that such treatment of loyal citizens of this Republic is outrageous. It was not for property destroyed. Some one said that we were paying for property destroyed.

There is not an item in the bill for property destroyed. It is for property taken and used by the Federal forces under article 40 of the Regulations of the War Department, which allowed Federal commanders to go and take property from loyal subjects wherever they might find it for the use of the Army, but which required them to give a receipt for the property taken and the value of it.

Mr. KENDALL. The question I had in mind was why the previous Congresses had not adjudicated it.

Mr. FLOYD of Arkansas. It has been in every bill of this kind that has been reported by the House since I have been a Member of Congress.

Mr. CAMPBELL. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. CAMPBELL. Did the gentleman from Arkansas ever present this claim on its individual merits in the House?

Mr. FLOYD of Arkansas. No; I never had an opportunity, but the committee of which I am a member has reported all of these claims, and we have sorted those out which we believed to be absolutely just, about which there could be no question, and have put them in an omnibus bill, and wherever there was the shadow of a doubt about a claim we have reported it in a separate bill, and many of those separate bills have passed.

Mr. CAMPBELL. What testimony was produced before the Court of Claims when this claim was passed?

Mr. FLOYD of Arkansas. I have not been to the Court of Claims. It is sufficient to me that the Court of Claims has heard the sworn testimony of witnesses taken under the rules of that court, and has entered its findings and judgment in favor of the claimant.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. How much time have I remaining?

The CHAIRMAN. The gentleman has 54 minutes remaining.

Mr. KITCHIN. I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON]. [Applause.]

Mr. ROBINSON. Mr. Chairman, considerable levity has been indulged in during the course of this discussion. I beg to call the attention of the committee to the fact that this is an important measure; that it deserves careful and deliberate consideration. The Congress of the United States has provided a tribunal before which testimony relating to war claims may be presented. That tribunal has passed upon questions of fact, and this bill contains no item upon which favorable findings have not been had.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if it is not a fact that the Court of Claims details a special attorney to go on the ground and examine the witnesses and cross-examine them.

Mr. ROBINSON. It is a fact, and I was just about to say that the gentleman from Kansas [Mr. CAMPBELL] is too good a lawyer to make the argument which he has offered this evening in good faith, in my judgment. Mr. Chairman, it is not only true that the Court of Claims details an attorney who goes upon the ground and examines the witnesses and cross-examines the witnesses for the claimant, but every right of the Government of the United States is carefully preserved in those hearings, and it ought not to lie in the mouth of a Member of Congress to question the findings of facts made by a tribunal which has been established by the law passed by this body. Almost 50 years have come and gone since the Civil War closed. Oh, the gentleman from Kansas comes from a section of this Republic which is not materially affected, perhaps, by the consideration of this bill.

But I want to say to him that liberal-minded men indorse the principle that the citizen should pay his debts when he is able to do so, and they go further than that, and confirm the principle that the Government ought to pay its just debts when they have been established by a tribunal of its own choosing. There is a spirit of justice, gentlemen, underlying these war claims that ought to address itself to you, whether you come from the East, the West, the North, or the South. This bill provides a restitution for property taken by the Federal Army to maintain its soldiers when they were in the field fighting the battles of this Republic. This is a restitution for property which was contributed by loyal citizens of this Republic to be used in maintaining its flag when hundreds and thousands of hands were uplifted to pull it down. I say to you if you want to do justice, if you want to be fair, you should pass this bill, which has been too long delayed.

It is no argument to any fair-minded lawyer to say that the Government has postponed the payment of just debts for a half century and therefore it ought not to pay them at all. The hour has come and the clock is about to strike when this Congress ought to affirm by legislation the principle that every just debt established by a tribunal fixed by Congress should be paid and paid as promptly as possible. I appeal to my friends on that side of the Chamber in all seriousness to let this measure pass. You know that it is just, you know that you can not fairly impugn the integrity of the Court of Claims, and you know that you can not assail this bill unless you do impugn the findings of fact for which this bill contains provision. Mr. Chairman, I yield back to the gentleman what time I may have remaining. [Loud applause.]

Mr. KITCHIN. Mr. Chairman, I am opposed to the French spoliation claims and am in favor of the claims known as war claims, both of which are now under consideration. I do not believe that any man who has given a thorough investigation to these French spoliation claims can conscientiously vote to pay a dollar upon them. These claims arose more than 100 years ago and the losses sustained for which they are made occurred between 1793 and 1801. Some gentlemen here seem to be under the impression, and have, no doubt, been so informed by those interested in the passage of this bill, that France actually paid into the Treasury of the United States the money with which to liquidate these claims, and that for some reason or other our Government wrongfully withheld payment from the original claim-

ants, and is now withholding it from their remote and distant heirs. There is not a shadow of foundation for such impression, nor a particle of truth in the information. The claims for which indemnity was made by France in the treaties of 1803 and 1831 have long ago, before our day, been paid, and are in no way connected with the claims in the bill under consideration.

The claims under consideration, known for a hundred years or more as the French spoliation claims, are for damages sustained between 1793 and 1801, during the maritime war, or quasi war, between this country and France on account of the seizure, detention, and confiscation by the French of the vessels and cargoes of American citizens engaged in foreign commerce. The validity of these old claims rest on the contentions, which were immediately made to the first Congress after the treaty of 1801 and have continued to this hour, that the owners, being American citizens, had the right to demand of France indemnity for the damages inflicted, and the right, if France refused payment, to demand of our Government to use its diplomacy, and, that failing, its military powers to enforce payment from France; that, France having demands against the United States for alleged violations on our part of the treaty of 1778 and also demands for damages inflicted by American citizens upon the property of its citizens, in the treaty of 1801 the mutual demands of the respective Governments were waived for mutual considerations, and that by thus surrendering the demands and rights of her citizens our Government took their property for its public use without compensation, which is forbidden by the Constitution. I regret that my time is so limited that I can not go into an analytical discussion of these contentions and show how utterly unfounded they are.

The men who founded this Republic had these claims immediately presented to them and they refused to pay them. In 1802 they were presented to Congress. A committee investigated and reported, but without positive recommendation, that they should pass; and upon that report, although the losses had only occurred from two to seven years before this, and when all the evidence of the facts and circumstances connected with the claims was fresh in the minds of all, while the original claimants, the actual sufferers, and all the witnesses were living, the House, all of whose Members were witnesses to and many of them actors in the very events that gave rise to the demands, by an overwhelming vote defeated a bill or resolution to pay these claims and denied their validity.

Again, in 1818, a committee of the Senate investigated these very claims, took evidence, considered petitions and memorials, at a time when all the facts and circumstances were still fresh in the minds of the people and of the Members, and this committee unanimously reported that these claims were not valid obligations upon the Government and ought not to be paid, and the Senate, following the report, overwhelmingly, I think without a single dissenting vote, declared that these French spoliation claims should not be paid and that the Government was in no way liable. Again, in 1822, while still fresh in the minds of Congress, a committee of the House reported adversely; and again, in 1824, an adverse report was made by the House committee, and, as I recall, the House in both instances voted against their validity and payment. And yet more than 100 years afterwards this Congress is asked to appropriate $842,688.53, and an additional appropriation will be asked of $1,458,738.73 for the old insurance companies that 115 years ago underwrote the risks of the vessels and cargoes, notwithstanding the fact that they were paid large and increased premiums for the very risks which eventuated in the losses to the owners. These insurance companies claim that the Government was liable to the American owners of the vessels and cargoes; and these owners, being paid by them for their losses on account of the spoliations and seizures, they, the insurance companies, are subrogated to the rights of the original owners. The subcommittee of the Committee on Claims at this session, while we were considering this bill, reported favorably an amendment to the bill, appropriating the additional $1,458,738.75 to pay these insurance companies.

Mr. KENDALL. I understood the chairman of the committee, in his statement to-night, to suggest that possibly the reason that the Government had refused payment of those early claims of which the gentleman speaks was because its resources were so limited it was thought inexpedient to incur that obligation. I wish the gentleman from North Carolina [Mr. KITCHIN] would develop his view on that subject.

Mr. KITCHIN. I heard the gentleman say that myself, but, between you and me, he did not know what he was talking about [laughter], because that was not even suggested in any of these early reports or in the adverse actions of the House and Senate. Congress did not consider that. Congress in 1803——

Mr. BROUSSARD. Will the gentleman permit an interruption?

Mr. KITCHIN. I will.

Mr. BROUSSARD. As a matter of fact, were not the claims much larger than the entire revenue of the Government, and was not that the reason the Government at that time did not consider these claims?

Mr. KITCHIN. Is that your information?

Mr. BROUSSARD. That is my information, absolutely; that it was because of that reason.

Mr. KITCHIN. That is your information from people who are living now, and that information is absolutely incorrect.

Mr. BROUSSARD. It was because, if the gentleman will permit me, the claims were between $20,000,000 and $40,000,000, and at that time the entire revenues of the Government were less than $11,000,000. Is not that a fact?

Mr. KITCHIN. The amount of the claims at that time were estimated by some at from $5,000,000 to $8,000,000.

Mr. BROUSSARD. Did not some estimate them as high as $40,000,000, and was not the revenues of the Government at that time only about $11,000,000?

Mr. KITCHIN. No man in Congress, no man on any of the committees, estimated them at anything like $25,000,000, but it is possible they had claim lawyers and claim lobbyists then, as now, who made excessive claims.

Mr. BROUSSARD. But I am seeking the gentleman's opinion, not that of the claim lawyers. In the gentleman's opinion, about how large were these claims?

Mr. KITCHIN. Between $5,000,000 and $8,000,000. And as evidence of this, no bill introduced in those very times and for 75 years afterwards asked for more than $5,000,000 with which to pay the claims.

Mr. BROUSSARD. True. Now, then, that is the gentleman's opinion. Is it not a fact that the entire revenues of the Government at that time did not exceed $11,000,000?

Mr. KITCHIN. I do not know about that, I will say to the gentleman; but I do know this, that in 1803, when this matter was discussed, Congress decided, upon the evidence of men who suffered the losses and living witnesses of the facts and circumstances surrounding these claims, that these were not valid obligations on the part of the Government—not valid claims—not that they were good claims and the Government was not able to pay them. But, in answer to you further, the Government was able to pay in 1818, in 1822, and 1824; and it was able to pay in 1890, in 1892, in 1893; and the Government was able to pay in 1895 and in 1896, when the House by positive votes in each of those years refused to pay and denied their validity. For 90 years the Government was able to pay, and yet, with these claims knocking at the doors of Congress at almost every session during that time, payment was refused.

Mr. BROUSSARD. And the Government was able to pay in 1891, 1899, in 1902, 1905, and 1909, and the Government did pay. Now, what answer has the gentleman to make to that argument?

Mr. KITCHIN. The Government did not pay in 1909, but I am going to come to these payments later and try to satisfy both the gentleman and the House about them.

Mr. PRINCE. Will the gentleman yield to a suggestion?

Mr. KITCHIN. I will.

Mr. PRINCE. Let me read this much:

There have been 70 reports in all, of which 39 have been made in the Senate and 31 in the House. Of these reports, 65 are favorable to the claims and seven are adverse. Of the latter, three were before 1826, when for the first time Congress had before it all the evidence in regard to these claims, gathered from the correspondence.

And here is a list of the reports to the House and the results. In 1802 there was a favorable report and in 1807 a favorable report.

Mr. KITCHIN. You leave out the action of the House in 1803 and the action of the Senate in 1818, by which payment was refused by an almost unanimous vote, and many other such actions of the House, to which I shall later call attention.

Mr. PRINCE. Eighteen hundred and two was a favorable report.

Mr. KITCHIN. No; that was not positive. The report leaves the matter in doubt.

Mr. PRINCE. The report by a select committee April 22, 1802, was a favorable report, in the first session of the Seventh Congress, and then——

Mr. KITCHIN. One minute. You have 30 minutes, or an hour, after I get through, and you can put that in.

Mr. PRINCE. Yes; I am going to put that in the RECORD. I want to say that in 1835 Webster went over the whole matter

and made one of the most famous speeches that has ever been made in either branch of Congress on the subject.

Mr. KITCHIN. Oh, that is what these claimants say; but I will remind the gentleman and the House that, notwithstanding Mr. Webster's report and famous speech, both the Senate and the House refused to act.

Mr. CULLOP. I would like to suggest to the gentleman——

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. KITCHIN. Yes; if it is a good suggestion. [Laughter.]

Mr. CULLOP. I would like to say to the gentleman from North Carolina, in answer to the argument that the Government did not have the money in 1835, that it was during that time, in the administration of Andrew Jackson, that the first great surplus in the United States Treasury occurred, and it was so great that $28,000,000 was distributed among the States.

Mr. KITCHIN. And I may add that it was the first and only administration that ever got this Government out of debt. Yes; the gentleman is correct. There was a surplus of many million dollars in the Treasury in 1835, when, as the gentleman from Illinois [Mr. PRINCE] reminds us, Mr. Webster made that famous report and speech in behalf of these claims, and yet with an overflowing Treasury Congress refused to pay them.

Mr. BROUSSARD. Would the gentleman from North Carolina yield a moment in order that I may ask the gentleman from Indiana [Mr. CULLOP] a question?

Mr. KITCHIN. I am sorry I can not yield. My time is limited.

Mr. BROUSSARD. I will give the gentleman an equal amount of time when I get it.

Mr. KITCHIN. All right; I will yield.

Mr. BROUSSARD. I would like to ask the gentleman from Indiana [Mr. CULLOP] this question: How does the gentleman account for the fact that out of 70 reports only five were ever made against this proposition in this House or in the other branch of the legislative body of this Government, if what he contends for is correct?

Mr. CULLOP. I account for it in this way, that the body in which the report was made did not agree with the committee and turned the report of the committee down.

Mr. BROUSSARD. Is not that true, then, of every war claim that is pending now for which the gentleman from North Carolina [Mr. KITCHIN] is contending? And, further, did not the same court pass upon both classes of claims and on both questions, and rendered judgment upon both of them?

Mr. KITCHIN. I will come to that proposition later.

Mr. BROUSSARD. I will yield my time to the gentleman, so that he may answer.

Mr. KITCHIN. You and the gentleman from Indiana can fight that out among yourselves when I get through.

Mr. BROUSSARD. I will appeal to the gentleman from North Carolina and ask him if that is not the question. Did not the same court pass upon both questions, and can he consistently stand here and assail the judgment of the court in one instance and support its judgment in another instance?

Mr. KITCHIN. The gentleman from Louisiana puts too many questions together at once. I will say to him, however, if he will be patient, I will later on in my remarks discuss the proposition contained in his inquiries.

Mr. BROUSSARD. I will propound them singly, if the gentleman would so prefer.

Mr. KITCHIN. Let us see if these claims are just. Let us see if they are valid claims against the Government.

Mr. BROUSSARD. Let me ask the gentleman right there——

Mr. KITCHIN. I must decline to be interrupted further at this stage by the gentleman, since he has been allotted time to address the committee after I finish.

Mr. HUMPHREYS of Mississippi. May I ask the gentleman a question?

Mr. KITCHIN. Yes. Let it be short.

Mr. HUMPHREYS of Mississippi. The gentleman stated a few minutes ago that there were about $1,440,000 to be paid to insurance companies.

Mr. KITCHIN. Yes; on the same grounds as the rest.

Mr. HUMPHREYS of Mississippi. My information is that the acts under which the Court of Claims is proceeding in this matter referred both the claims of the insurance companies and the claims of individuals to the Court of Claims, and the court has been passing upon all of them, and has rejected the insurance claims, but has found both the facts and the law in favor of the claimants who are provided for in this bill. Is that correct?

Mr. KITCHIN. No; they did not reject the insurance claims. They found over $1,440,000 for the insurance companies. To be accurate, the findings up to date for the companies amount to $1,458,738.73.

Before the interruptions by so many inquiring gentlemen, I was proceeding to show that the Congress whose Members were fellow citizens and contemporaries of the original claimants, and many of whom participated in the events out of which arose these claims, and therefore knew the facts and circumstances connected with them, immediately after the ratification of the treaty of 1801, the first session thereafter, had presented to its consideration these very claims; and the House in 1803 and the Senate in 1818, after consideration and investigation, decided against their validity and refused to pay any of them. If these had been just and valid obligations on the part of the Government, can we doubt that our forefathers, contemporaries of the original sufferers, would have denied payment? Why did not Jefferson, Madison, Monroe, and other Presidents, who were also contemporaries of the original claimants and who were leading actors in the events of that day and participants in the making of the treaties with France, recommend in some way to Congress the payment of these claims? The fact is that no President from the time the first demand was made until President Arthur's administration, a period of more than 80 years—long after every original sufferer and every witness was dead—ever made a favorable recommendation in any message, although at almost every session since 1802 claimants, with their lawyers and lobbyists, came knocking at the doors of Congress. We can not believe that Jefferson, Madison, Monroe, whose lives were so interwoven with those events and who had personal knowledge of the facts and circumstances connected with these claims, would have remained silent and refused to ask Congress to pay them if they were just. We can not believe that Congress, in those early times and for so many years afterwards, would so often and so long have refused payment if the claims had been just.

Our forefathers, whose courage and patriotism and wisdom founded this Republic and guided its early destiny, we must assume, were equally as scrupulous in maintaining the integrity of the Government they had formed, equally as sensitive of its legal and moral obligations, equally as anxious to acknowledge and pay its honest debts due their unfortunate fellow citizens, who were the actual sufferers of the losses sustained, as are the gentlemen, in and outside of this House, who manifest so much anxiety to pay these millions to the thousands of remote descendants, scattered to the four winds of the earth, and a few insurance companies, lest a failure to pay now at this late day would impeach the national honor. They were, it must be admitted, in a better position to know and ascertain the facts and circumstances of the losses and to judge of the justice and validity of these claims than statesmen in this House who, born a half century after the last of the original claimants and every witness were in their graves, are now repeating the old interested cry of wrong and injustice and clamoring for payment on the ground that these century-aged claims are just and valid.

Mr. MILLER of Kansas. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. MILLER of Kansas. Is it not also true that three Presidents during the period named have vetoed these very bills?

Mr. KITCHIN. Yes.

Mr. MILLER of Kansas. Presidents Pierce, Polk, and Cleveland.

Mr. KITCHIN. Yes; I was coming to that. In 1846, just before the close of the session, a bill was passed by Congress by a close vote appropriating for the payment of these claims. This was the first bill ever passed in their behalf. President Polk vetoed the act. In discussing the validity of the claims, he said:

> I can perceive no legal or equitable grounds upon which this large appropriation can rest.

And that proposed appropriation, thought then to be large enough to cover all claims, was more than a million dollars less than the amount of the findings of the Court of Claims up to date, and they still have more findings to make. Not only have claimants increased with the years, but also the amount of losses. Again, in 1855, near the close of an expiring Congress, a similar appropriation bill was passed. President Pierce vetoed it. No stronger, clearer discussion of the subject has been made than that contained in his veto message. He met and refuted every contention that had before, or has since, been made in behalf of these claims. He declared that he had come to the "undoubting conviction" that there was "no ground on which to raise a liability of the United States." In 1896, near the close of the session, a bill was passed making an appropriation to pay the so-called judgments of the Court of Claims, which

had been reported to Congress to that date. Mr. Cleveland vetoed it. He concluded the discussion of the validity of these claims in his message in these words:

In the light of all the facts and circumstances surrounding these spoliation claims, as they are called, none of them, in my opinion, should be paid.

I shall again refer to Mr. Cleveland's veto message and the action of a Republican House on it. I desire here to call attention to the fact, and shall show it later, that the House never passed in an open contest on the floor any bill for these claims, except in the closing days of a session, and since the first findings of the Court of Claims, 25 years ago, only once has an appropriation passed after a contest and discussion on this floor, and that was in the closing hours—a day before, during an all-night session—of an expiring Congress, and only 10 minutes' discussion given to the subject. But time and time again, in every open contest on the floor, since the court's findings, such bills for the payment have been defeated.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. PARSONS. Will the gentleman explain why we should not respect the findings of fact and conclusions of law of the Court of Claims in these French spoliation claims as much as we should in the case of the southern war claims? I have spent my time in studying the decisions and the statutes, and I can see no reason why we should respect the findings of fact and the conclusions of law in one case and not in the other.

Mr. KITCHIN. I will now answer the gentleman as well as other gentlemen who have made similar inquiries. But, in the first place, let us see how these old claims got into the Court of Claims. For 80 or 90 years they had been hammering at Congress for payment. The original claimants, the actual sufferers of the losses, came, as I have shown before, to Congress immediately after the damages were inflicted, and they were turned down. They came again in 1803 and 1807. Congress again turned them down. Again they popped up in 1818. Again they were defeated. But still they came back in 1822 and 1824, and Congress ignored them. Congress could not get rid of them. It would turn them down and ignore them Congress after Congress for 10, 20, 30 years, for 50, 75 years; but back they would come, and back they did come with introduction of bills in every Congress and almost every session, with the possible exception of one or two, until 1864, and every time were turned down and ignored, except in 1846 and in 1855, when the acts were vetoed by Presidents Polk and Pierce. The claimants, their lobbyists, and lawyers would not be estopped by any act of Congress. It could not get rid of them. They would take no action of Congress as final except payment. As time went on one generation of claimants would die out and another would spring up, many times more numerous and more clamorous, the heirs of the original owners multiplying with each generation. Lobbyists and lawyers would grow in number and in noise. The only rest they ever gave Congress was between 1864 and 1872 and 1872 and 1882. But in 1872 they were here, and Congress again ignored them. In 1882, 1884, and 1885 the claimants, as heirs and next of kin of the old owners, had multiplied into thousands and tens of thousands, "scattered," as the Court of Claims said, "to the four quarters of the globe." Some few were in every Member's district. The two insurance companies, the Insurance Company of the State of Pennsylvania and the Insurance Company of North America, with $825,000 interest in these old claims, had organized and kept up the fight for over 75 years. Their officers, lawyers, and lobbyists in 1882 reorganized the fight with renewed vigor and determination. They demanded and appealed and begged and lobbied Congress to pay them, but still it refused. For over 80 years they had persistently put their case before the only tribunal with authority to hear and determine, the Congress of the United States, and this tribunal as consistently and persistently refused a favorable decision. They got a new idea. They wanted to try a new tribunal, so they begged and appealed and lobbied to be sent to the Court of Claims, until finally Congress, in the closing days of an expiring term, on January 20, 1885, wearied almost to death by the continual lobbying and the appeals, all inspired by these two big insurance companies, from the thousand of remote heirs of the original sufferers—the Members being punched as they were from home by their remotely interested constitutents and pulled in Washington by the numerous and persistent lobbyists—passed the act sending these old, stale, repudiated claims to the Court of Claims. Members voted for this to get rid of the army of lawyers and lobbyists and the thousands of supposed individual claimants, increasing in number with the years, and the insurance companies that were eternally harrassing the life of the Members.

Mr. PARSONS. Will the gentleman yield?

Mr. KITCHIN. I will yield to the gentleman from New York for a question.

Mr. PARSONS. I want to ask the gentleman a question. The gentleman says that Congress just before it adjourned passed this act giving the Court of Claims jurisdiction of the French spoliation claims. It was not just before it adjourned; it was on January 20, six weeks before it adjourned.

Mr. KITCHIN. I said it was on January 20, 1885, which was near the close.

The only argument advocates in this House of the payment of these claims make is that they went to the Court of Claims, and that the Court of Claims gave judgment in favor of them, binding the Government to their payment, which judgments, they say, should be respected, and that some of them have been paid. But for the action of this court there would not be a single argument upon the facts and upon the history of these claims to appeal to the conscience and judgment of any man in this House. But they cry in our faces, "The judgment of the court should be respected." I deny emphatically that the decision, or findings, or action, or whatever you may call it, of this court is a judgment of a court. It is not a judgment such as in any way is binding as a legal or equitable or moral obligation on the part of the Government. The court did not and could not, under the act of 1885 committing these claims to it, render or undertake to render a judgment like ordinary judgments—adjudicating the rights of the parties, making it a fixed finality between the claimants and the Government as to the rights of either. Gentlemen in this Congress and in other Congresses have been misled by the false cry that the Court of Claims had settled the controversy between the claimants and the Government by rendering a final judgment against the Government. Gentlemen who shout "judgment of the court" to us certainly must be ignorant of the very act which sent them to the court. Congress in that act purposely refused to vest this court with judicial powers in the premises. It refused to permit its action or findings to be judgments of the court, and to be a final judicial adjudication of the rights of the parties, or to fix finally the relations between the claimants and the Government. Congress knew that to give it the power to render a judgment, fixing as a finality the supposed rights of the parties and the Government by which it might impose upon the Government a legal or moral obligation to pay millions of dollars for damages sustained on the high seas over 90 years before, when much of the evidence in the lapse of those long years must have been lost, when every original claimant or sufferer and every witness to the events of those times had been in his grave for a half century, would be a mockery and an outrage. It therefore safeguarded in every way by the act itself the Government from being bound by such findings. The act expressly declares—

Such findings and report of the court shall be taken as merely advisory to the law and facts found.

It further declared that—

the action and the findings of the court shall not conclude either the claimants or Congress.

Yet, not satisfied with these provisions, which clearly seem to be sufficiently protecting, Congress, as a further caution, concluded the act with this clear and emphatic provision:

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

The act is itself an express notice by Congress, both to the court and to the claimants and to all future Congresses, that the court's action or finding shall in no way be construed as a judgment of the court, and can not constitute in any way either a legal, equitable, or moral obligation on the part of the Government to pay any of these claims. The court itself realized that it had no such power, and that no such jurisdiction was conferred upon it by the act. In the Gray case, it being the first and the alleged test case, the court declared that its—

conclusions are to be taken, both as to law and facts, as advisory, and not conclusive upon either party, the claimants or the Government.

So peculiar a jurisdiction, says the court—

was possibly never before conferred upon a strictly judicial tribunal.

Gentlemen who advocate these claims often speak of this act and often quote from it, but they always fail to call attention to the provisions which I have cited. The report, from which the distinguished chairman of the Committee on Claims [Mr. PRINCE] has read to this House many abstracts, is misleading. I do not say intentionally so, but it misleads this House in respect to the jurisdiction of the court over these claims. It quotes a part of the act but omits those provisions to which I have called the attention of the House. I do not know who prepared this report, but I do not believe there is a man on our committee who is smart enough to prepare a report as big and as good as this is to sustain claims as bad as these are.

Mr. PRINCE. Will the gentleman yield?
Mr. KITCHIN. Certainly.
Mr. PRINCE. Does the gentleman recall that we had public hearings and there were presented to the committee facts upon which a report like this could be made?
Mr. KITCHIN. Yes; I remember some hearings.
Mr. PRINCE. Does the gentleman remember that here is a list of every report that Congress has made and the action taken upon it, which is a matter of record in the report in the department?
Mr. KITCHIN. The reports on these claims have been gotten up by slow degrees through the last 100 years, a little added to it every 10 or 15 years, and finally this report, or most of it at least, was put together by the president of an insurance company that wants to get its fingers into the Federal Treasury, by virtue of these proceedings, to the tune of several hundred thousand dollars.
Mr. PRINCE. Not one dollar of which is carried in the bill.
Mr. KITCHIN. I know that; but if these claims pass they will come here and say, "You have passed these claims after a vigorous fight, on the judgments of the Court of Claims, and you have paid all now except ours, and it is right that you should pay us." The chairman of our committee, following the report of the subcommittee and so directed by the subcommittee, was ready before the Committee on Claims to offer an amendment, putting in the $1,458,738.75 alleged to be due these insurance companies and included in these so-called judgments for underwriting the risks on the vessels and cargoes 115 years ago.
Mr. PRINCE. And let me say that the chairman of the committee has no such intention of offering any such amendment as the gentleman has stated. It never has been in his mind, is not in his mind now, and he will never offer such an amendment.
Mr. KITCHIN. No; not now on the floor; but it was offered in our committee on the favorable report of the subcommittee, and this report, which I hold in my hands and from which the gentleman has been quoting, shows that the insurance companies' claims were to go in as an amendment.
Mr. SWASEY. Will the gentleman yield?
Mr. KITCHIN. Yes.
Mr. SWASEY. I desire to know—and the gentleman seems to impeach the findings of the court——
Mr. KITCHIN. Oh, just ask the question.
Mr. SWASEY. Does the gentleman intend to impeach the findings of the court in the spoliation claims and then desire us to believe the findings in the other claims?
Mr. KITCHIN. I will come to this so-called impeachment of the court suggestion presently.
Mr. SWASEY. One question more.
Mr. KITCHIN. Oh, no; I can not yield. If I have time I am going to answer all of your questions.
Mr. SWASEY. I will not ask anything very long.
Mr. KITCHIN. If I have plenty of time I will answer the question. You know my time is limited by agreement.
Mr. BROUSSARD. Will the gentleman permit a question?
Mr. KITCHIN. Just one minute. When I get through, if I have any time, then the gentlemen can ask me all the questions they want and I will gladly answer.
The CHAIRMAN. The gentleman declines to yield.
Mr. KITCHIN. Now, the splendid chairman of our committee I do not believe has as good a memory as I have, and as the other members of that committee have, because I remember he distinctly said to our committee, "Gentlemen, if these bills should be paid, here are some amendments for the payment of the findings of the court for the insurance companies which I am directed by the subcommittee to offer," and that was discussed without taking action. Finally, one day the insurance companies themselves came and said, "Well, do not put ours in now. It will make the bill too big. We will come in later." This is my recollection of what took place. This was not in executive session, either, and my recollection is corroborated by this would-be report, already prepared and printed and ready to be presented to the House if the committee had not adversed these claims.

I have attempted to show to the House that, by the very act committing these claims to the Court of Claims, the action or findings of the court were not intended to have any binding force, either in law, equity, or morals, on the Government; that its findings both as to law and facts were simply advisory. In this connection I desire to call attention to the fact that, though the act requires the court to give its "conclusions of fact and law as may affect the liability of the United States," the right and power in the Government to appeal to the Supreme Court was denied it. None of these cases have ever been presented to the Supreme Court, and no opportunity has ever been given our highest tribunal to review the findings of law by the Court of Claims. Certainly the Government, to be bound by any findings of law, should be given the right and opportunity to appeal to the Supreme Court for its decision upon it.
Mr. PARSONS. Will the gentleman yield?
Mr. KITCHIN. For a short question.
Mr. PARSONS. Is not the finding of fact—and it is merely a finding of fact—under the Tucker Act, under which these southern war claims are reported, merely advisory, also?
Mr. KITCHIN. Most of these war claims were sent to the court under the Bowman Act.
Mr. PARSONS. I beg to call the gentleman's attention to the Tucker Act and to ask the gentleman if he can find in section 14 of the act anything that shows that Congress should pay the findings of the court?
Mr. KITCHIN. No. If the gentleman will be a little patient I will come to the southern war claims and the findings of the court as to them presently.

Mr. Chairman, in the face of the fact that Congress expressly by the act itself declared that the court's action or conclusions as to the law and facts found should be merely advisory; that its findings should not conclude either the claimants or Congress; in face of the fact that the act specifically provided that it should in no way be construed as committing the Government to the payment of any such claims, advocates of these repudiated claims ask if we are going to "impeach the court by refusing to pay." If a refusal to pay is an impeachment of the court, then, sir, both Republican and Democratic Houses have time and time again impeached this court, because time and time again since the findings of the court and its reports to Congress, this House, sometimes Republican and sometimes Democratic, has voted down an appropriation for the payment of these so-called judgments on the ground that they are not obligations of the Government and ought not to be paid.

Every time any of the French spoliation claims, even after the findings of the Court of Claims, went before this House in a fair and open contest they were overwhelmingly defeated. In 1888, less than two years after the report of the court in the first cases before it, an effort was made to secure an appropriation to pay these so-called judgments, the members of the Appropriations Committee made an adverse report against them.

Again, in 1889, they had been included in the deficiency bill in the Senate and the House conferees forced the conference committee to drop them. Again, in 1890, after the Senate had put them in the deficiency bill, an open fight in the House was made in their favor and a large majority of the House refused to concur in the Senate's action. But in 1891 the friends of these repudiated claims, knowing their former fate in an open fight in the House, after the Senate had again included them in the deficiency bill, managed to slip it through the House without dissent, and, perhaps, without the knowledge of anyone except its friends, in the last hours of an all-night session, on March 3, 1891, at the very close of an expiring Congress.

But in 1892, the Senate having again tacked an appropriation on the deficiency bill, and it being discovered by Members of the House, an open fight again was made, and again the appropriation was overwhelmingly defeated. In 1893 another appropriation was asked for, and after similar action in the Senate by including them in the deficiency bill, another fight was made and the advocates of these same old repudiated claims met another crushing defeat in their efforts to pay these so-called judgments. And they were defeated again in 1895. So, if the refusal to pay the so-called "judgments" was an impeachment of the court, the court was impeached in 1888 by the Appropriations Committee and in 1889 by the conference committee. It was again impeached by the House of Representatives in 1890 and again in 1891 and again in 1892 and again in 1893 and again in 1895. And still they cry, "Do not impeach the court!" The House in each of these years, whether Democratic or Republican, knew, and so recorded itself, that these findings of the court were not binding upon Congress and were not judgments of the court, were not final adjudication of the rights of the parties, imposing any obligation on the Government to pay. But in 1896 an appropriation to pay the claims included in the findings of the court, after having been put on the deficiency bill in the Senate, did pass, by a record vote, the House. It went to President Cleveland for his approval. Mr. Cleveland vetoed it, and in a clear, strong message conclusively showed that these claims should be rejected, declaring that they were not valid claims against the Government. But now, after the veto, what took place? The bill had carried in the House by a good majority, yet after Cleveland sent that veto message to the House with unanswerable arguments against the justice and validity

of these claims, their friends could not muster but 39 votes in its favor, while 171 were recorded against it. Cleveland had convinced nearly every Member of the House of the absolute groundlessness of these claims.

Did Mr. Cleveland by his veto impeach the court, and was the House, largely Republican, in standing by the President after learning the nature and the history of these claims, also impeaching the court? But they tell us that some of these claims, backed by the findings of the court, have been paid. Gentlemen, since December, 1886, when the court, under the act of 1885, first begun to grind out its favorable findings for claimants upon such evidence as could be gathered after the lapse of more than 90 years only one appropriation for their payment has been passed by the House in open contest with full opportunity for discussion, and that was in 1896, and then, as I have shown, the President vetoed it, and after the veto, by an almost unanimous vote, the House stood with the President and against payment. Now, after this veto by President Cleveland and the emphatic stamp of disapproval placed on these old repudiated claims, even after the favorable findings of the court by the House, their friends and advocates never afterwards dared to make an open fight before the House, but quietly secured the Senate to put them in some omnibus bill, or some appropraition bill, and afterwards sneaked them through conference or the House with the "silent tread of a cat." There is hardly a man on this floor who remembers how and when the three or four million dollars which have heretofore been appropriated got through this House. I asked this afternoon, during the speech of the gentleman from Illinois [Mr. PRINCE], if any man could remember how and when these appropriations were made. I believe my friend, Mr. MANN, was the only one who had any recollection of them. He remembered one in 1899, and he voted against it.

Mr. BROUSSARD. So do I.

Mr. KITCHIN. That is true. But how did this appropriation get through in 1899? In the early morning of March 3, after an all night's session, in the rush and turmoil of the hours of another expiring Congress, another deficiency bill conference report, with an appropriation for their payment tacked on in the Senate, was brought in by the conferees, and without opportunity for Members to investigate and with only about 10 minutes given to the discussion of these claims, it was put through by a yea-and-nay vote. It was hooked onto other appropriations in the bill, and thus lumped together the conference report went through, but not without a recorded protest of 89 Members. But this report, from which my friend from Illinois [Mr. PRINCE] has often quoted to-night, declares, on page 9—

> Since 1896, the date of the last report on the same from this committee, the subject has not been before it for consideration until the present Congress. The reason of this has been that these claims, since that date, have been included as Senate amendments to the omnibus claims bill, etc.

On page 21, I read from the same report:

> During the last 14 years there has been no debate or dissent in the acceptance of the Senate amendments for these claims.

How softly and quietly have they been slipped in from time to time when opportunity presented itself to their friends and advocates!

Mr. PRINCE. Will the gentleman look——

Mr. KITCHIN. The gentleman is going to have an hour for another speech. Look where?

Mr. PRINCE. On page 89, and see what it says there.

Mr. KITCHIN. How do you know it is right or not? You never read this, I believe.

Mr. PRINCE. I have read every word of it.

Mr. KITCHIN. He is telling me to look in what? In the brief of Mr. Scattergood, the president of this Philadelphia insurance company, and that company alone has over $300,000 of the claims findings by the court, and a cooperating insurance company has over $500,000.

Mr. SHACKLEFORD. I will say to the gentleman from North Carolina that he is sitting in the gallery, and has been sitting there for the past week.

Mr. KITCHIN. He ought to sit there. He is interested, and ought to stay there and see that the House looks after his company's interest. But we ought to stay here and see that the House looks after the people's interests.

Mr. BROUSSARD. Does the gentleman from North Carolina object to paying an honest creditor, even though he has means?

Mr. KITCHIN. No; but I have shown the gentleman and the House that precedent actions of this House for over 100 years are against the validity and justice of these claims. I have shown that Congress after Congress for 113 years have repudiated them, both before and after these so-called judgments of the court; that President after President—contemporaries of the original claimants—ignored them; that two Presidents vetoed them before the act of 1885 and one vetoed them after the act. If the present claimants thought these bills were just and honest and the House would sustain them, why did they not, after the veto of 1896, come into this House and openly make the fight, as they were forced to do in the six sessions before, where they got licked every time? Not one of the measures including these claims went, as it ought, to any Committee on Claims in the House. They were always put on by the Senate to some bill and sent to conference. What does this report show from which the gentleman from Illinois [Mr. PRINCE] reads? It shows "the conferees examined into them." Yes; they were examined by the conferees—not by a committee of the House, not by the House. Then the report of the conferees came in with millions of other appropriations in it. Nobody knew about these claims. Nobody had time to make investigation. They were the judgments of the court, their friends explained. So the appropriation passed under the impression of the Members that they were court judgments, which bound the Government to payment. Gentlemen, you have asked me about the court's findings in respect to these war claims.

Mr. PARSONS. I ask you now——

Mr. KITCHIN. Every single one of these war claims——

Mr. PARSONS. Is it a judgment, or merely a finding of facts?

Mr. KITCHIN. The acts under which every one of these war claims went to the Court of Claims were general acts, known as the Bowman and Tucker Acts. Most of them went there under the Bowman Act. The House or a committee of the House under the Bowman Act can send any claims of any kind to the Court of Claims for the findings of fact, to be reported either to the House or the committee. There are no restricting, qualifying provisions giving notice to the claimants and the court that the Government should in no way be committed to payment under the findings.

Mr. PARSONS. Will the gentleman tell me whether they were judgments or not?

Mr. KITCHIN. They are not judgments, but findings of facts merely; and such findings are reported to Congress for its action, to be modified, reversed, approved, or ignored or repudiated, as it may see fit.

Mr. PARSONS. Were they findings of fact or conclusions of law?

Mr. KITCHIN. Findings of fact only. No question of law was involved. No disputed point of law has ever arisen in these cases. If so, the Government and the claimants should have been given the right of appeal to the Supreme Court. Congress or the House did not wait 90 or 100 years, a half of a century after every original owner, every eyewitness to the facts and circumstances connected with the claims, had been dead, before sending them to the court for findings of fact. If so, I would be opposed to them, even on the findings of the court. But they were sent to the court for findings within 20 or 25 years after the property was taken, or the liability of the Government was incurred, while the original owners and all eyewitnesses were living. Eyewitnesses, as well as the owners, were examined. The officers of the Union Armies who took and received the property were examined. In many cases the original vouchers given at the time by the officers were produced. No one, so far as I know, has ever denied the original liability of the Government to pay these claims. No one disputes the facts upon which they are based. No one challenges the correctness of the court's findings. No one, even on this floor, now denies the justice of them; and yet gentlemen affect to see no difference between such claims and findings of fact by the court with respect to them and the century-old and century-condemned spoliation claims and the findings of the court with respect to them 50 years after all the original owners and all the witnesses were dead.

Mr. PARSONS. Does the gentleman undertake to say that the jurisdiction of the court as to these claims under the Tucker and Bowman Acts is other than advisory?

Mr. MANN. As to these war claims findings, is it not a fact that the committee of Congress has always considered that the mere finding of the court was not obligatory, and is it not a fact that the committee has always rejected more or less of the findings and endeavored to pass upon the merits, based upon the findings of the facts?

Mr. KITCHIN. Yes; that is right. The findings are not judgments of the court, as I have explained, binding upon the Government to pay, but are simply findings of fact to be reported to Congress or the committee which sent them to the

court, and it is with the committee or Congress to pass upon the merits of the claims. I wish to call attention to another provision in the act of 1885. It authorized the court to take "suitable testimony," "historic" and "documentary" evidence; that is, any kind of writing, whether contemporary or not.

Mr. MILLER of Kansas. Any old thing.

Mr. KITCHIN. Yes; any old thing.

Mr. HUGHES of New Jersey. And in a hundred years they may accept Scattergood's report.

Mr. KITCHIN. Yes; as my friend from New Jersey [Mr. HUGHES] remarks, 100 years hence they will take Scattergood's report as evidence of the justice of the claims. [Laughter.]

Mr. BARTLETT of Georgia. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina [Mr. KITCHIN] yield to the gentleman from Georgia?

Mr. KITCHIN. Yes.

Mr. BARTLETT of Georgia. It is a fact, is it not, in regard to these war claims that the Government sends its own attorney and examiner out into the field and examines the witnesses as to the facts and that those facts are the basis of the findings of the court?

Mr. KITCHIN. Yes; the gentleman is correct.

They say that the Government in the last few years has established the policy of paying these claims. But I remind the House it also for a hundred years established the policy of not paying them. It established the policy of not paying them, even after the court's finding, by five affirmative, positive denials of their justice and refusals to pay. The policy to pay has been quiet, smooth, smart, doubtful. The policy not to pay has been open, bold, persistent, consistent.

Mr. Chairman, even if I should concede, which I do not, that these spoliation claims were originally just and valid, then it would be exceedingly doubtful whether it would be our duty at this late day to pay them. If any wrong and injustice has been done to any or by any, it was done to the original sufferers and their children by our forefathers a century ago. Even if originally they were just and valid, which I positively deny, it would be a bad and dangerous policy for us now to pay them. I can go back now and hunt through 100 years of our history and almost bankrupt the Government with claims which, according to evidence we can gather now, would perhaps have some moral or equitable basis if no time limitation is put upon them. If I had time I could this moment possibly recount $200,000,000 of claims not over 75 years old that, from what we can learn in this day and time, would seem to have some basis for their validity. But if just and equitable they were obligations for other generations to meet and not for this. Gentlemen, suppose that these claims are just, to whom would the payment go now? You would have to take a microscope to find in the veins of any of these thousands of clamorous claimants a drop of blood of the original owners.

The money would go to Tom, Dick, and Harry, a great-great-great, and so forth, grandchild, a great-great-great, and so forth, grandnephew, or a tenth, twentieth, or twenty-seventh cousin. The Court of Claims in the Gray case, the first and leading case on these claims, replying to the contention that the act required it to find the next of kin to whom the money should be paid, declared that it was a "physical impossibility" for it to ascertain who as heirs and next of kin were present owners of the claims, and "the rights of thousands of descendants and devisees of the original claimants who are now scattered in all human probability to the four quarters of the globe." It was in 1886 when the court spoke thus of the thousands of remote descendants, and now 25 years later these thousands have multiplied into many more thousands of more remote heirs and next of kin. It would be an outrage upon the Treasury and a reckless throwing away of the people's money to now appropriate millions of dollars to pay these scattered thousands and tens of thousands of remote heirs and next of kin, when it is admitted by all, even admitted by the Court of Claims itself, that the validity and justice of these claims have been in doubt and controversy from the very beginning for more than a hundred years.

But, Mr. Chairman, after a most thorough and exhaustive examination and investigation of the whole subject of these French spoliation claims, I have, in the language of President Pierce, come to the "undoubting conviction" that they never had the basis for either a legal, equitable, or moral obligation on the part of the Government. Gentlemen, it is not these thousands of remote descendants that are keeping up the fight and the lobbying year after year and decade after decade, but it is the insurance companies who are doing it in order to get Congress to transfer $1,458,000 out of the Treasury into their pockets.

Mr. DICKSON of Mississippi. How much do the lobbyists get?

Mr. KITCHIN. I suppose the lawyers and lobbyists get from 33⅓ to 50 per cent of each original claim.

Mr. MANN. I was just going to ask how much the agents would get.

Mr. KITCHIN. The claimants, gentlemen, in your district or mine who are being inspired by these insurance companies to punch us from home into favoring these claims will get precious little out of any appropriation we can make. The lawyers and lobbying agents will receive ten times more than any individual claimant. They get from 33⅓ to 50 per cent of the whole of the original claim, while the remaining is subdivided into tens and hundreds of the next of kin of the original claimant.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I ask for just two minutes more.

Mr. PRINCE. I would be glad to yield the time, but I can not do so. I have more demands for time than I possibly can accede to.

Mr. COX of Indiana. I ask unanimous consent that the gentleman have two minutes.

Mr. MANN. That is not in order.

Mr. PRINCE. I will yield to the gentleman from Louisiana [Mr. BROUSSARD], and if he wishes to yield a minute to the gentleman from North Carolina he can do so.

Mr. BROUSSARD. I will give the gentleman a minute. He declined to answer some of my questions, but I will give him a minute.

Mr. KITCHIN. Mr. Chairman, if I believed that these claims were just in the beginning, as I said, I would then hesitate a long time before at this late day I would vote $2,500,000 of the people's money out of the Treasury to pay these remote heirs and the insurance companies. I fear there is a plan on foot here, not by my friend from Illinois [Mr. MANN] in his filibuster——

Mr. MANN. I am not filibustering.

Mr. KITCHIN. There is a plan on foot, if these spoliation claims are defeated here and the war claims are passed, to have the Senate tack them on again to the war claims, and to bring back both the war claims and spoliation claims in one bill, so that in the last days of this Congress it is hoped that enough of our southern Democrats, whose constituents have claims in the war-claims bill, will join with the advocates of the French spoliation claims and pass both through this House. I want to say that as much as I believe in the justice of these war claims, when the French spoliation claims are yoked together with them in one bill I am going to vote against all of them, for neither my conscience nor my people will sustain me in voting millions for these unjust, condemned, and repudiated claims in any bill. [Loud applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized.

Mr. BROUSSARD. Mr. Chairman, I cheerfully yielded a minute of my time to the gentleman from North Carolina [Mr. KITCHIN], because I recognize in him my leader in the next Congress, and I made a statement to him that I want to carry out. That was that if he answered my questions I would yield some of my time to him.

I am surprised at the attitude of the gentleman who makes the statement he does in reference to these claims. I want to say now that I have not one of these claimants in my district, nor do I know one of them, even excluding the gentleman so well known by the gentleman from Missouri [Mr. SHACKLEFORD], and identified by the gentleman from North Carolina [Mr. KITCHIN], as sitting in the gallery here.

There is not a single cent of all of this appropriation that will go into my district, or even into my State, so far as I know, and so far as I am concerned it will have no effect upon me; but a proposition which requires that the judgment of the same court shall be paid to one section of our country and be denied to another section of it, is so obnoxious to my sense of justice, fairness, and honesty that I resent the assertions being made upon this floor that some gentlemen, or possibly some corporation that may have a just claim, shall be deprived of it because forsooth it may have some means beyond the claim which is pending in this bill. That proposition seems to me so unjust that I can not refrain from taking the position I do take upon this question.

In all fairness, my friend from North Carolina should have said to the committee in addressing it at length that starting with Thomas Jefferson, including that great galaxy of statesmen that have written their fame on the pages of the history of our country, have indorsed this proposition as an honorable claim, and that they should be paid. I for one stand here to try in so far as I can to have them paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROUSSARD. I understood, Mr. Chairman, that I had five minutes, and I only yielded one minute.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. BROUSSARD. I can not in one minute explain the position of this entire proposition, but there is no one on this floor that has a better right to speak for the French spoliation claims than I myself. I belong to that race of people who loaned their money, their war vessels, and their individuals in the defense of this country and in establishing this Republic. [Applause.] This is an honest judgment, and as an honest judgment I stand here as a defendant of that race, appealing for equal justice to all claimants, and they are all Americans and are as much entitled to be paid, whether they live in New England or any other portion of the country, as those who live in the South and are claimants for the war claims. One is entitled to consideration as much as the other. As I stand here to-day, I am simply pleading for justice and for the honesty of the American Republic in settling all of its claims in behalf of all of its claimants, especially when all of them are American citizens. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SWASEY].

Mr. SWASEY. Mr. Chairman, I, too, am surprised that any gentleman on the floor of this House will attempt to impeach the judgment of the Court of Claims in the one case and attempt to uphold it in the other. The gentleman has said that there was no reason assigned for the veto of these claims by any of the prior Presidents. I find in the report this language used by President Polk:

> In interposing my objection to its becoming a law, I am truly sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

Now, Mr. Chairman, I do not understand that the Court of Claims in either instance have entered a judgment, but I did find the language used by the court with reference to these spoliation claims to state that their conclusions are conclusions of law. In the case of the war claims they only find conclusions of fact.

Now, if we are to turn down and disregard the findings of the Court of Claims not only upon questions of fact but conclusions of law, what shall we do with the war claims where they find only conclusions of fact?

Something has been said about the age of these claims. The one may be 100 years old and the other 50 years old, but they were referred to the same court to find that which Congress needed. Congress needed the facts in the one case and they have got the facts and the law, and they have only conclusions of fact in the other case.

If the law was plain, if the law was clear to the Court of Claims, why did they not give us the conclusions of law with reference to the later claims, and why did they make that discrimination, that distinction? I am constrained to take this position: I believe it is the duty of this great Government to pay every dollar of its honest indebtedness and to pay it promptly, giving to each creditor his honest due. Our Government should be all honor. It can not afford to be otherwise. If it is just to pay the war claims upon findings of fact alone, what can you say should be done with the spoliation claims, that are based upon the findings of the same court upon questions of fact and law too? I am either for the payment of the whole or I am for the payment of none. There is where I stand. If we are to disregard and impeach the finding of the court, it applies to one just as well as to the other, and I am opposed to the payment of any or I am in favor of the honest payment of all. [Applause.]

Mr. PRINCE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. PRINCE. I will not use it all. Mr. Chairman, Congress passed an act in 1885 authorizing the Court of Claims to pass upon the French spoliation claims. It provided that the Government should be protected by officers of the law. It provided that such findings and reports of the court shall be taken to be merely advisory as to the law and facts found and shall not conclude either the claimant or Congress. I have at no time held that they were in the nature of a judgment. I have at no time held that the findings in war claims were in the nature of a judgment. The same court, made up of the same judges, sitting on the same bench, in the same building, hearing the same kind of cases, renders the same kind of opinion of facts in one class of claims at one moment, of French spoliation claims in the other, and you are in favor of adhering to the finding of the court when it says war claims, and you deny the findings of the same court one hour later when it renders a finding of facts in the other.

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. RANDELL of Texas. I desire to know, because I wish to do what is right about the matter, why there is any necessity for combining the two different sets of claims. Why would it not be better, fairer, and juster to consider them separately according to their own merits?

Mr. PRINCE. In answer to the gentleman I would say this: We did not tack them on. The Senate sent us the bill. It is for our action. I have not tacked them on. The bill has come to this committee. The committee has reported it to the House. It is for the House, through the Committee of the Whole, to determine what it wants to do with it.

Mr. RANDELL of Texas. Would it not be better for us to reject these claims tacked on by the Senate and let them come up in the regular order on their own merits, and not submit to their tacking on things that we have not considered?

Mr. PRINCE. In answer to the gentleman I would say this: The Senate of the United States has but one Committee on Claims, which has jurisdiction of all private claims. The House has four—the Committees on Private Claims, Private Land Claims, Indian Affairs, and War Claims. Where one has jurisdiction of all kinds of claims, can we determine what it shall do or shall not do? They have seen fit, having jurisdiction over all kinds of claims, to combine it in one bill, and it is given to the House in that capacity.

Mr. BARTLETT of Georgia. This is a Senate bill.

Mr. PRINCE. Yes; it originated in another body, where they have but one Committee on Claims, taking jurisdiction of all kinds of claims. It has come as a Senate bill to this body. It is not the action of this body to combine it, but it for this body to determine what it wants to do with it.

Mr. RANDELL of Texas. Does not the gentleman believe that ordinarily and in this case it would be better to consider these matters in separate bills?

Mr. PRINCE. That is not for us to determine.

Mr. MANN. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. MANN. We have now the Senate bill before us, including the French spoliation claims, and as to them the gentleman's committee has made a recommendation that they be stricken out.

Mr. PRINCE. Yes.

Mr. MANN. We have on the calendar, reported from the Committee on War Claims, a war-claims bill (H. R. 32767), which it is proposed to offer as an amendment to this bill. Will the gentleman accept this proposition: That the committee set aside every other proceeding on the Senate bill and pass the House war-claims bill, and the Senate can pass that?

Mr. PRINCE. I answer my colleague in this way: I have no authority to say that, but if it is the will of the House I am content to abide by the will of the House.

Mr. TAYLOR of Colorado. Why can we not come to some kind of an understanding of that kind?

Mr. MANN. I am willing to vote for the House war-claims bill.

Mr. PRINCE. My colleague on the committee is arguing to the House with reference to claims that are not pending in this body. It is done here on the plan of men practicing law that we call in the West "cuttle fishing." The cuttle fish is a fish that swims around other fish and issues from his body an inky substance to becloud the water so the other fish can not see what is going on. That is what is called a cuttle-fish argument. The question here is whether we will pass this bill, not whether we will take up some other that is not before the committee and will not be before the committee in any form or shape. There are three propositions before this committee—war claims, French spoliation claims, that have nothing to do with the insurance companies whatever, and they are not before this committee in any shape, form, or manner, nor will they be before this committee, and the other is the overtime navy-yard claims. Those are the three questions. If the committee desires to separate them and pass only war claims, well and good, but if you do it, it is my judgment, as I have said before, we have wasted all of this time and not one single, solitary bill will pass or ever become a law as a result of such division.

Mr. KOPP. Is it the gentleman's judgment, then, this bill can not become a law unless it becomes a law with the French spoliation claims as a part of it?

Mr. PRINCE. That is my judgment.

Mr. STAFFORD. Who makes that kind of a statement to give the gentleman a basis to make that assertion?

Mr. PRINCE. I say this, if this bill passes with only the war claims and it goes to the other body, they will add the French spoliation claims; and if I am on the conference committee I want to say to you fairly I will never concede until I come back to this House and the House ratifies the action. [Applause.] Now, if you are against the French spoliation claims, I will hold you against them to the end of the session. I will tell you that frankly, because your action upon this bill will guide my course and I will do what you direct me to do, but do not find fault with me if your bill fails.

A MEMBER. We will not.

Mr. PRINCE. Well, I am done. I have told you the facts, and I have had some experience in this body, and I want to say to you——

Mr. MANN. So have I, and I do not think that kind of a statement binds anybody after they get into conference. [Laughter.]

Mr. PRINCE. Well, I want to say to my colleague——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PRINCE. I want to say to my colleague you sent me over there on the overtime letter carriers' bill, and I never flinched.

Mr. MANN. I have every confidence in my colleague.

Mr. PRINCE. I did what you told me on three other conferences, and I came back with the goods. You sent me out, and I got them.

Mr. MANN. You would on this bill if they would let you.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise, appropriated, to claimants named in this act the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Mr. LAW. Mr. Chairman, I offer the following amendment as a substitute to the paragraph just read.

The CHAIRMAN. The gentleman from New York offers a substitute, which the Clerk will report.

Mr. LAW. Mr. Chairman, I wish to give notice at this time that if the substitute is adopted I shall move to strike out the paragraphs as they are read down to and including line 9 on page 47.

Mr. NORRIS. Mr. Chairman, I understand it is a bill which the gentleman is offering as a substitute. Will he kindly give us the number so that we can follow it?

Mr. LAW. It is House bill 32767.

Mr. HEFLIN. Is that the House bill on war claims?

Mr. LAW. Yes; or, rather, it is the first 100 pages of that bill.

Mr. SWASEY. What do you strike out?

Mr. LAW. Down to spoliation claims.

Mr. MARTIN of South Dakota. Does the gentleman offer the entire bill as a substitute for the first item in the bill?

Mr. LAW. As a substitute for the first paragraph of the bill.

Mr. MARTIN of South Dakota. The paragraph has not been read under the five-minute rule, has it?

Mr. LAW. It has been read.

The CHAIRMAN. The paragraph has been read.

Mr. KENDALL. Is it the holding of the Chair that paragraph 1 ends at the top of page 2?

Mr. LAW. At the end of line 9 on the first page.

The CHAIRMAN. At the end of line 9.

Mr. KENDALL. Mr. Chairman, a further inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENDALL. Under the rule is it not necessary that the bill be read by sections?

The CHAIRMAN. The Chair will state, in answer to the parliamentary inquiry, that the only provision in the rules of the House touching the subject is found in clause 6 of Rule XXIII, which recognizes the right of the committee to read a bill by paragraphs.

The Chair is aware of the statement in the Manual that general appropriation bills and revenue bills shall be read by paragraphs and other bills by sections. The Chair does not find any precedents which distinctly sustain that proposition. The Manual refers to two rulings in Hinds' Precedents, but the Chair found, upon examination, that the first ruling, which was made by the gentleman from Pennsylvania [Mr. OLMSTED], was made when a general appropriation bill was under consideration. The second ruling, which was made by Mr. BURROWS, of Michigan, was when a revenue bill was under consideration, and those rulings go no further than to hold that those particular bills should be read by clauses or paragraphs. This is a bill of 188 pages, with only 4 sections. The first section includes 183 pages, divided into hundreds of paragraphs. This is not a general appropriation bill, but it is an appropriation bill, and it is arranged principally by paragraphs and not by sections. The Chair thinks that when a bill is mainly arranged by paragraphs, each paragraph dealing with a distinct and independent proposition, it ought to be read by paragraphs, and the Chair holds that this bill should be read by paragraphs.

The gentleman from New York [Mr. LAW] now offers an amendment to the paragraph which has just been read, in the nature of a substitute, covering not merely that paragraph, but many succeeding paragraphs, down to line 9 on page 47.

Mr. LAW. Down to and including line 9, on page 47.

The CHAIRMAN. With a notice on the part of the gentleman from New York [Mr. LAW] that if this substitute is agreed to he will move to strike out the paragraphs down to that point as they are read.

The Clerk will report the substitute.

Mr. CULLOP. A parliamentary inquiry, Mr. Chairman.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] will state his parliamentary inquiry.

Mr. CULLOP. Would it be in order as the amendment is read by sections to offer amendments to the reading now?

The CHAIRMAN. The substitute being an amendment, it must be read as a single proposition. When it has been read it is then in order to move amendments to any part of the substitute.

Mr. CULLOP. Before it is voted upon?

The CHAIRMAN. Before it is voted upon.

Mr. CULLOP. And at the conclusion of the first reading of it?

The CHAIRMAN. At the conclusion of the reading.

Mr. MANN. Mr. Chairman, I was going to reserve a point of order so as to put gentlemen on notice. Of course, the amendment has not been read. I reserve the point of order.

The CHAIRMAN. The Clerk will report the substitute.

Mr. SIMS. Mr. Chairman, this whole substitute has to be read now?

The CHAIRMAN. It has to be read.

Mr. SIMS. If the gentleman has a real point of order that will take it out, it looks like a great deal of time might be saved by having it raised now and having it disposed of.

Mr. MANN. I have done everything I could to save time.

Mr. SIMS. I mean if it is really subject to a point of order. You know what the amendment is.

Mr. MANN. The amendment has not yet been read, and I never have read all of it. I have read a couple of pages and I found two items just alike on the two pages.

Mr. SIMS. You know what it is, though. If the gentleman has a real point of order and it is sustained, what is the use of using all this time?

The CHAIRMAN. The gentleman is within his rights.

Mr. SIMS. He is always within his rights.

Mr. MANN. I would like to ascertain if it is possible in the House now, if this bill were disposed of, to take up the war-claims bill, which is the amendment now being offered.

The CHAIRMAN. May the Chair inquire of the gentleman whether there are other claims bills on the calendar?

Mr. MANN. There are other claims bills reported by the Committee on Claims on the calendar.

The CHAIRMAN. The Chair is of the opinion the preference should be given to any gentleman who desires to call up a bill reported by the Committee on Claims.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Suppose a gentleman should desire to call up a bill reported by the Commitee on Claims, and the committee should vote not to take it up, and that action should be taken upon each of the bills, would it then be in order to take up the bill reported from the Committee on War Claims?

The Chair thinks it would change the law.

Mr. LAW rose.

The CHAIRMAN. The gentleman from New York [Mr. LAW] is recognized.

Mr. LAW. Mr. Chairman, I want to call the attention of the gentleman from Illinois to the fact that I do not offer all of the substitute, House bill 32767, but only the first 100 pages of it.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. Mr. Chairman, would it be in order now to offer a preferential motion—a motion to strike out the enacting clause?

The CHAIRMAN. It would.

Mr. MANN. Then I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 43, noes 21.

So the motion was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

The CHAIRMAN. It seems to me that some disposition should be made of the previous bill in a report to the House.

Mr. MANN. I move that it be reported back with an adverse recommendation.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that the Senate bill 7971 be laid aside and reported back with the recommendation that the enacting clause be stricken out. Is there objection? [After a pause.] The Chair hears none. That order will be made.

Mr. MANN. Mr. Chairman, I now move that the committee take up for consideration House bill 32767.

The CHAIRMAN. The gentleman from Illinois moves that the committee take up for consideration House bill 32767. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Mr. SIMS. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] and the gentleman from Illinois [Mr. MANN] ask unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARDNER of Massachusetts. I object.

The CHAIRMAN. Objection is made. The Clerk will read.

Mr. STANLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STANLEY. Was there any objection made, Mr. Chairman?

Mr. LANGLEY. Mr. Chairman, I was charged with making the objection, but I did not make it.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARDNER of Massachusetts. I object.

The CHAIRMAN. The Clerk will read.

(The Clerk proceeded with the reading of the bill, beginning on page 2, line 11.)

Mr. HUGHES of New Jersey. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN (Mr. LENROOT). The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the further reading of the bill be dispensed with.

Mr. BENNET of New York. I object, Mr. Chairman.

Mr. AUSTIN. I object.

The CHAIRMAN. Objection is made. The Clerk will proceed with the reading.

Mr. BROUSSARD. Mr. Chairman, what bill is the Clerk reading now?

The CHAIRMAN. The bill is H. R. 32767, offered as an original bill.

Mr. BROUSSARD. By whom introduced? By whom requested?

The CHAIRMAN. The gentleman from Illinois made a motion that this bill be reported.

Mr. HUGHES of New Jersey. I did not hear the first section of the bill reported. I would like to have it reported all over again.

Mr. FITZGERALD. I object.

The CHAIRMAN. Objection is made. The Clerk will proceed.

The Clerk resumed the reading of the bill.

Mr. CARLIN. I ask unanimous consent to dispense with the further first reading of the bill.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. CANDLER. Mr. Chairman, if this is the proper time, I ask unanimous consent to dispense with the further first reading of the bill.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. GARDNER of Massachusetts. Mr. Chairman, this is a very important bill, and I think there ought to be a quorum present. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. Evidently there is no quorum present. The Clerk will call the roll.

Mr. AUSTIN. Tellers!

Mr. BENNET of New York. Regular order, Mr. Chairman.

Mr. AUSTIN. I ask for tellers.

Mr. BENNET of New York. I make the point of order that there is no such thing as tellers to determine a quorum.

Mr. HEFLIN. I trust the gentleman from Massachusetts [Mr. GARDNER] will withdraw his point of no quorum.

Mr. BENNET of New York. Regular order!

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts regrets to state that after the Chair has announced that no quorum is present, it is not in order to withdraw the demand.

The CHAIRMAN. The Clerk will call the roll.

Mr. HEFLIN. I am under the impression that there is a quorum present. Is there no other way to settle this question except to have a roll call?

The CHAIRMAN. The Clerk will proceed with the calling of the roll.

Mr. HEFLIN. Can we not have tellers, Mr. Chairman?

Mr. BENNET of New York. Regular order!

The CHAIRMAN. The right to demand tellers to determine a quorum does not exist. That must be determined by the Chairman or by the calling of the roll.

Mr. HEFLIN. Several Members have come in since the Chair counted.

Mr. LANGLEY. Several have come in who were not counted.

Mr. AUSTIN. How many did the Chairman count?

The CHAIRMAN. The Chair counted 89.

Mr. CANDLER. Is it in order to ask a recapitulation of the count of the Chair?

The CHAIRMAN. The Clerk will proceed with the calling of the roll.

The Clerk proceeded with the calling of the roll.

Mr. CARLIN. I call the attention of the Chair to the fact that the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from New York [Mr. BENNET] ought to be counted as present. They were present when the roll call began, although they have since left the Hall of the House.

The CHAIRMAN. Debate is not in order. The roll call is in progress.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Coudrey	Fornes	Higgins
Alexander, N. Y.	Covington	Foss	Hill
Allen	Cowles	Foster, Vt.	Hinshaw
Ames	Cox, Ohio	Fowler	Hitchcock
Andrus	Craig	Fuller	Hollingsworth
Ansberry	Cravens	Gaines	Howard
Anthony	Crow	Gallagher	Howell, N. J.
Ashbrook	Crumpacker	Gardner, Mich.	Howell, Utah
Barclay	Dalzell	Gardner, N. J.	Hubbard, Iowa
Barnard	Davidson	Garner, Pa.	Hubbard, W. Va.
Barnhart	Davis	Gill, Md.	Huff
Bartholdt	Dawson	Gill, Mo.	Hughes, W. Va.
Bates	Denby	Gillespie	Hull, Iowa
Bennett, Ky.	Dickema	Gillett	Hull, Tenn.
Bingham	Dies	Goebel	Humphrey, Wash.
Booher	Dodds	Goldfogle	James
Borland	Douglas	Goulden	Johnson, Ky.
Boutell	Draper	Graff	Johnson, Ohio
Bowers	Driscoll, D. A.	Graham, Pa.	Johnson, S. C.
Bradley	Driscoll, M. E.	Greene	Joyce
Brantley	Dupre	Gregg	Kahn
Burke, Pa.	Durey	Griest	Keifer
Burke, S. Dak.	Ellerbe	Guernsey	Keliher
Burleigh	Ellis	Hamer	Kendall
Burleson	Elvins	Hamill	Kennedy, Iowa
Butler	Englebright	Hamilton	Kennedy, Ohio
Byrd	Esch	Hammond	Kinkaid, Nebr.
Calder	Estopinal	Hanna	Kinkead, N. J.
Calderhead	Fairchild	Harrison	Knapp
Campbell	Fassett	Haugen	Knowland
Capron	Ferris	Havens	Kopp
Cassidy	Fish	Hawley	Kronmiller
Clark, Fla.	Fitzgerald	Hay	Küstermann
Clark, Mo.	Flood, Va.	Hayes	Lafean
Cocks, N. Y.	Focht	Heald	Lamb
Conry	Foelker	Henry, Conn.	Langham
Cooper, Pa.	Fordney	Henry, Tex.	Latta

Lawrence	Mondell	Ransdell, La.	Stevens, Minn.
Legare	Moon, Pa.	Reeder	Sturgiss
Lindbergh	Moon, Tenn.	Reid	Sulloway
Lindsay	Moore, Pa.	Rhinock	Sulzer
Livingston	Moore, Tex.	Richardson	Swasey
Lloyd	Morehead	Riordan	Talbott
Longworth	Morgan, Okla.	Roberts	Tawney
Loud	Morse	Roddenbery	Taylor, Ala.
Loudenslager	Moss	Rodenberg	Taylor, Ohio
Lowden	Moxley	Rucker, Colo.	Thistlewood
Lundin	Mudd	Sabath	Thomas, Ky.
McCall	Murdock	Scott	Thomas, Ohio
McCreary	Murphy	Sharp	Townsend
McCredie	Needham	Sheffield	Underwood
McDermott	Nelson	Sheppard	Volstead
McGuire, Okla.	Norris	Sherley	Vreeland
McHenry	Nye	Sherwood	Wallace
McKinlay, Cal.	O'Connell	Simmons	Wanger
McKinley, Ill.	Palmer, A. M.	Slayden	Washburn
McKinney	Palmer, H. W.	Slemp	Webb
McLachlan, Cal.	Patterson	Small	Weeks
McLaughlin, Mich.	Payne	Smith, Cal.	Wheeler
McMorran	Pearre	Smith, Iowa	Wiley
Macon	Peters	Smith, Mich.	Willett
Madden	Pickett	Smith, Tex.	Wilson, Pa.
Madison	Plumley	Snapp	Wood, N. J.
Malby	Poindexter	Southwick	Woods, Iowa
Martin, S. Dak.	Pou	Sparkman	Young, Mich.
Maynard	Pratt	Sperry	Young, N. Y.
Mays	Pray	Steenerson	
Miller, Minn.	Prince	Stephens, Tex.	
Millington	Rainey	Sterling	

So the committee rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. LENROOT, Chairman of the Committee of the Whole House, reported that the committee finding itself without a quorum, the roll was called and he reported the list of the absentees.

The SPEAKER pro tempore. The report shows that there are 110 Members present—a quorum.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. SIMS. I make a point of order, Mr. Speaker, against that. Does not the House go into Committee of the Whole automatically?

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were 67 ayes and 85 nays.

Mr. BENNET of New York. I make the point of order that no quorum is present.

The SPEAKER. A quorum is not required on this vote, and the committee will resume its session.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. LENROOT in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

During the reading of the bill unanimous consent to dispense with the further reading of the bill was asked at several points by Mr. CARLIN, Mr. STANLEY, and Mr. GARDNER of Massachusetts, to which Mr. BENNET of New York objected.

Mr. GARDNER of Massachusetts (when the Clerk had reached page 80 of the bill). Mr. Chairman, I suggest the absence of a quorum.

Mr. CARLIN. I raise the point of order that that is dilatory.

The CHAIRMAN. It is evidently not dilatory.

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman from New York, who has so much on his hands in the annexation of Canada, to withdraw his point of order.

Mr. BENNET of New York. I did not make a point of order.

Mr. HEFLIN. Who did make it?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] makes the point of no quorum. The Chair will count. [After counting.] Eighty-eight Members present—not a quorum—and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Broussard	Cox, Ohio	Elvins
Adamson	Burke, Pa.	Craig	Englebright
Alexander, N. Y.	Burke, S. Dak.	Cravens	Esch
Allen	Burleigh	Creager	Fairchild
Ames	Burleson	Crow	Fassett
Andrus	Butler	Crumpacker	Ferris
Ansberry	Byrd	Dalzell	Fish
Anthony	Calder	Davidson	Fitzgerald
Ashbrook	Calderhead	Davis	Flood, Va.
Barclay	Campbell	Dawson	Focht
Barnard	Capron	Denby	Foelker
Barnhart	Carter	Diekema	Fordney
Bartholdt	Cassidy	Dies	Fornes
Bates	Clark, Fla.	Dodds	Foss
Bennett, Ky.	Clark, Mo.	Douglas	Foster, Vt.
Bingham	Cocks, N. Y.	Draper	Fowler
Booher	Conry	Driscoll, D. A.	Fuller
Borland	Cooper, Pa.	Driscoll, M. E.	Gaines
Boutell	Cooper, Wis.	Dupre	Gallagher
Bowers	Coudrey	Durey	Gardner, Mich.
Bradley	Covington	Edwards, Ky.	Gardner, N. J.
Brantley	Cowles	Ellis	Garner, Pa.
Gill, Md.	Kendall	Moon, Tenn.	Sherwood
Gill, Mo.	Kennedy, Iowa	Moore, Pa.	Simmons
Gillespie	Kennedy, Ohio	Moore, Tex.	Slayden
Gillett	Kinkaid, Nebr.	Morehead	Slemp
Goebel	Kinkead, N. J.	Morgan, Okla.	Small
Goldfogle	Knapp	Morse	Smith, Cal.
Goulden	Knowland	Moss	Smith, Iowa
Graff	Kopp	Moxley	Smith, Mich.
Graham, Pa.	Korbly	Mudd	Smith, Tex.
Greene	Kronmiller	Murdock	Snapp
Gregg	Küstermann	Murphy	Southwick
Griest	Lafean	Needham	Sparkman
Guernsey	Lamb	Nelson	Sperry
Hamer	Langham	Norris	Steenerson
Hamill	Latta	Nye	Stephens, Tex.
Hamilton	Lawrence	O'Connell	Sterling
Hammond	Legare	Page	Stevens, Minn.
Hanna	Lindbergh	Palmer, A. M.	Sturgiss
Harrison	Lindsay	Palmer, H. W.	Sulloway
Haugen	Livingston	Parsons	Sulzer
Havens	Lloyd	Patterson	Swasey
Hawley	Longworth	Payne	Talbott
Hay	Loud	Pearre	Tawney
Hayes	Loudenslager	Peters	Taylor, Ala.
Heald	Lowden	Pickett	Taylor, Ohio
Henry, Conn.	Lundin	Plumley	Thistlewood
Henry, Tex.	McCall	Poindexter	Thomas, Ky.
Higgins	McCreary	Pou	Thomas, Ohio
Hill	McCredie	Pratt	Tilson
Hinshaw	McDermott	Pray	Townsend
Hitchcock	McGuire, Okla.	Prince	Underwood
Hollingsworth	McHenry	Rainey	Volstead
Howard	McKinlay, Cal.	Ransdell, La.	Vreeland
Howell, N. J.	McKinley, Ill.	Rauch	Wallace
Howell, Utah	McKinney	Reeder	Wanger
Hubbard, Iowa	McLachlan, Cal.	Reid	Washburn
Hubbard, W. Va.	McLaughlin, Mich.	Rhinock	Webb
Huff	McMorran	Richardson	Weeks
Hughes, W. Va.	Macon	Riordan	Wheeler
Hull, Iowa	Madden	Roberts	Wiley
Humphrey, Wash.	Madison	Roddenbery	Willett
James	Malby	Rodenberg	Wilson, Ill.
Johnson, Ky.	Martin, S. Dak.	Rucker, Colo.	Wilson, Pa.
Johnson, Ohio	Maynard	Sabath	Wood, N. J.
Johnson, S. C.	Mays	Scott	Woods, Iowa
Joyce	Miller, Minn.	Sharp	Woodyard
Kahn	Millington	Sheffield	Young, Mich.
Keifer	Mondell	Sheppard	Young, N. Y.
Kelliher	Moon, Pa.	Sherley	

The committee rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and finding itself without a quorum, the roll was called under the rule, and he reported the list of absentees.

Mr. SHACKLEFORD. Mr. Speaker, before the Chair announces the vote, I desire to inquire if the gentleman from Texas [Mr. BURGESS] was recorded.

The SPEAKER pro tempore. We are now in the House, and the Chair does not know what occurred in Committee of the Whole, but the Chair assumes that the Clerk did not record the name of any gentleman who did not answer when his name was called.

Mr. CARLIN. I desire to inquire if the gentleman from Texas [Mr. BURGESS] is recorded as among the absentees. That is the point I wish to make before the Chair announces the vote.

The SPEAKER pro tempore. We are now in the House. It appears from the roll that there are present 99 Members.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. AUSTIN. Mr. Speaker, I wish to call attention to the fact that the gentleman from Wisconsin [Mr. STAFFORD] is present, and that makes a quorum.

Mr. STAFFORD. Mr. Speaker, I recorded myself as being present, and I believe the Journal will show that.

Mr. CARLIN. Mr. Speaker, I wish the absentees to be reported. I would like to ask if the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Texas [Mr. BURGESS] are recorded among the absentees. Both are here and both answered to their names. I asked the Clerk if Mr. BURGESS was recorded, and he told me he was.

The SPEAKER pro tempore. Does the gentleman desire to have the list of absentees read?

Mr. CARLIN. I would have to ask that it be read unless the Speaker would inform me how Mr. STAFFORD and Mr. BURGESS are recorded—whether present or absent.

The SPEAKER pro tempore. The Chair has not personally inspected the roll, but is informed that the gentleman from Wisconsin [Mr. STAFFORD] is recorded as having voted "present." The gentleman from Texas [Mr. BURGESS] is not recorded.

Mr. CARLIN. Mr. Speaker, the gentleman from Texas [Mr. BURGESS] is here, and the Clerk informed me that he was so recorded.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to call attention to the fact that the gentleman from Texas [Mr. BURGESS] was present during the call and is present now and, as I understand, he answered to his name. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. We all know that the hour is late and that the gentleman from Texas, I know, was present when his name was called, and he has been present ever since. He was physically present in the Hall, in the Committee of the Whole, when his name was called. He was not absent and he has not been absent during any part of the session of this House or of the Committee of the Whole. I want to inquire whether it is not proper that his name should be recorded.

Mr. MANN. Mr. Speaker, I rise to call the attention of the Chair to paragraph 3 of Rule XV, page 376 of the Manual:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal and reported to the Speaker, with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Of course, the question is whether that applies to the Committee of the Whole. Now, the Speaker had announced to him on a roll call in the committee that 99 Members were present. The Speaker was notified when he first took the chair that the gentleman from Texas was present.

Mr. BARTLETT of Georgia. And has been all the time.

Mr. MANN. At that time his name was not recorded, but it seems to me that it is the duty of the Chair to note the presence of the gentleman from Texas in order to determine the fact that there was a quorum of the committee at the time the Speaker took the chair.

Mr. CURRIER. Should not that have been called to the attention of the Chairman of the committee before the Speaker took the chair?

Mr. CARLIN. I did call it to the gentleman's attention, and the gentleman did not listen to me.

Mr. CURRIER. I beg the gentleman's pardon.

Mr. CARLIN. Or rather the gentleman did not hear me.

The SPEAKER pro tempore. In the House the Speaker can not take notice of what took place in the committee and has no knowledge except as he takes it from the report of the Chairman.

Mr. BURGESS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURGESS. For the purpose of having my name recorded.

Mr. LANGLEY. Mr. Speaker, I understand the name of the gentleman from Texas [Mr. BURGESS] was first recorded on the roll and that then it was corrected by somebody and his name was stricken out. If he is counted it would make a quorum, and I think he should be counted.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to state I know the gentleman from Texas has been present all the time and in his seat all the time. He was present at the time the point of no quorum was made and has been present in his seat all the time since the point of no quorum was made. Mr. Speaker, it is now 4 o'clock in the morning, and when the name of the gentleman from Texas was called the Journal clerk told me he was recorded. That is what I want to state.

Mr. HEFLIN. Mr. Speaker, I desire to inquire if Judge TAYLOR, of Colorado, is recorded as present——

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make a statement to the Chair. When the name of the gentleman from Texas [Mr. BURGESS] was called I started toward his chair and I asked the Journal clerk if Mr. BURGESS was recorded as being present, and the Journal clerk stated to me he was recorded as present——

Mr. HEFLIN. Mr. Speaker, I desire to ask if Judge TAYLOR, of Colorado, is recorded as present——

Mr. BARTLETT of Georgia. Wait a moment. And I insist, Mr. Speaker, that it is a fact that the gentleman from Texas was present and is present, and he has not been absent from this Hall since 11 o'clock yesterday morning. I insist that the RECORD should show that the gentleman from Texas was not absent.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that the presence of the gentleman be considered as established.

The SPEAKER pro tempore. The attention of the Chair has been called to the third paragraph of Rule XV, which provides that—

On the demand of any Member or at the suggestion of the Speaker the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal and reported to the Speaker, with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

That relates to the ascertainment of a quorum when a vote is taken. It does not apply to the present situation. What we are now trying to ascertain is whether or not there was a quorum of 100 answered to their names upon the roll call in the Committee of the Whole. The rule upon that subject is found in the second paragraph of Rule XXIII, as follows:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall be 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The question now is whether, upon that roll call in the committee, 100 Members responded. In the House the Chair can know nothing of what occurred in the committee except as reported to him by its chairman. The Chair, from a hasty inspection of the roll, announced that 99 were present. It appears that the roll was kept in duplicate. Upon the copy which the Chair now holds there appears opposite the name of Mr. BURGESS the usual mark indicating that he responded to the roll call. Then there is another mark around that mark which indicates the contrary. There was much confusion in the Hall, and still is. It is quite likely that the clerks all thought he had answered and afterwards that he had not, or one clerk may have thought he heard him, while the other did not. We can not go behind the returns to learn just how it did happen. It is not entirely clear what should be done, but finding that Mr. BURGESS was at one time or by one clerk recorded as answering, and as the gentleman is present and probably was present in the committee, the Chair will, without further inquiry, treat the roll as showing his presence and declare that it shows 100 Members, a quorum, to have appeared.

The committee will resume its session.

Mr. GARDNER of Massachusetts. Mr. Speaker, is it in order to ask for a recapitulation of other votes, inasmuch as the vote of the gentleman from Texas [Mr. BURGESS] has been recapitulated?

Mr. CARLIN. Regular order, Mr. Speaker.

Mr. GARDNER of Massachusetts. That is what the regular order is, sir.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] is entitled to have a list of absentees reported, if he so desires.

Mr. GARDNER of Massachusetts. No; I withdraw that.

The SPEAKER pro tempore. The committee will resume its session.

The CHAIRMAN (Mr. CURRIER). The committee will be in order. The Clerk will resume the reading of the bill.

The Clerk proceeded with and concluded the reading of the bill.

Mr. LAW. Mr. Chairman, I do not feel that very much explanation of the bill is called for from me at the present time, for the reason that I gave quite a full explanation of the bill while the Senate bill was under consideration during the afternoon. Therefore, for the present I shall offer no further explanation than has already been offered.

Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, there have been numerous speeches made in support of this bill, but I have said nothing in relation to it up to this time, for which, no doubt, the House is devoutly thankful. It is now half past 4 o'clock in the morning, and we have been in continuous session for about 30 hours on this bill. I recognize that everyone, including myself, is worn out, but I feel that I ought to say this much in support of the items in this bill, that we have not only the findings of the Court of Claims as to the justness and correctness of these items, but we also have the unanimous recommendation of the committee that has very carefully considered it. I refer to the Committee on War Claims.

My idea of the matter is this: That there are no obligations which the Government ought to meet more promptly than these claims which a court has determined are honestly and justly due. We appropriate thousands, yea, millions, of dollars every session of Congress on projects for which the Government is not legally liable, but which it enters into voluntarily. The claims carried in this bill are certainly obligations justly due from the Government. There are in this bill to my certain knowledge some claims that have been due from the Government for forty-odd years. There are some church claims in my own district, to wit, the Christian Churches at Marshall and Warsaw, Mo., and the Methodist Church South at Springfield, Mo., aggregating $5,050, which a competent court has deter-

mined, and, I believe, are justly due from the Government and ought to be paid. And yet these claims have not been paid. I believe that the Government is under as much obligation to meet its just debts as are individuals, and I undertake to say now that there is not a gentleman listening to me, if he would confess a claim just and yet neglect or refuse to pay it, but would justly forfeit all respect of his fellows. This is a great and rich Government, and it ought not to neglect to meet its just obligations and meet them promptly.

The only discordant note that I have heard here to-night, or, rather, the only speech that has been made here that in any way questions the correctness of these claims, was made by the gentleman from Kansas [Mr. CAMPBELL]. I am sorry that he is not here now, because I have taken the trouble to look up some records which will be of interest in connection with his statement. He characterized this bill as a "pork barrel;" and yet, if that be true, I will say to him that the "pork" was certainly selected by a court wholly Republican, and one that has been selected by the Government itself. But I say that a bill containing only a list of items of just obligations of this Government ought not to be characterized as a "pork barrel." But, Mr. Chairman, what has come over the "spirit of the dreams" of the gentleman from Kansas? Since when did he begin to shy away from a "pork barrel?"

An investigation of the RECORD shows that last year when the House had under consideration the public-buildings bill the gentleman from Kansas supported and voted for that bill. Now may not the difference in his action on that bill and this be accounted for in the fact that the public-buildings bill carried over $392,000 for the gentleman's State while this bill only carries about $1,900 for his State? In other words, Mr. Chairman, are we not warranted in concluding that the gentleman first examines, carefully, of course, what he terms the "pork barrel," and if the "pork" in the "barrel" is "fat," as it was in the public-buildings bill, he accepts it most willingly, but if "lean," as in this bill, he rejects it with contempt, and even says that it "stinks?"

Mr. Chairman, I resent the statement that this is anything in the nature of a "pork barrel." I believe that it carries only just claims, long past due. Otherwise, I would certainly register my vote against it.

In addition to these church claims in my district, which I believe to be just, there is a claim which one of my colleagues has urged upon this floor, of a gentleman who formerly lived in his district, but now lives in mine, about which I desire to say a word.

A MEMBER. How did he happen to get into your district?

Mr. HAMLIN. He wanted to live in the best district in the United States, and therefore moved into mine. [Laughter.]

Mr. RUCKER of Missouri. I want to correct the gentleman. He does not mean that.

Mr. HAMLIN. I want to incorporate in my remarks, Mr. Chairman, an affidavit that was sent to me the other day, setting forth the facts in relation to the claim of Francis M. Sheppard. As my colleague [Mr. RUCKER] very properly said the other day on this floor, that there was taken from this old soldier by the officer in command of the company $830 under the pretense that about half of that sum was won by this old soldier in a game of some kind of chance and that that money, under some kind of a rule in the service, should be confiscated, and was so confiscated, by the officer in command and used in the purchase of musical instruments, and so forth; that no part of this money has ever been returned to this old man. They took all of his money, yet only claimed that he had won about one-half of it at a game of chance. For forty-odd years this great Government has kept that old man's money, and now that he is 77 years old, unable to work, and in great need, this great and rich Government offers to give him back the pitiful sum of $360, without interest. I protest that this conduct is nothing short of an outrage.

This old man swears that not one dollar of this money was won by gambling. His affidavit is as follows:

R. F. D. No. 2, GILLIAM, Mo.

STATE OF MISSOURI, *County of Saline, ss:*

Personally appeared before the undersigned, a notary public in and for the county and State aforesaid, Francis M. Sheppard, aged 77 years, who, being duly sworn, on his oath states as follows, to wit: That it has been so long that he can not remember all of the circumstances of where or how he came into possession of the money taken from him (or his agent) by Gen. W. B. Hazen in 1864, but that he had $400 before he went into the service of the United States; that he loaned I. D. Jennings, acting quartermaster Company I, One hundred and sixteenth Illinois Volunteer Infantry, $225 or $250; Thomas Hammond, corporal, Company I, One hundred and sixteenth Illinois Volunteer Infantry, $50, and John Sheppard, Company B, One hundred and sixteenth Illinois Volunteer Infantry, $100; and they all paid him back in Government bonds, if he would remit the interest, which he did; and that at Atlanta, Ga., he was paid $116 by the paymaster in Government bonds; the balance was money due him that he had loaned in small amounts, and can not at this late date remember to whom nor in what amounts; and that none of it was won by gambling; that it was and is lawfully his money; that he was wrongfully deprived of the same, and he is entitled to the interest on said money, as it was in Government bonds and bore interest for 20 years. And further deponent sayeth not.

FRANCIS M. SHEPPARD.

Witnesses:
ABE SHEPPARD.
HARRY L. HILL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 17th day of January, 1911. And I further certify that I have no interest in this claim and am not concerned in its prosecution. My commission expires June 10, 1913.

[SEAL.] DAVID T. SYDENSTRICKER,
Notary Public, Saline County, Mo.

Mr. Chairman, I believe in the justness of every claim in this bill, so far as my information goes, and I base that opinion on the findings of the Court of Claims and on the very close scrutiny which the Committee on War Claims has given to every item. I believe this bill ought to pass, and I feel that the filibuster which the gentleman from Illinois [Mr. MANN] and some of the other Republicans have been carrying on against this bill for two days and nights is inexcusable.

I yield back the remainder of my time. [Applause.]

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. CARLIN. Mr. Chairman, as general debate seems to have been concluded, I move——

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. AUSTIN. Mr. Chairman, I do not believe that any historian can truthfully portray the trials and sufferings and hardships endured by the Union men of the South during the Civil War. It was easy to be loyal in the North, but it cost something to be true to the flag in the States of the Southern Confederacy. I represent on the floor of this House a district that was filled with Union men. Both armies camped and fought over that district. The great mass of its population were poor men, yet they made every sacrifice for the Union. They left their wives and children at night and crossed the mountains into Kentucky to enlist in the Union Army. While they were absent Burnside's army came there and lived among my people. No tongue can tell the sufferings of those patriotic men and women in their devotion to the Union of our fathers. For half a century they have waited for justice at the hands of the greatest and richest Republic on the face of this earth. They have gone into the tribunal established by an act of Congress passed by the Republican Party. They have furnished the proof; they have had their witnesses examined and cross-examined by the best-paid attorneys to be found by the Department of Justice.

Mr. HAMLIN. Will the gentleman permit an interruption?

Mr. AUSTIN. No; not now. They have gone before this tribunal. They have established beyond question their loyalty and their fidelity to the Government. They have furnished the vouchers signed by Union Army officers, showing that their property—the meat in their smokehouses, their flour, lard, produce, and everything that they had to keep their wives and children alive—had been surrendered to maintain and feed the Union Army. And here I am to-night, as a Representative of this loyal Union district, loyal to the Republic and for 50 years loyal to the Republican Party, looking to ex-Confederates and the sons of ex-Confederates in this House in the sure hope that they will vote for my people. [Applause.]

The opposition to this bill comes from the Republican side of the Chamber. [Applause on the Democratic side.] Yet they tell us that the war is over. Oh, my fellow Republicans, cease this unkindness. It is not creditable to our party; it is not kind in you. If you could go into the humble homes of these plain, honest mountain people and know the story of their sufferings and privations for the Union you would not filibuster here day after day to prevent the payment of their honest and just claims. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LAW. I yield to the gentleman from Tennessee five minutes more.

Mr. AUSTIN. I went through the Democratic cloakroom to-night, and there sat that grand old commander of the Confederate forces, Gen. GORDON. [Applause.] Near by was that other old Confederate soldier, the gentleman from Alabama [Mr. RICHARDSON], representing the district of my birth, both more than 70 years of age, standing here and voting and fighting to pay the just claims of the Union men of the South. [Applause.]

Oh, my countrymen and my fellow Republicans, in God's name stop your opposition. [Applause.]

Mr. STANLEY. May I ask the gentleman a question?

Mr. AUSTIN. No, my good Kentucky friend; I can not yield. The court established by our party say they are entitled to the payment of these claims. They piled up their testimony mountain high, and have been doing it since the close of the unfortunate strife between the sections. Now, in old age, when they are too old to work, they have the decision of a Republican court in their favor, and they have the approval of a Republican President, William H. Taft—God bless him. [Applause.] He believes in justice to the South. He understands the southern people. He sympathizes with them; he feels for them. Follow his recommendation in this case. The war is over. We could not give a higher or a stronger testimonial of the complete union of our sections than to pass this bill. Do not let these men on the Democratic side go back to my constituents and tell them that you, my fellow Republicans, fought against the payment of these honest claims. [Applause.]

Mr. LAW. I yield five minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, I have the high honor of representing a district in one of the border States of this Union in the Civil War, the State of Kentucky, in which district was fought one of the pivotal battles of that Civil War, the Battle of Perryville. Within a radius less than 20 miles of where that battle was fought there are no less than 40 or 50 churches that were used by the Federal troops as hospitals within which to care for and nurse the soldiers that were wounded in that terrific battle. The claims for the use of these churches as such are in this bill. The Government should be as swift to appropriate the money with which to pay debts incurred in the past as it is, and as it does here daily, to incur new and additional indebtedness. Apparently you are far more eager to create new debts for the Government to pay than you are to pay those that you now owe.

In the name of these Christian people who had erected these churches and dedicated them to God's use, and in behalf of humanity after that bloody struggle, had turned them over for the use of the Federal soldiers who had been wounded in that bloody battle, I am here asking this Congress to do justice to those people who had erected these churches, and in the magnanimity of their hearts had turned them over, not to the use of the Confederate soldiers who fought on that bloody field of battle but to the use of the Federal soldiers who were wounded there.

Mr. CARLIN. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. CARLIN. I want to say to the committee that if unanimous consent can be secured for a recess until five minutes of 12, there is a disposition to take that recess. Of course, I know the gentleman is going to say that that can not be secured in Committee of the Whole. That is perfectly true, but we will take the word of gentlemen in the Committee of the Whole, and then in the House we can, by unanimous consent, do it. But we will not be willing to rise unless we can secure the consent in Committee of the Whole.

Mr. STAFFORD. Will the gentleman from Kentucky yield to me for a minute?

Mr. HELM. Certainly.

Mr. STAFFORD. It is now, Mr. Chairman, five minutes of 5 in the morning. To take a recess until five minutes of 12 makes an absence of seven hours. If we meet here at five minutes of 12, we will be in the same position as we are at this hour, without any limit to general debate, and there could be nothing gained by taking the recess except the loss of seven hours.

Mr. GARDNER of Massachusetts. Will the gentleman from Kentucky yield to me?

Mr. HELM. With pleasure.

Mr. GARDNER of Massachusetts. It is very evident that nothing can be gained by staying here, because it is impossible to close general debate except by order of the House. The moment we get into the House we find that we have not 193 Members present—a quorum; and we can not make any progress between now and such an hour as we may obtain 193 Members—some time along in the morning. Everybody knows that general debate will have to go on.

Mr. STAFFORD. In reply to the supposititious case put by the gentleman from Massachusetts, I am aware that general debate is in order, but I do not concede that it is possible to continue general debate for seven hours. I am in favor of reading the bill by paragraphs, and I think we will get through it long before five minutes of 12.

Mr. GARDNER of Massachusetts. I do not think the gentleman understands the situation.

Mr. STAFFORD. I think I do.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LAW. Mr. Chairman, in order that the matter may be straightened out, I will yield five minutes to the gentleman from Massachusetts [Mr. GARDNER], and later I will yield to the gentleman from Kentucky.

Mr. GARDNER of Massachusetts. Mr. Chairman, I want to say to the gentleman from Wisconsin that we can not go on and read the bill by paragraphs until the House has ordered us to. You can not finish this stage of the bill; you can not begin to read the bill until the House has ordered general debate to close.

Mr. STAFFORD. The gentleman from Massachusetts is mistaken. When no Member demands further general debate we can go ahead under the five-minute rule.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Massachusetts. Is the gentleman from Wisconsin correct in his statement?

The CHAIRMAN. The Chair understands that when general debate is exhausted the bill will be read under the five-minute rule. The gentleman from Kentucky is recognized for four minutes.

Mr. HELM. Mr. Chairman, there is no need to remind you gentlemen on my right hand that when you allow these claims contained in this bill you are not allowing claims to men who fought for the Confederacy in the South, but you are allowing claims to men in the South who were loyal to the Federal Government. You are not allowing claims here in this bill to those who were disloyal to the Government from 1861 to 1865, but you are allowing claims to citizens and people south of Mason and Dixon's line who were loyal to the Federal Government.

I think it ill becomes this Congress at this belated day to refuse the hand of justice to the loyal subjects of this Government south of the Mason and Dixon line who are now asking Congress to repay and to make good the property which the Federal Government took from them. May I as a man south of that line remind this House that since the close of that war we southern people, without a murmur, without a protest, have paid every pension bill, every dollar, that we have been required to pay under the law? We have paid our full share of the taxes that have been imposed upon this people to pay pensioners of the Civil War. We have never yet said nay to a dollar that you have asked for the purpose of paying these Federal soldiers. It does occur to me that it ill becomes the Republican Party at this late day to refuse to refund to the loyal people of the South, the men who were faithful to the Federal Government, the property that was taken from them—claims that have been adjudged by the court to be due and still unpaid. [Applause.]

Mr. LAW. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, it is now 5 o'clock on Sunday morning. I know that this legislative day is Friday, but as a matter of fact it is Sunday morning and 5 o'clock. I therefore propose to talk in behalf of some of the Christian churches in the United States.

I believe that our very civilization is dependent upon our perpetuation of Christianity in our midst. I believe this can not be done without the support of the churches and the recognition of their great work. Every man, whether he be a Christian or otherwise, must admit that in this country we owe more to the Christian churches for the preservation of society and good order than any other agency. This bill now pending takes into consideration debts that the United States owes to a number of these church organizations. In Alabama churches hold these claims against the Government of the United States, admittedly just, adjudged to be just, and nobody controverts the fact that they are just and ought to be paid. I read from the bill:

To the trustees of the Cumberland Presbyterian Church, of Athens, Ala., $1,440.

To the trustees of the Methodist Episcopal Church South, of Bellefonte, Ala., $380.

To the trustees of the Methodist Episcopal Church South, of Decatur, Ala., $1,850.

To the trustees of the Presbyterian Church, of Decatur, Ala., $3,000.

To the trustees of the Missionary Baptist Church, of Gravelly Springs, Ala., $725.

To the trustees of the Cumberland Presbyterian Church (colored), of Huntsville, Ala., $220.

To the trustees of the Missionary Baptist Church, of Huntsville, Ala., successor to the Primitive Baptist Church, of Huntsville, Ala., $1,760.

To the trustees of the Primitive Baptist Church (colored), of Huntsville, Ala., $909.

To the trustees of the Oak Grove Methodist Church South, of Jackson County, Ala., $550.

To the trustees of the Cumberland Presbyterian Church, of Larkinsville, Ala., $525.

To the trustees of the Methodist Episcopal Church South, of Oakbowery, Ala., $250.

To the Bolivar Lodge, No. 127, Free and Accepted Masons, of Stevenson, Jackson County, Ala., $1,150.

To the trustees of the Missionary Baptist Church, of Waterloo, Ala., $615.

To the trustees of the First Baptist Church, of Decatur, $2,200.

To the trustees of Cumberland Presbyterian Church, of Bellefonte, $750.

Mr. Chairman, I have read this for the purpose of showing a sample of the claims embraced in this bill. The individual bills which seek to pay widows and others for property taken or used by the Federal forces during the Civil War present cases just as meritorious as those that I have mentioned, cases as indisputably just in law and in fact. I think that this Congress sitting here on the Lord's day can do no better work than to pay claims due to these people who are mentioned throughout this bill and to pay the debts due to these Christian churches. I hope no more dilatory tactics will be indulged in here and that we may be permitted here and now on this blessed day to pass this meritorious measure without any further dilatory tactics. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-seven Members—not a quorum—and the Clerk will call the roll.

Mr. FINLEY. Mr. Chairman, a parliamentary inquiry. Can we not have tellers?

The CHAIRMAN. Tellers can not be ordered. The call of the roll will disclose how many are present. The Clerk will call the roll under the rules.

The roll was called, and the following Members failed to answer to their names:

Adair	Englebright	Kinkaid, Nebr.	Poindexter
Adamson	Esch	Kinkead, N. J.	Pou
Alexander, Mo.	Fairchild	Knapp	Pratt
Alexander, N. Y.	Fassett	Knowland	Pray
Allen	Ferris	Kopp	Prince
Ames	Fish	Kronmiller	Rainey
Anderson	Fitzgerald	Küstermann	Ransdell, La.
Andrus	Focht	Lafean	Reeder
Ansberry	Foelker	Lamb	Reid
Anthony	Fordney	Langham	Rhinock
Ashbrook	Fornes	Latta	Richardson
Barclay	Foss	Lawrence	Riordan
Barnard	Foster, Vt.	Legare	Roberts
Barnhart	Fowler	Lindbergh	Roddenbery
Bartholdt	Fuller	Lindsay	Rothermel
Bates	Gaines	Livingston	Rucker, Colo.
Bennet, N. Y.	Gallagher	Lloyd	Sabath
Bennett, Ky.	Gardner, Mich.	Longworth	Scott
Bingham	Gardner, N. J.	Loud	Shackleford
Boehne	Garner, Pa.	Loudenslager	Sharp
Booher	Gill, Md.	Lowden	Sheffield
Borland	Gill, Mo.	Lundin	Sheppard
Boutell	Gillespie	McCall	Sherley
Bowers	Gillett	McCreary	Sherwood
Bradley	Goebel	McCredie	Simmons
Brantley	Goldfogle	McDermott	Slayden
Broussard	Good	McGuire, Okla.	Slemp
Burke, Pa.	Goulden	McHenry	Small
Burke, S. Dak.	Graff	McKinlay, Cal.	Smith, Cal.
Burleigh	Graham, Pa.	McKinley, Ill.	Smith, Iowa
Burleson	Greene	McKinney	Smith, Mich.
Butler	Gregg	McLachlan, Cal.	Smith, Tex.
Byrd	Griest	McLaughlin, Mich.	Snapp
Calder	Guernsey	McMorran	Southwick
Calderhead	Hamer	Macon	Sparkman
Campbell	Hamill	Madden	Sperry
Capron	Hamilton	Madison	Steenerson
Carter	Hammond	Malby	Stephens, Tex.
Cassidy	Hanna	Martin, S. Dak.	Sterling
Clark, Fla.	Harrison	Maynard	Stevens, Minn.
Clark, Mo.	Haugen	Mays	Sturgiss
Cocks, N. Y.	Havens	Miller, Minn.	Sulloway
Coury	Hawley	Millington	Sulzer
Cooper, Pa.	Hay	Mondell	Swasey
Cooper, Wis.	Heald	Moon, Pa.	Talbott
Coudrey	Henry, Conn.	Moon, Tenn.	Tawney
Covington	Henry, Tex.	Moore, Pa.	Taylor, Ala.
Cowles	Higgins	Moore, Tex.	Taylor, Colo.
Cox, Ohio	Hill	Morehead	Taylor, Ohio
Craig	Hinshaw	Morgan, Okla.	Thistlewood
Cravens	Hitchcock	Morse	Thomas, Ky.
Creager	Hollingsworth	Moss	Thomas, Ohio
Crow	Howard	Moxley	Tilson
Crumpacker	Howell, N. J.	Mudd	Townsend
Dalzell	Howell, Utah	Murdock	Underwood
Davidson	Hubbard, Iowa	Murphy	Volstead
Davis	Hubbard, W. Va.	Needham	Vreeland
Dawson	Huff	Nelson	Wallace
Denby	Hughes, W. Va.	Norris	Wanger
Dickema	Hull, Iowa	Nye	Washburn
Dies	Humphrey, Wash.	O'Connell	Webb
Dodds	James	Olcott	Weeks
Douglas	Johnson, Ky.	Page	Wheeler
Draper	Johnson, Ohio	Palmer, A. M.	Wiley
Driscoll, D. A.	Johnson, S. C.	Palmer, H. W.	Willett
Driscoll, M. E.	Joyce	Parsons	Wilson, Ill.
Dupre	Kahn	Patterson	Wilson, Pa.
Durey	Keifer	Payne	Wood, N. J.
Edwards, Ky.	Keliher	Pearre	Woods, Iowa
Ellerbe	Kendall	Peters	Woodyard
Ellis	Kennedy, Iowa	Pickett	Young, Mich.
Elvins	Kennedy, Ohio	Plumley	Young, N. Y.

The committee rose; and Mr. OLMSTED having resumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar and found itself without a quorum. The roll was called under the rule, and the Chairman herewith returned the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole reports that that committee having under consideration bills on the Private Calendar and finding itself without a quorum of the committee, the roll was called in pursuance of the rule, and the Chairman now reports the following list of absentees. That list shows the presence of 95 Members—not a quorum.

Mr. THOMAS of North Carolina. Mr. Speaker, I move a call of the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, pending that, I ask unanimous consent that the House recess until five minutes to 12 o'clock.

The SPEAKER pro tempore. The gentleman from North Carolina moves a call of the House——

Mr. THOMAS of North Carolina. I will withhold that motion for the present, or I will withdraw it. Can we agree——

Mr. HAMLIN. Mr. Speaker, reserving the right to object to ask a question——

Mr. GARDNER of Massachusetts. There has been no objection, but the gentleman from Missouri reserved the right to object so as to be able to ask a question.

The SPEAKER pro tempore. The Chair desires to state to the gentleman from Massachusetts and all gentlemen that the manifest absence of a quorum having been disclosed on the call, there will have to be a quorum of record before a motion for a recess will be in order.

Mr. GARDNER of Massachusetts. Can not it be had by unanimous consent?

The SPEAKER pro tempore. Business can not be done by unanimous consent or otherwise in the absence of a quorum, such absence appearing of record.

Mr. THOMAS of North Carolina. Then, Mr. Speaker, I renew my motion for a call of the House.

The SPEAKER pro tempore. The gentleman from North Carolina moves a call of the House.

The question was taken, and the resolution was agreed to.

The SPEAKER pro tempore. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. HEFLIN. Mr. Speaker, I move that the Sergeant at Arms be directed to bring in absentees, including the Speaker of the House.

The SPEAKER pro tempore. That is not in order at this time. The roll will have to be called in order that the names of the absentees may be ascertained.

The roll was called, and the following Members failed to answer to their names:

Alexander, Mo.	Foss	Johnson, Ohio	Norris
Alexander, N. Y.	Foster, Vt.	Joyce	Nye
Allen	Fowler	Kahn	O'Connell
Ames	Fuller	Keifer	Palmer, A. M.
Anthony	Gaines	Keliher	Palmer, H. W.
Barclay	Gallagher	Kennedy, Iowa	Patterson
Barnard	Gardner, Mich.	Kinkead, N. J.	Payne
Bartholdt	Gardner, N. J.	Knapp	Pearre
Bates	Garner, Pa.	Kronmiller	Peters
Bennett, Ky.	Gill, Md.	Lafean	Pickett
Bingham	Gill, Mo.	Lamb	Plumley
Bowers	Gillett	Langham	Poindexter
Bradley	Goebel	Legare	Pou
Burke, Pa.	Goldfogle	Lindsay	Pratt
Burleigh	Good	Livingston	Pray
Byrd	Graham, Pa.	Longworth	Prince
Calderhead	Greene	Loud	Ransdell, La.
Capron	Griest	Lowden	Reid
Carter	Hamer	Lundin	Rhinock
Cassidy	Hamill	McCreary	Richardson
Cocks, N. Y.	Hamilton	McCredie	Roberts
Coury	Hammond	McDermott	Roddenbery
Cooper, Wis.	Harrison	McGuire, Okla.	Rucker, Colo.
Coudrey	Haugen	McHenry	Sabath
Covington	Havens	McKinlay, Cal.	Scott
Crow	Hawley	McLaughlin, Mich.	Shackleford
Dalzell	Hayes	McMorran	Sharp
Denby	Heald	Macon	Sheffield
Dickema	Henry, Conn.	Malby	Simmons
Dies	Higgins	Martin, S. Dak.	Slayden
Douglas	Hill	Miller, Minn.	Slemp
Draper	Hinshaw	Millington	Small
Driscoll, D. A.	Howard	Mondell	Smith, Cal.
Dupre	Howell, N. J.	Moon, Pa.	Smith, Iowa
Ellerbe	Howell, Utah	Moon, Tenn.	Smith, Mich.
Ellis	Hubbard, Iowa	Moore, Pa.	Smith, Tex.
Elvins	Hubbard, W. Va.	Moore, Tex.	Southwick
Fassett	Huff	Morehead	Sperry
Fish	Hughes, W. Va.	Morse	Stephens, Tex.
Fitzgerald	Hull, Iowa	Mudd	Sturgiss
Foelker	Humphrey, Wash.	Murdock	Sulzer
Fordney	James	Murphy	Talbott
Fornes	Johnson, Ky.	Needham	Taylor, Colo.

Taylor, Ohio	Wanger	Wilson, Pa.	Young, Mich.
Underwood	Washburn	Wood, N. J.	Young, N. Y.
Volstead	Wheeler	Woods, Iowa	
Vreeland	Wilson, Ill.	Woodyard	

Pending the appearance of a quorum, the following proceedings occurred:

Mr. HEFLIN. Mr. Speaker, has the roll been completed?

The SPEAKER pro tempore. The names of all the Members have been called.

Mr. HEFLIN. I desire to ask if there is a quorum?

The SPEAKER pro tempore. There is not.

Mr. HEFLIN. Then I move that the Sergeant at Arms be instructed to go out and bring in the absent Members.

I thought that at this time, Mr. Speaker, when the call disclosed there was no quorum, it was in order to make a motion to send the Sergeant at Arms out for absent Members in order to make a quorum.

I send to the Clerk's desk a motion which I desire to submit.

The SPEAKER pro tempore. The Clerk will report the same.

The Clerk read as follows:

Ordered, That the Sergeant at Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.

The SPEAKER pro tempore. The Chair thinks that motion is in order at this time.

The question is on agreeing to the motion offered by the gentleman from Alabama [Mr. HEFLIN].

The question was taken, and the motion was agreed to.

Mr. HEFLIN. Mr. Speaker, would it be in order to have one of the messengers on this side assist the Sergeant at Arms?

The SPEAKER pro tempore. The Chair would suggest that the Sergeant at Arms has authority under the rules to appoint his own deputies. The Chair is of the opinion that it would be irregular for anyone other than a regularly constituted deputy to serve a warrant, and that in the absence of a quorum no different provision can be made.

Mr. HUGHES of New Jersey. Mr. Speaker, I am thoroughly in sympathy with the object of the gentlemen who are trying to pass this bill. I have been continuously in the House since 11 o'clock this morning——

Mr. FINLEY. Stay with us.

Mr. HUGHES of New Jersey. And I propose to stay here as long as nature will permit me to stay. But a conscientious regard for my oath and the rights of the people that I represent compels me to call attention of the House to the fact that we have worked more than eight hours on this calendar day. [Laughter.] Of course I want to proceed in a proper and orderly manner.

Mr. FINLEY. You are paid by the hour.

Mr. HUGHES of New Jersey. I am not paid by the hour. The gentleman is mistaken. But even if I were paid by the hour I would be entitled to double pay for overtime.

Mr. Speaker, I want to submit one or two observations on this situation existing in the House now. It has been almost impossible for me to realize how it was necessary for the North to send so many men into the South to fight the many battles of the Civil War, which have been so graphically described here to-night, in view of the fact that there were so many loyal citizens in the South.

Mr. HELM. It took five of them to lick one of us; that is the reason.

Mr. HUGHES of New Jersey. What a peculiar situation it is to think that these northern and western gentlemen stand here hour after hour and day after day to prevent the loyal southern people from getting the money that the Government owes them, while on the other hand the southern gentlemen are so anxious to get the loyal Union men the money that the Government owes them. I confess I am all confused on this proposition. I can not tell by listening to a gentleman's speech whether he comes from the North or from the South. But one thing has been demonstrated by this filibuster that has been conducted by the gentleman from Illinois [Mr. MANN], who seems to be absent from the floor at this particular moment, and that is that sectionalism has entirely disappeared, especially when it comes to a matter of passing a bill, which is sometimes termed a "pork bill," in the House. All this is by the way.

My object in rising was to inform the Chair that as a conscientious Member of Congress I desire to enter my protest against working eight hours in any one calendar day.

Mr. FINLEY. Mr. Speaker, I desire to offer a few observations, which are to this effect, that so far as I am concerned and know and have looked into the bills that affect the State of South Carolina, I believe the Government ought to pay for the use and occupation of churches and colleges, and so on.

Now, as to the question of any South Carolinian coming to Congress, one who lived in the State from 1861 to 1865 and pleading that he was a citizen of South Carolina at that time and was loyal to the Union in fact, I do not believe one word of it. I know, and the records of the War Department show, that in the State of South Carolina there was not a single white regiment, there was not a single white company, there was not a platoon of white South Carolinians who served in the Union Army. South Carolina was then united. Those who were Union men when the State seceded were loyal to South Carolina and followed the fortunes of the Confederacy.

Mr. CARLIN. Will the gentleman from South Carolina yield to me for a moment?

Mr. FINLEY. Yes.

Mr. CARLIN. Mr. Speaker, I wish to make an inquiry, in order to ascertain the parliamentary status. I understand that no motion can be made now, unless it be a motion to adjourn, until 193 Members be present.

Mr. FINLEY. Mr. Speaker, when I stand here and advocate the claims that have been reported by the Court of Claims to Congress for South Carolina, I do not claim that the white people of South Carolina were loyal to the Union from 1861 to 1865. If I should do so, I would belie the truth of history. It is not true. They then stood together united for South Carolina and the Confederacy. They stand together united to-day for the Union. The war is over.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

Mr. FINLEY. The people of South Carolina stand for the Union to-day, but in doing so we do not apologize for the past history of the State.

Mr. CARLIN. Mr. Speaker, I did not desire to take the gentleman from South Carolina [Mr. FINLEY] off the floor, and therefore I asked him to yield to me for a moment in order to enable me to propound a parliamentary inquiry. As I understand, under the present status no motion can be entertained by the Speaker unless it be a motion to adjourn until a quorum of 193 Members are present. Is that correct?

The SPEAKER pro tempore. That is substantially correct.

Mr. CARLIN. What does the Speaker mean by "substantially?"

The SPEAKER pro tempore. There are possibly some other matters that might be in order, as, for instance, to excuse Members, or something of that kind.

Mr. HUGHES of New Jersey. Mr. Speaker, I suggest that there is no other order in which the gentleman could be interested. [Laughter.]

Mr. CARLIN. Mr. Speaker, I wanted to make this interruption, not to take the gentleman from South Carolina off his feet, but to let the gentleman understand that we may not practically retire from here until 193 Members appear. We must be here in order to vote down a motion to adjourn.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House do now adjourn. All in favor of that motion will say "aye;" those opposed will say "no." The noes seem to have it; the noes have it, and the motion is rejected.

Mr. FINLEY. Mr. Speaker, what I have said is said in the best of spirit. South Carolina is the only State in the Union that did not furnish white troops to the Union Army in the war between the States. When the war was over the people of South Carolina accepted the results of the war in good faith. We stand by that acceptance to-day. Therefore I desire everybody to understand that we do not stand here to-day and advocate anything on the part of the people of South Carolina that involves their coming here and swearing that they were loyal to the Union in the period from 1861 to 1865. I hope I have made myself plain and understood.

Mr. SIMS. Let me make a statement to the gentleman from South Carolina [Mr. FINLEY], that churches and lodges and colleges were not disloyal.

Mr. FINLEY. Allow me to state to the gentleman from Tennessee [Mr. SIMS] that no college or church can be disloyal under the law.

Mr. SIMS. That is what I say.

Mr. FINLEY. Yes; that is right.

Mr. HUGHES of New Jersey. The gentleman says that the reason why they were not disloyal was because they could not be disloyal.

Mr. FINLEY. The reason is that they would not be because they could not.

Mr. RANDELL of Texas. The people of South Carolina considered that they owed their allegiance to the State of South Carolina, and they were true to their principles as they entertained them. They were true to their government and true to their State. They were the best people in the country.

Mr. MARTIN of Colorado. Mr. Speaker, it is very evident that any speeches uttered at this hour would be fragrance wasted

on the desert air. But I wish to say, first, that I think I have responded on every roll call that has been made since 10 o'clock Friday morning, and it is now 6 o'clock Sunday morning. But I want to say further that the gentleman who has just taken his seat, the gentleman from South Carolina [Mr. FINLEY], has struck a responsive chord in my heart and has awakened into expression the dominant thought that has been in my mind ever since this bill has been under discussion; and I want to say now that, as the son of a Union soldier and as the son-in-law of a Union soldier—and I do not think many Members in this House, either Democrats or Republicans, can claim that pedigree—it has made me heartsick to hear these loyal, brave, patriotic sons of the South compelled to stand here on this floor to protest the loyalty of the claimants who have interests in this omnibus war-claims bill. [Applause.] And I want to say to you men of the South that as a man with that pedigree you do not need to protest to me your loyalty or the loyalty of the claimants who have an interest in this bill. Great God, will the Civil War never be concluded! [Applause.]

I take some pride in the fact that my father quit fighting the Civil War when he got his discharge from the Union Army, and I take still further pride in the fact that my father-in-law quit fighting the Civil War at the same time. It may be somewhat due to the fact that they have both voted the Democratic ticket, not only while they were carrying a gun for Uncle Sam in the Union Army, but ever since. [Applause on the Democratic side.] Perhaps my liberality is owing somewhat to that circumstance. But I say to you in all seriousness that it is beneath the dignity of the loyal, patriotic Representatives of the great South that they should have to stand here before the majority of this House and assert their loyalty and the loyalty of their people to the flag of their country. [Applause.]

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. HUGHES of New Jersey. Does not the gentleman know that they could not get any of this money if they did not do so?

Mr. MARTIN of Colorado. Mr. Speaker, I want to say in answer to the question of the gentleman from New Jersey that I bring no such accusation, I bring no such impeachment against the intelligence and broad-mindedness of the gentlemen of the majority in this House, when the Court of Claims has made the necessary findings of loyalty in every one of these claims; and for any gentleman to arise on the majority side of this House and impeach or question the loyalty of southern Representatives or these claimants, is demagogy pure and simple. [Applause.]

Mr. HUGHES of New Jersey. The gentleman will notice that I arose on the majority side when I made that statement.

Mr. MARTIN of Colorado. The gentleman from New Jersey has simply strayed from the reservation temporarily.

Mr. HUGHES of New Jersey. I do not often do it.

Mr. MARTIN of Colorado. His body may be over on that side of the aisle, but his heart is on this side.

Mr. HUGHES of New Jersey. There is no doubt about that.

Mr. MARTIN of Colorado. Now, Mr. Speaker, I have no particular interest in this bill. I have been accorded such treatment by the War Claims Committee that I would be justified in going home and going to bed and letting this bill go to pot.

If I had a doubtful claim in this bill, one which needed to be proclaimed to a full House and a packed gallery, I would not be presenting it under these conditions and at this hour in the morning. I have no claim in this bill, but I have a sincere conviction in my heart that I ought to have a claim in it, a claim that is just as meritorious and valid as any claim in it, and a claim the owner of which need not have his loyalty attested in this Congress by his Representative, but a man whose loyalty is attested by the fact that he carried a gun on his shoulder during the Civil War and has an honorable discharge from the Union Army.

I have sat here since yesterday morning with the thought in my mind of that one little item that I might have gotten in this omnibus bill for a poor devil of an old Union soldier, to the amount of $675, while he lost everything, a fortune of over $200,000, while he had a gun on his shoulder in the service of his country. He lost a fortune of over $200,000 while rendering that service, and his claim was cut down by the Court of Claims to $675, a measly, paltry sum like that; and yet when the Court of Claims, by its solemn findings, ascertained that the Federal troops had taken his property and used his stores and supplies to the amount of $675, the Committee on War Claims threw it out because he could not show, forsooth, that he had begun to prosecute his claim just as soon as he laid down his gun. In other words, the poor devil was guilty of laches. He only began to collect his claim 10 or 12 years ago, and the Committee on War Claims found because he did not start out 20 or 30 or 40 years ago he ought not to be paid.

Now, Mr. Speaker, that raises this question: Are these claims to be settled upon their merits? Apparently not. Are they to be settled on their merits, or is the matter of settlement to be determined by the time the claim was instituted? That is the question that is presented. Is this man to be turned down now simply because he has not been hounding the Federal Government ever since the war closed?

Now, while it is true that this old Union soldier did neglect to commence hounding the Government for the payment of this just debt to him just as soon as the war ended, yet he will, in all human probability, never live to receive the payment of his debt from the Government, and no matter how long he may live, he will probably die unpaid and leave beneficiaries and descendants, and it is on that ground that I am pressing the merits of the claim. It would be presumptuous to press it for him.

However, all my efforts along this line have not been wasted; the experience that a man has in attempting to get consideration of one of these claims—and especially if he is just a freshman, as I am—is worth something to him in the future.

But I want to exhibit here the frank, trusting manner in which I thought a meritorious claim of an old Union soldier could get consideration by the Committee on War Claims. In the first place, Mr. Speaker, this claim of Jesse W. Coleman was introduced in the House of Representatives, first session of the Fifty-ninth Congress, the Court of Claims finding being Document No. 302. I do not doubt that when the Congressman who first introduced this bill sent it to the old soldier with this printed report, with that heading, it looked very official. It looked very official indeed, Mr. Speaker, to see those potent words—

> Fifty-ninth Congress, first session, House of Representatives, Document No. 302. Jesse W. Coleman. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed with the court in the case of Jesse W. Coleman against the United States. January 4, 1909—Referred to the Committee on War Claims and ordered to be printed.

Now, the old soldier when he got this report might not have been overwhelmed by the signature attached to it certifying to the favorable finding of facts filed by the court in the aforesaid case, which case had been referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act, and signed "John Randolph, assistant clerk Court of Claims."

If this old soldier had lived two generations ago and saw that signature attached to this document he might have had a sort of ready-money feeling, as that name is now only a matter of memory and history, but the name of the personage to which this report was directed would certainly cause hope to spring high in his bosom, for it is a no less name than that of the Hon. JOSEPH G. CANNON, Speaker of the House of Representatives. Now, gentlemen, I submit it is nothing short of cruelty to send a poor old Union soldier a printed document showing that the Court of Claims had made a finding in the matter in the sum of $675 and that the Hon. JOSEPH G. CANNON, Speaker of the House, had been appraised of that momentous fact.

The findings were somewhat smaller than the claim, for, as the gentleman remarked here to-day, the allegations are usually somewhat larger than the findings.

This man alleged that while he was in the service of his county, while he was a duly enlisted soldier, the Federal troops took from him for their use stores and supplies valued at $12,442.60. He also alleges that by reason of his service in the Union Army—and considering the great mining county in Colorado from which he comes, I have no reason to doubt the truth of his assertion—he lost mining claims of the value of $203,500. This case was brought to a hearing on the 23d day of May, 1904. On the issue of loyalty it is unnecessary to say that a man who had an honorable discharge from the Union Army required no further proof as to his loyalty. He did not require, Mr. Speaker, the attestation of a southern Member of Congress to the fact that he was loyal to the cause of the Union. I think we can place that factor to one side as absolutely beyond dispute. Now, aside from that, it would only be necessary to establish a just and lawful loss for which this Government should be responsible and for which it should make payment. It appears that he had the claim looked after by one John F. Duffie, Esq., I presume an attorney at law here in the city of Washington, and it is only legitimate to presume he has been gathered to his fathers, since another attorney now appears. One generation of attorneys has been exhausted on this claim and the second generation of attorneys has taken it up. There has been a whole lot said here to-day about attorneys, and about claims attorneys, in a slighting way that in my judgment ought not to have very much weight with a body of lawyers. God knows it will have no weight with me,

since I have seen the poor, pale-faced, trembling old man who took this claim up where the other attorney laid it down and who has pressed it for years, day after day, hanging around the door in this lobby to see how these little claims were getting along that would absolutely die but for such as he. I do not feel, my friends, that his connection, or the connection of claims attorneys, with these cases prejudice me in the least against them. I think if the Members of this body would be absolutely honest about it, they would get up here and say that if it were not for the services of these claims attorneys they themselves would be absolutely overwhelmed with the work of getting these cases at issue and in shape for passage.

So the first generation of attorneys has passed off the scene and the second has come on. I do not wish to mention his name, and I would not want to hurt that old man's feelings by having his eyes fall upon the words that I say, but I think the indications are that he, like my constituent, the claimant in this bill, will be gathered to his fathers before the appropriation to pay this claim is available.

Now, wait a minute. I see that the gentleman from New Jersey [Mr. HUGHES] is getting restless, and I do not blame him. I want to say this, gentlemen, that if the time of the House was worth anything, that if there was the slightest possibility of any business being done, business that was worth anything—and I am not referring now to the worthless claims of Union soldiers against the Government, and I recognize, as do all other Members, that such claims are in the eyes of the Government absolutely worthless—I would not be occupying the floor and consuming the time of the House. I would give the time and the floor up to gentlemen who had actual business to discuss.

Mr. HUGHES of New Jersey. Well, this is a moot case?

Mr. MARTIN of Colorado. I want to say to the gentleman from New Jersey [Mr. HUGHES] that to everybody except the poor, doddering old man, now weighted down with age and poverty, looking for this little mite from the Government, this is apparently a moot case. This is certainly a moot case, so far as the Government is concerned. All just and legal claims against the Government of the United States appear to be moot claims. I trust the gentleman from New Jersey understands that. I think that there are a number of gentlemen in this House who will agree with me on that proposition.

Mr. FINLEY. I do.

Mr. BEALL of Texas. I agree with the gentleman.

Mr. MARTIN of Colorado. I thank the gentleman from Texas and the gentleman from South Carolina. We are almost a majority of those here present at this time. The Court of Claims says that, after considering the arguments and briefs of counsel on each side, the claimant in 1864 was engaged in farming a tract of land. The land is located about 12 miles from Pueblo, in the then Territory of Colorado.

Now, the fact that this land is located within 12 miles of the town in which I have the honor to reside is not the all-important fact concerning it. It is not so much of a town perhaps as Paterson, N. J., yet, in a way, it is considerable of a town. Also, it is the home of a Member who represents a greater area by one-half in this Congress than the six New England States. [Laughter.]

We live in a country of magnificent distances, and I have no doubt that many of our friends in the East, and particularly a gentleman who lives in a little flyspeck on the map like the State of New Jersey, can hardly comprehend what it means when a Representative says that he represents in this body a district one and a half times as large as the six New England States.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. MARTIN of Colorado. I will.

Mr. FINLEY. Has the gentleman heard how the State of New Jersey was formed? The story is that when the Lord created the world he had a little bit of material left over and he dumped it out of a wheelbarrow and thus formed the State of New Jersey. [Laughter.]

Mr. HUGHES of New Jersey. The gentleman does not expect me to resent his assertion, because he may believe we have a monopoly of sand in New Jersey. [Laughter.]

Mr. MARTIN of Colorado. The gentleman from New Jersey, as I observe, is always able to take care of himself. Mr. Speaker, it is not an important circumstance that the land on which this claim originated is located about 12 miles from my home town. That may be of interest to me, but the fact that the land was located in "the then Territory" of Colorado is the important fact, enabling the House to understand how long a time has elapsed since the origin of this claim. A man who was old enough to help preserve the Union in a war that ended 11 years before the Territory of Colorado became a State is now, in the natural order of things, a pretty old man, and if this Congress were to pass this bill and were to attach it as an amendment to this omnibus bill and it should become a law——

Mr. RUCKER of Missouri. It ought to pass——

Mr. MARTIN of Colorado. It would be a pure gamble that the money in payment would arrive on the ground before the undertaker. [Laughter.] Probably it would be only an asset of his estate. If it is not passed now probably his children and grandchildren will be down here, through the medium of some poor, old, decrepit claims attorney like the man handling this claim, hounding future Congressmen as yet unborn with arguments for the payment of this claim.

Mr. HUGHES of New Jersey. Does not the gentleman think the fact that he has this claim has caused the old gentleman claimant to live longer than he otherwise would have lived?

Mr. MARTIN of Colorado. I can only say in reply to that question that if he had not lived longer than the ordinary mortal the claim would already be in the hands of his estate or his descendants.

Mr. HUGHES of New Jersey. It looks as though his participation in the war must have done him good.

Mr. MARTIN of Colorado. Without detracting from the merit of my constituent's claim, his participation in the war did "do him good." It "did him" for all that he had on earth, and he has been a poor man ever since. So that in the parlance of the day, if not in the meaning of the gentleman from New Jersey, his participation in the Civil War "did him good and plenty."

Now, I want to proceed with this Court of Claims finding, not that it is worth anything, because it is evident from proceedings in this body during the last 48 hours that it is not. It is evident that a boost from the Court of Claims is actually a knock; that after the court created by this Congress, a court with five capable judges, so reputable that I am informed that they are Republicans, and, gentlemen, that is the final word for repute at the present time in this Chamber—it is true that their high character is probably somewhat detracted from by the fact that they were formerly Members of Congress. I am informed that they all joined in this finding—it is very evident, as I say, that even these findings of facts, solemnly determined by the court created by this Congress to ascertain and determine these facts, have absolutely no influence in this House. When a Member upon the majority side can rise here and in a serious manner ask Members who have claims in this bill what justification or warrant or authority there is for the claim, it shows that the Court of Claims has no influence whatever in its findings. You might as well ask a citizen of the United States what a statute is doing on the statute books as to ask a Member of this House to rise in his place and justify the appearance of one of these item in this omnibus claims bill, which has been put there by a court of competent jurisdiction created by the Congress of the United States for that express purpose. Notwithstanding the fact that the findings of this court are not worth anything—in fact seem to be a detriment rather than a help, which is the inference I have gathere during the last 48 hours—I present the same finding in this case that is the basis of all the claims in this bill.

The findings further recite that, by reason of the terrorized condition of affairs and claimant's absence from home in the service, he failed to harvest and save any material part of his crop, and during that period there was taken from the claimant for the service stores and supplies, which at the time and place of taking were reasonably worth the sum of $675. I presume that means $1,675. That seems to have been about the basis upon which these claims were adjudicated. If they ascertain that at the lowest possible figures a man was entitled to $1,000, they split the difference with him and cut it in two and award him $500. No part of this sum has been paid.

Mr. Speaker, I recognize the fact that, so far as accomplishing anything for my constituent is concerned, I had just as well be home in bed, and so had these other gentlemen with claims in the bill. So I am going to conclude with the statement that, so far as I can discover from the reports, the claim was rejected on the ground that it does not appear from the evidence that the claim was ever presented to any department of the Government for payment until its presentation to Congress 11 years ago. So that with this condition of this claim it is beyond the help of a Member of Congress, who has got about all the trouble he can attend to without being a lawyer in the Court of Claims.

I called this claim up for consideration in the Committee on War Claims on January 11, 1910, and my letter was returned to me with this written statement:

Will be submitted to full committee. Think will go in omnibus bill, but committee will determine.

When the committee determined and how it determined, I do not know. When I called on the committee about this bill some weeks ago I was informed that it had been turned down by the committee some months ago. I thought that when a bill was turned down by a committee perhaps a Member would be notified. I did not know that a Member of Congress was expected to convert himself into a messenger boy to dance attendance on committee-room doors to find out when something would be done with his bill or what had been done with it. I do not mean to criticize these committees; I know how overworked they are. I can not help but feel this bill has not been considered in the committee.

There is one single circumstance against this bill and that is, as stated before, that it was not presented a long time ago. In other words, it had only been pending 11 years, whereas it ought to be mildewed with the age of 50 years, like a lot of these other claims, and then I can not see where it would be much better off.

Mr. Speaker, this bill has meant as much to me as many a Member's item in this omnibus bill has meant to him; and it means as much to my constituent as the item of any constituent of any other Member in this body.

It will be a matter of sincere regret to me to have this omnibus bill pass this House without this old man's claim in it, having met him, knowing him personally, and feeling sure, as I do, that before another omnibus bill ever passes the House of Representatives he will have answered to taps, "lights out." [Applause.]

Mr. AUSTIN. Mr. Speaker, I desire to submit a request for unanimous consent, if it is in order.

The SPEAKER pro tempore. The Chair regrets to state that in the absence of a quorum it is impossible to do any business, even for the Chair to submit a request for unanimous consent.

Mr. AUSTIN. Mr. Speaker, if you will not interrupt me I will state it. The House about three weeks ago fixed the 19th of this month for memorial exercises to the memory of the death of my late colleague, the Hon. WALTER P. BROWNLOW. His family, his wife and children, have traveled over 500 miles and have been in this city a week awaiting this occasion. I think we ought, under the circumstances, to make some agreement or arrangement here to-day by which we can honor the dead and respect the memory of our late colleague who served so long and so faithful in this House. Those who are opposed to this bill can not adjourn this House, for they are in the minority. You can keep us here away from our families and away from our meals; now let us agree to come back here at 11.50 o'clock and then pay that tribute of respect to the dead, and after that loving though sorrowful work is over let us take up this fight where we have left it. Is there any man here opposed to this request? If so, let me look upon him.

Mr. LAW. Mr. Speaker, I am not opposed in the least to the request of the gentleman, but to take a recess after the hour fixed for the regular meeting of the session at 12 o'clock might disturb the legislative day.

Mr. AUSTIN. We will come back and arrange that at 11.30 o'clock, when we get here.

Mr. LAW. I am afraid you would do a dangerous thing.

Mr. THOMAS of North Carolina. Mr. Speaker——

The SPEAKER pro tempore (Mr. STAFFORD). For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. The gentleman from Tennessee has made a request for unanimous consent that the House take a recess until 11.50. I will say that my understanding of the ruling of the House is that pending the absence of a quorum no business is in order except a motion to adjourn.

The SPEAKER pro tempore. The previous occupant of the chair stated that no business should be transacted during the absence of a quorum.

Mr. AUSTIN. But if it can be by unanimous consent.

The SPEAKER pro tempore. The present occupant of the chair holds that no business can be considered except a motion to adjourn, and the Chair declines to entertain any other motion.

Mr. THOMAS of North Carolina. Let me say, in this connection, inasmuch as we all desire later on to come to some arrangement by means of which we can pay fitting tribute of respect to our deceased colleague Mr. BROWNLOW, there is no disposition, I think, to do otherwise, but it is impossible under the rules of the House to do anything at all in the absence of a quorum except to adjourn.

The SPEAKER pro tempore. The Chair can only entertain a motion to adjourn in the absence of a quorum. The roll call shows there is no quorum present, and we are now awaiting the presence of a quorum under the order of the House.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. BENNET of New York. Mr. Speaker, a division.

The House divided, and there were—ayes 4, noes 31.

So the motion was rejected.

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUGHES of New Jersey. I would like to know if the Speaker has had any report from the Sergeant at Arms, who was instructed to bring in absent Members.

The SPEAKER pro tempore. The present occupant of the chair has only taken the chair within the last 10 minutes, and wishes to inform the gentleman from New Jersey that the Journal clerk has informed the Chair that the order of the House that was entered, requiring the Sergeant at Arms to present absent Members, is now in process of execution on a resolution offered by the gentleman from Alabama [Mr. HEFLIN].

Mr. MARTIN of Colorado. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MARTIN of Colorado. I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The Chair could not entertain such motion while the record shows that there is not a quorum present.

Mr. KENDALL. That is no motion, Mr. Speaker; that is a request.

Mr. MARTIN of Colorado. I assure you, Mr. Speaker, that it is not so much a desire to extend my remarks in the RECORD that I made the request as to show the gentlemen here present that I have not exhausted the merits of my case.

Mr. HULL of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULL of Tennessee. I rise to inquire whether the Sergeant at Arms is making any effort to enforce the attendance of absent Members.

The SPEAKER pro tempore. The Chair stated to the House within a few minutes, possibly during the absence of the gentleman from Tennessee, that, as the Chair was informed, the Sergeant at Arms is making diligent efforts under the order was instructed to bring in absent Members.

Mr. COX of Indiana. Mr. Speaker, is there not some way that we can get a report from the Sergeant at Arms?

The SPEAKER pro tempore. The Chair is informed by the Clerk that the Sergeant at Arms is now executing the order of the House to bring in absent Members.

Mr. RANDELL of Texas. Mr. Speaker, it seems to me the Chair is not at all interested in getting a quorum here, because he is smiling at the proposition. I do not mean to reflect on the Speaker at all, but I would like to see a quorum here so that we might have some way to dispose of business and get something to eat. It is not a matter of fun with us at all.

The SPEAKER pro tempore. The Chair, in fairness, feels called upon to say that the present occupant of the chair has not been absent from the Chamber for the last 10 hours, and he has voted every time to try to maintain a quorum in the committee and in the House. It is not fair to the Chair to make any such remark.

Mr. RANDELL of Texas. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RANDELL of Texas. I will be satisfied——

The SPEAKER pro tempore. The Chair declines to recognize the gentleman except for a parliamentary question or a motion to adjourn.

Mr. RANDELL of Texas. I would like to get all influence the Speaker can give us to get a quorum here.

Mr. MANN. I am sure the gentleman has that influence with the Chair.

Mr. RANDELL of Texas. I have none in the world, on either the gentleman from Illinois [Mr. MANN] or the Speaker pro tempore, because, if I had, things would be run in much better shape than they are.

Mr. MANN. I assure the gentleman he has influence with me, and that I have the highest regard for him.

Mr. RANDELL of Texas. I am very glad to know that, and I hope the gentleman will go home and attend Sunday school, and try not to keep a whole lot of old men out of their just rights here.

Mr. MANN. I am trying to help them to get them.

Mr. SWASEY rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWASEY. Mr. Speaker, I want to say that I am occupying the seat of the gentleman from Illinois [Mr. MANN], and I have a predisposition to discuss briefly the pulp and paper issue. [Laughter.] I think I am qualified.

I desire to say, Mr. Speaker, that we have had under discussion matters of great and far-reaching importance; that we have had what is termed a reciprocity agreement with the Dominion of Canada—a trade agreement.

Mr. BURNETT. Will the gentleman permit me to interrupt him?

Mr. SWASEY. Just wait a moment until I complete this important sentence. As I understand that trade agreement, it is favorable to Canada. They have got out of it all that they could possibly ask. They have got the privilege of coming into the American markets. Under it everything that I know of that they have to sell can come in free, and I would inquire of some of the earnest and enthusiastic advocates of that trade agreement, What have we got in return? I know Canada pretty well. I do not believe there is a man on the floor of this House who has a deeper feeling of affection and regard for the Dominion of Canada and its people than I have. But I do not live in Canada. I live under the American flag and am more interested in the welfare and prosperity of the American people than the people of any other Nation. I am in favor of annexation, but I am not in favor of giving to Canada the full benefits of the American markets for her farm products and her paper manufactures free of any duty, in competition with the products of American farmers and American paper manufacturers. I said I am in favor of annexation, sharing with the Canadians all the rights of American citizens, provided they shall share with us some of the burdens and responsibilities that attach to American citizenship. My uncle, who was born in the State of New Hampshire and went to Ottawa more than 30 years ago, sat for 25 years in the Dominion Parliament, and my cousin, a graduate of Harvard College, sits in the same seat to-day. And from my knowledge of that Dominion and my acquaintance with its people, I think I am qualified to state what their interests are as compared with the interests of the American people.

It is a painful duty to feel compelled to differ with out great President. I regret exceedingly that between him and me on any subject there should come a parting of the ways. Up to this time I have cheerfully and enthusiastically supported every administration measure, both of this and the former administration. But, Mr. Speaker, I have been a Republican all my life. I have made a study of tariff questions all my life. I knew something of this country prior to the Civil War. I was old enough to realize the significance and the result of the Democratic revision of 1857. I remember that downward revision, when they reduced the duties 14 per cent below those imposed in the tariff of 1846, and I remember as plainly as though it were but yesterday what that downward revision cost the American people under that Democratic administration. I recollect the paralysis of industries. I remember the want of employment, the seclusion of capital, and the universal distress that hung over this Nation until the close of the war; and the only virtue that I remember that came of that Democratic downward revision was its contribution in some slight degree to that providential act that saved the Nation—the election of our martyred, honored, and beloved President, Abraham Lincoln.

Mr. COLLIER. Will the gentleman yield?

Mr. SWASEY. I will.

Mr. COLLIER. I just want to ask the gentleman if it is not a fact that the only decade in the history of our Republic when our wealth increased over 50 per cent was from 1850 to 1860, under the Walker tariff?

Mr. SWASEY. That may be, because our people, under the tariff of 1846, with its incidental protection, which was not intended by the Democratic Party, saw a revival of the industries of this great country such as they never had seen before, and never will see again unless the same protection is afforded our labor and industries. But when your Democratic ancestors, with the same ideas, the same purposes, and the same legislation that you threaten in the next Congress, reduced the tariff of 1846, in 1857, giving a 14 per cent horizontal reduction, they struck a blow to American prosperity that we never recovered from until after the war had closed.

Mr. KORBLY. May I ask the gentleman a question?

Mr. SWASEY. I do not care to be interrupted now.

Mr. KORBLY. It is for my enlightenment.

Mr. SWASEY. I am not here to enlighten Democrats alone. You need it badly enough, but not as badly as you will two years from now. Mr. Speaker, I rose to perform an important, though a painful, duty, to give expression to the thoughts in my mind upon this great question of a trade agreement with Canada. I wish to give the gentleman a little information upon this provision in the trade agreement about which they know so little.

I want to go back into the revision of 1857, and I want to say to you that when the tariff was revised by your ancestors in 1857, the question of labor was no factor in that revision; that they were pretending to take care of the infant industries, and were making the same arguments that you are making to-day for a revision of the tariff. But when the war had proceeded so far that it struck the shackles from the black man and dignified American labor, then the wages of the American workman began to rise under the policy of protection of the Republican Party. What were wages before the war? Wages were $8 a month on the farm. Skilled labor 75 cents to $1 per day, and when we enlisted we received $8 per month.

Mr. CLINE. Do the people in Maine agree with you?

Mr. SWASEY. They do.

Mr. CLINE. How did it happen, then, that Maine went Democratic?

Mr. SWASEY. How did it happen? I am glad you ask, for I can tell you. Some Democratic rum got into Maine, and the rum question became the main issue. It was more of a rum slide than a political landslide. That was the principal cause of the turnover in Maine. Look at the returns and you will see that the Democratic governor was elected by almost 9,000 plurality and the Republican Congressmen were defeated by only 2,900. More than 5,000 votes in the State of Maine were polled for Republican Congressmen over what the Republican governor had. Two years ago our governor was elected by less than 7,000 votes. When we came to the November election and the question of protection to American industries and labor was the issue, we rolled up for William H. Taft 32,500 majority.

Mr. SHERLEY. But you passed the tariff law since then.

Mr. KITCHIN. Will the gentleman yield?

Mr. SWASEY. Mr. Speaker, let me tell you about the tariff. I want to speak about the tariff bill, if you gentlemen will listen. You began on "Cannonism," and that was the great cry for two years—"Cannonism! Cannonism!" The newspaper associations did not get the duty taken off of print paper, and they hallooed with you, "Cannonism!" and it went all over this country, "Cannonism!" What is "Cannonism?" Let any man explain to me what "Cannonism" is. Where did it originate, except in the muckraking press of the country, because the Speaker of this House would not consent to lend his aid in their assault on the paper industry?

I hold no brief for JOSEPH G. CANNON. He needs no defense at the hands of any Republican on this floor or in the country at large. [Applause.] The CONGRESSIONAL RECORD for 35 years and Hinds' Precedents are all the vindication that JOSEPH G. CANNON needs. I have sat here for almost two terms, and I have never heard a ruling from that chair by JOSEPH G. CANNON on any of the complicated questions presented to him that he has not fortified his position by citations from Hinds' Precedents, Democratic as well as Republican.

Mr. JOHNSON of South Carolina. The gentleman told us that he was going to give us some information about wood pulp. We know all about JOSEPH G. CANNON, as much as the gentleman does, but we do not know so much about pulp and paper.

Mr. GARNER of Texas. Will the gentleman tell us what President Taft thinks about wood pulp and print paper?

Mr. SWASEY. One moment; we have had many bright leaders from Maine in the American Congress. We have stood in either branch second to no State of its area and population since Maine was admitted to the Union. We have furnished two Speakers, James G. Blaine and Thomas B. Reed. [Applause.] We have had the Chief Justice of the Supreme Court; we have had the Vice President, the Acting President of the Senate; we have had the Secretary of State; and we have had numerous offices that were within the gift by election and appointment of the American people.

Mr. CANDLER. What have you left now?

Mr. SWASEY. We have not many of the old guard left. [Laughter.] But I will tell you what we have left. We have Mr. GUERNSEY and Mr. Hinds in this branch of Congress, and when that gentleman who has stood at the end of the desk with Mr. Reed and Mr. CANNON takes his place on the floor as a Representative from Maine I think you will realize that Maine is still on the map.

But more than that, we have sent from the rock-ribbed hills of old Maine thousands and thousands of men who have gone out into the great States of the West, the glorious States of

the West, each one of which is an empire of itself—men who have helped to make and mold the sentiment that has made the American Republic the admiration as well as the wonder of the world. [Applause.] And, thank God, some of them are sitting in this House and some of them are in the Senate of the United States, faithful Representatives, standpatters, regulars, if you please, who stand for what is right and refuse to yield at any time in the fight for the best things that a man can ask for.

Mr. CANDLER. What is the gentleman himself—a standpatter?

Mr. SWASEY. Mr. Speaker, I say I have been a Republican all my life. I am soon to go out from public service, possibly never to come in again. I voted for Abraham Lincoln, the first vote I ever cast. I never have failed to vote for every Republican candidate since, and I never want a higher compliment paid me when I leave Congress on the 4th day of March than to have my constitutents, my colleagues, and the American people say that I am a standpatter. [Applause.] Why, is it a name of disgrace; is it a name that entitles its possessor to anathema and criticism?

Mr. Speaker, this country will never forget that from the time of the great crisis of the Nation in 1861, when I marched under that banner with only 31 stars, down to to-day, the standpatters have been the sheet anchors of every great, progressive movement, and every accomplishment, every triumph, and every victory in the field in war, and in the forum in peace, and that there has been no national legislation for 50 years of any value to the American people that has not been the work of the "standpatters" of the Republican Party.

Mr. CARLIN. Mr. Speaker, I move that the gentleman be given 20 minutes more for his peroration.

Mr. SWASEY. Mr. Speaker, I have not come to my peroration yet. I know that this part of American history is not pleasing to you Democrats, but I have just been teaching you the alphabet of real republicanism, of standpatism, if you please, which has been the source of our marvelous national prosperity. Why, do you not remember—I do—every fourth year since the close of the war what you fellows have done or tried to do; and on every field of conflict you have met the standpatters. I can look down the line. I am older than the Republican Party. I am older than the protective policy.

Mr. BOEHNE. Not older than the Democratic Party?

Mr. SWASEY. No; for God's sake! [Laughter.] There has never been a time since Adam when sin and sorrow was not.

Mr. Speaker, I can remember all of the issues that the Democratic Party have raised in this country for 50 years. I recollect when you created an hysteria among the American people on fiat money, on greenbackism, on 16 to 1, and on various other issues that set some of the people wild; and the standpatters stood firm and unchangeable, and we have gone on to victory, and we are coming back. If you gentlemen in the Sixty-second Congress will go on revising the tariff as you did in 1857, downward, as you did in 1893, downward, I want you to understand that in two years from now the American people, by reason of the unemployed that will be walking our streets, the paralysis of all our industries, the hiding of American capital, the destitution and want of the American laborers, will revise you downward in 1912. [Applause on the Republican side.]

Mr. RUCKER of Colorado. Are you going to do it with a tariff?

Mr. STANLEY. Mr. Speaker, I do not want to interrupt the gentleman's obituary on standpatters, but what kind of a standpatter is he—a Dalzell standpatter or a Boutell standpatter?

Mr. SWASEY. Mr. Speaker, there is no distinction between standpatters. We are for the flag, we are for protection, we are for the best interests of the whole Nation and the whole people. We do not need hitching nor need any time to apologize for our attitude upon any of the great problems of the day in the great onward march of our people and our country. We are for aid to our merchant marine, we are for an enforcement of a constitutional amendment that will take 35 Members out of that side of this House if all men, American citizens under the flag, are permitted to exercise the right of franchise. [Applause on the Republican side.] We are for everything that goes to the glory and the uplift and the upbuilding of American institutions and prosperity. That is what we are for.

Mr. WEISSE. You are for a 50-cent dollar for coining your silver. You buy 50 cents worth of silver and pay a dollar's debt with it.

Mr. SWASEY. We make every dollar of our money, silver, paper, and everything else, as good as gold, in spite of the Democratic Party. We have always held faith with the people, but sometimes enough of them have been deceived by the muckraking press and the demagogues, as in the last election, to give your party a temporary victory.

Now, let me say to you, gentlemen on that side of the House, if you will give me your attention and not interrupt me, I will give you some information on the subjects embraced in the so-called trade agreement and the special and particular reasons why I am opposed to it. As I have said, I am a Republican and a protectionist, not for local or sectional protection, but for national protection, for the protection of every laborer and every industry needing protection, not only in Maine, but everywhere in this Nation, on this continent, wherever our flag floats. I am not a believer in that old obsolete Democratic notion of free raw material. I know no raw material that is known as an article of commerce.

A tree standing in the forest may be raw material; but when the axman severs it from the soil and cuts it into logs it becomes his finished product, and for the labor expended upon it he is entitled to protection. Coal and iron and other minerals slumbering in their beds in the bowels of the earth may be raw materials; but when the miner takes his dinner pail in his hand, with the lamp upon the vizor of his cap, and goes down the shaft, endangering his life at every step, and mines the coal and other minerals, expends labor upon those ores, the protective policy as advocated by the Republican Party follows him in his arduous and dangerous toil as a laborer. And when the product of that labor is brought to the surface of the earth and becomes an article of commerce it is the finished product of the miner and entitled to protection. And so with every man who eats his bread in the sweat of an honest brow, wherever he is and whatever his employment, he is entitled to share in the benefits of a protective policy that will maintain the scale of American wages. I delight in high wages. I glory in the fact that here beneath the American flag it is possible to pay to the honest toiler a greater wage than anywhere else in the wide world, for I believe that high wages conduce to the prosperity and contentment of the American laborer, resulting in a better and higher condition of citizenship, which can be attained in no other way. I believe in high wages for another reason—that they give to the wage earners of this country that to which they are entitled, a larger share of the profits of our industrial life, a more equal distribution of our Nation's income. I believe in good living, without regard to cost, for the wage earners of the country, and I want wages to be sufficiently high to warrant the best living and a sufficient margin above that to assure the wage earner's independence, for in the last analysis of the policy of protection the wage earners and the producers are the real beneficiaries of that great policy which has brought such prosperity, growth, and development to the American people.

I do not believe in this trade agreement, because it is an innovation upon the policy of protection. I am sensitively jealous of anything in the way of legislation that will jeopardize in the slightest degree that fundamental policy which protects the American laborer and the American producer and gives him that to which he is above all others entitled, the benefits of the American market, the best market in the world.

I am opposed to it for another reason—that it is class legislation, putting American products of the farm upon the free list and giving Canada the right to enter the American market free, in competition with the American farmer. The Congress of the United States by its wise and progressive legislation for the last decade has been making most strenuous efforts to increase the products of the farm, to carry contentment to that class of American citizens who are among the best, the bone and sinew of the American people. We have appropriated nearly $14,000,000 per year for agricultural schools, for the publication of scientific works for the benefit of the American farmer in order that he may better understand the tilling of the soil to produce the best results. We have spent many millions of dollars for the irrigation of arid lands. We publish farmers' bulletins, agricultural yearbooks, we make generous appropriations for the extermination of insects and other pests which threaten and injure crops of every kind in every part of our country. We have appropriated more than $40,000,000 annually for the last two years to extend our free rural delivery system to carry the mail to the door of the American farmer in the hope and expectation that all these wise and beneficent provisions would increase the number of the tillers of our soil as well as provide those conveniences suited to a higher condition of American living and bring contentment to the fireside of our farmers in rural communities. And it is only fair to say, looking over the broad agricultural territory of our great country and the improvements of our country life, that it is a source of pride and satisfaction to witness the wonderful improvements, the increasing acreage, the larger and more bountiful

crops which have resulted therefrom. The farmers, the agriculturists, are our dependence. The products of the soil we must have. And I am unwilling to take any step or vote for any project that will in any degree threaten and, much more, seriously injure that great and growing industry. But those who favor this trade agreement who assume to know present a paradoxical proposition, first that it will not hurt the farmers, and secondly that it will reduce the cost of living. Both of these can not be true. It will either hurt the farmer by reducing the cost of food products or it can not have any effect upon the cost of living. And if it has no effect to reduce the cost of living, what possible benefit can result therefrom? Now, let us briefly look at the situation between the two countries, the United States and Canada.

Our great President says it is but an imaginary line across the North American Continent from ocean to ocean; that we are one people, speaking the same language and have the same interests. I think I know something of the conditions on either side of the Canadian line east of the Grand Trunk Railroad to the mouth of the St. John River, and I have to say that any person only needs to travel over the line, imaginary as it may be, into Canada and he will realize at once, before he has gone any distance in any Province, that he is in a different country. When you leave American soil anywhere along this imaginary line you leave the more marked evidences of culture, refinement, and prosperity. You leave the well-kept farms along our border, with painted buildings, showing the marks of enterprise and successful farming, to find on the other side the unsatisfactory, languishing condition of the French Canadian, and such a vast contrast that one can not fail to appreciate the difference between the two countries. It may be, and no doubt is, true that in the larger towns and cities that are easily accessible by railways and other means of transportation from our side that they have become largely Americanized and more like the people of New England towns and cities. And I want to say further in this immediate connection that along the border which I have described that whatever of prosperity is indicated on the Canadian side is largely attributable, in my judgment, to the fact that thousands of the people, the wage earners of eastern Canada, have come over the line to labor and have received the benefits of the American wage scale. Many of them have remained and are reckoned as among our best citizens, but many others have returned to their homes along the border with a pocketful of American money to improve their condition. In this way we have done very much, as suggested by the President, in humanitarianism, by giving the privilege of migrating across the line and having the benefit of the American wage. Now, the American farmer, with higher-priced land, larger investments in all that pertains to agricultural pursuits, with higher wages for farm labor, as ascertained from the reports of the Department of Commerce and Labor, of more than 25 per cent, with all the obligations of American citizens, taxed to support and maintain our varied institutions, educational and governmental, liable to do military duty under the flag in time of national stress, is entitled to the protective policy of the Republican Party, and has the first right to the benefits of the American market, certainly in preference to those who bear no such burdens, pay no such taxes, and incur no such obligations.

Now, Mr. Speaker, supposing that this trade agreement and the removal of the duty on farm products from Canada should result in reducing the price of farm products to the ultimate consumer, I want to inquire of any gentleman who advocates this policy by what right, on what ground of justice, equality, and fair treatment, shall we take from the American farmer by legislation any part of the profit of his hard earnings by days of toil from sun to sun and give that profit to the ultimate consumer, giving the farmer nothing in return by way of reduction of duties upon the things he has to buy? I do not blame the West for the evident attitude which they take toward other sections of the country, like New England, on account of the unjust distribution of the benefits of protection, but I want to say to you gentlemen on the floor of this House who represent the great agricultural States of the West that the Republicans of the East will never willingly do you such injustice. We stand with you and for you in the application of this fundamental doctrine of the Republican Party and for the equal distribution of its great benefits.

Now, Mr. Speaker, I want to call the attention of the House to another very important feature of this trade agreement, and that is the pulp and paper clause. And I desire to begin at the beginning of this groundless and pernicious controversy between the American Press or Publishers' Association and the pulp and paper manufacturers.

From the time that ground wood pulp was first invented and successfully made down to 1908, there had been no adverse legislation, no disturbance of the manufacturers of pulp and paper. The price in 20 years of printing paper had dropped from $100 per ton to less than $40, and the American Publishers' Association and all purchasers of printing paper were buying their supplies at a less price than any other nation in the world, save free-trade England, and there was a difference in price of only a few cents per ton between England and the United States.

Under the Gorman and Wilson bill, before there was any competition between Canada or the Scandinavian Peninsula or any other country and the United States, printing paper was made dutiable at 15 per cent. In the revision and enactment of the Dingley bill, printing paper was put upon the dutiable list at $6 per ton, and from that time to the spring of 1908 there had been no controversy between the United States and any other country or between the manufacturers and the publishers in this country. During the first session of the Sixtieth Congress John Norris and Herman Ridder, free-trade Democrats, so called, claiming to represent the American Publishers' Association, complained to President Roosevelt that there was a printing-paper trust. He sent a message to Congress asking Congress to put pulp and paper on the free list, if it were true that there was a trust or a combination in restraint of trade. Congress refused to take off the duty, but appointed a commission known as the Mann Commission to investigate and ascertain if there was a trust, which commission reported that there was no trust or combination in restraint of trade. This arrangement did not satisfy the gentlemen who represented the association, and I understand it was no secret that one of them interviewed the Speaker of the House, desiring that he should favor a removal of the duty. This the Speaker refused to do, and when the gentleman left the Speaker's room he was overheard to say that he would, in substance, make a relentless attack upon Mr. CANNON. That was the beginning of the controversy that has been followed by all the papers and magazines that could be induced or persuaded to join the muckrakers. And the Members of Congress as well as the country at large know the extent and virulence of the attack upon the administration and upon every Republican who stood by the President and the tariff bill last enacted. In all the history of American politics there was never so wicked and unjust and deceptive misrepresentation as in the last campaign, brought about absolutely by the American press.

Now, let us see what real cause there was for any attack upon the paper manufacturers or for any reduction of the duty on pulp and paper under the Republican platform. During the last decade the cost of wood to supply American mills had increased 100 per cent, the price of labor in American mills had increased 66 per cent, and yet the industry had grown to be one of the most important in the United States. Nearly 800 mills, with an invested capital of nearly $400,000,000 and employing, directly and indirectly, 500,000 men, had been built up and established in 20 States of the Union, with sufficient material to supply the mills indefinitely, notwithstanding the mistaken report of the Mann Commission that we were absolutely dependent upon Canada for our spruce. These mills were built in different States, as I say; the industry was developing from Maine to Texas, and along the Canadian border from Maine to the Pacific coast, as well as in the Middle West. I repeat that there was no want of raw material, for every species of wood grown on American soil which had a fiber could be converted into pulp. Seventeen different kinds of wood were suitable for the manufacture, and when we consider that only 51 per cent of the territory of the United States is improved land and 49 per cent is unimproved, the most of which is covered by trees of various kinds, in the South as well as in the North, there was no cause for alarm that the industry would ever die out for want of material; but with proper care and protection from foreign competition it might extend until it was found in every State of the Union. It is true, in my opinion, that there is five times as much timber in the United States suited to the manufacture of pulp and paper as in the Dominion of Canada. Maine alone has 10,000,000 acres of forest growth, mostly spruce, its wooded territory being greater than all the rest of New England. And all along the northern States, including Alaska, there are more than 150,000,000,000 feet of spruce alone, and all the drain we have made upon Canada for use in Maine mills, which has amounted to only 15 per cent in any one year to supply more than 40 mills, has been not because we did not have the timber, but for the purposes of conservation of our own forest products. Here, again, comes in the question of protection to the American farmer who furnishes for the pulp and paper mills in our State (and I doubt not in every other State) a valueless product for any other use, such as poplar, fir, hemlock, spruce, sapling pine, basswood, chestnut, and 10 or 12 other kinds of wood from their own wood lots, from which they derive a large amount of revenue. Another great source of benefit in the interest of conserving our natural re-

sources is in the improvement of our water powers, where, as in Maine, more than 50 per cent of all improvements of water power has been brought about by the erection of pulp and paper mills in the last 20 years.

Now, to diverge for a moment, I wish to note the cost to manufacture in this country, as compared with the cost in Canada, to show under the Republican platform what duty this industry is entitled to for adequate protection. The cost of wood in 42 mills in the United States that I have examined delivered at the mill, is $10.32; the cost of wood delivered at 15 Canadian mills is $5.21; so that the difference in cost of wood per cord between mills in Canada and the United States is $5.11. It takes a cord and a half of wood on the average to make a ton of print paper, so that the difference in the cost of wood between the two countries for a ton of paper is $7.66, and the difference in the cost of labor on account of the difference in wages would be $2 more in the American mill on every ton of paper. Therefore it is plain to be seen that a duty based upon the difference in the cost of production between the United States and Canada would be $9.66. The present duty under the Payne bill is $3.75 if manufactured from wood cut on so-called free or private lands, so that it is plainly evident that from the duty imposed there is no cause of complaint on the part of the Publishers' Association upon this particular product. Now, what does this trade agreement attempt to do? It remits all duties, not only upon printing paper, which is selling to-day at the American mill for $45 per ton, but the duty on paper worth $80 per ton, said duty being $10 per ton, giving the Canadian paper manufacturer who owns the land upon which he cuts his timber or where he buys the timber on private lands the right to come into the American market free of duty and compete with the American manufacturer. How long can the American manufacturer, if the foregoing statement is true, continue in the business, except by reducing the price of the wood or reducing the price of labor in American mills?

If this trade agreement be enacted into law as it now stands, one of the two conditions must necessarily follow. He must reduce the cost of material and wages or go out of business. Now, one thing more, the duty upon American-made pulp or paper going from the United States to Canada, which is from 15 to 25 per cent, is not affected by this agreement, nor is the export charge removed from saw logs, so that it is possible, under the Canadian law, to import the logs, but they must be manufactured on Canadian soil, and the agreement provides that rough lumber shall be admitted from Canada free of duty. This is the unfortunate situation in which we shall find ourselves in case this so-called reciprocity agreement is enacted into law. Then, I ask you, Mr. Speaker, if we are not opening the American market, as I have before said, free, and without cost or duty to everything that Canada has to sell, and we are getting nothing in return for our great concessions?

Again, Mr. Speaker, let me say, looking back over the last two years and more of our National Congress and the general field of American politics, and seeing the injustice that has been done the administration of our great and loyal President and the members of the party sustaining him in Congress, I can not desist from expressing my indignation over the unjust treatment, the criticism, the abuse which we have all received from the muckraking American press, resulting as it has in the wide feeling of unrest and disturbance among the American people so that the Democratic Party has succeeded in returning to this House a majority of Members for the incoming Congress. I do not regard this so-called landslide as the November birthday of great statesmen, but, rather, the inning of demagogues. I would not say that good and able men have not been elected to take some of the places made vacant by Republican Members, but I will say that, in some instances at least, the change will not be beneficial to the interests of the American people nor add glory to the American Congress.

And, gentlemen on the other side, do not flatter yourselves that the result was brought about by confidence in the Democratic Party. The condition of the country shows that. The increasing number of idle men, the standing still or marking time of our great industries, showing an increasing paralysis and apprehension in our industrial life, the timidity of capitalists, all are signs proving a want of confidence and a serious apprehension as to what you may do. In fact, you are much surprised to find yourselves in your present condition of responsibility and you have no confidence in yourselves to meet the situation, and your attitude upon all public questions confronting you, so far as the people are admitted to your confidence, shows conclusively that you approach the duties before you with fear and trembling. And well you may, if you follow your party traditions or your party platform in a revision of the tariff. Tariff for revenue only as a national policy has long since been an outlawed, exploded theory. We are not living in the days of Jefferson, Jackson, and Monroe, but are living in a new age, surrounded by new conditions with a wider and broader civilization. In the last quarter of a century we have helped to change the map of the world. By steam and electricity we have come in close touch with every civilized nation. By a single touch of the electric button we can feel the industrial and financial pulse of every civilized people on the globe. We have not only become nearer as States, but by reason of rapid intercommunication and transportation on sea as well as land, we are brought in near contact with our friends across the water, and in more direct and immediate competition with industrial efforts everywhere. Nations have grown and new nations have become our competitors in the markets of the world, and even in our own market. Cheaper labor and production are assailing us at all points by land and sea, and there never was a time in the history of this country when the protective policy should be watched with more solicitude and vigilance than to-day to guard the interests of the American producer and the American wage earner. There never was a time since that policy was inaugurated in the United States when duties upon articles produced or manufactured in the United States should receive higher protection because of the increase of wages and the better condition of American labor.

It would be well for you, gentlemen on the other side, to remember the admonition of your great Democratic leader, uttered more than a hundred years ago, that the four great pillars upon which the Republic rested, namely, agriculture, commerce, manufactures, and navigation, should be fostered and jealously protected. If you follow out the dictates of your platform, if you cover the high seas with the American flag floating from foreign-built ships, if by your policy contrary to that admonition you stifle the ship industry on our shores, drive out of business those men interested in that great industry, who have not only been patient, long-suffering, and kind, but patriotic, and let the grass grow in American shipyards, if you reduce the duties on competing products and manufactures, such goods as we can produce and manufacture at home, thus depriving the American producer and laborer of the work that rightfully belongs to him, you will bring about the unfortunate conditions that existed under the last Democratic administration. Great problems are confronting the American people, which must be solved before the people of this country can reach their highest estate. We must not forget that we are living under a Government of law; that we have a Constitution that has stood for 120 years and more, with its various amendments suited to the changing growth and development of our country. That Constitution and amendments must be enforced, and I say to you in all seriousness that the time must come when that fraud and fiction of counting men as American citizens and withholding from them the privileges of franchise must cease or their representation must be reduced. Never shall we as a nation come to our own in the truest sense until we treat all of our citizens with equal justice, North and South, East and West.

The SPEAKER pro tempore. The gentleman will suspend. The call discloses the presence of 194 Members—a quorum.

Mr. MANN. Mr. Speaker, I ask unanimous consent that if the House be in session at 12 o'clock on this legislative day that all other proceedings be temporarily suspended for the purpose of pronouncing eulogies on the late Congressman BROWNLOW and the late Senator CLAY, or if the Committee of the Whole House be in session it shall informally rise in order that these eulogies may be pronounced in the House, after which the House shall resume its sitting without further order, and that the ordinary appropriate resolutions, not including the motion to adjourn, may be offered and agreed to, and that the time occupied in these proceedings shall not exceed—I do not know how much time will be required—say, not to exceed three hours.

Mr. CARLIN. What is the request?

Mr. MANN. That the proceedings under these eulogies shall not exceed three hours.

Mr. CARLIN. I will agree, if we can limit the time for general debate upon the bill we are now considering.

Mr. MANN. We can not do that. If we go into the Committee of the Whole, you can do that.

Mr. CARLIN. We are going in now.

Mr. MANN. This is preliminary to such a motion.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Illinois that, under the circumstances, the term "12 o'clock on this legislative day" may be a little indefinite.

Mr. MANN. If the House should be in session at 12 o'clock to-day noon on this legislative day. I do not wish to offer the proposition if, perchance, the House should adjourn before

12 o'clock. We are endeavoring not to interfere with the special order. Still, I do not think it possible.

The SPEAKER pro tempore. Is there objection to the request preferred by the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. BENNET of New York) there were—ayes 24, noes 73.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER pro tempore. As a quorum has just been ascertained in the past few minutes, the Chair sustains that point of order.

Mr. LAW. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32767, on the Private Calendar, and, pending that motion, I move that general debate on the bill be limited to 35 minutes.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CARLIN. Have we dispensed with proceedings under the call? Has a motion been made to that effect?

The SPEAKER pro tempore. It has not.

Mr. CARLIN. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from New York moves that general debate upon said bill be limited to 35 minutes.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. BENNET of New York. Mr. Speaker, division.

The House divided, and there were—ayes 78, noes 3.

Mr. BENNET of New York. Mr. Speaker, I make a point of order that there is no quorum present.

Mr. HAY. And I make the point of order, Mr. Speaker, that that is dilatory.

Mr. CARLIN. Business has intervened.

Mr. HAY. But it has not been 10 minutes since the Chair announced a quorum.

The SPEAKER pro tempore. The Chair will on this occasion sustain the point of order, and the motion prevails.

The gentleman from New York [Mr. LAW] moves that the House resolve itself into Commitee of the Whole House for the further consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, I want to ask the gentleman to limit the debate to less than 35 minutes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 80, noes 1.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER pro tempore. The Chair will state that on three different votes a quorum has not been developed. The Chair, having twice sustained the motion as dilatory, feels that he must now overrule the point of order. The Chair will count. [After counting.] There are 132 gentlemen present—not a quorum.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. BENNET of New York. It is a question of the highest privilege.

The SPEAKER pro tempore. The Chair overrules the point of order. The question is on the motion to adjourn.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 81.

So the motion to adjourn was rejected.

Mr. CARLIN. Mr. Speaker, I move a call of the House.

Mr. HAY. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The doors will be closed, and the Sergeant at Arms will bring in absent Members. Those in favor of the motion of the gentleman from New York [Mr. BENNET] will, as their names are called, answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

Mr. ADAMSON. What is the question—that we adjourn or go into Committee of the Whole?

Mr. HAY. Mr. Speaker, the question is on the motion of the gentleman from New York [Mr. LAW] that we go into Committee of the Whole. The House refused to adjourn.

Mr. ADAMSON. What is the question?

Mr. SMITH of Iowa. Mr. Speaker, on a motion to adjourn, it is not necessary to have a quorum. The only question on which a quorum can be called is the motion of the gentleman from New York [Mr. LAW] to go into Committee of the Whole.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW], who moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts. The Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 11, answered "present" 32, not voting 186, as follows:

YEAS—156.

Adair	Davidson	Hollingsworth	Olmsted
Adamson	Davis	Houston	Page
Aiken	Dawson	Hughes, Ga.	Parker
Alexander, Mo.	Dickinson	Hull, Tenn.	Pearre
Andrus	Dickson, Miss.	Humphreys, Miss.	Pratt
Ansberry	Dixon, Ind.	Jamieson	Pujo
Anthony	Dodds	Johnson, S. C.	Randell, Tex.
Austin	Durey	Jones	Richardson
Barchfeld	Edwards, Ga.	Kennedy, Ohio	Robinson
Barnhart	Edwards, Ky.	Kitchin	Rodenberg
Bartlett, Ga.	Englebright	Knowland	Rucker, Colo.
Beall, Tex.	Esch	Korbly	Saunders
Bell, Ga.	Fairchild	Küstermann	Sharp
Boehne	Fassett	Latta	Sheppard
Booher	Ferris	Law	Sherwood
Boutell	Finley	Lawrence	Sims
Brantley	Flood, Va.	Lever	Sisson
Burgess	Floyd, Ark.	Lindbergh	Slemp
Burke, S. Dak.	Focht	Lively	Smith, Iowa
Butler	Foster, Ill.	Lloyd	Smith, Tex.
Byrns	Foster, Vt.	Loudenslager	Speight
Calder	Fuller	McKinlay, Cal.	Stanley
Campbell	Garner, Pa.	McKinley, Ill.	Steenerson
Candler	Garner, Tex.	McKinney	Stephens, Tex.
Cantrill	Garrett	McLachlan, Cal.	Swasey
Carlin	Gillespie	Madden	Taylor, Ala.
Cary	Godwin	Madison	Taylor, Colo.
Chapman	Gordon	Maguire, Nebr.	Thistlewood
Clark, Fla.	Graff	Mann	Thomas, Ky.
Cline	Guernsey	Martin, Colo.	Thomas, N. C.
Collier	Hamlin	Mays	Tou Velle
Cooper, Pa.	Hanna	Mitchell	Townsend
Cooper, Wis.	Haugen	Moon, Tenn.	Turnbull
Cox, Ind.	Hay	Morgan, Okla.	Wallace
Cox, Ohio	Heflin	Moss	Washburn
Craig	Helm	Moxley	Weisse
Cravens	Henry, Tex.	Needham	Wickliffe
Crumpacker	Higgins	Nicholls	Willett
Currier	Hitchcock	Oldfield	Wilson, Pa.

NAYS—11.

Bennet, N. Y.	Kendall	Snapp	Thomas, Ohio
Cassidy	Reeder	Sterling	Wiley
Dwight	Roberts	Sulloway	

ANSWERED "PRESENT"—32.

Alexander, N. Y.	Draper	Hubbard, Iowa	Padgett
Anderson	Driscoll, M. E.	Hubbard, W. Va.	Sherley
Ashbrook	Fordney	Knapp	Simmons
Barnard	Goulden	Kopp	Tawney
Borland	Grant	McCall	Webb
Burleigh	Hardwick	Miller, Kans.	Weeks
Clark, Mo.	Howell, N. J.	Nelson	Young, N. Y.
Clayton	Howland	O'Connell	The Speaker

NOT VOTING—186.

Allen	Carter	Driscoll, D. A.	Gill, Md.
Ames	Cocks, N. Y.	Dupre	Gill, Mo.
Barclay	Cole	Ellerbe	Gillett
Bartholdt	Conry	Ellis	Glass
Bartlett, Nev.	Coudrey	Elvins	Goebel
Bates	Covington	Estopinal	Goldfogle
Bennett, Ky.	Cowles	Fish	Good
Bingham	Creager	Fitzgerald	Graham, Ill.
Bowers	Crow	Foelker	Graham, Pa.
Bradley	Cullop	Fornes	Greene
Broussard	Dalzell	Foss	Gregg
Burke, Pa.	Denby	Fowler	Griest
Burleson	Dent	Gaines	Hamer
Burnett	Denver	Gallagher	Hamill
Byrd	Diekema.	Gardner, Mass.	Hamilton
Calderhead	Dies	Gardner, Mich.	Hammond
Capron	Douglas	Gardner, N. J.	Hardy

Harrison	Langley	Morrison	Scott
Havens	Lee	Morse	Shackleford
Hawley	Legare	Mudd	Sheffield
Hayes	Lenroot	Murdock	Slayden
Heald	Lindsay	Murphy	Small
Henry, Conn.	Livingston	Norris	Smith, Cal.
Hill	Longworth	Nye	Smith, Mich.
Hinshaw	Loud	Olcott	Southwick
Hobson	Lowden	Palmer, A. M.	Sparkman
Howard	Lundin	Palmer, H. W.	Sperry
Howell, Utah	McCreary	Parsons	Stafford
Huff	McCreedie	Patterson	Stevens, Minn.
Hughes, N. J.	McDermott	Payne	Sturgiss
Hughes, W. Va.	McGuire, Okla.	Peters	Sulzer
Hull, Iowa	McHenry	Pickett	Talbott
Humphrey, Wash.	McLaughlin, Mich.	Plumley	Taylor, Ohio
James	McMorran	Poindexter	Tilson
Johnson, Ky.	Macon	Pou	Underwood
Johnson, Ohio	Malby	Pray	Volstead
Joyce	Martin, S. Dak.	Prince	Vreeland
Kahn	Massey	Rainey	Wanger
Kelfer	Maynard	Ransdell, La.	Watkins
Keliher	Miller, Minn.	Rauch	Wheeler
Kennedy, Iowa	Millington	Reid	Wilson, Ill.
Kinkaid, Nebr.	Mondell	Rhinock	Wood, N. J.
Kinkead, N. J.	Moon, Pa.	Riordan	Woods, Iowa
Kronmiller	Moore, Pa.	Roddenbery	Woodyard
Lafean	Moore, Tex.	Rothermel	Young, Mich.
Lamb	Morehead	Rucker, Mo.	
Langham	Morgan, Mo.	Sabath	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KOPP with Mr. CARTER.

Mr. SMITH of Iowa with Mr. BROUSSARD.

Mr. HINSHAW with Mr. BURLESON.

Mr. COWLES with Mr. BURNETT.

Mr. CREAGER with Mr. CULLOP.

Mr. DALZELL with Mr. DENT.

Mr. FOSS with Mr. DENVER.

Mr. GARDNER of Massachusetts with Mr. DANIEL A. DRISCOLL.

Mr. GARDNER of New Jersey with Mr. ELLERBE.

Mr. GOOD with Mr. FITZGERALD.

Mr. HAMER with Mr. GRAHAM of Illinois.

Mr. GRAHAM of Pennsylvania with Mr. GLASS.

Mr. HAWLEY with Mr. HAMMOND.

Mr. HAYES with Mr. HARDY.

Mr. HEALD with Mr. HAVENS.

Mr. HOWELL of Utah with Mr. PAGE.

Mr. HUFF with Mr. LEE.

Mr. HULL of Iowa with Mr. LEGARE.

Mr. HUMPHREY of Washington with Mr. MACON.

Mr. LAFEAN with Mr. PETERS.

Mr. LOWDEN with Mr. RIORDAN.

Mr. LUNDIN with Mr. RUCKER of Missouri.

Mr. MALBY with Mr. WATKINS.

Mr. TAWNEY with Mr. CLARK of Missouri.

Mr. OLCOTT with Mr. SHACKLEFORD.

Mr. SOUTHWICK with Mr. SMALL.

Mr. STAFFORD with Mr. UNDERWOOD.

Until 12 o'clock noon, February 20:

Mr. BARNARD with Mr. MORRISON.

Mr. COLE with Mr. ASHBROOK.

Mr. STEVENS of Minnesota with Mr. WEBB.

Until 10 o'clock a. m., February 20:

Mr. LANGHAM with Mr. MCHENRY.

Mr. MCMORRAN with Mr. RAINEY.

Until 8 o'clock a. m., February 20:

Mr. PARSONS with Mr. CLAYTON.

Until 12 o'clock noon, February 19:

Mr. MONDELL with Mr. BORLAND.

Mr. GREENE (in favor) with Mr. O'CONNELL (against).

For this legislative day:

Mr. DOUGLAS (in favor) with Mr. HOWARD (against).

On this bill (claims):

Mr. MILLER of Kansas with Mr. HOBSON.

Mr. WANGER (in favor) with Mr. NELSON (against).

On this vote:

Mr. TILSON with Mr. PADGETT.

Mr. TAWNEY. Mr. Speaker, I am paired with Mr. CLARK of Missouri. I voted "yea," and I wish to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of bills on the Private Calendar, with Mr. CURRIER in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. When the committee rose at its last session general debate was on, and the gentleman from New York [Mr. LAW] had been recognized for an hour and had used 35 minutes of the time. Under the order agreed to in the House, 25 minutes in now to be devoted to general debate, and the Chair will recognize the gentleman from New York for 25 minutes.

Mr. LAW. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. EDWARDS].

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] is recognized for 10 minutes.

Mr. EDWARDS of Georgia. Mr. Chairman, I feel somewhat out of place here on this holy day, and I presume all of the Members of the House feel very much as I do. Under the parliamentary status it is true that this is still Friday, but it is nevertheless Sunday, as the calendar day. It marks a sad day in the history of this country when the Congress, the great lawmaking body of this country, has to encroach upon the Sabbath to transact the business of the country and of the Congress. And to think, Mr. Chairman and gentlemen, that this is brought about and caused on account of the filibuster of a few gentlemen who are not so much opposed to the justice of this bill, or to the justice of these war claims, as they are in favor of some other claims, the French spoliation claims, which were stricken out of this bill here last night on motion of the gentleman from Illinois [Mr. MANN]. For a while, Mr. Chairman and gentlemen, I could not help feeling somewhat aggrieved at the gentleman from Illinois [Mr. MANN] on account of the filibuster that he was conducting, but when it became apparent that the gentleman from Illinois was conducting a filibuster to strike from this bill the French spoliation claims and come over as our ally and friend, I then saw through the whole plot, the whole scheme. But, lo and behold, the filibuster was then taken up on the other side of the House by other gentlemen who were pressing the French spoliation claims, and who urge naught against the fairness and justice of these southern war claims. Mr. Chairman and gentlemen, not only does the fact that we are transacting the business of the country on the Lord's day mark a sad day in the history of the country, but last night there sat in this gallery a man who was referred to as a lobbyist in the interest of the French spoliation claims.

And that same man, when the gentleman from North Carolina [Mr. KITCHIN] was making his great speech against the French spoliation claims, was seen here almost in the doors of this Hall trying to slip data and facts into the hands of one of these gentlemen on the other side who is aiding in conducting this filibuster. I ask, What is the connection, if any, between that man and the gentleman who is aiding in conducting this filibuster?

Mr. BENNET of New York. Will the gentleman yield?

Mr. EDWARDS of Georgia. I will.

Mr. BENNET of New York. Does the gentleman have any reference to me?

Mr. EDWARDS of Georgia. I do not.

Mr. BENNET of New York. Thank you.

Mr. EDWARDS of Georgia. I will tell the gentleman who I refer to, if he will rise in his place and ask me. I have in my hand the very book that this man, Mr. Scattergood, the representative of the insurance company, had in his hand trying to sneak it into the House and into the hands of a gentleman of this House.

I have the book in my hand, and it was a Democratic Member of the House who discovered and ordered away from here that lobbyist sneaking to the door of this Chamber trying to send this literature in.

On the floor of this House last night the gentleman from Kansas [Mr. CAMPBELL] referred to the southern war claims bill as a "pork barrel." How in the name of God can the people of this country respect us if we do not respect ourselves?

It marks a sad day in the history of this country when the very Halls of Congress are visited by lobbyists; when we are compelled to transact the business of the country on the Lord's day; and when we are compelled, Mr. Chairman, to see the will of the majority of the House thwarted by a few gentlemen. [Applause.]

Mr. LAW. Mr. Chairman, I reserve the balance of my time.

Mr. BENNET of New York. Mr. Chairman, as to the matter of this bill, as to the war claims, I have always felt that when a court or a quasi court, such as the Court of Claims as constituted by the Government, makes findings that Congress ought to respect and follow those findings. During the six years that I have been here, so far as I can now recollect, I have never voted against a finding of the Court of Claims. Neither do I think that it is any good reason to urge against the payment of a claim that has been held just by a court that it has not before been paid. It seems to me it is setting up one's own wrong against a right, and therefore during the last two days I have been voting with particular pleasure with the gentlemen on that side who voted almost

12 o'clock. We are endeavoring not to interfere with the special order. Still, I do not think it possible.

The SPEAKER pro tempore. Is there objection to the request preferred by the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. BENNET of New York) there were—ayes 24, noes 73.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER pro tempore. As a quorum has just been ascertained in the past few minutes, the Chair sustains that point of order.

Mr. LAW. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32767, on the Private Calendar, and, pending that motion, I move that general debate on the bill be limited to 35 minutes.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CARLIN. Have we dispensed with proceedings under the call? Has a motion been made to that effect?

The SPEAKER pro tempore. It has not.

Mr. CARLIN. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from New York moves that general debate upon said bill be limited to 35 minutes.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. BENNET of New York. Mr. Speaker, division.

The House divided, and there were—ayes 78, noes 3.

Mr. BENNET of New York. Mr. Speaker, I make a point of order that there is no quorum present.

Mr. HAY. And I make the point of order, Mr. Speaker, that that is dilatory.

Mr. CARLIN. Business has intervened.

Mr. HAY. But it has not been 10 minutes since the Chair announced a quorum.

The SPEAKER pro tempore. The Chair will on this occasion sustain the point of order, and the motion prevails.

The gentleman from New York [Mr. LAW] moves that the House resolve itself into Commitee of the Whole House for the further consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, I want to ask the gentleman to limit the debate to less than 35 minutes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 80, noes 1.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER pro tempore. The Chair will state that on three different votes a quorum has not been developed. The Chair, having twice sustained the motion as dilatory, feels that he must now overrule the point of order. The Chair will count. [After counting.] There are 132 gentlemen present—not a quorum.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. BENNET of New York. It is a question of the highest privilege.

The SPEAKER pro tempore. The Chair overrules the point of order. The question is on the motion to adjourn.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 81.

So the motion to adjourn was rejected.

Mr. CARLIN. Mr. Speaker, I move a call of the House.

Mr. HAY. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The doors will be closed, and the Sergeant at Arms will bring in absent Members. Those in favor of the motion of the gentleman from New York [Mr. BENNET] will, as their names are called, answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

Mr. ADAMSON. What is the question—that we adjourn or go into Committee of the Whole?

Mr. HAY. Mr. Speaker, the question is on the motion of the gentleman from New York [Mr. LAW] that we go into Committee of the Whole. The House refused to adjourn.

Mr. ADAMSON. What is the question?

Mr. SMITH of Iowa. Mr. Speaker, on a motion to adjourn, it is not necessary to have a quorum. The only question on which a quorum can be called is the motion of the gentleman from New York [Mr. LAW] to go into Committee of the Whole.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW], who moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts. The Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 11, answered "present" 32, not voting 186, as follows:

YEAS—156.

Adair	Davidson	Hollingsworth	Olmsted
Adamson	Davis	Houston	Page
Aiken	Dawson	Hughes, Ga.	Parker
Alexander, Mo.	Dickinson	Hull, Tenn.	Pearre
Andrus	Dickson, Miss.	Humphreys, Miss.	Pratt
Ansberry	Dixon, Ind.	Jamieson	Pujo
Anthony	Dodds	Johnson, S. C.	Randell, Tex.
Austin	Durey	Jones	Richardson
Barchfeld	Edwards, Ga.	Kennedy, Ohio	Robinson
Barnhart	Edwards, Ky.	Kitchin	Rodenberg
Bartlett, Ga.	Englebright	Knowland	Rucker, Colo.
Beall, Tex.	Esch	Korbly	Saunders
Bell, Ga.	Fairchild	Küstermann	Sharp
Boehne	Fassett	Latta	Sheppard
Booher	Ferris	Law	Sherwood
Boutell	Finley	Lawrence	Sims
Brantley	Flood, Va.	Lever	Sisson
Burgess	Floyd, Ark.	Lindbergh	Slemp
Burke, S. Dak.	Focht	Lively	Smith, Iowa
Butler	Foster, Ill.	Lloyd	Smith, Tex.
Byrns	Foster, Vt.	Loudenslager	Spight
Calder	Fuller	McKinlay, Cal.	Stanley
Campbell	Garner, Pa.	McKinley, Ill.	Steenerson
Candler	Garner, Tex.	McKinney	Stephens, Tex.
Cantrill	Garrett	McLachlan, Cal.	Swasey
Carlin	Gillespie	Madden	Taylor, Ala.
Cary	Godwin	Madison	Taylor, Colo.
Chapman	Gordon	Maguire, Nebr.	Thistlewood
Clark, Fla.	Graff	Mann	Thomas, Ky.
Cline	Guernsey	Martin, Colo.	Thomas, N. C.
Collier	Hamlin	Mays	Tou Velle
Cooper, Pa.	Hanna	Mitchell	Townsend
Cooper, Wis.	Haugen	Moon, Tenn.	Turnbull
Cox, Ind.	Hay	Morgan, Okla.	Wallace
Cox, Ohio	Heflin	Moss	Washburn
Craig	Helm	Moxley	Weisse
Cravens	Henry, Tex.	Needham	Wickliffe
Crumpacker	Higgins	Nicholls	Willett
Currier	Hitchcock	Oldfield	Wilson, Pa.

NAYS—11.

Bennet, N. Y.	Kendall	Snapp	Thomas, Ohio
Cassidy	Reeder	Sterling	Wiley
Dwight	Roberts	Sulloway	

ANSWERED "PRESENT"—32.

Alexander, N. Y.	Draper	Hubbard, Iowa	Padgett
Anderson	Driscoll, M. E.	Hubbard, W. Va.	Sherley
Ashbrook	Fordney	Knapp	Simmons
Barnard	Goulden	Kopp	Tawney
Borland	Grant	McCall	Webb
Burleigh	Hardwick	Miller, Kans.	Weeks
Clark, Mo.	Howell, N. J.	Nelson	Young, N. Y.
Clayton	Howland	O'Connell	The Speaker

NOT VOTING—186.

Allen	Carter	Driscoll, D. A.	Gill, Md.
Ames	Cocks, N. Y.	Dupre	Gill, Mo.
Barclay	Cole	Ellerbe	Gillett
Bartholdt	Conry	Ellis	Glass
Bartlett, Nev.	Coudrey	Elvins	Goebel
Bates	Covington	Estopinal	Goldfogle
Bennett, Ky.	Cowles	Fish	Good
Bingham	Creager	Fitzgerald	Graham, Ill.
Bowers	Crow	Foelker	Graham, Pa.
Bradley	Cullop	Fornes	Greene
Broussard	Dalzell	Foss	Gregg
Burke, Pa.	Denby	Fowler	Griest
Burleson	Dent	Gaines	Hamer
Burnett	Denver	Gallagher	Hamill
Byrd	Diekema.	Gardner, Mass.	Hamilton
Calderhead	Dies	Gardner, Mich.	Hammond
Capron	Douglas	Gardner, N. J.	Hardy

Harrison	Langley	Morrison	Scott
Havens	Lee	Morse	Shackleford
Hawley	Legare	Mudd	Sheffield
Hayes	Lenroot	Murdock	Slayden
Heald	Lindsay	Murphy	Small
Henry, Conn.	Livingston	Norris	Smith, Cal.
Hill	Longworth	Nye	Smith, Mich.
Hinshaw	Loud	Olcott	Southwick
Hobson	Lowden	Palmer, A. M.	Sparkman
Howard	Lundin	Palmer, H. W.	Sperry
Howell, Utah	McCreary	Parsons	Stafford
Huff	McCreedie	Patterson	Stevens, Minn.
Hughes, N. J.	McDermott	Payne	Sturgiss
Hughes, W. Va.	McGuire, Okla.	Peters	Sulzer
Hull, Iowa	McHenry	Pickett	Talbott
Humphrey, Wash.	McLaughlin, Mich.	Plumley	Taylor, Ohio
James	McMorran	Poindexter	Tilson
Johnson, Ky.	Macon	Pou	Underwood
Johnson, Ohio	Malby	Pray	Volstead
Joyce	Martin, S. Dak.	Prince	Vreeland
Kahn	Massey	Rainey	Wanger
Kelfer	Maynard	Ransdell, La.	Watkins
Keliher	Miller, Minn.	Rauch	Wheeler
Kennedy, Iowa	Millington	Reid	Wilson, Ill.
Kinkaid, Nebr.	Mondell	Rhinock	Wood, N. J.
Kinkead, N. J.	Moon, Pa.	Riordan	Woods, Iowa
Kronmiller	Moore, Pa.	Roddenbery	Woodyard
Lafean	Moore, Tex.	Rothermel	Young, Mich.
Lamb	Morehead	Rucker, Mo.	
Langham	Morgan, Mo.	Sabath	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KOPP with Mr. CARTER.

Mr. SMITH of Iowa with Mr. BROUSSARD.

Mr. HINSHAW with Mr. BURLESON.

Mr. COWLES with Mr. BURNETT.

Mr. CREAGER with Mr. CULLOP.

Mr. DALZELL with Mr. DENT.

Mr. FOSS with Mr. DENVER.

Mr. GARDNER of Massachusetts with Mr. DANIEL A. DRISCOLL.

Mr. GARDNER of New Jersey with Mr. ELLERBE.

Mr. GOOD with Mr. FITZGERALD.

Mr. HAMER with Mr. GRAHAM of Illinois.

Mr. GRAHAM of Pennsylvania with Mr. GLASS.

Mr. HAWLEY with Mr. HAMMOND.

Mr. HAYES with Mr. HARDY.

Mr. HEALD with Mr. HAVENS.

Mr. HOWELL of Utah with Mr. PAGE.

Mr. HUFF with Mr. LEE.

Mr. HULL of Iowa with Mr. LEGARE.

Mr. HUMPHREY of Washington with Mr. MACON.

Mr. LAFEAN with Mr. PETERS.

Mr. LOWDEN with Mr. RIORDAN.

Mr. LUNDIN with Mr. RUCKER of Missouri.

Mr. MALBY with Mr. WATKINS.

Mr. TAWNEY with Mr. CLARK of Missouri.

Mr. OLCOTT with Mr. SHACKLEFORD.

Mr. SOUTHWICK with Mr. SMALL.

Mr. STAFFORD with Mr. UNDERWOOD.

Until 12 o'clock noon, February 20:

Mr. BARNARD with Mr. MORRISON.

Mr. COLE with Mr. ASHBROOK.

Mr. STEVENS of Minnesota with Mr. WEBB.

Until 10 o'clock a. m., February 20:

Mr. LANGHAM with Mr. MCHENRY.

Mr. MCMORRAN with Mr. RAINEY.

Until 8 o'clock a. m., February 20:

Mr. PARSONS with Mr. CLAYTON.

Until 12 o'clock noon, February 19:

Mr. MONDELL with Mr. BORLAND.

Mr. GREENE (in favor) with Mr. O'CONNELL (against).

For this legislative day:

Mr. DOUGLAS (in favor) with Mr. HOWARD (against).

On this bill (claims):

Mr. MILLER of Kansas with Mr. HOBSON.

Mr. WANGER (in favor) with Mr. NELSON (against).

On this vote:

Mr. TILSON with Mr. PADGETT.

Mr. TAWNEY. Mr. Speaker, I am paired with Mr. CLARK of Missouri. I voted "yea," and I wish to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of bills on the Private Calendar, with Mr. CURRIER in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. When the committee rose at its last session general debate was on, and the gentleman from New York [Mr. LAW] had been recognized for an hour and had used 35 minutes of the time. Under the order agreed to in the House, 25 minutes in now to be devoted to general debate, and the Chair will recognize the gentleman from New York for 25 minutes.

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Mr. EDWARDS of Georgia. Mr. Chairman, I feel somewhat out of place here on this holy day, and I presume all of the Members of the House feel very much as I do. Under the parliamentary status it is true that this is still Friday, but it is nevertheless Sunday, as the calendar day. It marks a sad day in the history of this country when the Congress, the great lawmaking body of this country, has to encroach upon the Sabbath to transact the business of the country and of the Congress. And to think, Mr. Chairman and gentlemen, that this is brought about and caused on account of the filibuster of a few gentlemen who are not so much opposed to the justice of this bill, or to the justice of these war claims, as they are in favor of some other claims, the French spoliation claims, which were stricken out of this bill here last night on motion of the gentleman from Illinois [Mr. MANN]. For a while, Mr. Chairman and gentlemen, I could not help feeling somewhat aggrieved at the gentleman from Illinois [Mr. MANN] on account of the filibuster that he was conducting, but when it became apparent that the gentleman from Illinois was conducting a filibuster to strike from this bill the French spoliation claims and come over as our ally and friend, I then saw through the whole plot, the whole scheme. But, lo and behold, the filibuster was then taken up on the other side of the House by other gentlemen who were pressing the French spoliation claims, and who urge naught against the fairness and justice of these southern war claims. Mr. Chairman and gentlemen, not only does the fact that we are transacting the business of the country on the Lord's day mark a sad day in the history of the country, but last night there sat in this gallery a man who was referred to as a lobbyist in the interest of the French spoliation claims.

And that same man, when the gentleman from North Carolina [Mr. KITCHIN] was making his great speech against the French spoliation claims, was seen here almost in the doors of this Hall trying to slip data and facts into the hands of one of these gentlemen on the other side who is aiding in conducting this filibuster. I ask, What is the connection, if any, between that man and the gentleman who is aiding in conducting this filibuster?

Mr. BENNET of New York. Will the gentleman yield?

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Mr. BENNET of New York. Does the gentleman have any reference to me?

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Mr. BENNET of New York. Thank you.

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I have the book in my hand, and it was a Democratic Member of the House who discovered and ordered away from here that lobbyist sneaking to the door of this Chamber trying to send this literature in.

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It marks a sad day in the history of this country when the very Halls of Congress are visited by lobbyists; when we are compelled to transact the business of the country on the Lord's day; and when we are compelled, Mr. Chairman, to see the will of the majority of the House thwarted by a few gentlemen. [Applause.]

Mr. LAW. Mr. Chairman, I reserve the balance of my time.

Mr. BENNET of New York. Mr. Chairman, as to the matter of this bill, as to the war claims, I have always felt that when a court or a quasi court, such as the Court of Claims as constituted by the Government, makes findings that Congress ought to respect and follow those findings. During the six years that I have been here, so far as I can now recollect, I have never voted against a finding of the Court of Claims. Neither do I think that it is any good reason to urge against the payment of a claim that has been held just by a court that it has not before been paid. It seems to me it is setting up one's own wrong against a right, and therefore during the last two days I have been voting with particular pleasure with the gentlemen on that side who voted almost

solidly, and with some gentlemen on this side, to consider a bill which contains not only the southern war claims, but which contains claims for navy-yard overtime for men in Brooklyn, for men in New Hampshire, for men in Charlestown, and everywhere where there is a navy yard—old soldiers, many of them—who deserve the payment of the overtime, and I have been one to sit here for three days to see if I could be of any assistance in forwarding their interests.

My personal and private impression is that this morning at 3 o'clock the gentleman from Illinois, whose astuteness is a continual source of pleasure, set a trap for the war-claims gentlemen in this House, they walked into it, and he snapped it when they struck out the enacting clause of the Senate bill.

We are now within less than a fortnight of adjournment. In my judgment no bill except a Senate bill pending in the House stands a chance of getting through in this session. I agree with the gentleman from Illinois [Mr. PRINCE] in the statement that he made and reiterated last night, that if we wanted these claims passed we ought to pass the bill as it came from the Senate with the additions proposed by my colleague [Mr. LAW]. I was for them all. I was for the French spoliation claims. Why make one rule for one set of claims and another for another? If the decision of a court is a good thing as a foundation for a war claim, why is not the decision of a court a good foundation for a French spoliation claim?

Gentlemen say, "Oh, these claims are old." What excuse is that, if we have been remiss in our duty? They say they are trifling, and yet during the days when those claims accrued over 2,000 vessels belonging to people on the seacoast from Maine to New Orleans were destroyed by the French, and the best minds of the days of Washington, Jefferson, Madison, and Monroe were taken up with the question of the settlement of those claims. Trifling, because the people are scattered and the claims are few? Since when has it become a trifling matter because a claim was small? I have heard invective in this House against persons because their means were large, but never before have I heard it urged as a ground for not paying an honest debt that the claim was small.

Mr. GOULDEN. Will the gentleman tell us the amount of these spoliation claims, and if it includes interest?

Mr. BENNET of New York. It does not include interest. It does not include any claim due to an incorporated insurance company. Roughly speaking, the amount is $848,000.

Mr. GOULDEN. One more question, if my colleague will yield.

Mr. BENNET of New York. Certainly.

Mr. GOULDEN. In what respect do those claims differ, so far as legality is concerned, from the war claims?

Mr. BENNET of New York. There is no difference whatever in their legality. In each instance the Court of Claims has passed on them.

Mr. SWASEY. And found the law as well as the facts.

Mr. BENNET of New York. Yes; and the gentleman from Maine reminds me that in the case of the French spoliation claims the court has found the law as well as the facts. Yet we are asked to pay the southern war claims because a court found them to be valid.

Now, the gentleman from Kansas [Mr. CAMPBELL] said a bill of this kind of a "pork barrel." I think this House ought to know that in another place where this bill was drawn up, it was drawn up under stringent rules, which were as follows:

First. In all claims of individuals, to exclude cases where the court has found inexcusable laches; this rule not to apply to churches, schools, and other corporations and quasi corporations which could not under a ruling of the Southern Claims Commission present their claims to that commission.

Second. To allow all claims for use and occupation of real estate and for stores and supplies, which are not barred by any other rule, where the court has made specific findings as to the rent (including incidental damage) of such real estate and the value of such stores and supplies.

Third. To allow no claim for the destruction of property (as by accident, the depredations of soldiers, or military necessity) unless the same was destroyed to furnish materials for the use of the Army, and then only for the value of such materials as materials and not for the value of the building, if given or included in rent found due; this rule not to apply to churches, schools, and similar corporations and quasi corporations where the value of the building destroyed for materials is given.

Fourth. To allow no claim whatever wherein there is a question as to the loyalty of the claimant as determined by the court.

Fifth. To allow all claims arising from French spoliations as found by the court, except the claims of assignees and insurance companies.

Sixth. To allow no claims other than those based upon findings of the Court of Claims certified prior to January 1, 1910.

I hope the gentleman will mark that.

Mark you, gentlemen, in order to have a legitimate title to a French spoliation claim it must be a descendible title. It can not be the title of an insurance company which had a policy for which it had received a premium on one of those 2,090 vessels.

Mr. SIMS. Has the gentleman ever known an omnibus war claims bill to pass Congress that did not have French spoliation claims on it?

Mr. BENNET of New York. The service of the gentleman from New York has been neither so long nor so valuable as that of the gentleman from Tennessee, and therefore he has no recollection of French spoliation claims having been enacted into law since his service here in the House.

Mr. SIMS. If the gentleman will look at the bills he will find out that he is mistaken. They have been included in every omnibus bill.

Mr. MANN. Never in the House.

Mr. SIMS. But when it became a law it had French spoliation claims in it.

Mr. MANN. We will make an exception this time.

Mr. BENNET of New York. To continue—

Sixth. To allow no claims other than those based on the findings of the Court of Claims certified prior to January 1, 1910.

Mr. GOULDEN. Will my colleague tell us what he is reading from?

Mr. BENNET of New York. I am reading the rules adopted by the subcommittee on claims of another body which has to do with this bill in another stage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, remarks were made last night during the course of this debate by the gentleman from Ohio [Mr. COLE], in which he in a most kind and complimentary manner spoke about a vote that I had recently made upon the floor of the House in behalf of the old Federal and Mexican veterans. I admit, Mr. Chairman, that that reference by the gentleman from Ohio to the vote that I cast at that time touched me most kindly. I have always, as a Confederate soldier, had the greatest regard and respect for the Federal veterans, many of whom I met on different battle fields of the South. My association with them since the close of that great Civil War has been of the kindest and most friendly character, and I do not hesitate to say just this morning that, as one of the few Confederate survivors of that great struggle, I sincerely believe that the Republic should be generous in providing for the help and maintenance of the Federal veterans, and that grand old band of Mexican soldiers who need help. I say, in my position here, that the man who braves the storm of bullets in battle and the hardships of camp life for his country is entitled to, and should receive, generous recognition. In the State of Alabama I am an earnest advocate of the needy and worthy Confederate soldiers being cared for as far as the treasury of that State is able to provide for him. These veterans of the blue and the gray are passing rapidly away. Quite 36,000 of the veterans of the Federal Army passed away last year. I see sitting to my right a brave and splendid Federal soldier, the distinguished gentleman from Ohio [Mr. SHERWOOD], a Member on this side of the House. I do not hesitate to say in this presence this morning that every sentiment of friendship, of esteem, and of love of my heart goes out to him. There are a few of these Federal veterans that have their seats on the other side of this Chamber. Some of these brave men I met at Chickamauga, where the man was truly tested. It was a field of northern and southern blood. That great struggle, with all of its fire and passion, has passed from the bosoms and hearts of these veterans of both Armies. The fact is the trouble we have had in the South since the close of the war did not come from Federal soldiers but others who talk much. I stand here this morning an humble representative, in my opinion, of that magnificent sentiment among the Confederate soldiers of friendship and love and esteem for the old Federal soldiers. [Applause.] I thank the gentleman from Ohio [Mr. COLE], and I openly here thank him, for what he said of me.

Surely and certainly no partisanship, no sectionalism prevails in the heart and the bosom of any man on this floor because many of these claims that we are discussing now are from the South and have their origin in the times of the war. The President of the United States, a Republican, urges that these claims be paid. He says that a longer refusal to pay them is a discredit to the Government of the United States, because a competent court has investigated these cases and pronounced them valid. I have one case to which I would like to refer in the presence of this House this morning. I refer to a colored church that during the war was destroyed. They are close neighbors of mine, all colored people, belonging to the Primitive Baptist Church. What does the Court of Claims say in reference to those people:

During the War of the Rebellion the military forces of the United States, by proper authority and for the use of the Army, took possession of and tore down the church building of the Primitive Baptist Church (colored) of Huntsville, Ala., and used the material thereof, which at the time and place of taking was reasonably worth the sum of $909.

It does not appear that payment has ever been made for any part thereof.

Is there any gentleman on this floor who for a moment questions the fact of the loyalty of those colored people? [Applause.] Since 1884 the elder and members of this church have written and talked to me about this small pittance to these needy church people. I have dealt kindly in answering their inquiries. The district I have the honor to represent has quite 50 of such cases on this bill, carrying with them nearly $50,000. Each one of these cases has been fully and fairly investigated by the Court of Claims. The same facts were established in these cases relating to the destruction of churches and halls that were established in the Primitive Baptist Church (colored) of Huntsville, Ala. What, I pray, is the use of a Court of Claims if Congress refuses to enforce its judgment. Mr. Chairman, I stand for this bill. These claims now in judgment, by every instinct of fairness and justice, ought to be paid. I have not heard the semblance of a substantial excuse during this protracted filibuster why these claims shall not be paid. [Applause.]

EULOGIES.

The CHAIRMAN. The hour of 12 o'clock noon having arrived, in accordance with an order agreed to in the House, the committee will now rise informally.

The committee accordingly rose, and the Speaker resumed the chair.

EULOGIES ON THE LATE SENATOR ALEXANDER STEPHENS CLAY.

The SPEAKER. The House will be in order. The Chaplain will offer prayer.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we thank Thee for that moral sense down deep in the hearts of men which inspires admiration and praise for those who have rendered faithful and efficient service for the public weal and promises the final triumph of good over evil. We are here to leave on the pages of history the record of two such men. It is well, since the work of the faithful points the way for those who shall come after them, and we bless Thee that the human heart refuses to believe "that the soul which breathes through the intellect wisdom, through the will virtue, through the affections love," passes with the death of the body "into nothingness and darkness forever."

Grant that those who were bound to the departed by the ties of kinship and love may cherish their memory and look forward with imperishable hope to an immortal realm where they shall dwell with them forever. And Thine be the praise through Jesus Christ our Lord. Amen.

The SPEAKER. Under the order the Chair in execution of the same will recognize the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia offers the following resolutions (H. Res. 982), which the Clerk will report.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. ALEXANDER S. CLAY, late a Member of the Senate from the State of Georgia.

Resolved, That the next adjournment shall be considered a particular mark of respect to the memory of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The gentleman from Georgia [Mr. LIVINGSTON] will take the chair.

Mr. HARDWICK. Mr. Speaker, ALEXANDER STEPHENS CLAY, late a Senator of the United States from the State of Georgia, was one of the State's most universally respected and best loved sons.

I do not believe I overstate the facts when I say I know of no Georgian, alive or dead, at this or any period of the history of the State, who was more universally loved in life or more deeply mourned in death.

The people of Georgia loved Senator CLAY because he loved them. They were true to him because he was always true to them. They "delighted to do him honor" because they knew that in doing so they honored themselves.

There were many men in public life who at times made a more brilliant showing than our late Senator; there were others who seemed better fashioned "the applause of listening senates to command," who dazzled the imagination and filled the public eye to a greater extent than he, but in capacity for hard, useful, fruitful work, for constant, continuous, and unremitting toil, in devotion to duty and fidelity to the interests of the masses of the American people no public man of his times was his superior, few his equal.

Senator CLAY had, magnificently developed, at least three striking attributes of character without which no man can be reckoned either really great or truly good; without which the words of the most brilliant and accomplished orator are "mere sound and fury, signifying nothing;" without which there can be no solidity or permanence of achievement in any walk of life, public or private.

First. Our late friend was as modest and unassuming as a gentle and refined woman. He had none of the pomp and pride of place and station about him. He was one of the most natural and the least egotistical gentleman it has ever been my good fortune to know. He had absolutely no false pride either of opinion or of authorship, and was always ready to accept the proposition of another whenever that proposition seemed wiser and better than his own. Any legislator who broadens out this much and reaches this stage of mental development has become possessed of at least one of the real elements of intrinsic greatness and usefulness in legislative service.

Second. Senator CLAY had the most practical, if not the only, form of real genius—capacity for hard work and the willingness to do it.

Third. He had a great, unselfish, human heart in his breast; a heart full of deep sympathy for the troubles of others and keenly responsive to the wail of human suffering whenever and wherever heard and however weak its whisper; a heart full of charity, even toward those "who despitefully used him," and overflowing with love and good will to all men.

Coupled with these admirable qualities of heart, he possessed hardly less admirable qualities of head. While he never posed and never sought to make a show, he was a man of splendid poise, of excellent common sense, and of solid attainments. He was a hard student, particularly in the latter years of his life, when I knew him best and was most intimately associated with him, and he had an extensive range of that most useful knowledge that is not learned from books or taught in the schools, but comes from actual knowledge of men and practical acquaintance with affairs. No man's education is complete without this post-graduate degree from the great university of life that had conferred its highest degree on our late Senator. Withal, he was a careful thinker, a close and accurate reasoner, and possessed of at least one other striking hall-mark of greatness—he was not only personally and politically honest, but he was also intellectually honest to the core.

From poverty and through adversity he came, working his way upward in genial, friendly, and admirable fashion. Living and working in the clear light and bright sunshine of the Almighty, both his heart and life were filled with that light and sunshine. Fidelity to duty, both in public life and private station, was the watchword of his career. As son, as husband, as father, and as friend he was incomparable and unimpeachable.

Mr. Speaker, this man's simple, honest, up-hill life; his steady and unbroken ascent to high place; his absolute fidelity to the interests of the people, who knew him, loved him, and trusted him; his remarkable capacity for making and holding friends; his capacity for hard work and his willingness to do it; his long, honorable, and useful career both in Georgia and in the Senate of the United States; his untimely death, hastened without doubt by his firm refusal to leave his post of duty at the last session of this Congress to recuperate his failing health; his bier, covered with the beautiful flowers that attested the love of a great people, and wet with the tears that were eloquent of their grief, all make up a lesson I can never forget—a lesson that every American youth ought to learn—a lesson of high purpose and consecrated devotion to duty. As I pass in swift mental review over the life and career of my dear, dead friend, I see him a struggling youth, of poor but honest parentage; born with no silver spoon in his mouth, but with a God-given determination in his heart to make something of himself and to be of service to his fellows; I can see him struggling through as much schooling and as careful preparation for the practice of law as his scanty self-earned means would permit; I can see him as a struggling young lawyer facing his older and more experienced brethren at the bar with that innate modesty and diffidence that was ever one of his chiefest charms, but with final and deserved success.

I can see him when he first came to our legislature, at an early age, as the representative of his dearly loved county of

Cobb; I can see his influence and power as a member of the legislature broadening and growing as his genial, open nature won him friends and as his strong and trustworthy character grew upon his associates and the public. I can see him soon elevated to the speakership of the house of representatives of our general assembly. I see him soon transferred, by the vote of his own loving people, who never denied him aught or gave him grudgingly, from the lower to the upper house, there to retain his preeminence as president of the senate. I next see him State chairman of the Democratic Party of Georgia, leading its hosts with gallantry, dash, and splendid success in the only real party contest the State has known since the days of reconstruction. I can see him reaping at an early age the highest political reward his State and party could bestow, when in 1896 he became United States Senator from Georgia. I can see him as he stands before the legislature that has honored him, the cynosure of every eye, honored and beloved of the people; and I can hear his voice ring out in modest protest that he doubts his ability to worthily wear the high honor his friends have given him, but in earnest promise to dedicate himself to duty and to unremitting toil for the people—a diffidence that the event has shown to be entirely unfounded, and yet one that did credit to his heart and character, and a promise that he religiously kept through all the remainder of his days.

I see him, a Senator of the United States, wearing worthily the honor and maintaining without effort the dignity of his office, and yet remaining plain, honest, unaffected, modest, genial "STEVE" CLAY to his friends, always; I see him unspoiled by place and as attentive to the wishes of his humblest constituent as to those of his mightiest; I see him winning the love of the entire Senate and of all the Members of this body who had the good fortune to come in contact with his open, genial, friendly, modest nature; I see him winning and retaining the respect and high opinion of the Senate and the country by his industry and his honesty, his fidelity to duty and his sterling common sense, by his earnestness and sincerity, and by his lack of all cant and pose.

I can see him during the very last span of his life in Georgia, standing manfully and openly by his conception of the State's honor and interest, without regard to or fear of any possible consequences to himself. I can see him, in this last political battle of his career, as broken in health but unbroken in spirit he unfurled his battle flag to Georgia's breezes, and disdained to trim his sails to catch what seemed to be the passing breeze; I can see him when he was bright and clear of eye, robust in health, and exuberant in spirits; and I can see him when the fateful hand of disease and suffering was laid heavily upon him.

I can see him as he stood in the historic Chamber of the mightiest legislative body on earth, battling with all the courage of an olden knight for the cause of the poor and the oppressed, and I can see him at his fireside, the center of a devoted family circle, the pride of aged parents, the strong staff upon which leaned a loving and devoted wife, the idol and companion of his children; I can see him when he was the very embodiment of life, an intensely human, an altogether lovable figure, a man with a host of devoted friends, with strong beliefs, with earnest convictions, with unfaltering purpose, with unimpeachable honesty; and I can see him as he lay cold in death in his beloved Marietta home, surrounded by his loved ones, mourned by his friends, lamented by a great State and country, with his earthly work done, and well done—an honest man gone home to meet his God and to receive his reward.

His like we will not soon see again. Peace to his ashes, honor to his memory. Fortunate, indeed, will each of us be, if, when the final summons comes, the friend who says the last words over our remains may be able to truthfully pronounce the eulogy I now pronounce over my dear friend—those who knew him best loved him most.

Mr. BURGESS. Mr. Speaker, Georgia has furnished many brilliant and able men to the service of the Republic, but in my judgment she has furnished no better man than he to whose memory we now pay respect.

ALEXANDER STEPHENS CLAY did not serve in the House, and only those Members who came in contact with him knew the real worth of the man. I lived for some years at the same hotel with him and knew him intimately, and I respected him and loved him as perhaps I respect and love no other citizen except in my own State.

I found him a faithful friend, a man whom anybody could meet on equal terms, a man without guile, a man without blemish, a man in the very best sense of the term. As the speaker who has just preceded me has said, if he had one distinguishing characteristic that made him stand out above his fellowmen, it was his loyalty not only to his friends but to every consideration that was impelled by conscience.

Loyalty to friends is a great and rare trait, but loyalty to conscience rises above even loyalty to friends. He was a man in whose bosom lurked not the shadow of a lie. He knew nothing but the truth, and he worshipped it all his days. Knowing him and loving him as I did, it is not surprising to me that he was universally loved in his own State. It could not be otherwise, because to be thrown in contact with him was to love him; to know him was to realize his worth.

He has gone, and happy will be the man of whom, when he comes to go, it can be said, as it is truthfully said of CLAY, he fought a good fight, he finished his course, he kept the faith, and henceforth there is laid up for him a crown of righteousness in a better world.

CLAY believed profoundly in God, and I am not ashamed to proclaim in this presence my faith in God. Looking out through the misty future, I hope to see the day when I shall meet again with this friend who has departed in a better world than this.

After all, life is but a breath. After all, life is but a moment, and we are gone. Happy is the man of whom it may be said that when his

> Summons come to join
> The innumerable caravan which moves
> To that mysterious realm where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry slave at night,
> Scourged to his dungeon, but sustained and soothed
> By an unfaltering trust, approach thy grave
> Like one that wraps the drapery of his couch
> About him and lies down to pleasant dreams.

He has gone. We call it death. Ah, Mr. Speaker, there is no death. Beyond this life he lives, and his life and the life of all such is a pledge of a future life for all men.

Mr. RICHARDSON. Mr. Speaker, my acquaintance with Senator CLAY commenced when I entered Congress in 1900. Our rooms at the hotel adjoined each other, and our daily intercourse was most intimate and continued so to the day of his death. In these cordial relations of friendship between us I discovered that the love of truth and simple and plain honesty and justice in all the affairs of life predominated in his character. The reputation of no public man that I have ever met was built more certainly and firmly on these ennobling features of his life—truth, honesty, and love of justice—than that of ALEXANDER STEPHENS CLAY. He was not what the world called a brilliant genius, a great and electrifying orator. Nor did he ever essay to fill such a rôle, but he was eminently an American statesman, possessed of an unerring judgment, a fidelity to duty, and a practical knowledge that made him an invaluable public servant. Senator CLAY was a grateful man. He loved the kindnesses and courtesies that his friends so lavishly extended to him. But, Mr. Chairman, as much as anyone I ever met he esteemed, loved, and cherished the honors that the people of Georgia had conferred upon him, and for them, and with that splendid spirit, he labored in and out of season with a persistence and fidelity in the pursuit of their interests that made him one of the most successful Members of the United States Senate. In his vocabulary duty was the great headlight of his life. As he saw his duty, thus he performed it boldly, conscientiously, and with a courtesy and kindness that endeared him to those who might differ with him. In his composition there was a marked absence of the petty envies and jealousies that so often blur and mark the intercourse of public men. Senator CLAY loved his fellow man. It was a joy to his heart not only to see but to help his fellow man advance in the honors of life and in the acquisition of blessings that men struggle for. He was a tender and kind hearted man.

To others of his own State of Georgia it is more appropriate than for me to note and refer to the various positions of trust and honor that the people of Georgia so generously, over a span of years, conferred on him. I only can speak of Senator CLAY as I knew him as a Senator. Senator CLAY's life, his success, is a wonderful tribute to the spirit and glory of our republican institutions. From the humble walks of life he came, but its natural obstacles, its serious hindrances and discouragements, could not deter or divert his invincible spirit. The goal of life was before him; the institutions of his country opened the avenues to him and every man for a fair struggle for success. Success—liberal success—was the reward of his life in all his efforts. He died at an early age, but the record of what he accomplished is the highest and best testimony of his

useful life, and is justly the heritage of the great people of Georgia, who feelingly mourn his untimely death.

Mr. Speaker, sometimes it is unjustly said that the lives of public men are so engrossed in their public duties that the sacred ties of home with its endearments are more or less benumbed, and that the music of home is not so sweet as it once was. It was not so of Senator CLAY. In my intimacy with him during the frequent private conversations I have had with him when his wife and children were absent, I recall now with what tender pathos he would speak of his home—the true happiness that dwelt there. He would pass in affectionate review each member of his loved family circle and would always close the conversation: "I am so anxious to go home." Mr. Chairman, it has been said that a happy, contented home is a simple prototype of the mansion that God has prepared for those He loves. Senator CLAY was a pure and guileless man—a great man in its true American acceptation—and his life, his example, his works, are worthy of earnest imitation.

Mr. DAVIS. Mr. Speaker, it is most appropriate that this day be set aside for the strewing of flowers and garlands to the memory of the late Senator ALEXANDER STEPHENS CLAY, of Georgia.

Although he is no longer with us, the memory of his life, the spirit of integrity and devotion which dominated his actions, comes to us to-day, a testimonial to the true worth of the man. This is an appropriate time, indeed, for those who knew him best to pay tribute to the sterling character of the man, his high purpose and noble ideals.

To those who knew him best and shared the closest intimacies of his friendship Senator CLAY was the lovable man. He was the man who loved best to have his friends about him and enjoy the sweet intercourse of friendship. Possessed as he was of a rare kindliness of heart and a broad humanity, his view of life was always charitable and optimistic. This quality of benevolence of heart endeared him to all who knew him. The friendships he made were enduring.

His loyalty and devotion to his friends under any and all circumstances was a marked characteristic of the man. Having sprung from the people, realizing in his early experiences struggles of life, he loved them and they in turn loved him. Coming from the people, he understood their wants and he strongly reflected in his public career the feeling, sentiment, and thought of his State on public questions. In a true sense he was their representative. He enjoyed a merited popularity, and the cause of it was found in the fact that his people thoroughly believed in him and had the utmost confidence in his honesty, integrity, and sincerity.

In all of Senator CLAY's public utterances there rings the clear, true note of high purpose and lofty ideals. He was ever the defender of the people, following his sense of duty as it appeared to him. He denounced wrongdoing and upheld right conduct in public affairs and legislation with an ability, an ardor, and fervency of spirit worthy any patriot or statesman. While he was not slow to denounce with clarion voice evil as he saw it, his eloquence was never wanting to defend the right, to uphold the good.

This clear-headed, right-minded, and ardent statesman of the South, this advocate of the people, uttered no false note. There was no hesitancy as to the course he was to pursue. Having a clear vision and high purpose, he was swift to decide on his course of action. While a partisan in politics, in thought and in purpose he was an independent. His devotion to party never dimmed his vision for the highest public service. His independence of thought continually asserted itself and made its impress upon public legislation.

During his distinguished services in the United States Senate, dating from 1896 up to the time of his death, great economic problems confronted the Nation. With these questions he was brought face to face. It was a period in which much of national legislation was directed toward the problems of transportation, commerce and industries.

It was a period in which there was a marked diversity of opinion as to the proper methods of dealing with these important questions. Senator CLAY brought to the discussion of these problems a high sense of duty and an earnest and patriotic desire to accomplish the right.

It was in this connection that his independence of thought and action was of special value in the securing of legislation of an important nature. In the final analysis it will be found, I venture to say, that this southern statesman has contributed his share toward the enactment of legislation of a beneficial character.

He was an indefatigable worker. Here again, we find his sense of duty asserting itself in long hours of toil and constant attention to public duties. Time and time again friends advised him to take needed rest, which he refused to do, so devoted was he to his constituency and Nation. Here was a man loyal to his trust.

Having been born and raised in the South, he believed in the South and her future. Although he grew up amid the traditions as well as the sad ruins of the Old South, yet in a true sense he belonged to the New South, with all of her hopes and aspirations. He typified to a remarkable degree that aspiration, self-assertion, and restless energy which is now taking possession of her people and which will eventually make of this section a new land.

Senator CLAY was democratic in the true sense of the word. He was ever close to his people and they confided in him. It can be truly be said that he knew of no allegiance save his allegiance to duty. In him the people found a tried, trusted servant, who would betray no confidence and would not be turned from the straight path of duty. His State and Nation lost a valuable servant, his people a friend.

His loss is, indeed, a personal one. It was my privilege to know him intimately, and I came to appreciate and to hold in high esteem his friendship. The hours spent with him will be treasured for the kind memories they bring. His geniality, his high and lofty spirit, his unswerving devotion to duty, his rectitude of purpose, will ever be a source of inspiration.

In all my acquaintance the truth of the maxim that an honest man is the noblest work of God was never more fully exemplified than in the life and character of Senator CLAY.

Mr. BRANTLEY. ALEXANDER STEPHENS CLAY was not an ordinary man. He had all the qualities of mind and heart and body that go to make a leader among men. In the hush following upon the startling announcement of his death last November it was only too sadly realized that a great man among us had fallen, and in the hearts of his people there was erected that day "the broken column," emblematic and commemorative of the towering figure that had passed out of their lives, but whose memory would always remain.

No man can carve his way from obscure privation to a seat in the Senate of the United States, and hold it against all comers for two succeeding terms, unless there is in him something more of determination, of character, and of power than is given to the average man. Not only did Senator CLAY do this, but the end of his brilliant career to State and Nation was not in sight when a Divine Providence commanded that he lay aside all earthly labors and honors and enter upon his eternal rest. We of the House have set apart this day upon which to pay some fitting tribute to his excellent worth and to voice the esteem and affection in which we held him and the sorrow that is ours over his passing away. It is difficult for those of us who knew him and loved him in Georgia, as well as here, to properly and fully express the greatness of the loss we feel. Its magnitude, personally, socially, politically, and in every other way is too overwhelming to find expression in any words that are at our command. I look back upon the years since I first knew him, and more than half the life that I have lived is unrolled before me, and his entire public career comes back into view. I see him a new member of the Georgia House of Representatives from the county of Cobb, and hear again the clear ringing notes of his clarion voice as he made his first speech. I see him, successively, speaker of that body, dignified, courteous, and prompt; president of the Georgia Senate, gracing that station; chairman of the State Democratic executive committee, meeting all the requirements of that position; and a United States Senator from Georgia, living up to the best traditions of that august body. I knew him in all these relations, and now, with the light of his life extinguished and naught remaining of him save his imperishable record and undying memory, I can truly say of him that from the day of his entrance into public life until the hour when he forever laid down its burdens he was the true servant of the people. In my service here and at home I have known no man in the public service who more than he unreservedly consecrated his time, his thoughts, and his talents to the duties of his official station.

He bore in part a name illustrious in Georgia, and bore it so well that new luster and fame has been given to that name.

In Statuary Hall in this Capitol there has been erected no statue in honor of the great State of Georgia, but some day one of the figures that will there appear will be that of Alexander H. Stephens, Georgia's great commoner. This Hall has rung with his eloquence, and his impress is here, and in the archives of this Government, as it is in Georgia and the South. His illustrious name was borne by Senator CLAY.

What influence, if any, this name had upon the shaping of his life it is not for me to speculate upon, but this I know, that, like the great commoner, Alexander H. Stephens, the heart of ALEXANDER STEPHENS CLAY was ever with the toiling, struggling masses, and his hand was ever extended for their uplifting.

His life's record has been made up. There is naught we can add to it or take from it. That record, as it is written, shows that Senator CLAY ever and always stood erect, free, and unshackled to voice the sentiments, the hopes, and aspirations of the great body of the people, who looked to him with unfailing trust as their spokesman and leader. Wealth, nor power, nor influence could swerve him from the straight path of duty, nor did he ever stoop to mislead or deceive.

Cruel and wicked assaults upon the purity of his motives and the honesty of his purposes are perils to which every public man is exposed. Such perils are minimized and discounted by such a life as Senator CLAY gave to the world. His upright character, his lofty integrity, and his unflinching and unfaltering devotion to duty make the answer to those who for pecuniary or selfish ends would undermine and destroy the confidence of the people in the men selected to serve them. Senator CLAY accepted public office as a public trust. Duty was his watchword, and I speak within the confines of a well-considered opinion when I say that his devotion to duty, as he understood and conceived it, hastened the coming of his untimely end.

When stricken with failing health and sore disease, friends urged upon him that he forget for the time being the cares and responsibilities of his office and, with a mind centered only upon regaining health and strength, seek some quiet and obscure retreat and try to woo back his failing powers. These appeals he turned aside, waiting an opportunity when duty did not conflict with health. It may be that he did not realize the seriousness of his condition, or how close a neighbor the black angel of death had become; or it may be that he knew these things and yet dared remain at the post of duty. Be this as it may, he tarried at the post too long, and paid the penalty. He died a martyr to duty.

The allotted life of man was denied him, and at the age of 57, when he should have been in the full vigor of a strong manhood, he was cut down. We stand aghast at the tragedy of life and death, as thus revealed, and we moralize upon the vanity and futility of human life, as we know it, but in the life of Senator CLAY the lesson comes home to us that such a life is worth the living. It was a clean life—clean and pure and honest. It was a life inspired by high ideals and sustained by an unfaltering faith in the love and wisdom of a Divine Creator. Such a life illumines the pathway for struggling humanity, and for those who are weaker, points the goal of success in life and in death that can be reached with a little more courage and a little more effort and purpose. When all has been said and done, it still remains that the most any man can do is to do his duty as God gives him the power to see it, and so it can be said of Senator CLAY, that he did the most that any man could do.

He brought into his public life the same sincere, open, and candid habits of thought and speech and act that ever characterized him in private life. His life in public and private was an open book, to be read by all men. There was in him nothing of subterfuge or deceit or strategy. What he was he was, and what he thought he said. All men did not at all times agree with all he thought, but none questioned his sincerity, and all admired his candor, even as they did the courage of conviction that was his. It is no small feat for a man to live in the white light of publicity for more than a quarter of a century and have no stain or blot upon his name ever discovered or suspected. This was the feat of him whose memory we to-day honor, and in honoring which we honor ourselves.

Senator CLAY won a high place in the councils of the Nation. His opinions were respected, his advice was always heard and oftentimes heeded. He more than maintained himself in what is popularly called the greatest legislative body on earth. His standing there was secure and his influence felt. His colleagues in the body where he served, as in this, admired, respected, trusted, and loved him. What more can be said of any man's service? But marked as was Senator CLAY's success here, his greatest success was in winning and holding throughout the years the confidence and love of the people who so signally honored him. With them his death was a great personal bereavement. Senator CLAY has passed into the great beyond, which passing is lamented beyond expression, but it is "STEVE" CLAY, the man, whom his people miss and mourn. They loved him, not because he was a Senator, but because he was a true and trusted friend, a loyal and unselfish neighbor, a gentle but courageous man. It was because they loved him that they made him a Senator. I voice their sentiments when I say that in his death Georgia mourns the loss of one of her great sons, great because he was a manly man, great because on merit alone he won and held high place and in it always did his duty, great because he loved his God, his country, and his fellow man. He came, he was, and now he is no more. We rejoice that he came and that we knew him; we mourn because in this life we shall know him no more, nor soon upon his like look again.

Mr. ADAMSON. Mr. Speaker, the death of Senator CLAY was a sad blow to his friends and a great loss to his country. His lingering illness filled us with apprehension and prepared our minds in some measure to expect the announcement of the end, but our estimate of his worth was by no means decreased thereby, nor our sorrow diminished. He bore his long illness with a faith and fortitude surpassing heroism and nowhere equaled outside of the life trials and triumphs of a Christian. Physical courage may animate and sustain the hero to rush upon the enemy and brave danger in the shock of battle, scorning carnage and death raging round, in reality being stimulated thereby to greater and loftier daring. Far different is the case of the sufferer lingering for years under the ravages of wasting disease, knowing he can never recover, but conscious that his end is near. With full knowledge he looks the monster in the face and defies him to do his worst, realizing that duty well done, with obedience and faith in Him who triumphed over death for us all, will set at nought the dread power of the fell reaper. Senator CLAY knew for two years that his health was irrevocably gone and that his days were numbered, yet he continued cheerful and genial. Though his friends importuned him to suspend work and prolong his life by rest and treatment, he steadfastly refused and continued to work. He said that his constituents had honored and trusted him, and he must continue to serve them as long as his strength permitted; that if death must needs come it should find him at his post of duty, and nothing else should remove him therefrom. He literally worked for his people, even down to the hour and article of his death.

Senator CLAY's sickness and death presented a nobler spectacle even than that prophesied by the sublime poet, who saw—

> "The last of human mold
> That shall Creation's death behold."
> "Amid the wreck of matter and the crash of worlds"
> The Spectacular last "lone one stood
> With dauntless words and high,"
> And bade the dying sun, fading
> Into universal destruction and gloom,
> "Go tell the night that hides thy face
> Thou sawest the last of Adam's race
> On earth's sepulchral clod
> The dying universe defy to quench his immortality
> Or shake his trust in God."

How different the case of Senator CLAY. Racked with pain, prostrated by an incurable affliction, communing only with himself and his God, unstimulated by spectacular phenomena or sublime and terrific events, he, patient and uncomplaining, conducted his private domestic affairs, directed his official business, responded to the demands of his constituents, all the while surely, rapidly, and consciously approaching his dissolution, yet, relying on his Maker and his Saviour, he answered his summons without a tremor or a fear, and calmly laid his feeble, wasted body down to rest, while his spirit, freed from pain and care, soared to realms on high to receive the glorious reward of the brave and the faithful.

I knew Senator CLAY longer and better than did any other Representative or Senator. Our friendship, genuine and uninterrupted for more than 33 years, did not depend upon any accident of fortune, nor was it ever affected by any exigency of politics. Usually we agreed, but when we occasionally differed he manifested his accurate understanding of the American principle of political liberty by entertaining his own opinion without protest, anger, or attempted proscription if his comrades should act upon their own judgments. That is a rare quality, professed much oftener than it is practiced. Senator CLAY fully exemplified the doctrine in practice. If, like him, we could all realize and show forth the doctrine that liberty of opinion means that we can all think as we please though we differ in conclusion and action, conditions and feelings would be much improved. A man who asserts his own liberty of opinion, with the reservation or assertion that his neighbor must agree or be proscribed, denies his own freedom and impeaches his own manhood rather than that of his neighbor. If one is free, all are free, and all may think and all may differ, yet all be true American patriots striving for the same end—true principles and good citizenship.

I first met ALEXANDER STEPHENS CLAY at Douglas superior court in 1877, soon after we had both been admitted to the bar. We were both young, hopeful, and poor. "Fellow-feeling made us wondrous kind." We had no idea of ever going to Congress.

We did believe, however, that we could make as good lawyers as some of those we saw making a living at the practice, and we tried our best. Conditions were such that we could not avoid participating in politics, but not to an extent that interfered with our practice of law, though he did in turn become a member of both branches of the legislature and presided over both with great credit, afterwards serving as chairman of the Democratic State committee. Twenty years after our admission to the bar we both came to Congress, he to the Senate and I to the House. Our friendship of 20 years was not terminated thereby, but became more intimate and intense. He was, in the full sense of the word, a working Senator. He made few long speeches, but many long friendships. He so ingratiated himself into the favor of his associate Senators that he could accomplish as much of a personal, local, or nonpartisan nature as any other Senator, if not more. He was always ready to work and would respond with alacrity to any call of duty, night or day. He loved his friends and very few acquaintances were not his friends. If I had no other evidence of his goodness here and his acceptance on high than his love for his fellowman, I would feel warranted in believing that his disembodied spirit passed from suffering and love of his fellow mortals below to the glory and comradeship of the blessed above. We are taught that our love for the brethren is sufficient evidence that we have passed from death unto life.

If a man saith I love God, and hateth his brother, he is a liar; for he that loveth not his brother whom he hath seen, how can he love God whom he hath not seen?

Whosoever shall give to drink unto one of these little ones a cup of cold water only in the name of a disciple, verily I say unto you, he shall in nowise lose his reward.

Senator CLAY did more than give a cup of cold water to the thirsty little one. He gave overflowing cups of joy to all who knew him. "Verily he went about doing good."

As an American statesman he left an enviable record. True to his oath and to the people, he would have been true to the people without the oath. He never sanctioned oppression, nor did he ever consent to "grind the face of the poor" by speech or vote. He never helped to entrone might or enrich class to the oppression of the weak or the robbery of the masses. He never aided in enacting class legislation to enable a few to exploit the many, nor to establish unequal laws permitting men to grow rich by compelling their neighbors to pay extortionate prices. He lived and loved the doctrine that opportunity should be left as free and equal as natural conditions would permit, and that legislation should never increase inequality for the benefit of special interests to the detriment and impoverishment of the general public. His record was true to the Constitution, the welfare of the people, and the cause of righteousness. I offer this simple tribute to the memory of a model husband, provident father, affectionate, dutiful son, good friend, true patriot, able statesman, and Christian gentleman, not in the spirit and vernacular of laudation, but in the language and fervor of true friendship, prompted by a heart that loved and honored him in life and now after his death proudly commends his life and record to the youth of the land as furnishing an object lesson for study and encouragement and an example worthy of imitation.

Mr. HUGHES of Georgia. Mr. Speaker, it was my pleasure and joy to have known Senator CLAY from his vigorous young manhood to the close of his illustrious life. This friendship grew and increased with the passing years. He knew I loved him.

This genial gentleman, whose genius won for him a place among the foremost statesmen of his day, came from that sturdy stock of southern yeomanry who defy all obstacles in the pursuit of laudable ambition. The father and mother of this kind, noble, and lovable son still live to revere his memory and to look back over his life, which has been a beacon light in every hour of their lives. His father was a small farmer, accustomed to the ax, plow, and hoe. Together with his wife, who was as gentle as industrious, he faced the stern realities of farm life throughout the darkest days of Georgia's rehabilitation, when want, devastation, and sorrow hovered over the Southland, so impending that hope was deferred and despair caused many a weary soul to yield to the seemingly inevitable and sink into an untimely grave. Not so with the elder Clay. He met every storm in the vicissitudes of life with rigid determination, never despairing, determined to conquer for wife, children, and country. The mother was, indeed, his helpmeet, for it was she who radiated light through every cloud, brightening the rugged pathway of their lives as they moved onward and upward to comparative independence and comfort in a modest country home.

Such were the father and mother of STEVE CLAY, who rose to illumine the life of his parents and honor his country with his goodness and greatness.

Senator CLAY was born and reared on a farm, receiving his early education in the country schools and between the plow handles. He was ever willing to labor with his father in building up the home, and as he grew his dream was to lessen every burden of father and mother. As he could be spared from the farm he was sent to the near-by schools, for his parents were determined to lay the foundation upon which he could build a higher education through his own efforts, a wise provision of which he took advantage later in life.

By indefatigable energy and determination Mr. CLAY won in the great battles of life, leaving an object lesson to every determined boy which inspires regardless of poverty and adverse surroundings.

Having performed every kind of farm labor, young CLAY knew the meaning of hard work, economy, and sacrifice. His struggle on the farm implanted in his very soul the fact that diligent labor was the factor which pointed to success in any field which he might enter, and his success in his first work on the farm aroused a desire for greater achievements and broader fields. While still a young man, and just after he had graduated from Hiawassee College, he taught school and studied law during his leisure moments, being admitted to the bar in 1877. His earnestness, his application, his devotion to duty in this profession not only attracted attention but clients, and the young attorney rapidly attained a position of prominence in the State as one of its ablest lawyers. In this profession he won distinction.

He entered politics with the same zeal that characterized his progress and successful attainments on the farm and at the bar. After a short service in the House of Representatives of Georgia, he was elected speaker of that body, stamping himself as a master of parliamentary law; and his adherence to justice in his rulings increased his popularity, the popularity that had made him a great favorite and a leader in Georgia politics. He left the house to accept a term in the State senate, and served with great distinction as its president, displaying his same wonderful knowledge of parliamentary practice and procedure. At this time it was predicted that he would, ere long, occupy the gubernatorial chair, but, instead, he was soon elected to the United States Senate, in which body he was conspicuous; and his service there so endeared him to the people of his native State that he was elected to the second and third terms without opposition. Mr. CLAY'S political life was untarnished; he was true to principle and there was no power which could swerve him from it. His life is emblematic of all that is pure and noble, a heritage more precious than gold, which is handed down to the young men of Georgia and of this Union as an example worthy of emulation, as a star of hope to those striving for success, honor, and renown.

Senator CLAY was filled with faith, hope, and charity. He had faith in his God, his country, and his fellow man, and that faith was made more beautiful by hope, which was as bright as the midday sun, dispelling every passing cloud, radiating its glory to his fellow man, leaving inspiration wheresoever the rays might fall. But his greatest trait was charity, which made him good as well as great. It permeated his every purpose in life. He saw the good in mankind, and under his cheering smile and heartfelt encouragement many have overcome great obstacles and conquered despair.

He was firm as Gibraltar in his convictions, which were only reached after careful and painstaking investigation. He was immovable when he felt he was right. He was broad and readily recognized the rights of others, even though they were opposed to his interest. He was powerful in debate and spoke with the force of a logician—so often destructive to his opponents. He used argument, not coercion. He was as persuasive as he was logical and never left a scar intentionally. His language was never of doubtful construction, but he did not sting with invective in order to place in the RECORD remarks attractive only for vitriolic effect—so common to many whose leading traits in speaking are bitterness, instead of logic tempered with justice, the weapon of a statesman in debate.

He knew, regardless of all the nobility and goodness in man, that still he was not perfect; that it was not given to human beings to be without faults. But he looked upon these faults with a loving and forgiving heart, and it was his wont to minimize them.

There was never a new Member of the House who, when he met Senator CLAY, was not drawn to and attracted by him. He realized that which has not occurred to some Members, that new representatives deserved consideration and aid instead of

indifference when entering upon their new duties. Older Members are prone to forget that their knowledge was largely acquired through the school of experience, and do not lend a helping hand to new Members. But it was not so with Senator CLAY. One of his greatest pleasures was to lend a helping hand, and his kind heart would cause him to go to the rescue of a friend long before his aid was asked.

Such a man, whether born in a mansion or humble cottage, lives great and dies great. Such a man was CLAY.

In his home life "beauty walked hand in hand with duty." He was ever a dutiful son, an indulgent, loving father, a faithful husband.

I attended the last sad rites paid to this distinguished Georgian at Marietta, Ga., his home, where he was known best and loved most. Here his friends gathered, sharing the grief of his loved ones as he was placed in his last earthly resting place, amid wreaths of flowers. These emblems of purity were tokens of love and the tears in every eye were the response of bleeding hearts.

Mr. BELL of Georgia. Mr. Speaker, it was my privilege and pleasure to have been personally acquainted with the late Senator ALEXANDER S. CLAY, of Georgia. Since my first knowledge of him I was convinced that he possessed many noble virtues and characteristics, and during my acquaintance with him, covering a period of more than 20 years, nothing ever occurred to convince me in any degree that he was not a conscientious, noble, true, and patriotic southern gentleman. He was a man of strong convictions, yet liberal and generous. While cherishing his own convictions, he was broad and well balanced and conceded to every man the right of his own views and decisions, if at all in keeping with any sort of fairness or justice. He was a plain, unpretentious man, but forceful and intelligent. He was generous to a fault, and no needy person, so far as my knowledge of the man goes, ever left his door except believing in his heart that STEVE CLAY, as he was affectionately called, was a real friend to his less fortunate brother. He was a lawyer of great ability, was successful as an attorney, as a business man, and as a legislator in his State as well as in the councils of the Nation. His achievements in politics were due to his indomitable energy and perseverance, coupled with his faithfulness to his friends wherever found. I was always glad to have his friendship, because it was not that of an ordinary man, but one of force, power, and devotion. While he never lost sight of the fact that he was a United States Senator and always sustained himself in the estimation of his fellow Senators, he was likewise the active representative of the individual citizen residing within the borders of his own Commonwealth, and he could always be depended upon to watch and protect the interests of those who appealed to him for aid. He was an intense man. There was that about him which drew to him the regard of men. In the line of his official duty concerning his people, their wants and wishes, he served them with a fidelity as unswerving as Gibraltar's rock. So much might be said of this manly man and of his life, which was so full of kind thoughts and good deeds, but what more need be said when we can safely say of him that he was true to himself, his country, his family, and his God. One of the most beautiful traits in Senator CLAY's life and character was his loving devotion to his wife and children. He always confided in me, and I knew of some of his trials and vicissitudes, and he always spoke so tenderly of the wife of his bosom and of his boys, for whom he was so much concerned. He said to me on more than one occasion that his greatest object in life was to set a good example for his children and leave such footprints on the sands of time that his children might point to him with pride as their father and protector.

It was my privilege to attend the last sad rites of this good citizen and friend, and my heart was touched when the great throng of anxious people filled the large church to overflowing long before the hour of his funeral and to witness the beautiful floral offerings which bore eloquent testimony of the love and esteem in which he was held in his home city. This statesman, husband, father, friend, is gone from us, but his influence remains. The recollection of his goodness and tenderness will always be a light to lead and guide us to a higher and better life in this world and remind us that there is a better life beyond the grave, for the good and faithful are not only promised the life that now is, but that which is to come.

Mr. CULLOP. Mr. Speaker, ALEXANDER STEPHENS CLAY, late a Senator of the United States from the State of Georgia, was born September 25, 1853, and died November 11, 1910.

During the period contained within said dates his life's work will be found, and we pause a little while here to-day from the daily routine to review and consider his service to his State, his people, and his country, as a tribute to his memory.

With him the door of opportunity is now closed to change, alter, or renew his career, and to a generous public it is now submitted for judgment upon the work performed, the results accomplished, and the influence he exerted, with the fond hope that it will be approved by the verdict of his countrymen.

Senator CLAY was born and reared to manhood in Georgia amidst turbulent scenes and impressive environments enacted in his State. It was during that age of life when incidents irrevocably fix their imprint upon the memory of individuals; it was during a period freighted with revolution, which disturbed both domestic and public institutions and formed and fashioned a new order of public affairs.

When the Civil War broke out he was of sufficient age to understand its awful consequences, and bear witness to its destruction of both life and property, its obstruction to both domestic and civil progress, and its paralyzation of all material development.

Georgia, his native State, was blessed with a great storehouse of natural wealth, abounding in mineral resources, attaining advanced development, a rich fertile soil in a high state of cultivation, producing enormously, divided into fine farms and large plantations, containing cities of thrift and enterprise, diversified manufactories, turning out annually vast cargoes of finished products, entering all the commercial marts of the civilized world, yielding enormous returns in profits on the investments of her people, blessed with a State government with a low tax rate and without a single dollar of bonded indebtedness as a result of the wise and prudent administration of its public officials. All these he learned as a boy around his father's hearthstone, where public questions were discussed and parental instruction diffused in the family circle.

He saw the great transformation of all these beneficent public policies which had been instituted by the patriotic influences of his revolutionary sires, who learned their lessons in public duty around the camp fires of the Revolutionary War as colonial soldiers, fighting for the cause of human liberty. He saw all this changed by the cruel fate of war, until the fertile fields were laid waste and the fine plantations destroyed, and both become the camping grounds, battle fields, and burial places of hostile armies contending in deadly strife. He saw the beautiful homes of her people burned, their improvements destroyed, and their occupants scattered, the thriving industries of her cities paralyzed, their productions cease, and these hives of human industry become the rendezvous of idleness and vagrancy, the development of her natural resources stopped, her mines and quarries cease production, and her commerce fade from existence, her towns and cities reduced to ashes, her wealth, the product of nearly a century's toil, economy, and business sagacity, dissipated; her internal improvements, sources of great public profit, constructed through the wisdom of her statesmen, crippled and become burdens on the people, bankruptcy installed through the corruption, extravagance, and improvidence of her State officials in the administration of her State affairs, and deficit take the place of surplus in her public treasury.

He saw the nominal taxation of property which had been ample to support her State government displaced and in its place a tax levy enforced which amounted to confiscation to defray the public expenditures of her imported carpetbag government, which administered her public affairs and despoiled her credit. He saw a government without debt converted into one with a public indebtedness which equaled the entire cash valuation of all the property within the State subject to taxation for public purposes.

He saw, under the reconstruction of her State government after the war, the remnant of property not destroyed by the ravishes of war confiscated by unscrupulous officials holding the public offices and directing her legislation for the purpose of spoliation, through pillage and plunder for selfish gains multiply the burdens of an already exhausted people oppressed beyond endurance; the high standing of the once proud State changed from its famous position and placed on the verge of repudiation and financial dishonor.

For more than 12 years of his early life, during its formative period, he witnessed this transformation, this interval of hardship and of public and private disaster, all of which was indelibly written on his memory. Reared to manhood under such circumstances and amidst such troublous scenes, educated in this disastrous school of experience, well fitted him for public office, for service in the interest of the citizens whose representative he became, and whose duty it was to serve for the restoration of their rights and the advancement of the public

welfare. It qualified him, as no other experience could have done, to faithfully execute the trust a confiding constituency intrusted to him, and it seemed the ever-pressing desire which actuated him in his public career was to keep inviolate this purpose.

When he arrived at the full estate of manhood, blessed with a dauntless courage, a rigid determination to do right—essential and indispensable qualifications for a public servant—he was called to the legislature of his State to serve for 10 years to aid in restoring good government to its people, reorganizing it on a high plane, that it might redeem its imperiled credit, reestablish public confidence, and inaugurate for it a prosperous condition which it was so well fitted by nature to enjoy. This work he so well performed, this duty he so satisfactorily discharged, that the people of that State thrice elected him to a seat in the United States Senate as a reward. What better approval, what higher commendation for public service could any man desire?

As an illustration of his purpose, I might add a single instance, characteristic of the man and his regard for public duty, which came under my own observation. I met Senator CLAY upon my entrance to the Sixty-first Congress at the beginning of the special session. We lived at the same hotel, and were daily thrown together. During the consideration of the Payne bill by the Senate we met one evening, and while discussing the events of the day, with much emphasis, referring to a certain schedule which had been considered by the Senate that day, he said: "CULLOP, I voted wrong to-day on that schedule; it was against the interests of the people of this country and for the great material benefit of an interested few. I did not know it at the time. I have learned the fact since adjournment. To-morrow I shall have an opportunity to correct that vote, and I shall do it."

When the morrow came he did correct it and voted his convictions. Here was an evidence of the effect of the wonderful training and experience through which he had passed bearing its beneficial results on the man who had seen the effects and tasted the hardships which the betrayal of official duty and honor have upon the people. He knew what official misconduct meant and the injury it could inflict upon a helpless people, and for this reason he could not tolerate it or permit it whenever he could prevent it.

The example is worthy of emulation and proclaims him worthy of the confidence the people of his State reposed in him and the high estimation he maintained for them as a reward for their partiality for him. Faithful in public life, whatever the station he occupied, whether in the council of his home city, the legislative halls of his native State, or in the Senate of the United States, the greatest lawmaking body in the world, he erected to his memory a monument more enduring than any that could be built of marble or brass, which the cycles of time crumble to dust, while the other will exist so long as people cherish faithful service as a virtue of great moment in the discharge of official duties.

Life has its ending, men come and go, they perish from the earth and their places are rapidly taken in the surging scenes daily enacted around us; but the work of a man, faithfully performed, for the betterment of the people of a great nation, for the uplift of humanity, for the elevation of a nation's ideals, for the advancement of its progress, lives on and redounds to the glory and advancement of a civilization which can never stand still but must ever move forward or it is doomed. His efforts were expended to aid its progress and accentuate the diffusion of its blessings among a people who are destined to lead the march of the nations of the earth in every effort to attain a higher destiny and a more perfect Government—a nation whose benefits should, like the rains from heaven, descend for the nourishment of all alike, and invigorate the poor that they may be able to cope with the great, and that its legislation should be so wise and just that it will strengthen the weak and grant no special advantages to the strong. With him life's work is ended; to it he can not add a cubit or take from it an atom. It is a finished volume, on the pages of which will be found inspiration for the young who are entering its portals, striving to attain a place in the public eye for the purpose of advancing the great cause of improved conditions for the human race.

Pause but for a moment and review the period covering the 57 years of his life—a period that has no parallel in all the history of the world. No like period of recorded time witnessed such a transformation, such an evolution in every department of life. Human agency never before made such development or human ingenuity witnessed such discovery; the brain and muscle of man were never so productive. To repeat its progress would be only a narrative of its wonderful achievements, and a comparison with any other similar period of time would only emphasize its glorious and wonderful results.

Considering this great historical fact, coupled with the troublous scenes he had witnessed, the hardships he had encountered at the outset of his career because of his location in the storm center of the Civil War, where battle and bivouac were all about him, we find ample reason for his ambition to support and aid in the wholesome administration of public affairs and the betterment of his people, a most laudable purpose and a virtue worthy of praise.

Like a tall and mighty oak in the great forest he has fallen to rise no more; from the shifting scenes in the panorama of life he has passed forever, but the work he performed, the example he left, will remain as the heritage he bequeathed to posterity; and an admiring constituency, which conferred upon him the highest honors within its gift, will extol his work, praise his virtues, and emulate his example, that the rising generations may take courage and redouble their efforts in scaling the imperial heights in order to gain fame and attain an enviable position in the never-ceasing struggle of mankind for a higher and better destiny.

Every worthy life, it matters not how humble or how great, that goes out on the boundless ocean of eternity leaves some work done, some act performed, some word said which constitutes a shrine around which faithful and devoted friends weave a wreath of affection and on which they lay a garland of glory as an evidence of appreciation and as a token of grief that the world may know that the work of a man lives after he has gone from among men and that mortality is succeeded by immortality; that we do not live in vain; that death is not the end.

In the soil of his native State he sleeps in the everlasting embrace of death, to wake no more. Surrounded by the friends of his lifetime, who enjoyed his victorious march to honorable station, who mourn his untimely death, who will ever cherish his memory, emphasize his virtues, and hold sacred his public services as a rich legacy of priceless value, devised as a heritage to his people and his State, for the inspiration of both to strive for higher ideals in public service and better standards of government, for the advancement of every good and noble purpose as the best and safest plan for the perpetuation of free government for a great and mighty people in a great and mighty country.

Mr. LEE. Mr. Speaker, the very wide disparity between the halting and feeble expression that I am able to give my feelings on this occasion, and the depth and bitterness of the loss and sorrow that the death of my friend has brought me, render the sad duty of to-day doubly depressing.

From the very beginning of my service he was a father and a brother in one to me. Wise, kind, gentle, and patient, he was in very truth a godfather to me in the years of my inexperience and a safe and prudent counselor always. Our friendship and intimacy knew no interruption until the unsparing hand of death ended it forever.

It is a comforting thought now to me that I did not wait till his great heart and brain were cold in death to acknowledge my obligation and gratitude to him. His several illnesses and long feebleness in the latter years of his life gave his friends warning and opportunity to show their deep and warm attachment. His eyes closed on earthly scenes with a more gratifying realization than come to most of men—of the high regard in which he was held by friends and associates.

Mr. CLAY's public life was not meteoric; on the contrary, his career shines with the steady light of a fixed star. Like hundreds of our public men who rose to eminence, he was born on the farm and his early education was had in the public schools of his native county. Already in the days of his youth he was distinguished by patient and intelligent application to all allotted tasks. If he did not grasp subjects of study at a glance, he no less surely encompassed all its essentials, even all its details, by persistent delving, and this valuable quality of persistent, insistent investigation characterized everything he undertook after he had grown to man's estate.

In due time he came to the bar and in his chosen profession soon gained the respect and admiration of his fellow practitioners, who could not fail to recognize his paramount ability and his many lovable and engaging traits of character. His people, estimating his uprightness and ability at their true value, successively sent him to the city council, to the general assembly, and to the State senate. In the assembly he was made speaker; in the State senate he became president. These were large honors and he wore them well. His decisions as presiding officer were models alike of fairness and of clearness. He made great impress upon the laws of Georgia. Finally, there

came to him the highest honor his State could bestow—his elevation to the Senate of the United States—and from his first election in 1896 to the day of his death there was no man in Georgia to doubt the wisdom of retaining him in that place just as long as he would be willing to serve.

His first election to the Senate of the United States was the only contest he ever had to make for that high station in the public service. The "recall" would have had no terrors for him had it been operative in Georgia. His chief concern was to discharge faithfully his duty as he saw it; his chief pleasure to be helpful and kind to family and friends. The knowledge and abundant evidence I have had that he included me among the latter is a most pleasing reflection. He died in the harness; for years his waning health and strength warned him to desist from his labors, but he would not. The unyielding perseverance of his whole life upheld him; the flesh might be weak, but the spirit was strong. And thus he fought the good fight to the very end.

Mr. CLAY'S senatorial career is marked by that unswerving adherence to the precepts of honesty and fair dealing, to which I have already referred. For him there was ever but one line of conduct—that which was dictated by right and equity. From that line he never deviated.

In the Senate, as elsewhere, he gave scrupulous attention to all his duties. He served on four of the most important committees—Claims, Commerce, Post Offices and Post Roads, and Public Buildings and Grounds. On each and all of these he did his full share of work, and his reports on any bill assigned to him were always luminous and exhaustive of the subject. Having ever in mind the welfare of the country, yet he did not fail to have due regard for the interests of his State and its people, and it was due to his watchful care no less than to his ability in conciliating opposing or conflicting views that many times relating to the cities of Georgia and to her rivers and harbors were treated with liberal consideration in the Senate.

Almost from the very day of his appearance in the Senate he took an active part in the discussion of all important measures. It can be safely asserted, I think, that in this respect he was equalled by few of his colleagues, and excelled by none. Without the witchery of highest eloquence, yet he rarely failed to impress his audience, even those whose views and opinions differed from his, by the patent honesty of his convictions, the clearness of his statements, the exhaustive treatment of every phase of the matter in debate. His uniform courtesy was notable. Never in all the discussions in which he took part did a word escape his lips that bore the sting of bitterness, nor was he ever guilty of insinuations against or aspersions upon the motives of those opposed to him. Thus it happened that he was always sure of a respectful hearing, no matter what might be his attitude upon any question at issue.

To recount even partly the important subjects in the discussion of which he participated would be to call the roll of all the great debates in the Senate while he was there. I shall content myself with naming but a few, such as the annexation of Hawaii, civil government for the Filipinos, the Philippine tariff, the Railway Mail Service, ship subsidies, the railroad rate bill, the codification of the penal laws, emergency currency, liability of common carriers to their employees, postal savings banks, the establishment of a Court of Commerce, and, above all, the intricate questions of tariff legislation. In respect of the last named of these his great speech against the Sugar Trust, wherein he showed up in glaring colors the iniquities of that corporation, stands out in bold relief. It was the ablest indictment framed in the public forum against that organization.

Senator CLAY'S voice never faltered in proclaiming truth nor in denouncing falsehood. For him there never was, never could be, any compromise between that which was right and that which was merely expedient. "We will never desert principle, even to obtain victory," was his proclamation in one of his speeches against ship subsidy. He was loyal to his Government as he was to his party, which to him stood, to use his own words—

> for absolute justice, equality of rights, economical and honest government, and equal opportunities for all men under and before the law.

But the time allotted me will not allow elaboration or even mention of the long list of great services rendered his State and Nation by this pure-hearted Georgian. Mine is the simple duty and privilege of laying a chaplet of friendship and love upon the bier of a noble and unselfish friend. Senator CLAY'S character may well be epitomized in the words of one whom he quoted in one of his speeches in the Senate:

> The end of all worthy struggle is to establish morality as the basis of individual and national life, to make righteousness prevail, to make justice reign, to spread beauty, gentleness, wisdom, and peace; to widen opportunity, to increase good will, to move in the light of higher thoughts and larger hopes, to encourage science and art, to foster industry and thrift, education and culture, reverence and obedience, purity and love, honesty, sobriety, and disinterested devotion to the common good—this is the patriot's aim, this his ideal.

Mr. EDWARDS of Georgia. Mr. Speaker, occasions like this always mark sad days in recording the proceedings of Congress, and to me this is particularly a sad one.

We are here to pay this last tribute of respect to the enduring memory of one who was in close fellowship with all of his colleagues in both the Senate and the House. To the memory of one who was admired and honored by thousands and beloved by all who knew him well. To know such a man as we eulogize to-day is not only to honor and admire him, but it is literally to love him for the countless and beautiful traits of his noble character and for the genuine big-heartedness that was an unalterable part of him.

I have listened closely to the eloquent and touching tributes reverently offered here to-day, and at times, in my mind's eye, I have again seen, so plainly, the tall impressive form and the sad but kindly face of my departed friend that I have almost been moved to speak to him, even though I know his ears are forever sealed in death to human voices. So lifelike is the mental picture I have of him to-day that I can almost see his firm and evenly shaped lips move in speech, as if to give utterance to some lofty argument in defense of the rights of the people, whose champion he always was; or as if to speak some word of cheer or of comfort, as if to speak good and not evil, as was his invariable custom. The mental picture of such a man and the history of such a spotless life is an inspiration to all those who have it hung among the other great pictures on memory's wall.

Great men are not made. Environment has a great deal to do with making a man, but truly great men are born and not made. A great spirit was born into this world, on a farm in Cobb County, Ga., on the 25th day of September, 1853, and that was the late Senator ALEXANDER STEPHENS CLAY, to whose imperishable and loving memory we offer our tender tributes to-day.

From a farmer boy, after the completion of his education at Hiawassess College, he became a school-teacher and engaged for a short while in the noble work of training the minds of the young. He studied law, was admitted to the bar in 1877, and was an active practitioner of his chosen profession for many years. His worth was soon known by his people. He was elected and served as a member of the city council in Marietta, Ga., and then thrice elected and served in the house of representatives from Cobb County, the county of his birth, in the halls of the Georgia Legislature, in the last term of which service he was elected speaker of the house, in which position he acquitted himself with great credit. True to the people, meriting and holding the respect and confidence of his fellows, with his worth as a public servant more apparent than ever, he was elected to the State senate, and was chosen and served as president of that body, gathering about him increased fame and greater honors in the fearless and able discharge of his duties in that exalted position. That he was a great and true Democrat was evidenced by the early recognition given him as such in his promotion, in 1894, to the high position as chairman of the State Democratic executive committee, in which place he also proved himself worthy.

There were even greater things in store for this boy from the Cobb County farm. He had in this time firmly impressed himself upon the people not only of his county and senatorial district, but upon the people of the whole State, and the eyes of all Georgia were turned upon "STEVE" CLAY, as he was affectionately known. So when a vacancy occurred he was elected, in 1896, to the United States Senate, to succeed Gen. John B. Gordon, where he served the people of the Nation with fidelity and signal ability until he was called to a higher office in the great beyond. So we see him, a boy on the farm, then a school-teacher, then an earnest advocate at the bar, then a representative in the State legislature, then as speaker of the house, then in the State senate, then as president of the senate, then at the head of the dominant political party in Georgia, and lastly in the United States Senate.

What an inspiration such a career should be to the boys of his State, as they behold the success of this great statesman, as step by step he rose, with his face ever toward the goal of his ambition, to the highest office in the gift of his fellow Georgians.

That he was a great lawyer, a great man, a great politician, and a great statesman no man will deny. Yea, he was all of this and more, but his greatness did not lie in these alone. He was great in the simplicity of his manner and in the sweetness and gentleness of his tender, brave, and courageous heart. He was warm-hearted and sympathetic, ever ready to listen and to aid.

He was a tireless worker and was ever ready to respond to the requests of his friends when it was in his power to help them. He was a slave to duty, and through his great energy he was able to accomplish much. Like the great commoner, Alexander Stephens, for whom he was named, he was a man of the people, and gave his life in the service of the people whom he loved and who loved him and of his country, to which he was devoted and truly patriotic.

His death, while expected on account of his ill-health for several months, was nevertheless untimely and sad, and ended the masterful labors of one of Georgia's most beloved and greatest sons and the career of one of the Nation's greatest statesmen.

Let us therefore tenderly cherish his memory and emulate the virtues of his splendid career in private and public life.

While he was called hence before he was an old man, yet if life is measured by what men do and accomplish he had both lived long and wrought well. I am sure he passed to his Creator without a complaint or a regret, for he obeyed in the letter and the spirit the invocation—

So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust approach thy grave
Like one that wraps the drapery of his couch
About him and lies down to pleasant dreams.

Mr. BURNETT. Mr. Speaker, ALEXANDER STEPHENS CLAY was born a little more than seven years before the dark war clouds broke over our beloved South. There were only four months' difference in his age and mine. We were both reared amid the mountains and valleys of that section of the South where wreck and ruin were wrought by both armies during the last two years of that Titanic conflict. To the women and children in country homes the horrors of war in that unfortunate section bore with hardest and harshest rigor.

Senator CLAY's family were people in humble life, and to such the gaunt visage of want often appeared while the booming cannons and roaring musketry were heard on every hand. Along the route of the armies, both in Alabama and Georgia, many lone chimneys attested the truth uttered by Gen. Sherman, that war indeed is hell.

Amid such scenes as these the youthful CLAY was seasoned for the hard race that lay out before him. To the southern country boy of those days the only opportunity for acquiring an education was during the two months of July and August, between laying-by time and fodder pulling and sorghum making. Thousands of the brave men who had gone forth in the heyday of youth beneath the Stars and Bars to follow the lead of Lee and Johnston and Gordon had found a soldier's grave among the mountains of Tennessee and the valleys of Virginia.

Upon the youths at home rested to a great extent the arduous duties of making bread for the widows and children of those who gave their lives in defense of a cause they thought was right and a flag they believed to be pure.

In the still darker days that followed the war the embryo Senator, like thousands of country boys, was following the plow and laying the foundation of that mind and heart which afterwards made him the idol of his people. In spite of all the vicissitudes and privations amid which his early life was spent, the sparks of a laudable ambition burned brightly in his mind, and he seized every opportunity presented by those strenuous days to acquire an education. Struggling through the country schools, he entered college, and acquired a good education for the country boy of those days. Having studied law, he at once became a leader in that splendid profession.

He soon became interested in politics, and when he was but little past 30 years old he was elected to the lower house of the legislature of his State, and in a little while was made the speaker of that body. In 1892 he was called higher by his people and elected to the State senate, of which body he was at once made president. The Democratic Party of the State of Georgia, recognizing the splendid elements of leadership in Senator CLAY, soon called him to the head of that party in the State.

But greater honors than even these were in store for this noble son of Georgia. His people knew that in him they had a man of the common people whose every heartbeat was in unison with theirs and whose loyalty to them was never doubted. He knew their conditions, because he was one of them; he sympathized with their adversities, because he himself had felt them; he knew their rough places in life, because he himself had trod them; they confided in him, because he never betrayed their confidence; they followed him, because they knew that in him they had a faithful leader; they loved him, because he loved them; they honored him, because he was worthy of their honor. They honored themselves by honoring him with a seat in the United States Senate.

My acquaintance with Senator CLAY was more intimate than with any other Senator except those from my own State.

One of the splendid navigable streams of Alabama is formed by the junction of two rivers at Rome, Ga. Senator CLAY, ever alert to the interests of his people, was always a friend of that river. This river runs through my district, and my interest in improving its navigation brought me in close relations with Senator CLAY.

I always found him in this, as in all his other public duties, active, untiring, intelligent, honest, and courageous.

He had the faculty of going to the bottom of every important question, and in a short time his great ability was recognized by his colleagues in the Senate and he was assigned to some of the most important committees of that great body. I have heard that Senator Hanna once said of Senator CLAY that, by his active and aggressive opposition to the ship-subsidy bill, he gave the Ohio Senator more trouble than any other man in the Senate.

But he is gone, and Georgia will miss his great, honest mind and heart, and, with Georgia, the Nation mourns. His family and friends mourn him, not as one who died without hope of the future, but they know that he died as he had lived, an honest man and a Christian gentleman, and that—

Beyond the sunset's radiant glow,
There is a better land we know.

And that in that better land the soul of their loved one—

Rests under the shade of the trees.

Mr. BARTLETT of Georgia. Mr. Speaker, "Death aims with fouler spite at fairer marks," and surely the Great Destroyer and enemy of man has been busy during the Sixty-first Congress. With silent, sure, and remorseless activity he has gathered abundant harvest to his ever-filling, but ever-unfilled, garner—the tomb. Since last we met six United States Senators and four Representatives have passed on to—

The undiscovered country, from whose bourn
No traveler returns—

and each Sabbath finds us here in the House paying our tribute to their memories, demonstrating that the fatalities amongst the Members of this Congress have far exceeded that of any other in its history. All that they possessed—station, learning, ability, rank in office—all that they hoped for, could not for a moment stay the hand of the Great Destroyer. Silent, but sure and remorseless, he has heeded neither youth nor age, genius nor learning, poverty nor wealth, tears of relatives and friends nor the cold indifference of strangers.

It has been well said that our life is a fountain fed by a thousand streams that perish if one be dry; it is a silver cord twisted by a thousand strings that part asunder if one be broken, and death lurks in ambush in all our paths. Among this number of Senators and Representatives who are called away from the Halls of the National Legislature to—

Join the innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death—

was ALEXANDER STEPHENS CLAY, late a Senator from Georgia. I come to-day to pay my tribute to his memory.

Born on a farm in the mountain country of Georgia in 1853, when suddenly called from life to eternity in 1910, he had by force of his own character, ability, and energy and efforts been a member of the council of the city where he resided; representative in the House of Representatives of the Legislature of Georgia; speaker of that house; a State senator and president of that body; a United States Senator from that Empire State of the South; then elected by a loyal and devoted constituency for three consecutive terms; truly this is a record of public service which is allotted to but few men, and which should and does demonstrate the worth and character of our dead friend; and when we know he merited all the confidence and trust a generous people of county, district, and State bestowed upon him, we must say that Senator CLAY was a remarkable and a great man.

In his own biography in the Congressional Directory he states that he was born on a farm; and from his own lips I have often heard him speak of the arduous labor and toil spent as a boy in order to aid his father and his family and secure means to educate himself. He was never ashamed of his early trials and struggles. He knew, for he felt as all true and noble men feel, that no manly man should entertain anything of shame in looking back to early struggles with adverse circumstances and no man should feel worthier pride than when he has conquered the obstacles in his path.

I had known Senator CLAY and been associated with him for nearly 30 years. When we were both struggling young practitioners at the bar, I first met him in attendance upon the supreme court, and during all these years our friendship has been close, warm, and lasting. I was associated with him when we were both members of the Georgia Legislature, and I knew him intimately when he was speaker of the house and president of the senate. As a lawyer, he was industrious, attentive to the business intrusted to him, faithful to his clients, respectful to the court and to its authority; he sought for the truth in a case, and while he did not possess the fire of eloquence that other advocates may have had, yet the sincerity and earnestness of his convictions were such as to carry great force to the court and the jury. He soon attained the high position as leader of the bar of his section, and the plain, honest, mountain people amongst whom he lived soon became aware of the fact that in his hands their interests in the court were always safe.

As presiding officer of both house and senate, he was fair, impartial, firm, and just. This is demonstrated by the fact that when his term of office ceased, both as speaker and as president of the senate of Georgia, he had an army of devoted friends all over the State who rallied to him when he became a candidate for the United States Senate and elected him over distinguished and able opponents.

He came to the United States Senate in 1897. He soon attained a prominent position there, and it was not long before the Senate, without regard to party, realized his merit and his worth, and he was not only respected and admired by all, but loved by many. While Senator CLAY was not an orator, whenever he undertook to take part in the debates of the Senate he so thoroughly prepared himself upon the subject by laborious study of the subject which he undertook to discuss that he demonstrated the power of logic and reason which he so eminently possessed. His speech upon the ship-subsidy bill in opposition to that measure, where he met in the arena of debate men of marked ability and learning, distinguished him as an eminent thinker and debater. His speech on the tariff bill in 1909, on the subject of the Sugar Trust, evinced great research and labor, and attracted the attention not only of the Senate, but of the whole country. So efficient were his services in the Senate, so gratified were his friends and the people of the State which he represented so ably upon the floor of the Senate, that at no time was there a suggestion of opposition to him, and the people of Georgia would have been content for him to have remained in the Senate as their representative for many years could he have been spared to them.

Senator CLAY was a lovable man. The law of love dwelt abundantly in his heart, and in him was mingled the milk of human kindness. He was most agreeable in his intercourse with all men. He had patience, courtesy, love of truth and justice, and above all, courage to do what he believed to be right. Unlike many men in high office, he did not hesitate to do the small things for his friends. The details of the departments, items of local legislation, for the erection of public buildings in small towns, appropriations for rivers and harbors upon the small navigable streams, these and a multitude of similar detail matters were given earnest and prompt attention by Senator CLAY for his constituents, and in endeavoring to aid the Representatives from his State, as though they were of the most vital importance.

Strong and robust and healthy when he came to the Senate, a long life of service and duty was promised him, but without warning some two years ago he was taken ill. Probably, if he had taken the advice of friends and physicians, he might have prolonged his life, but he deemed it his duty to remain at his post in the Senate and to represent his constituents, and heedless of the advice of friends, family, and physicians he stood at his post daily representing his people and performing his duties, and when he went home the strain was greater than nature could bear, and the silver cord was broken, and he has left us.

He was a most loyal and faithful husband, a fond, indulgent, and affectionate father, and a true and unfaltering friend. He was loved by the people where he lived, and thousands gathered around his tomb when we buried him, and the whole country wept. He died when little advanced beyond the prime of life, but his success is equal to that of the favored ones of the day. He accomplished much, he acquired success, friends, and the confidence of all who knew him. When he was so suddenly called away from us and all these, the past yielded to him a great deal of gratifying retrospection, the present offered the richest elements of happiness, and the future beckoned and called him to high honor and ample resources of enjoyment.

What a noble example has Senator CLAY set for the young men of his State! True diligence, industry in business, regularity and loyalty in every undertaking, honesty and uprightness in all his conduct with his fellow man both in private life and public station, surely this is the basis of our social relations. This was the secret by which he achieved so great a success, and it should be an example on which the young men of our country should be proud to form themselves, an example that refutes the dull maxim of idleness and profligacy, and points out the sure and true road and the only true highway in the Republic to honor, fortune, and reputation.

The life of Senator CLAY thus ended teaches us that there is a land elsewhere than this where the souls of such men go and live in immortality, for—

> Such men are not forgot as soon as dead;
> Their fragrant memory will outlast their tomb,
> Embalmed forever in its own perfume.

We shall not see him again in this life, but we hope and believe—yea, we know—that in a glorious city, a great and distant city, he has entered a mansion incorruptible, "not made with hands, eternal in the heavens." Our friend, as we do, believed in—

> That God which ever lives and loves,
> One God, one law, one element,
> And one far-off divine event
> To which the whole world moves.

[Mr. LIVINGSTON addressed the House. See Appendix.]

LEAVE TO PRINT.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent that all gentlemen who desire to do so may have leave to print remarks on Senator CLAY for five legislative days.

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE BROWNLOW.

Mr. GORDON took the chair as Speaker pro tempore.

Mr. MASSEY. Mr. Speaker, I offer the resolutions (H. Res. 983) which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. WALTER PRESTON BROWNLOW, late a Representative from the State of Tennessee.

Resolved, That the next adjournment of the House shall be considered a particular mark of respect to the memory of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. MASSEY. Mr. Speaker, I rise for the purpose of paying an humble tribute to the memory of my predecessor in this House and to voice, inadequately though it be, the deep sense of the irreparable loss sustained by the people not only of the first congressional district of Tennessee, but the entire State, in the demise of my distinguished predecessor, Hon. W. P. BROWNLOW.

WALTER PRESTON BROWNLOW was one of my most devoted personal friends, and I admired him as one of the ablest, most useful, and resourceful public men I ever knew. From our first meeting I was attracted to him; I never knew a man who possessed in so high a degree that indefinable quality termed "personal magnetism"; I at once became his friend, and I take pride in saying that friendship was reciprocated. I championed him in all of his conflicts, some of them most strenuous and bitter, though all of a successful character; and I take pride in the fact that I, in the language of my own beloved mountain people, "stood by him through thick and thin."

Mr. Speaker, I not only admired and liked Mr. BROWNLOW, but I loved him, and the passing years increased rather than diminished my friendship for him. I appreciated his wonderful ability and had the utmost confidence in him.

Mr. BROWNLOW was born on the 27th day of March, 1851, at Abingdon, Va., the county seat of Washington County, and within 15 miles of the line separating the State of Virginia from the district he had the honor to represent. The place of his birth, as we all know, is historic, and now more than historic in the hearts of the people of the first district of Tennessee.

Mr. Speaker, since Tennessee's admission to our great Federal Union, 115 years ago, no one has represented my district in Congress as long as did Mr. BROWNLOW, with the exception of the Hon. John Rhea, and, had Mr. BROWNLOW lived, he would have surpassed Mr. Rhea's period in length of service. Mr. BROWNLOW had been nominated for an eighth term in a district where the nomination of his party is equivalent to an election of from ten to fifteen thousand majority. The people of my district were strong adherents of the Union cause in the Civil War and furnished to the Federal Army more soldiers

than any district in the United States—all white—and under the leadership of Mr. BROWNLOW the Republican majority has been increased some 15,000. His supporters were not confined to his own party.

Mr. Speaker, until Mr. BROWNLOW came to Congress the first congressional district of Tennessee had never had a dollar of public money appropriated for any purpose, but during the time he served he had established a fish hatchery at Erwin, Tenn.; a public building at Bristol, a rapidly growing city of about 20,000; a public building at Greeneville, and another at Johnson City, all among the most prosperous and growing cities of the South. He also caused to be established at Greeneville, Tenn., the burial place of former President Andrew Johnson, a fourth-class national cemetery, the only one of this class ever established by the Federal Government. There was a poetic justice in this tribute to Andrew Johnson. He rendered, as we all know, invaluable service to his country, which was recognized by the National Union Convention of 1864 at Baltimore, when he was nominated for Vice President on the ticket headed by the immortal Lincoln.

And, Mr. Speaker, in addition to all this, Mr. BROWNLOW had erected in his district, at a cost of $2,100,000, a National Soldiers' Home, and this home was the pride of his whole life. It is situated in one of the most beautiful sections of the mountains of east Tennessee, where the atmosphere is the most desirable and the water bears the finest test as to purity. The climate is unequaled, and one of the greatest pleas rendered by Mr. BROWNLOW before the American Congress for the establishment of this home was that it would be located in a latitude the most desirable in the country, being 1,600 feet above sea level. He was so much interested in this home that he and his wife lived there, notwithstanding that he owned a home of his own at Jonesboro, Tenn., one of the most palatial in upper east Tennessee, and his pride in this home was evidenced by his dying request that he be buried in its cemetery by the side of the Union veterans, for whose comfort and in whose interest he had it established. After he had viewed its final completion he was not satisfied, but his every thought was for the well-being of its inmates, who were not only the veterans of the Union Army, but of the Spanish-American War, including many of the sons of old Confederate veterans. First, he conceived the idea of furnishing reading matter for the inmates, so he wrote to that noble philanthropist, Andrew Carnegie, requesting that he contribute to the erection of the library building, and in answer to this appeal he received a check of $25,000 for the library building; with this sum he had erected a splendid building, superior—because of the cheapness of building material in Tennessee—of any that could have been erected in other sections of the country for the same money. To get books for this library—there being no public money for the purpose—Mr. BROWNLOW wrote to all the leading publishing houses in the country, and in response to this appeal he received 16,000 volumes of the best literature of the world in history, poetry, and fiction.

In addition to this it occurred to Mr. BROWNLOW that in the hospital in this home the old soldier, left alone in the world, without having those he had loved the most around him, should have something more than bare walls to look upon while sick, and he wrote to the leading art firms, describing, as only Mr. BROWNLOW could describe, the home, and asked them to contribute one or more works of art, framed; and in answer to this request he received valuable works of art, sufficient to cover the walls of the hospital. Then, again, it occurred to this man of wonderful resource and brain that the old soldier should have music during his declining years, and while on his sick bed he wrote to many firms in this line, requesting that they contribute to this grand cause, and in response to this appeal he immediately received valuable pianos and other musical instruments. But, not yet feeling that his work was complete, he procured, without cost to the Government, one of the best artists in the country to fresco and decorate the dining room. This was done in elaborate style, and for beauty and work is unequaled in the South, or, I might say, in the entire country.

Mr. Speaker, I mention these details to show the intense interest he had in this noble institution. In the very center of our glorious Southland he has placed this magnificent home, an object lesson and typical of the generosity of our glorious Republic; and in this connection I might say that a movement is now on foot to erect a monument to the memory of Mr. BROWNLOW. But while I am heartily in sympathy with the movement, and look forward with pride to the unvailing of this monument, at the same time no monument of stone or marble is needed to perpetuate his memory in the hearts of the people of our country, as the National Soldiers' Home at Johnson City, Tenn., will ever stand as a monument to his untiring energy, brain power, and love for his fellow beings.

As the days that come into the lives of these men
Cause them to lose their years and are young again,
When the wrinkles flee from the careworn face
And the smiles that flow have unwonted grace,

These are the days when life is sweet,
When past and present and future meet,
To blend in a halo of heavenly light
And crown all things with a glory bright.

Mr. Speaker, Mr. BROWNLOW in his private life was above reproach; he lived for those around and about him. I believe, Mr. Speaker, if a man ever lived a life of self-denial and devoted his life to his family, friends, and country, that man was WALTER PRESTON BROWNLOW. He believed that in "casting his bread upon the waters it would be returned to him many days hence." In this connection I wish to speak of a little incident in his life, told me by his wife several years before he was elected to Congress. A newspaper article one morning denounced him in very scathing terms, and upon his reaching home his wife said, "Did you see this article, Walter?" and he replied, "Yes, my dear." "Well," said his wife, "what are you going to do about it?" To which he replied, "I shall do nothing about it." "Well, why won't you do anything about it?" "Because, my dear, if I stop to take up all such matters as this I will never reach the place to which I have started." "For what place have you started?" To which he replied, "The United States Congress."

As to whether he took the wisest course, I leave to the decision of his friends in the first district of Tennessee and in the United States Congress.

Mr. Speaker, as previously intimated, Mr. BROWNLOW needs no monument of marble and stone to perpetuate his memory, for above all this is the affectionate and grateful regard and love of the people whom he so long and so faithfully represented.

Mr. Speaker, I desire to have published in the CONGRESSIONAL RECORD, as an appendix to my speech on our distinguished and much-loved Congressman, Hon. W. P. BROWNLOW, the speech made by the Rev. Dr. Ruble, chaplain of the National Soldiers' Home in Tennessee, which is as follows:

ADDRESS OF REV. J. A. RUBLE, CHAPLAIN MOUNTAIN BRANCH SOLDIERS' HOME, DELIVERED AT FUNERAL OF HON. W. P. BROWNLOW, JULY 11, 1910.

Our subject is a character at once great and unique. Losing father at 10 years of age, with the handicap of poverty, as well as lack of early educational opportunities, nevertheless we see him rising until his name and influence became truly national. This is impossible anywhere except in a Republic, and rarely occurs here.

May we pause in the presence of the newly-stirred earth to inquire how this occurs. In the exigencies of war, men attain dazzling heights, becoming really great with almost abrupt suddenness, but Col. BROWNLOW launched his bark on a placid sea, and amid the tranquil environments of peace did a work and reached an influence which will render his name immortal, giving him an exalted and permanent place among our national legislators. Estimated by his influence on the lawmaking power of one of the world's greatest nations, by what he achieved for his people, and also by his helpfulness in achievement for the whole Nation, we can but feel that he was truly great.

That we may better understand the work and worth of this man, let us pause a moment for analysis and comparison. Serving in Congress for 14 years, it is probable that history will attest the truthfulness of the statement that no other Congressman has been able to do more for his people, and but very few as much. Again, see him as he stands related to the many great illustrious lawmakers furnished by the grand old Volunteer State in her history spanning a period of more than a century of years.

Disclaiming a purpose, and deeply desiring to avoid being invidious, love for his memory and loyalty to truth will allow the statement that no other has ever wrought so fruitfully or achieved so much. Endowed far beyond the ordinary with resources almost limitless, he brought to his task untiring industry. He studied the needs of the people of his State and of the Nation, and in a continuous effort he dedicated his splendid powers of brain and heart to supply them, which effort was crowned with marvelous success.

The Mountain Branch of the National Home for Disabled Volunteer Soldiers, with its cost of more than $2,000,000, located near Johnson City, Tenn., and which Corpl. Tanner, in the address on Decoration Day, May 30, 1910, characterized "Among all the branches of the National Soldiers' Home you stand as the capsheaf," the National Cemetery, located at Greeneville, Tenn., where repose the mortal remains of President Andrew Johnson, known among his people as the "Great Commoner," the fish hatchery at Erwin, Federal buildings at Bristol, Johnson City, and Greeneville, stand as monuments to his genius for hard and successful work.

He worked more hours per day and took less rest than any other man the speaker has ever known, and the fact that "his sun has gone down while it is yet day" attests the truth, well known among his friends, he died a martyr to hard work.

A most noteworthy characteristic of this public servant was his sympathetic heart power. Greatness of intellect renders achievement possible, but where this is reenforced by the warmth of heart power success is far greater and more satisfactory.

Into his great heart all classes and conditions of the people could enter and be made welcome without ringing the door bell. In the many, many that we have seen approach him, from the worthy old veteran on crutches to the struggling laborer, whose family was then suffering for the necessaries of life, he never turned one away wounded, but when he could do no more he would send them away with the memory of a brother's tear.

He was truly national. In the points which differentiate the great parties he was Republican, but as Congressman he was the servant of all, and in his efforts to discharge the duties of accepted responsibility his efforts had in them far more of business than of sentimental politics; and while the congressional district which he served was a historic battle ground in the sad and stormy days of the sixties, the position of this people being peculiar in that they were radically divided in their sympathies, many loving and clinging to the Confederate cause, more loving and clinging to the cause of the Union, thus causing the desolating waves of grim visaged war to sweep back and forth like a simoon, leaving the hates and prejudices as a blighting inheritance to the good people, here his marvelous influence as a peacemaker is seen and felt, so that when the end came the people, irrespective of party, felt that they had lost a real friend.

He was a firm believer in the Bible, believing that Jesus Christ stands for the highest good in the universe. He always felt and showed the greatest reverence for sacred things, and as the end approached he expressed faith in the spiritual and eternal, prayed earnestly and much, and invoked the prayers of others.

Mr. RICHARDSON. Mr. Speaker, the life of WALTER PRESTON BROWNLOW presents a most interesting and unique history. In its varied lines and endeavors it forms a book of life that deserves study and admiration. Every incident and event in this remarkable man's life, from his early youth to manhood, marks him as possessed of an energy, determination, and courage that never hesitated or faltered when difficulties, obstacles, or embarrassments were encountered—and there were more of them in his life than any public man of my acquaintance—and no one met them more courageously and more successfully than WALTER P. BROWNLOW.

Like a great many of the great and distinguished public men of our country, his educational opportunities were very limited, but he eminently possessed as a natural gift a fund of good common sense and judgment of men and things that a curriculum of college life could not bestow. It is said, and it is true, that the lives, character, and disposition of men are formed and shaped irresistibly by the conditions, events, and circumstances that surround them in the developing period of youth. It was not so with Mr. BROWNLOW. He was reared midst the storms of passion, bloodshed, violence, and hatred, that split asunder the people of east Tennessee in the evil days of the Civil War, from 1861 to 1865.

His distinguished uncle, William G. Brownlow, with the potent prestige of the Knoxville Whig, of which he was the famous editor and owner, was an unexcelled factor in retaining the loyalty of his people for the cause of the Union. WALTER, his nephew, embraced with all his heart the cause of the Union. Many, a great many, of his neighbors, friends to his own family, his associates, gave their hands and hearts to the cause of the South. All the horrors of an internecine local war, more so than in any of the border States of the South, were enacted in the mountains of east Tennessee. But when peace came and the cause of the Union had triumphed, I affirm with confidence that no trace of harshness, no feeling of resentment for the South or its brave followers, ever found an abode in the generous and kind heart of WALTER P. BROWNLOW. He was in the broad acceptation of the term a southern man, with a heart of yearning sympathy for the people of the South. He was always ready and willing with hand and heart to use his great influence in Congress to help his southern colleagues. That was said of him by all men who knew him.

Mr. BROWNLOW demonstrated in his successful career that he was a great leader of men. No man environed and besieged with as bitter and hostile political factions, constantly seeking his overthrow, could have defeated their machinations, save a great masterly political genius that made no blunders or mistakes. His triumphs in the first Tennessee congressional district are simply a marvelous record, and it is not the province of a brief sketch like this to present even its outlines. He was in all respects and in all things a loyal Republican, true to the edicts of his party, its platforms, and principles. Necessarily his success aroused jealousies and envies and made for him many strong and bitter enemies, but his true and steadfast friends were far more numerous. He was elected seven times in succession to Congress, and twice the Republican Party of Tennessee conferred on him the honor of a nomination to the United States Senate, and the Republican members of the Tennessee Legislature gave him their cordial support.

In many respects the strenuous struggles that Mr. BROWNLOW encountered in life and successfully overcome created a strong resemblance to the life of Andrew Johnson, one of the ablest public men produced by our country. No two men engaged actively in the live politics of the State of Tennessee during the span of their natural lives were the continuous targets of bitter political factional warfare in their own parties so much as Andrew Johnson and WALTER P. BROWNLOW. The eminent success of each of these two men is an interesting and instructive chapter in the political history of Tennessee. They both have demonstrated what an American youth, unarmed and unequipped in education and unaided by wealth and influential friends, can accomplish in life by an energy that never tires and a determination whose only end is success. It is doubtless true that the most valuable lessons of education are acquired by men who tread such thorny paths, beset with troubles and snares. But the simile between these two noted men, whose turbulent political careers are more familiar to the people of Tennessee than of other States of the Union, is that in all the factional political wars made on each of them no opponent—no personal or political enemy—no one was ever heard to charge that one cent of public money had ever clung improperly to their hands. They were honest, and their constituents knew it. And it was this trait of character, unimpeached and unimpeachable, that was the crowning factor of the triumphs of the lives of Andrew Johnson and WALTER P. BROWNLOW.

If we judge public servants by their achievements in behalf of their constituents, then Mr. BROWNLOW easily takes first rank among southern statesmen of the past 50 years. He made few speeches in Congress, but he did his work in a quiet, calm, dignified, courteous manner that made him friends and achieved success. However much he loved Tennessee and the Union of States, yet his first and greatest love was for the people of the first Tennessee congressional district. He believed that the people of his district justly deserved liberal appropriations from the Federal Treasury for needful improvements, and without ostentation or vain boastings his efforts were rewarded with a marvelous success. My first acquaintance with Mr. BROWNLOW was in January, 1901, soon after I entered Congress. The bill for the establishment of the National Soldiers' Home at Johnson City, Tenn., was under consideration before the House of Representatives, and after many speeches on the floor the vote was about to be taken. He came on the Democratic side and took his seat by me. He said to me in a sincere and earnest tone: "I need one more speech for my bill, and it must come from a Confederate soldier who saw service on the field of battle. Won't you make it for me?" I consented, made the speech, and the bill was passed. With his face beaming with a happy, bright smile, he came to me, grasped my hand, and said, "Call on me whenever I can serve you or your people."

And as I recall the 10 years of service with him in Congress that followed, no man could have more cheerfully and willingly fulfilled the promise he made me.

Several beautiful Government buildings, the Soldiers' Home and a fish hatchery, and many other substantial monuments located in the first Tennessee congressional district, representing an expenditure of millions of dollars from the Federal Treasury, stand as silent tributes to the fidelity of WALTER P. BROWNLOW to the interests of the people who honored and trusted him so long. It was his success, his devotion to his public duties, that won for him that confidence of his people; that caused the poisoned shafts of political enemies to fall harmless at his feet. His success and his achievements in Congress bewildered and confounded the schemes of envious men who sought his overthrow. In his public life the inestimable value of a people's confidence was well demonstrated and emphasized. His death marked the fall of one of the most noted of the many great men that Tennessee has produced. It is now, after he is gone, that the full measure of the man and his works can be fully understood and appreciated. His place will be hard to fill.

He has passed forever from the scenes of his struggles and victories. He sleeps in the grounds of the Soldiers' Home at Johnson City, Tenn. It was eminently proper to bury him there, for the home was the creation of his own indefatigable energy. It was the pride of his heart. The brave, war-scarred veterans of the Union Army, who are kindly and gratefully sheltered by that beautiful home by a liberal and generous Government, can well afford to pause midst the scenes of their departing lives and shed a tear over the grave of WALTER P. BROWNLOW.

Mr. HOUSTON. Mr. Speaker, I came to-day to offer my tribute to the memory of my deceased friend and colleague.

Few names have been more familiar to the people of Tennessee for the last quarter of a century than that of WALTER P. BROWNLOW. While he lived in the extreme eastern part of the State, his name was familiar to every section and in every county of our Commonwealth. Not only was he known and honored by his own party during these years, but the people of all parties were familiar with his name and with his work, and looked upon him with admiration and respect. For many years he was a strong and controlling factor in the Republican Party of Tennessee. While his influence was dominant in the party, he was familiarly, and I might say affectionately, called the

"easy boss," and this expression was significant of the manner and way he exercised power and even control in his party. While he was a Republican, he was more essentially a Tennessean and a southerner. No interest of Tennessee, no interest of the South ever appealed to him in vain. In his loyalty to his section he was unfailing, and he brought into activity a vigor, a persistence, and determination to be of service to his people that has rarely been excelled. His lusty intellectual and physical manhood was untiring in his efforts to promote their interests, and the success that attended these efforts has been surpassed by few men in his time. There are many monuments to his untiring labors in east Tennessee and elsewhere. My colleague who has preceded me has called attention to many of them. These will stand as testimonials of his devotion to his country and the success that attended his efforts. His buoyant nature, his strong faith, and invincible will gave to him an energy and a courage that never failed, and in the accomplishment of his purpose few men wrought better than he.

Descended from that hardy pioneer stock that won the Battle of Kings Mountain WALTER P. BROWNLOW inherited the patriotism that inspired his life and, reared in the mountains of east Tennessee, his character was marked by that hardy patriotism and invincible will that comes naturally from such antecedents and surroundings.

My acquaintance with him covered a period of many years in a casual way, and, while I had seen but little of him personally until I came to the Fifty-ninth Congress, I knew much of his public service. He loved his country and he loved his fellow men. He was devoted to the public interest and few men served it more diligently or accomplished so much in the way of acquiring material benefits for his people. In addition to this he loved his fellow men and his life was full of good deeds and kindly ministrations. He loved to render assistance and to extend the helping hand, and untold numbers bear testimony in their hearts to the kind deeds and generous help of this kindly man. Few men gave so much of their time to aid and help those in trouble and few men literally cared for so many people. No man was more loyal to his party or more intensely a believer in its doctrine, yet no man hesitated less to step across party lines to support a measure he believed was right.

He was essentially southern in all of his instincts. He loved the South with all the strength of his great heart and he stood by her interests as he saw it regardless of party ties. It was his misfortune that the Republican Party in his own State was divided in factions in the last years of his life, and, being an ardent and earnest man, he incurred the strong opposition of one faction of his party. This opposition, I think, will now be recognized as a political antagonism only, and I believe those of the opposing faction to him will lose sight of their former differences and now remember only the ardent, generous, kindly man; and that now, after life's fitful fever is over and he has been laid to rest in the mountains of his own native country, his personal virtues, his warm heart, and his generous devotion to his friends and his country will be the characteristics that are remembered.

For many years I have had a warm and intimate relationship with some members of his family connections and have had occasion to know much of the place he held in their hearts and their regard for him, and the affectionate pride with which they looked upon him; and this is a testimonial of his inner life that furnishes one of the best tests to the real man. Those who knew him best in his home life, as well as in his public walks, believed in him with a faith and confidence that amounted to veneration. And, after all, the love and confidence of those who know the home life is the best evidence and truest test of the real man.

The public life of this man is a striking example of what may be done and accomplished by indomitable will and never-tiring energy. He was born of a family that were among the striking characters and distinguished figures in the history of Tennessee. His early life was surrounded with stirring events and great political agitation. He was thrown upon his own resources at an early and tender age, and he made his way, step by step, overcoming difficulties, and steadily forged to the front. He seemed equal to every condition and made headway in every struggle from apprentice boy, locomotive engineer, newspaper reporter, and editor to various positions of honor and responsibility in his own party and finally to the position of Representative in this House. Here he found the field for his great energy and activity, and in this position his work for his section and his country was remarkably successful. Few Members of Congress have done more for their districts than he. He was a working Member of Congress. He was not given to much speaking on the floor of the House, and rarely could it be charged to him that he wasted the time of the House in futile declamation or vain discussion. But when the occasion arose upon questions close to his heart, especially those affecting the interest of his own section, he showed a vigor and power of a high order. One notable occasion of this was when he had a measure pending before the House to protect and preserve the burying place of Andrew Johnson, which lies in the district which was represented by Mr. BROWNLOW.

There developed on the floor a good deal of opposition among the members of his own party to the proposed legislation, and it looked as if the bill would be defeated; but Mr. BROWNLOW came to the rescue with a vigor and an eloquence that surprised the Members of the House. In paying a tribute to the loyalty of east Tennessee, he described the conditions under which the boys from the mountains and valleys of east Tennessee enlisted in the Union Army, showing that it was not done to the "roll of the stirring drum and the trumpet that sings of fame," but that the boys received their mothers' blessings secretly at the back door and told their sweethearts goodbye down by the spring by the light of the stars, and made their way to the Federal Army in secret and under cover of night. The effects of his words on this occasion gained for his bill the support that secured its passage. This was an example of the strength he could bring to bear when the occasion demanded.

The career of WALTER P. BROWNLOW is but another striking example of what may be accomplished by will and resolution. Without the advantages in early life that come from wealth and fortune, without these he struck out on his own resources. He had vigor of mind and body, and boldly he set forth with an ambition and faith that never faltered; and with this capital he wrought, and thus he developed the strong man that overcame difficulties and commanded the confidence and support of his countrymen.

The friends that he had and their loyalty to him bear testimony to his own unfailing devotion to his friends.

In middle age, long before his life had reached the allotted span, he was called to go. His years, though not great in number, were stirring and eventful and his life, measured by the deeds done and work accomplished, reached a full standard.

His taking off in the prime of life and the sudden termination of a career but lately so buoyant with expectation and full of promise is another reminder that at any hour the summons may come, and bids us stand ready for the call. These dispensations are dark and inscrutible to us, but let us hope that to him there is no shadow, no mystery, but that all is glorified with that Light that is neither of the sun, the moon, nor the stars.

[Mr. SLEMP addressed the House. See Appendix.]

Mr. HAWLEY. Mr. Speaker, in memory of the distinguished Member from Tennessee, Hon. WALTER P. BROWNLOW, I desire to speak a few words and to present an attribute of his character which strongly appeals to me, and which my colleagues here and his friends elsewhere appear to regard as among his most distinguishing traits.

As said in Tennyson's "In Memoriam," he was the man of "the larger heart, the kindlier hand."

This life is a pleasant vale between the dreamless world of the unborn and the undreamed-of world of those who die no more. Coming into it, the Creator touches our existence with an immortal spark, and if we cherish this as the years come and go, it becomes a light whose color and brilliance distinguish us from our fellows.

This Member from Tennessee attracted us all to him by the simple manliness of his character, the unsullied generosity of his nature, the kindliness of his purposes, and his helpfulness. Every man has a great gallery of memories, which begins with the earliest recollection and continues to his latest hour. On the walls of that gallery are pictures that memory has painted of the things that have attracted him most, of the persons whom he has loved best.

There is a memory picture of his mother before which countless perpetual candles burn, each lit in honor of some act of her changeless and unselfish care and love. And in sequence appear pictures hung there of the dreams of youth and the purposes of manhood by ambitions and ideals, of deeds of love or might, by faith and hope, so that if we could enter and, passing through, survey them all we would know each heart as it is known by the recording angel. Into this holy place few are ever admitted. Only personal love or personal attraction opens such doors, for herein is disclosed the naked soul of man. Sometimes in great public stress or by reason of personal affection the gallery is opened and we stand before the hidden thoughts and the secret places of a human soul. It was my fortune once on an occasion to see the man in whose solemn memory we hold these services open his heart, and the beauty of

that inmost picture and the glory of its illumination have lingered in my memory. The act done was not one of great distinction, but rather one of the kindliness most characteristic of true manliness, a helping of the helpless, a hand stretched out in aid when there seemed to be none that heard. I have read that the blue dome that spreads above us, the inverted cup of the sky, gets its color from the tiniest particles of dust arising from the surface of the earth or drifting in from interstellar space; that the pencils of white light coming from the sun, containing all the rays of light, have broken out from them their feeblest ray—the little blue ray—and that the particles of dust, like swinging mirrors in the sky, fill all the expanse of heaven with color grateful to the eye and alluring to the heart as the symbol of universal love and trust.

I have read further that the moisture rising from the ground is invisible, and that it can not condense except upon a foreign substance; that it floats in the sky until condensed on the dust into clouds, full of the attractiveness of color and of harvests yet to be; that if not so upheld, the moisture would settle down upon the earth, condensing on every object it touched, until everything dripped with water; but it is said the dust with its tiny fingers catches the invisible moisture of the air, condenses it, carries it over vast spaces inland until it descends in dew and rain to make fertile the fields and to nourish the harvests for the comfort and benefit of man. So that to the smallest things we owe the morn in russet mantle clad, the colors of clouds, and the blessing of the early and the later rain. The world is not made up of great deeds. Kindly deeds are the color and substance of life. The world is not distinguished in the last analysis by the great deeds of great men, important and admirable though they be, but the world as we know it is made up of the countless thousands of loving kindnesses of the innumerable throng of us all. They are the foundations on which we build neighborhoods, communities, cities, States. And this man, though he had many admirable qualities, and was distinguished in many ways, in whose memory many worthy words have been said, and will yet be said, was a man whose distinctive characteristic was his constant and unheralded rendering of assistance and the doing of the kindnesses that take the anguish out of life and put the joy in—the most kindly attribute of human nature.

Affection, kindness, the sweet offices of love and duty, were to him as needful as his daily bread.

> That best portion of a good man's life,—
> His little, nameless, unremembered acts
> Of kindness and of love.

As I have heard told the processes of his rise and advancement, and how he moved from one place in life to a higher place, I call to memory the words, as fittingly applied to him:

> Build thee more stately mansions, O my soul,
> While the swift seasons roll!
> Leave thy low-vaulted past!
> Let each new temple, nobler than the last,
> Shut thee from heaven with a dome more vast,
> Till thou at length art free,
> Leaving thy outgrown shell by life's unresting sea.

And this man, a friend of us all, year by year, as measured by his achievements, by his advancement, built him a dome more vast until in the fullness of his development he was set free. He will go from the field where he sowed material for a grateful harvest of good with great rejoicing, bearing his sheaves with him, to render his accounting to the dread Lord of all the earth.

Mr. PADGETT. Mr. Speaker, I greatly fear that the condition of my voice will deprive me of an opportunity of speaking of our departed colleague as I should desire. It is not my purpose to-day to speak words of fulsome praise or of foolish flattery.

It is my desire to speak of Mr. BROWNLOW in words of truth and soberness as I knew him from our association together in our work; to give the impress that his life and fellowship made upon me.

He was a man of intelligence. By that I do not mean simply that he was one of the species of intelligent beings, but I mean that he was a man possessing an intellect of that high order and character that gave him a high and comprehensive grasp of the condition of the country, of the State, of public affairs, and lifted him into a region of the higher and nobler and better impulses which characterize the action and conduct of men as individuals and of people.

He was a man of honor. I would not say that he did not have diplomacy. It would be unworthy of him to say that he was lacking in the proper appreciation of that tact which we call diplomacy that adapts conduct to conditions. But I wish to emphasize the fact that the spirit of honor moved his conduct with the purpose of sincerity and integrity which characterized his life. If there was one thing above another that we can emphasize in the life of WALTER BROWNLOW, it was, as was often spoken of him, that his word was as good as his bond.

He realized and appreciated the value of sincerity of conviction, integrity of purpose, honor of conduct, and fulfillment of promise. I do not conceive any attribute of a man's life that deserves more emphasis, that is worthy of more praise, than to speak of the man and to say of him that he loved honor for honor's sake.

He sought the principle of the good and attempted to measure his life and his dealings with his fellows according to the standard that addresses itself to that higher and nobler conception of humanity that is true, real, and genuine. Moreover, he was a man of a kindly heart. I do not recall at this time a man that you could approach with more confidence of a kindly response to a generous appeal than WALTER BROWNLOW. It was one of the attributes of his life, the warmness, the kindliness of his heart, and the sincerity of his affections. An appeal which carried with it the element of sympathy, a demand which had in it the characteristic of human kindness always found in the heart of WALTER BROWNLOW a generous response. In his soul he had the milk of human kindness that always responded generously to a worthy appeal.

He was a man of character. I mean by that stability, purpose, fixedness of purpose, an ideal that rose above the petty trickery of life and found lodgment that gave expression to those characteristics, those elements of human life that measure our purpose and characters, our aims, and our destinies.

He was a man who possessed those elements of character that form the warp and the woof of our being, that give stamina and stability to life, and lift to that plane of moral, social, and intellectual excellency that command the respect and the confidence of every man who loves the truth and admires integrity. Such a man of character was WALTER P. BROWNLOW.

He was a man of fine, practical efficiency, and by that I mean a man of usefulness. He was not an idle dreamer. He did not spend his life in dreaming dreams that never realize. He believed in the practical things of life. He understood human nature; he understood the motives of men, and how to deal with them, and how to accomplish results. The illustrations which have been given by others who have spoken to-day testify to the practical efficiency, the every-day usefulness of the life of this man. His life work left its impress upon his country for good and for its upbuilding.

If you go among individuals many there are who can say, "I am glad that WALTER BROWNLOW lived and that I associated with him and was in touch with his life." Many are they who, testifying individually, can prove his good works. And if we look collectively to the country many are the fruits of his labors that not only to-day, but in the years to come, will be living witnesses of the value of his life and testify the good he did and the impress he made upon his country for its uplift and its upbuilding.

Into that other life, which the soul of man craves as the higher and better life, he has gone, and we speak our conviction and our belief that he entered it facing his fellows and his God with that conviction which comes from duty well performed. We often moralize, Mr. Speaker, and we often speculate upon that life which is beyond. It is not my purpose to-day to engage in it. I simply wish, however, to express this thought, that whatever life hereafter is reserved for the true, the generous, the honorable, and the good, WALTER BROWNLOW will find his fellowship and association with them.

We speak often of the grave eternal; we speak of one being in the grave forever. I do not so believe or regard it. As I stand at the grave of a loved one or a friend, there comes to me the memory of the words of the angel to the women who went early in the morning to the grave on the memorable occasion and said to the women, "He is not here; He is risen." And as I stand at the grave of one whom I love I lift my eyes above the grave toward that higher and better life and say of my friend, "He is not here; he is risen into that glory reserved for the true and the good."

Mr. BYRNS. Mr. Speaker, I consider it a sad privilege to have this opportunity of paying a tribute to the memory of our deceased colleague, Hon. WALTER P. BROWNLOW, who for so many years faithfully and ably represented the first congressional district of Tennessee. Mr. BROWNLOW was first elected to Congress in 1896, and from that time until July 9, 1910, when he quietly passed away at his home in Johnson City, he held, in the very

largest measure, the esteem and affection of the people who had seven times honored him with their suffrages. There was a good reason, Mr. Speaker, for the confidence which his people placed in him. He never betrayed the trust which they bestowed upon him. He never lost an opportunity to serve them and the State from which he came. He was intensely loyal to Tennessee. He loved her people, their history, and their traditions, and the time never was when he was not willing to devote his tireless energy to the upbuilding of his State and the advancement of her people.

It is not my purpose in the brief remarks which I shall make to comment particularly upon what he accomplished for his district and his people. I shall leave that for those who served with him for a longer time in this House. But it may be truthfully said that no Member of Congress—certainly none from the South—ever secured more material and substantial benefits for his district than did Mr. BROWNLOW. It is no doubt true that his success along this line was in part due to the fact that he belonged to and held high place in the councils of the dominant party in the administration of our national affairs during all the years of his public service, and to the further fact that for many years he was a member of one of the most important and influential committees of Congress. But his success was also due to his wisdom and foresight, his thorough knowledge of men, and his ability to recognize and grasp every opportunity which was afforded to secure an appropriation for his district in the form of some public improvement. And, in all candor, it may be said that on such occasions he did not stop to consider the cost to the Treasury. Mr. BROWNLOW was entirely practical in his ideas of legislation. He knew that each year Congress would appropriate a certain amount of money for public improvements, and he made no concealment of his purpose to secure as large a share as might be possible for his district.

I would not be understood as holding that an ability to secure large appropriations from the Public Treasury is an evidence of high statesmanship. Neither did Mr. BROWNLOW have such an idea. He knew that the true value of a Representative's service to his district and his people does not consist in his capacity to secure large appropriations of the people's money for the benefit of his particular district; that securing a public building or improvements of a local value and interest is not of itself an evidence of statesmanship. His talents and energies were by no means confined to endeavors to obtain local advantages. His keen knowledge of men and his conservative judgment was of potent value to his party in the consideration of legislation on the floor, and particularly in the important committee of which he was a member and to which he gave his undivided time and attention. He was quiet and unostentatious in all that he undertook. He was no orator, nor did he aspire to be one. He never sought to cultivate the graces of oratory in order to attract attention to himself. He preferred rather to do his work quietly in committee and on the floor and to trust to results to vindicate the confidence which his people had imposed in him. And yet, Mr. Speaker, there were occasions when he expressed himself with a force and vehemence which showed that whenever the necessity arose he was abundantly able to take care of himself and a cause in which he believed. Perhaps the most striking instance of this fact, as well as of his intense love for Tennessee and the history of her distinguished sons, is to be found in his earnest and eloquent defense of that great commoner, Andrew Johnson, against the post-mortem attack upon his character which appeared in a book containing the personal recollections of Senator William Stewart. This book gave publicity and credence to false insinuations and unfounded rumors concerning the character and habits of Johnson, which were inspired by the rancorous bitterness of the dark days of reconstruction when Johnson, as the President of a reunited people, sought to give aid and comfort to the brave but suffering Southland.

Mr. BROWNLOW knew how unfounded these attacks were and how great was the injustice done to the memory of Johnson and his family. He represented the district which Johnson formerly had represented in Congress—a district in which Johnson had lived and died and where his remains now repose. He knew Johnson's history from the early days of poverty, through all the struggling years until he reached the highest office in the land. And when long years after his death cruel and false accusations were penned as historical facts, Mr. BROWNLOW was quick to refute and denounce them. He did not pause to reflect that Johnson was a Democrat and he a Republican. Nor did he stop to question what some of his Republican associates might think of his rushing to the defense of a Democrat against the attacks of a fellow Republican. He did not care what they or others might think. He only knew that the memory of a distinguished son, whom Tennessee had many times delighted to honor, had been unjustly assailed. Mr. BROWNLOW was first a Tennesseean and then a Republican. And, Mr. Speaker, this sense of justice and fair play in all things and toward all men was one of the chief elements of his character. While perhaps the most striking, this is by no means the most convincing evidence of the loyalty of Mr. BROWNLOW to Tennessee and her people. There are many Tennesseeans in the Government service to-day who can testify to his kindliness and to his willingness to serve those who appealed to him for aid. I have often heard him say that when his influence and help was sought by a Tennesseean in the service of the Government he never stopped to ask the politics of those asking his assistance. There are hundreds in the service to-day who will keep his memory ever green in their hearts because of some generous, kindly, and friendly service done them.

Undoubtedly the achievement of which Mr. BROWNLOW was most proud was his work in securing an appropriation of more than $2,000,000 to erect a national soldiers' home on the outskirts of his home town, Johnson City. The erection of this splendid home so far south was a great achievement and shows the great influence and personal popularity he possessed in Congress.

As a result largely, if not altogether, of his efforts, this magnificent home was built under southern sunny skies, amid the splendid mountains and beautiful hills of east Tennessee and in close proximity to those great battle fields of the South, where was proven the prowess of those who wore the blue and the gray, and where glory and luster was shed upon American valor and American manhood. This great home stands as a lasting monument to the memory of Mr. BROWNLOW, and the old soldiers who wore the blue, and who in their declining years find shelter and comfort under its roof, are living reminders of his devotion to them and the cause for which they fought and in which he steadfastly believed. And it was but fitting that when the inexorable and merciless hand of death beckoned to BROWNLOW, and his earthly career was finished, that his mortal remains should have been laid to rest beneath the greensward which surrounds the home in which he took such a pardonable pride.

Mr. Speaker, Mr. BROWNLOW was a man of firm and positive convictions. There was no halfway ground with him. He had strong views upon all subjects, and, having the courage of his convictions, he never hesitated to give expression to them. He was a party man in the strictest sense of the word. In short, he was a partisan. He believed in parties and party organization as necessary to the proper administration of government. He stood steadfastly by his party's organization and never failed to vote with it on all measures which involved party principle or party procedure. But while this was true, he was broad and liberal in his ideas, and his respect for the opinions of others was such that he entertained no ill will or unkindly feeling toward any man who might differ with him or who belonged to the opposite political party. Intensely loyal in his friendships, always courteous and ever obliging, he numbered among his warm friends many of his Democratic colleagues, and it affords me, a Democrat, believing just as firmly and unalterably in Democratic principles as he believed in Republican principles, a sad but sincere pleasure to testify to-day to his great worth as a man, his eminence as a citizen, his usefulness as a public servant, his loyalty to his people, and his patriotic devotion to his country.

From an humble beginning Mr. BROWNLOW rose to a high place in the confidence of his people and in the legislative councils of his country, as a result of his untiring energy, his indomitable pluck, his good sense, and his sterling worth. In his early years he was trained in the school of stern necessity. Later on he became the secretary of his uncle, Hon. William G. Brownlow, known as "Parson" Brownlow, and one time governor of Tennessee. Mr. BROWNLOW often referred with pride and gratitude to the training he had received under his distinguished uncle, and attributed to it much of the success which he subsequently achieved. He possessed the spirit of optimism to a very rare degree. It was not his custom to complain at fate or misfortune. He believed always in the eternal fitness of things, and it was a part of the philosophy of his religion to look on the sunny side of life. No higher tribute could be paid to him than to say that he sought to be faithful in all things, that he tried to do the right as God gave him light to see the right. Hence it was, sir, that when fatal disease placed its relentless hand upon him and he was warned that the time of his departure was near at hand, he could meet his fate with cheerful fortitude and serenity, and—

> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

Mr. AUSTIN. Mr. Speaker, it is with the most profound feeling of sorrow that I rise to say a few words in memory of the Hon. WALTER PRESTON BROWNLOW, a Representative in this body from the first district of Tennessee, who died at the National Soldiers' Home near Johnson City, Tenn., on the 8th day of July, 1910. Not only was he my colleague here officially, but for many years he was an intimate companion—my guide, counselor, and friend—and I miss him as I would a dear and valued kinsman. I was fortunate enough to be associated with him in the discharge of the duties of his office when he was the Doorkeeper of this House, and also when he first became a Representative in this body, and in all our intercourse I am proud and pleased to say that I can not recall a discordant word or thought between us; but, on the contrary, there was the utmost harmony of purpose and action, and he always manifested a warm and unmistakable regard that was a source of the greatest pride and value to me. His advice and assistance in the performance of my duties and in personal matters, particularly in politics, can not be overestimated in its importance, and he rendered me this assistance disinterestedly and without the least ungraciousness or expectation of return. His death, it is needless to say, is a source of the greatest loss to me, both personally and officially, which I realize every day. The State of Tennessee, too, will feel his loss sensibly, and the first district will never have the good fortune to have his equal as a faithful and successful Representative. As for Mr. BROWNLOW, with my partial eyes I could see no blemish in his character:

> His life was gentle and the elements
> So mixed in him that Nature might stand up
> And say to all the world, "This was a man."

Mr. BROWNLOW was born on the 27th day of March, 1851, in Abingdon, Va., where for three years he attended private schools. His father dying when the boy was quite young, he was thrown upon his own resources, and was compelled to help in his own support and to otherwise assist his mother, working as a telegraph messenger boy when he was only 10 years of age. At 14 he became an apprentice in the tinning business, and later on learned to be a locomotive engineer. In these vocations he deported himself creditably, as he did in all his subsequent fields of employment. In selecting the latter occupation, Mr. BROWNLOW, young as he was, it is worthy of notice, was actuated by a strong sense of duty besides that of help to his family. He had in mind the importance of the work he was to do and the help he might be to humanity; and in this he was conscious, as we all are, that to the locomotive engineers the world is under a deep debt of gratitude. It is wonderful to think of the number of human lives and the millions of property that are every day intrusted to and dependent upon the sobriety, nerve, the skill, the fidelity, and the courage of these men. Their duties are among the noblest and most important of the various occupations of human life, and their compensation should be among the highest given to any class of our public servants.

In this employment, however, Mr. BROWNLOW did not continue very long. He aimed at something which the world regards as still higher than the care of a locomotive—something that was calculated to bring him fame and a greater income. He was ambitious to become a newspaper man, and with this feeling he obtained employment as a reporter for the Knoxville Whig and Chronicle—a paper that under the management and ownership of his uncle, the celebrated William G. Brownlow, popularly known as "Parson" Brownlow, previously a Senator of the United States, became one of the most widely known and influential periodicals in the country. He did not find it necessary to remain with his uncle more than a year. In 1876 he made arrangements to go into business for himself, and to this end purchased the Herald and Tribune, a Republican newspaper issued at Jonesboro, Tenn., since which time he has continued as its editor and proprietor, both to his own and his party's advantage. At the same time he entered actively into politics and soon became a representative man. He was a delegate from his district to the Republican national conventions of 1880, 1896, and 1900, and a delegate at large to the national conventions of 1884 and 1904. In 1880, besides, he was chairman of the Republican congressional committee of his district, and in 1882 was elected a member of the Republican State committee, serving eight years as such, during one-fourth of which period he was chairman. In all this political service, it may be added, he was not content to occupy simply a nominal position; he was not a mere figurehead; he was throughout active in the work and rendered his party essential and universally recognized assistance. It is largely owing to this that his own congressional district is one of the few districts in all the South that remains in the Republican column.

In March, 1881, he was appointed postmaster of Jonesboro, his home town, but resigned a few months thereafter to accept the position of Doorkeeper of the House of Representatives, which he held during the whole of the Forty-seventh Congress. In 1884, 1896, 1900, and 1904 he was elected by the delegations from his State to the national Republican conventions as Tennessee's member of the national executive committee, and was unanimously elected chairman of the Republican State executive committee by the members of that body for 1898 and 1899. He was also elected by Congress to be a member of the Board of Managers for the National Home for Disabled Volunteer Soldiers. Twice was he nominated for United States Senator, and in 1898 he was elected as Tennessee's member of the National Republican congressional committee. His most important honors, however, were comprehended in his election as Representative in Congress, being successively chosen to the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses as a protectionist Republican in a district formerly represented by Andrew Johnson as a free-trade Democrat. During this long-continued service Mr. BROWNLOW was quite active, seldom, indeed, appearing on the floor of the House as a prominent debater; but being nearly always a member of some of the most important committees of the House, he was enabled to take a decisive part in the shaping and enactment of legislation. One of the most interesting measures, originated and enacted largely through his influence and efforts, was the establishment of what is known as the Mountain Branch of the National Soldiers' Home, situated near Johnson City, Tenn., in a most healthy and lovely location—one of the most attractive and valuable soldiers' homes in the country.

Not only was he instrumental in having this charming institution created, but he has given sedulous attention to its improvement and its growing wants, never neglecting an opportunity to add to its beauty and its usefulness, as well as to the individual comfort and pleasure of its occupants. His connection with this benevolent work is alone enough to warrant his occupancy of a niche in the Temple of Fame. It places him, with others alongside, with some of the most distinguished personages in the history of the world—beside Queen Mary, of England, the wife of William the Third, to whose tender interest in the welfare of the disabled mariners of her country the naval home at Greenwich owes its establishment; beside Gen. Winfield Scott, the founder of the great soldiers' home at Washington; beside Napoleon Bonaparte, whose love for the old soldiers of France caused the foundation of the Home of the Invalides at Paris; and beside the great host of large-hearted and benevolent men and women all over the world who have turned aside from the private avocations of life to assist in the work of relieving the wants and adding to the pleasures and the comforts of the poor, the unfortunate, and the suffering in the great army of humanity.

As a Member of Congress Mr. BROWNLOW gave his zealous attention to much of the greatest business that came before that body. He neglected nothing pertaining to the duties of a national legislator, but it is a noticeable fact that does not detract a whit from his fame as a statesman that his first and most loving thought was for his State and his district. In his imagination the mountains of Tennessee were the most beautiful in the world. Her rivers were to him the most picturesque, and her brooks and rivulets made the sweetest of music. Her air was the balmiest that ever encircled the beautiful places of the earth, and her skies were not surpassed by those of Greece or Italy. Her fields, rich with the fruit of man's industry and intelligence, were not to be equaled anywhere in the world. Like all mountain-born men, he intensely loved his native soil, and when he left it even for a short time he always longed to get back to it. His thoughts of the people were the same. He loved them, and they loved him. The women were all charming and interesting, and the men were all courageous and strong. Andrew Jackson once said, in speaking of the danger of a foreign war:

> Let it come. In a war we will beat them, sir; we can whip all Europe with United States soldiers. Give me a thousand Tennesseeans, and I'll whip any other thousand men on the globe.

These were somewhat the views of Mr. BROWNLOW; there was nothing too great for Tennesseeans! And in some respects I am inclined to agree with him. It has been my fortune to see a good deal of my own country, and of some foreign countries as well, and I can truthfully say that the people of Tennessee, East Tennessee included, of course, are among the most remarkable of them all. Let these people once see their duty and what can be reasonably expected of them, and they will perform it. If it is a question of "getting there," they will prove equal to the work and get there! Of the future of Tennessee Mr.

BROWNLOW was very hopeful. He saw the wonderful natural resources of the State and knew the capabilities of her people, and he believed that in time she would outstrip Pennsylvania and New York. Of the State's past history he was extremely proud. In the people's early struggles for the settlement and improvement of the country he saw a record of heroism and patriotism that has not been surpassed by any people appearing in the pages of history; he could realize fully the efforts and environment of the early settlers of Tennessee, when every step was attended with danger, when every bush or tree was likely to conceal one or more red enemies, and when the women and children, left at home when the father was either at work in the fields or on the hunt for food, were in constant fear of death or capture at the hands of merciless savages. He looked upon Kings Mountain, fought principally by Tennesseeans, North Carolinians, and Virginians, as the great battle of the War of the Revolution, where Cornwallis's men met their first defeat, and that this victory was but a prelude to Yorktown; and he regarded the leaders of the Tennessee pioneers—Sevier, Coffee, Donelson, White, Jackson, and others—as the greatest men in history. To Andrew Jackson in particular, the man who practically brought the Floridas into the territory of the Union and gained the battle of New Orleans, assisted very largely by Tennesseeans, one of the greatest victories of record in the annals of mankind, he gave his highest praise and reverence. That unobtrusive monument in the garden of the Hermitage, where the remains of Jackson lie buried, and which to the citizens of Tennessee is perhaps the most cherished spot in all her fair domain, was worthy of every patriot's veneration. He thought that—

> Such graves as his are pilgrims' shrines,
> Shrines to no code or creed confined,
> The Delphian vales, the Palestines,
> The Meccas of the mind.

James Parton, in his Life of Andrew Jackson, gives the following as a carefully collated statement of the opinions of Francis P. Blair concerning the General, which though seemingly extravagant were no doubt sincere, and they probably came very near expressing the views of Mr. BROWNLOW:

> Mr. Blair deliberately concurs in Colbert's judgment that Andrew Jackson was the greatest man that ever lived—the bravest of the brave, the wisest of the wise, the most tender, the most resolute, the most devoted to his country, and the most eloquent of human beings. Fighting men loved him for his valor and cowards loved him for the protection he gave them. No man and no combination of men could ever overcome him. He was victorious on every field. Clay, Webster, Calhoun, Preston, Biddle, the United States Bank, the capitalists, the brightest men, and the most powerful agencies were leagued against him for eight years without gaining over him one important advantage. He attempted nothing which he did not accomplish. He gained constantly in Congress and left his party in a majority in both Houses. His eloquence surpassed that of the most renowned orators. When he grew warm in conversation and his gray bristles shook he thrilled the listener's nerves and souls as no other man could thrill them. No man could resist the impetuous intensity of his speech. He was a man of absolute sincerity, incapable of duplicity or acting for effect. He loved the people with a deep, exhaustless love; believed in them; would have laid down his hoary head on the block for them and counted it gain and glory. He was the controlling soul of his administration at every moment of its existence.

All this may sound like the views of a man somewhat unbalanced in his mind, but we should remember that it is the deliberate opinion of a man of the greatest astuteness, one who seldom went astray himself; and if Mr. Blair entertained such views himself, we can not be very much astonished for making every allowance for the partiality of his friends and admirers—that most of the world should share his opinion. Andrew Jackson, in sober truth, was a wonderful man, and deserving of all the honors and the love which the citizens of Tennessee have heaped upon him.

To the other great men of Tennessee Mr. BROWNLOW gave almost unstinted admiration. And for Andrew Johnson, loaded as he was with the enmity of so many men, he had great respect. But there was another great man—one of his own kinsmen—the illustrious William G. Brownlow, to whom he could not render enough praise or admiration. "Parson" Brownlow was truly an extraordinary man. An unflinching patriot, a man of such devotion to principle that he would have laid down his life rather than sacrifice his truth or his honor. His courage was of that heroic order that no amount of danger or suffering could make him falter or give way in times of trial or difficulty, and his example and loyalty to his country were fruitful of benefit to his State and the Nation. After his election to the Senate of the United States, following after the close of the Civil War, which elevation was in but a small measure a recognition of his unfaltering love of country and his devotion to duty, he was striken with a nervous trouble, from which he suffered up to the day of his death; but it was a source of pride to his friends and relatives that this affliction, which he bore with resignation, was the only thing in the whole course of his life that had ever made him tremble. With nearly the whole disloyal element in Tennessee—perhaps in most of the South—embittered against him, imprisoned, and with the halter, metaphorically speaking, around his neck, he was true to his country and his convictions. Congressman BROWNLOW himself, and some of the Parson's direct descendants resembled him in these matters, and could, if circumstances had rendered it necessary, have displayed the same high degree of courage and loyalty.

In the final analysis of the character of WALTER PRESTON BROWNLOW there were several noticeable traits that are deserving of special mention.

He was, for example, perennially cheerful and kind. Nothing seemed to depress him on interfere with his customary spirit of accommodation and good humor. He could cast aside trouble without difficulty and deport himself as if misfortune and ill will were total strangers to him. A pathetic illustration of this was seen in his later years when he was threatened with total blindness. He was an object of much sympathy as he was led about by a guide, unable in many respects to care for himself; but he philosophically bore his misfortune, and was noted during even the worst of his trouble for his unfailing courtesy and good humor. Even if he had to fall, his optimistic and courageous spirit led him to feel that it was best to fall with his colors flying. On the eve of his last physical breakdown a remark is attributed to him, also quoted sometimes as a bon mot of the late Senator Zeb Vance, of North Carolina, which at once illustrates his wit and his unfailing serenity. In response to an inquiry as to his health, he said he ought not to complain or feel discouraged, "He was simply like old Tom Henderson's wagon down in Tennessee—all he needed was a good body and a good running gear."

He was, besides, a man of great frankness and truthfulness. When necessary to state his views or come to a conclusion he did not beat about the bush. He was ready to express his convictions at all times and to let his determination be known. And his word could always be depended upon. He was not lavish of his promises, but what he did promise he always meant to perform, and, indeed, his performance often went beyond his promise.

He had naturally a lively fancy, a happy abundance of wit and humor, and an admirable faculty for telling a story. In the exercise of this latter talent he resembled Abraham Lincoln and many other great raconteurs. His stories were generally used to enforce some truth or as accessories in the accomplishment of some high aim or great duty. His power of repartee, too, was quite remarkable. In conversation or public argument, on the "stump" or elsewhere, he was never taken at a disadvantage, either by legitimate means or by ill-mannered interruption. He generally managed to place his antagonist in a position of embarrassment or discomfiture, but generally without any exhibition of malice or hostility. He always strove, on the contrary, to avoid wounding the feelings of either friend or foe. It was this happy spirit and his talent as a story-teller that made him a favorite of such men as Gen. Garfield, William McKinley, Theodore Roosevelt, William H. Taft, and many other distinguished personages, who never failed to enjoy his quaint and original humor.

As a man of business, Mr. BROWNLOW was reasonably successful. Beginning his career almost without a dollar, he ended life with, for Tennessee, an income adequate for the comfortable support of himself and family; and this, be it understood, without greed or dishonesty. He did not grind the poor, but always stood forward ready to help and serve them. He accumulated his estate without questionable means, and he bore his prosperity without vulgar ostentation or contemptible snobbery.

Finally, when the dread enemy of all of us approached, his end was characteristic of him. He made no indecent manifestation of the love of life. He knew when his end was approaching, and he received the announcement rather as a benediction than a stroke. In the language of Bryant, he went calmly and complacently:

> Sustained and soothed
> By an unfaltering trust, he approached his grave
> Like one that wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

Mr. TILSON. Mr. Speaker, I am not a member of the Tennessee delegation and had not the pleasure of serving on any committee with the late Hon. WALTER P. BROWNLOW, but I should be unwilling to let this occasion pass without saying a few words concerning his life, character, and public services.

I was born in the county where he lived, and lived there until I was 22 years of age, when I moved to the State which I now have the honor to represent on the floor of this House. I came to know Mr. BROWNLOW quite early in my life and had the

pleasure of a somewhat intimate personal acquaintance with him from that time until his death. My father and my brothers were his personal and political friends, and I grew up in an atmosphere of friendliness toward him.

It seems to me that it can be well said of Mr. BROWNLOW that he was the product of his day and environment. He was but a boy during the troublous times of the Civil War, but was old enough to learn much from the experience and conditions of those days. School facilities in the part of the country where he lived at that time were seriously lacking, so that it was with difficulty that he acquired the elements of an education. It was also characteristic of the time and place that there was a general lack of ample means among the people of that section of the country.

Having obtained the rudiments of a school education he gained a much broader and more effective education in the rough and tumble of experience. Along with his struggles he acquired habits of industry, tenacity, and pertinacity. He was a tireless worker, never left off when he had begun and never ceased effort until the thing attempted became an accomplished fact. That he was a man of unusual intellectual capacity has never been denied, even by his enemies—and he had enemies. It is also conceded by all that he was a man of forceful character. He became a leader of men, because the force of his character dominated men.

The faculty of expressing forcefully his thoughts and ideas was his in a very remarkable degree. Even in casual conversation his words fell like blows from a sledge-hammer. He was particularly happy and entertaining when surrounded by a small circle of friends, and his fund of stories, abounding in homely wisdom, seemed inexhaustible.

He did not belong to the tribe of the self-righteous, neither was he to be found listed among so-called reformers. If anyone had accused him of being such, the accuser would have run serious risk of being enlightened on the subject by one of those clear, concise, emphatic statements of forceful English falling like a thunderbolt from Olympus, for which he was so deservedly celebrated. He looked with suspicion upon much that parades itself under the guise of reform. He had come up by his own strength and effort out of adverse conditions and had climbed over obstacles to a position of leadership and usefulness. He had not created the rules or imposed the conditions of the game in which he was to play a part. He accepted these as he found them and lived and acted within their provisions. To his mind the burden was upon him who proposed a change to justify it. Unless this were done he was inclined to look upon it either as an attempt to gain some unwarranted advantage or to impose upon an unsuspecting public by a hypocritical cry of reform.

He was a hater of shams. His strongest anathemas were reserved for the man who, on the hustings or in the legislative chamber, thunders loudly in the name of the people for what it may bring him in the way of notoriety or personal advancement while in private he seeks every possible advantage for himself and his own.

His creed of public service was simple and well known. He believed in doing things and getting things for his district and people. No Member of Congress ever worked more arduously or effectively for his constituents and district than did he. It was his aim to secure for them all that could possibly be secured within the rules of the game, and this aim and purpose he pursued with unusual ability. He helped others to secure things for their districts and constituents, and they in turn helped him. His aim, first, last, and all the time, was the accomplishment of results for his people. A catalogue of what he accomplished in this direction, some part of which has been and will be referred to here to-day, would be the strongest possible proof of the statement. And after all, while men are fond in the abstract of the high, the lofty, the ideal, yet when it comes down to the measurement of the effectiveness of a public servant it is only human nature to measure it by results. Measured by this standard, Mr. BROWNLOW ranks high among the men who do things. He will be long remembered by the people of the first congressional district, and all the rest of Tennessee, as well as the whole South, as a forceful and effective public servant who left behind him a record of things accomplished which it would be difficult to equal.

Mr. SIMS. Mr. Speaker, the usual topics customary to be gone over in these eulogies of deceased Members have been so completely covered by the gentlemen who have preceded me on this occasion—Mr. MASSEY, Mr. AUSTIN, Mr. BYRNS, Mr. PADGETT, Judge HOUSTON, and others—that I shall not repeat what has been so well and so eloquently said by these gentlemen about the life, character, and services of our deceased colleague, Hon. W. P. BROWNLOW, but I shall relate some of those smaller occurrences of life which more often enable those who did not have personal knowledge of the deceased to form correct and lifelike conceptions of his distinctly personal characteristics than is otherwise possible.

I never knew Mr. BROWNLOW personally until the extra session of the Fifty-fifth Congress, which convened in March, 1897. I found him to be a warm-hearted man, approachable and of easy acquaintance. I felt from the start as if I had known him all my life. His conversation was always entertaining, even on the most trivial subjects. He seemed to possess an inexhaustless fund of humor, and was unusually bright and original. In order that those who hear and those who may hereafter read these eulogies, I shall somewhat in detail relate some of the occurrences in the service of Mr. BROWNLOW coming under my personal observation which illustrate the temperament and humor of our late lamented colleague.

Soon after the commencement of the Spanish War, Mr. BROWNLOW and I had joined in recommending to the President for appointment as brigadier general of volunteers from Tennessee a certain distinguished and well-known citizen of our State. A few days later I met Mr. BROWNLOW in the street and told him that I had heard that at least one of our Senators had refused to join us in our recommendation, stating that our man had no military training or experience and that it would be dangerous to have such a man in command of raw volunteers in battle. Mr. BROWNLOW replied that—

the man you and I have recommended for brigadier general is like me. He knows the Tennessee boys are brave and impetuous and will fight anywhere, but he loves them too well to ever lead them into any place of danger; therefore, I stand by our man.

I never knew Mr. BROWNLOW to vote against or oppose any appropriation of money coming to the South. On one occasion when some bill was coming up for consideration, he came over on the Democratic side and asked me to support the bill and to do all I could to get our side to do the same. I asked him what about the merits? He replied:

Oh, it is a steal and that ought to make it popular on your side; but, in addition, it is coming South. If we vote for all the steals coming our way for the next hundred years we will not then get even with the North.

After several years' service, Mr. BROWNLOW was appointed on the Committee on Appropriations, and by Members ahead of him going out of Congress and on other committees it was not long until he was near the head of the committee. It was but natural that I wanted to see him become chairman of the committee. So on a proper occasion I mentioned the matter to him and suggested that if he did not manifest a greater disposition toward economy in public expenditures that I feared he would never be made chairman of that great committee, although he might be entitled to it by rank and seniority. He replied:

Now, SIMS, don't you worry about that; if these Yankees get all they want for the North and I get all I want for the South, there will not be anything left in the Treasury to appropriate long before I can get to the head of the committee.

It will be recalled that Vice President Fairbanks, during the campaign in which he was a candidate, was cartooned as a cold, icy man. He was represented as having icicles hanging from his hat brim and beard. I always thought that cartoon did Mr. Fairbanks great injustice. I have never known a man in public life more approachable or more kindly and sympathetic in his treatment of all people with whom he came in contact than was Mr. Fairbanks. It was not an unusual thing for the Vice President to invite a Member of the House to share with him his carriage on going to the Capitol in the morning. On one occasion as I was walking east on F Street I saw the Vice President's carriage in front of me with Mr. Fairbanks and Mr. BROWNLOW seated together and in conversation. In a moment the carriage stopped in front of a store and the Vice President alighted and passed into the building, while Mr. BROWNLOW remained seated in the carriage. When I came up even with him I halted and spoke to him and asked him where he was going. He replied:

Oh, nowhere in particular; I am just taking a ride in the ice wagon.

His reply was so bright and so characteristic of the man that I could not keep it from the newspapers. Not long afterwards Mr. BROWNLOW got sharply after me for telling the occurrence to the newspaper boys, and said that if he got into any trouble with any of his bills in the Senate on account of it he would have my seat contested, and have me thrown out of Congress. I replied:

Just go ahead with your contest; the remark was worth a seat in Congress.

Only a few months after I began my first service in the extra session of 1897, Mr. BROWNLOW passed me in the corridor between this Chamber and Statuary Hall, where the telegraph

operators are located, and noticed that I was sending a telegram and paying the charges on it. He said:

SIMS, have you not got a book of telegraph franks yet?

I replied that I had not; that I did not know that such franks were to be had. He replied:

Well, make application for one immediately.

I replied:

How do you know that I want to use them?

He replied:

I don't care whether you use them or not, but I don't want the Western Union Telegraph Co. to know that Tennessee ever sent a man to Congress who did not have sense enough to know what was coming to him and how to get it.

Mr. Speaker, the membership of this House, like the world, is made up of all kinds of men of all kinds of personal characteristics. It is difficult to so treat, in a merely descriptive way, the lives of men so as to fully bring out these distinguishing characteristics.

I think few men were more original than Mr. BROWNLOW, and in order that those who follow him may know of some of the many peculiarly personal traits of this many-sided man I have attempted, without embellishment or exaggeration, to relate some of those occurrences in actual life without which it is impossible to fully portray the real living WALTER PRESTON BROWNLOW.

He has been and will be very greatly missed in this House by those of us who had the good fortune to serve with and to know him intimately for so many years.

He was a true and steadfast friend, a devoted father and husband, and a loyal party man, but without partisan rancor and bitterness.

Mr. Speaker, we regret and grieve that we can never again meet him in these halls, that his voice is silenced forever, that his work is ended; but he will never be forgotten by any living man who ever knew him.

Mr. CANNON. Mr. Speaker, Mr. BROWNLOW came from a family and a community with convictions. He had convictions and he had the courage to defend them. In my judgment these were the distinguishing characteristics of Mr. BROWNLOW, and they are the qualities that have done most for the construction and development of this Nation. They are the qualities we most need in our American citizenship in the future as we have had in the past.

Mr. BROWNLOW came from a stock that has ever been tenacious of the principles it accepted as right. His family had that tenacity, as was well demonstrated in the public life of his distinguished uncle, "Parson" Brownlow. Both of them typified a community in the mountains of east Tennessee, which held to its political convictions throughout the terrors of the Civil War.

These people were within the confines of the territory which was openly at war with the Government, and yet they were openly and actively loyal to the Government and at war with the great majority of the Southern people. Mr. BROWNLOW well represented that people in their convictions, but without any evidence of the old internecine war spirit that prevailed in his State in an earlier day.

He was the friend of every man in this House, and the Members with whom he served were his friends. He was a Republican, believing in the policies of the Republican Party. He was an adherent of these principles openly under all conditions. His courage and his loyalty gave him the respect and the friendship of men to whom he was opposed in politics.

He was not an orator, and never pretended to be that which he was not. He was industrious, earnest, and courteous, and he probably brought the people of his district into closer touch with the National Government than any other Representative who served them in the last half century.

Representing a constituency that had always kept the faith through good report and evil report, he was a true representative of that constituency under all conditions and at whatever cost; he was true to the policies in which he believed, and on one occasion was carried into this Hall to record his vote when his physician said it might cost him his life. He felt that his vote was needed and he came, regardless of the consequences to his health.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. GARRETT. Mr. Speaker, the State of Tennessee, like ancient Gaul, is divided into three parts—east, middle, and west Tennessee—and the sectional distinctions are recognized in the organic law of the State and play a very conspicuous part in all our relations—social, political, and otherwise. It is, perhaps, unfortunate that there is constitutional recognition of these divisions, since it tends to emphasize sectionalism; but, even if they were not thus recognized, this sectionalism would still obtain in some measure, because the divisions are perfectly natural, both historically and geographically. The State was settled by sections, the eastern part being first occupied by pioneers moving westward from the Carolinas and southwestward through the Gap from Virginia, Maryland, and Pennsylvania.

From the eastern section, following the natural lines of travel, the population passed into the middle and founded settlements in what may be roughly termed the "plateau region." Only these two divisions had been settled at the time of the admission of the State into the Union in 1796, west Tennessee then being known as the western district. It was not until 1818, in fact, that the treaty was negotiated whereby the Indians were removed from this division and it was opened for settlement. It was rapidly divided into counties, and its fertility, combined with the cheapness of lands, caused an inrush by settlers.

But while settled at different times, Tennessee's people, in the main, came from a common stock, so that while there has been inevitably a certain sectional spirit, yet for the most part, by reason of the ties of common blood and descent, there has all along been a deep feeling of sympathy upon the broad question of State progress and development.

Our late colleague, Hon. WALTER PRESTON BROWNLOW, in memory of whom we are assembled to-day, represented the extreme eastern end of the State. His home town of Jonesboro is the oldest town in the Commonwealth, and his county—Washington—is the oldest county, having been organized while the State was a part of North Carolina. Living as I do in the extreme western part of the State, several hundred miles from his home, I did not meet Mr. BROWNLOW until I became a Member of Congress, although he was at the time the most conspicuous Republican in Tennessee. I soon grew to be quite well acquainted with him, however, after coming here and learned to appreciate and esteem him for his many charming and potent characteristics. He was a genial, kindly gentleman. I have not known a man more ready to accommodate a friend. He was, too, a man of really great ability. I often wondered why he never cultivated the habit of engaging in the debates on the floor of the House. He possessed wide general information, was a man of decided convictions upon public questions, had as fine a sense of humor as any person I have ever known, and a gift of repartee that was superb. Had he chosen to do so, I have not the slightest doubt that he could have made a reputation for brilliancy in debate that would have equaled or surpassed his wide reputation as a practical legislator.

I have heard him frequently in private conversation make replies to sallies that if made on the floor of the House would have become classic as specimens of repartee.

He did not cultivate this faculty in debate here, however, but devoted himself assiduously to practical labors for his district and State.

Mr. BROWNLOW was one of the busiest men I have ever known and had a capacity for sustained labor that was surprising. For many years he was the recognized head of his party in his State and distributed the Federal patronage throughout the entire Commonwealth. His correspondence was enormous, but he so systematized his work as to handle it with ease and dispatch. With all this tremendous volume of work upon him he was regular in his attendance in this body, it being rare that he missed a vote.

I often wondered how he found the time to attend to the vast amount of department work that was thrust upon him. I have no doubt that he literally worked himself to death. Although a man of strong physique, his large labors necessarily led him into a sedentary life, and, like many of us here, he did not find time for needful exercise, and gradually his vitality was sapped.

The story of our colleague's life has been so well told by others of the delegation here to-day that it is not necessary for me to enter upon that, and I have chosen rather to refer to his personal characteristics. He was a strong man, of great intellectual breadth, of untiring energy, and unyielding persistency. His political acumen mounted almost, if not quite, to the height of genius. He knew men, knew how to control them and bind them to him. He was a typical representative of the feelings and aspirations and hopes of the bold, generous mountain people, who honored him and whom he served with all the loyalty and devotion of his earnest, hearty, wholesome soul. A partisan of partisans, he always retained the friendship and respect of his political foes by his candor and courtesy.

His people were loyal to him from his entrance into the political arena until the day of his death. He had sturdy opposition in his district at times within his own party, but always triumphed with ease.

I feel a deep and sincere sense of loss by his death. He was my personal friend, and I greatly admired the strength of his character, the charm of his personality, and the vigor of his life and work. He carved out for himself a great career and acquitted himself with fine fidelity. He was a worthy son of the great section from whence he came, and his proud place in the history of the State is quite secure.

As a part of my remarks I beg to include an editorial from the Louisville Courier-Journal of July 1, 1910, the paper so long famous by reason of the greatness of its editor, Hon. Henry Watterson:

The death of WALTER PRESTON BROWNLOW, of Tennessee, removes from the National House of Representatives one of its most popular Members. A bluff, rugged man of generous proportions, with a kindly heart and a keen sense of humor, he was the best of companions. A man of considerable personal magnetism and resourcefulness, he represented a type of politician more prominent a generation ago, when personality was a larger factor in the office-seeker's equation than it is today. It was said of Mr. BROWNLOW that he carried his political machine under his hat. This was not, strictly speaking, true. He knew the value of organization, and possessed a talent for perfecting it that amounted to genius. But there is a difference between draw poker as played between gentlemen and three-card monte as conducted by a fellow of the baser sort for illegitimate profit. Mr. BROWNLOW played draw-poker politics and played above the table. His tactics reflected an absorbing passion for the game rather than an unscrupulous itch for gain, and the evidence of his possession of true sporting instincts commended him to the friendly consideration of the spectator of his activities. His opponents were compelled to admit his brilliant virtuosity even while he was pocketing their losses and they were swallowing their defeat. Although the chips usually drifted toward him as the game progressed, the adjournment of the session usually left the other players in fairly good humor if their flow of sporting blood was equal to that of the victor.

Constituents would be better served and better satisfied, political campaigns would be more picturesque, and Congress would be cleaner if there were a greater proportion of professional politicians of the BROWNLOW type in the field. His state of health foretold several years ago the early termination of his career. His death will be the cause of deep regret in Tennessee and in Washington, and wherever his personal acquaintance extended.

LEAVE TO PRINT.

Mr. MASSEY. Mr. Speaker, I ask unanimous consent that all Members be allowed 10 days within which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The committee will now resume its sitting, and Mr. CURRIER will take the chair.

BILLS ON THE PRIVATE CALENDAR.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of claims on the Private Calendar.

Mr. MANN. Mr. Chairman, I would like to make a suggestion to the committee. Probably a quorum of the committee is present, but probably not a quorum of the House is in the Hall. The suggestion is whether, if the committee should now arise and in the House a motion be made to take a recess until 10 o'clock to-morrow morning, any Member here would have any objection to that or raise any parliamentary point in regard to it.

The CHAIRMAN. Is there objection?

Mr. BENNET of New York. I should say, Mr. Chairman, that, so far as I am concerned, representing those who desire to see the French spoliation claims passed, there will be no objection.

Mr. MANN. I had the same assurances from two gentlemen from Massachusetts, and some other gentlemen on the other side of the House; and, believing that that can be carried out in good faith, I suggest to the gentleman from New York [Mr. LAW] that he move that the committee do now rise.

The CHAIRMAN. The gentleman from New York [Mr. LAW] is recognized.

Mr. LAW. Mr. Chairman, the suggestion of the gentleman from Illinois [Mr. MANN] meets with my hearty approval, and I therefore move that the committee do now rise.

The CHAIRMAN. The gentleman from New York [Mr. LAW] moves that the committee do now rise.

The question was taken, and the motion was agreed to.

Thereupon the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Pennsylvania, until Monday, February 20, inclusive, on account of the death of his mother.

To Mr. PAYNE, for three days, on account of sickness.

To Mr. BYRD, for 10 days, on account of illness and important business.

To Mr. CALDERHEAD, for two days, on account of important business.

To Mr. KNAPP, for one day, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River;

S. 10791. An act to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed;

S. 9914. An act to provide for the appointment of one additional district judge in and for the district of Colorado; and

S. J. Res. 144. Joint resolution authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26018. An act for the relief of James Donovan; and

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9914. An act to provide for the appointment of one additional district judge in and for the district of Colorado; to the Committee on the Judiciary.

S. 10791. An act to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed; to the Committee on Public Lands.

S. J. Res. 144. Joint resolution authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia; to the Committee on Printing.

WITHDRAWAL OF PAPERS.

Mr. BRADLEY obtained unanimous consent to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 7095, Sixty-first Congress, first session, no adverse report having been made thereon.

Mr. WILSON of Illinois obtained leave to withdraw the report on H. R. 5196 for amendment.

RECESS.

Mr. LAW. Mr. Speaker, I move that the House do now take a recess until 10 o'clock to-morrow morning.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAW] moves that the House do now take a recess until 10 o'clock to-morrow morning.

The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

Accordingly (at 3 o'clock and 37 minutes p. m.) the House took a recess until 10 o'clock a. m. Monday, February 20, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting recommendation for credits to the accounts of Capt. Claudius M. Seaman and Lieut. Col. William C. Langfitt (H. Doc. No. 1392); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lake Traverse, S. Dak. and Minn. (H. Doc. No. 1391); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for card index system in the Pension Office (H. Doc. No. 1394); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pay of the Army (H. Doc. No. 1393); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8300) to authorize the extension of Seventeenth Street NE., reported the same without amendment, accompanied by a report (No. 2195), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2194), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2196), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOUD: A bill (H. R. 32839) to enable the President to convene a national conference for the purpose of promoting concurrent action among the several States and of the United States upon a uniform law for the protection, preservation, and conservation of the public health, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A bill (H. R. 32840) for increasing the salaries and for the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. HOLLINGSWORTH: A bill (H. R. 32841) to enlarge the Federal building authorized at Steubenville, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. Smith of Iowa: A bill (H. R. 32842) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River in the District of Alaska, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 32843) to repeal the duties on agricultural implements and cotton bagging and ties; to the Committee on Ways and Means.

By Mr. GARDNER of New Jersey: A bill (H. R. 32844) to provide for the purchase of a site and the erection of a public building thereon at Mount Holly, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 32845) to provide for the purchase of a site and the erection of a public building thereon at Vineland, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. GAINES: A bill (H. R. 32846) for the establishment of a customs compact between the United States and Canada; to the Committee on Ways and Means.

My Mr. GREENE: Resolution (H. Res. 981) for the relief of the estate of Charles W. Rogan, deceased, late an employee of the House; to the Committee on Accounts.

By Mr. MANN: Resolution (H. Res. 984) modifying Rule XXVIII during the remainder of the present session of Congress; to the Committee on Rules.

By Mr. ESCH: Memorial of the Legislature of Wisconsin, urging Congress to pass the bill abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin, relative to fish and game laws; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin, favoring the election of United States Senators by the direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DAVIDSON: Memorial of the Legislature of Wisconsin in favor of the direct election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a memorial of the Legislature of Wisconsin in favor of House bill 30022, abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of Wisconsin, urging the enactment of legislation by Congress to abolish the use of phosphorus in the manufacture of matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin to Congress, relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Memorial of the Legislature of the State of Wisconsin, urging that United States Senators be elected by direct vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of Wisconsin, urging the passage of House bill 30022, abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of the State of Wisconsin, relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON: A bill (H. R. 32847) granting an increase of pension to Curtis L. Bamber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32848) granting an increase of pension to George W. Mackey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32849) granting an increase of pension to John W. Robinson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 32850) granting an increase of pension to Peter Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32851) granting an increase of pension to Robert N. Baker; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32852) granting an increase of pension to Bertha A. Mulhall; to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 32853) granting an increase of pension to James A. Beard; to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 32854) granting an increase of pension to David J. Chinn; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 32855) granting a pension to David A. Nelligan; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 32856) to correct the muster of Herman Haupt, late colonel and brigadier general of volunteers; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 32857) granting an increase of pension to Steen Hanson, jr.; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 32858) for the relief of heirs of Eliza H. Scott, deceased; to the Committee on War Claims.

By Mr. PRAY: A bill (H. R. 32859) granting an increase of pension to Thomas Weller; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 32860) granting an increase of pension to Alfred S. Weymouth; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 32861) granting an increase of pension to Ezekiel Justice; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of New Washington (Ohio) Grange, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Oak Grove Grange, No. 1558, Coshocton, Ohio, and American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Central Trades and Labor Council, Coshocton, Ohio, against the wood-pulp and print-paper schedule; to the Committee on Ways and Means.

Also, petition of Association of Merchant Tailors of America, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: Petition of Washington Camp No. 13, Patriotic Order Sons of America, Cornwall, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. CROW: Petition of New Madrid (Mo.) Chapter of American Woman's League, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. CULLOP: Petition of citizens of Green County, Ind., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of R. F. Barrow and 33 other citizens of Strasburg, Mo., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of D. H. Miller and 34 other members of Liberty Grange, favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Chamber of Commerce, Troy, N. Y., favoring penny postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Merchant Tailors of America, against increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of National Association of Merchant Tailors, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of many citizens of the seventh Wisconsin congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Milwaukee Daily Newspaper Publishers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of directors of the Milk Producers' Association, against the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Washington Camp No. 693, Patriotic Order Sons of America, of Vandyke, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FOELKER: Petition of Philadelphia Chamber of Commerce, for maximum facilities and minimum transportation rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Republican County Committee of Richmond County, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of New York State Agricultural Society, for extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Association of Military Surgeons of the United States, for a national department of health; to the Committee on Agriculture.

By Mr. GOULDEN: Petition of the Pictorial Review, the Art Color Printing Co., Thomas Carroll, and the Simmons Magazine, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of Caribou Grange Society, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petition of N. A. Hanna, Cadiz, Ohio, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Petition of Local Union of Carpenters, of Long Branch, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Middlesex Lodge, International Association of Machinists, of New Brunswick, N. J., for the eight-hour law in the naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Patriotic Order Sons of America of Elberon and Smithburg, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Monmouth, Allenwood, Painsboro, Shrewsbury, and Manalapan Granges, Patrons of Husbandry, all of New Jersey, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petition of citizens of Perry, Iowa, against parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Blakesburg, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Ohio: Petition of citizens of Youngstown, Ohio, against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Salem, Earlham, and Mount Pleasant, Iowa, against the fortification of the Panama Canal; to the Committee on Railways and Canals.

By Mr. KNAPP: Petition of Common Council and Chamber of Commerce of Oswego, for Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petition of various granges, paper companies, and individuals in the twenty-eighth New York congressional district, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. KRONMILLER: Petition of Loyalty Council, Daughters of America, of Highlandtown, Baltimore, Md., and North Point Council, No. 21, Daughters of America, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. LATTA: Petition of J. P. Abts, of Bloomfield, Nebr., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: Paper to accompany bill for relief of Woodbine L. McLane; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of William Weaver and son and two other residents of Elmira, Mich., and Guy M. Watson, of Gladwin, Mich., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of John B. Henderson and other residents of Sixteenth Street NW., Washington, D. C., asking permission to place along the Avenue busts of all the Presidents and Vice Presidents of the United States without cost to the Government; to the Committee on the Library.

By Mr. McMORRAN: Petition of Cawood Grange, No. 852, Marlette, Mich., against reciprocal tariff with Canada; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against Senate bill 404, Sunday observance legislation; to the Committee on the District of Columbia.

By Mr. MANN: Petition of Washington Camps Nos. 46 and 18, Patriotic Order Sons of America, of Pullman, Ill., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of directors of Milk Producers' Association, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of secretary of East Schuyler (N. Y.) Grange, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MITCHELL: Petition of Oswell & Hackeye Mills, Fitchburg, Mass., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petition of First Presbyterian Church of Bethlehem, Pa., for enactment of the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp No. 717, and Local Council No. 451, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PARSONS: Petition of Republican committee of the county of New York, State of New York, for termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. PLUMLEY: Petitions of Northfield (Vt.) Grange, No. 295; Willoughby Valley Pomona Grange, West Burke; Glebe Mountain Grange, No. 319, Windham; Central Vermont Pomona Grange, East Braintree; O'Haynechee Grange, No. 308, Taftsville; Hardwick Grange, No. 328, Hardwick; Willoughby Lake

Grange, No. 414, Westmore; Chester Grange, No. 321, Chester; White River Grange, No. 53, Royalton; and East Montpelier Grange, No. 312, East Montpelier, all in the State of Vermont, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of numerous citizens of Troy, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Enterprise Grange, No. 809, of Genesee County, and citizens of Livingston County, Mich., for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Second Presbyterian Church, Bloomington, Ill., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of John B. Drake & Co., Kappa, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Protest of Killingworth Grange, Patrons of Husbandry, No. 66, of Killingworth, Conn., against Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petitions of Killingworth Grange, Konomac Grange, Colchester Grange, and Montville Grange, State of Connecticut, against a parcels-post system, but favoring low postage rates on packages; to the Committee on the Post Office and Post Roads.

Also, memorial of district councils of United Carpenters of New Haven, Conn., in behalf of restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Highland and Plainfield Granges, in favor of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petition of pastors of Jackson County and the Central Woman's Christian Temperance Union, Detroit, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of the American Woman's League, Battle Creek, Mich., for the indemnity bill of the Lewis Publishing Co.; to the Committee on Claims.

By Mr. WASHBURN: Petition of teachers and students of South Lancaster Academy, against Senate bill 404; to the Committee on the District of Columbia.

By Mr. WEBB: Petition of citizens of Henry, N. C., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Charlotte, N. C., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of Park Council, Charlotte; Virgin Council, Cornelius; Council No. 68; Hickory Council; Haw River Council, No. 28; Smith B Council, No. 71; Fred Green Council, East Durham; Estato Council, No. 27, Vale, Junior Order United American Mechanics; and Washington Camp No. 27, Patriotic Order Sons of America, Gastonia, all in the State of North Carolina, urging immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petition of New Jersey State Teachers' Association for bill appropriating $75,000 for United States Bureau of Education; to the Committee on Education.

Also, petition of Locktown (N. J.) Grange, No. 88, Patrons of Husbandry, against reciprocal tariff with Canada; to the Committee on Ways and Means.

SENATE.

MONDAY, *February 20, 1911.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, unseen but not unknown, in our great loss we take refuge in Thee, who hast been our refuge in all generations. In our sorrow Thy pity revives our fainting souls, and in our distress Thou hearest us as we call upon Thee. Thou hast indeed been unto us like the shadow of a great rock in a weary land.

And now, O heavenly Father, in our affliction give unto us the peace that floweth as a river. In our sorrow grant unto us the comfort that is born of hope and the faith that is rooted in love. As we meditate upon the life of Thy servants whom Thou hast called from our midst, make us worthy of the fellowship of the great cloud of witnesses with which Thou hast surrounded us.

And unto Thee, who art the God of all comfort and of all grace, will we ascribe praise now and for evermore. Amen.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Guggenheim	Shively
Bankhead	Crawford	Heyburn	Simmons
Borah	Culberson	Johnston	Smith, Md.
Bourne	Cullom	Jones	Smith, S. C.
Brandegee	Curtis	Kean	Smoot
Briggs	Davis	La Follette	Stephenson
Bristow	Depew	Lodge	Sutherland
Brown	Dick	McCumber	Taliaferro
Bulkeley	Dillingham	Nelson	Taylor
Burkett	Dixon	Overman	Thornton
Burnham	du Pont	Page	Tillman
Burrows	Fletcher	Paynter	Warner
Burton	Flint	Penrose	Warren
Carter	Foster	Percy	Watson
Chamberlain	Frye	Perkins	Wetmore
Clapp	Gallinger	Rayner	Young
Clark, Wyo.	Gamble	Root	
Clarke, Ark.	Gore	Scott	

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the Journal of the last legislative day's proceedings.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The Chair announces the appointment of the junior Senator from Iowa [Mr. YOUNG] to read Washington's Farewell Address to the Senate on Wednesday, in accordance with the rule of the Senate.

RAILWAY MAIL SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 14th instant, certain information relative to the number of opportunities for promotion of railway mail clerks resulting from death, removal, or otherwise during the past fiscal year, and the number of promotions actually made, etc. (S. Doc. No. 826), which was ordered to lie on the table and to be printed.

BUSH V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, requesting the return to the court of the findings in the case of Bush *v.* United States, No. 14860-109, certified to the Senate January 30, 1911 (S. Doc. No. 827), which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions of the House on the life and public services of Hon. ALEXANDER S. CLAY, late a Senator from the State of Georgia.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WALTER PRESTON BROWNLOW, late a Representative from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes;

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26018. An act for the relief of James Donovan;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.; and

H. R. 26722. An act for the relief of Horace P. Rugg.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 7.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that:

Whereas the development of the arid lands of the State of Oregon by irrigation and occupancy by home builders in small tracts under a

high state of cultivation is of vital importance to all the interests of the State of Oregon; and

Whereas under United States reclamation projects in Oregon, and particularly the Umatilla project, a large body of land is held by desert-land entrymen; and

Whereas under desert-land laws as amended by the reclamation act, such entrymen can not secure patent to their entries until all the installments on the purchase price of the water right therefor are paid, thus necessitating, under the law and regulation, a delay of 10 years in the issuance of patents, thereby making it impracticable to dispose of the land to settlers in small tracts; and

Whereas we believe the Government will be better secured for the return of its money invested in reclaiming such lands by a lien against patented lands highly improved by building homes and intensified cultivation than under present regulation: Therefore be it

Resolved, That your memorialists favor the enactment of a law by the Congress of the United States providing that patents shall issue for desert claims within Government irrigation projects upon satisfactory final proofs of reclamation under desert-land laws subject only to the lien of the Government upon the land for the unpaid balance to become due and payable on the water rights; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof, which was adopted by the senate February 6, 1911, and adopted by the house February 7, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 6.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas Representative MONDELL, of Wyoming, has introduced a bill in Congress to prohibit the suspension of final proofs in land entries on protests of special agents and others unless such protests are based on good and sufficient reasons under the law, providing that when such protests are made the reasons therefor shall be transmitted promptly by the local office to the entrymen, who shall be given a prompt hearing; and

Whereas we believe much injury has been wrought entrymen in the West, causing much delay to the progress and the development of western lands by such suspension, and that a law should be passed to put a stop to indiscriminate suspensions on mere suspicion or informal reports of agents and others when there is no real proof to substantiate such action: Therefore be it

Resolved, That your memorialists favor the bill proposed by Representative MONDELL, of Wyoming, and urge its immediate enactment into a law; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6 with the original thereof, which was adopted by the senate February 6, 1911, and adopted by the house February 7, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the Congress of the United States, greeting:

Whereas the survivors of the various Indian wars of the United States are men who bore a conspicuous part in the development of the country by rendering service of an arduous and dangerous character, for which they have never received adequate recognition from those who have profited by their courage and self-sacrifice:

Therefore we, your memorialists, the Legislative Assembly of the State of Oregon, earnestly pray your honorable body to enact into law the bill for the purpose introduced in the House of Representatives on January 12, 1911, by Hon. W. C. HAWLEY, of Oregon, and entitled "A bill to provide pensions for the officers and soldiers of the Indian wars of the United States which occurred prior to the year 1880."

Adopted by the senate January 31, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 8, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, with the original thereof, which was adopted by the senate January 31, 1911, and adopted by the house February 8, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a memorial of Kelzar Grange, No. 440, Patrons of Husbandry, of North Lovell, Me., and a memorial of sundry citizens of Saginaw West Side, Mich., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Cleveland, Ark., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of A. M. Neece, of Holland, N. Mex., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. FRYE presented memorials of Seaside Grange, No. 171, of Bristol; Mountain Grange, No. 331, of Blaine; Otisfield Grange, of Otisfield; Monmouth Grange, of Monmouth; Boothbay Grange, of Boothbay; Sagadahoc Grange, of Bowdoin; Jefferson Grange, of North Whitefield; Victor Grange, of Searsmont; North Franklin Grange, of Phillips; and Sandy River Grange, of Phillips, all of the Patrons of Husbandry; of C. A. Parks, secretary-treasurer of the International Brotherhood of Stationary Firemen, of Lisbon Falls; of the Board of Trade of Livermore Falls; of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket; and of Local Union No. 22, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Solon; of the International Paper Co., of Enfield; of Local Union No. 15, International Brotherhood of Paper Makers; of W. H. Mihou, Eugene R. Call, H. A. Hooper, and T. A. Sherey, of West Enfield; and of William A. McKenney, of Lisbon Falls, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BROWN. I present resolutions adopted by the Senate of the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolutions were referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Whereas there is now pending in our National Congress H. R. 30799, by Mr. KINKAID of Nebraska, providing for graduated payments and a longer time than 10 years in which to repay the construction charges under Government irrigation projects as now provided for by law, and

Whereas it appears that the desert lands irrigated by the Interstate Canal, in Nebraska, can not be immediately depended upon to provide a living for the settler and his family and make so large a yearly payment as the reclamation act and the regulations of the Interior Department now require; and

Whereas it has been actually demonstrated that these lands will not produce more than one good crop until alfalfa has been grown for two or three years; and

Whereas the abundant productiveness of valuable crops under the other canals have positively proven that it is only a matter of time for development when these lands will fulfill the most sanguine expectations; and

Whereas the season of 1910 has been most unfavorable for agriculture in that territory, and that the settlers under said Interstate Canal are now in distressed circumstances and there is pressing need for immediate action on the part of Congress to enact into law a more suitable system of payments, making the same light during the first years and heavier later when the lands have been developed; and

Whereas we believe the homestead laws should be and were intended for the poor man's benefit, and that under the law returning all payments within 10 years the poor man is positively barred from completing his payments and gaining title to the lands he may have entered under said reclamation act: Therefore be it

Resolved, That the State Senate of Nebraska in regular session assembled heartily indorse H. R. 30799 and any similar legislation along said lines and ask our Senators and Representatives in the National Congress to give same their active support; and be it further

Resolved, That copies of this resolution be forwarded to our Senators and Representatives in Washington and to the honorable Secretary of the Interior.

Mr. DICK presented petitions of Switchmen's Local Union of Lima; of International Molders' Union, No. 283, of Hamilton; of Carpenters and Joiners' Local Union of Hamilton; and of the Travel Class, of Bluffton, all in the State of Ohio, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Carpenters and Joiners' Local Union, No. 637, of Hamilton; of the Central Labor Union of Toledo; of Local Council No. 5, of Maineville; of Edward Lawler, of Ironton; Harmony Council, of Cincinnati; Ocean City Council, of Cincinnati; Walnut Hills Council, of Cincinnati; Fairmount Council, of Cincinnati; Southern Ohio Council, of Cincinnati; Eden Park Council, of Cincinnati; Bethlehem Council, of Cincinnati; Concord Council, of Cincinnati; Woodward Council, of Cincinnati; Addison Council, of Addison; Lockland Council, of Lockland; Shadyside Council, of Shadyside; Continental Council, of Port William; Sedalia Council, of Sedalia; Southern Star Council, of Mount Carmel; Guiding Star Council, of St. Bernard; Star Council, of Galion; Westwood Council, of Cheviot; Athens Council, of Athens; and of Favorite Council, of Piqua, of the Junior Order United American Mechanics; and of Washington Camp, No. 2, Patriotic Order Sons of America, of Cincinnati; of Washington Camp, No. 86, Patriotic Order Sons of America, of Columbus; and of Local Union No. 9, American Federation of Labor, of East Liverpool; of Local Union No. 104, American Federation of Labor, of Dayton; and of Independent Council, No. 106, Daughters of America, of Piqua, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Franklin County Bar Association, of Columbus, Ohio, remonstrating against the enactment of legislation providing additional terms for the district court at Portsmouth, Ohio, which was referred to the Committee on the Judiciary.

He also presented memorials of Commercial Club of Galion; of Culter & Seip Co., of Chillicothe; of the W. Bingham Co., of Cleveland; of Local Grange No. 1427, Patrons of Husbandry, of Adena; and of sundry citizens of Urbana, all in the State of Ohio, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Newark, Ohio, remonstrating against any change being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of the Sheldon Dry Goods Co., of Columbus, Ohio, praying for the establishment of a permanent tariff board, which was ordered to lie on the table.

He also presented petitions of the Columbus Envelope Co., of Columbus; the Associated Daily Newspapers' Convention, at Columbus; and the Somerset Press, of Somerset, in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Central Labor Union of Canton, of International Association of Machinists, No. 147, of Springfield, and of the Central Labor Union of Toledo, all in the State of Ohio, praying for the construction of United States battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

Mr. WETMORE presented a memorial of the Society of Friends, of Smithfield, Mass., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. KEAN presented the petition of Henry H. Croft, of Blue Anchor, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented memorials of the Burlington County Board of Agriculture; of sundry citizens of Freehold; of John W. Campbell, of Newark; of Hopewell Grange, No. 16, Patrons of Husbandry, of Shiloh; and of Local Grange No. 132, Patrons of Husbandry, of Cold Spring, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Charles W. Goodwin, jr., president of the Typographical Union of Camden; of Elmer Throssell, president of the Typographical Union of Newark; of J. L. Egan, president of the Typographical Union of Rahway; of Windsor R. Jaeger, secretary of Typographical Union No. 94, of Jersey City; of the Typographical Union of Somerville; of Harry W. Thomas, secretary of the Typographical Union of Plainfield; of Roland B. Scull, of Camden; of Winfield T. Keegan, of Jersey City; of sundry citizens of Hammonton; of M. L. Smalley, of Mount Holly; of Arthur MacKinnon, of Caldwell; of T. Walker, of Newark; of R. W. Burchard, of Passaic; of A. E. Ferguson and B. B. Ferguson, of Westmont; and of C. Richard Redington, of Bernardsville, all in the State of New Jersey; of the Industrial Press, and Robert H. Ingersoll & Bro., of New York City, N. Y., remonstrating against any increase in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented petitions of Washington Camps No. 110, of Cold Spring, and No. 84, of Gloucester City, Patriotic Order Sons of America; of Local Union No. 121, United Brotherhood of Carpenters and Joiners, of Bridgeton; and of the Central Labor Union of Camden, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petition of Charles B. Moyer, secretary of the New Jersey State Teachers' Association, of Atlantic City, N. J., praying that an appropriation of $75,000 be made for the extension of the work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. BORAH. I present a concurrent resolution of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 5.

Be it resolved by the Legislature of the State of Idaho:

Whereas by an act dated July 3, 1890, Congress granted to the State of Idaho about 3,000,000 acres of public lands, including sections 16 and 36 in every township of the State, for the support of common schools and in aid of various public institutions, with the right where sections 16 and 36, or any part thereof, had been sold or otherwise disposed of by or under the authority of any act of Congress to select other lands equivalent thereto in legal subdivisions of not less than one-quarter section and as contiguous as may be to the section in lieu of which the same was taken; and

Whereas by an act dated August 18, 1894, Congress granted to the State of Idaho the right to apply for the survey and withdrawal of townships of public lands then remaining unsurveyed and that such townships should be reserved upon the filing of the application of said survey from any adverse appropriation by settlement or otherwise, except under rights that might be found to exist of prior inception, for a period to extend from such application for survey until the expiration of 60 days from the date of the filing of the township plat of surveys in the proper district land office; and pursuant to said act of Congress the State of Idaho made application for the survey of a large number of townships of public lands within the State of Idaho for the purpose of selecting the quota of lands donated the State; and

Whereas the President of the United States has, by proclamations, established certain forest reserves within the State of Idaho embracing more than 40 per cent of the total area of the State, including sections 16 and 36 aforesaid, and the Department of Interior has by rules and regulations denied the right of the State of Idaho to perfect its selections of public lands in townships now included in the forest reserves, but which were not included within the forest reserves at the time of the State's application for the survey thereof; and

Whereas the State of Idaho now has approximately 1,000,000 acres, consisting of sections 16 and 36 in the forest, military, and other reservations established by the authority of the United States; and

Whereas there seems to be a disposition on the part of the United States Government to retain for an indefinite future time the said forest reserves as now constituted; and

Whereas the United States Government, by its courts and officers, holds that the State of Idaho has no vested interest in said lands and has instituted various suits against this State and its lessees for removing timber from the said lands, and has refused to admit evidence in its courts by private survey of the identity of said sections 16 and 36 within the said reserves, and has refused to make Government survey of said sections aforesaid in the reserves aforesaid; and

Whereas under said conditions said lands are to all intents and purposes lost to the said State of Idaho; and

Whereas the Secretary of the Interior has announced that he is about to promulgate a ruling that the State of Idaho shall no longer be allowed to use unsurveyed sections 16 and 36 in forest, military, and other reservations of the United States in this State as a base for the selection of other public lands; and

Whereas if such ruling be promulgated, it would result in the withholding for many years from settlement, sale, and use of nearly 1,000,000 acres of said lands granted to this State by the Federal Government and amounting to the value of more than $20,000,000, thus producing and effecting by such ruling to be promulgated a highly and incalculably disastrous effect upon the school funds of this State and the future growth of the population and resources of this Commonwealth: Therefore be it

Resolved, That the Representatives of Idaho in Congress be, and they hereby are, directed to aid the State board of land commissioners in bringing about a settlement of the conditions now existing, as aforesaid, in regard to the said unsurveyed sections 16 and 36 within the State of Idaho, so Idaho may come into possession of the land granted to it by the United States Government, or lands equivalent thereto: *Provided*, That nothing herein contained shall be construed as requesting or permitting the commission herein provided for, or Congress, or the department to do any act which will in any manner deprive the settlers upon the public domain of the United States within the State of Idaho of any rights they now have or to give to the State of Idaho any rights to such lands by reason of the attempted selection of said land in lieu of attempted relinquishment of sections 16 and 36 heretofore made to the lands claimed by any of such settlers: And be it further

Resolved, That a committee, consisting of the attorney general of the State of Idaho, a member of the senate, appointed by the president of the senate, and a member of the house of representatives, to be appointed by the speaker of the house, be, and the same hereby is, appointed to confer with the Secretary of Interior and the Representatives of Idaho in Congress in the matter of the settlement of the rights

of the State of Idaho to the said unsurveyed land hereinbefore in this resolution mentioned and to take such measures as to them shall seem best for the advancement of the best interests of the State of Idaho. Such necessary expenditures in the way of railroad fare to and from Washington, hotel bills, and incidental necessary expenses as may be incurred by the said committee shall be a charge against the State of Idaho and shall be provided for in the general appropriation bill.

I hereby certify that the within senate concurrent resolution No.5 originated in the senate of the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

The within senate concurrent resolution No. 5 passed the senate on the 2d day of February, 1911.

L. H. SWEETSER,
President of the Senate.

The within senate concurrent resolution No. 5 passed the house of representatives on the 2d day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 5, by State affairs committee, in relation to sections 16 and 36 situated in national forest reserves, which was filed in this office the 7th day of February, A. D. 1911, and admitted to record.

In testimony where of I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

WILFRED L. GIFFORD, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 5.

Memoralizing the Congress of the United States to grant relief to a large number of citizens of the State of Idaho who have settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest Reserve, within which said lands are now located, in the State of Idaho.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memoralized as follows:

Whereas a large number of the citizens of the State of Idaho settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest, within which said lands are now located, in the State of Idaho; and

Whereas protests and contests have been filed by the officials of said reserve against practically all of said settlers' entries, with a view of having said entries canceled and the lands covered thereby become a portion of said reserve; and

Whereas these settlers have undergone great hardships for upward of eight years in homesteading said lands, owing to the remoteness of the same from any town where supplies can be obtained, and to the fact that access thereto can be had only by "pack" trails over a rough and mountainous country, over which trails their supplies and materials for homesteading have been "packed" for all these years; and

Whereas all the homes, improvements, and effects of said settlers on said lands have been entirely destroyed by the forest fires of August, 1910, some of them losing their lives in an attempt to save their homes from destruction, and all the timber upon their claims killed by such fires, and the same will rot and become worthless on account of the worms and pests that follow in the wake of forest fires, unless the settlers are permitted to cut and dispose of such timber at an early date; and

Whereas said settlers have petitioned Congress for relief on account of such protests, contests, and fires, and asked permission to cut and sell said timber from said lands in order to save such timber from going to waste on account of such fires having burned over such timber lands; and

Whereas a great many of these settlers have offered final proof on the said lands, and their proof having been satisfactory, have received their receivers' receipts and final certificates, but their patent is not issued owing to a blanket protest having been filed against said lands and entrymen by the Forestry Department, preventing an early determination of their rights: Now, therefore, be it

Resolved by the Legislature of the State of Idaho, That the Congress of the United States is hereby requested to enact such legislation as will grant the relief prayed for by such settlers on any such lands; and be it further

Resolved, That the secretary of state of Idaho is hereby instructed to immediately forward copies of this memorial to the Senate and House of Representatives of the United States and to each of our Representatives in Congress.

This joint memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within joint memorial No. 5 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 5, by Black, relating to relief to settlers who settled upon lands under the homestead laws of the United States, situated within the boundaries of the Coeur d'Alene National Forest Reserve prior to the creation thereof (passed the house of representatives Feb. 6, 1911; passed the senate Feb. 6, 1911), which was filed in this office the 9th day of February, A. D. 1911, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 10th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. FLETCHER presented memorials of the Pensacola Commercial Association, of Pensacola; the First National Bank of Pensacola; the American National Bank, of Pensacola; the Citizens' National Bank, of Pensacola; the Pensacola State Bank, of Pensacola; and the People's National Bank, of Pensacola, all in the State of Florida, remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which were ordered to lie on the table.

He also presented memorials of William C. Hooton, of Pensacola, Fla.; of the American News Co., of New York; and of the Southern Periodical Publishers' Association, of Atlanta, Ga., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Fernandina, Fla., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of Cottage Grove Council, Junior Order United American Mechanics, of Huntington, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Sisterville, W. Va., remonstrating against any increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented the petition of W. C. McConaughey, president of the West Virginia Wholesale Grocers' Association, of Parkersburg, W. Va., praying for the enactment of legislation relative to a uniform weight and measure branding law applying to food products, which was referred to the Committee on Manufactures.

Mr. BURNHAM presented petitions of the F. M. Hoyt Shoe Co. and the W. H. McElwain Co., of Manchester, N. H., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Samuel Hale, of Dover; H. M. Moffett, E. N. Whitcomb, Charles S. Clark, W. L. Whitney, Arthur E. Parent, W. W. Burlingame, Lyford & Currier, all of Berlin; of Advance Grange, No. 20, Patrons of Husbandry, of Wilton; and of the Emerson Paper Co., of Sunapee, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Central Labor Union and of Mount Washington Lodge, No. 276, International Association of Machinists, of Concord, N. H., praying for the construction of United States battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented the memorial of J. C. Loomis, of Cornish Flat, N. H., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a memorial of the Smith-Hadley Co., of Boston, Mass., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented the memorial of Gerard C. Henderson, of Monadnock, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Emerson Paper Co., of Sunapee, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. Abbie L. West, of Chester, N. H., remonstrating against the establishment of a

national bureau of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented memorials of Mattabessett Grange, No. 42, of Middletown; Local Grange No. 158, of Chester; Local Grange No. 172, of Norwich; Hollenbeck Grange, No. 125, of Canaan; Local Grange No. 79, of Housatonic; Konomoc Grange, No. 41, of Waterford; Local Grange No. 78, of Colchester; Eureka Grange, No. 62, of New Hartford; Hope Grange, No. 20, of Torrington; Local Grange No. 136, of East Canaan; Local Grange No. 107, of Litchfield; Local Grange No. 75, of Coventry; Local Grange No. 66, of Killingworth; Mad River Grange, No. 71, of Waterbury; Local Grange No. 74, of Winchester; Local Grange No. 174, of Torringford; Local Grange No. 45, of Harwinton; Cawasa Grange, No. 34, of Collinsville; Highland Grange, No. 113, of South Killingly; Local Grange No. 157, of East Lyme; Norfield Grange, No. 146, of Weston; Local Grange No. 140, of Plainfield; Wolf Den Grange, of Pomfret; and of Local Grange of Montville, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented memorials of Local Grange No. 66, of Killingworth; Local Grange No. 124, of Higganum; Housatonic Grange, No. 79, of Stratford; Local Grange No. 173, of Wolcott; Local Grange No. 136, of East Canaan; Kenemock Grange, of Waterford; and of the Fairfield County Pomona Grange, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of Washington Camp No. 47, of Mount Airy, and of Washington Camp No. 19, of Baltimore, both of the Patriotic Order Sons of America, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Westminster and Hampstead, and of Highland Grange, Patrons of Husbandry, all in the State of Maryland, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. YOUNG presented a petition of the Omaha Produce Exchange, of Omaha, Nebr., praying for the enactment of legislation providing for an inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. WATSON presented the memorial of S. B. Perkins and sundry citizens of Parkersburg, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of Washington Camp No. 15, Patriotic Order Sons of America, of Hedgerville, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. TILLMAN presented the memorial of J. W. H. Dyches, pastor of the Baptist Church, and sundry other citizens of Heath Spring, S. C., remonstrating against the adoption of the proposed amendment in the post-office appropriation bill relative to the tax on periodicals and magazines, which was ordered to lie on the table.

Mr. SHIVELY presented memorials of Spring Run Grange, No. 1892, of Columbia City; of Local Grange No. 1668, of Norristown; and of Honey Creek Grange, No. 1, of Terre Haute, all of the Patrons of Husbandry, in the State of Indiana, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the C. A. Schrader Co., of Indianapolis, Ind., and a petition of Hibben, Hollweg & Co., of Indianapolis, Ind., praying that an increase be made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the Indianapolis Abattoir Co., of Indianapolis, Ind., remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from James M. Lynch, president of the International Typographical Union, of Indianapolis, Ind., remonstrating against any change being made in the rate of postage on periodicals and magazines, and also against any change being made in the section of the proposed reciprocal agreement between the United States and Canada relative to paper and wood pulp, which was ordered to lie on the table.

He also presented the petition of Mrs. M. F. Johnson, president of the Richmond Art Association, of Richmond, Ind., praying for the enactment of legislation providing for the control and regulation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. DEPEW presented a petition of the Republican county committee of New York County, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the enactment of legislation providing for 1-cent postage on all first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Carthage, Ticonderoga, Palmer, Corinth, Niagara Falls, Cadyville, Morrisonville, and Watertown, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Niagara Falls, N. Y., remonstrating against the enactment of legislation providing for the control and regulation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Association of Military Surgeons of the United States, praying for the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the War Veterans and Sons Association of Brooklyn, N. Y., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the New York Branch of the National German-American Alliance, praying that an appropriation be made toward the erection of a monument at Germantown, Pa., to commemorate the founding of the first German settlement in America, which was ordered to lie on the table.

He also presented a petition of the Spanish War Veterans of the State of New York, praying for the enactment of legislation authorizing campaign badges to be awarded to ex-soldiers who served in the War with Spain, which was referred to the Committee on Military Affairs.

He also presented memorials of the New York State Federation of Labor and of sundry citizens of New York City, Syracuse, Westfield, Flushing, Watertown, Buffalo, Ithaca, Cooperstown, Brooklyn, Rochester, Richmond Hill, Hudson, and Binghamton, all in the State of New York, remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of the Republican county committee of New York County, State of New York, praying for the termination of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Republican county committee of New York County and a petition of the North Tonawanda Board of Trade, New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the President of the United States of America, the Senate and House of Representatives of the United States, the Secretary of the Interior, Secretary of Agriculture, and the Senators and Representatives in Congress from the State of Washington:

We your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled (twelfth regular session), most respectfully represent and pray as follows, to wit:

Whereas the President in creating and setting aside public land for forest reserve in the so-called Mount Rainier and Columbia Forest Reserve in the State of Washington included therein almost four-fifths of the area of Skamania County, thereby depriving said county of the settlers which it otherwise would have, and of its legitimate income from taxes, which is crippling said county financially; and

Whereas a great deal of land in said reserve, tributary to the railway and towns in said county of Skamania, is suitable and valuable for grazing and agricultural purposes; and

Whereas the timber on said land is mature and should be cut and removed in order to give the land to the public for settlement:

Therefore we earnestly and respectfully petition the President of the United States to withdraw by proclamation and open for settlement under the public-land laws of the United States, in said Mount Rainier and

Columbia Forest Reserve, the following-described lands, to wit: Townships Nos. 3, 4, 5, and 6 north, of ranges Nos. 5, 6, 7, 8, and 9 east of the Willamette meridian, in Skamania County, Wash., and further, that the Secretary of the Interior shall cause said tract of land, when so withdrawn from said reserve by the President, to be surveyed as early as possible; and your memorialists will forever pray.

Passed the house January 26, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 9, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. PILES presented a memorial of Local Grange No. 209, Patrons of Husbandry, of Ellensburg, Wash., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. HALE. I present memorials from sundry granges and citizens in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada.

The VICE PRESIDENT. The memorials presented by the Senator from Maine will be noted in the RECORD and referred to the Committee on Finance.

The memorials are as follows:

Memorial of East Sangerville Grange, No. 177, Patrons of Husbandry, of East Sangerville, Me.;

Memorial of Winthrop Grange, No. 209, Patrons of Husbandry, of Winthrop, Me.;

Memorial of Good Will Grange, No. 376, Patrons of Husbandry, of Amherst, Me.;

Memorial of Limestone Grange, Patrons of Husbandry, of Limestone, Me.;

Memorial of Aroostook County Pomona Grange, Patrons of Husbandry, of Presque Isle, Me.;

Memorial of Leeds Grange, No. 99, Patrons of Husbandry, of Leeds, Me.;

Memorial of Union Harvest Grange, No. 97, Patrons of Husbandry, of Center Montville, Me.;

Memorial of Norway Grange, No. 45, Patrons of Husbandry, of Norway, Me.;

Memorial of Charleston Grange, No. 320, Patrons of Husbandry, of Charleston, Me.;

Memorial of Mystic Tie Grange, No. 58, Patrons of Husbandry, of Kenduskeag, Penobscot County, Me.;

Memorial of Valley Grange, No. 144, Patrons of Husbandry, of Guilford, Me.;

Memorial of Mount Cutler Grange, Patrons of Husbandry, of Hiram, Me.;

Memorial of Maysville Center Grange, Patrons of Husbandry, of Presque Isle, Me.;

Memorial of East Dover Grange, No. 236, Patrons of Husbandry, of East Dover, Me.;

Memorial of Houlton Grange, No. 16, Patrons of Husbandry, of Houlton, Me.;

Memorial of Nobleboro Grange, Patrons of Husbandry, of Nobleboro, Me.;

Memorial of Sebasticook Grange, No. 90, Patrons of Husbandry, of Burnham, Me.;

Memorial of Somerset Pomona Grange, Patrons of Husbandry, of Anson, Me.;

Memorial of Caribou Grange, No. 138, Patrons of Husbandry, of Caribou, Me.;

Memorial of John F. Hill Grange, No. 393, Patrons of Husbandry, of Eliot, Me.;

Memorial of Floral Grange, No. 232, Patrons of Husbandry, of Penobscot County, Me.;

Memorial of Milbridge Grange, No. 291, Patrons of Husbandry, of Milbridge, Me.;

Memorial of Mountain Grange, No. 331, Patrons of Husbandry, of Blaine, Aroostook County, Me.;

Memorial of Otisfield Grange, Patrons of Husbandry, of Otisfield, Me.;

Memorial of Eureka Grange, Patrons of Husbandry, of Mapleton, Me.;

Memorial of Jefferson Grange, No. 197, Patrons of Husbandry, of Jefferson, Me.;

Memorial of Sagadahoc Grange, Patrons of Husbandry, of Bowdoin, Me.;

Memorial of Boothbay Grange, Patrons of Husbandry, of Boothbay, Me.;

Memorial of North Franklin Pomona Grange, No. 22, Patrons of Husbandry, of North Franklin, Me.;

Memorial of Victor Grange, No. 246, Patrons of Husbandry, of Searsmont, Me.;

Memorial of Monmouth Grange, Patrons of Husbandry, of Monmouth, Me.;

Memorial of Valley Grange, No. 144, Patrons of Husbandry of Maine;

Memorial of Aroostook County Pomona Grange, Patrons of Husbandry of Maine;

Memorial of Norway Grange, Patrons of Husbandry, of Norway, Me.;

Memorial of Southern Aroostook Pomona Grange, Patrons of Husbandry, of Monticello, Me.;

Memorial of sundry citizens of Aroostook County, Me.;

Memorial of L. W. Haskins, of Waterville, Me.;

Memorial of A. C. Stanley, of Monticello, Me.; and

Memorials of sundry citizens of the State of Maine.

FARM PRODUCTS.

Memorial of Alex McPhirson, of Presque Isle, Me. (potatoes);

Memorial of the New England Homestead, of Springfield, Mass. (potatoes);

Memorial of W. A. Quigley, of North Bancroft, Me.;

Memorial of E. A. Carpenter, of Brooks, Me.; and

Memorial of O. W. Mapes, of Middletown, N. Y.

FISH.

Memorial of Guy H. Parker, of Tremont, Me.;

Memorial of Geo. H. Lyon & Son, of Eastport, Me.;

Memorial of W. B. Mowry, of Lubec, Me.; and

Memorial of Emery P. Parker, of Corea, Me.

LUMBER.

Memorial of the Augusta Lumber Co., of Augusta, Me.; and

Memorial of the Society for the Protection of New Hampshire Forests, of Boston, Mass.

PULP AND PAPER.

Memorial of a committee representing 1,200 men engaged in the paper and pulp industry, of Livermore Falls, Me.;

Memorial of a committee representing 300 men engaged in the paper and pulp industry in the towns of Enfield and Hartland, Me.;

Memorial of the International Brotherhood of Stationary Firemen, of Lisbon Falls, Me.;

Memorial of the International Central Brotherhood of Paper Makers, of Androscoggin, Me.;

Memorial of the International Paper Co., of Solon, Me.;

Memorial of the International Paper Co., of Enfield, Me.;

Memorial of George E. Keith, Esq., of Campello, Mass.;

Memorial of the American Paper & Pulp Association, of New York City, N. Y.;

Memorial of the Shawmut Manufacturing Co., of Shawmut, Me.;

Memorial of Hugh J. Chisholm, of Palm Beach, Fla.; and

Memorial of the International Brotherhood of Pulp, Sulphite & Paper Mill Workers' Union, Local No. 22, of Solon, Me.;

MISCELLANEOUS.

Memorial of G. H. Bass & Co., of Wilton, Me. (shoes);

Memorial of the American National Live Stock Association, of Denver, Colo. (live stock and its products);

Memorial of the Peoria Board of Trade, of Peoria, Ill. (grain);

Memorial of the De Laval Separator Co., of New York City, N. Y. (cream separators); and

Memorial of the congress of the Knights of Labor, of Albany, N. Y. (general opposition).

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the President of the United States of America, the Senate and House of Representatives of the United States, the Secretary of the Interior, Secretary of Agriculture, and the Senators and Representatives in Congress from the State of Washington:

We, your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled (twelfth regular session), most respectfully represent and pray as follows, to wit:

Whereas the President in creating and setting aside public land for forest reserve in the so-called Mount Rainier and Columbia Forest Reserve, in the State of Wshington, included therein almost four-fifths of the area of Skamania County, thereby depriving said county of the settlers which it otherwise would have; of its legitimate income from taxes, which is crippling said county financially; and

Whereas a great deal of land in said reserve, tributary to the railway and towns in said county of Skamania, is suitable and valuable for grazing and agricultural purposes; and

Whereas the timber on said land is mature and should be cut and removed in order to give the land to the public for settlement: Therefore

We earnestly and respectfully petition the President of the United States to withdraw by proclamation and open for settlement under the

public-land laws of the United States in said Mount Rainier and Columbia Forest Reserve the following-described lands, to wit: Townships Nos. 3, 4, 5, and 6 N. of ranges Nos. 5, 6, 7, 8, and 9 E. of the Willamette meridian, in Skamania County, Wash., and, further, that the Secretary of the Interior shall cause said tract of land when so withdrawn from said reserve by the President to be surveyed as early as possible, and your memorialists will forever pray.

Passed the house January 26, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 9, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

Whereas the Rainier National Park, in the State of Washington, containing within its boundaries the noblest of American mountains, with the most important glaciers and some of the most noteworthy examples of glacial action to be found in the United States south of Alaska, is, by reason of Government ownership, wholly dependent upon congressional appropriation for the protection of its great forest areas and to make it accessible to students, tourists, and the general public; and

Whereas Congress has hitherto appropriated sums aggregating $225,000 for the survey and construction of a highway from the western boundary to Paradise Valley in said national park, a distance of 24 miles, which highway has opened to vehicles a great scenic region that is already visited by many thousands of persons annually; and

Whereas the greater portion of said national park, including the largest glaciers and the most valuable forest, is still inaccessible to tourists and incapable of protection from fires for want of proper roads and trails; and

Whereas a bill is now before Congress appropriating $50,000 for surveys and the beginning of construction of a road continuing the aforesaid highway entirely around Mount Rainier, within the boundaries of said national park; which appropriation would enable the Engineer Corps not only to locate the route of such road, but to begin construction thereof by building bridle trails on the final grades so established, thereby opening at once all parts of said national park to travel on horseback and greatly increasing the safety and utility of the park until such time as said trails may be widened into the proposed permanent road: Therefore

Resolved by the senate and house of representatives of the State of Washington, That, in view of the desirability of protecting said national park and making it fully accessible at the earliest practicable date, the Congress of the United States is respectfully requested to pass said appropriation at its present session.

Passed the senate February 7, 1911.

W. H. PAULHAMUS,
President of Senate.

Passed the house February 10, 1911.

HOWARD D. TAYLOR,
Speaker of House.

UNITED WIRELESS CO.

Mr. JONES. I present a letter from E. J. Adams, of Seattle, Wash., stating that, through Mr. Parker, of that city, several million dollars worth of stock of the United Wireless Co. has been sold there to various parties at prices ranging from $10 to $40 per share and asking for an investigation by Congress. I ask that the letter be referred to the committee having charge of the resolution of inquiry.

The VICE PRESIDENT. The letter will be referred to the Committee on Interstate Commerce.

COURTS IN MISSISSIPPI.

Mr. CLARKE of Arkansas. I am authorized by the Committee on the Judiciary to report back favorably without amendment the bill (H. R. 23695) to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district. I call the attention of the Senator from Mississippi [Mr. PERCY] to the bill.

Mr. PERCY. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. MARTIN. From the Committee on Commerce, I report back favorably without amendment the bill (S. 10822) to extend the time for the completion of the bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., and I submit a report (No. 1195) thereon.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill.

The bill was read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BORAH. I will not object to this bill, but I would not want the request to be repeated very often, because I want to get to work on the unfinished business.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10823) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co., reported it without amendment and submitted a report (No. 1198) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (H. R. 22747) for the relief of Edward Swainor, reported it without amendment and submitted a report (No. 1199) thereon.

Mr. SMOOT, from the Committee on Printing, to which was referred the bill (S. 10646) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 1200) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to which was referred the bill (S. 1530) to reorganize the corps of dental surgeons attached to the Medical Department of the Army, reported it without amendment and submitted a report (No. 1201) thereon.

Mr. BURTON. I am directed by the Committee on Commerce, to which was referred the bill (S. 10558) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands, to report it with amendments, and I submit a report (No. 1203) thereon. I ask that the illustrations accompanying the report be printed as a part thereof.

The VICE PRESIDENT. Without objection, it is so ordered.

PUMPING STATION AT MILES CITY, MONT.

Mr. DIXON. From the Committee on Military Affairs I report back favorably with an amendment in the nature of a substitute the bill (S. 9698) granting certain lands to the city of Miles City, Mont., now embraced within the limits of the Fort Keogh Military Reservation, Mont., and I submit a report (No. 1197) thereon. It is a very short bill and merely allows the establishment of a pumping station for water-power purposes. They are ready to go to work. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and insert:

That the consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station, with accessory equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be prescribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont."

FRANCIS E. ROSIER.

Mr. BULKELEY. From the Committee on Military Affairs, I report favorably, without amendment, the bill (H. R. 21613) for the relief of Francis E. Rosier, and I submit a report (No. 1196) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws Francis E. Rosier, designated in the military records as Francis E. Rodier, who was captain of Company A, Twelfth United States Colored Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a

member of that company and regiment on the 22d of June, 1865; but no pension shall accrue or become payable prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDGES OF COMMERCE COURT.

Mr. BACON. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 8823) to amend the act entitled "An act to create a commerce court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, to report it with an amendment, with the recommendation that as amended the bill be passed, and I submit a report (No. 1202) thereon. I should like very much, in view of the importance of the bill, if it could receive the early action of the Senate.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. BORAH. Mr. President, if the bill will not lead to debate I will not object, but if it does I shall interpose an objection.

Mr. CULBERSON. Mr. President, I do not suggest that it will lead to debate.

Mr. BACON. I withdraw the request.

Mr. CULBERSON. But I want the bill read, so that I may understand it.

The VICE PRESIDENT. The Senator from Georgia withdraws the request for present consideration.

Mr. BACON. If the bill is going to lead to any debate, I will withdraw the request.

Mr. CULBERSON. I ask that the bill be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. HEYBURN. Mr. President, I shall object to the consideration of the bill.

The VICE PRESIDENT. No request has been made for present consideration. The request was withdrawn.

Mr. HEYBURN. If I may be permitted——

Mr. BACON. I stated that I would withdraw the request if the bill should lead to debate.

Mr. HEYBURN. It may be that what I have to say may be in order when I have said it.

The VICE PRESIDENT. The Chair did not mean to intimate that the Senator from Idaho was not in order, but thought he misunderstood the situation.

Mr. HEYBURN. I shall not say anything subject to a point of order. I exercise the ordinary right of a Senator to make a suggestion.

So far as I am concerned, when I am present I do not intend passively to see anything changing the law creating the Commerce Court enacted into law until one volume of their reports has been printed. I opposed the creation of the court, and I want to be satisfied that it is a real court before anything more is done about it.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 10860) to establish a fish-cultural station in the county of Lincoln, in the State of Tennessee; to the Committee on Fisheries.

By Mr. DICK:

A bill (S. 10861) for the relief of Daniel Robinson, major, United States Army, retired; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment proposing to increase the appropriation for a public building at Bayonne, N. J., to $75,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment authorizing the Secretary of Commerce and Labor to enlarge, equip, and put into effective operation the immigration station at New Orleans, La., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Immigration and ordered to be printed.

Mr. OVERMAN (for Mr. STONE) submitted an amendment proposing to increase the appropriation for drainage investigations from $100,000 to $200,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $15,000 for the construction and equipment of a suitable building for an experiment station and a weather station at Lawton, Okla., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH UNITED STATES INFANTRY.

Mr. BULKELEY. I submit the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution (S. Res. 358) will be read.

The Secretary read as follows:

Resolved, That the Secretary of War be requested to transmit to the Senate a list of names of soldiers of Companies B, C, and D, of the Twenty-fifth Infantry, recommended as eligible for reenlistment by the "court of inquiry relative to the affray at Brownsville, Tex.," who have applied for reenlistment, or have reenlisted under the provisions of the act of Congress, approved March 3, 1909, and special order of the War Department No. 79, April 7, 1909, convening court of inquiry.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut for the present consideration of the resolution?

Mr. CULBERSON. I object.

The VICE PRESIDENT. Objection is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 17, 1911:

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city;

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On February 18, 1911:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the 'reclamation fund,' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes";

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest; and

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; and

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camps of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to

the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912; further insists on its disagreement to the amendments of the Senate Nos. 48, 76, and 82 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31856) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on the part of the House.

The message further communicated to the Senate the intelligence of the death of Hon. AMOS L. ALLEN, late a Representative from the State of Maine, and transmitted the resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. SWASEY and Mr. GUERNSEY, of Maine; Mr. DAVIS, of Minnesota; Mr. O'CONNELL, of Massachusetts; Mr. KENDALL, of Iowa; Mr. LATTA, of Nebraska; Mr. GRAHAM, of Illinois; and Mr. CAMERON, of Arizona, members of the committee on the part of the House of Representatives to attend the funeral.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

SENATOR FROM ILLINOIS.

Mr. GALLINGER. Mr. President, I desire to give notice that on to-morrow, at the conclusion of the speech of the Senator from Indiana [Mr. BEVERIDGE], I will occupy a few minutes of the time of the Senate in discussing the so-called Lorimer case.

JAMES M. SWEAT.

Mr. SMITH of South Carolina. Mr. President, there is a bill on the calendar which will take but a minute, and as I am very busy on the Committee on Agriculture and it is a very pressing matter, I should like to have it taken up out of order and by unanimous consent. It is Senate bill 7640. It is merely to correct the military record of a poor Mexican soldier. A similar bill has been heretofore passed and this bill recommended for passage by the Committee on Military Affairs of the Senate. If I can be relieved by the passage of the bill I shall be obliged.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7640) to correct the military record of James M. Sweat.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause, and insert:

That in the administration of the pension laws James M. Sweat, late of the Third United States Dragoons, Capt. John S. Sitgreaves's company, War with Mexico, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 31st day of July, 1848: *Provided*, That no pay, bounty, or other emolument shall accrue or be payable by virtue of this act, and that the pensionable status herein granted shall date from the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James M. Sweat."

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. Mr. President, there are two private pension bills on the calendar, which ought to be passed by the Senate to-day, in order that they may go over to the other House and be taken up on the only day that they will have there for the consideration of pension bills. That being the case, I ask unanimous consent for the present consideration of Senate bill 10817 and Senate bill 10818.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

The bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Charles B. Flynn, late of Company K, First Regiment Nebraska Volunteer Infantry, War with Spain, $10.

George N. Holden, late of Company D, First Regiment West Virginia Volunteer Infantry, War with Spain, $12.

Humphrey L. Carter, late of Capt. P. C. Noland's Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

John Kenney, late of Company I, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian war, $16.

Duncan A. Gray, late of Thirteenth Company, United States Volunteer Signal Corps, War with Spain, $15.

William P. Armstrong, late of Battery H, Third Regiment United States Artillery, War with Spain.

Christopher J. Rollis, late captain Company G, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, $30.

The name of Samuel S. Householder, late of Company K, Third Regiment Missouri Volunteer Infantry, and Company F, Twentieth Regiment United States Infantry, War with Spain, $15.

Jesse P. Steele, late of Capt. McRay's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $16.

Lillian A. Wilmot, widow of Willie C. Wilmot, late of Company C, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month and $2 per month additional on account of each of the minor children of the said Willie C. Wilmot until they reach the age of 16 years.

George E. Seneff, late of Company K, Eighteenth Regiment United States Infantry, $24.

William L. Parks, late of Capt. Benjamin Cherry's company, Tennessee Volunteers, Florida Indian War, $16.

John A. West, late of Capt. C. Hancock's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $16.

Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, $16.

Gilford Ratliff, late of John S. Ford's company, Texas Volunteers, Texas and New Mexico Indian wars, $16.

Polk R. Kyle, late of James H. Callahan's company, Texas Volunteer Rangers, Indian wars, $16.

John D. Smith, late of the United States Navy, $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

James R. Vassar, late of Company G, Fifteenth Regiment Missouri Volunteer Cavalry, $24.

Charles L. Randall, late medical cadet, United States Army, and assistant surgeon, United States Volunteers, $24.

Amos Stewart, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, $24.

Armstead Fletcher, late of Company E, First Regiment Missouri State Militia Cavalry, $24.

George W. Spray, late of Company C, Thirty-eighth Regiment Illinois Volunteer Infantry, $24.

David C. Nigh, late of Company C, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, $24.

Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, $24.

Charles Maxwell Waterman, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, $30.

Eli F. Holland, late of Company C, Ninth Regiment Iowa Volunteer Infantry, $40.

David E. Fisher, late of Company E, One hundred and thirty-sixth Regiment Ohio National Guard Infantry, $24.

George F. Woods, late of Company G, Fifty-sixth Regiment New York Volunteer Infantry, $24.

Olive C. Dodge, widow of Joseph O. Dodge, late of Company G, Twelfth Regiment Maine Volunteer Infantry, $20.

William Carpenter, late of Company G, Ninth Regiment West Virginia Volunteer Infantry, $30.

Elvira E. Chase, widow of Thomas Chase, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, $12.

Joseph D. Power, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, $24.

Lydia J. Taylor, widow of Martin Taylor, late of Company E, Thirty-third Regiment Ohio Volunteer Infantry, $20.

George H. Wallace, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, $24.

Richard W. Capen, late of Company I, Fourteenth Regiment, and Company H, Forty-eighth Regiment, Wisconsin Volunteer Infantry, $30.

John D. Trevallee, late of Company A, Second Regiment Wisconsin Volunteer Cavalry, $24.

Margaret H. Flint, widow of Wilbur F. Flint, late of Twenty-sixth Independent Battery, New York Volunteer Light Artillery, and second lieutenant Company B, Tenth Regiment United States Colored Volunteer Heavy Artillery, $12.

Francis M. Webb, late of Company A, Second Regiment Indiana Volunteer Cavalry, $24.

George F. Cooper, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, $24.

Anton Zwinge, late of Company G, Ninth Regiment United States Infantry, $24.

James W. Ward, late of Company I, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

Frank W. Sencebaugh, late of Company L, Fifth Regiment Iowa Volunteer Cavalry, $24.

William N. Johnson, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, $30.

Thomas H. Morris, late of Company F, Ninth Regiment Ohio Volunteer Cavalry, $24.

William C. Knox, late of Signal Corps, United States Army, $30.

Elijah C. Davey, late of Twelfth Battery Wisconsin Volunteer Light Artillery, $24.

Robert H. Johnson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, $24.

James W. Broom, late of Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $24.

Annie G. Long, widow of James W. Long, late captain, Second Regiment United States Infantry, $30.

George W. Rauch, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $24.

Alfred Anderson, late of Company M, Sixteenth Regiment Kansas Volunteer Cavalry, $24.

John H. Iott, late of Company C, Battalion United States Engineers, $24.

Francis M. Ross, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, $24.

General L. Boso, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

Harvey W. Hewitt, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, $24.

Francis M. Truax, late of Company E, Thirteenth Regiment Missouri Volunteer Infantry; Company E, Twenty-second Regiment Ohio Volunteer Infantry; and Companies D and E, First Regiment Mississippi Marine Brigade Volunteer Infantry, $24.

Patrick H. Conarty, late of Company G, Third Regiment Missouri Volunteer Cavalry, $24.

Patrick J. Conway, late captain Company G, Ninety-eighth Regiment United States Colored Volunteer Infantry, $20.

John Richardson, late of Company E, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, $24.

Joseph M. Alexander, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30.

John E. Moon, late first lieutenant Company B, One hundred and fifty-first Regiment Indiana Volunteer Infantry, $24.

David Riel, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, $24.

William H. Meece, late of Company D, Third Regiment Kentucky Volunteer Infantry, $30.

Chesley Payne, late of Company I, Third Regiment Kentucky Volunteer Infantry, $24.

Elizabeth Lucas, widow of Benjamin M. Lucas, late of Company F, Twenty-seventh Regiment Kentucky Volunteer Infantry, $20.

Robert Bell, late of Company D, Thirtieth Regiment Kentucky Volunteer Infantry, $24.

Joseph Hiler, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, $30.

Andrew Pea, late of Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, $12.

Oliver Yake, late of Company K, Twenty-second Regiment Michigan Volunteer Infantry, $30.

Charles Nobles, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, $30.

Stephen E. Taylor, late of Company H, Second Regiment Michigan Volunteer Cavalry, $30.

Benjamin F. Johnston, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, $30.

Freeborn H. Price, late of Company A, Ninth Regiment Michigan Volunteer Infantry, $24.

Charles H. Lamphier, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, $24.

Patrick O'Brien, late of Company E, Tenth Regiment Wisconsin Volunteer Infantry, $24.

Malinda Wilson, widow of George Wilson, late of Capt. Ferris's company, First Regiment Northeast Missouri Volunteer Infantry, $12.

Fannie Ladd, widow of James A. Ladd, late captain Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, $20.

Edward Tippens, late of Company C, Seventy-seventh Regiment Ohio Volunteer Infantry, $24.

Kinsman Boso, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, $30.

William Burris, late of Company I, Fifteenth Regiment, and Company I, Tenth Regiment, West Virginia Volunteer Infantry, $30.

Charles C. Edwards, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and general service, United States Army, $24.

Ellen M. Corsa, widow of William H. Corsa, late of Company G, Seventh Regiment Connecticut Volunteer Infantry, $20.

Alexander McDonald, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, $24.

Isaac N. Dysard, late of Company F, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $30.

William H. Hills, late hospital steward, United States Army, $30.

Ira A. Kneeland, late of Company H, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, $30.

Fernando S. Philbrick, late of Company G, Twenty-first Regiment Maine Volunteer Infantry, $24.

Chandler Swift, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, $24.

Pleasant H. Latimer, late of Company D, Ninth Regiment Minnesota Volunteer Infantry, $30.

John Bigley, late of Troop E, Third Regiment United States Cavalry, $24.

William H. Gosset, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, $30.

Thomas Murray, late of Company H, Eighty-fourth Regiment Illinois Volunteer Infantry, $30.

William Swinburn, late of Company A, Fifth Regiment Ohio Volunteer Infantry, $24.

Morris Thomas, late of Company C, First Battalion, and commissary sergeant Sixteenth Regiment, United States Infantry, $24.

Gullien Tullion, late of Third Independent Battery Minnesota Volunteer Light Artillery, $30.

Samuel A. Sanders, late of Company I, Fourteenth Regiment Illinois Volunteer Cavalry, $24.

Winfield S. Janes, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, $24.

William H. Fields, late of Company F, First Regiment Michigan Volunteer Infantry, $24.

Solomon Peck, late of Company B, Thirteenth Regiment Michigan Volunteer Infantry, $24.

Frank J. Clark, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, $30.

Benjamin Bortz, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, $30.

Cyrus Wilson, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Perkins H. Bagley, jr., late of Company E, First Regiment Massachusetts Volunteer Infantry, $30.

Alfred L. Tucker, late of Company H, Eighteenth Regiment, and first lieutenant Company C, Thirty-second Regiment, Wisconsin Volunteer Infantry, $30.

Francis J. Trowe, late of Company C, Second Regiment Minnesota Volunteer Cavalry, $30.

Melissa J. Kauffman, widow of Solomon Kauffman, late captain Company L, Third Regiment Indian Home Guards, Kansas Volunteers, $20.

Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, $30.

Andrew Marsh, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, $24.

William W. Fraser, late of Company I, Ninety-seventh Regiment Illinois Volunteer Infantry, $30.

Joseph C. Monk, late of Company D, Eighty-ninth Regiment Illinois Volunteer Infantry, $30.

Eli N. Swerdfeger, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, $30.

David H. Frink, late of Nineteenth Independent Battery New York Volunteer Light Artillery, $30.

Eli Adams, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, $24.

Benjamin F. Fulton, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, $24.

Frederick Shulley, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, $24.

David Stanard, late of Company A, One hundred and eighty-sixth Regiment New York Volunteer Infantry, $30.

Daniel Younker, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, $24.

Benjamin Bennett, late of Companies K and F, Twelfth Regiment Illinois Volunteer Cavalry, $50.

Margaret J. Brownell, widow of David Brownell, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, $12.

T. Price Line, late quartermaster sergeant, One hundred and ninety-first Regiment Ohio Volunteer Infantry, $24.

Rose E. White, widow of Jacob O. White, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, $12.

John Hines, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, $24.

Austin Betters, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, $24.

Thomas Posey, late of Company G, Seventh Regiment Indiana Volunteer Infantry, $20.

Henry McBrien, late of Company D, Eighty-ninth Regiment New York Volunteer Infantry, $30.

Arthur W. Cox, late hospital steward, Nineteenth Regiment Massachusetts Volunteer Infantry, $30.

William H. H. Ranger, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, $30.

James M. Chambers, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, $24.

Mary C. Galbraith, widow of William J. Galbraith, late first lieutenant, Signal Corps, United States Army, $12.

Wright T. Ellison, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, $24.

Benjamin T. Stevens, late of Company D, Second Regiment New Hampshire Volunteer Infantry, $24.

Richard Dent, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, $30.

John Rose, late of Company G, First Regiment Wisconsin Volunteer Infantry, $30.

Mark Smith, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, $55.

William B. Knapp, late of Company C, One hundred and fourth Regiment New York Volunteer Infantry, and Company K, Second Regiment New York Volunteer Cavalry, $24.

Mary P. Meade, widow of Robert L. Meade, late brigadier general, United States Marine Corps, $40.

William W. Edwards, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, $30.

Essie Pursel, helpless and dependent daughter of Thomas C. Pursel, late captain Company B, Eleventh Regiment Indiana Volunteer Infantry, $12.

Andrew Schoonmaker, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, $24.

Jacob Mathews, late musician, band, Seventeenth Regiment United States Infantry, $24.

George W. Fouts, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, $30.

George W. McAllister, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $24.

Charles H. McCarroll, late of Company L, First Regiment Vermont Volunteer Cavalry, $30.

Edward J. Miller, late of Eighteenth and Twenty-fifth Independent Batteries New York Volunteer Light Artillery, $24.

John M. Staples, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, $24.

Harry G. Bingner, late of Company E, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, $24.

Theodore Clark, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, $30.

Michael Wiar, late of Companies G and B, Forty-seventh Regiment Illinois Volunteer Infantry, $30.

William McGlone, late of Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, $24.

Alexander Wilson, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, $24.

Calvin Buntan, late of Company B, Eightieth Regiment New York Volunteer Infantry, $24.

Lucia W. Huxford, widow of William P. Huxford, late captain Company G, One hundred and sixty-second Regiment New York Volunteer Infantry, and major, United States Army, retired, $30.

James Doyle, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, $30.

Charles O. Chapman, late of Company D, Eleventh Regiment Iowa Volunteer Infantry, $30.

John S. Cilley, late second lieutenant Company B, First Regiment New Hampshire Volunteer Cavalry, $30.

James H. Thompson, late of Company E, One hundredth Regiment United States Colored Volunteer Infantry, $24.

Benjamin F. B. Holmes, late of Company C, First Regiment Massachusetts Volunteer Cavalry, $30.

Ida M. Elder, widow of Alvah Elder, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, $12.

Thomas Loughney, late of Company L, Seventh Regiment, and Company A, First Regiment, Michigan Volunteer Cavalry, $30.

William U. Thayer, late of Company C, Twenty-fourth Regiment Michigan Volunteer Infantry, $30.

John Walsh, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, $24.

Marcellus E. McKellup, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and Company C, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $30.

George T. Kerans, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, $24.

Byron Rudy, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, $24.

William A. Leech, late of Company I, Third Regiment Wisconsin Volunteer Infantry, $40.

Anna H. Fitch, widow of Butler Fitch, late captain Eighth Independent Battery New York Volunteer Light Artillery, $20.

Andrew J. Fogg, late first lieutenant Company B, Third Regiment New Hampshire Volunteer Infantry, $40.

Otis Johnson, late of Company B, First Regiment Iowa Volunteer Cavalry, $30.

Joseph P. Pittman, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, $30.

Henry G. Tuttle, late of Company E, Forty-first Regiment Missouri Volunteer Infantry, $24.

William Hise, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, $30.

James H. Morley, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, $24.

Frank N. Jameison, late of Company G, Eighth Regiment Iowa Volunteer Infantry, $30.

Edward J. Moss, helpless and dependent child of Benjamin R. Moss, late of Company G, Twenty-sixth Regiment Ohio Volunteer Infantry, $12.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent for the present consideration of Senate joint resolution 134.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. NELSON. Mr. President, I propose, in the briefest possible manner, to discuss what is involved in the so-called Sutherland amendment. Before proceeding to do so, however, I desire

to call attention to some preliminary matters. Fifteen written amendments have been adopted to the Constitution of the United States since it was ratified. The first 10 amendments were incorporated very soon after the Constitution was adopted. They are almost coeval with it, and have by many been termed the "American Bill of Rights;" in fact, most of the principles involved in those 10 articles were settled and confirmed by the English people in the English Revolution of 1688.

The next two amendments—the eleventh and twelfth—were adopted but a short time afterwards. The eleventh amendment prohibits suits against a State, and grew out of a controversy in the State of Georgia between the State and some Indian tribes in that State. The twelfth amendment relates to the election of President and Vice President.

Since the days of the Civil War we have adopted three additional amendments. One, the thirteenth amendment, abolishing slavery; another, the fourteenth amendment, defining and providing for the maintenance and protection of certain civil rights; and third, the fifteenth amendment, prohibiting discrimination in the right to vote on account of race, color, or previous condition of servitude.

In addition to these 15 written amendments, Mr. President, we have, as I conceive, substantially adopted two unwritten amendments. The first of these is an amendment which relates to the power assumed by the Supreme Court to determine whether the legislative department of the Government keeps within the pale of the Constitution. Nowhere in that instrument can we find any express grant of power to the Supreme Court to pass upon that question. We speak of our Government as a Government of three separate and distinct departments, each independent of the other, but in its ultimate analysis, as a matter of fact, that is not true, because the Supreme Court by judicial construction and interpretation has assumed the power to pass upon the question whether the legislative department, and, for that matter, in an appropriate case, the executive department, keep within the pale of the Constitution. So that in the ultimate and final analysis, the Supreme Court has assumed a power over the other departments that neither of them have assumed in respect to the Supreme Court.

The Supreme Court is composed of fallible men like the legislative department, and it is quite possible that it may at times be mistaken as to the constitutionality of a law. The court itself has furnished evidence on this point in some of its reversals. But, however this may be, this power, exercised by the Supreme Court for upward of a century, has become embedded in our judicial system and in our system of government so firmly that it may be treated as though it had been expressly written in the Constitution in the first instance.

The second unwritten amendment which has been adopted by the American people is that relating to the election of President and Vice President. The Constitution provides, as Senators know, for the appointment of electors by each State in such manner as the legislature thereof may direct, and that the electors so appointed shall choose or elect the President and Vice President. The theory of the Constitution was no doubt that these electors should act upon their own judgment and volition in making a choice, but we know that as a matter of fact, and in practical operation, this theory has become obsolete and been long abandoned. The electors now and for many years past merely register the voice and the will of those who choose them, and not their own individual choice, so that it has thus come to pass that the President and Vice President are really and in substance elected by a direct vote of the people.

Another unwritten constitutional amendment has been in process of adoption for a good many years and is still in process of adoption. I refer to the election of Senators by direct vote of the people instead of an election by the legislature. I lay less stress on the fact that the legislatures of various States have passed resolutions in favor of such an amendment to the Constitution. I lay more stress on the fact that in various States the people, in order to have their will enforced, in order to have a voice in the election of United States Senators, have adopted a system of primary laws under which the people vote directly for their candidate for Senator, and, while technically members of the legislature are not obliged to comply with the results at the primaries, yet we all know that, as a matter of fact, they do comply, and a member of the legislature would no more think of disregarding the voice of the primary in his State than would a presidential elector disregard the vote of the people who elected him.

In other States, instead of a primary law they have adopted a system of instruction, through party platforms, at State conventions; and in some cases it is by instructions of legislative nominating conventions. So, as a matter of fact, if we review and scan our whole political horizon we will find that in the great majority of the States the people have taken this matter into their own hands, and in one form or another, either by a system of primary laws or by a system of instructions in party platforms, they have really and in substance, so far as they are concerned, adopted a constitutional amendment allowing them to express their choice for Senator as effectively as though they cast their votes directly for their candidate.

Now, one of the purposes of the joint resolution under consideration is to make this so-called unwritten amendment an effective written amendment of our Constitution. If the proposed amendment were limited to the one single question of tranferring the right of election of Senators from the legislature to a direct vote of the people, I take it there would be little controversy on the subject, but the joint resolution which has been reported and is now on the calendar and under consideration goes much further than that.

The joint resolution reported by the Senator from Idaho and now under consideration is an exact copy of a joint resolution to amend the Constitution reported by Representative Tucker, of Virginia, in the Fifty-second Congress, on the 16th day of February, 1892. It is exactly identical with that resolution. Mr. Tucker, in his report, unlike the Senator from Idaho in his report, was candid enough to state what the entire purpose of the joint resolution was. The report of the Senator from Idaho on the joint resolution before the Senate contains this statement, and I want Senators to compare it with the report of Mr. Tucker on a similar joint resolution:

This amendment—

And I read from the report of the Senator from Idaho—

This amendment does not propose in any way to interfere with the fundamental law save and except the method or mode of choosing the Senators.

Now, let us see what Mr. Tucker says about the same amendment:

Article I, section 4, clause 1, is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It is proposed to abrogate and annul the above in so far as it gives to Congress any control, absolute or remote and contingent, over the election of United States Senators, by substituting the following language, or so much thereof as refers to the election of Senators:

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof."

Here is a plain, candid, honest avowal by Mr. Tucker as to the effect of his joint resolution. He not only states that it changes the mode of electing Senators by transferring the power of election from the legislatures to a direct vote of the people, but he goes further and admits and states very frankly that it is his purpose—that he proposes—to utterly divest Congress of all regulative power over the election of Senators. In other words, to repeal the first paragraph of section 4, Article I, of the Constitution, already quoted.

Mr. President, a great misconception has appeared both in the newspapers and in the remarks of Senators in this Chamber upon the so-called Sutherland amendment. I have heard many say—and it has been so said in the newspapers—that the Sutherland amendment proposes to engraft a new provision upon the Constitution of the United States. There is nothing of the kind in that amendment. The Sutherland amendment—and it is similar to an amendment that I offered in the Judiciary Committee of the Senate on the same subject—simply seeks to preserve one of the most vital and important paragraphs of the Constitution. That is the sole purpose of the Sutherland amendment.

Mr. President, I want to call your attention to this fact before I proceed further. If the joint resolution as reported by the Senator from Idaho is adopted in its entirety it will leave us with two separate rules in reference to the election of Senators and Representatives in Congress. By the first part of the joint resolution it is proposed to have Senators elected in the same manner as Members of the House of Representatives are elected, and yet if this joint resolution is adopted in its entirety we will have two rules governing elections by a direct vote of the people. The election of Members of the House of Representatives will continue to be subject to the ultimate regulative power of Congress, will still be subject to the provisions of paragraph 1 of section 4, Article I, of the Constitution, while in respect to the election of Senators elected at a popular election in the same manner as Representatives in Congress are elected the Federal Government will have no regulative power at all; the entire power will be vested in the State legislatures, to the utter exclusion of Congress.

The joint resolution not only takes away the ultimate regulative power of the Federal Government, but expressly, in exact

language, confers it upon the State legislature. Let me read the language:

The time—

It not only eliminates all of paragraph 1 of section 4, Article I, so far as it pertains to the election of Senators, but it substitutes in place of it the following:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

In other words, it destroys the power of the Federal Government, and then, in the next breath, it confers that power absolutely and without qualification upon the legislatures of the several States.

Now, while the American people, or the most of them, I take it, are in favor of amending the Constitution so as to give the people a chance to vote directly for United States Senators, the great mass of the American people are utterly opposed to relinquishing all Federal control over the election of Senators, opposed to relinquishing the power that the Constitution now gives.

It is the theory of our Government, and it is a theory of all republican forms of government, that the source of all governmental power is ultimately and finally in the people. The American people have, for purposes of government, established two separate and distinct systems of government, a Federal and national system and a State and local system.

At home we are gophers, badgers, wolverines, or whatever our States may be, but before the world and abroad we are of the United States of America. We are a nation. And the people who established these two systems of government, Federal and State, are as much interested in preserving the vitality, the integrity, and the independence of the one as of the other of those systems. The constitutions, Federal and State, are powers of attorney from the people to the respective governments, and the people have no desire and will not tolerate to place the one form of government at the mercy and sufferance of the other.

To confer the exclusive and ultimate power of regulating the election of United States Senators upon the State legislatures would be as bad in principle, as utterly wrong in principle, as to confer the power of regulating the election of members of the legislature upon Congress.

I was much interested in the argument of the Senator from Idaho [Mr. BORAH]. The first branch of the argument, if I understood him correctly, was to the effect that the States ought to have this power—a small matter anyway—the States ought to have the absolute control of the election of United States Senators. But in his final argument and final summing up he aimed to show—and that was the drift of a large part of his argument—that section 4 of Article I of the Constitution was of little value and there was no necessity for it; there were other sources of power to protect the Federal Government.

The Senator from Maryland [Mr. RAYNER] was much more candid. If I understood his remarks on this subject, they were to the effect that he and some of his friends regarded the elimination of paragraph 1 of section 4 of Article I of the Constitution of such importance that unless it was eliminated and there was substituted for it what is proposed in the joint resolution, they would not feel warranted in voting for the joint resolution.

So we have the situation where on the one side it is argued that this is such a serious question, it is a matter of such serious importance, that if you allow the people to vote directly for Senator of the United States you must rob the Federal Government of one of its great attributes of sovereignty, of its regulative power, and unless you are willing to do that they who thus argue can not support the joint resolution. On the other hand, the Senator from Idaho maintains that it is of little moment; that there are other parts of the Constitution that furnish ample power of regulation and protection.

Unfortunately the Senator from Idaho [Mr. BORAH] utterly disagrees with Alexander Hamilton. Alexander Hamilton, one of the leading members of the Constitutional Convention, and who had more to do with securing the adoption of the Constitution by the State of New York than any other statesman in that State, and without whose labor at that time probably New York would not have ratified the Constitution, regarded paragraph 1 of section 4 of Article I of such importance that he devoted three articles in the Federalist to this very paragraph in the Constitution—three very instructive articles or essays. Of course, I have not time to read them all to the Senate, but I want to call your attention to a part of what he says in his first article. I read from No. 59 of the first volume of The Federalist, concerning the regulation of elections:

The natural order of the subject leads us to consider, in this place, that provision of the Constitution which authorizes the National Legislature to regulate in the last resort the election of its own Members.

It is in these words: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators." This provision has not only been declaimed against by those who condemn the Constitution in the gross, but it has been censured by those who have objected with less latitude and greater moderation, and in one instance it has been thought exceptionable by a gentleman who has declared himself the advocate of every other part of the system.

Now, listen to this:

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. * * *

It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been applicable to every probable change in the situation of the country; and it will, therefore, not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably organized—that it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter, and ultimately in the former. The last mode has with reason been preferred by the convention. They have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory, but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of the State legislatures would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

* * * * * * *

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States; would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment, and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government in a similar respect to the pleasure of the State governments. An impartial view of the matter can not fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

That, Mr. President, as Alexander Hamilton has stated so forcibly and clearly, is the gist of this whole question. Are we ready to turn over the exclusive power of regulation over the election of United States Senators to the exclusive control and jurisdiction of the States? And why, I ask, shall we have two rules in this matter? If Senators and Members are both alike to be elected in a similar manner by a popular vote, why should the Federal Government in one case have the ultimate regulating power and not in the other case? Why should the Federal Government retain the ultimate power of regulation in one case and be compelled to relinquish it in the other?

I take it that in reference to that part of the resolution which confers the exclusive regulative power upon the State legislature, the rule and principle of interpretation of the common law would apply, namely, "expressio unius est exclusio alterius." That is by expressly conferring the power upon the State legislatures you in effect take it entirely away from the Federal Government.

In this connection I wish to call the attention of the Senator from Iowa [Mr. CUMMINS] to a question that he propounded to the Senator from Montana [Mr. CARTER] the other day. I think the answer to it is found in the decision of Judge Bond of the circuit court in a case pending in the United States circuit court for the district of Maryland. I will read the syllabus as an answer to the question propounded by the Senator from Iowa.

The act of Congress——

And I take it that is the act he refers to——

The act of Congress of the 28th of February, 1871, as amended and embodied in title 26 of the Revised Statutes of the United States, more particularly sections 2021 and 2022, is constitutional, being authorized by section 4 of Article I of the National Constitution; and special deputy marshals of the United States will be protected by the Federal courts in discharging their duty under those sections of the Revised Statutes.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. The Senator is reading from a decision?

Mr. NELSON. Yes, sir.

Mr. BACON. I do not know the case.

Mr. NELSON. I was simply reading a part of the syllabus, and I read it for the purpose of answering the question that I conceive was propounded by the Senator from Iowa to the Senator from Montana on Saturday.

Mr. BACON. A decision of the circuit court?

Mr. NELSON. Of the circuit court. It is in First Hughes's Reports, Fourth Circuit, volume 1, 592.

Mr. BACON. Not being familiar with that case, I venture to ask the learned Senator if he understands that rule to mean, in

the first place, that under that section it is competent to appoint deputy marshals to keep order at the polls and to carry out the provisions of law which provided for Federal supervisors? The particular point that I gathered from the reading of the syllabus by the Senator was that the Federal Government would sustain, and had the power and the duty to sustain, the deputy marshals in the performance of that duty; in other words, in the control, really, of the election. Do I understand that the meaning of it is that, if necessary, the military forces of the United States can be put at the disposition of the marshals for that purpose or be brought to their aid?

Mr. NELSON. The decision does not refer to military forces, but merely to the duties and powers of marshals in such cases.

Mr. BACON. Is not that the necessary consequence of it? Is not that the necessary meaning of it?

Mr. NELSON. Not necessarily.

Mr. BACON. That Congress, in the first place, would have the right to pass a law under which the registrars would be appointed by the Federal Government; the supervisors of the election would be appointed by the Federal Government; the judges of the election would be appointed by the Federal Government; the marshals and deputy marshals would be assigned to duty for the purpose of carrying out the orders of these registrars and supervisors and judges, and, if necessary, the Army of the United States would back up the deputy marshals in the maintenance of that authority. Is not that the necessary meaning of that decision? I am not disputing the correctness of it, but I am simply calling attention to what it leads to.

Mr. NELSON. Mr. President, I take it that the Federal Government has the right, under section 4 of Article I of the Constitution, to regulate, protect, and guard elections for Representatives in Congress, and if in any State—and we are as liable to have such a condition arise in the North as anywhere else in the country—if in any State, through lawlessness, riot, insurrection, or other causes, the people are not permitted to have a fair chance to vote either for a Member of Congress or a United States Senator, if the right of a direct vote for him is accorded, it is the duty of the Federal Government to protect them in that right and afford them an opportunity to exercise that privilege and right. It is like any other right conferred by the Constitution upon a citizen. If it is resisted, the Government must inevitably, in order to assert its supremacy, resort to such force as is necessary to execute the law if there is resistance to the law.

Mr. BACON. Mr. President——

Mr. NELSON. I will yield to the Senator in a moment, after I have stated the case more fully. In the first place, I state that the Federal Government can, in the matter of regulating elections, adopt one of two courses. It can either adopt the plan of establishing election machinery of its own relative to the election of Federal officials like Senators and Representatives, or it can adopt the machinery of the State government. But in either case the Federal Government has the ultimate power to regulate and control the election so far as it relates to the election of Senators or Congressmen.

Now I will yield to the Senator.

Mr. BACON. I think the Senator is entirely logical, and my purpose was not to take issue with the proposition which he had announced and which he was supporting by reference to authority, but for the purpose of calling attention to what would be the effect of the Sutherland amendment.

As I understand it, it is this: Of course, if the Sutherland amendment is adopted, the Federal Government would have the same power in regard to the regulation of the manner and the supervision of the election of Senators as it now has under the Constitution in the regulation of the manner and the supervision of the election of Representatives. That is a plain proposition.

As I understand the statement by the Senator, which I think is entirely correct, it is that under the recognized authority, the construed authority, decided by the courts, including the Supreme Court, the Federal Government in the case of Representatives now has the power which I am about to state, in the regulation of the manner of elections, to go forward and make a law which shall provide, in the first place, for registrars by the Federal Government, appointed through district courts, who shall determine and register the voters who shall be entitled to vote at the election.

Second. That Congress would have a right to provide in the law that the election, when it occurred, should be under the supervision of supervisors to be appointed by the district courts of the United States.

Third. That in that law there could be a provision for the appointment of Federal judges of the election, to be appointed by district judges of the United States.

Fourth. That there could be a provision in the law, as there has been in previous laws, for the attendance of marshals and deputy marshals of the United States, under the orders of the district courts of the United States, to maintain the authority of the registrars and the supervisors and the judges of election, to keep order at the polls and in other ways to carry out the orders of the Federal supervisors and Federal judges of elections.

Fifth. That if the deputy marshals were not of themselves of sufficient power and force to thus carry out the orders of the registrars and supervisors and judges of election appointed by the Federal power, the Army of the United States could be called in at the election, for the purpose of seeing that that authority was maintained.

As I understand it, that is the proposition as to the present power of the Federal Government in the supervising of elections of Representatives, and I take no issue with it, because I understand that to be the decision of the Supreme Court of the United States. The application I wish to make of it is that under the Sutherland amendment all that power would exist in the election of Senators by a direct vote of the people. Am I correct in that?

Mr. NELSON. Certainly; and why should it not be so, when we propose to elect Senators in the same manner as Representatives in Congress? All we ask, all that the Sutherland amendment implies, is that the Constitution shall be left as it is, and that the same rule shall apply to the election of Senators that applies to the election of Representatives. Where both are elected by a popular vote of the people I can not see any ground for making a distinction.

Mr. BACON. Mr. President, I will not now trespass upon the Senate to state the reasons the adoption of the Sutherland amendment would make a change, except that if the Sutherland amendment should be adopted, I shall ask the indulgence of the Senate to state why, in my judgment, the adoption of that amendment is such a radical change as would materially jeopardize the safety and interest of the people of the different States, and the resolution if thus amended, in my opinion should not be adopted.

I want to say to the Senator that I think he is logical not only in his construction of the legitimate consequences of the original proposition, or rather the application of it to the case of the election of Representatives, but he is equally logical in saying that it would equally apply to the election of Senators by a direct vote of the people if the Sutherland amendment should be adopted and put it in the same category.

There is one proposition upon which I entirely differ from the Senator. I will not take the time now to discuss it; it has been discussed heretofore; but I may trespass upon the Senate in a degree to repeat the argument to show that the proposed Sutherland amendment is not a continuance of the present provisions of the Constitution, but a most radical change; that the same words in the Constitution if applied to different and changed conditions of the law may make an entirely different condition of law. That is a proposition, however, that I do not feel I should properly trespass upon the Senate now to discuss.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly; but I would like to briefly reply to the Senator from Georgia.

Mr. CUMMINS. Very well. I will reserve my question, then, until after the reply is made to the Senator from Georgia. I do not desire to interrogate the Senator on the same point at all.

Mr. NELSON. Very well.

The PRESIDING OFFICER. The Senator from Minnesota will proceed.

Mr. NELSON. In the first place, I find the best definition of what the word "manner" implies in this paragraph of the Constitution, "the time, place, and manner," in this Maryland case that I have quoted. Here is what the court says, and it is a good definition and a very brief one:

> To regulate the manner of an election is to provide the means by which each elector expresses his choice freely and without hindrance or obstruction.

I can not see why any Senator should object to retaining in the Federal Government the ultimate power to regulate the "time, place, and manner" of holding these elections. This paragraph of the Constitution has been a part of it from the very beginning. The regulative power is given to the States in the first instance, with the ultimate and final power in the Federal Government. The framers of the Constitution said we will leave this matter, first, to the States to regulate the "time

place, and manner," but in case they should fail to make proper regulation, in case they should be negligent of their duty, in case their actions should be such as to jeopardize the integrity and welfare of the Government, we want to reserve the ultimate power in favor of the Federal Government.

It seems to me that this effort to strike down this paragraph of the Constitution is another mode of applying a doctrine which we have heard so much about among the reformers—the doctrine of "recall." I think in this case it is a "recall" of a part of the Constitution that is aimed at. Perhaps that is a part of the program of reform.

Mr. CUMMINS. Mr. President——

Mr. NELSON. Will the Senator allow me? I will yield to the Senator in a moment.

I desire in this connection, and in response to the statement made by the Senator from Georgia a moment ago, to quote the following from the opinion of the Supreme Court in the Siebold case, One hundredth United States, page 383:

> There is no declaration that the regulations shall be made either wholly by the State legislatures or wholly by Congress. If Congress does not interfere of course they may be made wholly by the State, but if it chooses to interefere there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, their necessary implication is that it may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary cooperation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter."

Now, I will yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from Minnesota has summoned the very great authority of Alexander Hamilton with respect to this matter. I wish to ask him a question in regard to the views of that distinguished statesman as read a few moments ago.

He says, and it is quite true, that it is necessary for a government to maintain or hold the power to perpetuate itself for its own preservation. He says, and it is true, that with respect to Members of the House of Representatives the Federal Government could at any time disregard entirely the provisions of a State in regard to elections and organize and hold within the States an election for Members of the House of Representatives, and in that way, theoretically at least, preserve the House of Representatives. His words seemed to imply that something of that kind could also be done in order to preserve the Senate of the United States. My question is, with these preliminary suggestions, suppose a State were to refuse to elect Senators, by what process under section 4 of Article I could the Government of the United States enforce the election of Senators?

Mr. NELSON. All the Government could do would be to provide the proper election machinery, give the voter a full and free opportunity to express his choice at the ballot box, but it could not well compel him to vote. "You can lead a horse to water, but you can not make him drink."

Mr. CUMMINS. Yes.

Mr. NELSON. We could provide rules and regulations for holding an election, but it would not be in the power of the Federal Government to drive the people to the polls and compel them to vote——

Mr. CUMMINS. Precisely.

Mr. NELSON (continuing). Any more than it would be to compel the people of Iowa to go to the polls and vote.

Mr. CUMMINS. But we are acting here upon State governments with regard to the House of Representatives.

Mr. NELSON. Not when we pass——

Mr. CUMMINS. Yes.

Mr. NELSON. No; not when we pass this amendment giving the people the right to vote.

Mr. CUMMINS. The Senator from Minnesota did not allow me to finish.

Mr. NELSON. Go on.

Mr. CUMMINS. We are acting upon State governments in so far as the regulation of their machinery for holding elections is concerned. If, however, we desire to substitute for a regulation, a system of our own, and give the people of the States an opportunity to vote at a Federal election, we could do so.

Mr. NELSON. Certainly. Does the Senator doubt it?

Mr. CUMMINS. I do not.

Mr. NELSON. Can the Senator conceive of any reason, if we allow Senators to be elected in the same way as Members of the House of Representatives are now elected, for having a different rule in one case than in the other?

Mr. CUMMINS. I can not.

Mr. NELSON. I am glad to hear it.

Mr. CUMMINS. And the question, therefore, recurs with me—this is my personal opinion—as to the wisdom of granting that power to the General Government with respect to Members of the House of Representatives.

Mr. NELSON. It has that power now. We do not grant it.

Mr. OVERMAN. Mr. President, would there not be a different rule——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. In a moment.

Mr. CUMMINS. I have not finished the question yet, and I think the Senator from Minnesota has not answered it.

Mr. NELSON. I will yield to the Senator from North Carolina when the Senator from Iowa has concluded.

Mr. CUMMINS. I will discuss these matters more connectedly hereafter.

What made me doubtful with regard to the full application of the quotation which the Senator read from the writings of Alexander Hamilton was that there is in the Constitution now no provision by which the Federal Government can perpetuate the Senate of the United States; that is entirely at the pleasure of the States. If the States fail to exercise that power, then follows a situation which can not be dealt with through the processes of the law. When that comes, it is the equivalent of an attempt at secession, and a higher power must intervene in order to protect the life of the Government of the United States.

Mr. NELSON. That is a state of insurrection.

Mr. CUMMINS. Precisely.

Mr. NELSON. That might occur in reference to the election of Members of the House of Representatives in the same manner.

Mr. CUMMINS. It is not possible that it should occur with regard to the Members of the House of Representatives, unless the people themselves, the voters themselves, should refuse to exercise their franchise.

Mr. NELSON. Such a thing is possible as well with members of the legislature. The State legislature is composed of men. If they should refuse to act in the case of the election of a United States Senator, and the people of a congressional district should refuse to vote or to go to the polls to vote for a Congressman, you have exactly the same condition in the one case as in the other. In one case the voters are simply individual citizens, while in the other they are members of the legislature, but in either case if they abstain entirely from performing their function and duty the same result follows. Now, I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I understood the Senator from Minnesota to say that with the adoption of the Sutherland amendment the same rule would apply to the election of Senators and Members of the House of Representatives. Am I right about that?

Mr. NELSON. Yes; the same power.

Mr. OVERMAN. The same rule as to the election?

Mr. NELSON. The same rule.

Mr. OVERMAN. Article I, section 2, of the Constitution, as to the election of Members of the House, says:

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There is a different rule. Congress fixes the rule as to the election of Members of the House of Representatives, but it would not do so as to Senators.

Mr. NELSON. Bue we have in this amendment——

Mr. OVERMAN. I do not see any such provision.

Mr. NELSON. We have in this very joint resolution——

Mr. OVERMAN. I should like the Senator to show me that. The joint resolution says:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years.

I do not think there is any such provision, so far as I can see, in this amendment making a different rule.

Mr. NELSON. In what respect?

Mr. OVERMAN. As to the qualifications of electors. There is nothing said here about the qualifications of electors.

Mr. NELSON. Yes. I call the Senator's attention to lines 8, 9, and 10, on page 2.

Mr. OVERMAN. That provision, I think, has been stricken out.

Mr. NELSON. It reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. OVERMAN. That provision is stricken out of the copy of the resolution I have. I suppose that is the Sutherland amendment.

Mr. NELSON. It is proposed to be stricken out by the amendment of the Senator from New York, but it is a part of the original resolution. It is stricken out in this amended copy by the substitute offered by the Senator from New York.

Mr. OVERMAN. Then I was misinformed.

Mr. NELSON. So that the resolution applies precisely the same rule with respect to the qualifications of the electors for United States Senators as is applied to the qualifications of electors for Representatives in Congress.

Mr. President, the Senator from Idaho has called attention to numerous cases—and I think the Senator from Iowa saw the distinction—where the Government prosecuted men for violations of the election laws or for interfering with the right of suffrage under the Federal laws. His contention was that that had been done under the general powers of the Federal Government, and not under the fourth section of Article I of the Constitution. I want to call the Senator's attention to the fact that there is a great difference beween prosecuting a man for a violation of a Federal right, for committing an offense in violation of a Federal law, and regulating and prescribing rules and regulations as to the manner in which an election shall be carried on.

It is one thing to prosecute a man for interfering as an individual with the exercise of the elective franchise under the Federal Constitution, and it is an entirely different thing for the Federal Government to prescribe rules and regulations for the conduct of that election.

I concede that under the general powers of the Federal Government, as expressed in the Yarbrough case, independent of paragraph 4 of Article I, the Federal Government has a right to prosecute those who interfere with the exercise of the elective franchise. In this case the Supreme Court, by Justice Miller, said:

> The proposition that it has no such power—

That is, the Federal Government—

> The proposition that it has no such power is supported by the old argument often heard, often repeated, and in this court never assented to, that when a question of the power of Congress arises the advocate of the power must be able to place his finger on words which expressly grant it. The brief of counsel before us, though directed to the authority of that body to pass criminal laws, uses the same language. Because there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted. It destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—a difficulty which the instrument itself recognizes by conferring on Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly granted and all other powers vested in the Government or any branch of it by the Constitution.

The court adds:

> We know of no express authority to pass laws to punish theft or burglary of the Treasury of the United States. Is there, therefore, no power in the Congress to protect the Treasury by punishing such theft and burglary?
>
> Are the mails of the United States and the money carried in them to be left to the mercy of robbers and of thieves who may handle the mail because the Constitution contains no express words of power in Congress to enact laws for the punishment of those offenses? The principle, if sound, would abolish the entire criminal jurisdiction of the courts of the United States and the laws which confer that jurisdiction.

So, Mr. President, while the Government of the United States has the power to enact and enforce criminal laws to punish men who interfere with Federal elections, to punish men who prevent its voters from exercising their rights as American citizens, under the general powers given by the Constitution, yet the power to regulate the manner and mode in which elections shall be carried on is entirely distinct, and can rest on no other ground than paragraph 4 of Article I of the Constitution.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. CUMMINS. I would not want the Senator from Minnesota to misunderstand my position. He seems to differentiate it from the position of the Senator from Idaho [Mr. BORAH]. As I understood the argument of the Senator from Idaho, I was entirely in accord with him, and the paragraph just read, I think, exemplifies better than anything else could do the point made by the Senator from Idaho. It is true that the Government punishes theft under an inferential power, if you please, but would the Senator from Minnesota say that under the same power the Government had not the power to provide for post-office inspectors, for watchmen, and for every other sort of supervision and care that will prevent or would have a tendency to prevent the theft?

Mr. NELSON. That comes under the general power of establishing post offices and post roads.

Mr. CUMMINS. Precisely; and therefore under the same general powers with regard to the exercise of the right of suffrage, the Government has the power to appoint inspectors, to appoint supervisors, to appoint whatsoever instrumentalities are necessary to see to it that the laws of the United States or the rights guaranteed by the Constitution of the United States are not violated or invaded.

Mr. NELSON. That would be true under the Constitution as it is, but not as it will be if the joint resolution of the Senator from Idaho prevails.

Mr. CUMMINS. Therein I differ from the Senator from Minnesota.

Mr. NELSON. Let me read what the Supreme Court of the United States say on this very point.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. It is not quite correct to say "the joint resolution of the Senator from Idaho," but the joint resolution which came from the Judiciary Committee.

Mr. NELSON. The Tucker resolution of 1892. I read from the case of Ex parte Siebold, One hundredth United States Reports, page 383. The court say:

> The clause of the Constitution under which the power of Congress, as well as that of the State legislatures, to regulate the election of Senators and Representatives arises, is as follows: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. This relates to a matter that has been passed over, but it is in connection with what the Senator is now reading. I have endeavored to enumerate, and have the Senator's judgment upon the enumeration, as to whether or not it was correct, the powers which Congress can now exercise, under the provision of the Constitution in the regulation of the manner of the election of Representatives; and I asked the Senator's opinion as to whether the same powers would exist in case the Sutherland amendment were adopted, and we should have direct election of Senators by the people; to which the Senator has properly, I think, and logically assented.

In that enumeration I omitted one that I think very important. It relates directly to what would be the effect of the Sutherland amendment. That is the question before us.

I enumerated first the power to appoint registrars, to register the voters and determine who should register and who should not register. That is one. Second, the appointment of supervisors of elections; and, third, the appointment of judges of election. Fourth, the authorization, and not only authorization, but direction, that marshals and deputy marshals, under the orders of the district court, should be at the election to maintain the authority of these registrars, supervisors, and judges; and, if necessary, that these marshals and deputy marshals should be supported by the military force, to see that the orders of these Federal officers, supervisors, and judges of elections in the State should be properly carried out and their authority maintained.

I enumerated all that, and there can be no question, under the decisions of the Supreme Court, that all of that can be done now as to the election of Representatives, although I do not think there should be any such power, and if there is any such power in the election of Representatives, I do not wish to extend it to the election of Senators. There is one, however, which I omitted, and that is they would have the still further power to appoint a returning board—the board which would canvass the returns and determine who should be declared elected as a Senator from the State. So that we would have not only the registration of voters in the States for election for Senators, and the supervisors of election, and the judges of election, and the marshals and deputy marshals, and, if need be, the military force of the United States in supervising and controling the elections, but we would have further the provision that the ultimate decision as to who was elected as a Senator and sent to this body should be by the board appointed by the district court of the United States to canvas the returns and determine the result. Would not that also be included in one of the powers under the Sutherland amendment?

Mr. NELSON. The Senator does not state the question exactly as it is. The Sutherland amendment does not change the Constitution in any particular. It leaves it as it is. The enumeration that the Senator makes applies with force and with exact fullness to the election of Congressmen under the Constitution as it is.

Mr. BACON. I understand that.

Mr. NELSON. The only difference would be if we leave that paragraph of the Constitution untouched, leave it as it is, as it has existed since the foundation of the Government, it would place the election of United States Senators by direct vote of the people on the same basis as the election of Representatives in Congress by direct vote.

Mr. BACON. If the Senator will pardon me, I do not take issue with him on that at all—that is, as to the result.

Mr. NELSON. So it is hardly correct to charge this up to the Sutherland amendment. The Sutherland amendment simply aims to leave the Constitution unbroken. There is no "recall" about it at all.

Mr. BACON. I was about to say—I thought the Senator was through or I would not have interrupted him.

Mr. NELSON. I am quite willing. I am always glad to have the Senator interrupt me.

Mr. BACON. I know; but I did not wish to interrupt the Senator before he finished his statement; and I beg his pardon, having done so only under a misapprehension. The question as to whether or not there is a change, I can not now stop to argue, because it would take too long. I am speaking of the practical result. I think there would be a great change in the law. I will endeavor later to show why. But, leaving that out of the question, the question is the practical result. The Senator will, of course, recognize the fact, and all of us must recognize it, that if the Sutherland amendment is adopted the rule with regard to the election of Senators by the people will be exactly the same as is now the rule with reference to the election of Representatives by the people.

Mr. NELSON. Certainly.

Mr. BACON. There is no question about that; and the question whether or not it is a change it is not necessary to discuss for the purpose I have in view, which is to bring clearly to the attention of the Senate what will be the effect of the adoption of the Sutherland amendment, to wit, that it will put the control of the election of Senators under exactly the same power that there is now as to the election of Representatives; and I have enumerated what are those several powers. The Senator has agreed to it.

Mr. NELSON. The Senator is undoubtedly correct.

Mr. BACON. The Senator has agreed to those I have enumerated as being the powers which, under the decisions of the Supreme Court, the Congress of the United States can exercise through the enactment of law in the control of the election of Representatives; and, of course, if the Sutherland amendment is adopted exactly the same powers will exist as to the election of Senators by the people; and I wish to add the other, and one which, undoubtedly, under the decisions of the Supreme Court, would exist as to the election of Representatives, to wit, the power to enact into law not only that there shall be Federal registrars and Federal supervisors and Federal judges and deputy marshals and military force at the polls, but that after all that there shall be a Federal returning board to determine who has been elected.

Mr. NELSON. Now, all such things, if the Senator is through——

Mr. BACON. Yes.

Mr. NELSON. All such things are liable to occur in case we have a state of chaos, in case the Government is disorganized and lawlessness prevails; and it is as liable to occur in the North as in the South.

I am in favor of maintaining the vitality and integrity of the Federal Government in this particular, not because of past conditions in the South, but because of conditions that are likely to come and confront us in the North, and because I do not want the legislative department of the Federal Government placed at the mercy of the State legislatures.

Mr. SUTHERLAND. Mr. President——

Mr. NELSON. Without any regard to conditions in the Southern States, as a matter of self-preservation, for the welfare of the people of the Northern States as well as the South, I insist that this paragraph of the Constitution should remain intact and not be repealed or amended.

Mr. BACON. Mr. President, the Senator will pardon me for a moment?

The VICE PRESIDENT. To whom does the Senator from Minnesota yield?

Mr. NELSON. I yield first to the Senator from Georgia.

Mr. BACON. Only a moment. The Senator will certainly bear me out that I have not this morning said anything about any section. There has been no mention about the South, the North, the East, or the West.

Mr. NELSON. The Senator will pardon me if I did refer to the South.

Mr. BACON. That is all right.

Mr. NELSON. I did not do it in an un-Christian sense.

Mr. BACON. I want to say to the Senator, though, that there was a law upon the statute books which contained all of the powers I have enumerated except the power of returning boards, which they could have had and which was practically the same thing with judges of election, which they had. There was a law of that kind upon the statute books with relation to election of Representatives by the people. It remained on our statute books for 23 years, and it was not at a time of chaos or anarchy or disorder.

Mr. SUTHERLAND. Will the Senator from Minnesota allow me?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Yes.

Mr. SUTHERLAND. Will the Senator from Minnesota permit me to call his attention and that of the Senator from Georgia as well to the fact that the law to which he refers—namely, the enforcement act of 1870—was passed as much because of chaotic conditions in the city of New York and other of the large northern cities as it was because of conditions elsewhere. If the Senator will read the very voluminous report which was presented to the House by Mr. LAWRENCE he will find a recital of the conditions which prevailed in those great northern cities which, to my mind, made the passage of the law of 1870 not only a necessity but a patriotic duty upon the part of the Congress of the United States.

Mr. BACON. I understand what the Senator from Utah has just said to have been addressed to the Senator from Minnesota and not to myself, because I said nothing about either the cities of the North or the conditions in the South.

Mr. YOUNG. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. YOUNG. I should like to ask the Senator from Minnesota one or two plain questions. One is, Does the Sutherland amendment do otherwise than try to have Senators in Congress elected as Representatives are now elected? Is that the purpose of the Sutherland amendment?

Mr. NELSON. Yes. If the Sutherland amendment is adopted the balance of the joint resolution would merely transfer the election of United States Senators from the State legislatures to a direct vote of the people.

Mr. YOUNG. I believe the Senator from Minnesota does not understand my question.

Mr. NELSON. I fear I do not.

Mr. YOUNG. I will make it a little clearer. Is it the purpose of the Sutherland amendment to elect Senators in Congress as Representatives in Congress have heretofore been elected? Is that the purpose?

Mr. NELSON. The purpose and effect of adopting that amendment is just what I have stated. The only object of the Sutherland amendment is to leave that part of the Constitution which confers the ultimate regulative power upon Congress in respect to the election of both Congressmen and Senators untarnished and in full force and vigor as it has heretofore been.

Mr. YOUNG. I want to ask the Senator from Minnesota another question. Is there anything in the Sutherland amendment involving a conspiracy against the South?

Mr. NELSON. Not unless it may be regarded as a conspiracy to insist on maintaining the integrity of the Constitution as it is.

Mr. YOUNG. Another question. Does this give Congress or the Federal Government any additional control over the election boards and those concerned in elections—powers that such boards do not now have in regard to the election of Representatives in Congress?

Mr. NELSON. It does not change or increase the power of the Federal Government in the least. I want to say, however, to the Senator from Iowa that while the election laws to which reference has been made by the Senator from Georgia, involving marshals and registration boards, and so forth, were enacted during a period of more or less lawlessness in some sections, and the necessity was felt in some parts at the time for their enactment. These laws long ago became obsolete and have been repealed, and are not likely to be restored as long as peaceful and orderly methods of election prevail, as in recent years.

So long as voters are permitted to exercise the elective franchise for Federal offices freely and without intimidation, Congress will not intervene, but will leave the State legislatures to regulate the manner of holding elections. Congress will not intervene except when it becomes absolutely necessary, and as long as the States, no matter in what part of the country they may be, allow the people to exercise the elective franchise freely and without intimidation and restraint, Congress is not at all likely to return to the legislation of bygone periods. I for one do not believe in having such laws on the statute books except in case of urgent necessity.

Mr. YOUNG. I inferred from the inquiries propounded by the Senator from Georgia that something new and radical was about to be put into the Constitution which would disturb the peaceful relations of the South and be a new evidence that the war is not over, and I wanted to know if there was anything in the Sutherland amendment justifying these anticipations. I am anxious to see no new law put on the statute books that shall oppress the people, and I am especially anxious that Senators be made elective, as Representatives in Congress are now elected, if I can fully understand how this can be accomplished. The Senator from Georgia has mystified me considerably on the subject; hence I make these inquiries.

Mr. NELSON. I can tell the Senator——

Mr. BACON. Will the Senator pardon me for a moment?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Yes.

Mr. BACON. I am extremely mortified that I should have had such an unpleasant effect in what I have said upon the understanding of the Senator from Iowa. I just rise to say this: I have studiously avoided saying anything about any section. I have not mentioned the word "South" in the morning's debate. I have no desire to do so. On the contrary, I have every desire to avoid it. But the Senators seem determined that it shall be dragged in.

The Senator from Minnesota makes an application of it which I had not made and makes a direct reference to the question of conditions in the South, which I had not made. The Senator from Iowa says that what I have said has reference to it. I have not mentioned anything of the sort and I will now forbear, unless Senators insist upon it. But if they do insist upon it we can have something to say about the South, and a good deal. We do not desire to say it, and have studiously avoided any reference to it, and yet Senators seem to think that it should be said and are determined that it shall be said.

I will wait now, Mr. President, to see whether the Senators still further insist that this shall be made a sectional question.

Mr. CLARK of Wyoming. Mr. President, with the permission of the Senator from Minnesota, I should like to ask the Senator from Georgia a question.

Mr. NELSON. I yield.

Mr. CLARK of Wyoming. I should like to ask the Senator from Georgia a question as to his views upon the particular point under discussion.

I gathered from the Senator's statement that he believes the adoption of the Sutherland amendment would create a greater or a different power in Congress over the election of Senators by the people than now exists over the election of Representatives in Congress. Am I right in that assumption of the Senator's views?

Mr. BACON. Mr. President, I have been certainly very unfortunate this morning. I have mystified the Senator from Iowa [Mr. YOUNG], and my learned and distinguished friend from Wyoming [Mr. CLARK] has utterly and entirely misunderstood me. So far from that being the case——

Mr. CLARK of Wyoming. The Senator's statement——

Mr. BACON. I hope the Senator will let me finish the sentence. So far from that being the case, I have endeavored, as emphatically as I could, to present the proposition that it would put the election of Senators, if they were held by direct vote of the people, under exactly the same law that now obtains as to the election of Representatives; and that is the particular thing I object to. So far from it being a different one, the thing I object to is it will be the same.

Mr. CLARK of Wyoming. The Senator from Georgia did not mystify the Senator from Wyoming, but the Senator from Wyoming thought perhaps he misunderstood the Senator from Georgia.

Mr. BACON. No.

Mr. CLARK of Wyoming. Now, having the clear position of the Senator from Georgia, that the Sutherland amendment gives Congress the reserve right over the election of Senators by the people to the same degree that it has over the election of Members of the House of Representatives, I understand the position of the Senator to be that that ought not to occur.

Mr. BACON. I do most distinctly, and I will not trespass upon——

Mr. CLARK of Wyoming. I suppose the Senator will later give us his reasons on that.

Mr. BACON. I will endeavor to do so, provided the Sutherland amendment is adopted. If the Sutherland amendment is adopted, I will have something to say. If it is not——

Mr. CLARK of Wyoming. I hope the Senator will give us his reasons anyway, because we would be delighted to hear them.

Mr. BACON. I have been trying to indicate already in the running debate that I shall not occupy the Senate with anything like an argument on the question if the Sutherland amendment is not adopted. If the Sutherland amendment is not adopted, I shall vote for the resolution as it came from the committee. If the Sutherland amendment is adopted, and the radical change is made which that would involve, I shall endeavor to give the Senate some reasons why I will not vote for it.

Mr. NELSON. Mr. President, what is the condition we are in in respect to this joint resolution? The Senator from Idaho [Mr. BORAH], who is most zealous in securing the right of electing Senators by the people, comes to us and, in substance, says, "You can have the privilege of transferring the power of electing Senators from the legislature to the people, but you must agree to 'recall' a part of the Constitution of the United States that has existed from the very beginning of the Government. You must relinquish all ultimate regulative power on the part of Congress and confer it exclusively upon the States. If you will agree to that you can have the blessed privilege of securing this constitutional amendment."

I beg leave in this connection to quote from Justice Woods, of the circuit court, afterwards of the Supreme Court of the United States, from the case found in Third Woods, Circuit Court Reports, pages 196 and 197, the case of the United States against Goldman. The judge states the principle involved so clearly and forcibly that I ask the indulgence of the Senate while I read it:

> Section 4 of Article I, in effect, declares that the Congress may at any time, by law, make regulations prescribing the time, place, and manner of holding elections for Senators and Representatives, except as to the places of choosing Senators.
>
> The purpose—

I call the attention of Senators to this—

> The purpose of conferring this power upon Congress was that the country might not be in danger of having no Congress through the indifference of the States or their hostility to the General Government.
>
> It was to place it out of the power of the States to prevent the election of a Congress by obstructive laws or in any other way. The ultimate right of regulating the time, place, and manner of choosing Representatives, and the time and manner of choosing Senators was therefore given to Congress, so that it might always be within the power of Congress to secure the election of a Senate and House of Representatives. (Story on the Constitution, sec. 817.)
>
> The clause of the Constitution under consideration does not confer rights or privileges upon the individual citizen.

I call the attention of the Senator from Georgia to that:

> The clause of the Constitution under consideration does not confer rights or privileges upon the individual citizen. It is a clause framed to secure the existence of the Government itself, and was made in the interest of all the people of all the States.
>
> Such being the object and scope, what is the power granted by it? It authorizes Congress to regulate the time, place, and manner of choosing Representatives in Congress. The terms "time and place" need no commentary. What is meant by the words "manner of holding elections?" An election is not simply the depositing of a ballot in a box. If the elector is forced to vote a certain ballot against his will it is not an election so far as he is concerned, and equally so if he is prevented by violence from voting at all. An election is the expression of the free and untrammeled choice of the electors. There must be a choice and the expression of it to constitute an election. Under our American Constitution an election implies a free interchange and comparison of views on the part of the people who are voters, and finally an independent expression of choice. Any interference with the right of the elector to make up his mind how he shall vote is as much an interference with his right to vote as if he were prevented from depositing his ballot in the ballot box after he had made up his mind.

Mr. President, another branch of the argument against the Sutherland amendment is that because each House of Congress has the right to pass upon the returns, the election, and the qualification of its Members, therefore there could be no harm in eliminating paragraph 1 of section 4 of Article I from the Constitution.

Mr. President, the paragraphs of the Constitution in reference to the qualifications of Senators, and the right of each House to pass upon the election, returns, and qualifications of its Members relates only to the question of whether a Senator is qualified and has been duly elected. It has no bearing on the question of protecting the voter in the exercise of the elective franchise. It has no relevancy on the question of providing the necessary machinery for securing a free and fair election. It

has nothing to do with the matter of regulating elections or the manner in which they are to be conducted.

Mr. President, the framers of the Constitution exhibited no greater wisdom in any part of the Constitution than in this portion that is sought to be eliminated by the pending joint resolution. As Alexander Hamilton, in his three papers in the Federalist, has well said, paragraph 1, section 4, Article I of the Constitution pertains to the integrity, the vitality, and the existence of the Federal Government; and it would be a crime for us to shackle our Federal Government and place it at the mercy and control of the State legislatures by repealing this paragraph.

At present peace prevails throughout our country. The laws are enforced North and South. There is no trouble at present anywhere; there is no occasion for Federal interference; but the time may come in the distant future—and it is as liable to come in our part of the country as anywhere else—when it will be necessary for the Federal Government to intervene in respect to Federal elections in order to maintain its integrity, its vitality and existence. To strip the Government of all power, tie it hand and foot, and place it at the mercy of the States is a reform that the people of this country, I am satisfied, will spurn. If the people of the country are given to understand the true nature of this joint resolution and that they are merely afforded an opportunity to vote directly for Senators upon the condition of divesting Congress of all regulative control over the election of Senators, and conferring such control exclusively on the State legislatures, they will certainly see to it that such an amendment to the Constitution is not ratified. There is not an elector who has the welfare of the Federal Government at heart who would not spurn such a constitutional amendment.

We should be slow, Mr. President, to change any important paragraph of the Constitution. We are justified in transferring the election of Senators from the legislature to the people because the people have asked it, because the people in adopting primary laws, in passing resolutions at State and legislative conventions, have clearly indicated their intense desire to have such an amendment adopted.

But there is no justification, no call, no demand for destroying other vital parts of the Constitution, and while I have always, from the time I have had anything to do with Federal legislation, been heartily in favor of conferring upon the people the right to elect their Senators by a popular vote instead of leaving it with the legislature, yet I will never consent to make the change if it is to be conditioned on relinquishing all power of regulating elections on the part of the Federal Government and placing that power wholly and entirely in the control of the State legislatures, thus placing the legislative department of the Federal Government entirely at the mercy of the States.

I trust Senators will look at this question not from an "uplift" standpoint, not from the standpoint of the "recall," but from the standpoint of the welfare of the entire American people, and look at it from the standpoint of what is likely to occur in the distant future when the strain upon our Government will become greater than it has ever been in the past. The historian Macaulay, in his History of England, says in one place—I can not quote his language exactly, but the substance is this—that the people of America have a large area of fertile, wild, and untilled land where the congested population in the large cities and industrial centers can go in time of stress and lack of work to secure homes and a living for themselves and their families, and as long as this condition exists there will be smooth sailing for the Republic and it will be no difficult thing to enforce the rule of republican institutions; but when the country becomes overpopulated, like portions of Europe, when the cities and industrial centers become congested, when men are idle and can secure no work and there is no more cheap land or new country to occupy and develop, then will come the real strain upon republican institutions. And that day will come. It will not be in my day. It may not come in the day of any of the Senators here. But the time will come when the United States of America will be as densely populated as some of the most densely populated portions of the Old World, and then the stress and the strain will come upon this Government, State and Federal, as never before except in the Civil War. When that day arrives it will be well to have our Federal Government equipped with all the powers the fathers of the Republic, the framers of the Constitution, equipped it with instead of having it stripped of some of its most vital powers, as would be the case if the Sutherland amendment is not adopted.

Mr. BACON. Before the Senator takes his seat, or before he passes from that particular part of his remarks, I should like to make an inquiry of him.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly. I want to say to the Senator that for his kindness in giving me a little time when I was urged to proceed the other night I feel like giving him all my time.

Mr. BACON. I thought it a courtesy due to the Senator. I do not criticize those who thought otherwise, but I was very glad to endeavor to give the Senator the opportunity which he has so well utilized this morning.

The question I want to ask the Senator is this: Does the Senator regard that it is any more important that the Federal Government should have the power to regulate in all its details the election of a Senator by the people, because the power to regulate in all its details is what the Sutherland amendment means—does he regard it any more important that the Federal Government should have the power to regulate in all its details the election of a Senator, if such election is by a direct vote of the people, than that the Federal Government should have the power to regulate in all its details the election of a President of the United States?

Mr. NELSON. That is a different question. I should certainly think the Government ought to have something to say on that question.

Mr. BACON. Very well. The Senator must recognize the fact that in the election of a President of the United States the Federal Government has not the power to regulate the manner of the election, so far as the question of voting at the polls is concerned. The Senator has said that we have an unwritten amendment to the Constitution by which the President is elected by a direct vote of the people now.

Mr. NELSON. In that case there is not an election by a direct vote of the people, but indirectly, as I have suggested.

Mr. BACON. Exactly; but still that is the effect of it, and the Senator has contended that it should remain so. The Federal Government has not the power now to regulate the citizens when they go to the ballot box for the purpose of electing those officers who will select a Senator, but the Federal Government will have, under the Sutherland amendment, if the resolution is adopted, and if it should be ratified by three-fourths of the States and become a law, the right to control the citizen in his exercise of the right of suffrage when he went to vote for a Senator. If that is to be extended in the case of a Senator, I suppose the Senator would advocate an additional amendment to the Constitution requiring a direct vote of the people in the election of a President, with control of the election by Congress.

Mr. NELSON. It does not extend the power at all as to Senators. It leaves the power as it now is.

Mr. BACON. I will not discuss that proposition now. I pretermit that to a later day. It undoubtedly, in practical effect, does in effect make a change, because the election at the polls now which ultimately results in the election of a Senator is not subject to the control of Congress, and if the law should be so changed that we should have a direct vote under the present provisions of the Constitution, if you please, which is the effect of the Sutherland amendment, the Federal Government would then have the power to control the manner in which that should be held.

But that is not the question I want to discuss now. The point I am bringing the Senator to is this: The Senator is perfectly content, I assume, that the election for President of the United States should remain as it is now.

Mr. NELSON. Certainly.

Mr. BACON. Very well. Under the present system the Senator's own statement is that the practical effect is that the election is by the people, and yet under the system now in vogue the Federal Government has no power to control the manner of the election or to prescribe any of the details of it.

Now, if the Senator will pardon me, I will make myself entirely clear in stating the proposition. The Senator has stated the fact that practically the election of President is now by direct vote of the people in each State, and he is certainly correct in that. He went even to the extent of saying it is a practice so settled, so immutable, that it amounts to an unwritten amendment to the Constitution of the United States.

It is perfectly safe, according to the view of the people of the United States in the adoption of that unwritten amendment, having the exercise of the power under an unwritten amendment, to conduct the election of President of the United States without any possibility of Congress interfering in any manner to regulate the manner in which the votes shall be cast.

Of course, the only legitimate conclusion from the Senator's argument is that following the amendment to elect Senators by the people with power in Congress to control the same, we must

have another amendment of the Constitution which shall dispense with the election of President as we now have it, and give us an election of President by direct vote in each State, and of course with power in Congress to pass laws to supervise that election, which they now have not the power to do.

Mr. CARTER. Mr. President, will the Senator yield to me a moment.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly.

Mr. CARTER. I submit to the Senator from Georgia that his proposition that the Federal Government can have nought whatever so say about the manner of conducting the election of electors is a conclusion deduced from the constitutional phraseology relating to electors alone. The Senator will recall the fact that the Constitution vests in Congress the power to fix the time at which the presidential electors shall be chosen and to prescribe the day upon which they shall meet and cast their votes for President and Vice President of the United States. This power to fix the time enables the Congress to prescribe the same day for the voting for presidential electors and Members of the House of Representatives. That has always been done.

So the power that regulates the election of Representatives in Congress of necessity regulates the casting of votes, the counting of votes, if need be, the registration of the voters; and when registered and cast and counted freely and without restraint, fraud, or violence to interfere for the Member of Congress, the right is, of course, exercised in the same manner as to the presidential electors.

Mr. BORAH. Suppose that the legislature of a State should provide that presidential electors should be appointed by the legislature of that State, which they may do——

Mr. NELSON. They may do it under the Constitution as it is.

Mr. BACON. Of course they can.

Mr. BORAH. And they have done so.

Mr. BACON. Yes.

Mr. CARTER. That could be done.

Mr. BORAH. What would be the pertinency of the Senator's suggestion then?

Mr. CARTER. That in practical operation from the beginning the same power that regulates the election of an elector regulates the election of Members of Congress. I concede that the State might provide that the legislature should choose the electors.

Mr. BACON. With the permission of the Senator from Minnesota, I wish to say to the Senator from Montana that there have been States which did elect their electors in that way. If I recollect aright, the State of South Carolina elected its presidential electors up to the time of the Civil War by its legislature.

But there is still a more direct answer to the Senator from Montana. The Senator's argument is that with the power in Congress to prescribe the day upon which the electors shall be elected, and the power in the Congress also to prescribe the day on which the Representatives shall be elected, by prescribing the same day in each case necessarily the control which they exercise over the election in the case of Representatives would extend to the case of the election over the presidential electors. That is the Senator's argument.

Mr. President, it is perfectly competent for the State to have two elections on the same day and prescribe that, apart from the election of Representatives, the voters for presidential electors shall vote in a different house and in a different box altogether, and under a different registration and under a different supervision in every particular. There is no possible ground upon which the argument of the Senator can rest.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SUTHERLAND. As I understand the inquiry of the Senator from Georgia, it is why should the Constitution make a difference as between the election or appointment of electors for President and the election of Representatives?

Mr. BACON. No; the Senator has not correctly stated it.

Mr. SUTHERLAND. What is the Senator's inquiry, then?

Mr. BACON. I was replying to what the Senator from Minnesota had said, drawing the contrast, according to his own statement, between the effect of the law in the election of President from the effect of it in the election of Representatives. Of course, it is conceded that in one case it is a State officer and in the other it is not. The elector is a State officer and the Representative is not a State officer. The question, as phrased by the Senator from Utah, is one, of course, very easily answered, but that was not my question. My question was this; The Senator from Minnesota had presented a very earnest and strong argument in support of the proposition that it was essential to the safety of the Government, essential to the interest and the welfare of the people at large all over the United States, that the election of a Senator, if it was by direct vote of the people, should be under the control of the Federal Government if the necessity, in the opinion of Congress, should arise for that to be.

The Senator had previously said that we had an unwritten amendment of the Constitution under which the President of the United States is now in effect not elected by presidential electors, but, in practical effect, elected by a direct vote of the people in each State. I had simply replied to see whether or not the latter, the other branch of the argument of the Senator from Minnesota, was one founded in great necessity. If it be true that a direct vote of the people for the President under State control is now practically the law under an unwritten constitution, and the people are content with it and safe with it, why should they not be safe and content with it if we had an election of Senators by a direct vote of the people also under State control. The effect is the President is now elected by a direct vote of the people with no power in the Federal Government to supervise the election.

Mr. SMITH of Michigan. But they may fix the time.

Mr. BACON. Of course, but that is a minor matter, and not the manner.

Mr. SMITH of Michigan. And the time is stricken out of the Constitution.

Mr. BACON. Not the manner.

Mr. SMITH of Michigan. But the time is very essential to uniformity.

Mr. BACON. The Senator wants the time; I am perfectly willing that the Federal Government should fix the time of the election, but not the manner.

Mr. NELSON. If the Senator from Georgia will allow me, the case he puts is not a parallel case. The manner of electing presidential electors, if the Senator will refer to the Constitution he will see is put on the same ground as electing members of the legislature.

Mr. BACON. Of course.

Mr. NELSON. Members of the legislature are elected under the present system by the State governments, and under the Constitution as it reads to-day the States elect presidential electors the same as they do the members of the legislature and Congress. The Constitution leaves the election of the electors untrammeled and free, just as the election of members of the legislature. Here is the language of the Constitution:

> Each State shall appoint, in such manner as the legislature thereof may direct—

The Senator is correct; the State of South Carolina before the Civil War did select, if I recall it, their presidential electors by the legislature.

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

Mr. BACON. Mr. President——

Mr. NELSON. Then in this connection let me read the following:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Now, in reference to presidential electors the situation is exactly the same as with reference to the election of members of the legislature. Under the present system the Federal Government does not interfere with the election of members of the legislature; it does not interfere with the manner of the election of the electors; but you propose now to change the system of electing Senators from an election by the legislature to a vote by the people. If you proposed the same change in respect to the election of President by a direct vote of the people, instead of through the instrumentality of electors, you would be confronted with the same question as in the case of Senators.

Mr. BACON. Mr. President, if the Senator will pardon me——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and to whom?

Mr. NELSON. I will be glad to yield to both Senators.

Mr. BACON. I wish only to answer what the Senator said in reply to what I said, if the Senator from Utah will pardon me.

Mr. SUTHERLAND. Will the Senator permit me to supplement what I said with a few words? It will take only a moment.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SUTHERLAND. I call the attention of the Senator from Minnesota to the further fact that under the Constitution Congress is given the power to regulate the manner in which the members of the legislature shall discharge their duty. They become the electors of the Senators. But the Constitution with reference to the electors of the President retains the provisions as to the manner in which those electors shall discharge their duty. So the Constitution amply provides for regulating the manner in which the ultimate electors for Representatives, Senators, and the President shall be elected. It carries the same scheme all the way through.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. The manner of selecting the electors in the first instance is under the control of the State legislature.

Mr. SUTHERLAND. Precisely. It is under the control of the State, under the control of the legislature, just as the election of members of the legislature is under the control of the State, or under the control of the legislature, which acts for the State in such a matter. But the thing I am calling attention to is that the Constitution itself provides ample power for the Federal Government regulating the manner in which the electors of these various officers shall discharge their duty. In the case of the Representatives it is the people who elect; they are the electors. So Congress regulates the manner in which they shall discharge their duty. In the case of Senators it is the legislature who constitute the electors, and Congress may regulate the manner in which they shall discharge their duty. In the case of the President it is the electors provided for in the Constitution who elect the President, and the Constitution itself regulates the manner in which those electors shall discharge their duty.

Mr. BACON. Mr. President, if the Senator will permit me, I do not think any of us are entirely ignorant or uninformed as to what the law now is as to how a member of the legislature is elected or how a presidential elector is elected, but the question that I wanted to hear answered from my distinguished friend from Minnesota [Mr. NELSON] was this: The proposition now is to change the constitutional provision with reference to the manner of the election of a Senator so as to vest it in the people direct, to be voted for by them, and the contention of the Senator is that if vested in the people it would be unsafe to let the people exercise that right in any other way than they now exercise it in the case of a Representative. That is the contention of the Senator, and he argues that with great earnestness and force.

The Senator has said that we have had 15 amendments to the Constitution in the formal way; that we have got 2 others which were informal, but are practically as binding as if they had been thus formally enacted, adopted, and ratified; and one of them that, whereas under the Constitution electors were to be elected, and they were to exercise the free choice in the selection of some one as a President, yet by the unwritten amendment, which is universally recognized and as much in force as if it had been formally adopted, that has been done away with, and now, by the universal consent of the people to this unwritten amendment, the President of the United States is practically elected by direct vote of the people in each State, under which unwritten amendment there is no possibility of the Federal Government exercising any influence or any control as to the manner in which that direct vote shall be cast. Now, the question that I ask the Senator is this: If under the unwritten amendment, which is thus of force and thus universally recognized, it is safe for the electors to go to the ballot box and vote without Federal supervision, why is it necessary, if we make a similar change in a written and formal amendment as to the election of Senators, that there should be that Federal control and supervision? Why in the one case any more than in the other?

Mr. NELSON. Mr. President, I find it difficult to comprehend the drift of the Senator's question. The same argument applies to this proposition to transfer the election of Senators from the legislatures to the people. As a matter of fact, in the Senator's own State—I think by the primary law—the people have assumed that right, and determine at popular elections who is to be the Senator, and the members of the legislature adhere to that choice. It is the same in many other States. But now it is proposed to ratify that power and to change the mode of electing Senators by the State legislatures to a direct vote of the people.

The Constitution puts the election of presidential electors on a parity with the election of members of the legislature—that is, it leaves the States to prescribe the manner in which a member of the legislature and a presidential elector shall be elected or appointed; but when so elected or appointed that presidential elector exercises his function conformably to the Constitution and laws of the United States which prescribes the time not only when he is to be chosen but the time when he casts his vote. We have a federal statute, supplementing the Constitution, prescribing the manner in which these electors shall cast their votes. They meet at their State capitals and vote by ballot. A record is kept and that record is certified and sent here to the President of the Senate. That is covered by the twelfth amendment to the Constitution. I call the attention of the Senator from Georgia to Article XII of the amendments to the Constitution. That article reads:

> The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

That prescribes the whole modus operandi; it lays down the entire rule and regulation in respect to this matter, except the mere election of the electors, and that is left to the State, as it is in the case of the members of the legislature. There is no analogy in the point the Senator put between this case and the case of the election of a Senator by the popular vote of the people.

Mr. BACON. Mr. President, if the Senator will permit me, I will ask him the question in a little different shape. According to the statement of the Senator—and a very correct statement—there has been an unwritten amendment of the Constitution agreed to by the people of the United States, under which the people in each State now, in practical effect, vote directly for President, and the electors are the mere conduit pipes to bring that vote here to be counted. That system has been in operation ever since he and I can recollect; it has been practically the law of this land for over a half a century, as much so as if it were written in the Constitution. Now, I want to ask the Senator this question: Suppose it should be deemed important, not simply to have it an unwritten law, but to frame an amendment to the Constitution which would do away with the electors and give the people of each State the right to vote directly for President in that State, would the Senator deem it absolutely essential to prescribe in that case that Congress shall have the right of supervision over those who cast the votes at that election?

Mr. NELSON. That question has not arisen and is not involved in this case. Different conditions might prevail in reference to the election of a President.

Mr. BACON. Well, I want to know if the Senator is satisfied with the electoral conditions as they now exist in the election of President of the United States?

Mr. NELSON. I am quite content with conditions as they now exist.

Mr. BACON. As to the election of President of the United States?

Mr. NELSON. Yes.

Mr. BACON. Very well; now, if the proposition——

Mr. NELSON. What I meant by my statement in reference to the election of President was, that though still operating through the form of presidential electors, in the matter of the election of President, the people have nevertheless to a large extent taken the bit into their own mouths, and really exercise a direct influence on the subject.

Mr. BACON. Yes.

Mr. NELSON. Just as they do in the matter of the election of Senators. I called that an unwritten amendment, though perhaps not accurately.

Mr. BACON. Yes; I think quite accurately; and under that unwritten amendment the people are now electing a President of the United States practically by direct vote of the people, with no power in Congress to supervise that election.

Mr. NELSON. There is no proposition to change the Constitution in that respect. When such proposition comes before the Senate, if I am a Member of it, and it is accompanied with

a proposition to divest the Federal Government of all control in respect to the election of President, I will be ready to meet that question, but it is not before us in the joint resolution which is now pending before the Senate.

Mr. HEYBURN. Mr. President, I rise merely to call attention to a fact which some Senators seem to me to have overlooked, a provision in the Constitution which distinctly gives to Congress the power to regulate the election of electors, and that is the second paragraph of the fourteenth amendment. It gives Congress the power to enforce the right of the citizens of the United States to vote for presidential electors according to law and in express terms. That is an element of control that is as far-reaching as any other provision in the Constitution respecting the right of Congress to prescribe the qualifications of the voter for electors. It fixes the penalty; it provides that no State shall deprive the qualified voters of the right to vote for electors. The fact that it is not involved in the consideration of this joint resolution does not militate against its force as an argument that the Constitution has given to Congress the right to exercise a prescribed power. It says that no State shall prevent a citizen possessing the qualifications enumerated in section 2 of the fourteenth amendment from an equal right to participate in the election of presidential electors and members of the legislature. See how far that may go and to what extent Congress may exercise power under that amendment. That is the equivalent of the exercise of the power involved in the joint resolution under consideration. It prescribes a penalty, not optional, but arbitrary. I have been listening for some Senator to call attention to it, but it has not been done, and I merely wished to refer to it, not desiring further, unless necessary, to participate in the discussion of the question.

Mr. NELSON. The Senator is apparently correct. The provisions of the twelfth amendment——

Mr. HEYBURN. Section 2 of the fourteenth amendment.

Mr. NELSON. The twelfth amendment and the provision to which the Senator refers, section 2 of Article XIV——

Mr. HEYBURN. They are to be read together.

Mr. NELSON. They are to read together; and they clearly give the Federal Government the control over the election of electors.

Mr. HEYBURN. The General Government could declare an election void under its general power. While the penalty prescribed refers only to the representation in Congress, yet it recognizes the right of Congress to enforce its own laws.

Mr. NELSON. While all that is true, Mr. President, the discussion has proceeded recently on what might be termed academic lines. It has had reference to what would be the status of the case in respect to the election of a President and what we ought to do in that case. The Senator from Idaho [Mr. HEYBURN] has stated that proposition clearly. Taking the three provisions of the Constitution together—and I have quoted those provisions—the provisions of Article II of the Constitution, relating to the election of the President, the provisions of the twelfth amendment, and the provisions of the second section of the fourteenth amendment, these constitutional provisions all combined give the Federal Government as complete control over the election of the electors as it now has over the election of Representatives and Senators.

Mr. HEYBURN. Mr. President, if the Senator will permit me——

Mr. NELSON. I will yield the floor to the Senator.

Mr. HEYBURN. I should like, while the Senator has the floor, to make this suggestion as carrying the principle into the question under consideration: It is provided in express terms in the same amendment and in the same section that the Congress can have the same supervision over the election of members of the legislature in a State. The hand of Congress may reach down as far as the legislature to enforce a fair election.

Mr. NELSON. There is no doubt about that.

Mr. HEYBURN. I state the two propositions, because I want the first to apply as an answer to the question in regard to presidential electors, and I want the second to apply to the question of United States Senators, because the reason of the amendment was to protect the purity and the fairness of elections for members of the legislature, not because of the duties they had to perform in the State, but because of the duty that they had to perform in electing United States Senators.

Mr. NELSON. Mr. President, the same rule—and I am greatly obliged to the Senator from Idaho who has made the matter perfectly clear, much clearer than I could have done—the same rule applies practically to the election of presidential electors as to the election of members of the legislature.

Mr. HEYBURN. And incidentally to the election of Senators.

Mr. NELSON. It is under the fourteenth amendment and the other provisions of the Constitution which I have quoted that the Congress of the United States still has the ultimate regulative power. Mr. President, I have already occupied much more time than I intended at the outset, but this has been largely owing to the many most instructive and suggestive questions that have been from time to time propounded to me. I will conclude by again stating that while I am heartily in favor of amending the Constitution so as to provide for the election of United States Senators by a direct vote of the people, I am unwilling to have the granting of such an amendment coupled with the condition that the Federal Government shall relinquish all control over Federal elections, and shall be bound hand and foot and be placed at the mercy of the State legislatures. I would not want the members of the State legislatures in the matter of their election subject to the control of the Federal Government; neither do I want the legislative department of the Federal Government, or any branch of it, subrogated to the exclusive regulation and control of the legislatures of the States. The legislative department of each government—Federal and State—should be left entirely free and independent within its own orbit. This is the vital principle of our dual system of government, and the maintenance of this principle is essential to our continued existence and prosperity as a Nation. The people are as anxious to maintain the integrity of the National Government as their State governments, and they have no desire to place the National Legislature at the mercy of the State legislatures. I append a copy of the joint resolution to my remarks:

Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. SUTHERLAND], on which the yeas and nays have been ordered.

Mr. HEYBURN. I had understood that the Senator from North Dakota [Mr. MCCUMBER] desired to speak at this time. We are not yet ready for the yeas and nays on this matter.

Mr. BORAH. Mr. President, we will either have the yeas and nays or somebody will speak.

Mr. HEYBURN. Mr. President, that is one of those statements that perhaps had not been thought over before making.

Mr. BORAH. No, sir; I have thought it over carefully.

Mr. CARTER. Mr. President——

Mr. HEYBURN. I have the floor.

The PRESIDING OFFICER. The senior Senator from Idaho is entitled to the floor. Does he yield to the Senator from Montana?

Mr. CARTER. I ask if the Senator will permit me an interruption?

Mr. HEYBURN. Certainly.

Mr. CARTER. I think it is quite clear that a vote can not be reached between now and the hour of 2.30, when a special order will obtain, yet it is desirable that a vote be taken on the pending amendment at some time of which Senators will be advised somewhat in advance. I therefore suggest to the Senator from Idaho [Mr. BORAH], in charge of the joint resolution, inasmuch as the time is well disposed of for to-morrow and the day following, that he now ask—or, if he does not care to make the request, I will prefer the request—that a vote be taken on the Sutherland amendment at, say, 4 o'clock on Thursday afternoon. I present that with the permission of the Senator.

Mr. BORAH. Mr. President, I prefer that the Senator from Montana would permit those in charge of the joint resolution to make these suggestions.

Mr. CARTER. I suggested to the Senator that he prefer the request; or, if not, that I would be glad to prefer it. I withdraw the request for unanimous consent, Mr. President.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes; for a limited purpose.

Mr. BORAH. Mr. President, I desire to proceed with this matter at all times when we can proceed with it when we are not disposing of other business which has precedence. I think we can dispose of this subject to-morrow after the other matters of which notice has been given for the day have been disposed of. For that reason I do not think it is proper that we should delay a vote until Thursday. There is a vast amount of other business that ought to be attended to, and if we could dispose of the pending joint resolution a day previous to that we ought to do so.

Mr. CARTER. Very well, Mr. President, I have withdrawn the request.

Mr. HEYBURN. Mr. President, inasmuch as there seems to be nothing before the Senate except the senior Senator from Idaho, no suggestion having been made by the junior Senator from Idaho [Mr. BORAH] except that it might be well to do something, we shall have to proceed with the consideration of this measure. I do not know whether my colleague desires to ask for unanimous consent or not.

Mr. BORAH. I wish to proceed to a vote if there is no one who desires to discuss the question. If there is anyone who wishes legitimately to discuss it who has not had an opportunity to do so and will say so, then another consideration arises.

Mr. HEYBURN. Mr. President, that implies that a Senator must have the permission or approval of the junior Senator from Idaho. While we are considering a proposed amendment to the Constitution of the United States, I do not think there is any proposition before the Senate to amend the rules of this body. I have not heard it mentioned.

Mr. President, this great question is being rushed along as though it were a proposition before a township meeting, and one in which only the present generation or the existing office-holders were interested. The generations that have gone before us may not be interested in it, but the generations that live to-day and those that are to live hereafter have a vital interest in it. We are bound to consider it from the standpoint of to-day and to-morrow and forever, because when the Constitution is changed we can not contemplate that it will be changed again or returned to the existing status. So that it becomes a matter of such grave import that I am not at all deterred from occupying the time of this body by the urgency of haste.

The days of the week and the weeks and the months of the year have no terror for me. There is no measure pending of equal importance. If we are going to begin undermining the fundamental law of the land by adopting the joint resolution under consideration to-morrow, the suggestion made by the Senator from Georgia [Mr. BACON] in regard to presidential electors will probably be before us, and on another day other proposals of change will confront us or those who follow us, and the error of to-day, should we commit an error, will be cited in justification of the proposed changes.

Whenever you make it easy to change the Constitution, whenever the country is educated to the belief that it is a matter of minor importance, then the whole Constitution is in danger. You will next be confronted with the proposition that about seven States have already made, that we call a constitutional convention and open the door for the reconsideration of the wisdom of our fathers and the experience of a century and a quarter. That will be the next. That is the question of the hour.

We are being admonished that the States have demanded that the change be made. Well, the States have no right to make a demand except in the manner prescribed by the Constitution. A Senate that would assume to act upon an irregular or an unauthorized demand for a change in the Constitution would be unworthy to exist. Article V of the Constitution, that prescribes the manner in which the Constitution shall be amended, is the absolute rule of action that can not be varied from. If we were to vary from it in the interest of convenience we would be untrue to our oaths of office and unworthy to sit as Members of this body. When that article says that Congress, upon the request of a certain number of States, shall call a constitutional convention, that is what it means, and it does not authorize action in any other direction than that named in the Constitution. When the Constitution says that Congress may of its own motion submit an amendment to the Constitution to the legislatures of the States, it does not mean that Congress may call a constitutional convention. There is no more important question than that of keeping these two paths marked out for us utterly and absolutely distinct. You can not merge them. One of them has nothing to do with the other.

When a constitutional convention is called the result of such a convention is submitted to the people and not to the legislatures. When Congress submits an amendment, it goes to the legislatures and not to the people.

Mr. President, a few days since I called attention to the question that was before the Senate, and we, just as a court in the trial of a case, must keep the real question before us, because our responsibility is as to that issue and no other. It would be difficult to tell sometimes for those who might be listening to this debate whether we were going to amend the Constitution by a vote of the people or whether we were going to amend it by a vote of the legislatures of the States. You can not confuse them; they are distinct, just as distinct as the first and the fifteenth or any other two amendments to the Constitution.

I have no sympathy with this plea for haste. I am not in a hurry to amend the Constitution of the United States, and the people have not been in a hurry and are not to-day. I mean the thinking conservative people of the United States. I do not mean the handful of people who gather on the street corner and who have in view some gain that may come to them by amending this great Charter. I do not refer to the 112 or the 120 men who may be elected to a legislature. Their views are worth no more than are those of an equal number of men who are not elected to a legislature upon the action of the Senate in sending down to them a proposal to amend the Constitution of the United States. They are merely individuals in the legislature except when they act in pursuance of the provisions and powers which the Constitution makes on their behalf.

Do the people of the United States want to amend the Constitution on their own responsibility or do they want to amend it on the responsibility of the Congress of the United States and the legislatures? One of the grounds most seriously insisted on is that the legislature is not a fit tribunal to elect Senators and therefore that the duty should be vested in the people who make the legislatures—that is one of the arguments—that the legislatures are not fit; that they are not to be trusted; and yet you propose to intrust them with passing upon the work proposed to be done under this joint resolution. Are they better equipped, more to be trusted, in determining whether or not they will amend the Constitution than they are to be trusted in selecting a Senator? There is not in the lifetime of any legislature a duty of responsibility equal to that of passing upon an amendment to the Constitution.

Mr. President, no legislature in the United States has been called upon to exercise so high a duty in half a century, and none had been called upon to exercise so high or responsible a duty in the 50 years that preceded that period. The amendments that were submitted at the close of the war were amendments deemed in that hour to be absolutely necessary in the light of new conditions that had come about. They were not amendments intended to enable juggling over a seat in this body to be made easy or more convenient. They were amendments that in that evil hour seemed to the people necessary as a basis of the reorganization of the disrupted conditions that followed the war.

What is wrong with the method of selecting Senators? Upon what does this imaginary cry of the people rest? I asked the other day why the Constitution should be amended, because no one had been considering or discussing that feature of the question. They seemed to take it for granted that the Constitution should be amended and amended at once, but they gave no reason based upon the result of the present system or the present provisions of the Constitution. Did any Senator tell you that it was because the legislatures had proven themselves incompetent? Has any Senator suggested that under the existing provisions of the Constitution the standard of the Senate of the United States individually and collectively has been lower than it should be? Has anyone suggested that you would purify the Members of this body and the body itself of any evil that was pointed out?

I want to know the reason when I am asked to do an extraordinary thing. There is no presumption in favor of extraordinary action either by an individual or in any walk of life. The wise man, the conservative man, always wants to know, when he is asked to do an unusual thing, why "upon what do you base this request for a change," even in the slighter affairs of life? Is it not much more important that in great measures of this kind some reasons for the change should be given?

They have been fighting here for days and weeks trying to prove that it would do no harm. Are we to change the Constitution because it would not do any harm to change it? No, Mr.

President, that rule must not be applied. It should not be applied in legislation which is only temporary in its character and application. We should not pass a law because it can do no harm. We should only enact a law because it carries with it new and better conditions than the existing law.

I do not charge inattention on the part of Senators when I suggest that they have devoted their time entirely to seeing how tolerable would be the condition should the change be made. I invoke the spirit that actuated Webster when he said, "I have not leaned over to look into the future to see how tolerable would be a condition" then under consideration. I am not looking into the future to see whether or not the Government could stand the strain. I am looking for a reason in this hour and this moment for entering upon the change, and I have not heard any reason given. Is it ambition that some one should want to be known hereafter as the man who changed the Constitution of the United States or amended it? Is it ambition that some man or some men have failed under the system that has stood the test of a century to obtain that which he wanted and, failing to get it, seeks to brush away the barrier that stood between him and his ambition? Is that it?

These are pertinent questions, and they are questions that will have to be answered to the people; and when I speak of the people I do not mean these coteries that stand for any change that may be convenient to them.

When the legislatures have demanded that a constitutional convention should be called, it has at different times grown from a different inspiration. When the Supreme Court of the United States has held, in the exercise of its equity jurisdiction, that certain combinations of men could not trample upon the rights of other men because of the constitutional protection for life and property, those people have demanded that the Constitution be changed; but was their demand based upon any principle that would receive the sanction of a Senator on this floor—that the Constitution should be changed so that they might trample upon the rights of other men under the law? That is not a reason.

When the Supreme Court of the United States has held in other cases—and I need not enumerate them—that the people could only go so far in the pursuit of their fancies, then those people have demanded that the Constitution be changed. It will be an evil hour, Mr. President, when the Constitution of the United States is changed in times of peace, prosperity, and average happiness. It should be changed only upon such an urgent demand as affects the prosperity of the people, their happiness in their homes. What condition exists in the homes to-day affecting the happiness and prosperity of the people that would be improved by the amendment of the Constitution? What is the condition confronting the people that would be affected, and I mean the condition of life, liberty, and the pursuit of happiness? How would those conditions be improved by changing the manner of electing the Senators of the United States from the people's chosen and selected representatives?

I am looking for a reason. I am taking the personal responsibility of trying to find one from an analysis of existing conditions. I have had none suggested to me. So I have started out on a personal investigation of this question to see whether or not the health or the happiness of the people, either individually or in total, would be improved—not affected, but improved—by the adoption of this joint resolution.

If it was a controversy over the enactment of a statute, if we did not like it, if it did not work well, we could repeal it at some other session of the Congress; but we are undertaking a permanent change that is not subject to repeal except by the same power that makes it. Does it recommend this joint resolution to your judgment that might be changed again in order to improve it, or to revert to existing conditions?

Does that recommend to your minds a suggestion to change the Constitution of the United States?

Mr. President, it was this Constitution as it is to which we pledged our faith and our conscience when we stood up to take the oath of office. It was this Constitution to which we have devoted our duty and our services. The question has never been before the American people in such form that they could express their opinion upon it. No sufficient number of States have requested that it be changed by either method. About 17 States have asked for a constitutional convention—perhaps more. Not to exceed seven States have asked that Congress submit amendments—asking it without authority. When the law says that upon a petition of 20 citizens a certain thing may be done, it is no more proper to do it upon the petition of 19 than it is upon the petition of 2. When the Constitution says that amendments may be submitted upon the request of two-thirds of the States, acting through their legislatures, one less than two-thirds does not constitute a petition of which we can take notice. There is no rule of "pretty near" in this matter. The Constitution fixed it on arbitrary lines, and we are bound to respect them. The Senate that would submit this to a constitutional convention on one less than the number required by the Constitution would perform an illegal act, in violation of the Constitution.

We are not acting, and we have no right to claim as a basis of our action anything by virtue of the requests of men who happen to be members of the legislatures to-day and who will perhaps not be members of the legislature to-morrow. We have no right to regard their petition other than as a petition of individuals, not as a legislature or as members of a legislature. A citizen of the United States, whether he has taken an official oath or otherwise, if he has enjoyed the rights of citizenship, is bound to uphold and defend the Constitution with his life, if necessary—in his official position if he holds one; in the walks of private life, if he acts the part of a citizen there.

I wonder if any Senator thinks this question has been thoroughly discussed or that the consideration of this joint resolution has been exhausted. If he does, he never was more mistaken in his life. If you were to send this joint resolution or the result of it to the legislatures of the States, to those bodies which you would have us believe are incompetent to perform the constitutional duty invested in them, what result would you get? Do you think they would divest themselves of that high prerogative with which the Constitution invests them and refer it to unorganized government—transfer the responsible action of the members of the legislative body of the State, chosen by the people, to the ward politician? Is the selection of a Senator safer in the hands of those who at the polls in the hundreds of thousands of places in the United States would act separately, without any preparation of mind, to elect a Senator? Do you suppose that the average voter is better equipped to perform this duty than his selected representative?

Suppose, for instance, there were a charge of bribery against a Senator who appeared at the door of this Chamber to take his seat, and we were to refer the matter to the Committee on Privileges and Elections, and that committee were to start out to investigate charges of bribery in a dozen or more States in the Union, any one of which charges being sustained would deprive the Member of his seat. What kind of an experience would they face? Instead of investigating the conduct of 100 or 200 men, they would have to investigate the conduct of a hundred thousand or more men. They would then have to determine whether or not this or that poll list was pure.

I have in my mind a case of which I read yesterday, where a ballot box—I believe two ballot boxes—within a short distance from Washington, disappeared, so that there could be no recount. I read that within 24 hours. Suppose the election of a Senator was involved and the result depended upon the count of the ballots in those stolen or destroyed ballot boxes; what kind of a condition would you face? One preferable to that of to-day? I hardly think so.

Out of 1,200 men—and I use the round figures—who have been elected as Members of this body you have found that in 7 cases there was corruption in their election.

Mr. President, you can not find a better record than that in any business body or political body in this country. It is in some sections and by some people fashionable to charge the man with whom they differ with being corrupt, making irresponsible charges of fraud which they are seldom able to justify.

Mr. President, the consideration of the Sutherland amendment is of the first importance, but it has been pretty thoroughly discussed. I have directed my remarks against the whole principle involved. The Sutherland amendment is an amendment to the joint resolution, but not to the Constitution. There is some objection urged to the Sutherland amendment, which is the equivalent of supporting a proposition to amend the Constitution as represented by the Sutherland amendment. But I have not given myself much trouble over the Sutherland amendment. I shall vote for it, because that is a vote not to disturb section 4 of Article I, and inasmuch as I am opposed to disturbing the Constitution at all, I shall, in order to be consistent, vote for that amendment.

Mr. MARTIN. Mr. President, if agreeable to the Senator from Idaho——

Mr. HEYBURN. If I may yield under the rule, I personally have no objection.

Mr. GALLINGER (to Mr. HEYBURN). There is a special order.

Mr. HEYBURN. I thought that was later. I cheerfully yield, if it is half past 2 o'clock.

MEMORIAL ADDRESSES ON THE LATE SENATORS DANIEL AND M'ENERY.

Mr. MARTIN. Mr. President, I send to the desk the following resolutions, which I ask may be adopted by the Senate.

The VICE PRESIDENT. The Senator from Virginia submits the following resolutions, which will be read.

The resolutions (S. Res. 359) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. MARTIN. Mr. President, the duty that now devolves upon me to speak of the life and character of JOHN WARWICK DANIEL, late my colleague in this body as a Senator from the State of Virginia, is one the performance of which is attended with mingled emotions.

It is with unfeigned pleasure that I add, to those which will be so much more fittingly expresesd by others on this floor, my own humble tribute of admiration, affection, respect, and reverence for the memory of one who was an exemplar of all that is highest, noblest, and best in a manhood devoted to its country's service. And I confess to a frank and conscious pride in the privilege that is mine to speak of him in terms of an intimate relationship, based not only upon our joint service here for many years, nor merely upon our political association, but also upon a lifelong personal friendship. But these emotions are well-nigh swallowed up in a feeling of personal sorrow and loss that is yet too fresh and poignant to admit of my speaking unmoved of the man whom I devotedly loved and whose affectionate friendship I cherish in memory as one of the truest and closest that my life has known.

One can but experience a keen satisfaction in the contemplation of a life that has been rich in accomplishment, blameless in conduct, crowded with deserved honors, and blessed with that crowning glory of a great career—the devoted love of a faithful people. And this satisfaction may be shared by all whose thoughts at this hour are turned upon the career of JOHN W. DANIEL, for such a life was his in all its fullness.

It was rich in accomplishment, indeed. As a youthful soldier he contributed no little to the glory and renown of the incomparable army in which he served. As a lawyer he adorned his profession and by his learning and ability shed an added luster upon it. As an author he gave to the profession legal textbooks which brought him international fame. As a scholar his attainments were rewarded by the degree of doctor of laws conferred upon him by two great universities. As an orator he has charmed, delighted, and instructed thousands by his eloquence and has left to posterity a rich legacy of splendid orations which are destined to live among the finest known to our language. As a Senator his wisdom in counsel, his power in debate, his great knowledge of public affairs, his experience in legislation, and deep study of economics gave him high rank among the broad-minded statesmen of his time; and his conduct and example in the high office of Senator has exerted an influence upon this body that will be felt, for the country's good, for years that are yet to come.

His life was as upright and blameless in conduct as it was rich in achievement. For more than a generation he stood forth in the full glare that shines about the man in exalted public office; and through all those years not a gleam fell upon him that was not reflected in undimmed purity from his untarnished soul. He waged many political battles, he took part in many professional conflicts of great importance, he has filled many offices of public and private trust, and yet he so bore himself amidst the many temptations which must have surrounded him, as they do every man, that when he finally lay cold in death no man could point to one dishonest deed or to a single act of his life born of an unworthy motive. In all my experience of men in public or private life I never knew one whose patriotism was more exalted, whose devotion to public service was more unselfish, whose loyalty was more unswerving, or whose integrity was more unimpeachable.

It is not always true that the most capable and deserving in this world receive the rewards and honors that are commensurate with their abilities and their deserts. Too often does it happen that self-assertion and demagogism win—for a time, at least—the outward tokens of a people's regard as well as the substantial fruits of their favor. But it is pleasing to record that JOHN W. DANIEL'S life was filled with honors graciously bestowed; that he measured up in fullest stature to their every demand upon him, and yet bore them all with that unassuming modesty that was an essential part of his noble nature.

He was but little more than a boy—still in his twenties—when he was elected to the House of Delegates of the General Assembly of Virginia. From that day, back in 1869, down to the year of his death, when he was for the fifth time elected to a seat in this body, he was the recipient of almost every mark of favor and distinction that his people could confer upon him.

If there is any one feature of Senator DANIEL'S career which, more than all others, distinguished it and set it apart, it was the personal love and affection with which he was regarded by his whole people. He was known and admired by the whole United States, in the South he was loved and revered, but Virginia adored him.

He was known in every section of her broad domain. High and low, rich and poor, white and black, they all knew his face. They had heard his voice and clasped his hand. They recognized his familiar crutch and never forgot the occasion for its use. Many of them had slept with him upon the field of battle and touched his elbow as they marched into a common danger, and they knew he had never flinched nor failed. They had given him their trust and he had never betrayed them. They had sat enthralled under his matchless eloquence and had learned anew their glorious traditions and even more glorious history. They had seen him disdain the proffered bribe of self-interest and cast his lot with them and their poverty that, in sharing it, he might the better serve them. They knew him for what he was; and no man in the history of that great State, save only the peerless Lee, has ever been so beloved or more sincerely mourned than this her favorite son who has so recently gone to rest.

ANCESTRY AND BIRTH.

They that on glorious ancestors enlarge
Produce their debt instead of their discharge.

But JOHN W. DANIEL'S life presents so complete a quittance of every debt to birth and breeding that one may without danger of detracting from the son recall the distinctions of the sires.

JOHN WARWICK DANIEL was born in the city of Lynchburg, Va., on September 5, 1842. He came of a distinguished lineage, and one may find in the lives of his progenitors the promise of his own illustrious career.

His grandfather, William Daniel, sr., was a man of the highest order of intellect, a lawyer of signal ability and one of the ablest judges of his day in Virginia. He was a member of the two famous legislatures of 1798 and 1799 of that State. In the latter he was an associate of James Madison, who alone of all that distinguished company could be regarded as his superior. His great speech in the legislature of 1798 in advocacy of the renowned "Resolutions," which had been prepared by Mr. Madison on the subject of the "Alien and Sedition Laws," was perhaps the ablest delivered by any member on that side of the great debate.

For many years he was a judge of the circuit court of the State, and as such was a member of the general court as it existed prior to 1851. This court exercised final appellate jurisdiction in criminal cases, and the opinions of Judge Daniel, delivered from its bench, are noted for their lucidity and vigor, some of them being "leading cases" in Virginia, yet quoted with assurance by the present day practitioner. As a man he was rugged and strong in character, of great dignity, possessed of the judicial temperament in a marked degree, and of the most incorruptible integrity.

Peter V. Daniel, at one time a Judge of the Supreme Court of the United States, was a kinsman of Senator DANIEL, as was John M. Daniel, one of the most brilliant journalists of the South, and Briscoe B. Baldwin, a judge of the supreme court of appeals of Virginia.

William Daniel, jr., the father of JOHN W. DANIEL, was one of the ablest lawyers and most distinguished judges that Virginia has produced. He was a cultivated scholar and a most eloquent speaker, being one of the most effective advocates in the State. While yet under 25, the required age for membership in that body, he was, in 1831, elected to the house of delegates, the lower branch of the General Assembly of Virginia. He became of the requisite age, however, before his term of actual service began, and was admitted to his seat, to which he was three times consecutively reelected.

His professional attainments and high character won for him, in 1846, an election to the supreme court of appeals, Virginia's court of last resort. There he served with great distinction until 1865, when the organized government of the State was displaced by that known as the Alexandria government, which had been recognized by Congress. This period of Virginia's judicial history is, perhaps, her brightest; and Judge DANIEL'S opinions contributed no little to the high regard in

which the court was held by the profession, not only in Virginia, but in other States as well.

The mother of JOHN W. DANIEL was Sarah Anne (Warwick) Daniel, the daughter of John M. Warwick, Esq., a successful merchant, of Lynchburg, and one of her leading citizens. She was noted for her beauty of character as well as of person, and was accomplished in all the graces of the sweet womanhood of that period. She died at the early age of 24, and JOHN W. DANIEL, who was but a child, and his infant sister were taken into the home of his maternal grandfather, where he was surrounded by all that was highest and best in the delightful homes of the old South, and where he grew into sturdy boyhood.

Perhaps no one person exercised a more marked influence upon his life than did this grandfather, John M. Warwick, for whom he entertained not only the warmest affection but also the greatest admiration and respect, and to whom he paid this beautiful tribute:

A nobler man never lived, hospitable, gentle, calm, self-poised, self-contained—a gentleman in honor, in manners, and in innate refinement. A pure and lofty soul, * * * he seemed to me everything that a man could be to be respected and loved. Successful from his youth in business, with a mercantile "touch of gold," he was rich and generous without pretension or pride; and when the end of the war prostrated his fortune, and he became old and almost blind, his easy dignity lost no feature of its serene composure, and out of his true heart came no cry of pain or complaint of man or fortune. * * * He accepted the dread issue of Appomattox without a murmur, and took the fate of his people with all the fortitude and manliness, and with none of the show, of the Roman senators who saw the barbarians enter Rome.

Truly, JOHN W. DANIEL was fortunate in having such a character to preside so intimately over his life during its impressionable and formative youth, and as a companion and example for his young manhood.

MILITARY SERVICE.

At the age of 18, and still remembered as the very ideal of youthful beauty and chivalry, young DANIEL was in attendance upon Dr. Gessner Harrison's noted preparatory school, in Nelson County, Va., when the Civil War begun. He did not hesitate a moment in deciding upon his course, but immediately withdrew from school and returned to his home. There he enlisted as a private in Company B, Second Virginia Cavalry, known as the "Wise Troop," which was organized in the city of Lynchburg. For several weeks this troop remained in Lynchburg, completing its organization and preparing for service in the field. Before it was ordered to the front, however, he was commissioned by Gov. Letcher as second lieutenant in the Provisional Army of Virginia, and he was assigned to Company C, Twenty-seventh Virginia Infantry, a regiment in what soon became known as Jackson's famous "Stonewall Brigade."

He received his commission on May 8, 1861, and immediately reported for duty near Harpers Ferry. On account of his military training, received while attending Lynchburg College, he was assigned to duty as drillmaster and entered actively upon this service.

His "baptism of fire" was received at the first battle of Manassas, July, 1861. In this battle he was struck three times. He received a glancing blow on his head from a fragment of a shell, but was protected by his cap from serious hurt. He was also struck in the breast by a spent bullet, which knocked him to the ground and stunned him, but this time a metal button on his coat preserved him from an actual wound. Later in the fight he was shot in the left hip by one of the New York Zouaves, who was plainly in sight at the time and with whom he had been engaged in a sort of long-distance duel.

The last wound was quite severe, although he was able to walk off the field, using two muskets as crutches. He was carried to his home in Lynchburg, where he was confined to his bed for several weeks with fever attendant upon his wound.

His conduct in this battle was notably gallant. Although he had never been under fire before and was but a mere lad, he displayed the most intrepid spirit and daring courage and fought with all the steadiness of a veteran. In the midst of the battle and during a fierce charge, when the regimental color sergeant fell wounded, young DANIEL sprang to his side, and seizing the fallen standard, bore it aloft and forward until relieved by command. He was commended for gallantry in action by his regimental commander in the report of the battle, and was thus effectively launched upon his military career.

While still recuperating from his wound and before he was able to return to his command the Provisional Army of Virginia was abolished and the young lieutenant, who had deserved, and was confidently expecting, promotion, was without a commission. He was, however, promptly elected by its members to a second lieutenancy in Company A, Eleventh Virginia Infantry, known as the "Lynchburg Rifle Grays." He immediately reported to that company at Centerville, where it was encamped, and from thence he wrote his father that, while he had hoped for appointment to a higher rank, upon reflection he thought "a subordinate position attained by the suffrages of daily acquaintances and associates is far more honorable."

As an evidence of this confidence of his associates, which he so highly valued, he was reelected at the expiration of his enlistment in 1862.

During the spring of 1862 he was authorized by the Secretary of War of the Confederate States to raise a company of cavalry for independent service, and succeeded in doing so, being elected to the captaincy of the troop. But the conscription act of the Confederate Congress disbanded all such organizations before this company was mustered in.

It was during this same year that Mr. Benjamin, the Confederate Secretary of War, tendered him a commission as lieutenant of ordnance in the regular army of the Confederacy. This appointment young DANIEL declined because he feared it might cause his assignment to duty elsewhere than upon the actual field of battle. As Maj. DANIEL often said, he wanted a place "on the firing line and in the picture by the flashing of the guns."

Later in 1862 he was commissioned first lieutenant and adjutant of his regiment, Eleventh Virginia Infantry, upon the recommendation of its colonel, David Funston. It was while serving in this capacity that he was wounded in the left hand during the Battle of Boonsboro Mountain, Md., September 14, 1862.

While standing with other officers on the line of battle watching its progress, and while in the act of passing his pistol from one hand to the other in front of his body, a rifle bullet struck his hand, passing through it and flattening itself against the pistol which it grasped. Fortunately it did not break any of the bones of the hand and he took his penknife from his pocket and cut the bullet from the wound himself. This bullet he retained throughout his life as a souvenir of this particular occasion, having caused it to be mounted as a watch charm.

He took part in all the many battles and skirmishes in which this noted regiment was engaged until March, 1863, when he was promoted to the rank of major of cavalry and assistant adjutant general on the general staff of the Confederate Army and assigned to the division under command of Maj. Gen. Jubal A. Early.

This rank and assignment enabled him to come more closely in touch with the actual operations of the Army and the conduct of the war, much to his delight, for he was a born soldier, as well as a student of military science. His many letters to his father and grandfather, written from the field and camp during this period, show a mental grasp of the military situation and a knowledge of men and affairs that was remarkable in one not yet 20 years of age.

Young, handsome, fearless, and bold, and filled with a patriotic fire born of his firm conviction of the right of the cause for which he fought, he was a beau ideal of the Confederate soldiery. No danger daunted him; no task was too exacting, for his was a service of loyalty and love. And, boy though he was, underlying it all was a dignity and self-respect which he never forgot himself nor permitted others to disregard.

Upon one occasion, during the first days of his service upon the staff of Gen. Early, that officer, with unthinking abruptness and with needless peremptoriness, accompanied by an oath, ordered him upon some mission. The young adjutant drew himself to attention, and, looking the old general directly in the eyes, said, "General, when you address me as one gentleman should address another I will obey your orders, but not otherwise." To the credit of Gen. Early, be it said, he was too great a soldier and himself too much a gentleman not to recognize the justice of the rebuke, and, revising the terms of the order, he never again in like manner trenched upon the sensibilities of his young subordinate, who became his favorite officer of all his staff.

While serving on the staff of Gen. Early he saw active service in many of the severest battles of the Civil War, including the great Battle of Gettysburg, until he received the final wound which permanently disabled him from military service on May 6, 1864, in the Battle of the Wilderness.

During the progress of this battle and while upon some service for Gen. Early he noted a regiment of troops whose commanding officer had been killed and which had been thrown into confusion and disorder. Realizing the necessity for prompt action, he placed himself at their head and was striving to reorganize them for an advance in the face of a terrific fire when he was struck in the left leg by a minnie ball. He fell from his horse and dragged himself behind a fallen log. Finding his thigh bone shattered and the femoral vein severed, he unwound the silken sash from his waist, and, making a tourniquet above the wound, stanched the flow of blood that had

been dangerously profuse. This presence of mind and slight knowledge of surgery undoubtedly saved his life.

This wound not only disabled him from further military service, but caused him untold agony and pain for many years thereafter and discomfort and distress all the remainder of his life. It was due to this injury that he ever afterwards walked with crutches, being unable to use the wounded member except very cautiously and for short distances.

Immediately that he recovered from this wound sufficiently to move about, and realizing that his cherished ambition for a further military career was at an end, he accepted his condition as the fortune of war and turned himself to other fields. But all during his life he treasured his service in the army of his beloved South as the most precious of all his memories. Other titles were confered upon him which it was his privilege and right to adopt and use; but he preferred the simple "Major."

After the war when James L. Kemper, the commander of the famous Kemper's brigade, became governor, he appointed Maj. DANIEL upon his staff with the rank of colonel. But the title of "colonel" never stuck to him. And as Maj. DANIEL wrote in a brief autobiographical sketch he once began:

> In truth I did not desire that it should. I had won that of "major" in the steadiest army of history, the Army of Northern Virginia. * * * I have always regarded it, and regard it still, as Gen. Early called it, "my most honorable title." By it my comrades of battle know me; and when I die I wish it to be carved on a simple, unostentatious stone above my dust.

Well might he say he had won the title. He had won it by a bravery, a devotion, a dashing gallantry, and an efficiency of service not surpassed by any of his compatriots. And whatever other inscriptions may be carved upon the monuments that will be reared to his memory none will bear to the generations yet to come a higher or nobler message of patriotism, of loyalty, and of duty than the simple legend, "Major in the Army of Northern Virginia."

LAWYER AND AUTHOR.

After the war Maj. DANIEL found himself, like many other young men of the South, with maimed body and shattered fortunes. The environment of wealth that had been his lot had been changed by the blight of war, and he realized that he must make his own fortune and carve out his own future. Deciding upon law as a profession, he entered the law school of the University of Virginia under the great teacher, John B. Minor. He had inherited from his father and grandfather a peculiar adaptability to his chosen profession, and his career as a student at the university convinced all who knew him that he was marked for success at the bar.

He began the practice of his profession in Lynchburg as a partner with his father, which partnership continued until the latter's death in 1873. Being studious by nature, diligent in research, and splendidly grounded in the great principles of the law, his intellectual ability, high character, and power of advocacy soon established his reputation. As his experience widened and his intellect matured he took higher and higher rank in his profession, until few lawyers of the country could be regarded as his equal. His learning, his habits of industry, and his thorough preparation of every case, together with his winning personality and magnificent presence, made him a power before court and jury alike.

For many years he was in full and active practice in the State and Federal courts of Virginia and in the Supreme Court of the United States. He appeared in many of the most important cases before the supreme court of appeals of Virginia, where his briefs were noted for their scholarly style, beauty of diction, logical arrangement, and argumentative force; and where his oral arguments are conceded to be the most masterly ever addressed to that tribunal.

Although his public duties became more and more exacting as he grew older in the public service, he never lost his love for his profession and never withdrew entirely from its practice. For a number of years before his death he maintained a partnership with his son and his son-in-law and continued to the end to give personal attention to the more important business of the firm.

Within three years from his admission to the bar he issued his first legal textbook, Daniel on Attachments. This work, designed for use particularly in the States of Virginia and West Virginia, was published in 1869, met with immediate success, and has ever since been regarded as a standard authority by the courts and bar of both of these States.

His splendid treatise on "negotiable instruments" is the work by which he is best known to the profession generally, and is his legal masterpiece. He had this work under preparation during eight years, and, in the midst of the countless demands upon his time and energies, spent long periods in the law libraries at Richmond, Baltimore, and New York, where he could have convenient access to original authorities.

The work first appeared in 1876, was at once recognized as the leading authority on the subject, and has ever since been regarded as a standard and a classic in all the courts of the English-speaking countries. His old law instructor, John B. Minor, one of the greatest, if not the greatest, law teacher of this country, and himself an author of a monumental legal work, once said with obvious pride:

> Upon the subject of negotiable instruments I bow my head to JOHN W. DANIEL, my pupil.

His publishers, when the work was first in press, asked him in surprise how it happened that a "provincial lawyer" from a small town could have produced so excellent and exhaustive a treatise. He replied with his usual modesty that it was, perhaps, because he was a provincial lawyer from a small town, and therefore had the necessary time to give to its preparation.

The work has been through five editions, in 1876, 1879, 1882, 1891, and 1902. All of them, save the last, he prepared with his own hand. It is probably this book which, more than any other one thing, won for him his honorary degree of LL. D., which was conferred upon him by the University of Michigan and also by Washington and Lee University in his own State.

POLITICAL CAREER.

Maj. DANIEL had scarcely become settled in the practice of his profession before his intellectual gifts, his talent for public speaking, and his personal popularity as well, perhaps, as his natural inclination, forced him into the political arena. He was a Democrat of the purest extraction, and prided himself upon the fact that for over a hundred years he and his ancestors had voted with that party without ever scratching a ticket.

He was elected as a Democrat to the Virginia House of Delegates in 1869, his constituency embracing the city of Lynchburg and county of Campbell, and served in that body for three years.

In 1874 he was elected by the same constituency to the State senate for four years, and was reelected in 1878.

During his service in the State legislature he made an enviable reputation as a legislator, and especially as a debater upon the public questions under consideration at that time. He had taken an active part in the campaigns of his party and had won a personal following all over the State that insured his rapid political promotion. In the meantime, however, and due more to his youth than to any other cause, he had been twice defeated for the Democratic nomination for Congress, and once for the nomination for governor.

But in 1881 he was nominated as the Democratic candidate for the governorship. His speech of acceptance before the convention at Richmond was a masterpiece of political oratory and fired his party with enthusiasm and loyalty. The great issue of the campaign was the funding of the State debt, and thousands of those who had theretofore regularly supported the Democratic Party during this fight allied themselves with the Republicans, and under the party name of "Readjusters" the coalition presented the most formidable opposition the Democrats had ever met, being led by Hon. William E. Cameron, an able, learned, and aggressive candidate.

The campaign was the most brilliant ever waged in Virginia. The ablest men in the Commonwealth threw themselves heart and soul into the contest on one side or the other, and public interest was aroused to the highest pitch of excitement.

Throughout the contest JOHN W. DANIEL was the central figure. He swept over the State, from the mountains to the sea, and everywhere cast the spell of his magnetic eloquence over the thousands who crowded to hear him; revealing to them his high motives, his magnificent abilities, and his splendid qualifications for leadership. And although his party was defeated at the polls he had so firmly established himself in the confidence and regard of the people that from that day he became a leader in Virginia whose clarion voice could ever summon a host to follow and whose supremacy in their affections was never afterwards open to question.

In 1884 Maj. DANIEL was elected to Congress from the sixth congressional district and had scarcely entered upon his actual service when he was elected to the United States Senate for the term beginning March 4, 1887. To this high office he was reelected four consecutive times, each time without party opposition and twice by the unanimous vote of the legislature.

He was elector at large on the Democratic ticket in 1876 and delegate to every Democratic national convention since 1880 except that of 1884. He became a familiar and favorite figure at these gatherings and was elected temporary chairman of the convention of 1896.

In 1901 he was elected a member of the Virginia constitutional convention and would inevitably have been elected its

president had he permitted himself to be placed in nomination for that office, but, with characteristic generosity, he declined to do so and said:

> There are so many gentlemen who are eminently worthy of this office in the convention that it would seem appropriate to confer the distinction on some one of them who has not been so favored as myself.

He was made chairman of the Committee on Suffrage, and entered so vigorously upon the work of that body immediately following a trying session of Congress, that his health gave way under the strain, and for several months he was compelled to withdraw from attendance upon its sessions. He was able to return, however, before its close and took a prominent part in the debates upon its floor and in the actual framing of Virginia's present organic law.

At the time of his death Maj. DANIEL was the oldest Democratic Senator in point of service, and but four among its entire membership had seen a longer continuous service in this body. By virtue of the rule of seniority which prevails here, he held membership upon two of the Senate's most important committees, and enjoyed all the power and prestige incident thereto. But apart from this, and by virtue of his character, ability, and personality alone there was no Senator on this side of the Chamber and but few on the other who exercised a wider or more potent influence both here and beyond these walls.

His unfailing courtesy and gentle manners, his honesty and frank candor, his consideration for others, and his strict observance of all the highest and best traditions of this body not only made him a conspicuous and attractive figure but endeared him to all his associates. And now that he is gone, and we no longer see his familiar face and hear his well-known voice, it is not only the distinguished Senator whom we miss, but a cherished friend as well, for whom we sincerely grieve.

ORATOR.

It is doubtful if any man in public life since the days of the great triumvirate of oratory in this body has surpassed Senator DANIEL in all the qualifications of a great orator. To a mind stored with classic learning and teeming with the riches of a broad and brilliant culture, nature had contributed the aid of features strikingly handsome, a noble countenance, and a pleasing voice. Manly in bearing and commanding in presence, he was a splendid figure, to which his lameness added a touch of the picturesque. Trained from his youth in the arts of public speaking, with gestures full of grace and a tongue schooled to rounded phrases, he won the attention of his auditors with his first sentences, and, captivating their minds with his brilliance and logic and firing their enthusiasm with his eloquence, he frequently swayed them almost at will.

From his earliest manhood he was in constant demand as a speaker on public occasions, and has perhaps delivered a greater number of prepared addresses than any other man of his day. His subjects covered a wide range, and he was sometimes happiest in a lighter vein, but he was always thoughtful and never spoke for the sole purpose of entertainment.

At the unveiling of the recumbent statue of Robert E. Lee, at Lexington, Va., in 1883, he delivered the memorial address. To this occasion he brought not only all of his great gifts, but an affection and veneration for his subject that filled him with inspiration, and the result was a magnificent oration that aroused his hearers to the highest pitch of enthusiasm and was immediately acclaimed all over the country as a masterpiece of oratory. It was undoubtedly his greatest effort, and among the many splendid addresses he has elsewhere delivered it stands preeminent and will survive as a classic.

But had he never made this speech, numerous others would have made him great in this field, for there is a long list of ceremonial occasions upon which he delivered orations worthy alike of the occasion and himself. Among those deserving especial mention because of their beauty and eloquence are:

His speech delivered at the ceremonies attending the dedication of the Washington Monument.

His address upon "Jefferson Davis," delivered before the Legislature of Virginia upon its invitation.

His address upon "Stonewall Jackson."

His address at Kings Mountain upon the centennial anniversary of that battle.

His speech upon "Virginia," delivered at Chicago during the World's Fair on Virginia day.

His address in the House of Representatives at the celebration of the centennial of the establishment of the Government at Washington.

His speech at the Confederate Reunion in New Orleans.

His address upon "Abraham Lincoln."

His oration at the unveiling of the bust of John B. Minor, at the University of Virginia.

His speech upon "Thomas Jefferson."

His address upon "Americanism," at the University of Michigan, and his two lectures, "The English-Speaking People" and "The Unities of the Union."

It is needless to mention his many magnificent speeches delivered upon this floor. Always alert as to the business under consideration, and ready and able to maintain himself at all times in running debate, yet he rarely addressed the Senate except upon questions of importance and only after careful preparation. Upon occasion, however, when the exigencies of the moment required, he would take the floor for an impromptu speech, and always commanded the most respectful attention, for the Senate had learned that he never spoke save when he had something to say worth while for it to hear.

His great speech in the Senate on "The Free Coinage of Silver" is justly regarded as among the ablest of all the many utterances upon that subject, and that upon "The Independence of Cuba" was an especially brilliant example of his eloquence and power.

Upon the stump he was peculiarly effective. Delighting to mingle with the great masses of the plain people, for whom he entertained the greatest admiration and respect, he accepted every convenient opportunity to address them in their small towns and country villages; and many of his finest speeches were made upon such occasions.

With all his splendid capacities and powers, he never permitted them to be applied to invective or bitterness or ridicule. But always and ever he displayed an innate courtesy, an easy dignity, a gentleness of bearing, a frankness and candor, and a nobility of thought, that robbed the most carping critic of any doubt of his sincerity and mental integrity. And whether in the United States Senate, or before the most distinguished courts, or upon the village greens of Virginia, he was equally at his ease; because he was always conscious of his own honesty of purpose and purity of motive and knew that nothing save a lack of these need make him afraid.

> His tongue was taught no phrase of harshness;
> His lips could speak no word of guile;
> But gentleness and truth, twin virtues,
> Attended him, with sweetest smile.

THE MAN.

JOHN W. DANIEL was one of the most lovable of men. He possessed a personal magnetism that seemed to draw to him all classes and conditions alike. Sweet tempered and serene, responding to every advance of friendliness and affection, and with a superb loyalty to those admitted to his friendship, he became a general favorite from his first appearance in the Senate. While ever a staunch defender of Virginia and the South, brooking no unjust attack upon either from any quarter, he yet had none of the rancor and bitterness that too often displayed itself on both sides of this Chamber, especially during the earlier days of his service.

It is doubtful if any one man during more than a generation past has exerted a greater influence in the restoration of the harmony and friendship between the North and the South that is now so happily accomplished. It was one of the treasured purposes of his life. In the course of his eulogy upon the late Senator Quay, delivered upon this floor, and after referring to the era of ill-feeling that had so long existed, he said:

> I could pay to his memory no better and no sincerer tribute, and for my country could express no better wish, than by saying at his open grave, "God grant that the departed era may return no more to our country."

Because of this trait of character, perhaps, as well as his many other virtues, he has numbered among his warmest friends and admirers men whose political faith, sectional affiliations, and familiar associations were utterly at variance with his own. And thus we see one Republican Vice President directing his portrait to be forwarded to Senator DANIEL with warmest expressions of affection, and another who writes him from far-off China:

> I could pay to his memory no better and no sincerer tribute, and that you will enjoy a well-earned vacation. Conserve your strength, for the country has much need of you.

Mere incidents in themselves, but evidences of the universal regard and esteem in which he was held by all his associates here.

In his family relations, he was a most devoted husband and loving father, whose keenest delight was to do some act that would bring pleasure to wife or children. Simple and unaffected in his manners and habits, but stately in his courtesy and native dignity, he was a typical "gentleman of the old school," and as a brilliant Virginia editor recently wrote in an appreciative editorial, "the pity of it is that the 'old school' has closed its doors and the type is no longer produced."

His affability and approachableness were known to everyone in his home town of Lynchburg, and his daily drives to his

office were almost triumphal processions. Everybody wanted to speak to "The Major," as they all called him, and to shake his hand. And to none, whether white or black, was his gracious and courteous salute denied.

He was a most indefatigable worker; and until recent years rarely ever retired until long after midnight. He preferred the undisturbed quiet of later hours for his labors, although his wonderful power of concentration enabled him to work under conditions that would have driven most men from the attempt in despair. Few could have sustained their strength under the burden of work he imposed upon himself, nor could he have done so except for his splendid constitution and his peculiar ability to sleep anywhere and at any time when he so willed.

The lure of gold never dazzled the eye of JOHN W. DANIEL. His attainments and professional ability brought him many flattering offers that would have meant opportunities to accumulate a fortune commensurate with the value of the service sought from him. But he preferred the daily association with those whom he affectionately called his "own people," and the environment and atmosphere of his native Virginia; and after 30 years spent almost continuously in public office, he died as poor in purse as when he began. But he has left to his children, in the memory of his illustrious career, his incorruptible honesty and stainless honor, and in the assurance of his enduring fame a heritage more to be treasured than all the riches of the world.

ILLNESS AND DEATH.

During the fall of 1909, while Senator DANIEL was in Philadelphia, he was taken ill with pneumonia and was confined for some weeks to his room at the Bellevue-Stratford. Before he was sufficiently restored to strength to return home he suffered a slight stroke of paralysis which affected his right hand and leg. This attack was not dangerous in itself and, returning to Lynchburg, he soon recovered therefrom. But it was premonitory of a serious condition and none knew better than he what it portended. His father and grandfather alike, at about his age, had died from attacks of apoplexy; and he had frequently stated his belief that his end would come in like manner.

Under directions from his physicians he went to Florida during February, 1910, in the hope that a few weeks in the open air of its congenial climate would enable him to return to his duties in the Senate. But while at Daytona, on March 8, he suffered a severe stroke of paralysis affecting his whole left side. The news of his grave condition brought sorrow and fear to every heart; and when later he lapsed into coma and his death seemed imminent, Virginia fell upon her knees and prayed that he might be spared to her yet a little while longer. For many weary weeks he battled for his life, and so far maintained his strength that his family were able to bring him back to his beloved Virginia on April 24. There all that love could suggest and science could accomplish was done for him; and for many more weary weeks the fight continued, now with a ray of hope to cheer, and again with the grim desperation of almost hopeless despair.

And during all these trying days the bulletins of his condition were the foremost items of news to the whole people of Virginia. They literally watched at his bedside with his family and joined them in their tearful prayers, as was the right of their boundless love and admiration. But the hand of fate was upon him, and on June 29 he suffered another and severer stroke, and it was known his hours were numbered. And when, at 10.35 o'clock on that night, the tolling bells of the city rang out the sad message that the end had come, Virginia bowed her head and abandoned herself to grief.

In obedience to his own well-known desires his obsequies were as simple and unostentatious as the determination of the people to honor his memory would permit. His body lay in all the calm dignity of death, without ceremony or any trappings of state, in the home of his beloved daughter. There many of his old comrades in arms and lifelong friends, among both races and from all ranks and stations, came to look their last upon his noble face, which bore upon it the stamp of that serenity and peace which gave assurance that his oft-expressed, dearest wish had been fulfilled, and that he had "passed out of the world at peace with God and man."

The impressive Episcopal service for the burial of the dead was read in St. Paul's Church in the presence of the governor of Virginia and his staff, the senatorial and congressional delegations, the delegations from the two Houses of the General Assembly of Virginia, many of the officers of the State and city, and an assemblage of distinguished citizens that taxed the capacity of the edifice. The cortege was formed for its journey to beautiful Spring Hill Cemetery, preceded by battalions of State militia and with the band playing the beautiful hymn, "Nearer My God to Thee." A solemn stillness which pervaded the air bespoke the splendid tribute of his native city—not a wheel of industry was turning, every business house was closed.

The mournful procession for more than a mile of its sad journey moved onward between solid masses of the city's people, and the flowing tears that fell from the eyes of strong men and sweet women alike attested the fact that it was no idle curiosity that brought them forth, but that it was their last tender tribute to a departed friend.

As the sun was slowly sinking in the west the body was lowered to its final resting place. His beloved comrades of the Army of Northern Virginia formed a cordon about his open grave, a volley of musketry rang out upon the air, taps was sounded, the old soldiers in gray stood at their final salute, the grave was covered with beautiful flowers, and all that was mortal of JOHN W. DANIEL was closed to the sight of man forever.

But JOHN W. DANIEL is no more dead than are other thousands of the great and good whose works yet live after them and whose influence is yet felt upon the earth. Men such as he can not live and die and count death the end. But for countless years will his tongue continue to speak to listening thousands and uplifting them by his noble thoughts. And for generations yet to come will men be higher and nobler themselves because of his nobility and purity of character.

In due course a monument is to be erected to the memory of Senator DANIEL in his native city of Lynchburg. An offering from the entire people of the State of Virginia, it will be beautiful and enduring. But whatever of art may be spent upon its design it can not be more beautiful than the character it is to commemorate, and whatever material may enter into its construction it will crumble into dust before the name of JOHN W. DANIEL shall have been forgotten or his influence shall have ceased to live. For he was a

> Statesman, yet friend to truth, in soul sincere,
> In action faithful, and in honor clear.

Mr. FOSTER. Mr. President, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Louisiana.

The resolutions (S. Res. 360) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL DOUGLAS MCENERY, late a Senator from the State of Louisiana.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. FOSTER. Mr. President, it is with feelings peculiarly tender that I offer this last tribute to the memory of my late colleague, Senator SAMUEL DOUGLAS MCENERY.

There was so much of his public life intimately connected with my own, almost from the time I reached man's estate until he died, that his death was a veritable shock to me. He was lieutenant governor of Louisiana and presiding officer of the State senate at the same time I became a member of that body, and for years we fought shoulder to shoulder many of the political battles of the State until political exigencies demanded that we should lead opposing forces in the bitterest factional contest Louisiana has ever known. These differences were buried years ago, and in their stead there grew up and existed the warmest friendship. Our relations in this body were particularly friendly, and I felt a great personal loss when he passed away.

SAMUEL DOUGLAS MCENERY was a native of Monroe, La. His father, Col. Henry O'Neil McEnery, was born in Ireland, but emigrated to this country in early youth, and settled at Petersburg, Va., where he married Miss Elizabeth Douglas, of that State.

His father remained in the Old Dominion some years after marriage, and several sons were born there, among them John McEnery, an elder brother of the Senator, who was also destined to become one of the governors of Louisiana.

The father moved with his young family from Virginia to Louisiana in 1835, settled in Ouachita Parish, acquired a plantation, and there, two years later, on May 28, 1837, his youngest son, SAMUEL DOUGLAS, was born.

It was a new country, and had been settled by strong and masterful men, who were planters on a large scale and employed

slave labor. They had to meet and overcome untold difficulties, and, without doubt, these early experiences left their imprint on the boy, for they were calculated to develop the traits of independence, pluck, and courage that marked his career throughout life to the very end.

But while the hardships of those early days were many the rewards were even greater. Land was plentiful, the crops abundant, and the family prospered.

Col. McEnery was an able and successful man, one who made many friends and acquired a great deal of influence in his adopted State. He was a Whig in politics until that party disappeared before the aggressive onslaughts of the "Know Nothings," when he became a Democrat, and remained a conspicuous figure in that party until death. As a reward for his public services he was twice appointed register of the land office at Monroe, La., a position of trust and responsibility, especially in a new country at that time.

Col. McEnery was enabled to equip his sons for the struggle of life in the best schools and colleges the country afforded, and his youngest son, who had been named for an uncle on the Federal bench in Florida, was given a thorough academic education at Spring Hill College, conducted by the Jesuit Fathers, near Mobile, Ala. After graduating there he was appointed to the United States Naval Academy at Annapolis, and practically finished the course at the institution, when he resigned to enter the University of Virginia, where he remained until the death of his father in 1857. Then he matriculated at the National Law School at Poughkeepsie, N. Y., studied two years, and was graduated in 1859.

At the solicitation of a former classmate at Annapolis he went to Maryville, Mo., opened a law office, and had begun the practice of his profession there when the war came on between the States. Without hesitancy he responded to the call of the South and enlisted as a private in the army of the Confederacy. The rudiments of military training received at the United States Naval Academy, together with a masterful and intrepid character, attracted the attention of his superiors, so that while serving under Gen. Magruder in the early Virginia campaigns he was promoted and commissioned a lieutenant. Later he was transferred to the trans-Mississippi Department, where he saw hard service and heavy fighting.

With peace he returned to Louisiana to assist in rebuilding it from the devastation of four long years of war and secured employment teaching school in Ouachita Parish. He was to learn, however, that those who had just laid down their arms could not travel the paths of peace until another long and bitter struggle was waged, even more cruel than hostilities in the open field conducted under the rules of war.

It is not necessary to recount the horrors of that time. Their enormities have often been repeated here, and the country is familiar with them.

It suffices to say that out of those bitter and angry passions a condition developed calling for all there was of leadership and patriotism among the white men of the South, and it was at this juncture that Capt. SAMUEL DOUGLAS MCENERY first became generally known and endeared to the people of the State.

All through the struggle to restore white supremacy Capt. MCENERY was active, determined, and aggressive, never ceasing his efforts until the government of Louisiana rested again in the hands of the white people. Then he returned to his labors in the public schools and later resumed the practice of law.

At this time a number of public offices were tendered him as a reward for the part he took in redeeming the State, but he refused them.

He had been marked as one of the leaders of the time, however, and in 1879 was nominated for lieutenant governor. This honor was all the greater, because the convention that named him was controlled by the opposing faction of his party, and its action was in recognition of his heroic service in the cause of white supremacy.

As lieutenant governor he served two years, when the death of Gov. Wiltz, in 1881, called him to the gubernatorial chair and placed the destinies of Louisiana in his hands.

Shortly after he assumed office the seat of government was removed from New Orleans back to Baton Rouge, where it had existed before the war, and he will always be remembered as the first executive to administer the affairs of the State from the restored capital.

Few executives have had to contend with such unfavorable conditions as prevailed in the State at that time. War, pestilence, flood, and famine, following in close succession, left their fell effect upon her people.

The financial condition, when he became governor, was unsatisfactory. Doubt, distrust, and litigation had well-nigh destroyed the credit of the State, and at one time it was feared that certain of the courts would have to suspend for want of funds.

The expenditures largely exceeded the revenues. By way of illustration, the receipts from licenses and taxes placed to the credit of the general fund in 1880–81 were little more than half the appropriations charged against the fund. The magnitude of the task confronting him can therefore be readily seen.

To meet this deplorable situation Gov. MCENERY convened the legislature in extra session, and our public duties brought us together then for the first time.

In his first message he called attention to the fact that during the Reconstruction period the revenue laws of the State had been progressively growing less efficient. Large amounts of property, movable and immovable, had escaped taxation, and there was no uniformity of assessment. As a consequence some sections were paying a large tax on a high valuation, and others a small tax on a low valuation.

The assessment roll for 1880 showed a valuation of less than $178,000,000, which was wrong, he said, and did the State no credit; if fairly assessed at only two-thirds of its valuation the assessment should easily show $300,000,000, and he recommended legislation that would correct the evils of unjust and unequal valuation.

But before these reforms could be carried out, and almost at the inception of his administration, Louisiana was almost overwhelmed with the most destructive flood that has ever visited any State.

Inundations have by no means been infrequent in the history of that Commonwealth, but none have approached the destruction wrought in 1882. The torrent that swept down from the northern rivers broke through the levees of Louisiana in 83 different places. The arable land inundated amounted to 606,674 acres, and in 16 parishes alone the loss sustained amounted to $12,061,910.

In this torrent, dwelling houses, cabins, fences, and all improvements were swept away; the work stock and cattle were drowned by the thousands, and the destruction and suffering of the people was intense. Thousands of families were imprisoned for days upon the roofs of houses, rafts, or small areas of elevated land, and when the floods subsided they were powerless to cultivate their fields.

There were recurring floods for the next two years, and the damage was less only because the flood had left less to destroy.

The empty treasury, the havoc wrought by the elements, the demand for levees and other public works, together with the unsettled conditions throughout her borders, demanded executive ability of high order to direct the ship of state, and Gov. MCENERY threw himself into the work with all the zeal and energy that had characterized his leadership in the White League.

Two years after the disastrous flood of 1882 he reported to the legislature that 120 contracts for the construction of levees had been let, and that 130 miles of levees, embracing over three and one-half million cubic yards of earth, had been built.

The limited resources of the State prevented carrying out at the time many of his suggestions, but his messages to the general assembly are replete with wisdom and valuable advice.

The public schools especially appealed to him. His personal experience as a teacher immediately after the war enabled him to thoroughly understand their wants, and he labored for the improvement of the system.

In his message to the legislature he recommended that every cent not needed for current expenses should be appropriated for public instruction, and legislation enacted to provide for compulsory attendance at school.

He said the State should interfere as little as possible with the economy of the family, but had a right to protect itself by requiring enforced attendance. He held, however, "that the State could only give a general and partial superintendence in this matter. That the danger of popular education lay in relying exclusively on the State and National authority for aid; and that no community succeeded in educating its children until it had faced the hard fact of local taxation."

Gov. MCENERY'S administration, following as closely as it did upon the heels of the ignorance, extravagance, and corruption that marked the reconstruction period; upon the epidemics that scourged that State in 1878 and 1879, and upon the floods that wrought such havoc in 1882, 1883, and 1884, would have been notable for the repairs it made to this long and varied series of disasters if for no other reason.

But his administration was notable aside from these, for many legislative achievements and public works, and while there are numerous things for which it will be remembered, the greatest of these, it may be said, is charity.

While he was governor the State provided for the permanent maintenance of Camp Nicholls as a home for the brave men who gave their youth and manhood for her defense during the war between the States, while the Charity Hospital in New Orleans, one of the noblest and grandest institutions of its kind in all the world, was the special object of his care and attention.

As a result of his assistance, the ambulance service of that institution was established, and by the inauguration of consultation clinics, its beneficent work was extended to the out-door poor.

The impulse he gave to this great work of philanthropy, the kindly influence he exerted in promoting its usefulness, and the material assistance he rendered in enlarging it are recorded in the archives of the State and emblazoned on the walls of the institution itself so that future generations may know them.

Although not renominated at the expiration of his second or regular term, it was characteristic of him that he did not sulk in his tent.

Recognizing the necessity of Democratic success and white supremacy, he threw himself into the contest with all his old-time ardor and energy, rendering invaluable service in one of the most brilliant campaigns ever waged in Louisiana. Shortly thereafter, when a vacancy occurred on the supreme bench, he was appointed, not only as a recognition of his high service alone, but as a tribute to his high integrity and to the complete confidence of the people in him.

While he was serving in this high judicial capacity, some twenty-odd years ago, he and I were called upon to lead opposing factions in the Democratic Party as candidates for governor.

The campaign centered upon the rechartering of the Louisiana Lottery Co., an institution created during the days of reconstruction, and a heritage of the very conditions from which Capt. McENERY had fought to relieve the State.

It is difficult for one who did not participate in that campaign to appreciate the bitterness it engendered, or the heart-burnings that remained long years after the struggle was ended.

It is no exaggeration to say that nowhere since secession was the issue, has any State been wrought up to such a high pitch of excitement as existed in Louisiana during the struggle for the recharter for the lottery company.

The issue went against his faction. I was elected governor and he resumed his duties as a member of the Supreme Court. And right here I wish to say that had he never served his people in any but a judicial capacity his fame would have been secure, for as a jurist his work was of the highest order. His natural mental gifts had been improved by careful study and he possessed the faculty of expression in a remarkable degree, so that his decisions were noted no less for their deep learning and cogent reasoning than for their clearness and perfect diction.

It was a peculiar coincidence, Mr. President, that both men who successfully opposed him in his last two contests for the governorship should afterwards be instrumental in elevating him to other high offices where they served with him.

Yet this is exactly what happened with both Gov. Nicholls and myself. After the bitter campaign of 1888, Gov. Nicholls, as I have said, in recognition of his great services and eminent abilities, appointed him to a position on the supreme bench of the State, to which illustrious body the governor went himself after his term of office.

And even as Gov. Nicholls had tendered him a place upon the supreme bench, so it was my great privilege, while serving as governor, to be instrumental in having him come to the Senate.

Both had met him in battle on the hustings for the suffrage of the people, and with good reason knew his worth as an antagonist in the field; both had known him when the bitterness of the struggle had been buried and forgotten, in the judicial chamber or here in the Senate; both became endeared to him because of his lovable personality and sterling worth of character; and, Mr. President, I am absolutely frank in saying that when he died there were no two men in the State who more deeply deplored his passing than Gen. Nicholls and myself.

The devotion in which he was held was never more clearly shown than when first elected to the Senate in 1896. The democracy was confronted with a crisis that year and he was called upon to save it.

The legislature was charged with the election of a United States Senator. After a spirited contest, it was found impossible to return the regular party candidate, owing to factional wounds, and a condition developed which threatened to deprive the party of the Senatorship. In this situation there was but one man in the State upon whom all factions could unite. That was Justice McENERY, and it was decided to call him from the quiet shades of the judicial chambers to take up the legislative burdens here in the Senate.

In this instance, as throughout his career, he never faltered when the Democratic Party called. Owing to his views on the tariff, however, which placed him at variance with a majority of his party, he announced his desire to make his position clear to the Democratic caucus. He frankly declared that he was a protectionist, in favor of all internal improvements, with broad national views on many other questions, and that he could not change these views. He was elected with the understanding that he should be free to vote in accordance with his personal views on those questions, and these facts should not be forgotten in considering his record here.

During the consideration of the present tariff laws, his attitude was the subject of widespread comment, and of bitter criticism in certain quarters. The position he then assumed, however, was in keeping with the announcement he made to the legislative caucus when first elected, and with the stand he took on first coming to the Senate, upon the convening of the Fifty-fifth Congress, in 1897, when the Dingley law was being drafted.

Addressing the Senate early that session, he called attention to criticism just then being leveled at him for the first time since entering the field of national politics and stated that his position was by no means new to the people of Louisiana. It was substantially the same, he asserted, as he had assumed in 1884, when triumphantly elected by the people of that State to succeed himself in the high office of governor. "And when I was nominated by a Democratic caucus for this present position," he continued, meaning the senatorship, "before the vote was taken, and so that there could be no misunderstanding, I went before the caucus, although not called on, and made the same statement that I did in my inaugural address in 1884." He believed the tariff to be purely a business question, which had no place in party politics.

But while his views on the tariff were most familiar to the present generation, it is likely that he will best be known to posterity because of his attitude toward Hawaii and the Philippines.

In acquiring those islands and absorbing their uncivilized people, he feared this country was entering upon an era of turmoil and strife, and by the introduction of the McEnery resolution did all within his power to avert what he considered must prove ultimate disaster.

That resolution, adopted by the Senate in the Fifty-fifth Congress, was as follows:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States, but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands as will best promote the interests of the citizens of the United States and the inhabitants of the said islands.

That resolution was presented when the country was flushed with the victory of the Spanish War. The banner of Castile and Aragon had been driven from the Pacific, the ægis of this Republic had been extended over 2,000 islands of the sea, and more than 10,000,000 people suddenly found themselves beneath our flag.

He knew that it was not popular to advocate withdrawing from the Philippines, nor did he propose doing so until order was restored, acknowledgment received of our undisputed sovereignty, and provision made for coaling stations and other naval needs.

But he also knew that two races could not live in harmony and on terms of equality anywhere, not even in the Orient. His knowledge as a profound student of history, together with his bitter personal experience during the reconstruction period in the South, told him that the immutable laws of nature forbade it, and in order that those islands might not become an integral part of this country, he introduced and advocated the now famous McEnery amendment.

The adoption of this resolution was very bitterly opposed by many Senators who were against the ratification of the treaty of Paris, and it was the subject of a fierce and bitter debate in this body.

I shall not go into the merits of that debate nor discuss the differences of opinion as to the effects of this resolution, but shall content myself with stating that the deceased Senator always contended that his great purpose in introducing this resolution was to prevent the incorporation of the Filipino into the citizenship of this Republic, and to prevent a permanent annexation of the islands as an integral part of the territory of the United States.

In 1878 Senator McENERY married Miss Elizabeth Phillips, daughter of a prominent planter of Ouachita Parish, a lady of much culture and refinement, who survived him with two

sons, Mr. Charles Phillips McEnery and Dr. Douglas W. McEnery, and one daughter, Jane, wife of Mr. W. B. Parks, all residing in New Orleans.

Senator MCENERY was one of the historic characters of his State. He was, at different times, lieutenant governor, governor, associate justice of the supreme court and United States Senator, and his promotion from one place to another in regular progression proved that he filled all the places with credit and to the advantage of his people.

He was a Louisianian in every sense of the word, devoted to the interests of his people, and with marked ability and characteristic independence sought to serve them whenever and wherever he could.

He carried with him a personality of his own. He was a courtly gentleman, a true and loyal friend, and a brave, honest, and courageous public servant. As a Senator he was universally loved and respected and in everything that he did while here, it is my honest conviction that he did it from a high sense of duty to the people whom he represented. He acted upon the principle that his first duty was to his State, and, while at times differing with his party associates, yet he always held their respect and confidence.

The late Senator was very close to the hearts of our people. They held him high in their love and esteem. The people knew him. They knew his faults and virtues, and they implicitly trusted him. They knew that he always placed their interests above personal consideration and that their welfare was uppermost in all his endeavors. This is attested by the fact that while occupying high positions in which his personal interests might have been advanced, yet he died a poor man—a splendid tribute to the honesty, integrity, and uprightness of his public and private life.

It is well known that for a number of years Senator MCENERY and I were opposed in politics. After I became associated with him in the Senate our acquaintance soon ripened into a profound friendship. I doubt if there were any two Senators from any State in the Union whose relations were more pleasant and congenial than ours.

It was a pleasure to have him as a colleague. He was always courteous, kind, and thoughtful, and never during the term of our service did we have a serious disagreement. Sometimes, it is true, we voted differently, but we each accorded the other the sincerity and honesty of conviction, and such differences never interfered in the slightest either in our personal or official relations. He was to me a friend upon whom I could absolutely rely and whose loyalty and devotion I could trust without question. Such a friend is indeed a loss.

Senator MCENERY left Washington City at the close of the last session in good health, but was taken sick on the train before reaching New Orleans and had to be carried home. He lingered for a short time, very weak, but conscious almost to the very end, and met the summons from beyond in the same brave, courageous spirit that he met all the difficulties and trials of life.

Surrounded by his wife and children, and with almost the same sweet, gentle smile that always greeted his friends and loved ones, he met the reaper, while his spirit passed beyond the river, and let us hope will rest forever in peace.

Mr. LODGE. Mr. President—

> When sorrows come, they come not single spies,
> But in battalions!

Shakespeare's melancholy and noble lines have been brought to my mind only too frequently in these last months as death has descended again and again upon the Senate. Day before yesterday I joined in the ceremonies which commemorated the life and services of my good friend Senator CLAY. To-day I rise again to speak of a distinguished man, also a friend of many years, who was so long the senior Senator from Virginia.

Senator DANIEL was to me, from the time when I first saw him here, one of the most interesting figures in the Senate and in our public life. As I came to know him well, interest deepened into real affection, and I sorrow for him not only as a loss to the Nation and to Virginia, but as a friend whose departure I shall always mourn.

When, as a Member of the House, I first saw him on the floor of the Senate I was arrested by his appearance and found a fascination in watching him. He was very striking in his looks, with a head and face which would have been remarked anywhere and in any assemblage of men. He reminded me of the portraits of the leaders of the French Revolution—the men who destroyed an ancient monarchy, reorganized France, and shook the civilized world from center to circumference. In nearly all their faces, as in his, one sees strangely commingled with the gaze of the dreamer and the visionary, that expression of intense energy which is so easily translated into action. They were very young for the most part, those leaders of the French Revolution; they did great deeds, whether for weal or woe; they conquered young and they died young. In nearly all we see that strange look which seems to belong to those who are ready to sacrifice youth and joy and life for the faith which absorbs their being.

Senator DANIEL had long passed youth, had gone beyond middle age, and yet he seemed to me still to have the expression of those who in the flush of young manhood sought the great prize of death in battle for the sake of beliefs to which their hearts clung; in pursuit of visions seen only by them. The touch of romance, the look of the dreamer, the passionate energy of the man of action, all seemed to meet in his aspect and his eyes.

With a brilliant record as a soldier, not merely eminent at the bar, but as a writer on law of high authority, after much public service in his own State and in the House of Representatives, Senator DANIEL came to this body with distinction already achieved and with a high reputation in many fields already secured. He had as a gift of nature great eloquence of speech, and this gift had not only been enlarged by care and practice, but had been made weighty and serious by the studies he had pursued and by the reflective and philosophical cast of his mind. One could easily disagree with him, but he never failed to arrest the attention or to furnish food for thought in what he said. His style was of the old school, the richer and more florid style of the first half of the nineteenth century. It has passed out of fashion now. The modern taste is for something plainer, more direct, more businesslike, because this is an age when business is regarded as of the first importance in every department of human activity. Yet the school to which Senator DANIEL belonged produced speakers who have never been surpassed in the annals of oratory. The faults, both of the period and of the school, can be easily pointed out, but the heights in the great art of speech to which some of the men of that age attained remain to-day lonely and unscaled. Senator DANIEL exhibited all the qualities of that earlier time in high degree, and it was possible to those who lent an attent ear to learn from him many lessons which would not be without great profit even at the present time. In him there was always dignity and, what is of infinitely more importance, that sincere respect, not merely for his audience, but for what he was himself doing and saying as a public man, which is so often neglected, to the great detriment of speakers and listeners alike. He had in large measure the "high seriousness" which Aristotle commends in the poet.

He did not speak on many subjects. He was not an incessant talker. But upon any topic which engaged his attention he spoke copiously and well, and never failed to show that he had thought much and independently upon the questions involved. He liked large issues, because they offered the widest opportunity for speculation as to causes and for visions of the future. This reach of mind made him an American in the largest sense and showed clearly in the note of intense patriotism which sounded so strongly in his more formal addresses.

It was always a pleasure to talk with him, for he was unfailingly suggestive and ranged widely in his thought. The grave courtesy of his manner, which never wavered, had to me a peculiar charm. I should not for a moment think of hinting even that the manners now generally in vogue are not better, but they are certainly different. Manners like those of Senator DANIEL, I suppose, would be thought to take too much time, both in acquisition and practice, among a generation which can employ its passing hours so much more usefully. Yet I can not divest myself of the feeling, an inherited superstition perhaps, that manners such as his—serious, gracious, elaborate if you please, but full of kindness and thought for others—can never really grow old or pass out of fashion.

He loved his country and he loved her history. He cherished with reverence her institutions and her traditions. It could not be otherwise, for he was a Virginian, and the history and traditions of his own State outran all the rest. Others may disregard the past or speak lightly of it, but no Virginian ever can, and Senator DANIEL was a Virginian of Virginians.

He believed, as I am sure most thoughtful men believe, that the nation or the people who cared naught for their past would themselves leave nothing for their posterity to emulate or to remember. He had a great tradition to sustain. He represented the State where the first permanent English settlement was founded. He represented the State of George Washington.

I will repeat here what I have said elsewhere, that, except in the golden age of Athens, I do not think that any community of equal size, only a few thousands in reality, has produced in an equally brief time as much ability as was produced by the Virginian planters at the period of the American Revolution. Wash-

ington and Marshall, Jefferson and Madison, Patrick Henry, the Lees and the Randolphs, Masons and Wythe—what a list it is of soldiers and statesmen, of orators and lawyers! The responsibility of representing such a past and such a tradition is as great as the honor. Senator DANIEL never forgot either the honor or the responsibility. Can more be said in his praise than that he worthily guarded the one and sustained the other!

The Civil War brought many tragedies to North and South alike. None greater, certainly, than the division of Virginia. To a State with such a history, with such memories and such traditions, there was a peculiar cruelty in such a fate. Virginia alone among the States has so suffered. Other wounds have healed. The land that was rent in twain is one again. The old enmities have grown cold; the old friendships and affections are once more warm and strong as they were at the beginning. But the wound which the war dealt to Virginia can never be healed. There and there alone the past can not be restored. One bows to the inevitable, but as a lover of my country and my country's past I have felt a deep pride in the history of Virginia, in which I, as an American, had a right to share, and I have always sorrowed that an inexorable destiny had severed that land where so many brave and shining memories were garnered up. That thought was often in my mind as I looked at Senator DANIEL in this Chamber. Not only did he fitly and highly represent the great past, with all its memories and traditions, but he also represented the tragedy, as great as the history, which had fallen upon Virginia. To the cause in which she believed she had given her all, even a part of herself, and the maimed soldier with scars which commanded the admiration of the world finely typified his great State in her sorrows and her losses as in her glories and her pride.

Mr. GALLINGER. Mr. President, the late Senator from Louisiana belonged to a type of men quite too rare in these days. He was a man of dignity, integrity, high sense of honor, and independence of thought. A Democrat in politics, he did not allow partisanship to control his speech or his votes. Once satisfied that he was right, no influence could swerve him from the path he had marked out. He belonged to the old school of southern statesmen, and he carried himself with a poise and dignity of manner that bespoke the gentleman that he was. Courteous, kind, thoughtful of others, he commanded the respect of his associates in the Senate, as well as of the people of the State which he so ably and conscientiously represented.

It was my privilege to serve with the late Senator MCENERY for 13 years. Of the same age as myself, there was much in common between us, and our friendly relations were to me a source of much pleasure. We were both members of the Committee on Naval Affairs, and in the committee room I learned to value and admire him. He was a constant attendant upon the meetings of the committee, and in the matter of appropriations for the Navy was neither reckless nor parsimonious. He believed in a well-balanced and strong Navy, and his voice and vote were in favor of adequate appropriations to build it up and sustain it. A student at the United States Naval Academy, at Annapolis, he was a warm friend of that institution, taking special pride in its development and success. Always watchful of the interests of his own State, he was broad-minded and generous toward all other sections of the country.

As I knew Senator MCENERY, he was a most charming and lovable man. Brave and self-reliant, he was at the same time tender and considerate. He never lost sight of his obligations to his fellow men and never intentionally wounded their feelings or wronged them in any way. He was a conscientious public servant, a popular citizen, and a good and true friend. He stood for what is best in life, living up to high and true ideals.

Mr. President, SAMUEL DOUGLAS MCENERY brought honor to his State in all the positions of trust and responsibility that his people conferred on him. In the Senate he illustrated the high qualities of heart and brain with which he was endowed. He had the confidence and respect of every Member on both sides of the Chamber, and the announcement of his death brought a peculiar sadness to all our hearts. We miss him from his accustomed place in this body; we miss his genial greeting and his kindly words. He has answered the summons that sooner or later will come to us all, and it will be well for us if, when the call comes, we are as well prepared for the great change as was our associate and friend in whose honor these words of eulogy are being spoken to-day. He has gone from us, but his memory will be a benediction and an inspiration to all who practice truth, who love justice, and whose life is patterned after the teachings and example of the Master. On his grave we would place a flower, and in our heart of hearts we would embalm the memory of a good man whose services to his State and his country entitle him to a place among those who have brought honor and renown to the institutions of the Republic.

Mr. ROOT. Mr. President, it is a melancholy satisfaction to add my word of tribute to the memory of Senator DANIEL. I knew of him first as the author of a painstaking, accurate, and clear work upon one of the dry and technical branches of the law. I wondered that the nature which could bring itself to the labor of preparation and exposition in such a field could also be the nature of a gallant soldier and a convincing and stirring advocate; still more that it could be the nature of an orator, with the breadth of view and the loftiness of idealism and tenderness of sympathy which made him potent to move the masses of men.

I first came to know him when the interests of the people of his State of Virginia brought him into the Department of War and into consultation with the head of the department. I do not know that in all the years of experience as head of the Department of War and then as head of the Department of State, which brought me into contact with so many of the strong and able men of our country, I have ever been more impressed. I doubt if I have been ever so much impressed, by the personality of any man as I was by the personality of Senator DANIEL. His distinguished and sincere courtesy, the grave dignity which characterized his demeanor, the simplicity, directness, and truthfulness of his utterances, the ingenuousness of his motives, were so apparent that above all the men whom I have ever known he created an atmosphere which lifted up those about him to the same high plane of his own noble purpose.

His courtesy was not mere manner. His manner was but the expression of a sensitive and noble spirit exhibiting itself through the forms of a great tradition. The sensitiveness of his sympathy impressed upon everyone who knew him the certainty that he was a pure, sincere, and noble gentleman. The kindliness and considerate character that was displayed in his action and his words furnished a guaranty of his justice, of his considerate and thoughtful regard for the rights, the feelings, and the prejudices of others. He never left the War Department or the State Department in my time that I did not feel myself a better gentleman and a better officer for having come under his influence and having been within the sphere of the atmosphere that surrounded him for even the few minutes of our interviews.

Ah, sir, that was the nature that breathes the very soul of patriotism and love of country. Brave soldier as he was, earnest advocate as he was, indomitable in every enterprise to which he set his hand, fearless as against all opposition or attack, he had that essential regard for the rights, the feelings, the prejudices of all his countrymen which makes it possible for the people of a free, self-governed country to live together in peace and harmony, and to love their country and their countrymen.

He was the product of those centuries during which the formative power developing the people of the United States proceeded from a race of men whose characters were affected by the calmness and serenity of rural life. The landholders of North and South, of New England and the Middle States, of Virginia and Georgia and the Carolinas, the people of all our States who, with their fathers, had owned their own land, had acknowledged—had known no superior, socially or politically, coming to manhood in self-respecting independence, with unhurried development of character, not feverish or hysterical, but reflective, calm, strong, considerate. These were the men who made the earlier history of our country, and from them came Senator DANIEL. A new life is urging forward the movements of our people. The rush, the haste, the tumult, the unthinking excitement of the struggle for wealth are displacing the old calmness and reflective training.

But, sir, the influence of which Senator DANIEL was a perhaps belated representative must remain if the great country which he served so well is to continue. Self-respect and respect for others, courtesy, consideration, sympathy, justice, all the qualities of the older time must be found among the people who govern themselves or their self-government will degenerate into the wild scramble that means strife, discord, conflict, and disintegration.

That Virginia has honored and does honor this gentleman of the old time, that this Senate loved him, that our country remembers him with grateful appreciation for what he was, all argue well for the soundness, the wholesomeness, the genuine spirit of patriotism that will preserve all that he represented. Long may it be before the life and the influence of that noble

race of men of whom he was so distinguished an example is forgotten in the councils of our Government or in the action of our people.

Mr. FLETCHER. Mr. President, Alexander, son of Philip of Macedon, became captain general of Greece, repelled the Persian invasion, captured the East, mourned that there were no more worlds to conquer, and died at the age of 32. The times were different from ours. There have been few Alexanders and no such conditions since.

Seventy-three years seems rather a generous allowance for the life of an individual, but for one capable of great service at a time when there is so much needed to be done, it appears but a short time. To obtain an education to fit one for a noble profession itself requires quite a few of those years. To become established in that profession and make a reputation for high proficiency requires time. To have such a career interrupted by active service in the field during a terrible war would consume quite a few years at a critical period in such a life. The governmental affairs of a great State, such as must be understood by the chief executive, are sufficiently important and exacting to occupy the best years of one's life. The position of associate justice of the supreme court of that State, with the onerous duties imposed in that high judicial capacity, might well amplify such a career and crown such a life.

Faithful and satisfactory service in these exalted positions would seem about all that could be well crowded into the life of one individual.

It must have been extraordinary qualifications for the widest fields of general public usefulness that moved SAMUEL DOUGLAS MCENERY on to the national forum and caused him to be chosen by his people a Senator of the United States from the State of Louisiana in 1896, again in 1902, and again in 1908.

Rarely, I think, can it be found that so much has been accomplished in the years allotted to him. Seldom have such responsibilities been heaped on one man's shoulders. It required unusual capacity and ability of a high and varied character to successfully meet the obligations, discharge the duties, and perform the services which pressed upon our friend. That he squarely faced and completely mastered the difficulties of every situation; that he possessed a keen sense and correct conception of fiduciary responsibility, which he carried into practice; that he diligently and faithfully performed what was undertaken is demonstrated by the continued confidence of his people, which amounted to genuine affection and absolute trust.

His early and extensive mental training; the discipline and hardship of active army service; the stirring times, arousing every patriotic impulse and calling out the resources of his strong, intellectual, and moral nature, which he experienced in the days of young manhood, combined to equip him for the highest official station. Born at Monroe, La., May 28, 1837; educated at Spring Hill College and the University of Virginia; a lieutenant in the Confederate Army; engaging in the practicing of law; we find him governor of Louisiana when he was 44 years of age. At 51 he was associate justice of the supreme court of his State, and while occupying that position he was elected United States Senator.

On all matters with which he had to deal he consulted his own judgment and conscience, earnestly and seriously. Not that he was inconsiderate of others, or heedless of their opinions, or not respectful of the views of his fellows, but his final action had to square with his reason and his conscience. He was in every sense and in every relation and at all times a man as brave and self-reliant as ever stood in line of battle or conquered in the fiercer struggles of peace.

My last conversation with him was in the cloakroom just before the adjournment of the session June 25, 1910, and he did not complain of being ill, but seemed in his usual health, although somewhat wearied by the long session. He left Washington that night for his home and died in New Orleans soon after arriving there June 28, 1910.

Louisiana has lost an ideal citizen, a most faithful and efficient public officer, and the whole country shares in that loss. It saddens one to see such men of the old school pass away. While in the main I believe the world is growing better and progress is being made and development taking place, and men and things becoming more complete, perhaps more perfect, still there were some qualities peculiar to the times and lives of a generation ago which have been diluted rather than strengthened by the commercialism of the present. For instance, the polite and chivalrous manners, the deference and devotion to woman, the value of one's word, indicated by the saying, "his word is his bond," and the absence of hypocrisy.

We would do well, in the rush of things these days and in the evolution taking place in other directions, not to lose sight of these sturdy and beautiful traits of character.

I venture to say that the man can not be found who can truthfully assert that SAMUEL D. MCENERY ever deceived him or failed to do precisely what he agreed to do.

Courteous in his bearing and kind and considerate in his disposition, he was likewise perfectly open and frank and always sincere.

He never shirked a duty or evaded a responsibility. He did what he considered to be right and had no apologies to make or explanations to offer. He illustrated the ancient Greek teaching—"to be rather than to seem" and "to do rather than to idle."

Like Henry Clay he could say, "I have no commiseration for princes. My sympathies are reserved for the great mass of mankind." And like the great commoner, I imagine he felt "it is the doctrine of thrones that man is too ignorant to govern himself." He loved his State and people with a devotion rarely equaled, and he desired to see them prosper. He felt a just pride in the Nation and strove to promote the welfare of all. His work is written in the history of his State and country.

As governor, he expressed in his message to the legislature his deep concern regarding the industrial growth of Louisiana and the development of her resources, saying "We must realize the fact that she is rich and force her to the front rank of States." He directed the way of her progress by urging legislation regarding assessments and taxation, finances, and improvement of the levees, and arousing interest in education. On the latter subject his message to the legislature took high ground to the effect that "the people of this State are prepared to approve any legislation that will secure an effective system of free elementary instruction."

Embalmed in sheep, to be preserved for all time, are his decisions rendered in the highest court of his State. As chief executive, his name and the result of his labors will be handed down to succeeding generations. As a Member of this body, he wrought and placed on the permanent records illustrations of his statesmanship and patriotism. So he is not to be forgotten, and reference to his life and work will evoke appreciation of his great ability and his exalted character.

At Kamakura, once the capital of eastern Japan, which boasted a population of more than a million in the days of its glory, the colossal statue of the great Buddha, all but 50 feet in height, stands near the sea. The casting was begun in 1252. Twice has the temple which inclosed it been swept away by a great tidal wave, the last time in 1494. But the great bronze figure still remains

> A statue solid set,
> And molded in colossal calm.

As a soldier in the Confederate Army under Magruder, as a lawyer, as governor, as judge, as United States Senator, SAMUEL D. MCENERY has built a monument more lasting than this—one gratifying to the aspiring soul.

He has passed beyond our vision. It is a comforting thought that—

> There is no end to the sky,
> And the stars are everywhere,
> And time is eternity,
> And here is over there.

Mr. PERKINS. Mr. President—

> Friend after friend departs;
> Who hath not lost a friend?
> There is no union here of hearts
> That finds not here an end.

Mr. President, Senator DANIEL's death removed a very useful, a very prominent, and a very public-spirited Member of this Chamber and the State of Virginia a very distinguished and well-beloved son.

The warmth of feeling with which he was regarded by his fellow citizens was an index of his attitude toward them during his entire life, and the sincere grief manifested at his death by the Members of the Senate indicates in some measure the feeling which he inspired in the hearts of his colleagues.

In every period of his career Senator DANIEL exhibited that earnestness, unselfishness, and devotion to what he believed to be his highest duty which wins the admiration and respect of all earnest and thoughtful people.

During the Civil War his energy and talents were exerted to the utmost in the cause which called him into the field. The wounds he received bore witness to his bravery, and the high rank which he attained is evidence of his soldierly qualities and military ability.

After the peace his devotion to his people caused him to enter public life, where he demonstrated his unusual qualifications for public affairs and earned the respect and affection of the people of his State.

As a lawyer he had achieved a very high rank, and in certain branches of the law became an authority.

In Congress he developed to the full all those powers of application and persuasion which enable a legislator to get at the truth of any subject and to convince those who are to deal with it, and in work of this kind his absolute sincerity and anxiety for that only which is for the public good made him a power in the counsels of both the House and the Senate.

In all that he did as a member of the Virginia Legislature and as a Member of the Congress of the United States he strove earnestly and constantly to throw the cloak of oblivion over the dark past and to make it plain to all that we are citizens of an undivided country, to which is due absolute loyalty and that love which all should have for the most precious of earthly possessions.

God grant—

He once said—

that the departed era may return no more to our country.

It is the marvel of the world—

He again said—

that so far our unprecedented and unmatched Constitution has availed to preserve our inheritance and to keep alive here the hope and faith that the future may prove worthy of the past.

A greater people have never yet appeared upon this globe than the Americans, and it must solemnize any just mind to realize the responsibility which comes to it with the injunction to take heed that no ill befall the Republic.

The loyalty of Senator DANIEL to his country was equaled by his loyalty to his State. He was a true Virginian, believing in the grand old Commonwealth with all the strength of his generous nature and in its people with all the warmth of a great heart. Whatever was for the advantage of the Old Dominion, that he advocated and worked for with all the energy he possessed.

Without the enthusiasm which he brought to bear in the effort to secure the Jamestown Exposition, it is very doubtful whether it would have received the sanction of Congress. I know that many votes for it were secured purely through his eloquent advocacy and personal magnetism. He entered upon the contest as though the question were one of vital importance to his State, and he brought to bear all the dash and enthusiasm which characterized him on many a hard-fought battlefield in his youth. He won a victory for his people, for to him there was no such thing as defeat in such a cause.

For individual Virginians, as well as for the State as a whole, Senator DANIEL held himself ready to work for any good and worthy purpose, and it was through his efforts that much has been accomplished in the way of development and the promotion of prosperity.

As he said of the late Senator Hoar, so may we now say of him:

No man ever said or thought of him that he was the servant of personal ambition or of private ends. There are many things in heaven and in earth that can not be seen by our eyes or heard by our ears or touched by our hands or which are within the pale of our sense; more, indeed, "than are dreamed of in your philosophy."

Hence many a noble aim may miss its mark however clear be the eye that discerns, however firm the will that directs, however true be the hand that obeys.

It is only possible to the human to be right in mind and conscience and to be sincere in heart.

So felt the prophet when he said: "Keep thy heart with all diligence, for out of it are the issues of life."

So did Senator DANIEL keep his heart.

He aimed his arrow at wrong wherever he thought he found it.

He lifted his shield over the right wherever he thought the right needed reenforcement.

It is only in such performance of duty that true glory may be found.

No one who knew Senator DANIEL could fail to be struck with the evidences of his wide reading and profound reflection. He was a scholar by instinct, habit, and training. Whenever he arose to speak he was listened to with pleasure and instruction, for he gave the results of long and careful study, enriched by gleanings from the domain of literature.

His was the eloquence which we find in the older school of statesmen, who strive to clothe their thoughts in the rich language of the great masters when felicity of expression was sought for as the proper setting for exalted ideas. His discourse in private had the same characteristics and formed one of his charms in social life.

I, as well as the rest of his colleagues, was warmly attached to him by reason of his genial companionship, which had the full flavor of that southern generosity and open-heartedness which have made the hospitality of the South proverbial throughout our land.

In my intercourse with him in the Senate on the Committees on Appropriations and Coast Defenses, of which we were both members, and in purely social life I found him steadfast to those high ideals which he had early set up for his guidance, and which had caused him to set a striking example to his fellow citizens in war and in peace.

His wide sympathies took in all classes of people and all parts of our great country, and he was ever on the alert to study conditions new to him and to gather therefrom ideas that might be made of benefit to all.

I shall never forget the interest he took in our great Pacific coast, when, as my guest in California, he had an opportunity to see the land over which the stories of the Argonauts has thrown an atmosphere of romance. He found there much to remind him of his own loved native State, and in the free, generous life of our people he felt himself back among the beautiful Virginia mountains and valleys.

We may say of Senator DANIEL as he once said in a eulogy of a former colleague:

He was typical of his State, of his section, and of his party, and he was distinctively a Representative in all he stood for.

Most of the great problems that engaged his thought and effort have found their solution through the processes of time, and new sails are now seen on the horizon before us.

As we seek to measure justly the men of the past we do not carry into our judgments the partisan feelings which inflamed them or their combatants in hours of conflict, for it is the happy faculty of a wholesome nature to take men according to the circumstances which environed them and according to the manner in which they dealt with their own obligations and duty.

Abraham Lincoln said on one occasion that he must confess that events had controlled him far more than he had controlled events; and if one who was at the head of such mighty power as he wielded could feel so sensitively how little any one man can do in the great movements of the human race, how much more must it be felt by those who play but minor parts in the drama that is in their time upon the stage.

And again:

The stroke that removes one who has long interwoven his life in the work of a great public body, who has bound himself in associations of friendship and cooperative tasks with his companions, who has become a part of the business of many constituents, who has stood forth as the representative of a great State, and as the champion of ideas, and, indeed, has translated his being into law and doctrine—such a stroke suddenly snaps many ties and dissolves many vistas of pleasant and instructive contemplation.

It must be to many, and it seems to all, as if a landmark of memory and hope and faith and affection had suddenly crumbled to the dust.

If we lift our gaze from the tomb of a single one who has departed to survey the scene of desolation which a few years make in the ranks of a body like this, we are well-nigh appalled to realize how swiftly and surely death consummates its work of change and dissolution.

In the words he used in acknowledging the worth of a former Member of this body, I may say concerning Senator DANIEL that not only California, "the younger sister of Virginia," not only the old 13 States that founded our fabric of Government, but all of the 45 American Commonwealths that to-day constitute the Republic, say this of him, who so nobly applied it to another:

He was faithful to truth as he saw it; to duty as he understood it; to constitutional liberty as he conceived it.

Man sees all things die around him. The bud and the blossom die.

The leaf and the tree die.

The birds of the air and the fishes of the sea, the creatures of the forest and the field and the desert; alike, they die.

Man, in this respect, is like them, and we see and feel and know within ourselves, as did our dying brother, that of a truth we die daily.

The days die and the nights die.

The weeks and the months and the years and the centuries and the seasons die.

Time itself, even as we call its name and with our every breath, dies away from us.

An eternity without beginning lies behind us—dead.

A faith so beautifully expressed can not fail to be a comfort and an inspiration to those who knew his kindly character. When all that was mortal of Senator DANIEL was deposited in that last peaceful resting place, amidst the pines of his native State, how cheering is the thought that he believed it to be but the narrow entry to a greater, nobler life—eternal in the heavens?

How well could our dear friend say in Tennyson's incomparable verse:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

* * * * * * *

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark;
For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.

Mr. SMOOT. Mr. President, we are to-day reminded that almost half a score of our colaborers, who so recently were in our midst, have passed to that—

Thrice happy world, where gilded toys
No more disturb our thoughts, no more pollute our joys!
There light and shade succeed no more by turns,
There reigns th' eternal sun with an unclouded ray,
There all is calm as night, yet all immortal day,
And truth forever shines, and love forever burns.

The death of SAMUEL DOUGLAS MCENERY, at his home in New Orleans, on Tuesday, June 28, 1910, was a great shock to his colleagues in this body, yet it was not altogether unexpected. It had been evident for months that his health was failing him, although he was found always at work faithfully serving his State and his country. He engaged in the deliberations of the Senate up to the very day of adjournment, and then returned home to enter into immortal sleep.

A native of Louisiana, educated at the United States Naval Academy and the University of Virginia, a graduate from the State and National Law School at Poughkeepsie, N. Y., Senator MCENERY obtained a technical mental training which well fitted him for the great problems which in later life pressed upon him for solution. When the Civil War broke out young MCENERY had just reached his majority. He enlisted in the Confederate Army, serving through the war with marked distinction.

For more than 30 years Senator MCENERY had been a leader in the political affairs of his State and Nation. Through his devotion to duty, his unflinching integrity, and his extraordinary ability, he has been honored with the high offices of lieutenant governor of Louisiana, governor of Louisiana, associate justice of the supreme court of Louisiana, and three times elected to the United States Senate.

Few men in public life have ever exhibited such independence of thought and action and shown such indomitable will to succeed as has Senator MCENERY. These characteristics accompanied him through life. His attitude on various questions at different times under consideration in this body has been the comment of his countrymen throughout the United States; but he was ever true to his convictions and never hesitated to voice them either by word or by action regardless of critisism or public opinion. It was his frankness and honesty that won for him the profound respect and admiration of everyone. He defined his position on any subject with freedom, and remained true to it. He was not offensive in urging his views upon others, but fought with undaunted zeal to gain his point.

It is fitting and proper on this occasion that we give expression to the virtues of those who depart this life and to turn our thoughts to the life beyond. It would seem cruel, indeed, if the knowledge and the intelligence and the good works acquired and accomplished in this world of action should pass away forever like a puff of wind. There must be something after all in the great realms above which to the human mind is too glorious to comprehend. It is a very happy thought to contemplate the eternal life and progression of the spirit of mortal man. It is consoling in death to have a vivid realization of a continuation hereafter of association and friendship with those whom we so honor and love. Such thoughts and such hopes urge us on to nobler deeds and higher ideals.

In Senator MCENERY we recognize the student, the lawyer, the soldier, the constructive State builder, the jurist, and the statesman. A stalwart for the right as he conceived it, devoted and true to his commissions, fearless and courageous, he won the esteem and confidence of everyone with whom he came in contact.

Senator MCENERY'S life was ripe in usefulness. He approached the grave—

> Sustained and soothed
> By an unfaltering trust,
> Like one that wraps the drapery of his couch
> About him and lies down to pleasant dreams.

His more than three score years and ten were well spent, and to him might justly be applied the plaudit:

> Well done, thou good and faithful servant; enter into thy rest.

Mr. SIMMONS. Mr. President, Virginia has greatly enriched our country by her successive contributions to the eminent men who have adorned public life. In his address in commemoration of the landing at Jamestown, President Tyler mentions that there came to Virginia in her early days many representatives of that landed gentry whose capacity and worth had elevated England to her glorious position among the nations. Their American descendants were not unworthy of their lineage. Many scions of this persistent stock have budded in Virginia soil and blossomed into perfect manhood, and in every generation Virginia thought and Virginia life have been ennobled by men cast in a superior mold, who compel our admiration and lead us, while wondering at their talents, to seek to emulate their virtues.

Although but three centuries have as yet elapsed, in the long roll of eminent Virginians we can find examples of public worth that vie with the most famous characters of storied Greece and imperial Rome.

It was the fortune of our lamented friend, JOHN WARWICK DANIEL, to have brought the list of these illustrious Virginians down into our own times. He entered public life as the elder statesmen of the Old Dominion were passing away, but the names of Tyler, Stuart, Hunter, Wise, Baldwin, Conrad, Randolph, Seddon, and other distinguished actors in public affairs were still lingering on the tongues of men when he came to his work in this high forum. He was, like them, bred in the atmosphere of the ancient dominion, and feeling the pulsations of the former time. He was nourished in his youth amid the influences of the old régime, and like some vigorous giant of the forest he threw out his roots deep down into the soil of Virginia, and in every fiber he was the product of that Commonwealth of high thought and great action which have won for her the proud title of mother of statesmen. But each generation has its vicissitudes that exert a distinctive influence in the formative period of character. Like the earlier statesmen following the close of the Revolution, DANIEL had passed through the fiery ordeal of war. Thus it happened that his manhood had been perfected in his youth, and his military experiences had strengthened his resolution and had imbued him with unusual fortitude. So often had he been in imminent peril, so often had he looked with composure as death made havoc on either side and companions fell about him, that his very nature became permeated by a heroic disregard of all considerations save alone the strict performance of personal duty.

Thrice wounded, he suffered painfully, and although he survived, the old wounds of the battle field finally hastened him to the grave.

Trained as a lawyer in association with his estimable father, Judge Daniel, he knew none of the arts of shrewd pettifoggers, but built on the bedrock of comprehensive jurisprudence. Thus, not unnaturally, he became an author, and his work on Negotiable Instruments at once attests his industry, his juridical learning, and his legal acumen. Immediately this valuable compendium of the law was received by the courts as authority, and had his life then ceased his monument was already erected.

But Virginia realized his worth, and the most coveted honors his people could bestow freely awaited him.

In 1887, transferred from the House of Representatives to this body, he entered on a career, honorable not alone to himself but to the great State whose political traditions he so admirably maintained.

Well equipped, familiar with public questions, with a mind trained by exacting study, and richly endowed with logical powers, he was at once accorded an enviable position among the distinguished Senators of that period.

His particular associates—those southern Senators with whom naturally he became most intimate—had, like himself, been actors in the struggle between the sections, and, animated by a large patriotism, were ardently seeking to reestablish fraternal relation among the people of the Union, while zealously laboring to promote the happiness and prosperity of the Southern States.

There were the mighty Vance and the wise Ransom; the noble Hampton and the accomplished Butler; the brilliant Gordon and still more brilliant Hill; Pugh and Morgan; Walthall and George; Gibson and Eustis; Bate and Isham G. Harris; Beck and Blackburn; Vest and Cockrell; Kenna and Faulkner; Reagan and Berry—a galaxy of representative southerners, uniting shining talents with rare excellence of personal character. In their midst the accomplished Senator from Virginia found his appropriate place, and with them he illustrated in this forum those sterling virtues that have long been ascribed to the most distinguished of our southern statesmen.

Four times was he elected a Senator, and the years of his service here covered a period of remarkable interest in the annals of our country. It was while he was giving voice to Virginia's patriotism in this Hall that Fitzhugh Lee and Wheeler, once Confederates, were leading to glorious victory the boys in blue on foreign soil, and the embers of the long war were finally and forever extinguished.

Momentous measures constantly arose to claim the attention of the statesmen of that period, and Mr. DANIEL'S positions were always comprehensive, liberal, and patriotic. He was not merely a representative of Virginia, but a Senator of the United States, his great heart beating in unison with the mighty pulsations of the entire Nation.

His fame extended throughout the confines of the Union, and his name became a household word at the South, and especially in the homes of the people of North Carolina. Close to Virginia, North Carolina watched with pleasure and with pride the brilliant career of this illustrious son of the Old Dominion

and cherished for him a personal attachment and a particular regard.

The people of that State were ever in sympathy with his positions on public affairs and fully recognized his sterling worth and eminent services.

But as splendid as was his performance in this forum, his chief triumph came to him outside of these walls.

When the Nation's memorial to the immortal Washington was finished and an orator was to pronounce the eulogium on the great Virginian, DANIEL was selected as the fittest American of his generation to embody the sentiments of his countrymen in harmonious language.

As an orator he was superb, and on that memorable occasion his surpassing eloquence received the plaudits of the continent. Indeed, as distinguished as he was as a thinker, a man of learning and as a statesman, it was as an orator of superlative powers that he won his highest title to fame. He possessed the creative faculty in extraordinary measure; and, indeed, it might well have been of him that Gladstone wrote:

> He has a delicate insight into beauty, a refined perception of harmony, a faculty of suggestion, an eye both in the physical and moral world for motion, light, and color; a sympathetic and close observer of nature, a dominance of constructive faculties, and that rare gift—the thorough mastery and loving use of his native tongue.

And how well does this further quotation describe the style of his finished addresses:

> It is paramount in the union of ease of movement with perspicuity of matter, of both with real splendor, and of all with immense rapidity and striking force. From any other pen such masses of ornament would be tawdry, with him they are only rich. Like Pascal, he makes the heaviest subject light; like Burke, he embellishes the barrenest. When he walks over arid plains the springs of milk and honey seem to rise beneath his tread. The repast he serves is always sumptuous, but it seems to create an appetite proportionate to its abundance.

As Senator DANIEL's distinction was founded on eminent merit he wore his honors with graceful ease, and with his varied accomplishments there were united a generosity and an urbanity of carriage that rendered him an agreeable companion.

He was cordial, genial, bright, always full of hope, looking to the future with confidence as if it ever presented to his view the rainbow of promise.

With such a social bearing, intercourse with him easily ripened into affectionate regard; and not merely was he admired and esteemed, but there was a gentler touch that drew his friends close bound to him.

So that when at length he was detained from his accustomed place in this hall and when the sufferings of the last days came there was a genuine sympathy felt here that penetrated every heart. In that protracted struggle, hovering between life and death, he bore himself manfully. There was no falling away.

His resolution never quailed. His spirit was firm to the end. Undaunted he saw that dread vision, which in strength and health seems so remote, draw nearer and nearer, and without a vain regret he entered on the experiences of the world beyond. Recalling his fortitude in that dark hour, may not we, his associates, hold the conviction that not merely was he sustained by the assurances of that Christian faith whose precepts he observed, but that boldly and without fear or misgiving he essayed the passage to the bosom of the illimitable ocean of the mysterious future well buttressed and buoyed by the confident hope expressed by the poet:

> And though from out our bourne of time and place
> The flood may bear me far,
> I hope to see my Pilot face to face,
> When I have crossed the bar.

Mr. SWANSON. Mr. President, it is with profound misgivings that I undertake to make a fitting tribute to the character, the worth, the achievements, and the genius of the illustrious lawyer, orator, statesman, and soldier in whose memory these memorial exercises are held. I realize that I can but feebly express the great sorrow entertained by the people of Virginia at his untimely death, and their deep love and admiration, mingled with a profound reverence, for his splendid virtues, his varied and brilliant achievements. Of all the eminent public men who have adorned and illumined the history of Virginia none of them ever had a longer career of success and approval; none ever retained more continuously the abiding and abounding love of her people. He was so entrenched in the confidence and affection of the people of Virginia that no faction dared to assail him, no demands of partisan politics could induce even the most reckless and unscrupulous to attack him. For more than a decade the clouds and storms of party and political strife have been unable to reach the lofty heights to which the esteem and the love of the Virginia people lifted him.

In Virginia he stood preeminent; above all others, surrounded with a halo of universal love, admiration, and reverence. He had worthily won this rare, peculiar place and this high distinction from his native State. No Virginian who ever lived had heart stirred with a purer patriotism or thrilled with a deeper love for Virginia than Senator DANIEL.

From early manhood to the hour of his death, in peace, in war, in the dark hours of her gloom and defeat, this devoted son of Virginia firmly, faithfully, and fearlessly served her. Virginia's honor was his honor; her wrongs were his wrongs; her failures his failures; her success was his success. In his deep, passionate nature flamed an eternal love for his State.

Senator DANIEL was the very highest type of a Virginian; a name synonymous with the most attractive and most splendid qualities of human character. Sunshine scintillated from every lineament of his pleasing face; geniality radiated from his warm, generous heart; a rare knightly courtesy characterized his manly deportment. To women he ever extended a deference and reverence, bespeaking innate refinement and purity. A devoted husband and father, a kindly neighbor, a loyal friend, he possessed in a marked degree those sterling Anglo-Saxon home virtues which have constituted the foundation of its greatness and has made it the world's conquering race. When interested his conversational powers, whether on light or weighty matters, were unexcelled. His deference to and consideration for others were noted and at once won the hearts of those with whom he was brought in contact. No person whom I have ever seen surpassed him in pleasing personality or possessed in a superior degree every indication of distinction. His Roman face and features of rare and unexcelled beauty ever radiated with luminous thought and gleamed with the sunlight of genius. These attractive personal traits were adornments that gave charm to a strong manly nature. He was a man of tireless energy, strong convictions, superb moral and physical courage. No misfortune could bring despair to his brave and stout heart. No personal sorrow, no great disappointment could retard his dauntless spirit in its effort for achievement. Though born and reared amid all the surroundings of wealth and luxury, yet when the misfortunes of Civil War swept all of these away, manfully, cheerfully, he accepted the changed conditions of poverty and hardship and struggled to earn a competence for himself and others, and with no assistance but what came to him from a brave heart and a great mind, he attained the fame and the prominence which afterwards came to him.

Though defeated twice in his efforts to be governor of Virginia and twice in his efforts to become a Member of the House of Representatives, yet he did not despair, and by his conduct and magnificent bearing in the hours of defeat proved himself worthy of success, acquired the confidence of the people and captivated their effections until he obtained every honor and distinction that Virginia could bestow and was elected for five terms as a Member of this honorable body. Thus, alike in defeat and in victory, he displayed his preeminence and greatness.

Senator DANIEL was a man of positive convictions, and without a shadow of turning adhered firmly and steadily to his party's tenets. For more than 30 years he was one of the ablest and most eloquent defenders of Democratic principles in this Nation. On the hustings, in the press, in the legislative halls of State and Nation he was the bold, brave champion of Democracy—one of its acknowledged and most beloved leaders. In his early life, when rejected repeatedly by the Democratic Party, he manfully acquiesced, never sulked or swerved from party fealty. He proved himself too good and too great a man to desert his people because they failed to crown him king.

Senator DANIEL was a man of absolute scrupulous honesty. A great orator has well said:

> Honesty is the oak around which all other virtues cling, without that they fall and groveling die in weeds and dust.

The paths of his public life were crowded with vast power, responsibility, and opportunity, yet no stain ever followed his footsteps. His pure clean hands were never soiled by the betrayal of public or private trust.

Senator DANIEL was a man of unflinching courage and intrepid spirit. When the war between the States commenced he was a youth of 19 years; yet so ardent was his patriotism, so brave his heart, so resolute his will that he at once volunteered and was commissioned as a second lieutenant in the Twenty-seventh Virginia Regiment, a part of the Stonewall Brigade. Nothing can be more heroic, no picture more striking than that of this beardless youth charging with the Twenty-seventh Virginia Regiment at the Battle of First Manassas, and aiding in winning that great victory which made the name of Stonewall Jackson immortal. I shall ever remember the vivid descriptions I have heard him give of his experiences in this terrific battle—his first baptism in blood and

war. His gallantry, his courage, his aptitude for war soon won him distinction and secured for him rapid promotion; he became major and chief of staff for Gen. Jubal A. Early. He displayed special skill and gallantry as a staff officer at Boonesboro and at Sharpsburg, the fiercest and bloodiest battle of the war. He also rendered conspicuous service as chief of Gen. Early's staff in Gen. Lee's second invasion of Maryland, which culminated in the Battle of Gettysburg.

During his three years of continuous service in the Confederate Army he participated in the campaigns of the Army of Northern Virginia, shared all of its privations and dangers, fought gallantly in its fierce and stubborn battles, winning daily new honors for devotion to duty, for courage and gallantry. During the service he received four wounds, the last one being of a serious and dangerous nature, which made him a cripple and a sufferer from unremitting pain until his death. On the 6th of May, 1864, during the battle of the Wilderness, recognizing that an emergency existed and believing that the troops needed a mounted officer to lead them on a difficult and perilous charge, though it was not his duty, he volunteered, and was gallantly leading the Thirty-third Regiment of the old Stonewall Brigade when he was dangerously wounded, his thigh being shattered by the bullets of the enemy. Thus this hero fell wounded while his comrades marched on to victory inspired by his gallantry and genius. This wound rendered him useless for active service in the field. But for this wound there is every reason to believe that on account of his high reputation, his splendid record, his gallantry and genius for war, he would very soon have been promoted to brigadier general, possible the youngest in the Confederate Army.

Thus, while a mere youth, he displayed in a striking degree those qualities of energy, quickness of conception and action, courage, willing endurance of toil and privation, which make a great soldier. His record in the Army, his writings and discussions upon military questions, indicate that with further opportunity he would have attained great success and distinction as a most capable soldier.

Mr. President, the great reputation which he acquired in youth as a soldier was but a prelude to the greater eminence which afterwards came to him as a lawyer, orator, and statesman. In each of these three great departments of human endeavor he labored successfully and acquired great fame. In the great profession of law, which requires for success discriminating judgment, acute intellect, clear and logical reasoning, he early became one of the most successful and foremost members of the bar of his native State, noted for its able and eminent lawyers. In many new and perplexing legal problems presented for decision by the courts occasioned by the Civil War and the many social and financial upheavals incident thereto, he was counsel, and by his legal learning and clear reasoning fixed the law governing these cases and conditions. His many briefs and arguments presented to the court of appeals of his native State on new and important legal questions of this character would alone constitute a successful lifework of a lawyer.

Whether addressing court or jury, no one could surpass him as an advocate, no one present a case more strongly and clearly. No one could work more incessantly and without producing fatigue of mind or body. During his whole life, when occasion required it, he was the very incarnation of tireless work and energy. One has but to read the reports of the supreme court of appeals of Virginia during the years of his early life, when he was in active practice, to obtain evidence of his greatness as a lawyer and of the immense and successful practice he possessed.

What is still more remarkable, while actively engaged in prosecuting the profession of law, with a large and lucrative practice, his spare moments were utilized in the preparation of two law textbooks, "Daniel on Attachments" and "Daniel on Negotiable Instruments." His latter work, "Daniel on Negotiable Instruments," is the best, most complete, and the recognized authority on this question, not only in the United States but also in the English-speaking world. It is conceded that Daniel on Negotiable Instruments, Cooley on Constitutional Limitations, and Benjamin on Sales are the three great law textbooks of our generation. It is amazing that a young man, actively engaged in the practice of law, with an immense practice, engaged at the same time in the turmoil and strife of political life, could have found leisure to prepare such a textbook on such an intricate subject of law, containing an immense amount of research and a rare combination of detail and generalization, with such clearness of expression and breadth of conception as to make it an acknowledged authority, and so successful that it has gone through repeated editions. It furnishes proof of the breadth of his intellect and the brilliance of his varied attainments. His legal acquirements were such that he would have adorned, with his intellect and learning, the Supreme Court of the United States.

Mr. President, a great lawyer is naturally a successful and constructive statesman. The history of the legislation of the world exemplifies this. Thus it should occasion no surprise that Senator DANIEL's eminence as a lawyer was equally signalized in his work as a legislator. In his native State he served in the house of delegates from 1869 to 1871, and in the State senate from 1875 to 1881, and also in the recent constitutional convention, which prepared the present State constitution. He was easily the leader in each of these legislative bodies during the time he served. Many of the best and most important institutions, many of the wisest and most far-reaching laws of the State are the results of his constructive handiwork.

He was one of the pioneers and foremost advocates of the establishment of free schools in Virginia, with all of their resultant blessings and benefits. He was the author of the law in Virginia giving the employees of transportation companies the first lien upon the property of the companies for their wages and also the law permitting the personal representative of a decedent to recover damages for the death of the intestant, when occasioned by the wrongful act of a corporation. He was the originator and the promoter of the measure giving the counties, cities, and towns of the Commonwealth power to tax the railroads within their borders, which measure alone has been the source of inestimable benefit and progress to the State. In the last State constitutional convention he was the author of the suffrage provision, which was finally adopted as a part of the constitution of Virginia, and thus he successfully solved the most difficult and perplexing problem that confronted the convention.

Time will not permit me to enumerate the many beneficent laws which his mind conceived, his hand wrote, and he enacted for the betterment of the people of Virginia. Suffice it to say that though his services in the legislative halls of his State were limited, yet Virginia can point to no son whose achievements in State legislation can exceed his.

He served two years in the House of Representatives and 23 years as Senator in this honorable body. From the day of his entrance here to his death he occupied a most prominent position in the deliberations of this body. For years he was one of the most influential members of the Committee on Foreign Relations of the Senate and counseled and controlled as much as anyone our relations with foreign nations. He was an active and distinguished member of the great Appropriations and Finance Committees of the Senate, and thus potential in all matters affecting the appropriations and revenues of the Government. His many able and eloquent speeches upon constitutional questions, control and regulation of railways, restraint of trusts and combinations of capital, currency and banking, tariff taxes, other various questions of taxation, and many other subjects, clearly indicate the extensive scope of his research, intellect, and ability. Upon all the important questions that came before the Senate during his service, in just conception, in thorough study, in full realization of the important and far-reaching bearings, he was excelled by none.

By his services in the Senate he acquired a national reputation for statesmanship, ability, courage of convictions, and soundness of judgment. The esteem and admiration entertained for him were co-extensive with our National Government. If he had lived in some other section of this country besides the South many years ago he would have been nominated on the Democratic ticket for the Presidency, with splendid chances of success. He possessed those qualities of mind, heart, and will which would have made a great President—fit company for the illustrious Virginians who had so well filled this high and exalted position. At the Chicago convention in 1896, so profound and extensive was the esteem and admiration of the Democratic Party for him that he could easily have had the nomination for Vice President if he would have accepted it. He unselfishly waved this honor aside for what he believed was to the best interest of his party.

In all that constitutes true, broad statesmanship Senator DANIEL was preeminently endowed, and if Virginia had been as potential in this Nation as she was in former times, possessing as he did the universal confidence and admiration of his native State, he would have attained position as high and influence as great as that wielded by the illustrious Virginians in the early days of this Republic. In character and capacity he measured up to these great men.

Mr. President, as great and varied as were these endowments, yet nature had given him other gifts richer and rarer. He possessed the divine power of eloquence. He gave new graces to speech; taught new charms to eloquence. His brilliant,

flashing eyes, his stirring musical voice, his apt and beautiful gestures, his exquisite expressive features, beaming with fire, intelligence, and genius, gave him a charm and power of oratory rarely surpassed. He was equally the master of pathos and humor. He could reason with irresistible logic to the court and afterwards easily draw tears from the jury by a passionate appeal. He was equally at home in the rough and tumble conflicts on the hustings or in the dignified debates of the Senate. He could deliver a literary address of great beauty and elegance and afterwards discuss a great constitutional question with a majestic flow of thought and intellect. His literary taste was unexcelled; his illustrations original and impressive; his diction pure and classic. His addresses were broadly and splendidly conceived and beautifully executed.

His addresses unveiling the Lee monument at Lexington, Va., and the Washington Monument in this city are masterpieces, and will be read and studied as long as eloquence is cherished. These two orations, in beauty of conception and expression, are equal to any of his generation. His address upon the Battle of Gettysburg in vividness, clearness, and eloquence of description can not be surpassed. His addresses upon the life and character of Jefferson Davis and to the Congress of the United States commemorating the centennial of the building of Washington would alone place him in the first rank as an orator. Though his lips are now silent, he will eloquently speak to generations yet to come in the splendid classical orations which will be preserved as a part of the best specimens of the eloquence of his generation.

Mr. President, these many and varied brilliant qualities were combined with a great soundness of judgment and great political sagacity. Ere he attained the age of 40 he became the acknowledged leader of the Virginia Democracy, which position he held unimpaired and undisputed until his death. So wise was his counsel, so sagacious his judgment, that in all these years of leadership he never lost but one political battle, and that was in 1881, which defeat he quickly repaired, and from that time on he led his party to continuous victories and triumphs. For the last 30 years he drew nearly every platform of the Democratic Party of his State. Thus beneath his brilliant, shining qualities were embedded great prudence, judgment, and wisdom. These qualities enabled him to successfully encounter great political storms and upheavals, and be honored with the rare distinction of being elected five times to this honorable body practically without opposition.

Mr. President, the character of Senator DANIEL and the natural aspect of his native State always to me seem to have a strange and striking conformity. Virginia is largely composed of rich, fertile fields; large and broad plains, decorated with hill and mountain scenery of surpassing beauty. So with this great son. He was endowed with a strong, broad, masculine mind and heart, sparkling with the fascinations of a charming personality and glittering with the coruscations of eloquence and genius.

Sirs, the greatest of all English novelists in his masterpiece, "Vanity Fair," has truly said:

> The world is a looking-glass and casts back to each man the reflection of his own face; if he smiles upon the world, it smiles upon him; if he frowns upon it, it frowns upon him; if he hates it, it hates him; if he loves it, it loves him.

How profoundly is this truth illustrated in the magnificent career of this distinguished soldier, lawyer, statesman, orator, and leader! He faced the world with a genial, tender smile and it received him with open, loving arms. He loved humanity and he lived and died the idol of his people. He trusted the people, and with implicit confidence his people, with loving faith, placed their hands in his and followed his leadership and guidance. His people showered upon him great honors and important trusts.

Well might we of Virginia feel a pardonable pride and a laudable love and admiration for our famous soldier boy, our eminent lawyer, our illustrious statesman, our brilliant orator, our sagacious leader!

Mr. President, Carlyle in his splendid essay on Voltaire has truthfully said:

> The life of every man is as the wellspring of a stream, whose small beginnings are, indeed, plain to all, but whose ultimate course and destination as it winds through the expanse of infinite years only the Omniscient can discern. Will it mingle with the neighboring rivulets as a tributary, or receive them as their sovereign? Is it to be a nameless brook, and will its tiny waters among millions of other brooks and rills increase the current of some world-famed river? Or is it to be itself a Rhine, a Danube, an Amazon, whose goings forth are to the utmost lands, its floods an everlasting boundary line of the globe, itself the bulwark and highway of whole kingdoms and continents?

As to which a man's life shall be, whether a tiny stream, giving the current of its life to others, or a magnificent river, receiving the waters of smaller rivulets, depends largely upon one's talents and opportunities, but more than all else upon one's efforts, will, and ambition. Senator DANIEL, possessing high qualities of mind and splendid talents, aspiring and ambitious, chose to make and did make the stream of his life as it ran with its pure waters to the great eternal ocean a large and majestic river, known far and wide, fertilizing broad fields, enriching States, and carrying on its bosom rich treasure for his country and mankind. It is by the lives and sacrifices of such men that States and nations are made strong and great.

A poet has well expressed it:

> What builds a nation's pillars high,
> What makes it great and strong?
> What makes it mighty to defy
> The foes that 'round it throng?
>
> Not gold, but only men can make
> A nation great and strong;
> Men, who for truth and honor's sake,
> Hold still and suffer long.
>
> Brave men, who work while others sleep,
> Who dare when others sigh;
> They build a nation's pillars deep
> And lift it to the sky.

Mr. THORNTON. Mr. President, there is at least one reason why these ceremonies affect me in a different manner than they affect any other Senator, save, perhaps, one; and that reason is the fact that my presence as a Member of this body was caused by the death of one of those in whose honor these ceremonies are being held. I can not therefore on this occasion divest myself of the thought that the great gain which has come to me has been at the expense of the great loss to his family, to his friends, to his State, and to his country of him to whose seat in this Chamber I have succeeded.

I can not expect during my comparatively short tenure of office as a Senator of the United States to equal him in point of good service to our common country and State; but I can remember his devotion to the interests of both as they appeared unto him and, to the best of my ability, try to emulate him in the desire for the discharge of duty as it appears unto me. In that expression, "The desire for the discharge of duty," perhaps can be found the keynote of his character, the principle that molded all his public actions, his desire to do his duty as he saw it.

In the first flush of young manhood at the beginning of the Civil War, true to his convictions of duty, he volunteered in the Confederate Army and fought to the end of that strife for what he considered to be the rights of his State and of her sister States of the South joined with her in that common cause. At the end of that terrible strife he returned to his home and took up the profession of law as a means of livelihood. During his legal career he proved his adherence to his professional duties. In the trying times of reconstruction he proved himself faithful to the duty of assisting in the redemption of his State from corruption and misrule, and shortly after the restoration of white supremacy in Louisiana he was called by her people to discharge the duties of the second highest position in the executive branch of the State government, that of lieutenant governor. Then for seven years he filled the highest position in that branch, that of governor. During his incumbency of those great offices he knew no motive in molding his public action higher than the desire to serve the interests of the State he loved so well.

Shortly after his retirement from the office of governor he was tendered and accepted the appointment of associate justice of the supreme court of Louisiana, and filled that position with both honor and ability. It was during his incumbency of that office that Louisiana passed through the stormiest period of her political history since the days of reconstruction—the great antilottery fight as it is known, the most conspicuous leaders on that side being the present Chief Justice of the United States and the present senior Senator from the State of Louisiana [Mr. FOSTER], the latter being the successful candidate for governor in that memorable contest. But though Justice McENERY was defeated as the candidate of the lottery forces and supported likewise by some who declared themselves opposed to the extension of the franchise, which in public statements he declared to be his own position, he passed through that fierce and bitter political strife without a breath of suspicion being directed toward his personal integrity.

In 1896, while still on the supreme bench in Louisiana, he was called on by the regular Democratic Party to save it from defeat in the senatorial contest then pending in the general assembly, and as the only man in Louisiana who could save it from defeat at that time. To this call of duty he responded and was elected and took his seat in this body in 1897.

His public history from that time to the period of his death in 1910 is a part of the history of the United States, and I may add of the Nation. How well he discharged his duty here to

his country and to his State the records of the Senate and the testimony of his colleagues therein can tell.

Louisiana has never had and she never will have a Senator who loved her better or was more anxious to do his duty by her as he understood it. And that duty he discharged regardless of criticism or of consequences.

In private life he may have been not without his faults, as other strong characters are not without them; but for one I believe that the man who possesses no faults will be found to possess not many of the strong virtues.. He loved his family, his friends, his State, and his country, and that is saying much for any man.

I do not know how I can more appropriately close these brief remarks concerning him than in the language of the governor of Louisiana conveying to the general assembly of that State the official notification of his death:

SAMUEL DOUGLAS MCENERY was distinctly a Louisianian; his career is interwoven with her history, and she never claimed a son that had a stronger hold on her affections.

As a friend he was loyal beyond measure; as a citizen patriotism moved him to action; as a statesman he was a profound thinker, broad and liberal in his ideas and determined every question by the standard of right and wrong. Fond memories of him will ever find an abiding place in the heart of every Louisianian now living, and future generations will remember him as one of Louisiana's sons who never forgot a friend or betrayed a trust.

Mr. MONEY. Mr. President, Shakespeare in speaking of a great contemporary poet condensed a volume of eulogy into four words—

O rare Ben Jonson.

I could say as justly, "O rare JOHN DANIEL." In advanced thought and in thorough appreciation of the intellectual development of the age, he was among the first men of his time; but in certain phases of character he was an anachronism. He lived in an age that is past, when to be a gentleman was above all title and all place. Without any taint of the commercial spirit of the age, without a disposition to extravagance in living, it may be said of him as once was said of a great British secretary—"modern degeneracy had not reached him."

The oratory of JOHN DANIEL was of the ornate sort as to the vehicle, and the ideas it conveyed were profound. It was said of Edmund Burke, whose oratory made him the master of the British House at the age of 34, that his eloquence was always captivating, but not always convincing. DANIEL could convince as well as charm, and while the oratory is not always logical it is well to remember that his great book, Daniel on Negotiable Instruments, is the authority at home and in English-speaking courts abroad, and that book could have been the product only of a great logical mind. I mention him with Burke, because to me they seem more nearly than any other two moderns in the splendor of their rhetoric and in the force of their ideas to approach the "melodious thunder of Tully's eloquence."

DANIEL was a proud man, without vanity; a proud man in the sense that he never forfeited his self-respect by doing a mean, a small, or an ungenerous thing. Respecting himself, he expected to receive the respect of every man; and he was not disappointed. DANIEL never talked loud and never talked about anybody. He was exceedingly chary in expressing his opinion of men, and while enjoying an intimacy with him of which I am proud, I never heard him speak disparagingly of anyone. When he gave an opinion it was always in the most temperate language.

He was reserved in his manner, although exercising always the utmost courtesy—the politeness of a well-bred man toward everyone who came in contact with him, whether they were great or small. No man was of increased importance on account of official position or wealth in his estimation. He was not disposed to make a show of his opinions, and much less of his emotions. He was not a talkative man; but when much interested he spoke with beauty and force. Beneath his reserve, he was a man of the warmest affections and the strongest feelings.

His afflictions, which were great, were not generally known to the world. He did not expose his misfortunes and challenge sympathy. He wanted no man's pity, no man's commiseration. Self-reliant, he received the shocks of grief and the misfortunes that came to him with a composure that was no index to the feeling within.

I doubt if any man in this Senate, at any time, was ever more respected by all, admired by many, and most deeply loved by a few. He could not be promiscuous in the relations of friendship; he treated all with courtesy, but few were admitted into his heart.

The great State which her own citizens love to call the "Old Dominion" has been generous in her gifts to this Nation in her great men in the highest standard of character, and in her State institutions. Among her generous gifts there is none that was richer than JOHN WARWICK DANIEL.

He may have been said to have had within himself the accumulation of generations of talents. His father and his grandfather were orators, great lawyers, and judges of the supreme court of Virginia. His grandfather's cousin was an Associate Justice of the Supreme Court of the United States. He might well have been descended from an English poet laureate of the sixteenth century, to whom admiring critics gave the unique title of "Well-languaged Daniel."

His worth was early discovered, and he was called successively to the lower and upper house of the Assembly of Virginia, where he distinguished himself by his devotion to popular rights and his sagacious forethought.

When quite a young man he was nominated for governor of Virginia, and made one of the most brilliant campaigns in the history of that State. DANIEL considered this a fight for the honor of Old Virginia, and with his punctilious ideas of honor, he looked upon the readjustment of Virginia's debt as an assault by a part of her citizens upon her good name. He entered the campaign with an honorable ambition of preserving the escutcheon of his State from blemish, and with the real gaudia certaminis, he entered the fight eager to end the quarrel by "push of pike and stroke of sword."

While he was defeated, yet he reaped an abundant reward for he was selected, and forever, as the popular hero and favorite of his State, to whom no honor in the future was to be denied.

Senator DANIEL was, in one sense, a bookworm—a man who read at every opportunity a busy practical life permitted. He loved books; they were his treasures, and he found a charm in them which was known to few men. His thorough learning was acknowledged by two great institutions, the Washington and Lee University and the University of Michigan awarding him the degree of bachelor of laws.

Soon after our acquaintance began DANIEL became to me a curious study. He was unlike any one else whom I knew. The deep respect I had for his character and abilities soon ripened into a warm and affectionate friendship, and, counting many friends whom I love, no one could be more sadly missed by me than this heroic and gentle soul.

"After life's fitful fever he sleeps well," and in that other and better place or condition of the soul's existence, where the good and the great of this world are associated eternally, there will be found JOHN WARWICK DANIEL.

Mr. THORNTON. Mr. President, I move, as a further mark of respect to the memory of Mr. DANIEL and Mr. MCENERY, that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 20, 1911.*

(Continuation of proceedings of legislative day of Friday, Feb. 17, 1911.)

The recess having expired, the House, at 10 o'clock a. m. on Monday, February 20, 1911, resumed its session.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently a quorum is not present.

Mr. AUSTIN. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Capron	Diekema	Foelker
Ames	Cassidy	Dies	Fordney
Andrus	Clark, Mo.	Dixon, Ind.	Fornes
Anthony	Collier	Driscoll, D. A.	Foss
Barclay	Conry	Driscoll, M. E.	Fowler
Bartlett, Nev.	Cooper, Pa.	Durey	Gaines
Bates	Coudrey	Ellerbe	Gallagher
Bennett, Ky.	Covington	Ellis	Gardner, N. J.
Bingham	Cowles	Elvins	Garner, Pa.
Bowers	Cox, Ohio	Englebright	Gill, Md.
Brantley	Craig	Estopinal	Gill, Mo.
Broussard	Davidson	Fairchild	Gillespie
Burke, Pa.	Davis	Fassett	Gillett
Burleigh	Denby	Finley	Glass
Byrd	Dent	Fish	Goebel
Calderhead	Dickson, Miss.	Focht	Goldfogle

Good	Johnson, Ohio	Moore, Tex.	Sherley
Graham, Pa.	Joyce	Morse	Sherwood
Gregg	Keifer	Mudd	Slayden
Hamer	Kelliher	Murdock	Slemp
Hamill	Kennedy, Iowa	Murphy	Smith, Cal.
Hammond	Kinkaid, Nebr.	Norris	Smith, Iowa
Hanna	Kinkead, N. J.	O'Connell	Smith, Mich.
Hardy	Lamb	Olcott	Snapp
Harrison	Lindsay	Page	Sperry
Havens	Livingston	Parsons	Stanley
Hawley	Lloyd	Patterson	Steenerson
Hayes	Longworth	Peters	Sturgiss
Heald	Loudenslager	Pickett	Talbott
Henry, Conn.	Lowden	Pou	Tawney
Higgins	Lundin	Pray	Taylor, Colo.
Hill	McCreary	Pujo	Taylor, Ohio
Hitchcock	McDermott	Randell, Tex.	Vreeland
Howard	McGuire, Okla.	Ransdell, La.	Wallace
Howland	McKinney	Rauch	Watkins
Hubbard, Iowa	McMorran	Reid	Weisse
Hubbard, W. Va.	Madden	Rhinock	Wheeler
Huff	Maynard	Richardson	Willett
Hughes, W. Va.	Miller, Kans.	Riordan	Wilson, Ill.
Hull, Iowa	Millington	Sabath	Woods, Iowa
Hull, Tenn.	Mondell	Shackleford	Woodyard
Humphrey, Wash.	Moon, Pa.	Sharp	Young, N. Y.
Johnson, Ky.	Moore, Pa.	Sheppard	

The SPEAKER pro tempore (Mr. ROBERTS). Two hundred and twelve Members, a quorum, have answered to their names.

Mr. AUSTIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Sergeant at Arms will open the doors.

OMNIBUS WAR CLAIMS.

Mr. THOMAS of North Carolina. Mr. Speaker, unless the gentleman from New York [Mr. LAW] desires to make the motion, I wish to make a motion to go into Committee of the Whole to consider bills on the Private Calendar.

Mr. LAW. I have refrained from making that motion, because I understood that a privileged motion would be offered. If not, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill H. R. 32767, on the Private Calendar.

The SPEAKER. Does the gentleman make the motion?

Mr. LAW. I make the motion.

Mr. THOMAS of North Carolina. Then I withdraw my motion, Mr. Speaker, and yield to the gentleman from New York.

The SPEAKER. The gentleman from New York [Mr. LAW] moves that the House resolve itself into the Committee of the Whole House for further consideration of bills on the Private Calendar.

The question being taken, on a division (demanded by Mr. BENNET of New York) there were—ayes 150, noes 46.

Accordingly the motion was agreed to; and the House resolved itself into the Committee of the Whole House, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. When the committee last rose general debate had not been concluded. Fifteen minutes remain. The gentleman from New York [Mr. LAW] was entitled to that time, and the Chair recognizes him.

Mr. ROBERTS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. The motion made in the House was to go into the Committee of the Whole House for further consideration of the bill H. R. 32767. The Chair stated that the House was in Committee of the Whole for the further consideration of bills on the Private Calendar.

The CHAIRMAN. The Chair thinks the gentleman is mistaken.

Mr. ROBERTS. Oh, I am not mistaken, begging the pardon of the Chair, as to the nature of the motion made by the gentleman from New York [Mr. LAW].

The CHAIRMAN. The Chair did not hear the question put. Up to this time the motion has been that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. ROBERTS. The gentleman from New York did not make that motion. His motion was to go into Committee of the Whole to consider this bill.

The CHAIRMAN. The House is in Committee of the Whole under the rules of the House to consider bills on the Private Calendar.

Mr. ROBERTS. On a motion to go into Committee of the Whole to consider a private bill, can the Chairman construe that to be bills on the Private Calendar?

The CHAIRMAN. When it is unfinished business; yes.

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, something has been said in this debate about the opposition of gentlemen on this side of the House to these claims. I regret that there has been as much opposition manifested on this side as there has been. At the same time I beg to call the attention of gentlemen to the fact that there are quite a number of Republicans, including myself, who have been urging the enactment of this bill for the payment of these just claims against the Government. The grand old party has enough troubles of its own [applause] without putting on its overburdened back the sins of the gentleman from Illinois [Mr. MANN]. [Applause.]

I do not claim to be an expert parliamentarian——

Mr. CAMPBELL. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. CAMPBELL. Does the gentleman think that a heavy "pork barrel" will lighten the burdens on the back of the Republican Party at this time?

Mr. LANGLEY. In answer to the gentleman from Kansas, I will say that if the payment of just claims against the Government, which the finding of its own tribunal show to be just, and which ought to have been paid years and years ago, constitute the gentleman's idea of a "pork barrel," then he and I place an entirely different construction upon the term. If a bill providing payment for such claims as these is a "pork barrel," then I shall always be glad to vote for such a "pork barrel." [Applause.] There are but few of the claims embodied in this bill that belong to my congressional district. There are two or three church claims in it, and all of these are just and should have been paid years ago. There is also embodied in it an item for an old soldier for $750, for property taken from him nearly half a century ago—and it was all he had, too—and used by the Union troops. This property was really worth then a good deal more than this bill provides for him, and he has had to wait all these years in poverty; and even now, if he gets anything, it will be less than is due him, and that, too, without any interest.

There is also another case, where provision is made for the heirs of an old man, who waited in vain for years and years to get the money and finally died. This bill carries less than $3,000 for my entire district and only a few hundred dollars in each of the cases I have referred to, and in every instance the evidence required was furnished many years ago.

These delays are not creditable to this great Government; and it is certainly not very creditable to any gentleman to seek to block the payment of such claims. Such occurrences as these are chiefly responsible for the growing lack of confidence in the Government among the masses of the people.

I was proceeding to say when the gentleman from New York interrupted me that I do not claim to be an expert parliamentarian, and if, in order to be one, I would have to resort to the quibbling and hairsplitting that we have witnessed here lately and would have to use my expertness in thwarting the will of the majority of this House in blocking the payment of these just claims against the Government, then I thank God that I have no ambition to become an expert.

Mr. BENNET of New York. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. BENNET of New York. Does not the gentleman think that the French spoliation claims and the naval overtime claims ought to be paid?

Mr. LANGLEY. I am in favor of the naval overtime claims. I know very little about the French spoliation claims. My people are not so very much interested in them. I will say, however, to the gentleman from New York that I voted against the motion of the gentleman from Illinois to strike out the enacting clause of the bill carrying both classes of claims to which he refers. To my surprise nearly every gentleman on the other side of the House failed to stand with those of us on this side who voted against that motion, and as a result the motion carried. And yet they claim to be the special friends and champions of laboring men, hundreds of whom by that action were deprived of their just dues.

Mr. BENNET of New York. Let me ask the gentleman why he is in favor of striking out the claims of James Harvey Dennis, Louis Landram, Harry Pearson, Elba P. Gassaway, Theodore Speiden, and William S. Speiden?

Mr. LANGLEY. The gentleman from New York is laboring under a misunderstanding. I said that I voted against that motion, and therefore in favor of these claims, and I called attention to the fact that a number of gentlemen on this side

of the House also voted against it, while nearly all of those on the other side did not.

Mr. BENNET of New York. But who did vote for the motion? Everybody denies it.

Mr. LANGLEY. I say that I did vote against the motion of the gentleman from Illinois and I know several other gentlemen who did. My recollection is that most of the gentlemen on the other side refrained from voting at all. Mr. Chairman, these war claims total $1,164,291. Every one of them, as has been stated frequently in this debate, is founded on the findings of the Court of Claims, which, although not a judgment, ought to be just as binding on the Government.

Mr. SULLOWAY. Will the gentleman yield for a suggestion?

Mr. LANGLEY. Yes; I will yield to the gentleman.

Mr. SULLOWAY. I simply want to say that the French spoliation claims are supported by findings of law and facts both.

Mr. LANGLEY. I am arguing for the war claims in this bill. I do not dispute what the gentleman says. I am not speaking against the spoliation cases. Mr. Chairman, we ought either to pay these claims that have been found just and due by the tribunal created by Congress for that purpose or we ought to abolish the Court of Claims itself. Hundreds of thousands of dollars are being expended for the maintenance of this tribunal. If we are not going to pay these claims, what is the use of having this annual farce of referring these claims to the court and causing the claimants and attorneys to go to trouble and expense for nothing? Let us either pay the claims when they are shown to be due or throw up the whole business and quit misleading the people about it. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LAW. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, the justice of the war claims, adjudicated in the Court of Claims and indorsed by the President of the United States, needs no words from me to add consideration for their merits on the part of this House. Some 13 of these claims originated in and are owned by citizens of the sixth district of Missouri, which I have the honor to represent—individuals, estates, and churches—11 of them in the county of Cass, lying adjacent to the State of Kansas, whose people were made familiar with the horrors of border warfare in that great and bloody strife and bore personal loss and suffering as came scarcely to any other section of our land. Order No. 11, by which the great county of Cass was devastated, the homes of its inhabitants burned and destroyed, its citizens driven out, its women and children fleeing as refugees to other sections from the smoking ruins of their homes destroyed as a matter of war policy, so that a wide strip of territory of Missouri lying next to Kansas might have no people on its soil whose hearts were in sympathy with the southern cause espoused by their fathers, husbands, and brothers, and to the end that this territory should be occupied solely by those in sympathy with the Federal Government. Those alone loyal to the Government remained, and the Union forces, who drove out of Cass and other counties of that doomed strip the women and children of southern sympathizers, foraged alike upon the southern and upon the Union people who furnished the provisions for man and beast taken by authority of Federal officers, which now constitute the basis of these claims, established beyond controversy as just claims against the Government. Two of these claims go to the trustees of churches used as hospitals by these soldiers, in the city of Harrisonville, in the county of Cass.

Order No. 11, known of all men in that section, became historical not only in war but was made famous on canvas and in politics.

The painting by Gen. Bingham portrayed the scenes all over that strip of territory, when groups of women and children fled in terror before the bayonet of the soldier, acting under orders, seeking new homes beyond the borders of their native counties, while they looked back in sorrow and poverty upon the ruins of their deserted homes. This great painting, known as Order No. 11, was used by Gen. Bingham in the political canvass in Ohio against Gen. Ewing, who ran for governor on the Democratic ticket, and copies of this painting were sent all over Ohio in that contest.

Order No. 11 was deemed a war necessity, issued by Gen. Ewing, acting, it is said, under orders from higher authority; devastation followed like that which followed the destructive charge of Sheridan in the valley of Virginia, and the march of Sherman through Georgia to the sea. But while these destructive war measures accomplished their purposes by destroying the recuperative powers and resources of the South, yet they could not be successfully sustained without the contribution of stores and supplies taken from loyal Union men, who thereby became creditors of the Government, and for which they now press their claims.

The suffering in Cass County came to both sides, but those who were loyal to the Union are under the law alone entitled to present their claims for allowance by the Government. I hope this opposition may terminate. I have no criticism for any who entertain different views, but the rejection of these claims is bound to result in lessening the esteem for and confidence in the Court of Claims, which has passed upon them. Whether right or not to oppose the French spoliation claims, that opposition does not, in my judgment, justify opposition to these war claims, which have been established by the Court of Claims, approved by the President, and which are for the benefit of parties resident in sections of the South where they originated. These war claims are recognized by all who have spoken as just and honest claims, and as claims that ought to be paid, but now opposed by some because what is known as the French spoliation claims have been stricken from the omnibus bill.

My sympathies were with and my allegiance was given to the southern cause, and my heart and the fortunes of all my kin, resident mainly of the State of Virginia, were wrapped up in the success of that cause. Forty years ago I came to make my home in Missouri, and ever since have been a resident of this, now sixth, congressional district, and all my interests are linked with the welfare of the people of this district. I recall the bitter feelings that existed when I came to Missouri along the border line of Kansas and Missouri, but I have lived to see a better feeling and friendship between the citizenship of these States grow up under the kindly hand of time, the great healer, and as long as I shall represent this great district, composed as it is of such magnificent citizenship, I shall endeavor to regard and contend for the rights of every citizen of this district, regardless of how he stood in that great conflict that divided in twain not only great sections of our country, but divided families and friends as no civil strife ever did before. The war is long since over, its bitterness is forgotten, the children of the contestants on both sides have intermarried, a new era has arisen, the dawn of a new civilization is seen in the land, the hand of peace is everywhere extended, the blight of war is forgotten, except to do justice as far as can be to claims as they have arisen, grown out of that war, to be allowed and paid only when established beyond controversy as just claims against the Government.

Let the Government pay its just debts, but let it at the same time, with stubborn honesty hailing the dawn of a better day, turn its face against all graft, and striving to represent the best thought of this Nation seek to bring about an economical administration of public affairs and the enactment of just laws for the benefit of all the people, and to put an end to the longer domination of special privilege, so that justice may be done to the masses of the people everywhere, and that privilege may no longer be favored in this country, and that the trend toward centralization of power in the hands of a few may be stayed, and that the people may retain their God-given power, and with that power in their own hands and control may be able to perpetuate this Republic for the preservation of human liberty and the welfare and civilization of the people for all the ages to come.

Mr. LAW. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I had the pleasure and satisfaction of listening yesterday to the patriotic remarks of the distinguished gentleman from Alabama [Mr. RICHARDSON].

His splendid record here and his well-known standing in his home, Huntsville, favorable to the Union soldier, is generally recognized and highly appreciated by the veterans of the Civil War. As one of these men, familiar with these facts, I desire to make public acknowledgment of the friendly and patriotic services in behalf of my comrades of my friend from Alabama, Judge RICHARDSON.

I most cordially thank the gentleman, who served so gallantly on the other side during the late unpleasantness, and feel it my duty to pay him this deserved tribute. [Applause.]

Mr. LAW. Mr. Chairman, I want to ask the attention of the committee for a moment only. We are about to begin the reading of this bill under the five-minute rule, when amendments will be in order, and I just wish to say a few words in closing this debate as to the character of the bill. First, I want to recognize the splendid loyalty that the members of the Committee on War Claims have shown in supporting the chairman of that committee during the present Congress in making up a

meritorious bill. Every single item in that bill has been considered solely upon its merits.

A few days ago the gentleman from Kansas [Mr. CAMPBELL] made remarks to the effect that the Senate bill—and I assume he included in his remarks the House war-claims bill—was made up by apportioning the claims among the various States for the purpose of securing votes for the bill. That, perhaps, sounded very well to the galleries, but there is one thing about it that the galleries probably did not take into consideration, and that is that the statement was not true.

In every single instance every item in the bill has been considered without regard to what section of the country it came from and without regard to what State it came from. The House bill includes all of the war claims items in the Senate bill of which the House committee approved. We struck out a considerable number. The Senate bill had five items in it from the State of New York. The Committee on War Claims struck out four of these five, and two of these five, aggregating over $30,000, were from the borough of Brooklyn, in the city of New York, the borough and city in which I live, and in one of them my colleague from Brooklyn [Mr. CALDER] was very much interested. I want to ask the Committee of the Whole to support the Committee on War Claims in the matter of amendments as the Committee on War Claims has supported its chairman; and I am going to ask the Committee of the Whole not to vote into this bill amendments that have not been thoroughly and carefully considered by the committee.

Mr. Chairman, I call for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. ROBERTS (interrupting the reading). Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ROBERTS. I desire to offer an amendment.

The CHAIRMAN. The gentleman will please defer until the first paragraph of the bill is read.

Mr. ROBERTS. I want to amend the title of the bill.

The CHAIRMAN. The title of the bill can not be amended at this stage of the proceedings.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Mr. ROBERTS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 9 the following:

"FRENCH SPOLIATION CLAIMS.

"To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled 'An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1800'"——

Mr. MANN (interrupting the reading). Mr. Chairman, the amendment has been read far enough to indicate the purpose of it, and I make the point of order that the amendment is not germane to the bill.

Mr. ROBERTS. Mr. Chairman, I desire to be heard on the point of order.

Mr. FINLEY. Mr. Chairman, I make the point of order that it is not in order at this place in the bill.

The CHAIRMAN. The point of order has already been made. It seems to the Chair that the point of order made by the gentleman from South Carolina is similar to the point of order made by the gentleman from Illinois. The Chair will hear the gentleman from Massachusetts upon the point of order.

Mr. ROBERTS. Mr. Chairman, the bill under consideration treats of the French spoliation claims. It legislates with regard to them. You will find on page 101 of the bill, lines 11 to 15——

Mr. LAW. In what respect does the House bill deal with French spoliation claims?

Mr. ROBERTS. If the gentleman will read his own bill, page 101, lines 11 to 15, he will see that he is legislating in this bill with regard to the payment of French spoliation claims, and if the bill is dealing with those claims and making provision for their payment it is certainly in order to provide for the payment of some of these claims in the bill.

The CHAIRMAN. May the Chair ask the gentleman from Massachusetts, assuming the statement of the gentleman from Massachusetts, in regard to the items on page 101, is true, does the gentleman think that this amendment is germane to paragraph 1 of the bill?

Mr. ROBERTS. Most assuredly. In the language on page 101 is this provision with regard to French spoliation claims, "which shall be made as heretofore prescribed in this act." Now, in this amendment we propose to prescribe in this act what French spoliation claims shall be paid, and clearly the bill is subject to amendment in regard to French spoliation claims inasmuch as it deals with them and legislates upon them.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

Mr. STAFFORD. Will the gentleman yield——

The CHAIRMAN. The gentleman from Missouri rises for a parliamentary inquiry. The gentleman will state it.

Mr. HAMLIN. My recollection is that the gentleman from New York [Mr. LAW] only offered the bill down to the bottom of page 100. Now, the question is, Is that part of the bill on page 100 under consideration by this committee at all?

Mr. MANN. The gentleman is confused about that.

The CHAIRMAN. The gentleman from Massachusetts is discussing that very question now.

Mr. HAMLIN. But I understand the gentleman from New York only offered this bill down to the bottom of page 100.

Mr. ROBERTS. The whole bill is offered as a substitute for the Senate bill.

Mr. STAFFORD. The gentleman will not contend that the reference to French spoliation claims on page 101, which is in this language—

But these provisions shall not apply to payment of French spoliation claims which shall be made as heretofore prescribed in this act—

can be used as a handle to hold French spoliation claims that might be proposed to this bill. As I understand the contention of the gentleman from New York, the chairman of the committee, there are no French spoliation claims contained in this act. The reference on page 101 to something that does not exist can not be made a handle on which to hold something not germane.

Mr. ROBERTS. Mr. Chairman, I can not agree with the contention of the gentleman from Wisconsin. This bill purports to legislate with reference to French spoliation claims, and if it contained anywhere within its limitations a legislative provision with regard to these claims, certainly the bill is subject to amendment with regard to the spoliation claims.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts endeavors to hang his amendment on the legislative provision on page 101 of the bill; and, so far as that is legislation, apart from the consideration of the particular claims in the bill, the committee was without power or jurisdiction to report that in this bill. The Committee on War Claims has no jurisdiction of a private claims bill to recommend any legislation that deals with anything except the method of paying the claims in the bill which the committee reports, covering the private claims which are included, and if there is anything in that section which as a legislative provision applies to the claims not included in the bill it is subject to the point of order. It was beyond the power of the committee to report it in this bill, and hence you can not hang an amendment with reference to claims upon an illegal provision in a bill reported without power on the part of the committee.

The CHAIRMAN. May the Chair ask the gentleman from Illinois [Mr. MANN] if any items are included in this bill, except this section, that are not within the jurisdiction of the Committee on War Claims?

Mr. MANN. I understand not. That has been the statement of the chairman of the Committee on War Claims.

The CHAIRMAN. May the Chair ask the gentleman from New York [Mr. LAW] if there are items included within the jurisdiction of any other committee?

Mr. LAW. There are not. I would like to add that lines 14, 15, and 16, on page 101, come there in this way: That section was adopted from the Senate bill. Those lines should have been eliminated. There are no French spoliation claims provided for in the act, and when page 101 is reached an amendment, of course, will be in order striking them out.

Mr. MANN. That provision is subject to a point of order. Now, Mr. Chairman, this bill is a bill reported from the Committee on War Claims. That committee has jurisdiction of claims arising from any war in which the United States has been engaged. They have no other jurisdiction. The Committee on Claims has jurisdiction of private and domestic claims, other than war claims, against the United States. The French spoliation claims are not war claims. The very basis of the claims is that they were claims incurred when there was no

war, and the Committee on Claims has always had jurisdiction of the French spoliation claims. The bill is entitled:

A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

But those acts do not include the French spoliation claims. The French spoliation claims do not arise under the Bowman and Tucker Acts.

The bill reported from the Committee on War Claims includes no claims except war claims and is entitled:

A bill to allow claims under the Bowman and Tucker Acts.

It includes no claims except claims which have been passed upon by the Court of Claims under the Bowman and Tucker Acts, and it is not in order to introduce an amendment covering claims under the jurisdiction of the Committee on Claims which do not come under the findings of the court under the Bowman and Tucker Acts.

And if there be a legislative provision in the bill, if the bill contained a general legislative provision, in reference to the French spoliation claims, until that provision has passed through the committee without encountering the point of order, it would not be a sufficient basis upon which to hang an amendment for the French spoliation claims, because the Committee on War Claims is without jurisdiction to report in its bill a general legislative provision relating to the French spoliation claims. And when such a provision should be reached in the bill it would be subject to a point of order, and if the point of order is made would necessarily go out of the bill, because the committee had no jurisdiction to report that provision of the bill.

Mr. ROBERTS. Mr. Chairman, the gentleman from Illinois is presuming a state of things which may or may not happen when we reach page 101 of this bill.

Mr. LAW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

LATE REPRESENTATIVE AMOS L. ALLEN.

Mr. SWASEY. Mr. Speaker, I offer the following resolutions.

The SPEAKER pro tempore. The gentleman from Maine offers the following resolutions (H. Res. 986), which the Clerk will report:

Resolved, That the House has heard with profound sorrow of the death of Hon. AMOS L. ALLEN, a Representative from the State of Maine.

Resolved, That a committee of eight Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. SWASEY. Mr. Speaker, at the conclusion of the business of the House, or later in the day, I shall ask that the House adjourn in honor and respect to the memory of the late Representative, Hon. AMOS L. ALLEN, of Maine, and the late Representative Hon. WALTER P. BROWNLOW, of Tennessee.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a privileged report from the Committee on Rules, which the Clerk will report. (H. Res. 985; Rept. No. 2197.)

The Clerk read as follows:

Substitute for House resolution 984:

"*Resolved*, That during the remainder of this session section 1 of Rule XXVIII shall be, and hereby is, modified in the following particulars:

"'It shall be in order for the Speaker to entertain the motion at any time on any legislative day, any rule to the contrary notwithstanding; and upon the demand of any Member opposed to the motion, a second shall be considered as ordered.'"

Mr. DALZELL. Mr. Speaker, Rule XXVIII is the rule which provides for a motion to suspend the rules. Under the existing rules the last six days of the session are suspension days. The effect of the adoption of this rule will be to add six suspension days, or rather the days remaining of this week.

The provision remains that it requires a two-thirds vote to suspend the rules and not a mere majority, and there is a provision also in the rule, to get rid of the existing provision, which gives the preference to the Unanimous Consent Calendar and the Calendar to Discharge Committees, so that after the adoption of this rule until the end of the session a motion to suspend the rules will be in order at any time.

Mr. BARTLETT of Georgia. Mr. Speaker, may I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. BARTLETT of Georgia. I understand the rule requires a two-thirds vote to suspend the rules?

Mr. DALZELL. I have already so stated.

Mr. BARTLETT of Georgia. And this applies to the appropriation bills, and there will be only 40 minutes debate on any bill?

Mr. DALZELL. It does not modify the existing rule in any other respect than as stated.

Mr. DOUGLAS. Mr. Speaker, I would like to inquire of the gentleman from Pennsylvania [Mr. DALZELL] whether——

Mr. MADDEN. Is it the understanding of the Committee on Rules that this is needed in order to consider the great supply bills, like the sundry civil bill, under suspension, except as a matter of last resort?

Mr. DALZELL. The Committee on Rules has no understanding about it except, as I was going to explain, the situation of the public business at the present time gives rise to the necessity of some measure to relieve the House so as to prevent an extra session of Congress.

Mr. MADDEN. The sundry civil bill is so large and voluminous and of so varied character as to the nature of the items composing it that, in my opinion, it should be fully considered and scrutinized by the House, and it does not seem to me to be wise for the House to consider that bill under a suspension of the rules.

Mr. DALZELL. If the House does not consider it wise to do that, it can indicate its judgment by its vote. Whether this rule is passed or not, however, a motion to suspend the rules and pass the sundry civil bill will be in order next week at any time.

Mr. LENROOT. May I ask the gentleman from Pennsylvania, if this rule is adopted, will it be in order to call up bills from the Unanimous Consent Calendar?

Mr. DALZELL. Yes.

Mr. MANN. It will be in order.

Mr. DOUGLAS. I ask, Mr. Speaker, that the resolution be again reported.

The SPEAKER pro tempore. Without objection, the resolution will be again reported.

The Clerk again reported the resolution.

Mr. DOUGLAS. Now, will the gentleman from Pennsylvania yield? I would like to know what the gentleman's reply was to the inquiry of the gentleman from Wisconsin [Mr. LENROOT] in regard to calling bills from the Unanimous Consent Calendar. There is no provision for that here, as I understand from the reading of the resolution.

Mr. DALZELL. This does not relate to the Unanimous Consent Calendar. It simply makes in order at any time, without regard to the preference of any other class of bills, a motion to suspend the rules.

Mr. MANN. Under the rules the calling of bills from the Unanimous Consent Calendar is in order on any day when the suspension of the rules is in order, so that the calling of bills on the Unanimous Consent Calendar, unless unanimous consent is refused, would be in order on any morning hereafter, if this resolution is passed.

Mr. HOBSON. I would like to ask the gentleman from Pennsylvania whether he would accept an amendment to the resolution providing that, in the case of appropriation bills, the same should be subject to amendment without debate.

Mr. FITZGERALD. We will take care of that.

Mr. DALZELL. Mr. Speaker, I want to call the attention of the House to the existing condition of the public business. The diplomatic and consular appropriation bill, the fortifications bill, the sundry civil bill, and the general deficiency bill are four general appropriation bills which have not yet been reported to the House. In the Senate the pension appropriation bill and the agricultural bill have not yet been reported. Of all the bills that have been reported there are now only four

general appropriation bills in conference, and none except the urgent deficiency bill has yet gone to the President for signature.

The present state of the public business is shown by the following table:

Status of appropriation bills.

No. of bill.	Title.	Reported.	Passed House.	Reported in Senate.	Passed Senate.	Sent to conference.	Conference report agreed to.	Date approved.	No. of law.
H. R. 28406	Indian	Dec.	Dec. 9	Dec. 16	Jan. 25	Jan. 27			
H. R. 28632	Rivers and harbors	Dec. 9	Dec. 10	Jan. 30	Jan. 31	Feb. 2			
H. R. 29157	Pensions	Dec. 2	Dec. 13						
H. R. 29360	Legislative, etc	Dec. 4	Jan. 12	Jan. 24	Jan. 26	Jan. 31			
H. R. 29495	Urgent deficiency	Dec.	Dec. 17	Dec. 17	Dec. 17			Dec. 23	328
H. R. 31237	Army	Jan. 12	Jan. 17	Feb. 3	Feb. 7	Feb. 9			
H. R. 31539	Post office	Jan. 16	Jan. 24	Feb. 9					
H. R. 31596	Agriculture	Jan. 17	Feb. 11						
H. R. 31856	District of Columbia	Jan. 21	Jan. 30	Feb. 10	Feb. 13				
H. R. 32212	Naval	Jan. 28							
H. R. 32436	Military Academy	Feb. 3							
	Diplomatic and consular								
	Fortifications								
	General deficiency								
	Sundry civil								

There are precedents for the passage of just such a rule as this, or even a more drastic one. On April 20, 1908, the House passed a rule similar to this, except that it permitted the passage of a motion to suspend the rules by a majority vote instead of a two-thirds vote. On April 26, 1909, the House again passed a similar rule. So that not only do the exigencies of the public business demand the passage of some such rule as this, but it is jutified by precedent. Now I yield to the gentleman from Alabama. How much time does he desire?

Mr. UNDERWOOD. Ten minutes.

Mr. DALZELL. I yield 10 minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, so far as the ultimate passage of the general appropriation bills is concerned, they are in a more dangerous condition than I have ever seen them since I have been in Congress.

There is no desire on the part of this side of the House to fail to appropriate sufficient money to take care of the executive departments of the Government. We of course want the right to see that the supply bills are passed properly and economically and that no legislation is passed on them that should not be enacted.

The rules provide that the last six days of every session shall be suspension days, and therefore the provisions of this rule would be in order on those last six days. Excluding next Sunday, there are 11 days left of this session of Congress. The effect of this rule is to add five suspension days to those that are already provided for in the rules.

The adoption of this rule leaves the veto power absolutely in the hands of this side of the House if any legislation is offered by the majority that is objectionable to this side, because, if passed at all, it must be passed by a two-thirds vote.

I was not in favor of the rule as originally offered, to allow a majority of the House to suspend the rules, but the majority members of the Rules Committee acceded to the proposition that the suspension of the rules should only be made by a two-thirds vote.

Having conceded that, and having also provided that any Member of this House may demand a second, and that upon his demand a second shall be considered as ordered, which will bring 20 minutes' debate on a side on any proposition offered to the House, I think under the existing condition of the public business the rule is a fair one, and that it is the duty of our side, within reasonable limits, to aid the majority in passing the supply bills that are necessary to run the Government. Therefore I favor the bill presented by the gentleman from Pennsylvania.

I yield the balance of my time to my colleague from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I favor the adoption of this rule because the House has been in well-nigh continuous session since Friday last. Practically all of that time has been taken up in an attempt to get proper consideration of one particular measure before this House, and we have been so hampered and hindered by the rules of the House and by the obstructive policy of gentlemen under those rules that I am glad the Committee on Rules have brought in this special rule, whereby the majority of this House may put into legislation the measure—the war-claims bill—which the House wishes to enact. Under this special rule it will not be possible for any Member or any handful of Members to obstruct the proceedings of the House, to thwart the will of the House, and thereby force the majority to stay here all night, night after night, and all day, day after day, in order to pass a just and proper or necessary bill. This rule will enable us to get rid of one-man power. It will enable the House to so revolutionize the rules of the House as to enable the House to transact its business contrary to the obstructive desire of some few Members. I am glad that the Committee on Rules caught the idea from the resolution proposing to instruct them, which I introduced Saturday night, and that the committee voluntarily brought in such a rule as provided for in that resolution, which special rule will enable the House to speedily pass the war-claims bill. I therefore favor this rule.

Mr. UNDERWOOD. I yield whatever time I have left to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Speaker, I do not know how much time is left, but all of the gentlemen who have addressed the House upon this subject have favored this resolution. I am opposed to it, and I think I ought to be given a reasonable time to present my views in opposition.

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentleman from Pennsylvania would yield to the gentleman from Virginia five minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield that time to the gentleman from Virginia.

The SPEAKER. In addition to the time that he already has?

Mr. DALZELL. The gentleman from Virginia has already had four minutes yielded to him.

Mr. CLARK of Missouri. Did the gentleman from Virginia have four minutes?

Mr. JONES. I do not know how many.

Mr. CLARK of Missouri. Because if that is so, that is enough. Somebody else may want the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] controls the time, and he yielded 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. That gentleman consumed five minutes and his colleague [Mr. CLAYTON] consumed one minute. That would be six minutes out of the 10. Now, how much time does the gentleman yield?

Mr. DALZELL. Mr. Speaker, as I understand it, I have an hour, and I yielded 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. I now yield five minutes more to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield that time to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Speaker, how much time have I?

The SPEAKER. Five minutes.

Mr. JONES. Mr. Speaker, I understood that the gentleman from Alabama yielded me four minutes.

The SPEAKER. Without objection, the gentleman from Virginia has nine minutes.

Mr. JONES. Mr. Speaker, I have arisen for the purpose of opposing this rule. I do not hope that anything I may say will bring about its defeat since it seems to have the support of the minority as well as the majority members of the Committee on Rules. I can at least raise my voice in earnest protest against the adoption of what I regard as a most drastic as well as a most dangerous rule of parliamentary procedure. The gentleman from Pennsylvania [Mr. DALZELL] cites two recent precedents for this rule. I have not, of course, been able to examine

the record for the purpose of informing myself as to the exact facts, but I venture the assertion, without having investigated the question and refreshed my memory as to the facts, that not a single Democrat in this body voted for either of the special rules cited by the gentleman from Pennsylvania [Mr. DALZELL] as precedents for the action which he now asks this House to take. I do not believe that either of them received a Democratic vote, and if not, I for one will not be bound by a bad Republican precedent. I do not believe, as I have said, that such an inexcusable, drastic, and dangerous rule as this ever received a single Democratic vote since I have been a Member of this House, and I challenge gentlemen to show to the contrary. The rules that have been cited as precedents for the action which we are now urged to take were forced upon a Democratic minority by the exercise of brute Republican force and over the protests and votes of solid Democratic minorities.

Such precedents should not appeal to Democrats, and they certainly will not influence my vote in favor of a Republican device to help that party out of a hole; a rule that is utterly repugnant to every parliamentary principle for which the Democratic Party has contended for 20 years or more. The only excuse which has been offered for this proposed rule is that unless it is adopted a number of the great annual appropriation bills will fail of passage, thus necessitating an extra session of Congress.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. JONES. Yes.

Mr. UNDERWOOD. I want to say to the gentleman that the other rule, which we all opposed, authorized the suspension of the rules by a majority, and this requires two-thirds.

Mr. JONES. I understand that. The chairman of the Committee on Rules who presents this rule, a rule which is supported by the gentleman from Alabama, cited the adoption of two other special rules as precedents for the one now under consideration. As the gentleman from Alabama and the gentleman from Pennsylvania seem to be agreed as to this rule, I naturally supposed that both were relying for their justification upon the only precedents which have been cited. Whatever those special rules may have provided for, and they were not so broad, and sweeping, and dangerous as this, they were a part of a Republican program which no Democrat here ever indorsed.

Now, Mr. Speaker, the reason assigned for the adoption of this rule is that unless it is adopted, the great annual supply bills will fail of passage by this Congress, thus necessitating an extra session of the Sixty-second Congress. If this should occur, Mr. Speaker, I would like to ask the gentleman from Alabama or any other Democratic member of the Committee on Rules whether or not he thinks the Democrats will be in any degree responsible for that condition of affairs?

Mr. UNDERWOOD. Not at all.

Mr. JONES. This being admittedly true, then, I would like to ask further why any Democrat should be expected to vote for a Republican rule, the confessed purpose of which is to aid the Republican majority in extricating itself from a position into which it has been placed by its own inexcusable neglect of the great public interests committed to its charge. Does the gentleman from Alabama think that this is a good reason for supporting a rule, the like of which I venture to affirm, has never been adopted by this House in its entire history? A rule that places every Democrat upon this floor at the mercy of one Member, and deprives the House itself of the few rights it has hitherto enjoyed.

Mr. UNDERWOOD. If the gentleman asks the question I will answer it. I think we should stand for our country and our country's good without reference to partisan politics.

Mr. JONES. I do not believe that the failure of the adoption of this rule would result in the failure of the passage of the great supply bills. I do not believe the reason given is a sound one. It is, in my judgment, simply a pretext. I do not believe that the Republicans would ever have allowed themselves to be placed in a position which would make it necessary to adopt this rule in order to pass the great annual appropriation measures, which much be passed before the end of the present fiscal year, in order to run the Government.

Since Friday morning last this House has been in continuous session, striving to pass a measure of the utmost merit and justice, but a Republican minority has, by a resort to filibustering tactics, up to this time thwarted its passage. Having consumed all this precious time in a vain effort to defeat a just measure, a measure supported by a majority of this House, we are now told that unless this indefensible and most dangerous rule is adopted the Republicans, who are responsible for the present situation, will not be able to pass a dozen or more great appropriation bills. Who is responsible for this inexcusable waste of time?

Mr. CULLOP. Will the gentleman yield?

Mr. JONES. I beg the gentleman's pardon, but I can not yield. The only items contained in the omnibus claims bill to which the filibustering Republicans avowed opposition have been stricken out. No one has said that every item in the bill as it now stands is not a just and honest claim against the Government, and the bill can easily be passed in one hour. It could have been passed in less time than has been consumed in discussing this vicious rule. Nobody questions this statement.

But, we are told, the sundry civil bill, the naval bill, the general deficiency bill, and a number of other great supply bills can not be passed. If this be true, who is responsible for this condition of affairs? I do not believe this. I have heard this same mournful story repeated here year after year for the past 20 years; but somehow the bills have been passed and extra sessions of Congress avoided. No one has even contended that this rule is necessary for the passage of any one of the hundreds of meritorious bills upon the calendars, save only the great supply bills. The gentleman from Pennsylvania has said nothing of any other measure or measures in which many of us are deeply interested. No gentleman need fear, I think, that the annual appropriation bills will not be passed by this Congress with or without this rule.

Speaking for myself, I may say that the threat of an extra session has no terrors for me. As I have said, I do not believe that the passage of the supply bills is dependent upon the adoption of so tyrannical and dangerous a rule as this. To those who believe the adoption of this rule necessary to prevent an extra session of Congress I will say that the failure of the passage of the Canadian reciprocity agreement by another body is far more likely to bring about the thing which they profess to be so anxious to avoid.

It is quite generally believed that unless the Senate yields to the demands of the Chief Executive and passes the Canadian reciprocity agreement measure, there will be an extra session of Congress, and if for this reason an extra session of Congress is called by the President any of the appropriation bills about which gentlemen seem so much concerned and which by any possibility may fail to pass at this session may then be taken up, carefully considered, and passed in an orderly and proper way.

Mr. Speaker, as I have said, I am not one of those who believe that we can not pass these great bills within the 12 days that still remain of the session without the aid of this obnoxious rule. It were far better not to legislate at all than to appropriate hundreds of millions of the people's money without consideration, to say nothing of proper consideration, for to appropriate $150,000,000 in 40 minutes is to do so without consideration. I have never known, in 20 years' experience, a Republican chairman of the Committee on Appropriations to fail to rise in his place and warn the Members of the minority that unless they desisted from the discussion of items in the great appropriation bills to which they were opposed they would bring on an extra session of Congress. This is a trick as old as the Republican Party, and yet I have never known, in all my experience here, that any extra session followed such predictions. The bills were always passed. In fact, they are always held back for a purpose.

But, the Republicans themselves, as I have said, are responsible for the conditions which they describe, and whether or not we succeed in passing the bills concerning which the gentleman from Pennsylvania exhibits so much solicitude in the orderly and proper method provided by the regular rules of this House, the Democrats are not responsible for the situation about which they profess so much concern. For one, I have heard the Republican leaders attempt to frighten this House too often with the cry of an extra session to attach the least importance to what is now being said along the same old lines. The adoption of this rule will not only permit the passage of appropriation bills carrying in the aggregate the enormous sum of a billion dollars without an opportunity for either debate or amendment, such bills as the sundry civil bill, which alone may be expected to embrace hundreds of items aggregating $150,000,000, but it will confer upon the Speaker of this House for the remaining days of this session such autocratic power as even he never before possessed or exercised. I can never vote for so undemocratic, so indefensible, and so dangerous a rule as I know this to be for no better reasons than those that have been advanced in its favor.

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a question?

Mr. DALZELL. Yes.

Mr. HOBSON. Whether it will be possible in case this resolution should carry to amend the appropriation bills?

Mr. DALZELL. This rule——

Mr. JONES. No; it would not be possible to do that.

Mr. DALZELL. This rule does not affect the character of the existing rule at all.

Mr. HOBSON. I wish to ask another question—whether the sundry civil appropriation bill contains a provision for the fortification of the Panama Canal.

Mr. DALZELL. I can not answer that. I do not know anything about the sundry civil appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I will say that it does. Perhaps I should not say that it does, but the subcommittee included those provisions.

Mr. HOBSON. Will the gentleman from Pennsylvania give me three minutes?

Mr. DALZELL. Mr. Speaker, I yield to my colleague on the committee, the gentleman from New York [Mr. FITZGERALD]. How much time does the gentleman want?

Mr. FITZGERALD. I would like to have five minutes myself, and then 13 minutes additional are asked on this side.

Mr. DALZELL. Oh, I can not yield that much. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, perhaps I should say to the gentleman from Virginia [Mr. JONES] first, that the sundry civil appropriation bill was passed 25 years ago under a suspension of the rules moved by a very distinguished Democrat, Mr. Randall of Pennsylvania. That is one of the two precedents cited by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. JONES. I beg the gentleman's pardon. The gentleman did not cite that at all.

Mr. FITZGERALD. I decline to yield, and I insist that the statement is accurate. That is one of the two occasions when the sundry civil appropriation bill was passed under suspension of the rules.

Mr. JONES. That is not one of the precedents cited.

Mr. FITZGERALD. Mr. Speaker, I insist that the gentleman do not interrupt. He not only had some time of his own, but some of the time of the gentleman from Alabama [Mr. UNDERWOOD], and would not even permit him to ask a question in that time.

I am not in favor of passing the appropriation bills under suspension of the rules. About three hundred millions of dollars are still to be appropriated in those bills, and I would not support a rule permitting them to be passed under suspension, requiring only a majority vote. Under this rule, if adopted, if an attempt be made to pass appropriation bills under suspension, it will be possible for this side of the House to insist that all legislation of an objectionable character be eliminated from them before they are put on their passage, or this side can easily take the responsibility for defeating the bills under that procedure. I favor this rule particularly, Mr. Speaker, because it will enable this House to curb the irritating and objectionable and dilatory practices of the gentleman from Illinois [Mr. MANN]. [Applause and laughter.]

When this rule is adopted it will be possible to pass the war-claims bill under suspension of the rules, and to those gentlemen who are interested in that rule I might add that unless recognition be given to pass that bill at the outset under this rule, there are enough votes on this side of the House to prevent the passage of any other bill under the rule. The power to pass that bill is secured to this side of the House. In the second place, under the rule which was adopted and which was expected to work satisfactorily, and would have worked satisfactorily had it not been for the activity of the gentleman from Illinois [Mr. MANN], after the unanimous consents are disposed of on Monday, if we have Monday as a legislative day during this session, the motions to discharge committees will be in order, and under the previous determination of the House no other business can intervene. It is apparent that under existing conditions the gentleman from Illinois will insist upon taking up the motion to take from the Committee on the Post Office and Post Roads the bill codifying the postal laws, and if that be done another day will be wasted to accommodate his desire to effect efficient, useful, and beneficial legislation. [Laughter.]

Now, this rule will enable the House to circumvent the opposition to the war-claims bill and also prevent time being wasted with the motions to discharge committees in the shape in which it now is. When it comes to pass appropriation bills under this rule, Mr. Speaker, that side of the House will have to put those bills in such shape as will be satisfactory to this side of the House. I shall not, so far as I am concerned, vote to pass those bills if they contain legislation which is objectionable to this side, or if they propose to carry appropriations for the support of the Government during the next fiscal year in sums not justifiable under all circumstances. Under such a rule as this it will be possible for the House to pass, under the conditions that exist, bills probably a little better than the majority would be willing to have them. I may say to the gentleman from Alabama [Mr. HOBSON] that while the Committee on Appropriations has not considered the sundry civil bill thus far, that the subcommittee has finished its work, and in that bill there is provision for appropriations for the fortification of the Panama Canal in such sum as the committee, after a careful investigation, believe could be expended economically during the coming fiscal year.

Mr. HOBSON. The gentleman would not desire to state the amount?

Mr. FITZGERALD. I should prefer not, because the committee may change the amount, but there is, in my opinion, all the money that can possibly be expended in one fiscal year, and that is all that is customary for the committee to give at a time, even though some departments ask for a larger amount. One item in the bill to which I am particularly opposed, and I believe this side of the House will insist shall be eliminated, is an item to carry appropriations for the use of the so-called tariff board not only for the next fiscal year, but for the next two fiscal years, an indefensible proposition, which should not be tolerated. The rule now under consideration makes the motion to suspend the rules in order during the remaining 12 days of the session. It is in order during the last six days, and I believe it advisable to extend the period now because of the condition of business in the House.

Mr. BENNET of New York. Mr. Speaker, as a member of the majority, I have always in the past voted for even more drastic rules than this, because I believed and still believe that it is the right of the majority to adopt such rules as are necessary for the transaction of business which the majority desires. Now I am a member of the minority and as a member of the minority of this particular coalition I shall vote as the minority always votes—against this drastic, rigid, gag rule—and I want to say to both sides of the House that I shall never here nor hereafter go before the people of my district, or any other district, and talk about Dalzellism or Claytonism or Underwoodism, and, if I had the opportunity, which is not yet afforded, Clarkism, who was yielded time——

Mr. CLAYTON. May I suggest to the gentleman from New York that he had better not talk about Bennetism, because that beat the gentleman for Congress?

Mr. BENNET of New York. Mr. Speaker, I decline to yield. During the past two days I have exercised my rights under the Constitution and the rules of this House. I agree with the somewhat pathetic statement of the gentleman from Illinois [Mr. MANN], which he made before he got what he wanted, that he had had only his rights. We have had our rights, but we will have to state that if you pass this drastic rule you wipe us off the legislative map.

But I want to say to the gentlemen on that side who by their vote struck out the enacting clause of the bill S. 7971, and thus defeated, for this Congress at least, the overtime claims of the union-labor men in the navy yards of this country and are now attempting to pass a bill containing war claims which interest only themselves, that H. R. 32767 will not become a law at this session of Congress unless both the French spoliation claims and the claims of those union-labor men in my district and other districts are a part of that bill. And I want to say, further, that surely in vain the net is spread in the sight of any bird. You gentlemen may save your faces by voting for this rule. And then, if my colleague from New York [Mr. FITZGERALD] is correct—and the Speaker recognizes some gentleman who moves to suspend the rules and pass a private bill; talk about going to extremes! I have been here only six years, and in that time I have never seen, at the request of a Republican, a bill on the Private Calendar taken up for passage under suspension of the rules.

As I say, the gentlemen on that side may save their faces with their constituents by going on record in favor of this bill to pay war claims, but so far as any money going to their constituents is concerned, it will not go in this bill unless there goes with it a class of claims equally deserving, approved by the court in every instance, and I refer to the claims for the union men who work in the navy yards in my district and the district of my friend from New York [Mr. CALDER], and the other districts, the ones in Virginia, in South Carolina, in Louisiana, in New Hampshire, and other places, and also the French spoliation claims, as to the justice of which there has been a decision not only as to the facts, but as to the law by the Court of Claims.

So go ahead. Roll the steam roller over the few of us that stand up in this House for the rights of union labor. [Laughter and cries of "Oh!"] Once again tread, as this House has trod

before, upon the rights of the men who earn their daily living by the sweat of their brow, by daily labor, and have the temerity to belong to labor unions. This majority has the votes. Do it! [Applause and laughter.]

Mr. CLAYTON. The gentleman is correct. You have been obstructing business here for three days, and we are going to run the steam roller over you.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, whatever may be responsible for the condition that now confronts this House does not change in the slightest that condition. This rule presents to the membership of this House, in my judgment, the only possibility for really considering appropriation bills. This rule, instead of making necessary the passage of the great supply bills under suspension, presents the only possible method that I know of now whereby those bills may be passed, not under suspension of the rules, without we have an extra session.

As well stated by several gentlemen, the rule does not require the passage of supply bills under suspension, nor does it permit their passage by a majority vote—it gives to the minority a veto every time the proposition is made to suspend the rules—but it does do this: It enables us to take those minor matters—matters in regard to conference reports, matters in regard to small questions—that in the past have frequently used up two and three hours, sometimes a day, and debate and pass them under suspension of the rules with a maximum of 40 minutes' debate, and thereby, by cleaning up these minor matters in little time, leave more time for the consideration of the big supply bills.

Mr. JONES. Will the gentleman yield?

Mr. SHERLEY. I will not yield.

Mr. JONES. For just one question?

Mr. SHERLEY. I will not yield. I further say that I would not be willing, under present conditions, to vote to suspend the rules and pass the great sundry civil bill—a bill, more than any other, that requires the careful consideration of the membership of this House—but I am willing for a method to be provided whereby we can dispose of less vital matters in a quick way and so have time for the big ones. For that reason I favor this rule.

But while I am speaking to the rules, I desire to call the attention of the House to this fact, that if you had now in the rules a method whereby you could make the Committee on Rules responsive to the will of a majority of this House, you would not have had to filibuster for three days and then accomplish practically nothing. If you had adopted a real method whereby you could bring in at the will of a majority a rule not simply to discharge a committee—which in a short session is valueless, because when you put a bill on the calendar you frequently have not time to reach it—but if you could bring in a rule whereby you could make any matter a special order when the majority of the House wanted it, then it would not be in the power of the gentleman from Illinois [Mr. MANN] or any other gentleman for three days to defeat the will of the majority of this House; and it is that sort of a liberalization of the rules that I desire.

As I stated once before on the floor of this House, we shall not get any relief from the system simply by changing the personnel of those who are to administer the system. You do not change the power of the Committee on Rules simply by electing them instead of appointing them. I would like to see the Committee on Rules and every other committee of this House made responsive to a majority of the Membership of this House, and I would like to see the ordinary rules amenable to amendment, when amendment is necessary, by some other method than revolution. The rules to-day do not contain any method or means whereby a majority can do away with the rules when opposed by the Rules Committee save by revolutionary methods.

Mr. CARTER. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. CARTER. If this rule were adopted, then the large appropriation bills would not be read paragraph by paragraph, and there would not be chance for points of order to be made upon them then under this rule.

Mr. SHERLEY. There would not be any chance of amendment of a bill. The remedy then would be to vote it down—the motion to amend the rules; and as such motion requires two-thirds, this side has always the power to defeat such motion.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I give two minutes of my time to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to the adoption of this rule. The country has been educated to the belief that the Speaker ought not to have control over the legislation of this House, and all of the gentlemen on the other side of the House who are advocating the adoption of this rule have been educating the people to the opinion that it is dangerous to place so much power in the hands of any one man as this rule will place in the hands of the Speaker. When we adopt this rule there will be no power to amend a bill, and we shall have either to accept it or reject it as a whole. There are a large number of important supply bills yet to be reported, and they should, I think, be amended in many particulars. I am not willing to go before the people of the country as voting to adopt these supply bills without having had an opportunity to read them. Every Member of the House becomes responsible for his vote on every one of these bills.

The Post Office appropriation bill will, I am informed, come back from the Senate amended in many essential particulars. We should have an opportunity for a separate vote on each of those amendments. The adoption of this rule will place it beyond the power of the membership of the House to have a vote upon those amendments, and I am opposed to the adoption of this or any other rule that will take away from the membership the right to act independently upon any proposition that comes before the House.

Mr. HOBSON. Mr. Speaker, I ask the gentleman from Pennsylvania to give me three minutes.

Mr. DALZELL. I yield three minutes to the gentleman.

Mr. HOBSON. It has been a singular experience to find the gentleman from Illinois [Mr. MANN] in an attitude of mind where he would die in his tracks before he would allow a bill to pass that contained the French spoliation claims, and at the same time to find the gentleman from New York [Mr. BENNET] willing to die in his tracks if the same bill did not contain the spoliation claims, and between the two we have been inflicted with a wholly useless filibuster. I have stayed here all night in the closing hours of this session, with important legislation held up, to see a filibuster consuming the time of this House. It seems to me that, if necessary, we could stay here all night to consider business that involves the expenditure of hundreds of millions of dollars of the people's treasure. In my own committee, for instance, there have been experiments in high explosives that have taken place since our bill was reported. They indicate that for the safety of the country there ought to be some amendment involving the acquisition of a high-explosive shell. I use this as an illustration. We can spend night after night watching a filibuster, but we can not stop long enough to consider questions involving the safety of the Nation. I do not believe we ought to adopt this resolution—certainly not at this juncture—unless it be amendable, and unless the gentleman would yield to an amendment under which he would exclude its application to the great supply bills. Would the gentleman yield the floor for the offering of an amendment that this resolution may not include the supply bills?

Mr. DALZELL. The gentleman would not. I yield to the gentleman from Wyoming [Mr. MONDELL], after which I shall demand the previous question.

Mr. MONDELL. There is only one excuse, only one possible reason, for the passage of this rule, but that excuse or reason is sufficiently potent under present conditions to warrant its passage. The probability is that an extra session will be forced without this, and we all know the disastrous effect to the business interests of the country that will come with an extra session and a Democratic Congress. [Applause on the Republican side.] Therefore, while I deprecate and regret the necessity for the passage of this rule, and very greatly regret that we can not have opportunity for amendment of the great supply bills, and regret that we can not discuss the important questions that will arise in the consideration of those bills, still with an extra session of a Democratic Congress as the alternative, I shall vote for this rule.

Mr. DALZELL. Mr. Speaker, I now demand the previous question on the adoption of the rule.

The question being taken on ordering the previous question, Mr. COOPER of Wisconsin demanded a division.

The House proceeded to divide. Pending the division—

Mr. COOPER of Wisconsin. Mr. Speaker, I misunderstood the motion. I thought it was on the adoption of the resolution. I withdraw the demand for a division.

The SPEAKER. The gentleman from Wisconsin withdraws the demand.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. NORRIS. Mr. Speaker, I demand the yeas and nays.

The question being taken on ordering the yeas and nays, 31 Members rose in support of the demand.

The SPEAKER. Thirty-one Members, not a sufficient number, have arisen in support of the demand for the yeas and nays. The yeas and nays are refused.

Mr. JONES. Division, Mr. Speaker.

The House divided; and there were—ayes 173, noes 43.

SEVERAL MEMBERS. The yeas and nays.

The SPEAKER. But the yeas and nays have been refused.

Mr. JONES. Not on this motion.

The SPEAKER. Yes; on this motion.

Mr. JONES. Tellers on the yeas and nays.

The SPEAKER. But the yeas and nays have been refused. The gentleman from Nebraska [Mr. NORRIS], before there was a division, demanded the yeas and nays, and they were refused.

Mr. NORRIS. Mr. Speaker, what the Speaker states is true, but I think a great many Members understood that that demand applied to the previous question.

Mr. SHERLEY. That is their fault.

Mr. JONES and Mr. NORRIS demanded tellers.

The SPEAKER. As many as favor ordering tellers will rise and stand until counted.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker. Is it not the fact that the House always has the right to verify a vote which has just been taken?

The SPEAKER. The House is just seeking to verify this vote, if there is a sufficient number to demand tellers. As many as favor ordering tellers will rise and stand until counted. Twenty-six gentlemen have arisen; not a sufficient number. Tellers are refused, the ayes have it, and the resolution is agreed to.

Mr. LAW. Mr. Speaker, I make the following motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. LAW moves to suspend the rules, discharge the Committee of the Whole House from the further consideration of H. R. 32767, entitled "A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts," and without reading pass the bill, with the following amendments:

On page 50, after line 11, insert:

"To William Baker, of Stone County, $340."

On page 57, after line 26, insert:

"To John S. Morton, administrator of David W. Morton, deceased, late of Carteret County, $350."

On page 61, after line 22, insert:

"To J. P. Matthews, administrator of Nathan Gradick, deceased, late of Richland County, $1,180."

On page 81 strike out all of lines 7 to 24, inclusive; and on page 82 strike out all of lines 1 to 6, inclusive.

On page 101 strike out, in line 14, after the word "bankruptcy," the following words on lines 14, 15, and 16, namely, "but these provisions shall not apply to payments of French spoliation claims, which shall be made as heretofore prescribed in this act."

The SPEAKER. Is a second demanded?

Mr. BENNET of New York. Mr. Speaker, I demand a second.

Mr. ROBERTS. I make the point of order against the motion of the gentleman from New York.

The SPEAKER. The point of order is overruled. This is a motion to suspend all rules.

Mr. ROBERTS. But, Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. ROBERTS. The rules of this House provide how committees shall be discharged, and yet here is a motion to discharge a committee without complying with that rule.

The SPEAKER. This is a motion to suspend all rules. A second has been ordered. The gentleman from New York [Mr. LAW] is entitled to 20 minutes and the other gentleman from New York [Mr. BENNET] is entitled to 20 minutes.

Mr. ROBERTS. If the Chair will pardon me, the rules provide how that motion shall be made, and this motion is not made according to the rules of the House.

Mr. SHERLEY. The gentleman from Massachusetts is not in order. I call for the regular order.

The SPEAKER. This motion is made under a rule of the House that has just been adopted.

Mr. BENNET of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET of New York. Under the rule just adopted, is it in order to pass the bill without reading it?

The SPEAKER. Absolutely so.

Mr. MANN. The bill has been read once.

The SPEAKER. The Chair is informed that the bill has been once read.

Mr. SIMS. It has been read twice.

Mr. LAW. Mr. Speaker, I shall not take very much time of the House in discussing this bill, for the reason that it has been under consideration directly and indirectly during the past three days, and because it has been very fully explained in the Committee of the Whole. The bill, the passage of which has been moved, is just the same as House bill 32767, except a few amendments have been offered with a view of perfecting the bill. On pages 50, 57, and 61 three small claims have been inserted which are based upon House Court of Claims findings and which were considered by the committee, but inadvertently omitted from the bill.

On pages 81 and 82 the amendment is to strike out or eliminate duplications in the bill due to a printer's error, which duplications were not in the original bill when it was introduced.

The amendment on page 101 is for the purpose of striking out the reference to the French spoliation claims, to which the gentleman from Massachusetts referred this morning. Mr. Speaker, I yield three minutes to the gentleman from——

Mr. MARTIN of South Dakota. Before the gentleman yields I would like to ask him a few questions. This bill, in its present form or in the form proposed by the amendments, will, I understand, cover over a million dollars appropriation.

Mr. LAW. About $1,164,000 in round numbers.

Mr. MARTIN of South Dakota. How many war claims are included in the bill?

Mr. LAW. Does the gentleman mean the number of items?

Mr. MARTIN of South Dakota. Approximately.

Mr. LAW. I can not say precisely, but in the neighborhood of eight or nine hundred.

Mr. MARTIN of South Dakota. Are there still numerous war claims of a like character pending before the committee?

Mr. LAW. Oh, yes; some that have been rejected by the committee and some House Court of Claims findings that have come in since the committee closed the bill.

Mr. MARTIN of South Dakota. The omnibus bill if passed will not be a cleaning up of legislation on war claims against the Government.

Mr. LAW. I will say that we have put in the bill all of the House Court of Claims findings that were transmitted to Congress prior to January 10, 1911, of which the committee approved. We eliminated a considerable number that we did not approve of. Those have not been disposed of.

Mr. MARTIN of South Dakota. Did the committee eliminate the number of claims that were favorably reported upon by the Court of Claims?

Mr. LAW. The gentleman knows that under the Bowman and Tucker Acts the court does not report favorably or unfavorably, or did not prior to the amendment of the Tucker Act at the last session of Congress, and no considerable number of findings have come in since that time. In other words, under the Bowman and Tucker Acts the court prior to this amendment had no power whatever to indulge in any conclusions or in the expression of any opinion whatever as to whether the facts constitute any legal or equitable claims against the Government of the United States.

Mr. MARTIN of South Dakota. Then all this talk upon the floor of the House about the failure to follow the judgment of the Court of Claims is idle talk, so far as these war claims are concerned?

Mr. LAW. The court renders no judgment under either the Bowman or the Tucker Acts.

Mr. MARTIN of South Dakota. And does not report the facts either favorably or unfavorably, but simply undertakes to report what the facts are?

Mr. LAW. That is correct.

Mr. MARTIN of South Dakota. As to the number of claims so reported from the Court of Claims back to Congress, how many has the gentleman's committee approved and recommended the payment of, and how many have been disapproved by the committee?

Mr. LAW. I should say that perhaps about half of those in the bill are findings of the Court of Claims under resolutions sent by either the House or a committee of the House. Of those which we have considered and which we have rejected, I should say there were perhaps in the neighborhood of 80 or 100 which we rejected, but the gentleman must be reminded that that does not represent the total number of claims that have been sent to the Court of Claims that we approved of, for the reason that a great many claims are without question sent down to the Court of Claims under the Tucker or the Bowman Acts which are never prosecuted, or there may be under the Bowman Act a simple finding of disloyalty. Loyalty is made under the Bowman Act a jurisdictional question, and if the court found a claimant disloyal the court would proceed to make no further findings in the case.

Mr. MARTIN of South Dakota. Of course the gentleman knows that when private claims come in here in individual bills the Members of the House have an opportunity to investigate as to the merits of each proposition. They are generally very thoroughly investigated, and very many of them are thrown out by the Committee of the Whole House or by the House after they have been favorably recommended by the committee, but here is a proposition to pass some hundreds of bills without any examination, so far as this House is concerned, as to the merits of any.

Mr. THOMAS of North Carolina. They have all been examined by the Court of Claims.

Mr. LANGLEY. And they have been examined by the committee.

Mr. MARTIN of South Dakota. I think the gentleman ought in his time, if possible, to give the House some information as to the merits or the demerits of this proposition that can guide us in reaching an intelligent conclusion about that.

Mr. THOMAS of North Carolina. They have all been examined by the Court of Claims, and the court has given us the information.

Mr. MARTIN of South Dakota. And absolutely no recommendation made by the Court of Claims. I may say, not desiring to be misunderstood, that I desire the Government to pay every valid war claim, but I think the House is entitled to know how we can tell between these bills.

Mr. LAW. Mr. Speaker, I must decline to yield further to the gentleman. I do not desire the gentleman to make a speech in my time.

Mr. MARTIN of South Dakota. I was not aware the gentleman was declining to yield.

Mr. LAW. The gentleman should understand that I have only 10 minutes remaining, and I must have time in which to answer his question.

The SPEAKER. To whom does the gentleman yield?

Mr. LAW. I decline to yield. I have the point in mind which the gentleman is presenting, and that is an implied suggestion on his part that these claims should be disposed of by individual bill. As a matter of fact, if that was practicable, I am inclined to think that it might be the best way to dispose of these claims, but it is not; and the gentleman knows that with all of the other classes of claims that have to be considered on the Private Calendar it would be absolutely impossible to take up these claims in individual bills. They must be considered, if at all, in an omnibus bill. I will say to the gentleman further that I realize this method puts upon the committee, perhaps particularly upon the chairman of the committee, a very large degree of responsibility, and I will say further that the preparation of this bill has involved the examination of something like 2,250 findings of the Court of Claims. I will say further to him that every one of them has been examined with great care by myself personally, and many of them which presented questions of doubt I have examined and gone over many times.

Mr. Speaker, I now yield three minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. The gentleman from New York has moved a suspension of the rules and to place upon its passage House bill 32767, with certain amendments. May I inquire is that motion amendable?

The SPEAKER. It is not.

Mr. LAW. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New York [Mr. BENNET] is entitled to 20 minutes.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman has just made one.

Mr. HAMLIN. But I have another.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Is the gentleman seeking to be dilatory or is he in good faith?

Mr. HAMLIN. I am in good faith.

The SPEAKER. What is the gentleman's parliamentary inquiry?

Mr. HAMLIN. The gentleman from New York yielded me three minutes.

Mr. LAW. I yielded three minutes to the gentleman from New York, and I assumed he had concluded his remarks.

Mr. HAMLIN. No; but the Chair concluded them by his gavel.

The SPEAKER. The Chair will recognize the gentleman.

Mr. HAMLIN. And the Chair recognized me.

The SPEAKER. Does the gentleman from New York yield three minutes to the gentleman?

Mr. LAW. I yield three minutes to the gentleman.

The SPEAKER. The Chair was not aware that any time had been yielded to the gentleman.

Mr. HAMLIN. Mr. Speaker, my second parliamentary inquiry was simply to inquire if it was not true I am entitled to my full three minutes. Since that has been determined that is all I have to say. [Laughter and applause.]

Mr. BENNET of New York. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I would like to have an opportunity, if I can secure it before the final vote is taken upon this bill, to offer an amendment, to insert at the end of line 16, page 44, this amendment: "To John B. Hubbard, administrator of the estate of David R. Hubbard, deceased, late of Tishomingo County, $1,500."

The reason why this claim was not included in this bill is because it is a Senate finding, and under the rules of the House committee this bill was excluded, not because it was not a just claim and ought to be paid, but because of the fact that it was referred to the Court of Claims by the Senate and was not referred by the House. The finding of the Court of Claims is very full and very complete with reference to this claim, and shows it to be absolutely just and unquestionably ought to be paid. The finding of the Court of Claims is as follows:

FINDINGS OF FACT.

I. Claimant's decedent, David R. Hubbard, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Tishomingo County, State of Mississippi, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of $1,500, no part of which appears to have been paid.

III. On March 10, 1892, said claim was presented to the Quartermaster General's Department, but was subsequently disallowed for lack of jurisdiction. Thereafter said claim was referred by resolution of the United States Senate to this court under the provisions of the act of March 3, 1887, commonly known as the Tucker Act.

No other competent evidence is adduced respecting the delay in the presentation of said claim.

If I can secure an opportunity before the final vote is taken I desire to offer the amendment. If I can not get an opportunity to offer this amendment here I shall try to have this claim included when this bill is considered in the Senate and shall leave no stone unturned to secure its payment. It is an honest debt against the Government and, along with other honest debts which have been adjudicated, it ought to be paid. But for the rule of the House committee excluding Senate findings, I feel sure it would now be in the pending bill. I thank you for your attention.

Mr. BENNET of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PARSONS], my colleague.

Mr. PARSONS. Mr. Speaker, what I have to say is really upon a question of personal privilege. On the calendar day of yesterday, while I thought I was sleeping the sleep of the just, having left here at half past 5 o'clock in the morning, the gentleman from Georgia [Mr. EDWARDS] made some remarks in which he brought in my name. I have tried to get—I have just this moment received the original minutes; they have just been handed me, as they had to be obtained from the Government Printing Office, and I have not had time to read them—but I understand from the papers that the inquiry made by the gentleman from Georgia was as to what connection I had with a gentleman in the galleries who was stated to be a lobbyist in behalf of the French spoliation claims and who, it is said, came into the lobby reserved for Members in order to send some documents to me. Now, I suppose that Members have a perfect right in a proper way to have communication with lawyers, lobbyists, and other people in the galleries. Of course they should not invite them to break the rules.

I am told by my colleague from New York [Mr. CALDER] that there were a number of attorneys in the galleries who were interested in war claims. So far as this gentleman is concerned, who is interested in the French spoliation claims, I do not know him. I did not know him. I have never seen him. I have never talked with him, and I have never had any communication with him, directly or indirectly. I have had some letters from constituents, from New England lawyers, some whom I had known in the Harvard Law School, asking about the payment of these French spoliation claims. In answer to recent letters I had written that the bill was dead. I have never committed myself, so far as I can recall, to the payment of those claims; but in reply to letters had simply used the euphemistic

expression we are accustomed to use—that they would have my earnest consideration.

In the long filibuster that was taking place I had a chance to give them my earnest consideration. I read the statutes, I read the opinion of the Supreme Court referred to by the gentleman from New Jersey, and I read the veto of President Cleveland. I looked through the opinion of the Court of Claims on the test case. I became convinced that every argument that was made in favor of the southern war claims applied, a fortiori, to the French spoliation claims, because the argument made in favor of the southern war claims was that it ought to be paid out of respect to the findings of the Court of Claims, and I saw that that statute which sent the southern war claims to the Court of Claims only called for findings of fact, whereas the statute which sent the French spoliation claims to the Court of Claims called for findings of fact and conclusions of law. To be sure, they were only to be advisory, but since I have been in Congress I have come to believe that the greatest disgrace to the Government of the United States is its failure to pay the claims against it. [Applause.] I have also observed that claims get very little consideration; that this House is not a body that can judicially examine them or adjudicate upon them; and that the proper course to be pursued is, wherever possible, to refer them to some court to give us proper findings of fact and conclusions of law; and when the court has done that and has reported that the claims ought to be paid, whether by way of judgment or merely by way of findings of fact and conclusions of law, then we ought to respect the court and appropriate the money in accordance with the findings of the court.

Now, that was the principle on which I felt that the French spoliation claims ought to be paid. Naturally we are suspicious of any old claims. When I first came to Congress I had a suspicion of all old claims, but after I had been here awhile and found the great difficulty there was in getting any honest claim paid I felt that every claim had to be judged on its merits.

Now, I would like to ask the gentleman from Georgia if——

The SPEAKER. The gentleman's time has expired.

Mr. BENNET of New York. I yield to my colleague three minutes more.

Mr. PARSONS. I appreciate the courtesy of the gentleman from Georgia [Mr. EDWARDS] and my colleagues from New York [Mr. BENNET and Mr. GOULDEN] in having excluded from the RECORD what took place yesterday. However, in order that my connection with the matter may be entirely clear, I ask unanimous consent to extend my remarks in the RECORD by appending to them what actually was said upon the floor in connection with the matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

Mr. EDWARDS of Georgia. Mr. Chairman, I feel somewhat out of place here on this holy day, and I presume all of the Members of the House feel very much as I do. Under the parliamentary status it is true that this is still Friday, but it is nevertheless Sunday, as the calendar day. It marks a sad day in the history of this country when the Congress, the great law-making body of this country, has to encroach upon the Sabbath to transact the business of the country and of the Congress. And to think, Mr. Chairman and gentlemen, that this is brought about and caused on account of the filibuster of a few gentlemen who are not so much opposed to the justice of this bill, or to the justice of these war claims, as they are in favor of some other claims, the French spoliation claims, which were stricken out of this bill here last night on motion of the gentleman from Illinois [Mr. MANN]. For awhile, Mr. Chairman and gentlemen, I could not help feeling somewhat aggrieved at the gentleman from Illinois [Mr. MANN] on account of the filibuster that he was conducting, but when it became apparent that the gentleman from Illinois was conducting a filibuster to strike from this bill the French spoliation claims and came over as our ally and friend. I then saw through the whole plot, the whole scheme. But, lo and behold, the filibuster was then taken up on the other side of the House by other gentlemen who were pressing the French spoliation claims, and who urge naught against the fairness and justice of these southern war claims. Mr. Chairman and gentlemen, not only does the fact that we are transacting the business of the country on the Lord's Day, mark a sad day in the history of the country, but last night there sat in this gallery a man who was referred to as a lobbyist in the interest of the French spoliation claims.

And that same man, when the gentleman from North Carolina [Mr. KITCHIN] was making his great speech against the French spoliation claims, was seen here almost in the doors of this Hall trying to slip data and facts into the hands of one of these gentlemen on the other side who is aiding in conducting this filibuster. I ask, What is the connection, if any, between that man and the gentleman from New York who is aiding in conducting this filibuster?

Mr. BENNET of New York. Will the gentleman yield?

Mr. EDWARDS of Georgia. I will.

Mr. BENNET of New York. Does the gentleman have any reference to me?

Mr. EDWARDS of Georgia. I do not.

Mr. BENNET of New York. Thank you.

Mr. EDWARDS of Georgia. I will tell the gentleman who I refer to if he will rise in his place and ask me. I have in my hand the very book that this man, Mr. Scattergood, the representative of the insurance company, had in his hand trying to sneak it into the House and into the hands of a gentleman of this House.

Mr. GOULDEN. Mr. Chairman, if the gentleman will allow me, I am from New York, and I would like to ask who the gentleman is that he refers to?

Mr. EDWARDS of Georgia. I will answer. My information, derived from a good source, is that the gentleman from New York is Mr. PARSONS. I have the book in my hand; and it was a Democratic Member of the House, the gentleman from Illinois [Mr. FOSTER], who discovered and ordered away from here that lobbyist sneaking to the door of this Chamber trying to send this literature in to the gentleman from New York [Mr. PARSONS].

On the floor of this House last night the gentleman from Kansas [Mr. CAMPBELL] referred to the southern war claims bill as a "pork barrel." How in the name of God can the people of this country respect us if we do not respect ourselves?

It marks a sad day in the history of this country when the very Halls of Congress are visited by lobbyists; when we are compelled to transact the business of the country on the Lord's day; and when we are compelled, Mr. Chairman, to see the will of the majority of the House thwarted by a few gentlemen who have a private interest at stake. [Applause.]

Mr. PARSONS. Now, I would like to ask the gentleman from Georgia [Mr. EDWARDS] if he has any questions he wishes to ask me, because I wish to answer anything that may occur to him and clear up this matter completely.

Mr. EDWARDS of Georgia. I will not ask the gentleman any questions. The gentleman from New York [Mr. BENNET] has kindly yielded to me two minutes.

Mr. BENNET of New York. I yielded to the gentleman from Georgia [Mr. EDWARDS] two minutes and such time of my colleague as may be remaining.

The SPEAKER. There are just two minutes of it remaining.

Mr. EDWARDS of Georgia. Mr. Speaker, in justice to the gentleman from New York [Mr. PARSONS] and the membership of this House, and to myself, I wish to submit only a few remarks.

Mr. PARSONS. I just wish to say that while I was sitting here, after I had asked the gentleman from North Carolina [Mr. KITCHIN] some questions, one of the officials of the House brought me a document and said somebody sent it to me. I told him I did not want it. My recollection is that a second time a document was sent to me, and I said I did not want it, and I did not take either of those documents, and I did not look at them. Frankly, I resented receiving any suggestions in the matter. I presume that those came from this gentleman to whom the gentleman from Georgia [Mr. EDWARDS] referred.

Mr. EDWARDS of Georgia. Mr. Speaker, it is far from my purpose to do any gentleman of this House or anyone else an intentional injustice. While Mr. KITCHIN, of North Carolina, on Saturday night was delivering his speech against the French spoliation claims, Mr. SHACKLEFORD, of Missouri, made the remark in the House, when Mr. KITCHIN was referring to the lobby that had been conducted in favor of the French spoliation claims, that in the galleries there sat a lobbyist, and the further remark that he had been hanging around there in the interest of these claims for a great while. Later in the evening I was informed by a Member of the House of good standing, one of the most reputable men in this House, that in passing through the Speaker's corridor, back there, he had come face to face with the man who had been pointed out as having been sitting in the gallery as a lobbyist, and he had pointed his finger at the man and asked him the question, "Are you the lobbyist referred to?" And the man, in reply, "beat" it out of the corridor in a run. I have investigated the matter and have ascertained these facts, that that man came to the door of the Members' retiring room, here in the corridor, and was asking for a page, wishing to send some message into the House. Mr. Hoppins was the man in charge of the door at the Speaker's corridor, and for the moment, I understand, he was called away, and while he was away this man Scattergood, who was the representative of these insurance companies, had come into the Speaker's corridor, and when the doorkeeper, Mr. Hoppins, came back into the corridor the man told him, "Here, quick; take this document to Mr. PARSONS."

Mr. Speaker, I ask for one minute more.

Mr. BENNET of New York. I yield one minute more to the gentleman from Georgia.

Mr. EDWARDS of Georgia. I understand the man said to Mr. Hoppins, "Here, quick; take this document to Mr. PARSONS." That was during Mr. KITCHIN's speech. Now, I did not intend to say a word to the effect that Mr. PARSONS had any knowledge that this data was coming to him or that he had knowledge of an attempt being made to send it to him, but the facts I asserted on the floor of the House yesterday are the facts that I assert here to-day, and I want to reiterate the statement that I for one am not only in favor of excluding lobbyists from the Speaker's corridor, but of excluding them also from the gallery of the House. I say, Mr. Speaker and gentlemen, that I do not wish to cast any reflections upon Mr. PARSONS. I had intended, and do now intend, to do due justice

to him, and I do not wish to give the impression that he knew that this document was being sent to him.

The SPEAKER. Will the gentleman indulge the Chair, by unanimous consent, not in his time? What does the gentleman means by the "Speaker's corridor?"

Mr. EDWARDS of Georgia. This corridor in the rear.

The SPEAKER. Out by the retiring room, inside the door?

Mr. EDWARDS of Georgia. Yes; inside the door.

The SPEAKER. Does the gentleman know what official admitted him?

Mr. EDWARDS of Georgia. No; I do not.

The SPEAKER. The Chair desires to say, in the first place, that the House was not in session, as the Chair understands, but the Committee of the Whole House was in session.

Mr. EDWARDS of Georgia. That is a fact.

The SPEAKER. And it is so easy to say "in the Speaker's corridor," the Chair is of the opinion that he does not need any defense from any imputation that might be drawn from the gentleman's remarks [applause], but he thought proper that it should go into the RECORD that the Speaker's corridor, under the rules of the House, is reserved for the Members of the House, and if those rules have been violated the Speaker and the Chair believes that no Member of the House is responsible for their violation.

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. BENNET of New York. Mr. Speaker I desire in a moment to congratulate the Speaker of this House upon the great tribute that has been paid to him to-day by the House. For months the country has rung with denunciations of "Cannonism," but to-day, by a vote on both sides of this House, so large that there could not be obtained against it either the yeas and nays or tellers, the membership of this House, Democrats and Republicans, have shown their confidence, and I am proud to say their justified confidence, in the Speaker of this House, by placing in his hands—for he alone has the power of recognition—for the remaining 12 days of this session the absolute right to say what shall come and what shall not come before the House of Representatives.

Now, Mr. Speaker, so far as the bill itself is concerned, I shall vote for it. I voted for 20 hours, under the leadership of the gentleman from Illinois [Mr. PRINCE], the gentleman from Virginia [Mr. CARLIN], the gentleman from North Carolina [Mr. THOMAS], and the gentleman from Tennessee [Mr. SIMS]; when suddenly, at 3 o'clock in the morning, they found themselves generals without an army. They remained with those of us who had been loyally supporting them, on this side of the Chamber, but their army deserted and enlisted under the then victorious banner of the gentleman from Illinois [Mr. MANN]. They deserted, but I shall remain consistent. I voted for these war claims during those 20 hours; that is, I voted to bring them before the committee. They are good, honest, just claims which ought to be paid. I will vote for them now, although I voted during those same 20 hours to get before this House for consideration the claims of the union labor men in the navy yard in New York, the navy yard in Norfolk, the navy yard in Charleston, the navy yard in New Orleans. I also voted to bring before the House the French spoliation claims, equally just; and an additional reason why I vote for this bill now is that the only chance that remains to pass or to consider the claims of these union labor men in the navy yards, and the French spoliation claims, is to pass this bill here, have it passed in another body with these matters added, and have it come back here so that the House may vote to concur in the Senate amendments. It is a very slight chance, amounting to very little, but small as it is, I intend to stand by these union labor men as well as the southern war claimants, and the French spoliation claimants until the last.

If I have any time remaining I yield it to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] has five minutes.

Mr. MANN. Mr. Speaker, I only want a minute. I have no intention of replying to the various statements which have been made where "the gentleman from Illinois," meaning myself, has been referred to, but in the interest of proper history I wish to give credit where credit is due. The gentleman from New York [Mr. BENNET] just referred to certain gentlemen on the other side of the House possibly following my lead. In one way that might be true, and yet what I did in the way of offering motions was based upon practically the unanimous consent of the committee at that time, after listening to the powerful argument of the gentleman from North Carolina [Mr. KITCHIN]; and if there is any credit due in reference to changing the bill that is before the House and striking out the French spoliation claims, it is due to the masterly statement of the gentleman from North Carolina.

Mr. LAW. I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, judging from what has been said here to-day it might be inferred that some gentlemen think it is hardly creditable for a Member of the House to confer with attorneys who are employed in these cases. If there have been any lobbyists here in support of them I have not seem them. I know nothing about that, and care nothing about it. I do wish to say, however, that I have frequently conferred with different attorneys here in Washington who represent claimants in my district, and I want to make this public acknowledgment of my indebtedness to them for the great assistance they have rendered me in preparing these cases for submission to the Committee on War Claims, as well as for other aid I have received from them in the earnest efforts I have made to get favorable consideration of the many meritorious claims against the Government from my district; and I want to say further that I question the wisdom of the legislation which has been proposed, the effect of which would be to interfere with the right of contract between claimants and attorneys in these cases. I know from my own experience that there is a great deal of work involved in the prosecution of these claims, and while I am as much opposed as anybody to exorbitant fees, and some have been exorbitant, I think that question can be safely left to the contracting parties.

I am glad to hear the gentleman from New York [Mr. BENNET] say that he will vote for this war-claims bill, even though the French spoliation claims, in which he was more directly interested, were stricken out. I admire that spirit in the gentleman from New York. I am glad to say that I have never possessed the "dog-in-the-manger" spirit. I stayed here all day Friday and up to adjournment Friday night, and all day Saturday and all Saturday night and most of the day yesterday—Sunday—and that, too, against the advice of my physician [laughter and applause], aiding in the effort that was being made against obstructive tactics to protect the honor of this Government and bring about the payment of these just claims, the payment of which has been so long and without just cause delayed. It is true what the gentleman from North Dakota [Mr. MARTIN] and other gentlemen have contended that the Court of Claims has not rendered a judgment in these cases, but I agree with what the committee says in its report:

> The same considerations which make it imperative upon Congress to appropriate to pay final judgments of its courts should dictate the line of policy to be adopted with regard to findings of fact under the Bowman Act.

As I have said before in this debate, there are but few claims in my district included in this bill. Many more of them ought to be included in it, but I am not going to vote against it because it does not include all that I wanted in it. I favor the French spoliation claims and the navy-yard overtime claims for the same reason that I am favoring this bill, and that is that the tribunal created by Congress for the purpose has made findings which, in my judgment, make it obligatory upon Congress to pay all of these claims. I would vote for this bill even if it had none of the claims of my district in it, because I think it would be my duty to do so. I vote for it, of course, with greater pleasure because it includes some claims from my district. Since I can not get all that I think my district is entitled to now, I will take what I can get now and go after them again. [Applause.]

Mr. LAW. I yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, last Saturday night the House had under consideration Senate bill 7971, which was reported to the House with an amendment striking out the French spoliation claims, and the chairman of the War Claims Committee had had read and pending an amendment to said Senate bill which was in substance and effect the pending bill now under consideration as an amendment to said Senate bill 7971. This was clearly understood and referred to repeatedly during the long and continuous session covered by the unjustifiable filibuster against the war claims bill. It never was proposed during all this filibuster by any member of the Claims Committee nor by anyone else to pass at any time during the period covered by this filibuster, the French spoliation claims. Some gentlemen were fearful on account of what the chairman of the Claims Committee [Mr. PRINCE] had said as to his personal views of the French spoliation claims, that the committee on conference, if the Senate bill was passed here, would tack

on by way of conference report the French spoliation claims. This anticipation of the possible action of a possible conference committee alone could have been urged as the sole reason for the inexcusable filibuster. The only proper or sensible way to have treated the question of such possible action was to have waited until such possible action was had. There was no sense in crossing that bridge until we got to it. In all probability we would have never had to cross any such bridge, and if we had reached such a bridge the House would have rejected the French spoliation claims then, as it was proposed to do when the Senate bill was called up for consideration last Saturday morning.

Mr. Speaker, it is true that most or nearly all of these claims will be paid to owners and beneficiaries resident in the South, but that does not militate against the justness of the claims, nor is it any reason why payment should be longer deferred, for the war is over and a court of the United States has solemnly declared these claims to be honest and still due by the United States. Mr. Speaker, let us pay them now.

Mr. Speaker, I am glad that after three days and two nights the House has at last been able, under a special rule, such as was proposed in the resolution I offered last Saturday night, to pass this bill. I am glad that the Committee on Rules voluntarily brought in the special rule enabling the House to conclude the consideration of and pass the pending measure. It has been evident for some three days that the House wished to do this.

Let me state briefly what this measure is. The war claims embraced in this bill, as it is proposed to be amended, is for payment of certain claims reported by the Court of Claims and recommended for appropriation by the Committee on War Claims, and the total amount of these claims is $1,166,097.23. And the items making up this total are as follows: Claims of churches, for use and occupation of their buildings during the Civil War, $377,174.08; of Masonic lodges, $8,780; of Odd Fellows' halls, $1,250; of medical colleges, $4,200; of almshouses, $21,000; of seminaries and academies, $23,174; and for stores or supplies to the United States Army, $475,123.04; for claims of United States officers and United States soldiers, for services, and so forth, $255,396.

Mr. LAW. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. PEARRE].

The SPEAKER. The gentleman has four minutes.

Mr. PEARRE. Mr. Speaker, I am glad that after much tribulation the House is about to reach a vote on these claims—claims, Mr. Speaker, which I will not have time in the limited time at my disposal to discuss, but which have all been passed upon by the Court of Claims, a court established for the purpose of investigating these claims and establishing the loyalty of the claimants and ascertaining the amount actually due; claims, Mr. Speaker, which the President of the United States says he hopes without further delay will be paid.

The President, in his message of 1910, said, feeling that this was a matter of sufficient importance to which to direct the attention of the Congress of the United States:

> I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The failure of Congress in the payment of money due on claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that these claims, which come to Congress with the judgment and approval of the Court of Claims, be promptly paid.

Mr. Speaker, there is no argument that I can understand that an honest man can make against the merits of these claims.

Mr. Speaker, I can understand that an argument can be properly made by gentlemen who want to save money to the Government, but the President of the United States is on record as saying that the Government can no longer honestly defer the payment of these claims. Mr. Speaker, if any individual in the United States, any citizen in the United States, would be so dilatory in recognizing and paying claims of this character he would be thrown into bankruptcy, or if he had any property a judgment would be had against him, such as the judgment rendered by the Court of Claims in these cases, which would be followed by an execution and the money paid.

Mr. Speaker, I am in favor not only of the overtime claims by employees of the navy yards, but the French spoliation claims, which have also been passed upon by the Court of Claims, and in which 660 loyal people in the State of Maryland are interested. I am also in favor of the payment of these war claims, about forty-odd of which are embraced in this bill and which will tardily recognize the justice of claims of citizens of the loyal State of Maryland against the Government of the United States.

I hail the time, Mr. Speaker, that the plain people of the United States are going on record through their Representatives as being in favor of discharging the honest and long-delayed claims against the Government of the United States. [Applause.]

Mr. LAW. Mr. Speaker, I call for a vote.

Mr. CANDLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANDLER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. Can I at this time offer an amendment to the bill? If so, I would like to offer the amendment that I have sent to the desk.

The SPEAKER. The bill is not amendable under this motion. The question is on suspending the rules and passing the bill.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Sixteen gentlemen have arisen, not a sufficient number; and the yeas and nays are refused. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 31856) making appropriations for the District of Columbia, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. Is there objection?

Mr. COX of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill a question or two.

The SPEAKER. Does the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. COX of Indiana. I have not the bill before me, but I can possibly designate the questions I desire to propound by the nature of the language in the bill. I find that the Senate has placed an amendment in the bill to purchase what is known as the Carpenter tract of land.

Mr. SIMS. Two different tracts of land.

Mr. COX of Indiana. One hundred and twenty-odd acres of land for some $200,000. I do not want to absolutely bind the gentleman to what he will or will not do in conference, but I would like to know whether or not, before he yields on that, he will return the bill to the House and give the House a chance to vote upon it. It is an important matter and never has been considered in this House, as far as I know, and I find considerable opposition to it among people in that section of the country—opposition to the purchase of this piece of property. That not having been considered in the House, and being a very important matter, involving several thousand dollars, I would like to know whether or not the gentleman in charge of the bill, before he yields in conference, will return to the House and give the House a chance to vote upon it after some discussion has been had.

Mr. GARDNER of Michigan. Mr. Speaker, I have not been appointed as one of the conferees as yet, and I do not know that I shall be, but I would say the point in question was not raised in the House Committee on Appropriations.

Mr. COX of Indiana. Not at all.

Mr. GARDNER of Michigan. We know nothing about it so far as we are officially concerned. I can not speak for the conferees. I can only say now that my inclinations are thoroughly against the incorporation of that item in the bill, and have so advised parties who have visited me concerning it.

Mr. COX of Indiana. I am very glad to hear the gentleman say that. There is another item that I have not the number of, which was placed on the bill in the Senate, and that is for the purchase of what is known as the Klingle Ford tract of land. I believe it is proposed to buy 30 acres adjacent or near to Rock Creek Park for $300,000—a stupendous amount of money for a small tract of land. I would like to have the gentleman indicate his opinion on that.

Mr. GARDNER of Michigan. I believe that matter was gone into pretty thoroughly by the House committee, but was not incorporated in the bill.

Mr. COX of Indiana. It has never been considered on the floor of the House, has it?

Mr. GARDNER of Michigan. No; it was not incorporated in the bill, and so it could not be considered.

Mr. COX of Indiana. I do not want to take up any time uselessly by objecting to this bill, but I want to say to the gentleman that I am opposed to that item for the time being. Pos-

sibly after a full and fair discussion I may change my views. If I have some assurance that that would not be yielded to in conference, but that it will be returned to the House for discussion, I shall not object.

Mr. DOUGLAS. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. DOUGLAS. I will say the bill has not been printed and I understand is only upon the Speaker's table, so I have not been able to obtain a copy of it. I would like to know what the Senate provision is or is not with reference to the matter which we discussed here of the location of the penal institution down the river.

Mr. GARDNER of Michigan. The Senate bill carries out the spirit of the House action completely.

Mr. SIMS. What about the letter?

Mr. GARDNER of Michigan. The letter will follow the spirit.

Mr. SIMS. I hope so.

Mr. GARDNER of Michigan. In this case the letter does not kill while the spirit makes alive.

Mr. SIMS. Alive what—that provision?

Mr. FOSTER of Illinois. I desire to ask the gentleman if he is willing to permit a vote of the House on the increase of the salaries of the District Commissioners.

Mr. GARDNER of Michigan. The District officials?

Mr. FOSTER of Illinois. The increase of the salary of the District Commissioners.

Mr. GARDNER of Michigan. I think so, I would be willing for the House to vote——

Mr. FOSTER of Illinois. Without agreeing to it in conference.

Mr. GARDNER of Michigan. Personally I have no objection to the House voting on that. I want to say to the gentleman, to be entirely frank with him, personally I am still thoroughly convinced that it is the right thing to do. The increase ought to be made.

Mr. FOSTER of Illinois. Well, we can settle that by a vote in the House. We can settle it in the matter of the Senate amendment.

Mr. GARDNER of Michigan. I am very clear in that, and I have no hesitancy in expressing myself.

Mr. COX of Indiana. Now, the gentleman has been very frank in the two propositions put to him, but I do not believe he has yet answered my query as to what his attitude would be on the Klingle Ford proposition.

Mr. GARDNER of Michigan. The gentleman from Texas [Mr. BURLESON] I assume will be one of the conferees, and he and I are agreed on this—I can not speak for the other member of the committee—that before we agree upon it we will bring it back for an expression of the House.

Mr. FOSTER of Illinois. The increase of the salary of the commissioners——

Mr. COX of Indiana. And the Klingle Ford and the Carpenter tract.

Mr. BURLESON. I think we can get rid of it before we come back to the House.

Mr. FOSTER of Illinois. How about the increase of the salary of the commissioners?

Mr. BURLESON. I am heartily in favor, but I am perfectly willing to bring that back and let the House pass on it.

Mr. GARDNER of Michigan. Mr. Speaker, I think the catechetical class has concluded its exercises.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will read the names of the conferees.

The Clerk read as follows:

Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON.

PERMANENT MANEUVERING GROUNDS AND CAMPS OF INSPECTION, ETC.

Mr. MOON of Tennessee. Mr. Speaker, I move to take from the Speaker's table House joint resolution 146 and concur in the Senate amendment thereto.

The SPEAKER. The Chair lays before the House from the Speaker's table the following House joint resolution with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

House joint resolution 146, entitled "A joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camps of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park."

The Senate amendment was read.

Mr. MOON of Tennessee. Mr. Speaker, I move to concur.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that we may consider the conference report on the Indian appropriation bill (H. R. 28406) for the purpose of disposing of the three amendments which are in disagreement.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to consider the Indian appropriation bill. Is there objection? [After a pause.] The Chair hears none. What motion does the gentleman submit?

Mr. BURKE of South Dakota. Mr. Speaker, my recollection is that when the bill was postponed the other day there was a motion pending to further disagree to amendment 48, and the gentleman from North Dakota made a motion to recede and concur and I would like to ascertain if that is correct.

The SPEAKER. The conference report is agreed to, and there are three amendments in difference.

Mr. BURKE of South Dakota. I will say, Mr. Speaker, I made a motion to further disagree to amendment No. 48, and the gentleman from North Dakota made a motion to recede and concur.

The SPEAKER. The vote will be taken on the motion to recede from the disagreement of the Senate and concur in amendment numbered 48.

Mr. BURKE of South Dakota. Mr. Speaker, I am entitled to the floor. Now, Mr. Speaker, I hope that the motion offered by the gentleman from North Dakota will not prevail. This Senate amendment should under no circumstances be adopted for many reasons.

First, it is class legislation; second, it deals largely with a purely administrative matter. The purpose of the amendment is to single out certain traders upon the Standing Rock Indian Reservation in North Dakota and make it possible for them to collect accounts that they have against the Indians, and enable them to obtain from them moneys that they may receive from any source, whether in annuities or trust funds, or from whatever source. If we are going to enact such legislation as is proposed in this amendment, we may as well repeal the laws that are upon the statute books for the protection of the Indians of the country. This would simply make of the department a collection agency, and would enable certain traders who have bills against Indians, regardless of what they may be for, to obtain pay, as against other traders who may have debts that are much more entitled to be paid than the bills of these creditors.

I may say further, if this amendment prevails, it means that similar legislation must be extended to the reservations generally in the country, and if licensed Indian traders are to be given a preference in the matter of collecting their bills, then there will be legislation that will extend to every class of traders who deal with the Indians the privilege, and, as I stated a moment ago, it will only be a short time when the Indian will be without any protection whatever.

I have stated that this amendment proposes by law to do what the department already has the authority to do and is doing, with regard to debts due from Indians, and it seems to me unnecessary by law to direct what may be done administratively, and especially there can be no excuse for singling out one class of traders and legislating for them and limiting it to only one reservation. The last paragraph of the amendment is the most objectionable part of it, as the effect of it, if enacted into law, would do what I have already stated—make any moneys that an Indian might receive subject to the payment of any debt that he might owe—and would take away from him that protection that the law now gives to him as an incumbent or ward of the Government. The disposition of the Indian Office is to encourage Indians to pay their honest debts, and in order that the House may understand just what the department is doing in this respect I will make the following statement:

March 3, 1909, the Commissioner of Indian Affairs issued a circular, No. 279, discontinuing the payment to Indians of $10 monthly from funds belonging to the Indians, asserting that experience demonstrated that such a practice was not for the best interest of the Indians. It further provided that no able-bodied Indian capable of supporting himself by his own efforts may expect the consent of the office to expend such moneys in the purchase of food and clothing, and that they would only be allowed to draw such funds for the purpose of making permanent and substantial improvement on his allotment, and providing that Indians who were not capable of self-support use so much of their funds for various purposes as may be required to relieve their necessities. Superintendents were directed, in passing upon applications for the expenditure of individual funds, to ascertain and report that the purpose for which the money is desired to be expended is a worthy one.

This circular was followed by one dated March 18, 1909, No. 279 supplement, which more fully instructed agents and superintendents how to proceed with reference to applications for the expenditure of individual funds.

April 29, 1909, there was issued Circular No. 275, second supplement, in which there was a readjustment and the Indians divided into two general classes: (1) Those who are able-bodied and capable of supporting themselves and those properly dependent upon them by their own efforts; and (2) those who are physically or otherwise unable to support themselves and their families. An Indian coming within the first class will not be allowed to draw a monthly allowance or to expend any of his individual funds in the purchase of food or clothing unless it be shown to the satisfaction of the Indian Office that he is making every effort to support himself and those dependent upon him, but is not able to do so by reason of the fact that he is farming his allotment and it is impossible for him to realize anything from his labor until his crops mature, or because of the conditions of employment in other pursuits, or by reason of the fact that his full earning capacity is insufficient to provide him and those dependent upon him with the absolute necessaries of life. Said circular then sets forth how it shall be determined as to the earning capacity, and so forth, of the Indian and directing the form of report to be submitted in each case based on an application containing numerous specific questions to be answered in detail.

Upon April 30, 1909, there was issued Circular No. 279, third supplement, in which agents and superintendents were informed that on or after July 1, 1909, applications of Indians to be allowed to withdraw any of their individual moneys for the purpose of paying for merchandise, food, or clothing purchased after July 1, 1909, will not be approved without prior authority from the Indian Office. Agents and superintendents were directed to post copies of the order and to forward a copy thereof to each person doing a trading business with the Indians under the charge of such superintendents and agents.

Under date of December 17, 1909, there was issued another order approved by the Secretary of the Interior, which order is as follows:

ORDER.

Under the new method of handling funds derived from the leasing and sale of allotted and inherited Indian land, and following consistently the development of the policy begun five years ago, the Indian Office will no longer assist in the collection of claims against Indians. In section 561 of the Regulations of the Indian Office, effective April 1, 1904, persons doing business with Indians were warned that when credit is extended to them the creditor takes the risk; that no assistance in the collection of alleged claims will be given by the agent.

More recently, in Circular 279 (third supplement), promulgated April 30, 1909, further notice was given to all interested that credit accounts against Indians subsequent to July 1, following, would not be settled from funds in the custody of the Indian Office unless authority for the purchases had previously been granted through the agent.

Having thus given due notice of its intention, and basing its action on the moral ground that to extend credit to the Indian is sure to work injustice to him, this office will hereafter render no assistance, direct or indirect, to creditors of Indians in the collection of claims.

R. G. VALENTINE, *Commissioner.*

Approved, December 17, 1909.

R. A. BALLINGER,
Secretary of the Interior.

It being claimed that many traders and others doing business with the Indians had not received notice of the orders relative to extending credit to Indians, Circular No. 391 was issued under date of February 16, 1910, which circular was approved by the Secretary of the Interior on February 21, 1910, and is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 16, 1910.

Circular No. 391.

ORDER.

To all superintendents and agents:

You are directed to send to this office at the earliest possible date, not later than three months from the date of this order, the accounts or claims of all traders, licensed or unlicensed, against any and every individual Indian on your respective reservations, from the beginning down to the issuance of the order of the Secretary of the Interior of December 17, 1909. Every single item now claimed should be entered and certified and sworn to by the trader. Against each one of these claims should be entered the amount of individual Indian moneys the particular Indian now has in the bank.

The trader should swear also to his knowledge or ignorance of the original order of 1904, in which notice was given that credit accounts against Indians would not be adjusted from the proceeds arising from the sale of inherited or other Indian lands and that any credit extended was at the risk of the vendor.

In recommending accounts for subsistence and clothing the superintendent must consider and report how many persons were rightfully dependent upon the applicant for the necessaries of life during the time the account was running.

The purpose of this circular is, once for all, to make a final clean-up of past accounts through—

First. Seeing to the payment of those accounts up to 1904;

Second. Turning over to individual Indian amounts from their land funds which will enable them, if honest, to pay their just debts;

Third. Making every possible arrangement to see that every trader who has become involved through any dishonesty of Indians has a proper adjustment of his accounts, particularly if such dishonesty has been inadvertently encouraged by the attitude of the Government in sometimes withholding the Indians' money, even, in some cases, to an unreasonable degree, when perhaps they themselves would have paid their debts.

R. G. VALENTINE, *Commissioner.*

Approved, February 21, 1910.

R. A. BALLINGER, *Secretary.*

Under circular No. 391 elaborate instructions were issued under date of September 3, 1910.

There having been complaint entered that superintendents were not making reports in accordance with the orders of the department, upon December 28, 1910, there was issued circular No. 495. This circular is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 28, 1910.

Circular No. 495.

RECALLING OLD ACCOUNTS.

To all agents and superintendents:

You are directed to forward to the Indian Office within three weeks from date all claims for goods and services furnished prior to December 17, 1909, to Indians under your jurisdiction who have funds to their individual credit in the custody of the Government, these claims to be audited and submitted in accordance with office instructions of September 3, 1910. If it is impracticable to submit the claims within the time given you will report to the office the reasons for your delay and give the probable date when the claims can be submitted.

You are further instructed to submit within one month from date all other claims for goods and services furnished prior to December 17, 1909.

Copies of a warning will be sent you, to be posted conspicuously by you in a number of public places in the vicinity of the agency and elsewhere so as to vividly revive in the minds of all persons interested the policy and intention of the department regarding the extension of credit to Indians.

Careful and accurate compliance with the foregoing instructions is strictly enjoined.

R. G. VALENTINE, *Commissioner.*

I am informed by the Indian Office that it is its purpose to have all accounts audited and stated so that it may be definitely settled as to what amount is properly due from any Indian upon any reservation, but accounts accruing subsequent to the order of December 17, 1909, will not have any consideration except where credit has been extended in accordance with the regulations.

Mr. Speaker, I sincerely hope that the motion of the gentleman from North Dakota [Mr. HANNA] may not prevail and that the House will further insist upon its disagreement to this amendment made by the Senate.

Mr. COX of Indiana. Will the gentleman from South Dakota yield?

Mr. BURKE of South Dakota. Certainly.

Mr. COX of Indiana. Are there such things as licensed traders at the Indian agencies out west?

Mr. BURKE of South Dakota. Oh, yes; licensed traders.

Mr. COX of Indiana. Who gives them the license?

Mr. BURKE of South Dakota. They get their license from the Indian Department. They are simply there upon the reservation and are given certain privileges of remaining there.

Mr. COX of Indiana. What are they? Are they merchants?

Mr. BURKE of South Dakota. Yes; but there are traders, namely, merchants in the towns near the reservations, that extend credit and sell goods to the Indians that ought to have the same protection as should the trader upon the reservation.

Mr. COX of Indiana. There is no rule or regulation of the Indian Department, is there, that does prevent people from trading with the Indians?

Mr. BURKE of South Dakota. Not at all.

Mr. COX of Indiana. Then, the Indian is now at liberty to trade with whomsoever he pleases.

Mr. BURKE of South Dakota. Anywhere he likes and with whomsoever he desires. I may say that many of these claims that would be affected by this legislation are claims that accrued after a regulation was issued in regard to extending credit to Indians, and traders extended credit at their peril.

Mr. COX of Indiana. What advantage, if any, has the licensed trader over a merchant that is not licensed?

Mr. BURKE of South Dakota. The privilege of going on the reservation and trading with the Indians; in other words, building a store and maintaining a business as well as a residence upon the reservation.

I wish to make this further statement, that the department is doing everything possible to protect honest persons doing business with the Indians, and in order that there may be no claim made in the future that traders have extended credit without knowing the attitude of the department and the regulations governing the matter of extending credit, the department has caused a notice to be generally published and posted upon and in the vicinity of Indian reservations, a notice in the form of a warning, and for the information of the House I submit a copy

of a warning issued under date of December 23, 1910, which is as follows:

WARNING—TRADING WITH INDIANS.

On December 17, 1909, the Department of the Interior again announced its policy to place all trading with Indians on a cash basis by directing that no assistance whatever would be given to creditors of Indians in the collection of claims incurred after that date.

The attention of the department has been called to the fact that traders are disregarding its rules and extending credit to Indians. They are therefore warned again that the extension of credit to Indians after December 17, 1909, is at their own risk and peril, and that under the rules of the department their dealings with the Indians should be conducted on a strictly cash basis.

Violation of this rule renders traders liable to the revocation of their license.

R. G. VALENTINE, *Commissioner.*

Approved:

R. A. BALLINGER, *Secretary.*

DECEMBER 23, 1910.

I yield five minutes to the gentleman from North Dakota [Mr. HANNA].

Mr. HANNA. Mr. Speaker, I believe this Senate amendment should prevail. These men, who are licensed traders on the Standing Rock Reservation, have been there for many years. They have trusted the Indians for goods and merchandise, blankets, flour, and other things, when they absolutely had to have them, the Government at times not giving them enough to get along with. The Indians on the Standing Rock Reservation are rich. When the land was apportioned among the Indians on the Standing Rock Reservation the law gave to every head of a family 640 acres of land and the wife and the children received 320 acres of land each. So every family averages 2,000 or 2,500 acres of land, and that land is worth $25 to $30 an acre, and so the families are worth from $50,000 to $75,000. Why should the Indians not pay their debts the same as a white man that has that amount or less of property? I contend that this amendment as put on by the Senate is only just and right.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HANNA. I will.

Mr. FITZGERALD. Why do not these traders get the money when they sell the supplies to the Indians?

Mr. HANNA. Because the Indians have not the money at the time and must be trusted.

Mr. FITZGERALD. Why do they not do as other people do who are not licensed?

Mr. HANNA. I do not know that they have ever done any differently. They may have done so in some cases.

Mr. Speaker, the amendment provides that any licensed trader at the Standing Rock Agency who has a claim against any Indian of that agency for goods sold to such Indian may file an itemized statement of his claim with the Indian superintendent, and the superintendent shall forthwith notify the Indian in writing of the filing of the claim and request him to appear within a reasonable length of time, to be fixed in the notice, and present any objections he may have to the payment of the claim or any offset or any counterclaim thereto. And it then goes on to provide that out of this money which is coming to the Indian for annuities or for property sold on account of the Indian there shall be paid by the superintendent to the trader only a part of the money which is now due the Indian or that would thereafter be due the Indian until the account stated shall have been paid. These Indians not only have a large amount of land on the reservations, which they have taken as allotments and from which an income is derived, but they have a part in the funds obtained from that part of the reservation already sold or to be sold, and the tribal funds will amount to millions of dollars; and that is and will be held in trust for the Indians in the Treasury of the United States, and the interest on these funds will be paid to the Indians.

Mr. BUTLER. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. BUTLER. I understand the object of this amendment is to require the Indians to pay what they honestly owe for the necessaries of life.

Mr. HANNA. It is.

Mr. BUTLER. Is there any reason why the Indian should not pay for what is necessary for him to have?

Mr. HANNA. No; and if we do not teach them to pay their debts as white men pay them, we will necessarily be teaching them to be dishonest; and they are naturally honest.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. HANNA. I will.

Mr. McGUIRE of Oklahoma. Under the practice of the Interior Department, can not that department now pass upon all the legitimate claims of these Indian traders?

Mr. HANNA. As to that I would say that the department does pass upon the accounts, but after that there should be some way to get them paid.

Mr. McGUIRE of Oklahoma. When a claim is presented and the claim is found to be a legitimate one, and no overcharge is discovered for the goods sold to the Indians, the Secretary of the Interior can direct the payment of such claim, can he not?

Mr. BUTLER. Then what is the use of the remedy proposed here?

Mr. McGUIRE of Oklahoma. That is what I am asking.

Mr. HANNA. The remedy provided by the Senate amendment is necessary. It says that out of any moneys that shall thereafter become due to said Indian by reason of any annuity or other indebtedness from the Government of the United States or for property sold by or on account of such Indian there shall be paid by the superintendent to such trader at least 25 per cent of the money that would be due such Indian and 25 per cent of such money as may thereafter become due to such Indian until the account shall have been paid in full.

Mr. BUTLER. Will the gentleman yield again?

Mr. HANNA. Certainly.

Mr. BUTLER. Has the Interior Department now authority to enforce a remedy?

Mr. HANNA. I do not understand it so.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HANNA. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the Commissioner of Indian Affairs, Mr. Valentine, has already passed on about half of these traders' claims and allowed them? And is it not a fact also that he has the others under consideration at the present time?

Mr. HANNA. Some of these traders came down here themselves before the Interior Department, and they seem to have been unable to get their accounts adjusted and closed up and paid.

Mr. STEPHENS of Texas. Has not the department already adjusted a number of them—several thousand dollars' worth of them?

Mr. HANNA. A great many thousand dollars' worth of them have not been adjusted and have not been taken care of.

Mr. STEPHENS of Texas. Has he not before him the evidence by which he is able to investigate these claims, and is he not now doing so? Why should Congress take up these claims before they are fully investigated in the usual way by the department?

Mr. HANNA. It is simply to put it in such shape that the Indians will pay their debts.

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact that these Indians are wards of the Nation and are not competent to make contracts with the traders or anyone else? And did not these traders know that these Indians can not make valid contracts?

Mr. HANNA. These men are licensed traders, and they are licensed by the Government to trade with the Indians. [Cries of "Vote!" "Vote!"]

Mr. BURKE of South Dakota. I call for a vote, Mr. Speaker.

The SPEAKER. The question is, Shall the House further insist on its disagreement to the Senate amendment No. 48?

Mr. BURKE of South Dakota. Mr. Speaker, I move to further disagree to Senate amendment 48.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on the other two amendments?

Mr. BURKE of South Dakota. I desire to take them up separately, and I move that the House further disagree to Senate amendment 76.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of $1.25 per acre for said lands.

Mr. TAYLOR of Colorado. Mr. Speaker, as I understand, the motion is to further insist on our disagreement to this amendment.

Mr. BURKE of South Dakota. Certainly.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment on which there is a disagreement.

The Clerk read as follows:

Page 51, line 2, strike out "three" and insert "two."

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I wish to make a statement on behalf of the Committee on Indian Affairs in order that the

House may be fully apprised of the enormity of the mischief that lurks in the apparently innocent amendment of the Senate.

Some years ago—to be precise, in 1891—the Colville Indians negotiated an agreement with the United States for the sale of one-half of their reservation, amounting to 1,500,000 acres. It was agreed between the Indians and the agent of the Government, that the United States should pay the Indians $1,500,000 for this area. After the negotiations were completed, the Government declined to pay the agreed price, on the ground that the Indians had no sufficient title, to the land, and therefore nothing of value to sell. But the United States did not restore the possession which it acquired under the agreement.

The Indians insisted upon their contract, but were unable to enforce it. Finding that they made no progress, the Indians employed the firm of Maish & Gordon in 1894, upon an agreed fee of 10 per cent of the recovery, to enforce collection of their claim against the Government. It was a part of the contract of employment that if it was not made effective, and recovery secured, within a period of 10 years, the contract should expire, and with it, of course, any claim for services on the part of the attorneys.

During the life of this contract the attorneys exercised a variety of activities that they claimed were in furtherance of their contract, and in aid of its execution they employed another firm of attorneys, the firm of Butler & Vale, who were associated with them upon an agreed compensation of three-fifteenths of the total fee. Later a number of other attorneys appeared, all claiming to act for the Indians. However no recovery was secured within the prescribed period of 10 years.

At the expiration of that period not only had nothing been accomplished, but thereafter there was no one authorized to appear on behalf of the Indians, in any further prosecution of the claim. In other words there was no valid and subsisting contract for further appearance, between the Indians, and any person, or persons, claiming to act on their behalf. The original Maish & Gordon contract is the only valid contract of appearance under which any one of the numerous counsel asserting claims against these Indians for services rendered, has at any time appeared in their behalf. However the firm of Butler & Vale continued to prosecute in different ways the foregoing claim, distinctly announcing that any claim for compensation, in the event of ultimate success, would be based on a quantum meruit.

As time went on, other gentlemen projected themselves into the situation, claiming likewise to appear on a quantum meruit. In 1905 the Government negotiated an agreement with the Colville Indians for the purchase of the balance of the reservation, and for that half agreed to pay them a further sum of $1,500,000. But the Indians had become wise in their day and generation, and declined to complete the negotiation unless the Government agreed to pay them the sum already due under the former contract, which was also $1,500,000. Upon this basis the parties finally agreed, and the Government as part consideration for the southern half of the reservation undertook to pay the Indians the sum agreed on originally for the northern half. The time was now ripe for the attorneys to present their claims for compensation. Congress declined to settle these claims, or to make an appropriation therefor, and decided to refer the whole matter to the Court of Claims. By an act of June, 1906, the claimants were authorized to bring suit to the Court of Claims, for the purpose of "determining the amount of compensation to be paid to the attorneys who claimed to have rendered service, in prosecuting the claim of the Colville Indians." This compensation was to be ascertained upon a quantum meruit, and not upon a contract, for no contract existed. Quite a number of gentlemen, in all about 16, appeared to assert their claims for valuable services rendered on their part.

By the terms of the statute, the court was directed to ascertain not only the aggregate fee to be charged against the Indians, but also to ascertain who were entitled to participate in this recovery, and the individual portion of each participant. Nor was this all. It was further provided that each of the claimants ascertained to be entitled to recover, should execute and deliver to the Secretary of the Interior, a receipt in full satisfaction, and discharge of "all claims and demands for services rendered said Indians in the matter of their said claims." In June 1906, subsequent to the act which ratified the agreement of 1891, providing for the payment of $1,500,000, for the northern half of the Colville Reservation, Butler & Vale filed in the Court of Claims, their petition seeking to recover the sum of $225,000. The allegations of the petition followed the jurisdictional act. Later, intervening petitions of other parties were filed, all disclaiming any valid agreement for recovery, but resting their claims in this respect upon a quantum meruit. Motions to dismiss these petitions were filed by Butler and Vale. The distribution of the entire recovery was claimed by this firm, but in the result, this claim was overruled by the court.

The court heard the evidence, and ascertained the aggregate recovery for services rendered on the part of all of the claimants, to be $60,000. This sum it proceeded to divide between the claimants entitled to recovery, in the proportions fixed by the court. It was decreed that Butler should receive $20,000, from this total recovery, and his partner Vale, the sum of $10,000. The respective sums awarded the other claimants are not of interest in this connection. The court excluded five volunteers from participation, on the ground that they had rendered no service. The judgment of the court bears date May 25, 1908. It will be noted further in this connection, that the receipts required to be furnished by the beneficiaries in the foregoing decree were duly afforded, and in this connection, and as a part of my remarks, I wish to file a copy of the receipt that was executed by Marion Butler:

WASHINGTON, D. C., *September 10, 1908.*

Whereas the act of Congress approved June 21, 1906 (34 Stat. L., 325, 378), entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1907, conferred jurisdiction on the Court of Claims "* * * to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land," meaning lands ceded by the Indians of the Colville Reservation, in the State of Washington, by the act approved July 1, 1892 (27 Stat. L., 62), entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes;" and

Whereas said act of June 21, 1906, further provides:

"That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In conformity with the provisions of said act, I hereby receipt to the Secretary for the sum of $20,000, in full "discharge of all claims and demands for services rendered said Indians in the matter of their said claim," being the amount awarded to me the 25th day of May, 1908, by decree of the Court of Claims, as attorney's fees in case No. 29526, entitled "Butler & Vale (Marion Butler and Josiah M. Vale) *v.* The United States and the Indians residing on the Colville Reservation," in which the Court of Claims rendered judgment for $60,000 in favor of said Butler & Vale (Marion Butler and Josiah M. Vale) and the attorneys associated with them, in full "discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

MARION BUTLER.

Witnesses:

EDWIN EDLALY,
P. O. Bond Building, Washington, D. C.
CHARLES H. MERILLAT,
P. O. Bond Building, Washington, D. C.

Under the agreement between the Government and the Indians, a balance of $300,000 is due the latter. In the Indian appropriation bill which passed this House at an earlier portion of the session, the sum of $300,000 was appropriated for the payment of this balance. In our coordinate body, an effort was made to appropriate $90,000, out of this sum, in further payment of fees to Butler and his associates. Failing in this—I believe a point of order was made against it—the House bill was later amended by striking out three, and inserting two, so as to provide that only $200,000 should be paid to the Colville Indians. This is the Senate amendment, and the effect of it is to reserve $100,000, of the money now due and owing to these Indians, for future attack by these claimants, who contend that in spite of the facts which I have recited they have some sort of moral claim to further compensation.

Mr. CARTER. Immoral claim.

Mr. SAUNDERS. I will accept the gentleman's amendment.

Mr. BUTLER. Have these gentlemen performed any services for the Indians since the time they gave these receipts?

Mr. SAUNDERS. None that I am aware of. They contend that the original contract provided for $150,000, and in spite of the fact that the Court of Claims has adjudicated their contentions, and that they have given receipts in full, they still maintain that they are entitled to an additional compensation of $90,000. But it will be noted that in the original petition of Butler & Vale, filed in the Court of Claims, this firm preferred a claim of $225,000. Deducting $30,000—or the amount paid under decree of court, they ought to demand payment of the balance of $135,000, if the claim has lost nothing of its moral aspects since their appearance in the Court of Claims.

Mr. COX of Indiana. Do I understand the gentleman to say that they were to give receipts in full?

Mr. SAUNDERS. Certainly; receipts in full, pursuant to the decree of the Court of Claims.

Mr. NYE. And they accepted that?

Mr. SAUNDERS. They accepted that, and gave their receipts. I presume they consider that in so doing, they were under some sort of duress, or coercion.

Mr. BUTLER. What, lawyers under duress? [Laughter.]

Mr. SAUNDERS. Yes.

Mr. MANN. And yet gentlemen on the floor of the House constantly express surprise when anyone questions a claim against the Government, or against the Indians.

Mr. SAUNDERS. Well, the Indian Committee is stoutly questioning this claim. I do not know anything about other claims, but the Committee on Indian Affairs certainly assails the validity of this one, and the conference committee on the part of this body, has declined to accede to the Senate amendment, and they desire to spread, as it were, upon the RECORD, the facts which I have just developed, in order that they may be strengthened in their attitude of opposition to the Senate amendment, by the positive indorsement of this House, upon full knowledge of these facts.

Mr. BUTLER. Are the House conferees likely to acquiesce in this Senate amendment?

Mr. SAUNDERS. I think most unlikely, but they wish to secure indorsement of that attitude, by this body.

Mr. STEPHENS of Texas. I desire to ask the gentleman if it is not a fact that the act of Congress submittting this claim of these lawyers to the Court of Claims stated that the amount received by them should be in full consideration of all claims.

Mr. SAUNDERS. I have already stated that the act contained that provision, and the court was directed to ascertain what was due upon a quantum meruit to all of the claimants making demands for alleged services in behalf of the Colville Indians.

Mr. STEPHENS of Texas. If that is true, is it not a fact that the matter is res adjudicata, so far as Congress can make it so?

Mr. SAUNDERS. Oh, beyond any shadow of doubt. I will say in this connection, if my memory does not fail me, that much more than $200,000, in the way of fees, was contended for in the Court of Claims.

Upon the quantum merult, the court ascertained that only $60,000 was due, and added that it was incredible that the Indians ever contemplated the payment of any such fees as were claimed, and equally incredible that they ever contemplated the employment of the multiplicity of counsel who projected themselves, as I have described, into this controversy, claiming to act for and on behalf of the Indians. Your Committee on Indian Affairs is always ready to recommend adequate compensation in a proper case. This is not one of those cases. I believe this is all that I care to say.

[Mr. BURKE of South Dakota addressed the House. See Appendix.]

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from South Dakota.

The motion was agreed to.

Mr. BURKE of South Dakota. Mr. Speaker, I now move that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

AMERICAN REGISTERS FOR CERTAIN STEAMERS.

Mr. GREENE. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may file views (Rept. No. 2187, pt. 2) on the bill (H. R. 31689) to provide American registers for steamers *San Jose, Limon, Esparta, Cartago, Parismina, Heredia, Abangarez, Turrialba, Atenas, Almirante, Santa Marta, Metapan, Zacapa, Greenbrier, Peralta, La Senora,* and *Sixaola.*

The SPEAKER. Is there any objection?

There was no objection.

DEVELOPMENT OF AMERICAN MERCHANT MARINE.

Mr. GREENE. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may file views on the bill (H. R. 32127) to encourage the development of the American merchant marine and to promote commerce and the national defense.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

COMMITTEE TO ATTEND FUNERAL OF LATE REPRESENTATIVE ALLEN.

The SPEAKER. In pursuance of the resolution agreed to this morning, the Chair announces the following committee to attend the funeral of the late Representative ALLEN, of Maine:

The Clerk read as follows:

Mr. SWASEY and Mr. GUERNSEY, of Maine; Mr. DAVIS, of Minnesota; Mr. O'CONNELL, of Massachusetts; Mr. KENDALL, of Iowa; Mr. LATTA, of Nebraska; Mr. GRAHAM, of Illinois; and Mr. CAMERON, of Arizona.

BRIDGE ACROSS CHARLES RIVER.

Mr. WASHBURN. Mr. Speaker, I call up the following conference report and ask that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the following conference report and asks that the statement may be read in lieu of the report. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River between the cities of Cambridge and Boston, in the State of Massachusetts.

The SPEAKER. The Clerk will read the statement.

The Clerk read as follows:

STATEMENT.

The amendment of the Senate struck out all of section 1 of the bill as it passed the House and inserted a substitute amendment. As agreed to in conference, the following provision in the Senate amendment is stricken out, to wit:

"*Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed, because of the construction of said bridges without a draw."

And in lieu thereof there is inserted the following provision:

"*Provided further*, That before the construction of said bridges, or any of them, is begun the State of Massachusetts shall, by legislative enactment, provide for adequate compensation for the owner, owners, lessee, or lessees of property abutting on said river above any of the said bridges, for damages, if any, caused to said property or leasehold interests therein by reason of interference with the access by water to said property, due to the construction of bridges without draws: *Provided further*, That said legislative enactment shall provide for the appointment of three commissioners to hear the parties in interest and assess the damages to said property, their decision as to the amount of damages and questions of fact to be final; said commissioners to be appointed by the supreme judicial court of Massachusetts."

The conference report also provides, in order to make the title agree with the Senate amendment as amended, to strike out the present title of the bill and insert in lieu thereof the following as the title: "A bill to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts."

JAMES R. MANN,
C. G. WASHBURN,
W. C. ADAMSON,
Managers on the part of the House.

Mr. WASHBURN. Mr. Speaker, I move that the report be adopted.

Mr. ADAMSON. Mr. Speaker, as one of the conferees, I wish to say that some surprise may be aroused in the minds of some of my colleagues that Congress should undertake, in giving its consent to the construction or alteration of bridges, to stipulate about the adjustment of private rights and private claims for damages. I wish to assure them that, as the other two conferees on the part of the House were able to agree as to that matter, I only asked one other question, which they had not thought of, and that was the only material one, and the only one that Congress has any right to consider, and that is as to the effect of the bridges on navigation. Having been assured that the bridges contemplated were to be constructed in accordance with the general bridge act, and the work to proceed under the jurisdiction of the Secretary of War, who must approve the plans and specifications, and that the bridges as contemplated will be high enough above the water to prevent interference with navigation at that point, I signed the conference report.

The question was taken, and the conference report was agreed to.

DAMS ACROSS THE MINNESOTA RIVER.

The SPEAKER laid before the House the following Senate bill, a similar bill being on the House Calendar.

The Clerk read as follows:

A bill (S. 10836) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

Be it enacted, etc., That the Minnesota River Improvement & Power Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate dams across the Minnesota River at points suitable to the interests of navigation, as follows:

First. One at or near the outlet of Lake Bigstone, in the counties of Bigstone and Lac qui Parle, Minn., and the county of Grant, S. Dak., and in that connection to divert the waters of the Whetstone River into Bigstone Lake.

Second. One at or near the confluence of the Redwood and Minnesota Rivers between the counties of Renville and Redwood, in said State.

Each of said dams are to be constructed, maintained, and operated in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed; and a similar bill, H. R. 31599, on the House Calendar was ordered to lie on the table.

WITHDRAWAL OF CERTAIN LANDS FROM PUBLIC ENTRY.

The SPEAKER also laid before the House from the Speaker's table the bill S. 10574.

The Clerk read as follows:

A bill (S. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906.

Be it enacted, etc., That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico for a longer period not exceeding 50 years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act, approved June 17, 1902."

The bill was ordered to be read a third time, was read the third time, and passed; and a similar bill was laid on the table.

MESSAGE FROM THE PRESIDENT.

The SPEAKER also laid before the House a message from the President of the United States, which was read and referred to the Committee on Indian Affairs and ordered to be printed.

[For message see Senate proceedings of Feb. 17, p. 2754.]

BILLS ON THE PRIVATE CALENDAR.

Mr. BUTLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER. I rise to move that the House resolve itself into the Committee of the Whole for the purpose of considering business upon the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole for the consideration of bills in order for to-day.

Mr. ROBERTS. Mr. Speaker, I would offer as a substitute that the House consider the bills on the Private Calendar in the House as in Committee of the Whole.

The SPEAKER. That could only be by unanimous consent.

Mr. ROBERTS. I ask unanimous consent.

Mr. FOSTER of Illinois and Mr. COX of Indiana. I object.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole for the consideration of the bills on the Private Calendar in order to-day, Mr. STAFFORD in the chair.

Mr. DALZELL. Mr. Chairman, I move that we take up——

The CHAIRMAN. One moment——

Mr. CLARK of Florida. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Florida. Mr. Chairman, I rise for the purpose of moving——

Mr. PRINCE. Mr. Chairman, I rose before the gentleman.

Mr. CLARK of Florida. The Chair asked me for what purpose I rose.

Mr. PRINCE. Mr. Chairman, I claim the right to be recognized as chairman of the Committee on Claims.

The CHAIRMAN. The gentleman from Pennsylvania, I believe, demanded recognition.

Mr. BUTLER. Yes. Mr. Chairman, I think I am entitled to recognition, as I made the motion.

Mr. CLARK of Florida. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I tried to state. Mr. Chairman, I rise for the purpose of moving that the committee take up for present consideration the bill H. R. 31987.

The CHAIRMAN. The question before the Chair is priority of recognition, and the gentleman from Illinois [Mr. PRINCE], the chairman of the Committee on Claims, asks recognition at the same time as the gentleman from Florida.

Mr. PRINCE. Mr. Chairman, I move that the Committee of the Whole take up the bills in their regular order. I move that the first bill to be taken up be H. R. 18512, for the relief of S. H. Robinson, of Allegheny County, Pa.

The CHAIRMAN. The Chair has not as yet recognized the gentleman from Illinois [Mr. PRINCE]. For what purpose does the gentleman from Pennsylvania [Mr. BUTLER] rise?

Mr. BUTLER. I intended to make a motion to substitute another bill for this, but I will not make the motion.

Mr. CLARK of Florida. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman as soon as the Chair determines the question of priority of recognition——

Mr. CLARK of Florida. It may be too late then to determine the inquiry I want to make.

The CHAIRMAN (continuing). Which he is now engaged in determining. The Chair would like to ask whether the gentleman from Pennsylvania [Mr. BUTLER] is demanding recognition.

Mr. BUTLER. I am not, Mr. Chairman.

Mr. PRINCE. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE] is recognized.

S. H. ROBINSON.

Mr. PRINCE. Mr. Chairman, I move to take up House bill 18512, No. 586 on the Private Calendar, for the relief of S. H. Robinson, of Allegheny County, Pa.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to S. H. Robinson, of Allegheny County, Pa., the sum of $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, and being the amount recommended to be paid him by the Chief of Engineers, United States Army.

Mr. PRINCE. Mr. Chairman, I move to lay aside the bill with a favorable recommendation.

Mr. MACON rose.

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. MACON. I rise, Mr. Chairman, to ask the gentleman having the bill in charge to explain the bill.

Mr. DALZELL. Mr. Chairman, in 1907 a flood occurred in the Allegheny River and swept away the dam known as Dam No. 3, at Springdale, about 17 miles above Pittsburg. In order to save private property, as far as possible, the Army engineers in charge used dynamite and blew up the remainder of the dam, and the result was that the property of this man, Mr. S. H. Robinson, was swept away, his farm and buildings, and acres of his land were ruined. The engineer department at once gathered together all these people who had suffered damages and procured from them releases in consideration of certain amounts to be paid them, as agreed upon. This gentleman, Mr. S. H. Robinson, signed a release in consideration of the payment of $36,000, which should have been paid to him at once, but which has never been paid. The Chief of Engineers sent this claim two years ago to Congress, and by mistake it was referred to the Committee on Rivers and Harbors on the supposition that that committee had jurisdiction. Of course they had no jurisdiction, and the bill afterwards went to the Committee on Claims. It has been favorably reported

by that committee unanimously. I would like to have printed in the RECORD as part of my remarks the agreement made by the War Department with Mr. Robinson. The Government concedes its liability. This is the agreement:

Whereas in the month of January, 1907, there occurred a flood in the Allegheny River, which caused the failure of the abutment of Dam 3, Allegheny River, at Springdale, Pa., which dam and abutment were built by the United States; and

Whereas by reason of said flood and the failure of said abutment certain land and houses and other improvements thereon belonging to private individuals were carried away and destroyed, resulting in damages and losses to the various owners of said property; and

Whereas it is understood that the United States proposes to restore the land thus washed away and to reimburse the owners for such damages and losses; and

Whereas I, S. H. Robinson, am the owner of certain land and improvements which were damaged or carried away by reason of the failure of said abutment, the said damages or losses being as follows, namely: Approximately 76,550 square feet of land (being entire lots Nos. 4, 6, 8, 10, 12, 14, 16, 18, 20, 29, and 30, and parts of lots Nos. 22, 24, and 28 in the Mellon plan of lots, and part of the Sarah Parkhill property, in the borough of Springdale, Pa.), together with nine frame houses, one brick house, outbuildings, and other improvements thereon washed away, and two frame houses and outbuildings and other improvements thereon destroyed.

Now, therefore, I do hereby agree to accept from the United States the sum of $26,985.63, as full and final compensation for all damages and losses sustained by me by reason of the failure of the abutment of Dam 3, Allegheny River, in January, 1907, and by all previous floods: *Provided*, That said sum is paid on or before June 15, 1909: *And provided further*, That the land washed away shall be restored by the United States in accordance with the plan adopted for the reconstruction of the abutment: *And provided further*, That the United States shall have, without additional compensation, the use of such land as may be hereafter restored for the purpose of laying railroad tracks or erecting necessary plant thereon in order to continue the work of restoration.

Signed at Pittsburg, Pa., this 6th day of April, 1908.

S. H. ROBINSON.

Witness:
SARAH H. PORE.

Mr. BARTLETT of Georgia. That is the question I want to get at. As I understand, this property was destroyed by the agents of the United States Government for a public purpose?

Mr. DALZELL. Yes; for a public purpose.

Mr. BARTLETT of Georgia. And this bill is for the payment of damages for private property taken or destroyed in the interest of the public?

Mr. DALZELL. Yes. The gentleman has stated it better than I could. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation? Is there objection?

There was no objection.

ARPENT LOT NO. 44, PENSACOLA, FLA.

Mr. PRINCE. Mr. Chairman, I want to call up bill H. R. 31987, Private Calendar No. 752, providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the United States hereby remises, releases, and quitclaims unto the heirs of Charles J. Heinberg, deceased, and Bertha Heinberg, his widow, and their assigns, all of arpent lot No. 44, in the old city of Pensacola, Fla.

Mr. PRINCE. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. If there is no objection, it will be so ordered.

There was no objection.

ELLEN M. STONE RANSOM FUND.

Mr. PRINCE. Mr. Chairman, I now call up Senate bill 4378, Private Calendar No. 694.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4378) for the relief of the contributors to the Ellen M. Stone ransom fund.

Be it enacted, etc., That the sum of $61,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to return to such contributors as may file their claims within two years from the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901: *Provided*, That no claim shall be paid unless shown that the contribution was made on the faith of the promise of the Government to reimburse the contributors.

The Clerk read the committee amendment, as follows:

In line 3 strike out "sixty-one" and insert "sixty-six," and strike out all after the word "one" in line 10 of the bill, so that the bill so amended will read as follows:

"*Be it enacted, etc.*, That the sum of $66,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to return to such contributors as may file their claims within two years from the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901."

The amendment was agreed to.

Mr. PRINCE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. If there is no objection, it will be so ordered.

There was no objection.

Mr. PRINCE. Mr. Chairman, this, of course, is a claim to reimburse certain persons——

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. PRINCE. I will.

Mr. MANN. As I understand, we are now ready to go ahead with the naval appropriation bill; and unless we do go ahead with that bill, it is quite certain that some appropriation bill will have to be passed under suspension, which is not a desirable thing to do.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. MANN. The bill that the gentleman calls up would take the balance of the afternoon probably to discuss.

Mr. PRINCE. I want to suggest to my colleague, if time is desired upon this bill, I quite agree with him that we can not dispose of it probably, except at the expense of the public business. Probably later on we can take it up, and I now ask to have it passed without prejudice.

Mr. MANN. I suggest to the gentleman that if we can get along with the public business so that there is any time left, it is customary to give unanimous consent for the consideration of bills unobjected to which are on the Private Calendar before the end of the session of Congress. It seems to me it is absolutely out of the question to consider any bill that is objected to now or that leads to discussion. If the gentleman proposes to go ahead very long on this calendar I will make a motion that the committee rise, so that we can go ahead with the naval bill.

Mr. PRINCE. Mr. Chairman, as there is objection to this bill, I ask unanimous consent that it be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. ROBERTS. Mr. Chairman——

Mr. PRINCE. Now, Mr. Chairman, I have one more bill that I want to call up.

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. I rise to move consideration of the bill (S. 6104) providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade, and placing him upon the retired list.

Mr. GARDNER of Massachusetts. I raise the point of order that there is no quorum present.

Mr. MANN. I move that the committee do now rise.

The CHAIRMAN. The Chair has not yet recognized the gentleman from Pennsylvania [Mr. BUTLER]. The gentleman from Illinois [Mr. MANN] moves that the committee do now rise.

Mr. GARDNER of Massachusetts. I make the point of order that there is no quorum present.

Mr. OLMSTED. Mr. Chairman, a quorum is not necessary in order for the committee to rise.

The CHAIRMAN. A quorum is not necessary for the committee to rise.

Mr. GARDNER of Massachusetts. I make the point of order, before that motion is put, that there is no quorum present.

The CHAIRMAN. The Chair will say that the motion can be put after the point of order has been made. The Chair recognizes the gentleman from Illinois [Mr. PRINCE] to make the motion that the committee do now rise.

The question being taken, the motion was agreed to.

Accordingly the committee rose; and Mr. STAFFORD, Chairman of the Committee of the Whole House, reported that that committee had had under consideration two bills; H. R. 18512 and H. R. 31987, when, a point of order being made that no quorum was present, the committee rose.

FORTIFICATION BILL.

Mr. SMITH of Iowa, from the Committee on Appropriations, by direction of that committee, presented the bill (H. R. 32805;

Rept. No. 2198) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MACON reserved all points of order on the bill.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 32212).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. FOSS. Mr. Chairman, I desire that the other side shall go on. I do not see the gentleman from Tennessee [Mr. PADGETT] present, but I know that it is his intention to yield a half hour to the gentleman from Alabama [Mr. HOBSON]. Pending that, I will yield to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman I desire to submit some remarks on the naval appropriation bill, particularly on the sections which provide for the further enlargement of the Navy. I do not desire to take up the time of the House at this stage, however, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOBSON. Mr. Chairman, to-day I shall take the half hour allotted to me to discuss the subject of America's war policy. Heretofore when the naval appropriation bill has come up at various times I have endeavored to discuss the question of our naval policy from the standpoint of preventing war. On those occasions I pointed out that control of the sea in the Pacific and equilibrium on the sea in the Atlantic are the requisites for abiding peace. I am frank to confess that my observation has convinced me that a policy adequate to prevent war will not be adopted by this Nation. We are short on providing equilibrium in the Atlantic and we have not a single battleship in the Pacific and our relative naval strength is steadily declining. War is therefore a physical certainty. It is high time for us to take into consideration the phenomenon of war and the policy that America should adopt in war.

We may differ as to the coming of the event itself, but assuming the event has come, we ought not to differ on the proposition that this Nation should have a well-designed policy to work to.

The danger of drifting into war without a digested plan is very serious. As an illustration, in the War of 1812, which had been coming for at least six years—as clearly indicated in the drift of events—we found ourselves unprepared, without any policy. The consequence was that during that war we called out more than 500,000 men, and yet 3,500 Englishmen burned the city of Washington in the late stage of that war; and 63 years after the war was over there were 78,000 pensioners as a result of the war. There never were more than 16,000 British troops in the Western Hemisphere.

Again, I do not hesitate to say upon good technical authority that if we had had a war policy at the time of the Civil War, that war could not have lasted one half as long as it did. In the case of the War with Spain we were so absolutely without any policy that Congress, confronted by war, could do nothing better than to appropriate $50,000,000 without specifying a single purpose for which it would be spent. And in that year alone there was an additional expenditure under the Navy of $96,000,000.

We should have a policy whether we agree or not that war is inevitable. Let us assume the event of war. What should be the basis of a sound policy for this Nation? To properly answer that question we must recognize the course of our national life and see what it really is—a new civilization; a civilization that does not involve or presume a condition of heavy armaments in time of peace; a condition where the citizen is not a soldier, but a producer; a civilization that permits the institutions of the Nation to escape that concentration and centralization entailed wherever a great military system exists; a civilization characterized by liberal and decentralized institutions. Ours is a new civilization, new at least for the white race, the first Nation where the people remain unarmed in time of peace.

The next great war that comes is going to test the fitness of that civilization to survive in this world. If coming into conflict with the older civilization the new should show itself incapable of the necessary work of self-preservation, it must go down. The way in which it would go down is this: Emerging from a disastrous war, even though the disaster were due to the Nation's own neglect, the people, smarting with humiliation, would demand great expansion of their military systems, and these systems would entail the centralization of the Government. The free institutions would go down and the peaceful civilization revert back to the civilization of militarism. Therefore it will never do for the American civilization in the test of survival with any great military nation of the world to conclude war in humiliation and defeat. If we did, the conclusion of war would inevitably be followed by a period in which the American people, with chagrin, with anger, hatred, and revenge in their hearts, would demand that this Nation proceed to make preparations to fight the war out at some future day.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BARTHOLDT. I dislike to interrupt the gentleman——

Mr. HOBSON. Oh, I am sure the question will be illuminating.

Mr. BARTHOLDT. Is the system of preserving peace mentioned by the gentleman, namely, by armament, not circumscribed by the ability of the people to bear its burdens, and where the people no longer are able to bear those burdens, then the system of armament will necessarily fall?

Mr. HOBSON. I agree with the gentleman thoroughly, that if this Nation of peace, taking advantage of its insular location, would use its wealth to provide ships on the seas to stand between our peaceful citizens and the world's great standing armies, then the rest of the world, the nations of the other civilizations, based on armament and an armed condition in time of peace, could not compete with our civilization relieved of that burden in the struggle for the markets and the commerce of the world, and that the very load of their armaments would compel their disarmament. I expected to come to this point at an early stage and point out the great pity of this Nation permitting the condition to arise in which it will actually have to enter a conflict with some great military nation for the survival of our peaceful civilization, simply because we have failed to realize that as a matter of insurance of our peace an infinitesimal part of our vast resources could place ships between us and the world's great armies and permit us to live in complete tranquillity in which the question of arms would be practically eliminated from consideration by our people. But we have not done this, and we can not change the actual fact that this world to-day is an armed world, armed on a scale never approached in all history. To-day every able-bodied citizen in those great nations is a soldier, and the soldier is a part of a mighty engine. There is nothing on this earth that can stand in front of one of those mighty engines, but a similar engine. If we can not or will not put ships between us and those engines, the day is as inevitable as that to-morrow's sun is going to rise, that one of those engines will strike us, and defeat and humiliation will be as inevitable as the war itself.

Now, what should be the policy thought out in advance for this great Nation? We must not allow our civilization to perish, therefore we can not consent to end the war in defeat. Therefore when war does come, from our lamentable neglect, we should then enter the war with the full determination to win that first war, no matter what the cost, no matter what the sacrifice of men and money. The proposition is a simple one and should be recognized by all—America will never be the aggressor. When at last some great military nation, relying upon its superior preparation, does compel war with this unarmed Nation, let it be understood that this Nation can not under any circumstances allow the war to end in defeat, because that defeat, as intimated above, would entail a generation of preparations of arms and armaments, with anger, hatred, and revenge burning in the hearts of Americans, ending in a great war, a stupendous struggle to follow, out of which this Nation would come as military as any other nation, and our civilization would revert backward to the old civilization of the bayonet. Let it be clearly understood, therefore, that when war does come the nation that challenges this Nation to a test of civilization need not expect us to accept a war like other wars of modern times, simply a test of preparations against preparations where our civilization is at its weakest and the military civilization is at its strongest, but that we will turn history back 200 years and make the war a war of endurance, a test of resources

against resources, where our civilization is at its strongest and the military civilization is at its weakest.

Take the wars since the great armies of modern times have been created, they have all been ended after a few brief months in which there was simply a test of the armaments and the preparations. The war between Austria and Prussia was very short. In a few months Austria was prostrate and the war was ended. In the war between Germany and France, in almost equally as short a time France was prostrate and the war was ended. In the war between Japan and Russia the Japanese armies never came within 5,000 miles of Russia's vital territory, but in a few months the war was over, the victor having his reward. It is high time to consider what we should do when this Nation is struck—Members may differ with me as to when that day may come—I will tell you frankly that, in my judgment, you can count almost on the fingers of your two hands twice around the number of months. In my judgment it will come before the Panama Canal is completed. But whether you accept my opinion or not, whether we agree as to the date, that time is going to come. This Nation is not going to prepare and the day is going to come when it will be struck by a nation that is prepared.

Mr. MICHAEL E. DRISCOLL. Does the gentleman mean to say that a war is a visible certainty?

Mr. HOBSON. Yes, I say so; and it can not be very far off.

Mr. MICHAEL E. DRISCOLL. The gentleman's statement in this presence that actual war between this country and Japan in the near future is a physical certainty is entitled to very careful and serious consideration. Now, since there is no practical danger of war with any European country unless we force it, what does the gentleman say about the wisdom and necessity of transferring most of our battleships and naval supplies to the Pacific coast and keeping them there?

Mr. HOBSON. I thoroughly agree with the gentleman. The presence of our fleet in the Pacific would give us control of the sea and immobilize Japan's great army. This would prevent war. I pleaded with President Roosevelt to leave the fleet in the Pacific when it was there. Officers in high authority pointed out our defenseless condition and made the same appeal, all in vain. Since then many appeals have been made to President Taft, with like results. It is advanced that our naval stations are not adequate in that ocean. This is only partially correct. The bases at Bremerton and Mare Island would suffice for the necessary docking and repairs till further facilities are completed. Peace being secure, the fleet would also have access to the docks of Hongkong and of Japan. Of course the cost of coal and supplies would be greater, but what is such a cost to the cost of war and the exposure of our coasts? If our fleet can not be maintained in the Pacific in time of peace, what would be its condition in time of war? It is simply criminal to refuse to send the fleet to the Pacific. It ought to be sent there and kept there——

Mr. HINSHAW. In the event of war between Russia and China, would not Japan be forced to intervene, and would not the interests of the United States compel our intervention, by arms or otherwise?

Mr. HOBSON. I am not in a position to answer the gentleman's question, but I can say this, that when Russia invaded Manchuria and occupied Port Arthur, America did protest, and called on Russia to evacuate, and we sent our consuls under the authority of China, but we had no fleet in the Pacific Ocean, and Russia laughed in our face. We had to stop our consuls in Japan, before they got to Dalny and Mukden.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. HOBSON. I would be glad to do so, but there is a limit of 30 minutes. But if we had had a fleet in the Pacific Ocean at that time, and had actually made up our minds to support the principle of the open-door policy when we claimed the observance of that policy in Manchuria, it would have been observed and Russia would have evacuated Manchuria. There would not have been any war between Russia and Japan. This open-door policy would have been definitely accepted as one of the great permanent policies of the world, and we would not to-day be in danger of other wars because that policy is substantially abolished by armed force. Now, coming back, whether we agree or not as to the date when the great standing army of some military nation is to strike, that day is going to come, and we are going to find ourselves, whether we are struck from the side of the Atlantic or whether we are struck from the side of the Pacific Ocean, we are going to find ourselves, at an early stage of that war, and a remarkably early stage, absolutely helpless—powerless to strike back. The nations of the world will call on this Nation, as we called on Russia, in the name of humanity and the welfare of the world's commerce, to end the war.

Furthermore I can see great business interests, interests concerned in the fate of stocks, great financial, manufacturing, and commercial interests, I can see whole sections of the country, as in 1812, protesting against the carrying on of a hopeless financially and commercially disastrous war. It is in view of this crisis in the early stages of the war that I am bringing the question up now. We must not leave our war policy to be distorted in the whirlpool of passion, but it must be understood by our people from the start that when the war does come we will go back 200 years, not in cruelty, but in the test of the war. Let it be understood when the war comes that we propose to fight on till one or the other of the belligerents is exhausted. On this basis we must shape our war policy. Now, then, I will point out what that policy will require.

Mr. O'CONNELL. If the gentleman will permit——

Mr. HOBSON. Yes.

Mr. O'CONNELL. Do I understand the gentleman to say that he thinks we will have a war within 20 months with some great nation? What great nation is preparing for war to strike us within 20 months?

Mr. HOBSON. I know the gentleman would like for me to say Japan, and I will be glad to tell him so.

Mr. O'CONNELL. I would like to know. Does it not take a long time to prepare for war with a great nation that is separated by an ocean?

Mr. HOBSON. I am frank about this. I am speaking the truth as I see it. The truth is the only thing a man can stand on in this world. When he feels he has found the truth he can stand there through the wreck of worlds. I will tell him the truth. Ever since this Nation went into the Hawaiian Islands the Japanese nation served notice that they would never acquiesce; ever since 1898, when we went into the Philippines, and Japan asked us to let her go in there with us and we refused; ever since her citizens have come to this country in great numbers and our people, following the natural law of segregation of races, have not given them the treatment they thought they ought to have, they have been preparing for war. Preparations have gone on in every department. If the gentleman will take the pains to look at it, whether for the army or the navy, whether for the merchant marine and the transportation, whether for the finances or diplomacy, he will find the war is already prepared for and has been for a number of months.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. HOBSON. I do not wish to spend my time, Mr. Chairman, in discussing the question of war on the matter of whether it is coming or not, but I believe that we ought to meet on the point where, recognizing that it may come, we ought to prepare for it and determine our policy. That is what I wish to discuss further.

Mr. O'CONNELL. Will the gentleman answer another question before he goes on?

Mr. HOBSON. Certainly.

Mr. O'CONNELL. In line with that, do you think all the Japanese now on our western coast are in preparation for war in conjunction with their Government?

Mr. HOBSON. I will say to the gentleman again, frankly, I have not the slightest doubt of it, and no one can have who is familiar with the Japanese in foreign lands. He is a Japanese there, and he is doing the functions of his Government there. If his Government is preparing for war, he is cooperating.

Mr. GAINES. May I ask the gentleman a question? I do not want to interrupt him.

The CHAIRMAN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. GAINES. Does the gentleman believe that Japan could to-day, or that she can at any time in the near future, finance a war against the United States?

Mr. HOBSON. I will tell the gentleman that Japan has been the one nation in the world with acuteness and ability to finance a war before it comes. Japan is hard up now, because the war is already financed.

Now, coming down to the policy of when the war has come, we are going to find ourselves in a most deplorable condition.

Mr. CLINE. Will you allow me just one question? I want to ask the gentleman whether he considers the Japanese incident as the basis or the emergency that arises for a change of our national policy, that we have followed for the last hundred years, which is an extremely peaceful policy.

Mr. HOBSON. I will say to the gentleman without hesitation that when the Federal Government at Washington met the

delegation of the mayor and school board of San Francisco, when they had finally appealed to the United States to guarantee to them their constitutional rights to manage their own affairs in school questions which had been settled by the Constitution, and when the President had to tell them we were defenseless, and they had to surrender, and did surrender, that when the legislatures on the Pacific coast took up the question of segregation and were not allowed to even discuss segregation bills, the effect of which would have been exactly like the treatment of Americans in Japan—we are segregated in Japan—our Government had to appeal to those legislatures to drop those dangerous questions. I answer the gentleman's statement in the affirmative, that it is not simply a peaceful policy. This Nation's policy has always been peaceful. But in this case of Japan it has been a policy of abject surrender of vital institutions, a surrender that can not be permanent.

Mr. GAINES. How are we segregated in Japan? I ask merely for information, for that is the first time I have heard of it.

Mr. HOBSON. I will tell the gentleman that he would not be allowed to buy a house and lot in Japan. If he were going to Yokohama, where I lived for awhile, he would have to go up on the bluffs.

Mr. O'CONNELL. Is that due to land laws or is it the policy of the nation?

Mr. HOBSON. It is due to the policy of the nation. We do not dare to introduce a measure here that would give precisely the same treatment to Japanese in America that they give to Americans in Japan, and, further than that, we can not even discuss it.

Mr. O'CONNELL. Does that apply to America alone or to all nations? Is that the policy of Japan toward all nations?

Mr. HOBSON. All foreign nations; and they would have no just ground for complaint if any foreign nation, or all foreign nations, passed segregation laws against Japanese, though against Japanese alone.

Mr. GAINES. Is it not a fact, I will ask the gentleman, that some years ago the foreign nations, including the English and Americans and other European nations, went into Japan and there assumed this power, that whenever a difficulty occurred between——

Mr. HOBSON. The gentleman is going to discuss the subject of extra-territoriality, and I have not the time to discuss that question.

Mr. GAINES. I am not going to discuss that. Did they not assume the right in a case arising between a Japanese and an Englishman or American to demand that the trial should be held before the consul of that country or this country, and has there not been an irritation as to that subject on the part of the Japanese people, and is not that irritation gradually dying out now?

Mr. HOBSON. I am not discussing the question of extra-territoriality. I am discussing the laws that exist in Japan to-day. I did not intend to discuss war here to-day or the causes of war. I have discussed that question here and have spoken to ears that would not listen. I have passed beyond that, and to-day my duty is to say that the failure to recognize the causes of war is leading us into war, and that a failure to recognize the approach of war will only make more dangerous the peril to the Nation's life when war does come. And yet not 1 per cent of our citizens has ever given a serious 10-minutes' consecutive thought or investigation as to what it might mean in the end, or what consecutive policy should be adopted from start to finish in order to minimize the loss of life and treasure, to save the Nation from defeat, and to save our peaceful civilization when the war is over. But, as I said at the outset, I am convinced that nothing will be done to prevent these great currents that are sweeping us into war from having their course. I repeat, in my judgment, war is inevitable and is not far off, and it is high time to determine what should be our policy. Our objective is ultimate victory, to secure which we must face a long war of endurance. Therefore, being unprepared, we must not sacrifice the small preparations we have by trying to meet the superior enemy in the early stages of the war. Let us take a supposititious case. With our fleet in the Atlantic, we may expect the war to occur in the Pacific. Let us assume that the enemy is a great military power and that with our fleet in the Atlantic that power is in full control of the sea in the Pacific, and having a large merchant marine for transportation can strike with his army any of our territory washed by the Pacific Ocean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I will ask five minutes from the gentleman from Illinois [Mr. Foss] and 10 minutes from my colleague, Mr. PADGETT.

Mr. MICHAEL E. DRISCOLL rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. HOBSON. I must decline to yield. That will give me 15 minutes altogether in which to conclude. Thus far I have not had time to get down to the policy itself, and after this I shall have to decline to yield.

The CHAIRMAN. The gentleman is recognized, to continue for 15 minutes.

Mr. HOBSON. I am making certain assumptions, Mr. Chairman; assumptions like those that the War College makes when it works out a war problem. It does not imply any unfriendly feeling to any nation in the world. All the other nations make similar assumptions and theoretically fight out their wars, putting half of their officers on one side and half on the other. We will be dealing with an intelligent nation, a nation that understands the principles of war. The passage of the fleet to the Pacific will be of such paramount importance that I make the forecast that we ourselves will not have the use of the Panama Canal; either that war will be precipitated before the canal is completed, or else that instantly on the declaration of war the canal will be obstructed and seized, and there will be adequate means opposed to prevent its use by our fleet.

It would be utter folly to try to send the fleet around the Horn after the declaration of war, with the prospect of finding all the bases of the Pacific occupied by the enemy before the fleet's arrival, compelling the coal and supplies to come around the Horn. There will be a great outcry from the people, but the public opinion of this Nation should not be like the public opinion in Spain, which compelled the Government for political purposes to inaugurate a fallacious policy that brought disaster. Why, the farthest distance that a fleet can successfully operate from a base is 2,000 miles. In the war games we have fought out it has been shown that a fleet going around the Horn when it reaches the Pacific Ocean will not find one available base in the whole ocean, and will be compelled to have a line of communication around the Horn, 10,000 or 15,000 miles from a base. It is an impossible proposition. Therefore the first thing to be done is to regain control of the Panama Canal, so that we can put the fleet through the canal. If it is not completed, we must stop and complete it. If it has been destroyed, we will have to repair it. Of course, that means that we would have the first great struggle of the war over the control of the Panama Canal and the Panama strip. Having control of the sea in the Atlantic, it is in Panama that we can operate with the only possible change of getting on an equal footing, and even then it would take us a long time to operate on an equal footing, because we have no army ready. The enemy having control of the sea in the Pacific, with open communication, would throw an army there at once and gain control of the canal unless we have forts that could stand off his fleet and a garrison that could hold out against his armies till relief arrives. Our first effort, then, would be to create an efficient army. Since the war will be long, enlistments should be for not less than five years. It will take a long time to create an efficient army, but there is no use in sending raw recruits down there to engage trained regulars and veterans. It will take a long campaign of large dimensions to regain control of that canal, and if driven by public opinion to go down there before we are prepared we will suffer great humiliation in defeat.

It will be useless to try to dispatch armies to the Pacific while the enemy has unbroken communication on the ocean. It will be humiliating, of course, for us to see the Philippine Islands occupied practically without a struggle. All we can hope to do there will be to hold out at Corregidor. Hawaii, Guam, Samoa, the Aleutian Islands, Alaska, and I have already mentioned Panama, San Francisco, and the Puget Sound region, the whole Pacific coast, will be occupied without serious opposition on our part. The only stand we can make will be at Pearl Harbor, and with our small garrison that can not be for long. The humiliation will be deeper than any yet suffered by our Nation, but we must endure it without swerving from our plans.

Leaving the Pacific Ocean to its fate, we must go down, first, to regain the Panama Canal. Preparations should be complete before this expedition is undertaken. It would probably involve sending three or four hundred thousand men and would require a transport fleet costing probably $60,000,000. Since we have such a small standing Army and militia, and almost no ocean merchant marine, we must start out on a systematic program of creating Regulars, building transports and warships, with

only the limitation of efficiency upon the rate in turning them out. I should say, roughly, we could enlist, organize, and partly train at the rate of 250,000 men every six months and could secure transports in proportion. During the Panama campaign we should build up our fleet to a two-ocean basis. After the first year we could probably turn out battleships at the rate of 10 a year and auxiliaries in proportion. A great shipbuilding program promptly begun before our existing fleet goes to the Pacific would have a good diplomatic effect in the Atlantic during the period of our reverses. While proceeding with the Panama expedition we must continue to apply the whole resources of the Nation in a systematic production of a great Army, great transport service, and great Navy. If we meet reverses in Panama, we can not halt. The control of the sea in the Pacific will be paramount. To gain it we must get the canal. So we must continue our efforts till at last we win Panama. Then, having control of Panama, we will put our fleet through, and Panama will be its base. There will be no other base. Then the proposition will be to cut the enemy's communication with his fatherland. There will then be a great battle between our fleet and the enemy's fleet. We must prepare for that battle with the greatest care. No chance should be taken that the enemy's fleet might attack our fleet as it emerges from the canal. If the fortifications have been destroyed, we will have to wait till they are replaced and keep the enemy's fleet at a distance. If our fleet is defeated or largely destroyed in that struggle, the war will have to halt until we can build another fleet, send it through the canal, and try again.

Therefore, unless we are satisfied with the fleet when we finally get it through the canal, unless we have proper bases and have a good chance to win, it will be wise to postpone the great naval struggle until new ships arrive.

If we win in that great naval struggle, or when we finally get control of the sea in the Pacific, the enemy's communications will be cut and he will retire from the Pacific coast. He will not retire until then. We can be assembling our armies west of the Missouri and Mississippi, but it will be useless to try to send them to the coast till after we gain control of the sea in the Pacific. The regaining of Panama will be the first step of the war. Regaining the control of the sea in the Pacific will be the second step. If we do not get complete control, we will have to build and continue to build until we do. We will lose time, but ultimately we will have control of the sea and the Pacific. We have now cut off the enemy's communication with his home. That will mean that we will be prepared then, and not until then, to send an army across the continent. But if the enemy has not retired, we will drive him into the sea. Up to that time it would be best for us to submit practically without opposition to complete occupation of the Pacific slope. The enemy, upon evacuating the coast, would at once retire in force and make a great stand at Hawaii. He would have Pearl Harbor, Hawaii's great base. It will not be necessary for us to regain Hawaii. Anyone familiar with the fortifications that would be put up there can see that the position would be infinitely stronger than that of Port Arthur, stronger than Gibraltar. We might as well make up our minds to a great siege before we can proceed further.

Having finally retaken Hawaii, the war would be through its third stage. All of our loss of life and renown, all our humiliation up to this point would be due to our lack of preparation. On account of this lack we will have to fight the equivalent of about three wars before we begin where we ought to be upon the outbreak of war.

Mr. STAFFORD. Will the gentleman yield?

Mr. HOBSON. I will yield to the gentleman.

Mr. STAFFORD. Will the gentleman kindly tell us when the war will end?

Mr. HOBSON. It will end in a time inversely proportional to the number of battleships that the gentleman votes not to authorize.

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. I will yield to the gentleman; yes.

Mr. MADDEN. I understood the gentleman to say that the war would begin after we had lost these battles; how long would we be in the war before it had begun?

Mr. HOBSON. If we won every point I have referred to right straight through, it would be five or six years before we could begin to actually fight the war on grounds that would involve any serious risk to the enemy. Now, having got started and using Hawaii as a base, we will only begin the real struggle for the future mastery of the Pacific Ocean. It will be too far to operate in the Philippine Islands. We have got to get a base between Hawaii and the Philippines. That will be Guam. The pity of it is that Guam is not already fortified and that we have not eight or ten thousand men available who could stay there until doomsday, where the enemy could not land nor dig them out—where they could resist a siege almost indefinitely. But the chances are that we will not take this simple precaution of preparing to hold Guam for a base. Consequently we shall find the enemy in Guam, and we would have to take Guam or some other port less difficult; we could make a dash across to Korea or some other near point for a base, and then, if we are able to maintain our base across the ocean, at last we would be in a position to reverse the tables and begin to make the war serious for the enemy.

The question of supreme importance is that we realize at the start, no matter what the political pressure may become, no matter what calamities overtake us in the early stages of the war, that we must never allow the war to end until the nation that challenged us because we were unprepared, because we had been confiding and accepted at par all the statements of intentions they made—a nation finally and fully prepared after long years of preparation, which took advantage of us—and because of our inherent weakness and the weakness of our institutions provoked us to such a war of survival, that before we allow the war to end the nation that thus challenged us must be crushed.

When the great war comes, let us realize that it will be a test of survival of our civilization. Let us realize that we owe it to our own future peace and tranquillity, to our own posterity, to the people of South America, to the weaker peoples of the world; that we owe it to mankind that is looking up with streaming eyes to the day of deliverance from the load of militarism of the old civilization; that we owe it to the cause of peace and justice between the nations and races of the world that only one such war shall be necessary. When the test of the two civilizations comes, the civilization of peace must survive. When we come back from that war, the world must see clearly that militarism has served its day and is ready to be laid away like a garment that is done with. When we come back from that war, it must be so that we can lay down our arms for good. A public opinion, founded upon a determination to fight through to a finish, widespread in the United States of America, permeating our patriotic citizens, is the only thing that now remains to avert such a disastrous war as is impending.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I would like to have just two minutes more to finish up, because I was going to make the analogue apply not to Japan only, but to any other military nation, no matter whether that challenge comes from Asia or from Europe. The nation that makes it will rue the day. [Applause.]

Mr. PADGETT. Mr. Chairman, I am not frightened by the perennial scare about Japan that accompanies the consideration of the naval appropriation bill every year; neither am I a believer in the Armageddon. I do not believe the United States is going to the devil on a toboggan slide [applause and laughter]; I do not believe that the civilization and preservation of the United States rests upon gunpowder, dynamite, and shells. [Applause.] I believe that in the future, as in the past, the peace and the prosperity and the happiness and the growth and the greatness of the American people will be grounded upon the righteousness of their conduct, the justice of their cause, and the manhood and womanhood of the future. [Applause.] Therefore, Mr. Chairman, I shall yield the remainder of my time to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, I rise to congratulate the Democracy upon its triumph at the recent November election. Its restoration to control in the House and in so many of the principal States of the Union after so long a period of defeat is a tribute mightier than words to the devotion of its adherents, the vitality of its beliefs. [Applause.] I do not hesitate to express the utmost reliance in the fact that it will more than justify the reawakened confidence of the American people. It will perform every promise and discharge every duty to the glory of the country and the confusion of its foes. [Applause.]

It will, perhaps, be generally conceded that conditions in the United States are in many respects without precedent or counterpart in the records of half a century. Never before have the American people become so interested in public affairs, so critical of men, so watchful of legislation.

They see monopolies and trusts becoming more omnipotent, the few more opulent, Government more extravagant, taxation more exorbitant. They see seven men to-day with an aggregate fortune of a thousand million dollars—Morgan, Rockefeller, Stillman,

Baker, Frick, Reid, and Moore—these seven men being allied with about a dozen others who possess another thousand millions—this little group of less than 20 men controlling nearly two-thirds of all the money in circulation in the country, possessing in an infinite degree the power to increase or to depress the rate and volume of production, manufacture, transportation, and exchange; to produce panics, to impoverish millions—the real American House of Lords. They see Rockefeller drawing dividends of twenty millions every few months as his share in a single trust. The addition of only a few more decades to the ordinary span of mortal life would enable such men to acquire the ownership of the Republic. Perhaps a beneficent God had Mr. Rockefeller, Mr. Morgan, and others in mind when he ordained that man should be born to die. [Laughter.] Indeed it would not be surprising if when these gilded magnates are called to judgment consternation does not immediately spread among the angelic hosts for fear of an exclusive transportation line on the river of life and a merciless monopoly on the supply of wings. [Laughter and applause.] The situation is humiliating in the extreme. With what consistency could Henry, Adams, and their illustrious contemporaries have thundered in defense of liberty, with what enthusiasm could Jefferson have defined the gospel of our independence, with what patience could Washington and his compatriots have endured the storms of winter and of war had they known that they were but fashioning an estate for Morgan, Rockefeller, and their associates?

Such is a partial outline of the conditions which beset the American people—conditions that cry to heaven for redress. When 50 years ago the Democratic Party relinquished control of the Government it had made glorious and strong no such conditions prevailed. It can not be justly charged with measures or results since then; the succeeding half century of Republican rule has seen it in charge of the entire machinery of legislation for but two years, in the second of which it began a gradual revision of oppressive tariffs which it would have restored to a proper basis without violent or destructive haste. Its tariff law of 1894—the Wilson law—was but the first step in a reformation which would have been carefully and effectively completed in following years. This reformation was defeated by the almost immediate return of the Republican Party to power through economic disturbances which had begun a year before the enactment of the Wilson law and with which the Democracy had no possible connection. The defeat of the Democratic Party in 1894 through popular misapprehension was one of the gloomiest tragedies in American politics. Resuming full control of the American Government, the Republican Party, flushed and insolent, enacted still higher tariffs, which in little more than a decade have delivered almost the entire wealth of the country into the talons of monopoly and increased the cost of actual existence to a point never before experienced. [Applause on the Democratic side.] The partnership of Government with vast material interests has developed a saturnalia of corruption both personal and official. The dominant party has become the mere agent of consolidated wealth. In the places once adorned by Webster, Corwin, Douglas, Benton, Clay, Calhoun, and their compeers—all men of stainless honor and of giant mind, of absolute devotion to the general good—sit the agents of corporate power, trafficking in the sacred functions of taxation. Some of these heard in advance the thunders of a distant storm and quietly announced their "voluntary" [laughter] retirement to private life. It is a retirement like that of the Irish worker who met his friend Mike about 10 o'clock one morning. "Mike," he says, "I've quit my job; I'll not work on it a minute longer." "And why did ye quit, Pat?" said Mike. "Why, it's all on account of a remark the boss made this mornin'." "Faith and what did he say?" "Patrick," said he, "you're discharged." [Laughter.]

Let us examine for a moment the actual consequence of Republican domination. With the enactment of the Dingley tariff by the Republican Party in 1897, which imposed the highest tariff taxes the country had ever known, there began an era of rising prices, multiplying trusts, and colossal Government expenditure. The Republican Party resisted the growing demand from every section of the country for relief until 1908, when public clamor compelled the insertion of what was generally understood to be a definite covenant for genuine tariff revision in the Republican national platform of that year. Elected on this covenant, the Republican Party, in an extra session of Congress soon after Mr. Taft's inauguration in 1909, passed the Payne tariff law, which supplanted the Dingley measure on the Federal statutes. The Payne law was a deliberate violation of the Republican covenant for lower rates, for rates which would bring substantial relief to the American consumer. It retained or increased almost all the existing rates. It was so complete and conscienceless a repudiation of Republican faith that insurrection, already seething in the House against the autocracy of the Speaker, lifted its banners in the Republican ranks, dividing the Republican Party into two rancorous and implacable factions.

Truly no historian of the present or of the past could find a more prolific subject for the amusement of mankind than the present situation of the Republican Party. Lifted on a tide of internal controversy to command of the Republic but a few years after the party's birth, utilizing the exigencies of war to perpetuate the most destructive system of taxation in our political annals, proclaiming a loud allegiance to principles which it professed but to profane, it acquired a mastery of this Nation that seemed to challenge eternity itself. For 50 years it exercised an almost uninterrupted direction of the American Government.

Supported by the special interests it had upbuilded, making mammon its Bible, partisanship its God, it led for 50 years a majority of the American voting millions with the precision of an army to the polls, maintaining a unity and a discipline that czars might envy and emperors emulate. At the last national election in November, 1908, it achieved one of the most notable conquests of the American people in its spectacular career. By a majority of more than a million it again secured control of the machinery of government. Again, as on so many former occasions, it had vanquished its ancient adversary, the Democracy, an adversary it could defeat but not destroy [applause], a party that for 50 years had warned the American people against the tyranny of Republican measures, the emptiness of Republican faith, an adversary that rose from the reverse of 1908 to revive its energies at the fountain of human brotherhood and take up again the long struggle for the people's rights. [Applause.] I say that never before did the Republican Party seem so harmonious, so insolent, so strong as at the close of that historic November election day in 1908. To-day, but little more than two years later, the Republican Party is a mass of incoherent wreckage. [Applause.] To-day the Republican Party lies shattered by the shock of faction. [Applause.] Unity of action and harmony of belief have been supplanted by uproar and dissension. It has divided into two warring groups, insurgents and standpatters, marked by a mutual hatred that baffles measurement. [Laughter.] To an insurgent a standpatter is a veritable prince of darkness [laughter], a votary of oppression, a tyrant with heart of flint, with hand of iron, and lip of brass [laughter], while the most complimentary thing a standpatter may say of an insurgent is that he should be shot as a traitor, burned at the stake, and boiled in oil—all three at once. [Laughter and applause.] In this latter characterization I am quoting almost literally one of the most distinguished standpatters in the House. [Laughter.]

The only conclusion the American people may deduce from the whole imbroglio is that long acquaintance and intimate association qualify each element of the Republican Party to describe the other with entire accuracy and authority [Laughter and applause.] Even Roosevelt, the human seidlitz powder [laughter and applause], who for seven years held his party in undivided and resistless mass, who while President evaded the revision of the tariff with a skill that made him the noblest standpatter of them all, ceased to hunt wild beasts in Africa to hunt standpatters in the United States. [Laughter and applause.] Upholding radicalism in terms that seared and blazed until his personal ascendancy was assured, he suddenly adopted the conservative garb, making the lightning change in full view of the audience without leaving the stage. Ridiculing publicity of campaign funds before election in 1908, he committed himself without reservation to that Democratic policy in 1910. [Applause.] Denouncing criticism of the Supreme Court of the United States in 1896, he excoriated the venerable figures of that sublime tribunal in 1910. [Applause.] Charging Hearst with virtual complicity in the assassination of McKinley in 1906, he boasted of the mere prospect of Hearst's assistance in 1910. [Laughter and applause.] A former President of the United States, he did not hesitate to leap into the thick of party brawls, to occupy a new but shadowy eminence as party feudist and as party boss. [Applause.] A strutting contradiction, a swaggering pretense, how true a type of modern Republicanism he presents, with its two faces, insurgency and standpatism, on a single head. [Applause.]

I now desire to allude to a phase of the tariff situation which should be presented with special emphasis to the American people. We are hearing much of the necessity of a tariff commission to ascertain the relative cost of production at home and

abroad, but we hear far too little of the necessity of better trade relations with the world. I desire briefly to call attention to the section of the new Republican tariff law affecting our trade relations with other countries. That we may grasp the exact bearing of this question, it is necessary for a moment to examine our position in the commerce of the globe. The condition of our foreign trade is a just source of national shame. We have an area of 3,600,000 square miles, unsurpassed for diversity and extent of resource, salubrity of climate, fertility of soil, a population of 90,000,000 of as energetic, intelligent and progressive people as ever gathered beneath a flag. And yet we have been distanced by almost every country of importance in the world in the relative extent of our foreign trade. One of the chief marks of a nation's standing before the world is its ability to develop foreign commerce. A nation is entitled to no especial credit for the mastery of its own markets, especially when it levies enormous taxes on the entry of foreign goods. But when it meets its rivals in open contest for the markets of the earth, on the impartial arena of the seas, matching strategy with strategy and skill with skill, it soon finds its just place in the scale of the world's material advancement. Now, what is the situation in the marts of earth to-day? How rank the nations in the struggle for commercial strength and prestige?

Our annual exports now reach the value of a billion and three-quarters, about $18.28 per capita. The annual exports of Great Britain, with an area of 121,000 square miles, smaller than California, a population of nearly 45,000,000, about one-half our own, average $41.20 per capita. The annual exports of France with its 207,000 square miles, about one-seventeenth our size, with a population of 40,000,000, less than half of ours, average $24.80 per capita. The annual exports of Germany, a nation about the size of France, with a population of 63,000,000, a little more than two-thirds of ours, average $24.09 per capita. Australia has a territory some 700,000 square miles smaller than ours, a population of a little more than 4,000,000, and yet its export trade, the amount of goods it sells to other countries, is $71.60 per capita, as against our export per capita of $18.28. New Zealand, with a territory of 104,000 square miles, but little larger than Oregon, with a population of less than 1,000,000, 90 times less than ours, has an export trade averaging $82.11 per capita. Against our export per capita of $18.28 Argentina, with 1,100,000 square miles, something less than a third of our area, a population of 6,000,000, 15 times less than ours, has an export per capita of $57.90. Against our export per capita of $18.28 Belgium, with less than 12,000 square miles, smaller than the State of Maryland, with a population of 7,300,000, about 13 times smaller than ours, has an export per capita of $65.49. Canada, with an area a little larger than ours, but far less productive on the whole, with a population of 7,000,000, about 13 times smaller than ours, has an export trade averaging $30.91 per capita. The little countries of Costa Rica, Chile, Cuba, Denmark, Switzerland, Norway, Sweden, and the Netherlands, with territories from 12 to 270 times less than ours, with populations far smaller, sell more goods per capita to foreign nations than the United States, some from 2 to 8 times as much.

In the things we buy we are similarly outstripped; we have not mastered the underlying economic truth that the total of our buying abroad finally determines how much foreigners can buy of us. In the buying and selling of this restless globe the United States, whose natural capacities should make it a figure of the first importance, has been reduced almost to the rôle of a mere looker-on. It but adds to the national humiliation to observe the infinite inferiority in virgin resource of most of the countries now outstripping us. Against such a situation the American people, especially our merchants, manufacturers, and business men, in general, who realize the absolute necessity of wider foreign markets, cry out in agony and anger. We have builded within our own domain an internal trade equaling in value the trade of the world, and we demand a chance to make a corresponding record in the commerce of all mankind. Perhaps the most vigorous demand for the revision of the Dingley tariff came from our manufacturers, who recognized the vital need of more liberal trade relations with the world, especially in view of the fact that the product of our factories is so rapidly outgrowing the home demand. We want it said of us, as was said in ancient days of Tyre, "Their merchants are princes and their traffickers the honorable of the earth."

In order to understand the provisions of the present Republican tariff law as to our commercial relations with other lands, it is necessary to refer briefly to the provisions of the Dingley tariff, the immediate predecessor of the existing act, on the same subject. The framers of the Dingley law recognized the necessity of reciprocal trade relations and in section 4 of that law established a liberal basis therefor. This section provided for a 20 per cent reduction of all the Dingley rates in return for similar concessions abroad. In section 3 it provided for a limited reciprocity in 10 or 12 specific articles. It was ordained in section 4 that all treaties negotiated thereunder should expire unless ratified by the Senate within two years from the enactment of the Dingley law.

The Dingley law became operative in 1897. Several important treaties were negotiated with important countries under section 4, whereby our foreign trade would have been materially enhanced, but failed of ratification in the Republican Senate within the necessary two years. Thus the Republican Party destroyed the very instrument of trade expansion it had so carefully devised. From that hour until this treaties have been moldering in the caverns of a stand-pat Senate, and, although the Republican Party has been supreme in every division of the Government, it has made no effort through President, House, or Senate to revive them. Several treaties were also negotiated under section 3 as to the few articles it covered, which, with certain changes in the administration of the customs laws, secured trade and customs concessions of more or less value from Germany, France, and other countries.

Let it be remembered that the Dingley law in its principal reciprocity section offered a 20 per cent reduction on all its rates as a minimum basis for negotiation, its regular rates being its maximum basis. For 12 years (from 1897 to 1909) from the enactment of the Dingley law to the enactment of the present, or Payne, law, the world understood our minimum rates to be a 20 per cent reduction of the established rates of the Dingley Act. When the Payne law went into operation it changed the basis of trade relations so radically as to arouse the ridicule of the world. It announced through section 2 that the regular rates of its various schedules, rates distinctly higher than the regular rates of the Dingley law, should hereafter be the minimum rates in all trade negotiations, and that our maximum rates should consist of rates 25 per cent ad valorem in addition.

Thus our minimum rates were suddenly and without provocation from a single nation raised to a point distinctly higher than the maximum rates of the Dingley law, while the further increase of 25 per cent ad valorem for the maximum rates meant an increase for some articles of over 100 per cent. Furthermore, the section provided that all existing treaties should terminate with the passage of the law and that countries not giving us equal tariff and trade treatment with all others should be compelled to pay our maximum rates on all goods imported here. Thus we announced that the highest penalty exacted in the past for discrimination abroad had become the minimum concession for trade favors and that unless all countries should confer on us the same privileges they accorded others, regardless of what they had received in return, and although we had offered nothing to justify such consideration, the new maximum rates, rates 25 per cent ad valorem higher than the new minimum rates, would be immediately imposed on the offenders. A more puerile, a more offensive, a more irrational proposition was never before recorded in diplomatic or economic history.

Moreover, the section under discussion provides no way of negotiating special treaties as to specific articles or sets of articles. Whether the concessions or the discriminations of another country be large or small, we must, under the Payne law, apply all the minimum rates or all the maximum rates, comprising 14 schedules and 4,000 articles. Nor may intermediate rates be applied in order to meet special trade situations abroad. This second section is the clumsiest instrument ever devised for the extension of a nation's trade. It is an illustration of the narrowness of human greed, which throws every obstacle possible in the way of tax reduction, even when the object is a wider trade. It is the answer of the Republican Party to McKinley's last speech, nearly 10 years ago, delivered shortly before his assassination, wherein he pleaded for the extension of foreign trade, the cultivation of foreign markets.

To complete the measure of our national degradation it needs only to be said that our foreign carrying trade is now almost entirely in foreign hands. The disappearance of the American merchant flag from almost all the oceans has been one of the saddest results of the long Republican captivity. Under the Democratic tariffs and Democratic policies that determined the destinies of the Republic for its first seven decades, American ships carried by far the greater part of the trade of the globe, including our own. To-day, after five decades of Republican dominion, we carry practically no foreign trade and less than 10 per cent of

our own imports and exports in American bottoms. In the Democratic era the American flag was conspicuous in every port. It was mirrored in every sea. Under Republican ascendancy it has all but faded from the deep. In Democratic times it frequently encircled the globe, fluttering above rich cargoes from every shore, bringing predominance to American commerce, support and comfort to American homes. To-day, under Republican rule, it is seen, if seen at all, at the mast of a battleship, the sign of lavish expenditure, or above the yacht of a millionaire, denoting the luxury and privilege that now flourish beneath it.

The triumph of the Democracy in the recent elections shows that the American people believe that the only substantial remedy for these and other conditions lies in the restoration of the Democratic Party. I would not minimize whatever credit may be properly accorded the insurgent Republicans for their recent revolution against autocracy in the tariff and in party leadership. For their belated insurrection, after the extortion of uncounted millions from the American people through the tariff laws they helped to create and to maintain, after the reduction of multitudes to privation and distress through the system they helped to build and to preserve, after the erection with their support of an iron despotism in the American House of Representatives, I give them all the praise they may deserve. [Laughter.] But the American people will recall the fact that the Democracy for decades opposed, denounced, unmasked the very wrongs against which the insurgents now declaim so loudly. Before Republican insurgency was known to men's remotest dreams the Democratic Party laid bare the excesses of protection, the dangers of parliamentary absolutism. Not an argument as to Cannonism or the tariff has issued from the insurgent camp that had not been previously repeated a thousand times on Democratic lips. [Applause.] Against the Democracy in its efforts to correct the ills that now overwhelm the Nation the Republican Party presented until as late as 1908 an undivided and successful front. The Democratic national platform of 1908 denounced the arbitrary power of the Speaker; the Republican platform was silent. At the opening of the Fifty-seventh, Fifty-eighth, Fifty-ninth, the Sixtieth, and earlier Congresses the Democrats voted solidly against the rules that were so rapidly developing a legislative autocracy, confronting a solid Republican majority. There were occasional criticisms from individual Republicans, but the roll call would always show a practically united Republican phalanx for the rules.

I can hear the acute invective of John Sharp Williams, the resounding eloquence of De Armond [applause], the splendid sarcasm of CHAMP CLARK rising in protest against legislative tyranny above the turbulence of those exciting days; the voice of De Armond rolling like muffled thunder across the impatient but soon attentive throng, possessing a pathos that foretold the hour when with the same deep and noble accent he comforted his little grandson as the flames of a burning home enveloped them both, saying, "Its all right, Davy; its all right." I repeat that we cheerfully accord the insurgents whatever credit may justly be theirs for attempting to lead a revolution the Democrats after years of sacrifice and struggle had set in motion, but we say that to the Democracy belongs the chief tribute of the people's gratitude. [Applause.]

The country has rightfully concluded that it may expect but little in the direction of permanent tariff relief from any element of the Republican Party. No element of this party favors such fundamental curtailment of tariff rates as will dethrone the vicious doctrine of protection. All elements of the Republican Party yield an unchanging allegiance to the system that has brought the country to the verge of economic disaster. They indorse the declaration of the Republican platform of 1908, committing the Republican Party to the unholy policy of so adjusting tariff rates as not only to cover the difference in cost of production at home and abroad, but also to guarantee a profit to protected industries. They would prostitute taxation to the maintenance of private property. They would permanently despoil the people to upbuild a few favorite enterprises. They would have American industry rest not upon efficiency, but upon the privilege of recouping losses and maintaining profits through taxation.

A system that upholds profits regardless of efficiency is a curse, and the whole Republican system of protection, to which every element of the Republican Party gives indorsement, is tainted with this vicious error. True prosperity must ever rest on merit, not on subsidies from the Government. When any man demands a permanent subsidy from the people, there is a defect in his prices, his qualities, or his integrity. With the prospect of continuous aid from the Government, what incentive remains for further progress? In the last analysis protection means cessation of growth, paralysis of energy, retrogression, dissolution, death. Truly, to stand pat is to stand still.

It is the mission of the Democracy to embody in human government the principles of truth as expressed in natural and economic laws. It is the belief of the Democracy that a republic based on equal rights is the highest earthly expression of the love and tenderness of divinity. It is a basic tenet of Democracy that any law which gives to one the earnings of another without an adequate return is a contradiction of the truth of Heaven and that no party, government, empire, or republic can permanently maintain it. [Loud applause.] For this reason the Democracy is terrified by no defeat, overwhelmed by no disaster. For this reason the 50 years of its almost continuous overthrow in the national elections have but deepened its confidence in final victory. One hundred and thirty-five years ago, in a second-story room of a modest house on Market Street in Philadelphia, occurred without commotion or display one of the momentous events in the records of mankind. Within that room a young man of 33, of tall and slender build, of cultured bearing and philosophic mien, composed, after three weeks of quiet and unremitting labor, a document in many respects the most significant in the entire history of human freedom.

Bending with sleepless industry above his manuscript in the dim vigils of the night, his pen slowly tracing through countless changes and erasures the charter of a people's liberty, without the aid of book, or pamphlet, or companion, he wrote the sentences that woke humanity like a trumpet's blast from God. All history seemed to yield its lessons, the very heavens to whisper inspiration. The writer was Thomas Jefferson [applause]; the writing the Declaration of American Independence. [Continued applause.] It became the tocsin of American revolution, the basis of American liberty. Its spirit spread to other lands. "All men are created equal," said the document, and Democracy in the United States was born. To embody the spirit of equality in American laws and institutions the author of that deathless declaration founded the Democratic Party.

The CHAIRMAN. The gentleman's time has expired.

Mr. THOMAS of North Carolina. I ask unanimous consent that the gentleman's time be extended.

Mr. PADGETT. That will be unnecessary. I yield the gentleman five minutes more. [Applause.]

Mr. SHEPPARD. Chosen by Washington as the country's first premier, he was soon elevated to the Presidency itself. Under him the Democracy reduced the burdens of taxation and added the vast area of Louisiana to the national domain. Under him and his successors for more than five decades the Democracy molded the essential character of the Republic, giving equity to its legislation, glory to its arms. The Democracy conducted the contest of 1812 that wrested from Great Britain the lordship of the seas, a supremacy that was never lost until the advent of the present Republican Party. It acquired the Territory of Florida, bringing new outlets for our commerce, the mastery of the southern Gulf. It gave, through James Monroe, the doctrine that assured the autonomy of the Western Hemisphere, the immunity of a continent from foreign interference and aggression, a doctrine now accepted by all parties and respected by the world, a doctrine that brought to the United States a lasting preeminence in history. Through the mighty Jackson the Democracy developed an internal economy that abolished the public debt and removed the tyrannies of the tariff.

Through Jackson it began the movement that resulted in Texan independence and annexation, the victorious war with Mexico, the acquisition of California. It conducted negotiations by which the rich regions of Oregon were gained. Thus the Democracy completed the geographical integrity, the physical symmetry of this Republic, more than doubling our territorial extent, increasing our natural wealth beyond the measurement of man, widening our boundaries until they embraced the mightiest section of the globe. In the Democratic tariff of 1846 the Democracy achieved a just solution of the problem of taxation; in fact, the Democratic management of every phase of the public business during the formative era left the American Republic so colossal, so prosperous, so strong that it was enabled to withstand four years of civil conflict and 50 years of Republican rule. [Loud applause.] It is the only party in American history that has maintained a continuous organization from the beginning of the Government to the present hour, and it will not die until the Republic dies and the principle of

liberty shall have faded from the souls of men. [Applause.] The sustaining power of its beliefs has enabled it to survive the reverses of half a century, reverses that would have crushed any other political party on earth. The inherent deathlessness of its devotion to the principle of equal rights has armed it with a power of more than mortal essence, a vision of elemental sweep. Never has it doubted the coming of the hour when the spirit that flowed from the pen of Jefferson through the souls of former generations into this would lift it to its own again. [Applause.] The elections of 1910 indicate beyond all question that its vindication is at last at hand. [Loud applause.] It now appeals to the American people whose happiness it established, whose freedom it conceived and whose prestige it preserved, whose welfare is its proudest object and purest aim, whose interests it will vigilantly guard in the Congress it is soon to control, to the American people, regardless of section or prior political affiliation, to unite beneath its banners in 1912 as in 1910, and gathering at the ballot box, that solemn altar of the people's rights, to banish privilege, to exalt equality, to rebuke oppression, to strengthen brotherhood, to erect again the principle that a people's liberties shall be reflected in a people's laws. [Loud and continued applause on the Democratic side.]

[Mr. WEBB addressed the committee. See Appendix.]

[Mr. O'CONNELL addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, the bill before the committee is the naval appropriation bill, making appropriations for the naval service for the year ending June 30, 1912. I desire to call the attention of the committee briefly to a few matters in connection with this bill. The amount carried in the bill is $125,421,000. This is less than the appropriation act of last year by nearly $6,000,000. Our estimates this year were not as large as those of last year, owing to the fact that we have appropriations now unexpended in the neighborhood of $6,000,000 under the increase of the Navy, and these appropriations can be used until they are expended under the law. I shall place in the RECORD an analysis of the naval appropriation bill.

Analysis of naval appropriation bill, 1911.

Total of bill		$125,421,538.24
Increase of the Navy, involving new construction only		25,755,547.67
Balance, giving the cost of maintenance for entire Navy and Marine Corps		99,665,990.57
Maintenance of Marine Corps, including public works		7,393,358.28
Balance, maintenance of Navy alone		92,272,632.29
Maintenance, personnel of Navy alone, as follows:		
Pay of the Navy	$35,069,026.00	
Pay, miscellaneous	1,000,000.00	
Provisions, Navy	7,430,000.00	
Naval Academy, exclusive of public works	550,420.00	
Bureau of Navigation, exclusive of public works	3,331,436.29	
Naval Home, Philadelphia	72,829.00	
Bureau of Medicine and Surgery, exclusive of public works	442,000.00	
Total, personnel		47,895,711.29
Total material, exclusive of new construction		44,376,921.00
Analysis of material, as follows:		
Powder	$4,000,000.00	
Ordnance material and stores	7,820,000.00	
Naval Militia	125,000.00	
Total material, ordnance	11,945,000.00	
Coal	4,000,000.00	
Total, ordnance and coal		15,945,000.00
Balance of material, exclusive of ordnance and coal		28,431,921.00
Public works, yards and docks (exclusive of Marine Corps)	$6,554,977.00	
Maintenance, yards and docks	1,540,000.00	
Depots for coal	500,000.00	
Total public works and maintenance		8,594,977.00
Balance		19,836,944.00
Construction and repair	$8,596,144.00	
Steam engineering	6,394,000.00	
Equipment of vessels	3,843,300.00	
Total maintenance of material of ships		18,833,444.00
Balance for various miscellaneous and contingent expenses		1,003,500.00
Contingent expenses of various bureaus:		
Navy	$46,000.00	
Equipment	10,000.00	
Yards and docks	30,000.00	
Supplies and accounts	159,000.00	
Ordnance	9,500.00	
Total contingent	254,500.00	
Miscellaneous expenses:		
Lepers, Guam	14,000.00	
Freight, supplies and accounts	535,000.00	
Ocean and lake surveys	125,000.00	
Crypt, John Paul Jones	75,000.00	
Total contingent and miscellaneous		$1,003,500.00

The total is $125,421,000. Of this, $25,755,000 is appropriated for the increase of the Navy, to carry on the work of the construction of the ships already authorized and those authorized in this bill. If you subtract the $25,000,000 from the $125,000,000, the total amount, we have then about $100,000,000, which is for the maintenance of the Navy and public works, and so forth, authorized in the bill. If we never authorized a single ship, I believe that this amount of $100,000,000 would be sufficient to maintain the Navy.

I shall not go further into the analysis of this bill, but I wish to call attention to the naval program which we recommend this year. The committee recommends two battleships, 27,000 tons, to cost $11,835,000 each; two colliers of $1,000,000 each; eight torpedo-boat destroyers of $825,000 each; four submarines, at $500,000 each; making in all a naval program costing $34,270,000. The committee had before it the recommendations of the General Board as to what our naval program should be this year.

The General Board is presided over by Admiral Dewey, and upon it are many eminent officers of the Navy. This board recommends four battleships—twice as many as we recommend; 16 destroyers—twice as many as we recommend; one repair ship, four scouts, two tenders, four destroyers, two tenders for submarines, four colliers, three gunboats, two tugs, one mine-laying vessel, two transports, and one hospital ship. If this program had been recommended by the committee and it had been adopted by Congress, it would have cost $87,000,000. This was the program, as I said a moment ago, which was recommended by the General Board, but the committee recommended a program which costs, as I have said before, $34,270,000.

Now, there are a few matters to which I desire to call the attention of the committee in the construction of our ships. Some of our ships which have been authorized heretofore are unfortunately in rather a bad way by reason of legislative restrictions which have been placed by Congress upon their construction. For instance, in the act of May 13, 1908, Congress provided for the building of two fleet colliers, 14-knot speed, to carry 12,500 tons of cargo and bunker coal, one to be built in a Government navy yard on the Pacific coast.

A limitation was placed upon the cost of this collier of $900,000, and raised the following year to $1,000,000, but we have not yet been able to build it for that amount. The act provides that this ship shall be built in a Government navy yard, and it costs a great deal more than that to build a collier in a Government navy yard. We built two colliers only a few years ago in Government navy yards. One of them was the *Vestal*, built at the New York yard, which cost $1,625,000; the other the *Prometheus*, built at Mare Island, which cost $1,516,000.

Mr. KNOWLAND. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. KNOWLAND. Is it not a fact that with the present $1,000,000 limitation the Navy Department did not receive any bids for the colliers authorized last year?

Mr. FOSS. Well, I have not reached that yet, but I will in just a moment. The gentleman is right. Now, the Navy Department has received bids to build colliers and has constructed colliers at less than $900,000. William Cramp & Sons built the *Cyclops* at $822,500, but under the limitation which has been placed by Congress to build a collier in the Pacific coast navy yard it will be impossible to build it within the limit of cost of $1,000,000.

Mr. HAMLIN. Will the gentleman yield just there?

Mr. FOSS. Yes.

Mr. HAMLIN. Can the gentleman explain why it is that these vessels can be built so much cheaper in a private yard than in a Government yard?

Mr. FOSS. I will reach that a little later, I will say to the gentleman. I have spoken of the act of May 13, 1908. In the

act of March 3, 1909, one fleet collier was authorized not to exceed in cost $900,000. That is under construction by the Maryland Steel Co., at a contract price of $889,600.

In the act of June 24, 1910, last year, Congress authorized two fleet colliers of the same speed and capacity as those heretofore mentioned, the cost not to exceed $1,000,000 each, and provided that the eight-hour law should apply to their construction. No bids were received for those colliers from eastern yards, but one bid was made by the Union Iron Works, of San Francisco, to build one at $1,596,500, and there was an irregular bid from Moran & Co., of Seattle of $887,000, but that was unaccompanied by any check or bond for performance. This bid of Moran & Co. was thrown out, but these colliers we have not been able to construct by reason of this eight-hour limitation, which was placed upon the construction of these colliers in the last Congress.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. HUMPHREY of Washington. I did not understand the gentleman's figures in regard to the two bids.

Mr. FOSS. The Union Iron Works bid $1,596,000, and Moran & Co. bid $987,000, but that was thrown out because it was regarded as an irregular bid, inasmuch as they did not put up a check or bond for performance.

Mr. KNOWLAND. Is it not also true there were certain limitations they put in their letter?

Mr. FOSS. I think that is true.

Mr. HUGHES of New Jersey. Did they get any estimates from the navy yards in regard to the cost of the construction of the collier?

Mr. FOSS. They had one estimate.

Mr. KNOWLAND. And that estimate was from the Mare Island Navy Yard and was $1,403,960, and I will state in that connection that when the item was first put in the naval appropriation bill and the collier was to be constructed at a private yard the limit of cost was placed at $1,800,000, but after a navy yard was selected to build the collier the price has fallen from $1,800,000 to $822,500, and since then has gradually risen until the limitation is now $1,000,000.

Mr. FOSS. Two more colliers were authorized last year, and they were required to be built under the eight-hour law, at $1,000,000 each. As it costs more to build under the eight-hour law than it does without any restriction of that kind, it has been impossible to get any bids for building these two colliers, and so to-day we have practically these two colliers with the one on the Pacific coast held up by legislative restriction.

Mr. KNOWLAND. You had one bid from a private yard of $1,500,000, $100,000 more than the bid of the Mare Island yard.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. FITZGERALD. You say the Navy contends it will increase the cost by 21½ per cent to get them built under the eight-hour law? That is the testimony, as I recall.

Mr. FOSS. That is substantially correct. I think the Secretary was discussing the subject of battleships at that time and not the subject of colliers.

Mr. FITZGERALD. But the same reasoning would apply, if the gentleman will permit. Forty per cent of the cost of a battleship is labor and the balance is material.

If the eight-hour law applied it would increase the labor cost 20 per cent, which is 20 per cent of 40 per cent, or about 8 per cent, but under the extraordinary opinion of the Attorney General, rendered last summer, that this provision requiring these vessels to be constructed under the eight-hour law applied only to the men who were working on the ship itself and not to the men working in the shops, and would increase the cost about 4 per cent, does not apply to the men engaged in building the machinery in shops or doing any work in the shops at all. Where does this 21½ per cent increase come under the circumstances?

Mr. FOSS. I want to say that our experience has been that the building of colliers in navy yards has cost about 50 per cent more than if by private contract.

Mr. FITZGERALD. The gentleman knows that was true in years when there was competition, but if there is no competition in the yards the price of private contracts immediately jumps from 60 to 80 per cent.

Mr. FOSS. The gentleman from California [Mr. KNOWLAND] has referred to the estimate that was made by the Mare Island Navy Yard at $1,403,000, if I remember rightly, to build a collier in the navy yard, whereas to-day we have similar colliers being built by private contract at the Maryland Steel Co. and also at Cramps for less than $900,000.

Mr. KNOWLAND. But they refused to bid for another at that figure, even before the eight-hour limitation was put on.

Mr. FOSS. I do not agree with the gentleman on that.

Mr. KNOWLAND. Well, the facts show it.

Mr. FOSS. So much for the situation with regard to colliers.

Now, I wish to take up the subject of battleships, and, I may say, in this bill we put in a provision here under "Increase of Navy" which allows the Secretary of the Navy to build these colliers by private contract and without the eight-hour limitation. In my judgment it will mean a saving of $1,000,000 if we can build these colliers by private contract and without the eight-hour restriction. We can build them for less than $1,000,000 each, whereas if one is built in a Government navy yard and the other two under the eight-hour law they will cost at least a million more.

Mr. HARDY. Will the gentleman permit? Has the committee ever undertaken to find out why a man in the Government employ can not do as much work as he can for a private individual?

Mr. FOSS. He gets paid for holidays. There are seven holidays, and then, in addition to the seven holidays every year, he is given 13 half Saturdays during the summer months, and then, in addition to that, he is given 15 days leave of absence, for which he is paid. In the Government navy yard he practically gets 28½ days each year for which he is paid.

Mr. HARDY. Does that apply to the ordinary laborer who is employed by the Government?

Mr. FOSS. Yes; that applies to all labor employed by the Government in the navy yards.

Mr. HARDY. Do these yards discharge a number of employees so as to cut down expenses?

Mr. FOSS. Undoubtedly they discharge men when they do not need them. Then, as I said a moment ago, in addition to that, the wages of the men in the navy yards are considerably higher. One of the chiefs of a bureau stated in his hearing that they were 20 to 25 per cent higher in a navy yard than in a private concern.

Mr. CALDER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. CALDER. Does not Admiral Watt, in his testimony, say that the output per man for a working-day is fully as great in the navy yards as in the private yards, in his judgment.

Mr. FOSS. I think he made that statement.

Mr. CALDER. He says that in his testimony. He says, "I make this statement without any reservation whatever."

Mr. BUTLER. He says that skilled labor is used instead of common labor.

Mr. PADGETT. He stated that, with the cost of holidays, and so forth, the cost was much greater in the navy yards than in the private yards.

Mr. LOUD. Did he not also state that skilled labor was used instead of common labor?

Mr. FOSS. Yes; and in private yards they work by piecework and subcontracts, and that is not generally true with respect to Government yards.

This expense of leaves of absence amounts to a good deal in our Navy every year. In all the navy yards and stations 15 days' leave of absence amounted to $963,000 during the last fiscal year, and then the seven holidays and the Saturday afternoons amounted to $591,000 in the fiscal year 1910.

Mr. HARDY. That, however, includes the men that would be employed on these colliers, together with all the men that are now employed, does it not?

Mr. FOSS. Yes. That would include all the men that are engaged in work in any way in the navy yards while colliers were being built or on repair work on the ships.

Mr. HARDY. You get rid of only a very small part of that cost by having these colliers built by private contracts?

Mr. FOSS. No.

Mr. HARDY. You have still got these other employees?

Mr. FOSS. Oh, yes; we still have the other employees.

Mr. HARDY. Did the committee investigate in order to see by what per cent the force would be increased if these colliers were built in a navy yard?

Mr. FOSS. No; the committee did not investigate the increase of force necessary.

Mr. HARDY. Would not that be a very small increase in proportion to the extra expense occasioned on account of present number of employees?

Mr. FOSS. That depends on the size of the ship you are building, of course. The collier is much smaller than a modern battleship. It does not cost as much, and it does not require nearly as many men to construct it.

Mr. HARDY. What I want to know is, how much saving from the expense of these holidays and this vacation would result from the building of these colliers in the private shipbuilding yards?

Mr. HUGHES of New Jersey. The gentleman from Illinois knows it would not make any difference at all.

Mr. FOSS. If you are building a battleship, it is necessary to have more men there, and the more men you have the greater will be the cost for these holidays and Saturday afternoons.

Mr. HARDY. I know the gentleman did not intend that inference to be drawn from his reply, but from the way the statement comes out it seems to leave the inference that by having these colliers built by private contract you would save the $963,000 for leaves of absence and the $591,000 for holidays and Saturdays, whereas my understanding is that the saving would be but a very small proportion of that.

Mr. FOSS. No. The saving depends upon the amount of work done in the navy yard, and if you are building a great battleship in the navy yard probably nine-tenths of the activities of the yard, or at least three-fourths of the activities of the yard, are centered around that battleship.

Mr. HARDY. It occurs to me that the actual saving is that proportion of this $900,000 and this $590,000 that is borne by the increased force necessary as compared with the regular force.

Mr. FOSS. Yes; it would be proportional to the number.

Mr. HARDY. And that increase, as I understand, you have not figured out?

Mr. FOSS. No; we have not figured on it.

Mr. PADGETT. Coming down to a concrete proposition, I may say that we authorized in the former bill two battleships, sister ships—one let at private contract and the other to be built at a Government navy yard. The contract price for the battleship that was to be built in a private yard was $3,946,000. For the battleship that was authorized to be built in a navy yard the limit of cost was fixed at $6,000,000, and that limit is increased in this bill by $400,000, so that in the end the battleship built in the private yard will have cost $3,946,000, while the navy-yard ship will have cost $6,400,000.

Mr. FITZGERALD. Yes; but you have included over $900,000 of overhead charges which practically go on in the yard whether the ship is building there or not.

Mr. PADGETT. Yes; but the other one has overhead charges, too.

Mr. FITZGERALD. What other one?

Mr. PADGETT. We are just taking the actual cost of a contract ship, and what an identical ship costs when built in a navy yard.

Mr. FITZGERALD. You have charged about $900,000 of the regular maintenance expense that should not be charged against the ship built in the navy yard, as I can demonstrate.

Mr. PADGETT. Admiral Watt testified that the increased cost of a navy-yard-built ship was 58 per cent, and there is no use in our dodging around that question.

Mr. FITZGERALD. Which statement is incorrect, of course.

Mr. PADGETT. It is correct, if you will take the figures here, $3,946,000 for the ship built under contract and $6,400,000 for the ship built in the navy yard.

Mr. STERLING. Will the gentleman from Illinois [Mr. Foss] yield for a question?

Mr. FOSS. Yes.

Mr. STERLING. Is it not a fact that the vessels built in the Government yards are better built than those built in private yards?

Mr. FOSS. That question was put up to the Secretary of the Navy in our hearings this year, and he stated that he saw no difference, that the contract-built ship was as well built as the navy-yard-built ship.

Mr. STERLING. I should like to ask one more question.

Mr. FOSS. Yes.

Mr. STERLING. Does the gentleman think that the fact that the Government is prepared to build these ships, and the fact that it maintains yards to build them, has any influence on the bids by private parties? Does it not tend to keep down the cost of building in that way?

Mr. FOSS. In my judgment it has not had any effect whatever; that is to say, before we entered upon the construction of ships in the navy yards, we were getting our battleships built at a reasonable cost, and much less than the cost of the ship that was built in the Government navy yard.

Mr. STERLING. That was at a different period, when material and labor were lower, was it not?

Mr. FOSS. I have here a table showing the cost of our battleships that we have in the Navy to-day, from the *Indiana* down to the present time, and it shows that there has been a gradual reduction in the cost per ton right along down by private contracts, and that the ships which have cost the most have been those built in Government navy yards.

Cost of battleships, hull and machinery, exclusive of armor and armament, as reported by the Bureau of Construction and Repair, December 10, 1910.

BATTLESHIPS.

Ships.	Authorized.	Normal displacement.	Contract price.	Cost per ton of normal displacement.
		Tons.		
Indiana	1890	10,288	$3,063,000	$297.72
Massachusetts	1890	10,288	3,063,000	297.72
Oregon	1890	10,288	3,222,810	313.26
Iowa	1892	11,346	3,010,000	265.29
Kearsarge	1895	11,520	2,250,000	195.31
Kentucky	1895	11,520	2,250,000	195.31
Alabama	1896	11,552	2,650,000	229.40
Illinois	1896	11,552	2,595,000	224.64
Wisconsin	1896	11,552	2,674,950	231.56
Maine	1898	12,500	2,885,000	230.80
Missouri	1898	12,500	2,885,000	230.80
Ohio	1898	12,500	2,899,000	231.92
Virginia	1899	14,948	3,590,000	240.16
Nebraska	1899	14,948	3,733,600	249.77
Georgia	1899	14,948	3,590,000	240.16
Rhode Island	1900	14,948	3,405,000	227.79
New Jersey	1900	14,948	3,405,000	227.79
Connecticut	1902	16,000	[1] 4,562,094	285.13
Louisiana	1902	16,000	[2] 4,188,468	261.78
Vermont	1903	16,000	4,179,000	261.19
Minnesota	1903	16,000	4,110,000	256.88
Kansas	1903	16,000	4,165,000	260.31
Idaho	1903	13,000	2,999,500	230.73
Mississippi	1903	13,000	2,999,500	230.73
New Hampshire	1904	16,000	3,748,000	234.25
South Carolina	1905	16,000	3,540,000	221.25
Michigan	1905	16,000	3,585,000	224.06
Delaware	1906	20,000	3,987,000	199.35
North Dakota	1907	20,000	4,377,000	218.85
Florida	1908	21,825	[3] [4] 6,000,000	274.91
Utah	1908	21,825	[3] 3,946,000	180.80
Wyoming	1909	26,000	[4] 4,450,000	171.15
Arkansas	1909	26,000	[4] 4,675,000	179.81
Texas	1910	27,000	[5] 5,760,000 to 5,830,000	213.33 to 215.93
New York	1910	27,000	[6] 7,293,000	270.11

[1] Built at navy yard, New York, N. Y.; actual cost, as reported to Congress, by the Navy Department on Apr. 18, 1908.

[2] Actual cost, including all bureau, navy-yard inspection, changes, and other charges not included in contract price in same manner as said charges were made for sister vessel, the Connecticut, and in order to be directly comparable therewith. This cost is as reported to Congress by the Navy Department on Apr. 18, 1908.

[3] Building at Navy yard, New York, N. Y.; limit of cost.

[4] Loading at normal displacement greater than for previous ships.

[5] Bids of Newport News Shipbuilding & Dry Dock Co. were $5,760,000, $5,775,000 $5,790,000, $5,830,000, depending on plans and type of machinery. Contract not ye, awarded.

[6] Estimated cost as submitted from the navy yard, New York, N. Y.

Since the receipt of the above communication the Committee on Naval Affairs has been informed by the Navy Department, under date of December 7, 1910, that the limit of cost of the *Florida*, hull and mach'n-ery, exclusive of armor and armament, will be $6,400,000, making the cost per ton of normal displacement $293.24, instead of $274.91, as set forth in the above table. The *Florida* is being built in the navy yard at New York, and her sister ship, the *Utah*, is being built by private contract at the cost of $180.80 per ton of normal displacement. The navy-yard-built ship is being built at an increased cost of $112.44 per ton of normal displacement over her sister ship, the *Utah*, which is being built by private contract.

Mr. STERLING. I understand it is your opinion, then, that the fact that we have navy yards where it is possible to build these ships without resorting to private contracts has had nothing to do with the gradual reduction in cost.

Mr. FOSS. In my opinion, it has had no effect whatever.

Mr. CALDER. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. CALDER. Did not Admiral Watt, in his testimony, say that the building of the *Connecticut* at a Government yard had a very salutary effect upon the bidders for the vessels after that period?

Mr. FOSS. I think Admiral Watt did say that. He is a naval constructor; but I would say to the gentleman that the *Connecticut* cost $285 a ton. The ship prior to the *Connecticut* was the *New Jersey*, and that ship cost $227 a ton. There is a difference of nearly $50 per ton in favor of the private-contract ship. Then the next, after the building of the *Connecticut* in a Government navy yard, was the *Vermont*.

The *Vermont* was built for $261 per ton. That is $24 per ton less than the *Connecticut*. Since that time there has been a reduction per ton in the cost of ships, until we get down to the *Wyoming*, which cost only $171 per ton. There has been a gradual reduction in the cost of the building of ships.

Mr. PRINCE. Will the gentleman yield?

Mr. FOSS. I will yield to my colleague.

Mr. PRINCE. Will the gentleman be kind enough to tell us when the *Texas* was built and how much it cost?

Mr. FOSS. The *Texas* was built at a Government navy yard a good many years ago—in 1892—nearly 20. It was built in a Government navy yard, and it cost nearly as much to build the *Texas*, a ship of about 6,000 tons, as it did to build the *Indiana*, which is a ship of 10,000 tons.

Mr. PRINCE. What was the cost?

Mr. FOSS. About $3,000,000.

Mr. PRINCE. Is the *Texas* now used as a part of the naval force?

Mr. FOSS. She is out of commission.

Mr. PRINCE. Is it true, as has appeared in the public prints, that it is to be manned with manikins and used as a target for destruction?

Mr. FOSS. I have not heard anything about it.

Mr. PRINCE. It is so stated in the public prints.

Mr. FOSS. It may be; she is not good for much else, as far as that is concerned.

Mr. PRINCE. Could not she be used as a training ship for students at Annapolis?

Mr. FOSS. She is not an up-to-date ship. She was a poorly constructed ship, built on English plans which the Secretary of the Navy, Mr. Whitney, I think, secured from an English naval architect. It was our first experience in building ships in the navy yard. The old *Texas* has always been regarded as the clown of the American Navy.

Now, Mr. Chairman, in regard to battleships, I have spoken of the difference in cost of building ships in Government yards and private yards, with reference to colliers.

Under the act of May 13, 1908, Congress authorized the construction of two first-class battleships, to cost, excluding armor and armament, not to exceed $6,000,000, and provided that one ship should be built in the navy yard. These battleships were afterwards named the *Utah* and the *Florida*. The *Florida* is under construction to-day in the New York Navy Yard, and the *Utah* is being built by a New York shipbuilding company, and her contract price is $3,946,000 for hull and machinery. But this year in our naval appropriation bill we are recommending a provision to increase the limit of cost on the *Florida* from $6,000,000 to $6,400,000. So that this navy-yard battleship will cost $6,400,000, whereas her sister ship is now under contract, being built by a New York shipbuilding company, for a little less than $4,000,000. It cost the United States Government two and a half million dollars more to build this battleship in a Government yard than to build it by private contract. Now, do you want to do it? Here is the letter of the Secretary of the Navy on the subject:

BATTLESHIP "FLORIDA," TO INCREASE LIMIT OF COST.

NAVY DEPARTMENT,
Washington, December 7, 1910.

SIR: I have the honor to inclose herewith for your information copy of the department's letter of this date addressed to the chairman Committee on Appropriations, House of Representatives, relative to making a provision for increasing the limit of cost, exclusive of armor and armament, of the battleship *Florida*, authorized by the act of Congress approved May 13, 1908, to $6,400,000, an increase of $400,000.

Respectfully, yours, G. V. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

NAVY DEPARTMENT,
Washington, December 7, 1910.

SIR: In order that there may be no interruption in the orderly progress of work on the battleship *Florida*, and to avoid any delay in her completion and consequent commissioning, a provision should be made increasing the limit of cost, exclusive of armor and armament, of the battleship *Florida*, authorized by the act of Congress approved May 13, 1908, to $6,400,000, an increase of $400,000. A provision such as suggested will not require additional funds at this time, as there was a sufficient margin between the limit of cost and the actual cost of the *Utah* to more than offset the increased expenditures on the *Florida*.

The progress of work on the *Florida* at the navy yard, New York, has been such as to now indicate that it can not be completed within the limit of cost of $6,000,000, and an increase of $400,000 will be required, which will be at a cost per ton of normal displacement of $293.24, as compared with a cost of $180.80 per ton of normal displacement for the *Utah*, the contract price of which is $3,946,000.

The department respectfully urges that a provision such as herein suggested be included in an urgent deficiency bill in addition to the estimate of $550,000 under the appropriation "Public works, Bureau of Yards and Docks, navy yard, New York, N. Y.," for dry dock No. 4, transmitted to the Secretary of the Treasury under date of December 5, 1910.

Respectfully, yours, ——— ———.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Mr. CALDER. Will the gentleman yield?

Mr. FOSS. Certainly.

Mr. CALDER. Is not a million dollars of that in overhead charges, which will be fixed charges on the yard?

Mr. FOSS. Nine hundred and fifty thousand dollars in overhead charges; yes. These overhead charges relate to shop expense, power expense, and to general expense. Every yard has its charges of maintenance. If you build a battleship in it, it costs so much more to maintain it than if you did not. Nine hundred thousand dollars of indirect charges have been charged up against this battleship which never would have been expended if this battleship had not been constructed there.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSS. Certainly.

Mr. FITZGERALD. The *Utah* is a 21,000-ton ship?

Mr. FOSS. Twenty-one thousand eight hundred and twenty-five tons.

Mr. FITZGERALD. The *Louisiana* is 16,000?

Mr. FOSS. Sixteen thousand tons; yes.

Mr. FITZGERALD. The contract price of the *Louisiana* was $3,390,000, built in competition with the *Connecticut?*

Mr. FOSS. The contract price is $4,188,000; that is, the *Louisiana*.

Mr. FITZGERALD. The contract price of the *Delaware* was $4,000,000?

Mr. FOSS. Three million nine hundred and eighty-seven thousand.

Mr. FITZGERALD. That was a sister ship?

Mr. FOSS. She was a ship of 20,000 tons.

Mr. FITZGERALD. The *Connecticut* and the *Louisiana* were the first ships about which there was any competition between the navy yards and private construction?

Mr. FOSS. The *Connecticut* and the *Louisiana;* yes.

Mr. FITZGERALD. The next competition was on the *Utah* and the *Florida?*

Mr. FOSS. Yes.

Mr. FITZGERALD. And when this competition was initiated the department was able to get a contract for something less than $4,000,000 for a 21,000-ton ship, when previously it had made a contract for a 16,000-ton ship for more money. Does the gentleman think that the competition had anything to do with the fact that they put the price down on a ship 25 per cent larger?

Mr. FOSS. I do not think it had anything to do with it. I do not think the building of a ship in the Government navy yard has anything to do with it. If the ship in the Government navy yard had been built for less than we had built any ship in the Navy, then it would have had something to do with it, but the *Connecticut* cost a good deal more than any ship built immediately preceding or thereafter.

Mr. FITZGERALD. It cost about $400,000 more, and that was the first time a ship was ever built in the navy yard, and a ship was built in competition with it. And it was the first time ships were ever built within three years of the time fixed in the contract.

Mr. FOSS. I do not understand.

Mr. FITZGERALD. These two ships, the *Louisiana* and the *Connecticut*, were the first two ships in the history of the Government that were ever built within three years of the time fixed in the contract for the building of the ships.

Mr. FOSS. I would hardly think that is true, I would say to the gentleman. I have not looked it up.

Mr. FITZGERALD. I have looked it up very carefully, and I never found one that was built in less than from 36 to 42 months over the time fixed by the contract until the private builders were put in competition with the Government yards. Instead of taking three years time, the time fixed in the contract, they took seven years, and the ships were almost obsolete before they were half completed, and the changes that were made necessary in them were changes that resulted in enormous profits to the private builders.

Mr. STERLING. How many companies are there in the United States capable of building ships like this?

Mr. FOSS. I will reach that question a little later, I will say to the gentleman. I want to go on now with this matter of battleships. I have just said that there is a difference of about two millions and a half in building the *Florida* in a Government navy yard over that of the *Utah*, built by a private contract, and in this bill we have inserted a provision increasing the limit of cost on the *Florida* from $6,000,000 to $6,400,000.

Mr. CALDER. Will the gentleman yield there?

Mr. FOSS. No; I want to go along a little further and then I will yield to the gentleman.

Mr. CALDER. I want to call the gentleman's attention to the very thing he has spoken of.

Mr. FOSS. Well, if it is simply a question.

Mr. CALDER. I want to call the gentleman's attention to Admiral Watt's testimony, when he says that the estimated cost of the *Florida* is $6,153,000 and not $6,400,000.

Mr. FOSS. That is simply for his bureau and engineering, I think.

Mr. CALDER. Oh, no.

Mr. FOSS. There will be quite a little more than that added to it for equipment. I have a letter here from the Secretary of the Navy, which I shall put in the RECORD right on that point. Now, last year we provided for two first-class battleships, the *New York* and the *Texas*, and we provided that one of them should be built in the navy yard, the limit of cost not to exceed $6,000,000.

The new *Texas* is already contracted for, and you will recall that under the act of last year these ships must be built under the eight-hour law. Now, the *Texas* has already been contracted for by the Newport News Co. at $5,830,000, but the *New York*, by reason of the fact that it could not be built within the limit of cost of $6,000,000, has not yet been contracted for.

Mr. WILSON of Pennsylvania. Do I understand the gentleman to say that one of these ships has already been contracted for?

Mr. FOSS. Has been contracted for with this eight-hour provision.

Mr. WILSON of Pennsylvania. And that the eight-hour law is in the contract?

Mr. FOSS. Yes.

Mr. WILSON of Pennsylvania. And yet it is proposed to repeal this eight-hour proviso after this contract has been made?

Mr. FOSS. It has already been contracted for with the Newport News Co., but I understand the company would be very glad to modify the price in case Congress should modify the provision under which it was authorized.

Mr. WILSON of Pennsylvania. Is there any reason why we should want to modify the law after it has been enacted?

Mr. FOSS. Well, if Congress did modify the provision in accordance with the recommendation made in this bill, it would, in my judgment, save the Government over a million dollars. If we should provide that the *New York* be constructed by private contract, without any limitation as to the eight-hour law, we would save in the construction of that ship more than two and a half million dollars, and then, with the modification of the contract of the *Texas* with the Newport News company, we would save another million, and there would be three and a half million dollars at least saved in the construction of those two battleships authorized last year.

Mr. WILSON of Pennsylvania. If the gentleman's own statement is correct, the only saving that is attained is at the expense of the wageworkers engaged in building these battleships for the Government.

According to the gentleman's own statement the only saving that is attained is by virtue of the fact that those engaged in private yards are not given the privileges that Government employees are given and are not required to cease work at the end of eight hours, as required in the Government institutions today, and they are paid less wages than they are in the Government navy yards, and consequently the only saving, according to the gentleman's own statement, is a saving at the expense of the wageworkers.

Mr. FOSS. Well, the difference in the cost of construction of ships in private yards and Government navy yards is due to a number of causes. The difference in wages is one thing, the difference in hours of labor is another thing, leaves and holidays is another. Then, too, the fact that our navy yards are under military organization is another thing.

Mr. FITZGERALD. That is only lately, is it not?

Mr. FOSS. But if our navy yards were under civilian organization I do not think there would be as great a difference.

Mr. FITZGERALD. May I ask the gentleman a question on that point? This bill has a provision which permits the so-called Meyer system to continue in force a year, has it not?

Mr. FOSS. Yes.

Mr. FITZGERALD. That is the system which has placed these yards under military control. Is not that the fact?

Mr. FOSS. They have been always under military control——

Mr. FITZGERALD. This is the provision that puts line officers who are educated to handle and fight ships in charge of construction work that they know nothing about.

Mr. FOSS. They are in charge of a large part of the industrial establishment.

Mr. FITZGERALD. Is it not a fact that great economies would be effected in this work in the yards if the line officers were sent to sea on the ships and men who have made a specialty of construction were put in charge of this work?

Mr. FOSS. Well, that is my view of it, I will say to the gentleman, and I will say further that if you separate the strictly military duties of a yard from the industrial duties and introduce more of the civilian element into the industrial operation of the yard that would bring down the cost of these Government-built ships.

Mr. FITZGERALD. Would it not be better to cease——

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois that he has but five minutes remaining.

Mr. FOSS. Now, I just want to——

Mr. FITZGERALD. Would not it be much better economy in administration if, instead of continuing the so-called Meyer plan, Congress were to stop it, and compel the department to install a plan that would result in greater efficiency and economy?

Mr. FOSS. I will say to the gentleman I am in favor of continuing this plan for the next year, so the Navy Department might have opportunity to make a fair and reasonable trial of it.

Mr. FITZGERALD. The gentleman knows it has been a failure so far. Why should he be willing to continue that plan at a greater expense to the Government and then complain against the plan of building ships which will control the operations of the Shipbuilding Trust, because he thinks we are somewhat more favorable to the mechanics than to those who have the capital invested?

Mr. FOSS. I think the department ought to have another year's trial, anyway.

Mr. FITZGERALD. I will say to the gentleman that they will not if I can help it.

Mr. FOSS. Some of the Members of the House have received a great many letters and petitions on this subject of building ships in Government navy yards, and I want to correct some of these impressions which may have gotten out. First, it has been stated that the repairs on a Government-built ship are larger than those on a private-built ship, the case of the *Louisiana* and the *Connecticut* being cited, the *Connecticut* being a navy-yard-built ship and the *Louisiana* a private-yard-built ship. Now, the facts are just the reverse, and I intend to put in the RECORD a statement showing the repairs on the contract-built ship have been less than on the navy-yard-built ship.

Statement showing cost of repairs to the U. S. S. Connecticut and to the U. S. S. Louisiana to December 1, 1910.

	Connecticut.	Louisiana.
Bureau of Equipment	$122,765.91	$53,525.51
Bureau of Ordnance	47,689.28	40,894.56
Bureau of Construction and Repair	365,779.14	308,978.02
Bureau of Steam Engineering	98,000.38	143,952.93
Total	634,234.71	547,351.02

The expenditure for the *Connecticut* includes the cost of fitting her as a flagship and for repairing her bottom after grounding; and that for the *Louisiana*, the cost of changing her engines from inturning to outturning, amounting to $17,513.53.

Mr. FITZGERALD. Is it not a fact that this report in the cost of repairs shows favorably to the private-built ship since the Meyer plan has gone into effect? It has never showed so before. The cost of repairs now seem to be higher on the yard-built ship. It never was so until the change in cost keeping, which makes a better showing for the private yard.

Mr. FOSS. Second, the statement that the building of ships in a navy yard has lowered the cost in private yards. That, in my opinion, can not be shown, as I have before stated. Third,

another reason which has been given in favor of Government construction of ships is that it tends to break up any combination on the part of private shipbuilders. This is disproved by the fact that there has been no evidence of any combination in the building of battleships. We have had a large number of bids in every case, except on the last ship, where we had only one, in consequence of the eight-hour law. We had seven bidders in the case of the *Virginia*, *Nebraska*, and *Georgia;* four bidders in the case of the *New Jersey* and *Rhode Island;* five bidders in the case of the *Connecticut* and *Louisiana;* five bidders in the case of the *Vermont* and *Kansas;* six bidders in the case of the *Minnesota* and *Idaho;* six in the case of the *New Hampshire;* five bidders in the case of the *South Carolina* and *Michigan;* four bidders in the case of the *Delaware* and *North Dakota;* four in the case of the *Florida* and *Utah;* and four in the case of the *Wyoming* and *Arkansas.*

And these bids have been sufficiently far apart, I would say—a number of thousands of dollars—to indicate that there has been no combination on the part of the shipbuilding concerns of the country.

Mr. FITZGERALD. How about the torpedo boats, where six or seven firms bid for four or five boats, and only bid for one boat apiece? Is that an indication of the combination, or just a division of the spoils?

Mr. FOSS. We have built no torpedo boats in the navy yards. There is a similarity of bids——

Mr. FITZGERALD. They bid on only one or two, between five and six firms.

Mr. FOSS. If the gentleman will permit, a torpedo-boat destroyer costs about $800,000, whereas a battleship runs up into millions of dollars, and there would be a nearer approach of bids on smaller ships than on larger ones.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RAINEY].

[Mr. RAINEY addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Ohio [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, in the very beginning of my remarks I wish to state that labor is a divine institution.

When the Great Creator had finished His handiwork, and the beautiful world rolled in its magnificent splendor through the fields of ether, gladdened by the rays of the sun by day and made dreamily beautiful under the sweet influence of night's luminary, He looked upon His masterpiece and said "It is good."

To rule this majestic tenant of infinite space He created man and gave him dominion over all that therein was; and when man, the greatest of all the forms of life He had called into being, disobeyed the solemn injunction He had laid down for his guidance, He deprived him of his inheritance and issued the mandate: "In the sweat of thy face shalt thou eat thy bread."

Here, then, in the infancy of the world, amid the splendors and the God-given beauties of the Garden of Eden, was the institution of labor first inaugurated by the Creator of the heavens and the earth.

The direct command to labor, and to earn the sustenance of life in "the sweat" of our face, came direct from God to man, and he who shirks this first duty and lives by the labor of others, eats his bread in the sweat of his brother's face, defies the law of both God and man, and, in his puny strength and human conceit, essays the impossible task of reordering the foundation of all human society and repealing the first great law given by the Divine Lawgiver from His throne on high.

Let, then, no man be ashamed that his creature comforts and his daily needs are secured through the sweat of his face and the labor of his hands, for he who labors follows the mandates of the King of Kings, and by reason of his labor and by reason of his obedience to this first edict of Jehovah ennobles himself beyond and above him who in idleness and disobedience receives rank from potentate or king, but who, like the lily, "toils not, neither doth he spin."

Not only to man did the injunction to labor go forth, but it attached to all animate creatures.

The beasts of the field must seek by constant bodily exercise and fatigue the sustenance provided for them.

The birds of the air must wing their flight from place to place to provide the means of existence.

The bee, that paragon of industry, must, with indomitable energy, flit from flower to flower and drop by drop gather the sweets that he is to distill and store for his reserve when the hour of enforced inaction arrives; and the drone who seeks to profit by the labor and frugality of others is driven forth to execution.

Thus, in the great scheme of creation, there is no place for the idler or the loafer. The garnered sweets of life are the fruits of labor and the badge of manhood, of respectability and native worth, is attested by the horny hand and the bronzed face and not by the tinseled decorations of kings and princes.

Labor having been instituted by divine decree and the efforts of man having provided comfort and repose, peace and plenty, another law of nature asserted itself, and that was the selfish desire of the few to live at ease at the expense of the many.

In the animal it was the physically strong who garnered where they had not strewn, and ate of the feast that the weaker had prepared for his own consumption.

The drone sipped the honey the worker had gathered from the fields and the flowers.

In man it was the cunning who preyed upon the less suspicious though more industrious brother and reaped the fruits of other's sowings.

Thus two classes arose in human society, the one the workers, who made the land to blossom and to bloom; the other the useless drone who feasted on the beauty of that blossom and the flavor of that bloom, and in idle indulgence squandered the product of his more thrifty neighbor.

In order to abate this evil and to secure to each the just reward of his efforts and compel a recognition of his divine rights at the hand of the oppressor—the cunning and unproductive drone—labor had to work in unison and harmony, each unit with other units, and thus unionism was instituted in the age of the patriarchs.

It would be well for us to understand that labor unionism is not a creature of yesterday, of last year, or of the last century, but that it is older than Christianity and dates back of the present-day civilization by hundreds and by thousands of years.

When, under the burning sun of Egyptian skies, Moses saw his brethren in bondage tottering under their burdens, and scourged by the taskmaster to an impossible exertion, his great heart was filled with sympathy and pity, it was then his great mind and great energies began to formulate a plan whereby their conditions could be improved and their labors fittingly rewarded.

He organized them, and in the secret places of the desert they formed the nucleus of that organization that was, ere long, to make the throne of the mighty Pharaoh totter to its fall.

Through their fearless and able leader, they presented their grievances to their tyrant master and demanded redress. Upon his refusal there was instituted the first strike in the history of the world. It was the strike of the unionized tribes of Israel against the long hours, the scant wages, and the vile oppressions of the Pharaohs. And the strike was won.

Though it took the scourge of plagues and the intervention of Deity, yet that first labor organization carried to a successful conclusion their inaugural strike. The demands of Israel were complied with. They were allowed to go out to seek other employment in their own way and under their own laws and wage scales.

But, like some of the Pharaohs of the present generation, their master repented his generosity and sent his armies to force them back.

There was the first military intervention to force upon labor the will and the wage scale of the employer. But it failed, and that army was swallowed up in the waters of the sea.

Coming on down through the ages, we again find in Holy Writ evidences of labor organizations.

At the building of Solomon's Temple the Tyrean artisan and labor leader, Hiram, organized the laborers on that work, and so thoroughly was the organization perfected that the laborer who accepted a wage other than that fixed by the union's wage scale was driven out by his fellows and stoned. Solomon's Temple, the greatest, the most stately, and magnificent structure of antiquity, that sanctuary for the Ark of the Covenant and the worship of the great and only God, was constructed by organized labor.

Through the history of Greece during the Golden Age and in the history of Rome when she sat upon her seven hills and ruled the world we find labor organizations as part and parcel of the great scheme of administration.

So, my friends, you see the wisdom of the ancients, as well as the civilization of the present, give indorsement to the creed that the laborer is worthy of his hire, and in order to force from greed and oppression that just hire the laborer, the artisan, and

the craftsman have, in all ages, combined and worked together in unionized society for the protection and the uplift of him who, following the divine injunction given at the portals of Eden the Blest, bade man go forth to "eat his bread in the sweat of his face."

To those who have not given the labor question a careful study and who know the labor union only as it exists to-day, it might appear that the organization has simply been the result of a social and economic evolution, made necessary by the changing industrial conditions of the universe. But the right of the workingmen to organize for the purpose of protecting themselves, for bettering their wages, for improving their social and educational standards, and even to prevent the wealthy classes from grinding them into a state of abject servility has been won only after the most strenuous and heroic efforts on the part of able, aggressive, and fearless men.

In this connection, I want to read an article which appeared in a recent issue of the Outlook Magazine, written by Samuel Gompers, president of the American Federation of Labor, on "Labor's struggle for the right to organize:"

LABOR'S STRUGGLE FOR THE RIGHT TO ORGANIZE.

[By Samuel Gompers, president of the American Federation of Labor.]

Laboring men have been subjected to many relentless prosecutions and bitter persecutions in the years gone by when making a collective effort to promote their own welfare and prosperity. The most oppressive enactments commenced in England in or about the year 1348, soon after the black plague. The black plague cut down the ranks of the laborers particularly; it has been estimated that 50 per cent of the laborers perished during that epidemic. This reduction in the supply of workers had the effect of practically doubling the rate of wages, and a statute was passed by Parliament prohibiting laborers from accepting higher wages than they had been receiving before the black plague. Another statute was passed going so far as to prescribe what the workers should eat and their clothing. That statute made it a penal offense for a laboring man to eat better food or wear better clothing than the prescribed limitations written in the statute.

Some 200 years later the English Parliament, in 1563, enacted a statute authorizing justices of the peace to fix the wages of laborers in England, and made it a crime for laboring men to accept higher wages than those prescribed by the justice of the peace, and that statute remained in effect and was rigidly enforced for a period of 250 years; and it was not until the year 1815 that this rigorous and abhorrent statute was repealed, and only then because the justices of the peace were suspected of being too liberal toward the English workers.

In or about the year 1553 the English Parliament enacted a law making it an "infamous crime" for workingmen to meet for the purpose of discussing the wages they should expect or the hours per day that they would toil, and in 1796 a similar statute was reenacted making it a crime for workingmen to assemble to discuss the hours of toil, the rates of wages, or any question bearing upon their industrial conditions. It was not until 1825 that this legal ban was removed from the workers of England, and even then the organizations that they had established received no legal status—they had no standing in the courts of the nation. It is recorded that as late as 1869 an official of a labor organization who had embezzled the funds belonging to his organization was prosecuted for the alleged crime, but the court dismissed the action on the ground that "labor organizations were unknown to the law of England, and the person committing the theft had not perpetrated a crime."

Prior to 1824 the law of England treated the workingmen who endeavored to secure an amelioration of their condition with great severity; strikes of any magnitude or duration were almost impossible, as all attempts at organization for such a purpose were prevented, as far as it was possible, by the law against combination which was then in force. The great labor disputes which had taken place previous to that time, and, in fact, for years afterwards, were spasmodic outbreaks of actual industrial revolt against innumerable grievances instead of deliberate arrangements and skillfully organized systems for bringing about rational changes in existing industrial conditions.

The combination laws in operation from 1799 to the time of their repeal in 1825 were extremely stringent in character; in fact, the preamble of the act of 1799 strikes the keynote of the industrial legislation of that period, in which it was stated: "Whereas great numbers of journeymen manufacturers and workmen in various parts of this Kingdom have, by unlawful meetings and combinations, endeavored to obtain advance of their wages and to effectuate other illegal purposes, and the laws at present in force against such unlawful conduct have been found to be inadequate to the suppression thereof, whereby it has become necessary that more effectual provision should be made against such unlawful combinations and for preventing such unlawful practices in the future and for bringing such offenders to more speedy and exemplary justice."

The act went further, and declared null and void all agreements "between journeymen manufacturers or workmen for obtaining an advance of wages or for lessening or altering their hours of labor and for various other stated purposes." Even the act of 1825 held that it was "unlawful for persons to meet for the purpose of consulting upon and determining the rate of wages or prices which the persons present at such meeting should demand for their work."

The interpretation of the law was left to the courts, and the judges promptly declared labor combinations to be unlawful at common law on the ground "that they were in restraint of trade." These decisions led to further and continued agitation on the part of the workmen, and in 1859 a law was enacted providing that workmen should not be held guilty of "molestation" or "obstruction" under the act of 1825 simply because they entered into agreements to fix the rate of wages or the hours of labor or to endeavor peaceably to persuade others to cease or abstain from work to produce the same results. Again the interpretation of this law by the courts was unsatisfactory to its creators, and in 1867 a royal commission was appointed to inquire into the subject and report upon it to Parliament. The result of this investigation brought forth two acts in 1871—(1) the trade-union act; (2) the criminal-law amendment act. The latter statute repealed the acts of 1825 and 1859. This new act made some stringent provisions against employers and against employees in order to prevent alleged coercion, violations, threats, etc. But there was no prohibition against doing or conspiring to do any act on the ground that it was in restraint of trade, unless it came within the scope of the enumerated prohibitions.

It was thought that by the passage of these two acts ordinary strikes would be considered legal, providing the prescribed limits were not exceeded. It was generally understood that if men undertook a strike they were not in danger of being prosecuted for criminal conspiracy. But in the following year Justice Brett held that "a threat of simultaneous breach of contract by men was conduct which the jury ought to regard as a conspiracy to prevent the company carrying on its business." The workmen were sentenced to 12 months' imprisonment. This decision and the severity of the sentence caused a widespread agitation in the country and a great revulsion of feeling, so much so that it resulted in the appointment of another royal commission, which reported to Parliament further alterations in the law, and in 1875 the home secretary, Mr. R. A. Cross, introduced a bill in Parliament entitled "The conspiracy and protection of property act." The bill passed and was approved August 13, and is known as the "Trade-union act of 1876." The former picket clauses of the act of 1871 were retained in the new law, but this important addition was incorporated in the act: "An agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be punishable as a conspiracy if such act as aforesaid when committed by one person would not be punishable as a crime." And in another section the definition of a trade-union is thus stated: "The term 'trade-union' means any combination, whether temporary or permanent, for regulating the relations between workmen and masters or between workmen and workmen or between masters and masters or for imposing restrictive conditions on the conduct of any trade or business, whether such combinations would or would not, if the principal act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade." Generally speaking, this act gave the English workingmen a wider latitude. One of the trade-union reports says concerning it:

"It has permitted us to do in combination what we are permitted to do as individuals, but which we were prohibited from doing in association before that law came into effect; it has more particularly established our rights; it has given us certain privileges and restrictions, and at the same time has laid equal privileges and restrictions upon employers."

In an important test case, "Allen v. Flood," on December 14, 1897, this act was sustained, and the British workmen believed that the code of industrial warfare was precisely defined so that they could carry on either defensive or offensive operations against employers without subjecting themselves to the penalties of the law. But in June, 1900, the celebrated Taff-Vale Railway dispute took place, in which a railway company obtained a decision with damages allowed in the sum of $119,842 for the alleged injury done to the railway company by the loss of its business and the extra expense involved arising out of "unlawful and malicious conspiracy of the defendants." This decision was rendered by Mr. Justice Farwell. An appeal was immediately taken to the court of appeals, which held that "there was no section in the acts of 1871 and 1876 empowering a trade union to sue or be sued, and that if the legislature had intended to make that possible, the legislature well knew how in plain terms to bring about such result;" and, further, the court of appeals ruled in conclusion: "As there is no statute empowering this action to be brought against the union in its registered name, it is not maintainable against the Amalgamated Society of Railway Servants, and these defendants must therefore be struck out, the injunction against them must be dissolved, and the appeal as regards these defendants must be allowed with costs here and below."

From this judgment of the court of appeals the Taff-Vale Railway Co. appealed to the House of Lords, and in pronouncing the concluding opinion of that court the lord chancellor said: "In this case I am content to adopt the judgment of Justice Farwell, with which I entirely concur; and I can not find any satisfactory answer to that judgment in the judgment of the court of appeals which overruled it. If the legislature has created a thing which can own property, which can employ servants, which can inflict injury, it must be taken, I think, to have impliedly given the power to make it suable in a court of law for injuries purposely done by its authority and procurement. The judgment of the court of appeals is reversed and that of Justice Farwell restored."

This decision was so startling that it was vigorously denounced as a scandalous illustration of "judge-made law" and "a perversion of the intent of Parliament by hostile judicial interpretation."

The British trade unionists immediately commenced a campaign to secure the amendment of the trade-union acts, by which the legislature should affirmatively and positively declare that the funds of trade unions were not liable for any act of a trade union that was not in itself criminal. The result was that in March, 1906, the Government brought in a bill amending the "conspiracy and protection of property act" to meet the demands of labor. This bill was passed December 21, 1906, and is known as the "trades dispute act," which, because of its importance and application, I quote. It is as follows:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

"It shall be lawful for one or more persons, acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm, in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

"Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute."

Thus the working people of Great Britain secured their right to organize and to exercise their activities upon the economic field for their own and for the common protection.

I shall not attempt here to trace the struggle of the working people of the United States to attain the right to organize. For the present article it is sufficient to call attention to the fact that the courts have recently decided that under the Sherman antitrust law individual members, as well as the entire organization of labor, may be mulcted in threefold damages which any employer or business man can show due to the activities of the workers by withholding their labor power and their patronage. In addition, they may be prosecuted and fined $5,000 and imprisoned for one year. Relief from this decision and from the abuse of the injunctive writ is sought to be obtained in the bill before Congress introduced by the Hon. WILLIAM B. WILSON, of Pennsylvania, and known as H. R. 25188. It is as follows:

"A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of 'conspiracy' in certain cases.

"*Be it enacted, etc.*, That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

"SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other civil or criminal offense, or be punished or prosecuted, or damages recovered upon as such, unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual; nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definitions contained in the first section of this act.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed."

The Wilson bill is, in effect, the British trades-dispute act. Surely what the monarchy of Great Britain has accorded to its workers should not be denied to the toilers of the Republic of the United States.

In our own day and time we can appreciate the wonderful accomplishments wrought by the hand of labor more readily than we can comprehend that which is seen in the retrospect only of ages long since vanished in the things that were.

We live in the greatest age of mankind and in the greatest and most wonderful country the sun has ever shone upon since the beginning of time.

It is but the span of a small life since the scenes we look upon to-day were the haunts of the savage and the beasts of the forest.

Only a few fleeting years since the war cry of the painted warrior and the piteous wail of his unhappy victim broke the stillness of the air now laden with the hum of human industry and the rumble of the wheels carry to the marts of the world the products of your hands and your industry.

But yesterday, as it were, the stealthy tread of the savage and the hunter stalked his game over the ground now occupied by happy homes and temples of commerce.

The whir of the engine now carries traffic at incredible speed where but recently the slow, plodding wagon of the thrifty, rugged pioneer crept from the overcrowded East to the golden West of opportunity and equal advantages to all.

How, may we ask, has this herculean task been accomplished in the narrow limits of a few brief years?

It has been accomplished by the brain and brawn, the energy and the muscle of the laborer, the man who, in obedience to the ordinance of God, went forth to win his bread in the sweat of his face.

It could never have been accomplished by the gilded youth of society or the feeble, unskilled hand of the timid idler in pleasure's palaces. It could never have been accomplished by the multiplied millions of the idle rich, nor by the effeminate brain of the tenderly nurtured darling or the gentle sybarite.

It was the work of men and of women; and of men and women in the full sense of the term. Courage, patience, and unremitting labor were demanded from the untamed soil and the savage wastes of the wilderness before they would yield their treasures of golden grain or marketable cattle or finished articles of commerce and crude material for manufacture.

Let me say to my fellow laborers, envy not the king upon his throne, the conqueror at the head of his victorious legions, nor the prince as he idles in his palace, for you are more worthy of man's respect than any crowned king, you are more worthy of the love and veneration of your fellow man than the conquering Cæsar or the mighty Hannibal, for you have done more to advance civilization and better your fellow man than the most illustrious prince that ever ruled a petty principality.

You have builded a nation. You have brought happiness and comfort into the lives of thousands. You have fed the hungry, clothed the naked, and administered to those in pain and sorrow and want. You have made a garden of beautiful blossom and fragrant bloom out of a wilderness. You have tamed the savage, brought the forces of nature to the aid of man, and have harnessed the mighty river and the dread lightning to make them do your will. In the sweat of your faces you have earned your bread, and in the honest purpose of your hearts and the tireless labor of your roughened hands you have earned, not alone those creature comforts of a narrow life, but the affection, the gratitude, and the applause of a thousand years yet to come.

No calling is more dignified by ancient lineage than the calling of the laborer. In no walk of life, I care not how high, is there such dignity, such honor, as is won by him who, with his hands, wins from grudging nature her priceless stores.

You are the salt of the earth, the architects that build not only the structures of commerce, civilization, and proud fortunes, but you are the builders of character, strong, forceful, manly characters, that will leave a generation of giants, moral, physical, and intellectual, when the puny offspring of those who look down on you have gone down to oblivion and eternal silence.

Labor is dignity. Labor is honor. Labor is repose of conscience and peace of soul.

All honor to labor and the laborer. He is the greatest gift of God to his country, his generation, and his posterity.

May his laurels never fade, and may his offspring never forsake the paths he has pointed out to them, and when the shadows of life grow long in the eventide of his existence, when the night draweth on when no man may work, may he go peacefully down to his last resting place and his memory dwell with those who yet linger on the shores of time as an incentive to greater deeds, a better life, a more useful existence, and more earnest effort for the betterment of mankind.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers and receiving ships, and other vessels; 2 clerks to general inspectors of Pay Corps; 1 clerk to pay officer in charge of deserters' rolls; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 44,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; $35,069,026: *Provided*, That a Medical Reserve Corps, to be a constituent part of the Medical Department of the Navy, is hereby established under the same provisions, in all respects (except as may be necessary to adapt the said provisions to the Navy), as those providing a Medical Reserve Corps for the Army and as set forth in the act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908: *Provided further*, That all officers of the Navy, who since March 3, 1899, have been advanced or may hereafter be advanced in grade or rank by the President, in accordance with law, shall be allowed the pay and allowances of the higher grade or rank from the date they take rank, as stated in their commissions: *Provided*

further, That the accounting officers of the Treasury are hereby authorized and directed to open and resettle, upon application, the accounts of volunteer officers of the Navy who served in the War with Spain, and to resettle such accounts in accordance with the decision of the Supreme Court of the United States in the case of the United States v. John M. Hite, reported in Two hundred and fourth United States Reports, page 343: *Provided further*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such officers.

Mr. MANN. Mr. Chairman, I make a point of order against the proviso, commencing with line 6, page 4.

Mr. ROBERTS. Will the gentleman yield for a question and withhold his point of order for a moment?

Mr. MANN. No. What is the use?

Mr. ROBERTS. I just wanted to ask the gentleman if there was any use in asking him to withhold it.

Mr. MANN. No. I make the point of order against the proviso commencing on line 6 of page 3, down to the end of the paragraph.

The CHAIRMAN. Down to the next proviso?

Mr. MANN. Down to the end of the paragraph.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard on the point of order?

Mr. FOSS. No; I do not. I concede the point of order.

Mr. HOBSON. Mr. Chairman, that does not make the whole paragraph subject to a point of order?

Mr. FOSS. It takes in all from line 6 down.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. HOBSON. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Alabama desires to offer an amendment.

Mr. HOBSON. It is this. On page 3, line 6, after the word "dollars," insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such naval officers, and that in construing the act of May 13, 1908, providing for the pay of the Navy, wherever no rate of pay is therein specified, the pay shall not be construed as less than Army pay for like conditions and grades.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will read.

Mr. MANN. Mr. Chairman, I reserve a point of order. That is practically the last proviso.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] reserve the point of order?

Mr. MANN. It has not been reported yet.

Mr. HOBSON. It is the last proviso, with an amendment.

The Clerk read the amendment, as follows:

On page 3, line 6, after the word "dollars," insert:
"*Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such officers, and that in construing the act of May 13, 1908, providing for the pay of the Navy, wherever no rate of pay is therein specified the pay shall not be construed as less than Army pay for like conditions and grades."

Mr. MANN. I make the point of order against the amendment as read.

The CHAIRMAN. The Chair is of the opinion that the amendment is subject to a point of order, and the Chair sustains the point of order.

Mr. HOBSON. Now, Mr. Chairman, I offer as an amendment the following:

In line 6, after the word "dollars," add:
"*Provided*, That in construing the law of May 13, 1908, providing for pay of the Navy, wherever no rate of pay is therein specified the pay shall not be construed as less than Army pay for like conditions and grades."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment.

Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Provided further, That in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress.

Mr. FITZGERALD. I make the point of order on the paragraph, commencing with line 22, page 6, down to the end of the paragraph.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. AMES. That is a change of bookkeeping, not a change of law.

Mr. FITZGERALD. It provides for charging up these indirect charges against all work done in the yards.

Mr. FOSS. Last year it was inserted in the naval appropriation bill.

Mr. FITZGERALD. It was a very bad thing to put in the law, but it escaped my attention.

Mr. FOSS. Under that we established a system of keeping an account of these indirect charges in our navy yards. It seems to me it is not subject to the point of order. We established this system of indirect charges last year, and they were paid for from this appropriation. Now, this simply continues it.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Illinois whether there is any law for this except what is found in the last appropriation bill.

Mr. FOSS. That is the law.

Mr. FITZGERALD. I reserve the point of order, Mr. Chairman. I wish to give the committee some information about the operation of this method of indirect charges in the yards, and as to the increase in the reported cost of building battleships in the yards under this new system. This diagram, which I have had placed where Members can see it, represents in this lower line the work being done upon a battleship in the yard at New York.

Some time about 1902 work commenced in the New York yard upon the battleship *Connecticut*. This line indicates the amount of money being spent at various periods upon that ship. In 1905 the maximum amount in one year was being expended, something over $1,000,000. That was for labor alone. Then as the ship neared completion, the amount of labor being done fell off until 1907, when no work whatever was being done.

About the beginning of 1908 work on the battleship *Florida* commenced, and this line indicates the amount of labor being done on that ship up to the commencement of the year 1910.

This next line represents the maintenance cost of the yard from 1902 up to 1910. From 1902 to 1909 the maintenance cost increased on an average about one hundred and fifteen thousand and some odd dollars a year. Members of the committee will notice that that increase went on regardless of whether there was a ship being built in the yard or whether there was no ship being built in the yard. That continued until 1909, when a new system of cost keeping was established, and when the cost of maintenance of the yard dropped from $1,800,000 in one year to $1,100,000, and unexpectedly, it was discovered that the battleship *Florida* was costing very much in excess of what had been anticipated. Now, in this period, up to July 1, 1908, the amount of money expended for labor at that yard was $4,284,053, and the cost of general maintenance, including repairs of buildings, offices, shops, machinery, yard tugs, pay of draftsmen, clerks, messengers, watchmen, and so forth, for 1908 was $1,895,945. In 1909 the labor cost was $4,200,111; cost of general maintenance, including the items indicated, $1,943,413.

In 1910, when this drop took place, the amount expended for labor in the yards was $5,173,573, and the general maintenance cost was $1,127,347. That is, although the labor cost of the work done in the yard increased over 25 per cent, the cost of maintenance decreased about 35 per cent. Or, under this new system of bookkeeping, all of these maintenance charges were unloaded from the ordinary accounts of maintenance of the yards, over on to the cost of the work being done under appropriations for the increase of the Navy. In order to show that the condition in the Brooklyn yard is not an extraordinary situation, let me call attention to this upper line which represents the aggregate cost of the maintenance charges of four navy yards during the same period, when there were no ships of any kind being built in any of the four yards. It is very apparent to the House that the same average increase goes on right along.

Gentlemen can readily understand why those who believe that the policy of utilizing yards that are properly equipped for the purpose of building ships, so as to hold in check the rapacity of the shipbuilding trusts, are not willing to continue a system of cost-keeping by which general yard maintenance shall be charged against construction of ships.

I desire to call attention to one other thing in connection with this statement. I do so that Members may not think I am attempting to mislead them. The figures I use here are taken from the reports of the Paymaster General for the various years; and I have had this diagram worked out on squares by a man who is an expert in this method of indicating cost, so as to illustrate fully the effect of this method of cost keeping against work being done at the navy yards.

Just to show how much yard maintenance has increased by reason of new work being done, I have taken one particular year, and I shall put the figures in the RECORD, so that there will be no misunderstanding. For 1903 the cost of yard maintenance in the Brooklyn yard was $1,319,302, and the work on the *Connecticut* was then commenced. In 1908 the cost was $1,895,945. In 1908 there was no ship under construction for most of the time. The average annual increase cost of maintenance of yard during that period was $115,215.

The actual cost of maintenance of yard in 1905, when the maximum amount of work was being done on a new ship, was $1,573,704. Calculating the increase by the average annual increase the cost should be $1,560,338; so that the actual increase in maintenance during that period was $13,704. I might say that I have on my desk the instructions issued by the Secretary of the Navy regarding the new system of cost, and in it the statement is made that the object of this system is not for the purpose of ascertaining the commercial cost of doing work in the yard, but for the purpose of charging the cost of the work to the proper appropriations.

In making a comparison between what it will cost to do the work in the yard and what it will cost the Government by contract, the important thing is to find out what the actual cost of doing the work in the yards is. Under these instructions issued by the department the Bureau of Supplies and Accounts, this statement is made:

> By the introduction of this system it is not the intention to obtain the actual cost of the work from a commercial standpoint, but to more accurately distribute the expenditure to the appropriations as defined by law.

Under that method I find that the actual commercial cost of the work has not been ascertained, but its sole object has been to distribute the cost to the proper appropriations. It is now asserted upon the figures so compiled that doing the work in the yards will cost so much more than to do the work by contract.

In 1902 the first modern ship was built by a navy-yard organization. It had never built one before, it had no organization, it had to find its own equipment, it had to gather its force, and it had to discipline its force to do the work. It built in competition with private yards a ship which the figures show cost $400,000 or $500,000 more than the ship built by contract. After nine years, during which it had been continually engaged in building ships, during which time it turned out a ship which Sir William White, the great naval architect of Great Britain, said was turned out more rapidly than any ship ever before was turned off the ways, when a record never equaled was made, it is now asserted that instead of there being a difference of 6 and a fraction per cent between the cost of building a ship in a Government yard and by contract, and although the private contractor is now penalized by having his force work eight instead of 10 hours a day, the department has the effrontery to attempt to demonstrate that it will cost more than 30 per cent more to construct a ship in a Government yard than by contract.

If that is the result of the new system of putting the yards under military control, if that is the result of a system of putting line officers in charge of great industrial organizations and to supervise the expending of millions of money in building and repairing ships, it is time that system was changed and the work was put in control of men educated and trained to do effective work in such establishments. So far as I am concerned, this system of keeping costs which results in misleading and deceiving Members of Congress and the public as to what can be accomplished by the Government must stop. Gen. Crozier testified before the Committee on Appropriations at this session that the Government factory manufactures powder, and he includes in the items which he charges against the cost not only interest on the money invested in the plant, not only an allowance for insurance, but also an allowance for depreciation, and with all of these items taken into account it does not cost the Government more than 56 cents a pound to manufacture powder for the Army.

The gentleman from Massachusetts [Mr. ROBERTS] remembers the desperate fight that was made only two or three years ago to prevent the reduction of the cost of powder for the Navy from 63½ cents a pound to 61 cents a pound; yet, including all the items mentioned, Gen. Crozier manufactures powder for 4 or 5 cents a pound less than we obtain it by contract. He further stated that in the arsenals at Springfield and Rock Island, including interest on investment, insurance, and depreciation, he manufactures rifles from $15 to $18 apiece, which he asserts could not be obtained by contract under from $22 to $25 apiece. Then why is it, with these magnificently equipped plants, it is not possible to compete with the private establishments in the work that is done for the Navy Department? What is the matter with the system? What is the matter with those in charge of it?

It seems to me as though they were attempting to make impossible the utilization of these plants and are deliberately striving to demonstrate to Congress what is not a fact, that this work can not be done efficiently and economically by the Government, with resulting benefit and advantage to the shipbuilding combine, which for many years had the Government at its mercy and never put down the price of ships or never built them within the time fixed, or even within three years of the time fixed, until Congress authorized this competition through its own yards, and thus brought the private yards to time. I am in favor of keeping them where we now have them.

Mr. ROBERTS. I know the gentleman desires to be eminently fair——

Mr. FITZGERALD. Absolutely fair.

Mr. ROBERTS. In his discussion of the proposition, and I want to ask him if he is not aware that under the decision of the Attorney General the Navy Department can not include in its estimate of cost certain items that commercial organizations always figure in when they estimate the cost of their products?

Mr. FITZGERALD. I know this, that an opinion was rendered by the Attorney General last spring, and as a result of it, although on the building of the *Connecticut* they charged up to the ship the pay of the officers who were stationed at the yard and were in any way, however slight, connected with the work, they have since been prohibited by law from doing so. But they now charge up under this system all repairs in the different shops not exceeding $100 to the cost of the ship instead of to the cost of maintaining the plant, and just as long as they do not require an expenditure for any one item more than $100 the cost is taken from the yard maintenance and charged to the appropriation for the repair of ships and construction.

Mr. ROBERTS. The gentleman does not mean all repairs are charged up; only a proportion of them.

Mr. FITZGERALD. Practically all, unless they exceed $100. At first the limit was $25, but it did not make a sufficiently good showing, and so the limit was increased to $100.

Mr. ROBERTS. The gentleman made reference to the gradual and steady increase in the cost of maintenance not only in the Brooklyn yard——

Mr. FITZGERALD. In all the yards.

Mr. ROBERTS. But in four other yards. I want to ask the gentleman if it is not true that between 1903 and 1908 the Brooklyn yard and all the important yards in the country received large additions to their plants in the way of buildings, wharves, piers, and machinery, and that the increase of the Navy was correspondingly large, necessitating a natural and steady increase in the cost of maintenance of the navy yards.

Mr. FITZGERALD. I am not criticizing that increase.

Mr. ROBERTS. And will not the gentleman admit that whether a battleship or any other craft is built in one of these navy yards, the general increase of the Navy, the general increase in the plant there, will bring about that constant and steady increase in the cost of maintenance?

Mr. FITZGERALD. Certainly; and the natural increase in the cost of maintenance—the fixed charges—should be included in the general maintenance account and not unloaded on the cost of the ship.

Mr. ROBERTS. So that the argument that the cost of maintenance has steadily increased has no bearing whatever on the rest of the argument of the cost of a battleship. I will agree with his facts but not with his conclusions.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. One minute——

Mr. MANN. I just wanted to know how much more time the gentleman wanted. I did not know whether the gentleman had finished his statement or not.

Mr. WEEKS. I want to ask the gentleman from New York a question or two when he finishes his statement.

Mr. FITZGERALD. Here are these plants. They are equipped to do a certain amount of work. It is immaterial whether they do the maximum or minimum amount of work, there are certain fixed charges regardless of the amount of work done. I insist that up to the maximum capacity of the plant work can be done—not beyond the maximum capacity—without increasing the fixed charges, but the fixed charges should not be prorated against the cost of the ship.

Mr. ROBERTS. Right there——

Mr. FITZGERALD. Therefore, while these yards are being utilized for repair work and not utilized to their maximum capacity, new construction put in so as to utilize them up to their full capacity does not necessitate additional fixed charges. The fixed charges are not increased, but the yards are utilized more economically and efficiently. Under these circumstances it is unfair to charge against the new construction any of the fixed charges. Under this new system, however, the fixed charges have been prorated against new construction in proportion to the labor roll for the new construction with the labor roll and repair work. Many times 50 per cent of the labor engaged in the yard is working on a ship, and by prorating 50 per cent of them to the cost of the ship the apparent cost is increased very materially.

Mr. ROBERTS. The gentleman is criticizing the present cost and accounting system in the Navy Department. I want to ask the gentleman if it is within his knowledge that when the *Connecticut* was built in the Brooklyn yard a considerable addition to her cost was made without its appearing on the accounts which were being kept of the cost of that ship?

Mr. FITZGERALD. I shall discuss that matter.

Mr. ROBERTS. In other words, under the old plan, when there was no cost accounting system and only general stores, it is stated there were taken something like $200,000 out of general stores and put in the *Connecticut* and no charge was made against the appropriation for the *Connecticut*. That is impossible under the present system.

Mr. FITZGERALD. That statement is thoroughly inaccurate. The gentleman from Massachusetts has probably read the testimony of the Secretary of the Navy; but if the gentleman will turn to the statement of Paymaster Gen. Rogers made last year before the Senate committee, when he said that, although supplies were taken from general stores, every article was charged to the cost of the ship, he will realize his error. Not only that, these articles did not amount to $200,000, but they amounted to $81,000.

Not only that, but the Secretary of the Navy telegraphed to the Brooklyn yard in December and a very exhaustive examination was made, and he found out that every article taken from general stores was charged against the cost of the ship. The gentleman misunderstands what Paymaster Gen. Rogers complained about. This was his complaint. He said that when the limit of cost had been fixed for certain work in the navy yard it was possible under the old system to spend the amount of money fixed in the limit of cost and then practically to increase the limit of cost by taking certain articles from the general supply fund, but every article taken from the general supply fund for the *Connecticut* was charged to the *Connecticut* and was within the sum authorized to be spent on the *Connecticut*, and it was all within the limit of cost fixed for the ship. I know that the testimony of the Secretary of the Navy can be read and a mistaken notion of what was done obtained. It demonstrates as conclusively as any statement ever made that he was not as familiar with what he was talking about as he should have been.

I have the hearing here, and I can turn to the pages where the testimony appears and I can demonstrate it to the satisfaction of anybody who listens to it. Let me read some of the testimony, so that there will be no misunderstanding, as long as that question has been asked. Mr. Chairman, while the gentleman from New Jersey is looking that up for me I shall read something else. The Navy Department has overproved its case. It has proved too much. It has proved in one instance that it cost more to do work in navy yards than it does by contract, and in another instance it demonstrates that the yards do work more cheaply than it can be done by contract, although they do more difficult work.

There were certain castings required for the battleship *Florida*, now under construction in the yard. Anybody who will listen to this statement, furnished by the department itself, and then prove that it costs more to do work in the yards than to have it done by private contract will confer a favor upon me. This statement is made both by Admiral Leutze, the commandant of the yard, and it also appears in a letter written by the aid on matériel.

> With regard to the question of cost, which involves economy of navy-yard administration under the present system, it may be remarked that Cramps, of Philadelphia, bid for cylinders cast in four pieces for certain itemized castings, rough-machined, a total of $43,700 f. o. b. at Philadelphia. This bid was qualified by a statement that the firm could not assume responsibility if the castings were made in two pieces, which would, moreover, very greatly have increased the amount bid.
>
> The total aggregate cost of performing this identical work at this yard, made in the more difficult and more expensive manner incident to two instead of four pieces, rough-machined, was $42,420.81, indicating a saving to the Government of $1,271.19 plus the freight charges from Philadelphia, and with the great advantage of having the castings made in two pieces.

Here it is demonstrated by the department that it does work in a more difficult manner, in a way that a private contractor would not guarantee it for $1,200, plus the freight, less than the private contractor would do it in a less expensive and less difficult manner. If that be true regarding these particular castings, if it be true of the separate items upon which we can get exact information, why is it possible there should be any difference in any other work done there? How does the department explain it? This great increase in the apparent cost of building the ships in the Government yard is explainable only by the fact that against the cost of the ship there are charged over $900,000 of the fixed charges of the yard which do not belong to the ship.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WILSON of Pennsylvania. I notice by the diagram that there were no battleships being made at the navy yard in 1908.

Mr. FITZGERALD. Practically there was no work being done in 1908.

Mr. WILSON of Pennsylvania. The question I want to ask is this: Was it not due to the fact that no battleship was being built at that time that the organization was injured and created a greater expense for the building of future battleships than would have been the case if an organization could have been maintained throughout?

Mr. FITZGERALD. To some extent. Now, Mr. Chairman, for the benefit of the gentleman from Massachusetts and for the information of the committee, I wish to say that in the beginning of his testimony Secretary Meyer before the Naval Committee made a statement which would indicate that some general stores were used in the construction of the *Connecticut* which were not accounted for.

Paymaster Gen. Rogers, before the Senate Naval Committee on April 5, 1910—and his statement is found on page 398 of the hearings—makes this statement:

> It would apply to anything that is done in a yard. I will tell you something else that actually occurred. The battleship *Connecticut*, built at New York Navy Yard, had in her construction over $100,000 of these very stores I am talking about—common, general stock—charged to her, but nothing in money paid for it. Suppose Congress allowed $7,000,000 to build that ship. They spent the $7,000,000 out of the "increase of the Navy," and then they took what they could find in the storehouse, and what they did find in the storehouse amounted to over $100,000, which was never paid for by the appropriation that built the ship. It was added to her cost in reporting it, but there is an opinion that it was then legal to do that.

So that, so far as the *Connecticut* is concerned, every article taken from the general stores and issued to the *Connecticut* was charged against the construction of the ship and is reported in the total cost of the ship.

Mr. ROBERTS. The gentleman will agree with me that there was $100,000 worth of goods that went into that ship, in addition to what was charged up, or in addition to what was provided for by Congress to build that ship?

Mr. FITZGERALD. No.

Mr. ROBERTS. Let the gentleman read, at page 330 of the testimony, where the Secretary of the Navy says that.

I have also an extract from the hearings in which Paymaster Gen. Rogers says it was $100,000, and the question was, "That is in addition to the $500,000?" And he said, "Yes, sir; that is in addition to the $500,000."

Now, if you turn to Admiral Rogers's own statement you will see that that $100,000 was taken out of general common stores and charged against the cost of the *Connecticut*, but nothing was put back to cover the cost of the goods, so that there is that $100,000 in addition gone into the cost of the *Connecticut*.

Mr. FITZGERALD. No. The gentleman is in the same condition of mind as the Secretary of the Navy. I think I know what Admiral Rogers was complaining about. Admiral Rogers was complaining that if they took articles from the general stores and used them on certain work, they did not take the money appropriated for that work and use it in replacing the stores. But there is nothing, and the gentleman can not find any statement by anybody who knew anything about it, that will bear out his contention, but on the contrary if he will search further he will find not only the statement I have read by Admiral Rogers but the statement by Admiral Watt, the Chief Constructor of the Navy, transmitting the correspondence from the navy yard in Brooklyn, in which he admits that every item of the cost of the *Connecticut* in the Brooklyn Navy Yard was charged against her, and that her total cost was inside the limit of cost.

Mr. ROBERTS. Let me read a minute more.

Mr. FITZGERALD. Do not read from the Secretary of the Navy.

Mr. ROBERTS. I am about to read from Admiral Rogers, page 329. He first says, as to these vessels authorized by Congress to be built in the navy yard, that the cost should be met presumptively by the appropriation, "Increase of the Navy," or rather by three appropriations, "Construction and machinery," "Increase of the Navy," and "Armor and armament." Then he says that the $100,000 that was taken out of general common stores was charged against the cost of building the *Connecticut*, but that the $100,000 that they represented was not taken out of the appropriation for "Increase of the Navy," under which appropriation the *Connecticut* was built, so that the appropriation, "Increase of the Navy," by reason of taking the common general stores to the value of $100,000, was $100,000 greater than it should have been. Now it is a quibble to say that it went into the cost of building that ship because that $100,000 represented by the common general stores was not charged up to any appropriation, and the appropriation to which the cost of the *Connecticut* should have been charged was $100,000 greater, to be used for some other purpose, by reason of taking this amount out of the general stores. Those are the facts in regard to it.

Mr. FITZGERALD. The appropriation for "Increase of the Navy," construction work, is available not only for work done on a ship in the navy yard, but it is available also for meeting payments coming due on account of construction by contract.

Mr. ROBERTS. No; the appropriation is for a particular thing; not for repairs or anything like that.

Mr. FITZGERALD. The fact is that there was expended a certain amount of money, and there were used certain stores, and the combination of both made up the total cost of the *Connecticut*, and it is within the limit of cost.

I will add just one thing else. This question came up in the Naval Committee this session and it was supposed then that something remarkable had been discovered, but it turned out to be a mare's-nest. Let me read this letter:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., December 31, 1910.

THE SECRETARY OF THE NAVY:

1. Referring to your memorandum of the 29th instant, directing the furnishing of all available information showing amount and value of stores from common general stock, or other stores, used in the construction of the U. S. S. *Connecticut* at the navy yard, New York, and which were not charged to the cost of her construction, I respectfully report that the records of this bureau do not indicate that any stores from common general stock, or other stores, were used in the construction of the U. S. S. *Connecticut* at the navy yard, New York, which were not charged to the cost of her construction.

2. The commandant at the navy yard, New York, has been communicated with, and his reply is quoted hereinafter as follows:

"All stores drawn from common general stock and all other sources for use in building *Connecticut* were charged against her cost.—Leutze."

R. M. WATT.

But if you will read the testimony of the Secretary of the Navy the only inference that can be drawn is that, in addition to the reported cost of the *Connecticut*, there were certain articles from the general stores used but not charged, which is not a fact; and in view of these statements I wish to say that until they get a system of cost keeping which will show the commercial cost of doing work in these yards I am opposed to this present system, which permits reports so misleading as have been made to this House in this session of Congress.

It may be interesting to the House to have the opinion of disinterested observers sufficiently removed from the scene to be impartial. I have here an extract from an article in Shiff Bau, a technical magazine published in Germany, in its issue for January, 1911.

After quoting from an article in the Army and Navy Register stating that the limit of cost for the *Florida* would be exceeded and would be about 50 per cent in excess of the cost of the *Utah*, building at the New York Shipbuilding Co., and that this does not include some operating costs, which would bring the excess from 65 to 75 per cent, it says:

In Germany the Government navy yards build at noticeably less cost than the private works.

The reason for the great differences in costs in America under the administration of Secretary of the Navy Meyer is not clear without further particulars.

Previous to this time the New York Navy Yard built at a cost of only 10 per cent in excess of private yards. The Marine Review attributes the present remarkably uneconomical construction to the operations of the new system of administration introduced by the Secretary of the Navy, which reduces the importance of the control of the practical officers.

It is interesting to note that for one of the two 27,000-ton battleships (*New York* or *Texas*) which will be built at a Government yard, because of the eight-hour day and on account of the increased displacement there is asked $7,000,000, which is $1,000,000 more than Congress voted and $1,300,000 more than the Newport News works requires for the sister ship.

What has been unheard of in any country for a long time has happened in America—namely, only one company bid, all others failing to bid.

The conclusion of the press is almost unanimous that the reason for this is to be found in the hostile attitude of Secretary Meyer to the practical administrator, but the Secretary's administration is flatteringly approved in the accounts of the military service papers.

In this past proposal the firms asked to bid undoubtedly united.

The Newport News yard has come within the limit of $6,000,000 set by Congress by a bid of $5,970,000. Comparing with the cost of the *Utah*, of 23,000 tons displacement, building at the Fore River Co. (on the basis of tonnage), the price of the Newport News works for the present 27,000-ton ship should be $4,600,000 and not $5,970,000, without consideration of the eight-hour workday.

The difference of $1,470,000 may well be expected to be divided among the different American shipbuilding companies.

So that the opinion entertained by many in this country that there is a combination among the shipbuilding concerns in the United States upon Government contracts is shared by keen observers in other countries. The way to smash the combination is to keep alive Government-yard competition. It will prevent the Government being put into the clutches of the trust, from which it only escaped a few years ago.

Mr. WEEKS. I should like to ask the gentleman a few questions.

Mr. FITZGERALD. I yield to the gentleman.

Mr. WEEKS. What items are included in the maintenance charges at the navy yards?

Mr. FITZGERALD. The cost of maintaining dry docks that this ship could not get into after it is built; tugs, lighting the yards, paving the streets, repairing the buildings, repairs of machinery and equipment. The figures included in this charge for general maintenance include repair of buildings, offices, shops, machinery, yard tugs, and the pay of clerks, draftsmen, messengers, watchmen, and items of that character.

Mr. WEEKS. Would not the maintenance charges be affected as materially by repair work going on in the yards as by new construction?

Mr. FITZGERALD. Somewhat, but these yards have a certain capacity, and if they are not utilized to their full capacity, a certain fixed charge for maintenance goes on, and merely doing more work does not very largely, if at all, increase, as the department would have us infer, the maintenance charges. But what the department has been doing is this: Suppose this yard has a capacity to employ about 6,000 men economically. Certain fixed charges go on, regardless of whether there are 2,000 or 6,000 men employed. They have about 3,000 men employed in doing repair work. They are able to do the maximum amount of work possible on a new ship with 3,000 additional men employed. Then in this system of cost keeping they charge 50 per cent of the fixed charges against the cost of the ship. It is no wonder that the apparent cost of the ship amazes and paralyzes men when they look at it.

Mr. WEEKS. In determining whether the maintenance charge is fair or not, ought you not to include in your consideration all classes of work that are going on at that yard?

Mr. FITZGERALD. Yes.

Mr. WEEKS. The maintenance charges are kept in the same way at all the yards, are they not?

Mr. FITZGERALD. They have certain watchmen in the yard, and they have the same number of watchmen whether a ship is being built or not. They are necessary to watch the property; and the fact that 50 per cent of the money being expended for labor in a yard is being expended in the construction of a ship is no reason why they should charge 50 per cent of the watchmen against the cost of the ship.

Mr. WEEKS. Is not the reason that the maintenance charges are so much higher in the four yards referred to than in the

New York yard because there is more work being done at the New York than at other yards?

Mr. FITZGERALD. I believe the gentleman is mistaken about that. This upper line represents the aggregate maintenance at the four yards, which is a little over $2,000,000. That would average a little over $500,000 apiece for maintenance. In the New York yard it started at $1,300,000 in 1903 and ran up to $1,800,000 in 1909, due, I suppose, to the fact that the New York yard does perhaps 70 per cent of all the work done at all the yards.

Mr. WEEKS. Are the charges kept the same at all the yards?

Mr. FITZGERALD. Yes.

Mr. WEEKS. The same items, in the same manner?

Mr. FITZGERALD. Yes.

Mr. FOSS. All this discussion has not been on the point of order, and I wish to discuss it for a few moments; but before doing so I would like to say a few words as to the statement made by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. Will my colleague yield?

Mr. FOSS. Certainly.

Mr. MANN. The point of order has been reserved, and there has been considerable time used in discussing it. Can not we make some arrangement as to what time the gentleman wants so that it will not be wasted by interruptions?

Mr. FOSS. I only want a short time.

Mr. MANN. I will say that if the gentleman gives his time to answering questions that do not pertain to this matter his time may be limited by the point of order being made.

Mr. FOSS. Mr. Chairman, I would like to say a few words about the cost-accounting system. The statement of the gentleman from New York only goes to show how much more it costs to build a ship in the navy yard than by private contract.

In 1902 when we built the *Connecticut* in the New York Navy Yard there was a difference in the cost of construction of the *Connecticut* and the sister ship *Louisiana* of about $400,000. That represented the difference in the cost of labor and material and did not take into consideration the indirect charges of the navy yards, such as power, shop, and general expense. It simply represented the difference in material and labor.

To-day we have a cost-accounting system by which there is charged up certain indirect charges which are proper to charge against the battleship when in the process of construction. Last year when I asked the House to vote an appropriation for this cost-accounting system I expected that we would have a system by which we could compare the cost of building a battleship in a Government yard with the cost of building it in a private yard. But this cost-accounting system which we have to-day will not permit that. In my judgment, it does not go far enough. The gentleman from New York [Mr. FITZGERALD] complains that it goes too far; but, in my judgment, it does not go far enough. It excludes a great many things which in a private shipyard would be taken into consideration. That will be evident to every one of you when I state that under the present cost-accounting system the following things are excluded and not taken into consideration.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FOSS. I can not yield now. First, officers' salaries that would be included in the cost at a private concern in arriving at the actual cost is excluded in this cost-accounting system; second, the clerical force is excluded; third, draftsmen are excluded; fourth, leaves of absence are excluded; fifth, holidays are excluded; sixth, expenses in handling and testing stores are excluded; seventh, depreciation is excluded; eighth, fire insurance is excluded; ninth, interest on the money invested is excluded; tenth, taxes are excluded; eleventh, repairs over $100 are excluded.

I say that all of these things would be included in every cost-accounting system in every private establishment in this country. In the navy-yard cost of work these things are excluded, so that this cost-accounting system the gentleman complains of is favorable to his contention for building ships in the navy yards. If all of these things had been included in a real cost-accounting system by which we could compare ships built in Government navy yards and those built by private concerns, there would be, in my judgment, $500,000 more of indirect charges which should have gone into the cost of the building of the *Florida*. So much for the cost-accounting system.

Now, the question on the point of order is pending, and I desire to direct the attention of the Chair to that for a moment. I call the attention of the Chair to the language in the proviso inserted in the naval bill of last year:

Provided further, That in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress.

Mr. HOBSON. Mr. Chairman, this question is, of course, preparatory and leading up to a later question as to whether the committee is to concur in the provision of the bill that takes away the battleship that is being built in the New York yard, and shall affect the eight-hour law or not. I do not wish to take any extensive time at this moment, but I would request gentlemen who wish to look into this in extenso to take up the discussion that occurred last year when this question was before the committee. The committee was then given warning by members of the Naval Committee that just the situation that has now arisen would arise, and the gentlemen on this side who insisted that the views of the Naval Committee should be overridden have the trouble on their hands now because they overrode the Naval Committee. It was then pointed out that the eight-hour law is a wise objective. It was then pointed out that the navy yard, in order to be efficient as a great military organization when war comes, must be maintained in an efficient condition in time of peace, and that for such maintenance it is necessary not only to have the usual repairs on vessels under repair, but a reasonable amount of construction; and an attempt was made to show where we could accomplish all of this business without sacrificing too much in expense and maintaining the highest and best interests of the Government.

The navy yard was not ready then to take up the construction of the ship. The country was not ready then, either North or South, in our shipbuilding yards to adopt in toto the eight-hour law. A proposition that if you are going to make the eight hour mandatory you ought to allow a yard to build two ships instead of one was brought to the attention of Congress, so that if the private yards went at once on the eight-hour basis it would have work that would take up most of its facilities. Congress rushed into these two propositions to hasten the building of another Dreadnought at New York before they were ready, and to hasten the universal adoption of the eight-hour law, irrespective of the cost it might entail, and that is the reason why we are in the present dilemma. For my part, I am in favor of developing the navy yard. I am in favor of a reasonable amount of construction being maintained at first-class navy yards. I am in favor of the eight-hour law not only in Government yards, but in its extension as far as Government work goes to every contract that is made with the Government, and in fact I am in favor of all the Government influence being used to extend the general adoption of the eight-hour law; but that is a reasonable procedure, to bring about any given change of such magnitude, and I hope that this time when we get to the question itself Members will be very careful in their votes as to what shall prevail.

The CHAIRMAN. Is the point of order made?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $999,400.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, line 20, after the word "dollars," add:

"*Provided*, That the Secretary of the Navy is hereafter authorized to transport to their homes or places of enlistment, as he may designate, all enlisted men discharged from the naval service by court-martial; the expense of such transportation shall be paid out of any money that may be to the credit of the enlisted man when discharged; where there is no such money the expense shall be paid out of money received from fines and forfeitures imposed by naval court-martial."

Mr. FOSS. Mr. Chairman, I make the point of order against that.

Mr. KELIHER. Will the gentleman reserve that for just a moment?

Mr. FOSS. At this stage of the session I do not think we ought to reserve points of order.

Mr. KELIHER. If the gentleman will give me just one minute.

Mr. FOSS. Very well.

Mr. KELIHER. We have already passed an act which authorizes the Secretary of the Navy to transport to their homes discharged naval prisoners. He may use his discretion as to whether he will provide them transportation to their homes or not when they are discharged from the naval prisons. When that proviso was written into the law, and it is now law, we failed to include within its provisions men discharged from the naval service by court-martial. The result to-day is that enlisted men who are tried for breach of the naval regulations, court-martialed and discharged, there is no provision in the law that authorizes the Secretary of the Navy to send them home, and this merely broadens the provision of the law we have enacted, and which should be broadened to include this class of men. Now, I trust the gentleman from Illinois [Mr. Foss] will not press the point of order. I have not had time to confer with him; if I did, I am sure he would not. This merely provides that enlisted men discharged from the service be treated as we treat naval prisoners. Men who are discharged the service, who have not been sentenced to serve time in a naval prison, surely are entitled to the same treatment as men who have served time in a naval prison. The Secretary of the Navy should be empowered to send a man home who has not committed as great a breach of regulations but has been court-martialed and discharged in a strange city, penniless and likely to become a charge upon the locality in which he is dumped. I trust the chairman will withdraw his point of order.

Mr. HOBSON. Mr. Chairman, I hope the gentleman will not insist on his point of order.

Mr. FOSS. I must insist.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For experimental work in the development of aviation for naval purposes, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order against the paragraph. The other day, when the committee was considering the Army appropriation bill, we appropriated $125,000 for a similar purpose. Wherein is it necessary to have additional experimental work in connection with the Navy?

Mr. DAWSON. If the gentleman has examined the annual report of the Secretary of the Navy and also kept track of current events, he would——

Mr. STAFFORD. I try to keep track of current events.

Mr. DAWSON. He would have seen an article in regard to Aviator Ely, who has made some experiments in aviation in connection with the Navy that have been of vast and far-reaching importance. That is, he has demonstrated by means of these heavier-than-air machines they can not only start from the deck of a ship, but they can also alight on a deck of a ship after making a voyage in the air.

Mr. STAFFORD. I recall that experiment, and with that valuable information I withdraw the point of order.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: One secretary, $1,600; 1 foreman mechanic, $1,500; 1 superintendent of grounds, at $720; 1 steward, at $720; 1 store laborer, at $480; 1 matron, at $420; 1 beneficiaries' attendant, at $240; 1 chief cook, at $480; 1 assistant cook, at $360; 1 assistant cook, at $240; 1 chief laundress, at $216; 5 laundresses, at $192 each; 4 scrubbers, at $192 each; 1 head waitress, at $216; 8 waitresses, at $192 each; 1 kitchen servant, at $240; 8 laborers, at $240 each; 1 stable keeper and driver, at $360; 1 master at arms, at $480; 2 house corporals, at $300 each; 1 barber, at $360; 1 carpenter, at $846; 1 painter, at $846; 1 engineer for elevator and machinery, $720; 3 laborers, at $360 each; three laborers, at $300 each; total for employees, $18,808.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order, and I desire to ask the gentleman in charge of the bill a question. At the beginning of the paragraph there is one secretary, $1,600; one foreman mechanic, $1,500. Was that paid last year out of the Treasury?

Mr. FOSS. No; this is out of pay miscellaneous.

Mr. COX of Indiana. Out of the pension fund?

Mr. FOSS. You mean the whole thing?

Mr. COX of Indiana. Yes.

Mr. FOSS. Yes.

Mr. COX of Indiana. Then, Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF ORDNANCE.

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory, and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1912, shall not exceed $425,000. In all, $5,500,000: *Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals.

Mr. HOBSON. Mr. Chairman, I beg to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, in line 21, after the word "dollars," add:

"*Provided*, That $350,000 of this amount shall be expended for the purchase or manufacture of shell of such proven design as will carry under tested gun pressures of not less than 30,000 pounds per square inch explosive charges of not less than 150 pounds weight of either the explosive now in use in the naval service or of explosive gelatin."

Mr. MANN. I make a point of order on the amendment.

Mr. HOBSON. Does the gentleman wish me to state the point of order?

Mr. MANN. Oh, it is legislation.

The CHAIRMAN. The Chair will hear the gentleman from Alabama briefly.

Mr. HOBSON. I can show the Chair, if he will permit, a similar ruling last year in the case of an amendment requiring a battleship to be built at a navy yard. My amendment simply puts a limitation upon the expenditure of an appropriation similar to an amendment last year to the paragraph for ordnance experiments, which prescribed that those experiments should include the use of high explosives and also the test of armor-piercing projectiles at long ranges, specifying the ranges and the conditions of the test. The point of order was carefully considered at the time and was not sustained. I will refer the Chairman to page 4587 of the RECORD.

Mr. MANN. Can the gentleman tell us where the same item appears in this bill?

Mr. HOBSON. It appears in this bill under the head of ordnance and ordnance stores instead of experiments, and it is a limitation——

Mr. MANN. What page and line?

Mr. HOBSON. We do not repeat that particular provision this year, rather that particular amendment. If the gentleman will turn over his bill he will see under the head of experiments the same allowance of $100,000. At that point, I think, an amendment could also come in, but it is in order in one of those places, for the simple reason, Mr. Chairman, that it places a limitation upon an appropriation provided for in that section, an appropriation for ammunition and ordnance supplies, which includes projectiles of various kinds.

This simply provides that $350,000 of the money provided shall be expended in a certain way. It shall be expended for shells of certain specifications, the paragraph itself providing for shells. So that there is no new legislation, there is no new law, but only a limitation upon the appropriation made under existing law. Of course, I could offer this amendment, just as I offered one last year when we came to the question of experiment, but in that particular case the total amount for experiment is but $100,000, and this is going to deal with the question of purchasing high explosive projectiles.

Now, I would like to hear from the gentleman who is going to make his point of order, if he makes it, on what grounds he will do so.

Mr. MANN. I made the point of order some time ago. I thought the gentleman was arguing——

Mr. HOBSON. Will the gentleman state on what grounds he made it?

Mr. MANN. It is legislation. This is a direction to the Secretary of the Navy to purchase a particular kind of shell. It appears, with the authority that he has under the existing law to expend the money in reference to that, he now has the authority to purchase that shell if he wishes to do so. It is not at all like the amendment which the gentleman offered last

year, and which I hold in my hand. I do not know whether the chairman has it or not. I have the amendment which the gentleman offered last year. It is an entirely different proposition. It is not necessary to take the time or detain the House to explain it.

Mr. HOBSON. I think the gentleman could explain to the House the difference, because the same discretion was limited last year.

Mr. MANN. If the Chair has not got the amendment of last year, I will be glad to read it to him.

The CHAIRMAN. Will the gentleman from Alabama [Mr. HOBSON] refer the Chair to the page of the RECORD on which it is found?

Mr. MANN. I can read the amendment if the Chair desires to hear it.

The CHAIRMAN. The Chair would like to ask the page of the RECORD.

Mr. MANN. Mr. Chairman, if the Chair has not the amendment which was held in order, let me read it to the Chair, and the Chair will rightly distinguish the difference. The amendment which was offered last year was:

Provided, That no part of this appropriation shall be expended in experiments, unless in the development of armor-piercing projectiles and high explosives an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at a battle range of not less than 8,000 yards and by explosive gelatine, in quantity not less than 200 pounds, exploded against a heavy belt armor and heavy turret armor on an actual vessel.

It is an entirely different proposition so far as the point of order is concerned.

Mr. HOBSON. I would like for the gentleman to say where it is different. The Secretary had the discretion to carry on those experiments all the time, like he has it in his discretion now to carry on these; but he did not see fit to carry them on.

Mr. MANN. He had the discretion last year to carry on the experiments. He has the discretion now to make the purchase and carry on the experiments, and it is in the discretion that the gentleman proposes to interfere with absolutely. And there was nothing in the item last year that interfered with the Secretary's discretion.

Mr. HOBSON. If the gentleman will permit, the very language of it interfered with it by requiring that none of that money should be used unless certain definite experiments were made, and that was discussed throughout on its merits and held in order.

Mr. MANN. The Secretary need not have expended the money in making these experiments unless he chose to do so under the amendment of the gentleman last year. It was a pure limitation; he need not have expended the money unless he desired to do so. There was no direction to him to do it.

Mr. HOBSON. I disagree with the gentleman. The Secretary, if he need not have expended that money, would not have done it, in my judgment; but there was no discretion left to the Secretary, and it was so construed by the Secretary. Those experiments were long in being executed, but it was felt there was no discretion left.

Again, Mr. Chairman, I want to call attention to the fact that that particular paragraph makes an appropriation for certain ordnance materials, including shells, and this amendment simply requires that a part of that appropriation shall be used for a particular kind of shell. This requires that a part of that amount shall be used for a particular kind of shell, just as the previous one required that in the experiments made there should be a limit to certain experiments. But the question as to the order of the two is exactly the same. It was ruled on then, and I thought, of course, it would be settled then for all time.

The CHAIRMAN. The gentleman from Alabama has not yet furnished the Chair with the proceedings on the same point of order last year. The gentleman from Illinois [Mr. MANN] has presented a question which seems to the Chair quite different. The Chair would like to consult the RECORD of last year's proceedings on the point referred to.

Mr. HOBSON. I thought I had sent it up. But it was very clear, Mr. Chairman. It can easily be located in the volume there. The Chair will find that the ruling was very clear.

The CHAIRMAN. If the gentleman will give the page or the date, or if he will supply any other means of ascertaining the proceedings on the point of order, the Chair can consult it.

Mr. GARRETT. The gentleman said it was on page 4587.

The CHAIRMAN. The Chair thinks the two cases are different.

Mr. MANN. It is perfectly patent to anyone, Mr. Chairman, that they are different.

Mr. STAFFORD. Mr. Chairman, page 4587 is the page given by the gentleman from Alabama.

The CHAIRMAN. The committee will rise informally.

The SPEAKER. The Chair lays before the House the following reports from the Committee on Enrolled Bills.

BILLS PASSED.

The SPEAKER. This afternoon, when the House was in Committee of the Whole House for the consideration of bills on the Private Calendar, as the Chair finds, after examination and information, two bills were considered and laid aside. They were the bill H. R. 18512, for the relief of S. H. Robinson, of Allegheny County, Pa., and H. R. 31987, providing for the releasing of the claim of the United States Government to arpent lot No. 44 in the old city of Pensacola, Fla. Right after that, it appears that the question of no quorum was raised, and it not being ascertained whether there was or was not a quorum, the usual call under the rule ensued, and a motion was made that the committee rise, and it did rise. Subsequently another bill was considered. Now, under a precedent, and perhaps on principle as well——

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Chairman of the Committee of the Whole have leave to report those bills to the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee of the Whole House be discharged from the consideration of the two bills I have named, and that they do pass. I understand there were no amendments. Is there objection?

The bills were ordered to be engrossed and read a third time, were read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the votes by which the bills were severally passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont, chairman of the Committee on Foreign Affairs, by direction of that committee, reported the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 2201), ordered to be printed.

Mr. MACON. Mr. Speaker, I reserve all points of order on the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CONRY, indefinitely, on account of sickness.

To Mr. WOOD of New Jersey, indefinitely, on account of sickness.

To Mr. SLAYDEN, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

By unanimous consent, the reference of House Document No. 1361, being a letter from the Secretary of the Treasury, transmitting the findings of the Court of Claims as to claims of letter carriers of Greater New York for additional salary, was changed from the Committee on Appropriations to the Committee on Claims.

The SPEAKER. The committee will resume its session.

NAVAL APPROPRIATION BILL.

The committee resumed its session, with Mr. TILSON in the chair, and again took up the consideration of the naval appropriation bill (H. R. 32212).

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Alabama simply presents a limitation upon the discretion of an executive officer, which can only be done by legislation. The Chair has looked in vain in the paragraph under consideration for any matter there which would make the amendment in order, which would not otherwise be in order, and therefore the Chair sustains the point of order.

Mr. RAINEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 3, on page 16, the following:
"*Provided*, That no official having any connection with any steel company, or receiving or expecting to receive royalties from any steel company, shall be permitted to serve on any board charged with executing in any way the provisions of this paragraph or of any other paragraph in this bill providing for the expenditure of money."

Mr. FOSS. I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order. The Chair sustains the point of order and the Clerk will read.

Mr. RAINEY. Mr. Chairman, I ask permission to insert in the RECORD a very clear statement as to high-explosive shells, made by Mr. W. S. Isham, of Washington, D. C., before the Committee on Naval Affairs.

The CHAIRMAN. The gentleman [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NAVAL AFFAIRS,
Tuesday, January 17, 1911.

The committee being in session, Hon. GEORGE EDMUND FOSS (chairman) presiding, a hearing was accorded to Mr. W. S. Isham, of Washington, D. C., on the subject of the Isham high-explosive shell.

STATEMENT OF MR. W. S. ISHAM.

Mr. ISHAM. Mr. Chairman, tacticians designate the navy as the first line of a nation's defense, the coast fortifications as the second, and the mobile army as the third. Theoretically the United States possesses all these lines, but in actuality she has merely their shadows, which, imitating the form, fail to contain the substance. This is not because of any inefficiency in the personnel of the Army or Navy in the field or aboard ship, but because of the worthlessness of the material furnished these efficient and brave officers and men by the bureaus having control in such matters.

The first line of defense, the Navy, is generally recognized—and correctly so—as the one best prepared to defend this country in an emergency. As indicating the worthlessness of the other defensive lines, and therefore the unpreparedness of this country for war, it is proposed to show how inefficient our Navy really is. There are certain generic principles of tactics and armament which have come down through the ages and caused victory to perch on the standards of those who have heeded them in the preparation for battle. Exemplifying one of these principles, David vanquished Goliath because, in addition to his unique armament, he was enabled to select a battle range outside of the destructive range of his adversary's formidable sword and spear, but within that of his own long-range sling. We employed the same principles in the War of 1812, when our small but easily maneuvered vessels, armed with one or two long-range "chasers," easily vanquished England's heavy ships, bristling with guns of lesser range. Have these lessons been kept in view in the design of our warships constructed during the past 12 years? Do they possess the elements of mobility and destructive range of gun necessary to enable them to destroy or harm an enemy without receiving commensurate damage, which is their unique function?

Superiority of speed enables a fighting ship to exercise her purpose at will, and therefore to engage an enemy when she is in the most favorable position with reference to range, wind, wave, and sunlight, which are and always have been determining factors in naval battles. It also enables her to avoid battle when damaged or when deficient in ammunition or when the enemy possesses superior gun power. On the other hand, a fighting ship is useless, whatever may be her speed, if her armament is inferior to that of her adversary, in view of the battle range and her protection at such range. Gauged by these recognized standards, have we any ships that could be considered efficient in combat with those of other great naval powers?

Take for example the newest of our 22-knot cruisers, the *North Carolina*, the *Tennessee*, the *Washington*, and the *Montana*, each mounting two 10-inch guns forward and aft for their primary batteries, and the *Pennsylvania*, the *Maryland*, the *West Virginia*, the *California*, the *Colorado*, and the *South Dakota*, each mounting two 8-inch guns for their primary batteries. What offense or defense could all of these ships acting together as a fleet oppose to even a single fast ship of say the *Indomitable* or *Von der Tann* class of about 28-knots and mounting 12-inch guns. We trust the test will never come because all progressive officers recognize that this cruiser fleet costing $75,000,000 and the crews numbering more than 5,000 men would be sacrificed and without inflicting any injury whatever upon the enemy, as their guns could not even reach him at the range that would be selected where his guns could destroy our ships. If the traditions of our Navy were to be reversed and our ships were to run away some might survive to be sunk another day. There was no excuse for installing this inefficient armament on these cruisers. If no more weight was permissible for primary battery purposes then single gun installations of 12-inch caliber, or preferably 14-inch, should have been employed, and since their armor is thin these guns should have been arranged to fire at extreme ranges, so that even a faster and more powerful enemy might be disabled before arriving at an advantageous position for attack. Moreover, in the event of damage or accident to them causing a considerable reduction of speed, which is an eventuality that occurs frequently in even peaceful maneuvers, these cruisers if attacked by some slow battleship could strike back, which is impossible with present armament. If, however, in addition to big-gun batteries they were equipped with high-explosive shell they would be able to destroy any enemy at the extreme range of their guns and therefore could meet him with confidence.

These cruisers are the natural protectors of the torpedo and supply fleets. Without them the whole Navy is useless. They should therefore be made defensible by giving them a powerful offensive armament, otherwise an enemy's fast cruisers mounting 12-inch guns, by encircling our fleet, could deprive them of these valuable auxiliaries, thereby leaving our battleship fleets to become an easy prey to the attack of the torpedo at night or in a fog. Shall this vital defect in our Navy be permitted to stand, because to remedy it would be to recognize that a mistake had been made in carrying out the absurd recommendations of the bureaus? Much less should it be deferred because of the cost, since the cost of a single new battleship would make these 10 now inefficient cruisers of greater fighting value than all our battleship fleets. This brings us to a consideration of the fighting value of our battleships. These ships have all been constructed and armed on the hypotheses—first, that their 12-inch armor-piercing shell could disable any ship at any range that hits could be scored, and this hypothesis was still maintained by the Chief of the Bureau of Ordnance in his late testimony before this committee; and second, that outside explosive shell from even larger guns could not put them out of action. We still have the ships, but not the hypotheses. They have been disproven, thanks to the initiative and patriotism that brought these points to a practical test. Armor penetration, like perpetual motion and occultism, has always had its believers, who, once having become committed to the faith, could never renounce it without admitting their previous ignorance of physical laws. All honest experts in ordnance matters, however, have known and urged for years that it was absolutely impossible for the axis of a rapidly rotating projectile in flight to remain coincident with its trajectory, and therefore at long range penetration of thick armor plate was impossible. The Russo-Japanese war also demonstrated this, and every report, from whatever source, shows that there was not a single instance in that war where thick armor plate was penetrated, but in this country the influences have been such that no recognition of the fact has been permitted to change the plan of naval construction and armament thereby and since proven to be absolutely antiquated. In this connection it is significant that the bureaus have always, and still oppose, any and all improvements and tests tending to overthrow their idol. For example, the test of actual penetration at the minimum fighting range. Likewise the torpedo has always been opposed because its maximum range fixes the minimum battle range, compelling the ships to fight at a distance at which it is known the guns are inefficient; and the range and effect of torpedoes in this country would be much greater to-day were it not for this opposition.

Telescopic sights were opposed because they made it possible to score hits with certainty beyond any range at which armor penetration was possible. Elevated stations for spotters were opposed because such positions made it possible to tell with certainty at extreme ranges whether a shot struck short or over, and therefore to determine with a few shots the correct elevation of the gun for any range. The guns also have been limited in their range of elevation by the construction of their carriages and the turret ports so as to restrict their range. At the same time the length of the gun has been increased in the attempt to show progress in armor penetration, but the result, which is concealed from the public has been to cause the guns to become useless by erosion after from 50 to 60 shots, which corresponds to a short, sharp engagement lasting less than an hour and a half. This fact, however, has caused no change in the blind adoration of the fetish of armor penetration, and ships are now being built to carry more guns to make up for their short life, which already limits the useful life of a battleship costing $10,000,000 to about one hour and a half, after which she is helpless until new guns are placed in her turrets, which would probably not be until after the close of a war under modern conditions. The absurdity of the situation, however, reaches a climax when the further fact is considered that as a result of this suicidal gunfire (as shown by the Russo-Japanese War, and which will be determined by the *Katahdin* tests when carried out, and which are deferred purposely to prevent the effect on this appropriation bill) no damage whatever will result to the enemy.

On the other hand, at least for the past 12 years, all authorities have recognized that a powerful outside explosive shell would seriously harm a ship when exploding in the water within a distance of 30 or 40 feet, but this fact has been concealed from Congress and the public because its recognition would put an end to the armor-penetration idea with its attendant demands for heavy appropriations. It has, therefore, been evident for all this time that such shell, without reference to their effect when exploding in contact with a ship, would put her out of action, although fired at the maximum range at which a hit could be scored. This fact alone should have changed our whole plan of construction and armament 12 years ago, but it did not. Neither did the results obtained with the Isham shell at that time and at later dates, which demonstrated conclusively that they would destroy any ship against which they might strike on either glancing or normal surfaces. The Japanese, however, not being bound to bureaus, entailed policies, or interest, accepted the results which our tests furnished as to the value of the Isham shell and turned them to their use in the Tsuchima fight with disastrous results for the Russian fleet, and were we compelled to oppose her ships, equipped with Isham shell, with our own, which are now equipped exactly as Russia's ships were equipped with armor-piercing shell, they would share the same fate. There is no Penzance chivalrie in war, and we can not maintain our standing as a great power without something more substantial than bluff. Therefore our ships should be prepared to fight under any conditions that may be enforced. To fulfill this condition all fighting ships, whether built or in course of construction, of suitable displacement should be provided with one or more guns of at least 12-inch and preferably 14-inch caliber, designed to be used with such powder pressures as will give them a long life, and arranged to fire high-explosive shell at an elevation of 25 degrees, giving them a destructive range limited only by visual conditions, or, say, 20,000 yards or more.

Range finders will give the approximate range of an enemy, the splash and explosion of the high explosive shell will throw up such columns of water that spotters aloft could easily determine whether they strike short or over, and the range is thus obtained with a few shots. To then obtain a destructive hit on or near a battleship at a range of 20,000 yards is an easier matter than to hit the regulation target at 10,000 yards, because the target offered to shell, having an angle of fall of 35 degrees, would be 20 times the size of the regulation target, which is now hit with nearly 50 per cent of the shots at a range of 10,000 yards. These ships should be provided with large supplies of ammunition, which will enable them to fire at and destroy any kind of ship or mine showing itself or known to exist and near which a shell may be made to strike. This will render them immune from all such forms of attack. To understand some of the influences that in the past have prevented an honest, unbiased, and fair consideration of this matter a synopsis of the record in the case is introduced.

A little more than 12 years ago I demonstrated on the proving grounds at Sandy Hook the safety in the gun and the destructive effect against armor plate of the Isham outside high-explosive shell. A little later I demonstrated theoretically to the Board of Ordnance and Fortification, first, that armor-piercing shell could not penetrate armor plate at long ranges; second, that outside explosive shell were destructive whether exploding against a ship or in the water nearby, and up to the maximum range of the gun, as they were not dependent upon velocity, and therefore made possible the destruction of an enemy's ships at a range at which armor-piercing shell were inefficient.

The following year the Board of Ordnance and Fortification made investigations and carried out tests to establish the facts in my contention. A little later Gen. Miles and Maj. I. N. Lewis, respectively, president and recorder of the Board of Ordnance and Fortification, appeared before the Fortification Committees of Congress, and, as contained in the minutes, stated substantially: First, that armor-

piercing shell could not penetrate armor at long range because of the gyroscopic movement stored up in the projectile, resulting from its rotation, which caused it to strike flatwise at long ranges. Second, that the test made by the board against armor plate with the Isham shell had clearly shown that it would destroy any battleship up to the maximum range of the gun, and it was recognized by authorities, as expressed in Abbott's formula, that it would also destroy a ship if exploding in the water within 30 or 40 feet. They also showed that such shell did not require high gun pressure and therefore obviated the rapid erosion of the gun which resulted when employing the excessive pressures required by armor-piercing shell. They furthermore showed that the tests of the Isham shell and its method of subdividing the charge, which might be increased indefinitely, made the shell perfectly safe under any required conditions. Congress thereupon passed an item for the purchase of the rights for using this shell, and if the War Department had given this matter fair and unbiased consideration, this country would have been saved several hundreds of millions of dollars which have been wasted in the meanwhile because of the attempt to overthrow the truth as expressed by Gen. Miles and Maj. Lewis. The record in this case is very interesting. The appointment of Capt. Crozier to be Chief of Ordnance and the use of his disappearing gun carriage were both opposed by Senator Proctor, who was urging the correctness and importance to the country of my claims.

But Gen. Crozier's relations with the Bethlehem Steel Co., shown by the investigation, did not prevent his appointment, neither did the fact that three-fourths of the coast-defense officers disapprove of his gun carriage prevent him from being placed and retained until the present time in a position where he prevents the fair consideration of all matters conflicting with his interests or opinions. The late Hon. Francis Cushman, in a letter to the Secretary of War, in showing the bias and prejudice that entered into the treatment of my interests by Gen. Crozier and his assistants, stated, among other matters, that Capt. Wheeler, of the department, had apparently cozened this Government out of about $17,000 through his interest in the Gurdom gas check. The result of this was that Capt. Wheeler was placed in charge of my matters and I was forced to arrange the details of my tests with a man whom a Congressman, acting in behalf of my interest, had apparently charged with cozening the Government. A test was demanded of my shell to decide its safety at a gun pressure of 50,000 pounds per square inch, which was two and a half times the pressure at which the Board of Ordnance and Fortifications and other unbiased officers of the service claimed my shell or any others should be fired to preserve the life of the gun from erosion. I went into the test with an 8-compartment shell to demonstrate that there was an excess of safety in the regular 10-compartment shell. I also, with the knowledge of the department, reduced the amount of camphor in the gelatin from 4 per cent to about 1½ per cent, which further increased its sensitiveness. Under such conditions, and with the factor of safety purposely reduced to a minimum, the department surreptitiously froze the shells, thereby very greatly increasing their sensitiveness to shock and in direct violation of the positive orders of the Secretary of War, who had ordered that "the test be made with such pressures as previous tests seemed to justify," which clearly precluded the employment of the frozen sensitive condition, as no tests had been previously made with gelatin in that condition, and which the department in a report stated was too sensitive for employment in a shell. The record shows that the first shell with frozen gelatin at a gun pressure of 43,000 pounds per square inch withstood this terrible test and disproved the report that frozen gelatin could not be fired. The second shot with frozen gelatin at a predetermined pressure of over 50,000 pounds per square inch blew up the gun exactly as was previously stated by me and admitted by the department would result if the explosive charge were more sensitive than the gelatin which we had adopted for the test as the result of our joint computations and calculation.

An investigation of this matter by the President of the United States, then Secretary of War, caused him to set aside the unfavorable report of the department and order two tests to determine the destructive effect of these shell against armor plate. One of these was carried out, but the department made such an evidently unfair report and the bias and prejudice exhibited was so pronounced that the second test was not made. The results already achieved appealed to the fair-minded men in the service and caused, among others, Capt. Sims, naval aid to President Roosevelt, to urge further tests and to state before the Senate committee that if my shell were proven destructive, as claimed, "the jig was up with the navies of the world." Capt. Hobson and other members of the House Naval Affairs Committee also became convinced that the shell had not been fairly tested and that it was employed by the Japanese in the great naval fight in the sea of Japan to destroy the Russian fleet, as stated by Capt. Semenoff, chief of staff of the Russian commander. An item was inserted in the naval appropriation bill authorizing tests to determine the effect of the shell against a regular battleship simulating its effect at the extreme range of the gun and another test to determine whether the service projectile could penetrate thick armor at even the minimum battle range. The first test has been carried out and the *Puritan* selected for the attack, and which possesses a greater resistance than a more modern ship to inboard thrusts at the points selected, as a computation will show, now lies on the bottom with her turret out of commission as a result of the attack. It is therefore evident that after 12 years the truth obtained by Congress as to the effect of the Isham shell has been verified by Congress in spite of the opposition of the bureaus, which have in the meantime caused hundreds of millions of dollars to be expended upon the assumption that such outside explosive shell would have no effect upon a battleship. When the second test ordered by Congress is carried out, as now arranged for against the *Katahdin*, if it is done in a public and straightforward manner, the misrepresentations with respect to armor penetration which have been continually presented in opposition to the claims for outside explosive shell will become publicly known, and the end will be near for the flimsy sophistries by which the public has so long been deceived and our National Treasury looted.

It was recently stated before this committee that the new 12-inch projectile would penetrate 15 inches of modern armor at 10,000 yards, and also that the axis of a projectile is practically tangent to the trajectory at all times. The first proposition is obviously dependent upon the accuracy of the second, but the second is disproven by all textbooks on ordnance and gunnery as also by the discussions of this subject in the War College and elsewhere abroad, as contained in the service magazines and scientific publications referred to in the appended memorandum. In view of such incontrovertible testimony, with which the bureaus were cognizant, and in opposition to which they possessed no new theories or results to controvert, why was the recent contract, amounting to millions of dollars for armor-piercing shell, entered into long after the disclosures in such official publications, and whereby this Government, if these opinions were correct, would be defrauded out of this money by the purchase of material thereby proven to be worthless, and while the test which they were ordered to make was nearly ready to be carried out to settle this point? Moreover, if such evidence is still of even the slightest value, how can the bureaus expect Congress to make still further appropriations for the purchase of such shell while the same test is still pending, ordered by Congress, to settle this controversy and promised by the bureaus two years ago?

Congress is a purchasing agency for the people. Would any purchasing agent buy an article for a client which it had been instructed to test, before such test had been actually carried out? Would not a purchase in such an event be an unwarranted abuse of confidence? There never perhaps was a time in the history of this country when we needed to construct efficient ships, guns, and shell more than at present, but, in view of the conditions of finance, there never was a time when there was less excuse for making appropriations for such purposes, either to create a market for steel or to protect a few reputations of doubtful value.

The official report submitted by this committee on the results of the *Puritan* tests is such a remarkable presentation of the facts that a few comments are necessary: The 8-inch circular turret of the *Puritan* is surrounded and sustained by a 14-inch barbette, built up solidly from the protective deck. The turret therefore presented its material as an arch, held in place by the barbette, to receive the gas pressure that resulted from the explosion, and was therefore much more resistant, as a computation will show, to this form of attack than the heaviest modern turrets, having practically plain surfaces, and which offer only transverse resistance. Likewise the location for the charge on the armor belt was selected against my wishes, where the armor was only 10 inches thick, because at this point a heavy deck ran across the ship and sustained the frames at this point from inboard thrust and made them more resistant than those in the central part of this ship or in any other ship. It is also stated that the first charge was perfectly detonated, but the pressure gauge readings were less than 500 pounds per square inch, while those obtained in a test at Sandy Hook, when an Isham shell was fired against a plate, gave 4,800 pounds per square inch at the same distance. I make no comment on this. I merely present the fact. Attention is also directed to the press reports of the test, which uniformly stated that the ship was on the bottom within two minutes, and that the continued pumping by two or three tugs, in addition to the ship's own pumps, could not cope with the water. This is quite different from the official report, and it is certain that had the water been deeper she would have stood on end and gone down at once, as her buoyancy at the stern was completely destroyed.

The divers' reports show that the whole side was driven in, the rent extending to a much greater depth than any ship is protected by armor.

It is established by reliable testimony already introduced that armor-piercing shell are useless, and that consequently appropriations for ships or guns designed for or dependent upon the armor-piercing hypothesis are a waste of public treasury. The alternative proposition of outside explosive shell, pending in this country for 12 years, was tested in actual battle in the Russo-Japanese War and established its supremacy beyond question. The destructive effect of such shell has also now been proven in this country by the *Puritan* test. In view of these established facts, what reason can now be advanced against the future disuse of armor-piercing shell and the substitution of high-explosive shells? It is absurd to bring any argument against the safety of the Isham shell, in view of the record, any more than could be brought against the safety of a rope or a bar of steel because one broke in an excessive strain test. Were cannon ever discarded as armament because one blew up with an excessive charge? The result would only show their limitation and furnish data to enable any requirement to be met.

In the case of the Isham shell this is done by either increasing the subdivision of the charge, thereby reducing the shock to the desired extent, or by increasing the insensitives of the explosive by adding camphor until, if desired, it is rendered absolutely insensitive to shock and can be fired in the ordinary shell. Furthermore, such criticism of this shell appears absurd, in view of the fact that the nation which is our competitor for supremacy in the Pacific already uses these shells, and hence, if we consider that they are too dangerous for our use, in view of their advantages, we have left the only alternative of going out of the navy business, and incidentally out of the world-power race, and possibly out of existence as a Nation. It is not to be expected that the bureaus, burning with prejudice and bias that has been further fanned by recent developments, will favor the purchase of such shell or a change in the plan of naval construction; but will this country's defenses be further placed in jeopardy and her Treasury wasted merely because it interferes with a few traditions or opinions? President Taft stated two years ago that "No nation had a right to sit in judgment in its own cause." Therefore no department of the Government has such a right, and it would appear high time, in view of the developments, that steps were taken by Congress to correct the condition.

To this end your aid is invoked to secure fair treatment for my interest and the interest of the country

As supplementary to this presentation and forming precedents and premises upon which the argument is based, the following memorandum of facts, drawn from recognized authorities, is appended:

MEMORANDUM—BATTLE RANGES.

[Journal of the United States Artillery, November–December, 1910, p. 329.]

The Hardcastle 21-inch torpedo (adopted by England; probably purchased by Japan) carries a bursting charge of 250 pounds, and its extreme range exceeds 7,000 yards at a speed of 40 knots. Any vessel of an enemy which comes within about 4 miles will render herself liable to attack from these exceedingly powerful torpedoes.

Set at a 20-knot speed, the range of the torpedo would be very much greater and the minimum battle range of the future will be therefore not much under 10,000 yards.

[Journal of the United States Artillery, January–June, 1910, p. 65.]

The battle of July 28, 1904. According to the testimony of the onlookers as well as of those who participated in the engagement, the effect of the Japanese shell was very considerable. The Japanese opened fire at 14 kilometers, nearly 9 miles.

PENETRATION OF 12-INCH GUNS AT BATTLE RANGES.

[Journal of the United States Artillery, July–December, 1909.]

(P. 223.) It is now generally agreed, however, that less than 10 per cent of the shot fired in action at a moving ship in a moderate sea will hit the target normally, and considering impact with reference to the horizontal and vertical plane it will easily be seen that at any range normal impact is out of the question.

(P. 224.) A projectile on striking is invariably parallel to the muzzle of the gun. At short range it strikes at right angles and at long range it strikes point upward. For instance, supposing the range to require a 20° elevation to the gun the projectile will strike vertical armor at 20° from normal.

(P. 225.) Thus in the case of a 12-inch A. P. shell fired at vertical armour at 8,000 yards it leaves the muzzle at an angle of 5.7°, and at impact its trajectory is pointing downward at an angle of 7.4°, or 13.1°, between the axis and the trajectory.

(P. 226.) There is no record of a single case in which the main belt, turret, or casement armor was perforated either at Tsushima or in the battle of August 10, 1904.

LIFE OF 12-INCH GUN WITH A. P. SHELL.

[Report of the Chief of Ordnance, United States Army, 1906.]

(P. 25.) The life of this gun firing a projectile of 1,000 pounds weight with a velocity of about 2,500 feet per second is only about 60 shots. * * * The limit of its life could be reached in less than an hour and a half.

(P. 77.) The erosion in 12-inch guns, model of 1900 No. 2, after 48 rounds, is very great. The direct and immediate effect of this erosion when it has proceeded far enough is the tumbling of the projectile in flight.

(P. 79.) Twelve-inch guns used at their highest power can not be expected even if perfectly new to last through an engagement of greater duration than one and one-fourth hours. * * * This lack of staying power is sufficient it is thought to condemn them as a part of existing or future armament.

[Journal of the United States Artillery, November–December, 1910, p. 355.]

Seacoast cannon have begun during the past two years to show signs that the end of their accuracy life has been reached, though the number of rounds producing this result was less than had been expected from proving-ground experiences.

SAFETY OF EXPLOSIVE GELATIN.

[Explosive mixtures, Berthelot, p. 73.]

Frozen gelatin possesses a sensibility to shock comparable to that of nitroglycerin.

[Explosives and Their Power, Berthelot.]

(P. 438.) Dynamite requires a much more violent shock to explode it than nitroglycerin.

(P. 441.) To explode blasting gelatin requires six times the shock required for ordinary dynamite. By adding 1 to 4 per cent of camphor it is rendered insensible to the shock of a bullet fired at short range.

[The Manufacture of Explosives, Guttman, p. 219.]

In order to explode camphorated blasting gelatin the use of a special primer is necessary, which insures a more violent detonation, on account of its giving a larger number of vibrations.

[Ordnance and Gunnery, Fullam and Hart.]

(P. 325.) Blasting gelatin requires a strong detonator and close confinement to develop its full power.

(P. 326.) Explosive gelatin is blasting gelatin with the addition of camphor. The proportions generally used are 87 per cent nitroglycerin, 7 per cent nitrocotton, 4 per cent camphor.

It is insensitive to shock, rifle balls having been fired into it at short range without exploding it, and it is believed to be as stable as gunpowder when manufactured from pure ingredients.

EFFECT OF OUTSIDE EXPLOSIVE SHELL.

[Ordnance and Gunnery, Lissak, p. 583.]

In recent experiments with a submerged target, built in exact representation of the bottom of a battleship, a 12-inch shell containing 64 pounds of high explosive (equal to about 25 pounds of explosive gelatin), at a distance of 15 feet nearly disrupted the target.

[Journal United States Artillery, January–June, 1910.]

(P. 66.) The battle of Tsushima.—The effect of the torpedo shell was as if actual submarine torpedoes had been discharged upon the ship's decks. The armored turrets were destroyed. The guns torn from their mounts even without being struck.

(P. 69.) It was not the greater speed of the Japanese ships, nor the kind of armor, nor the greater load on our ships, nor the superiority of the Japanese as to personnel, material, or number of guns of medium caliber which decided the naval battle in Asia, but simply the torpedo shell opposed only by an armor-piercing shell and a semirupture shell with a weak bursting charge.

(P. 68.) The great advantage of the torpedo shell over the ordinary armor-piercing shell is that its effect is not dependent on the range.

[Ordnance and Gunnery—Lissak, p. 359.]

When the projectile first issues from the piece its longer axis is tangent to the trajectory * * *. The longer axis of the projectile being a stable axis of rotation tends to remain parallel to itself during the passage of the projectile through the air.

[Journal of the United States Artillery, November–December, 1909, p. 225.]

In the case of a 12-inch A. P. shell capped, loaded, and fused, fired at vertical armor at 8,000 yards, it leaves the muzzle with its axis pointing upward at an angle of 5.7°, and when impact takes place the trajectory is pointing downward at an angle of 7.4°. The figure illustrates this condition and shows an angle of 13.1° between the axis of the shell and the trajectory.

[Scientific American, July 2, 1910.]

Several years ago the writer visited Sandy Hook Proving Ground to inspect one of the most dramatic tests of armor plate that ever was made at that famous place. A 12-inch shell, loaded with high explosive, had been fired against a face-hardened 12-inch armor plate. It had passed through the plate intact, and, bursting just to the rear of it, had literally torn to ribbons the heavy steel plating representing the interior framing of a battleship.

Everybody who looked at that shattered and twisted mass of steel and timber read the doom of the battleship writ large upon it.

Half a dozen years later came the opportunity to test, in the arena of actual conflict, the apparently verified theories of the artillerist and the proving ground. The stupendous conflict between the fleets of Russia and Japan brought together in the greatest naval engagements of modern times two opposing fleets, each of which contained representatives of the most up-to-date types of battleship. Hour after hour through the livelong day and at all the possible fighting ranges, the high-velocity gun hurled its projectiles against the best harveyized and Krupp armor plate. Time and again the shells reached the enemy on belt, barbette, and turret, with the result that in not a single instance was penetration effected through these heavily protected portions of the ships.

But why, the layman will ask, were not the results of that Sandy Hook Proving Ground test repeated in the sortie from Port Arthur and in the disaster of the Battle of Tsushima Straits? The answer surely is to be found in the fact that proving-ground tests do not represent the conditions which actually obtain in an engagement. The work done by a shell which strikes normal to the proving-ground target is no criterion by which to judge its effect when, after a flight of several miles across the water, it falls obliquely against the side or turret armor of a battleship.

For proof of the above statements we have prepared the accompanying diagram, which illustrates the probable battle conditions. Let us suppose that war has broken out between this country and another with the sudden and explosive violence of a volcano, and that our fleet of *Dreadnoughts* is engaged with the enemy in fighting a broadside engagement at the expected distance of about 9,000 yards. The 12-inch guns have been set at the correct elevation of 5° 04.1′ corresponding to that range. The shell leaves the gun with its axis inclined upward at 5° 04.1′ to the horizon, and under the action of the rifling it has been set spinning on its longitudinal axis at a speed of several thousand revolutions per minute. It describes a flat parabolic curve, reaching its greatest elevation at a point about halfway between the two ships, and striking the enemy at an angle of fall of 7° 18′.

Because of the gyroscopic effect of its rapid rotation, the axis of the shell does not maintain a position tangential to this curve, but parallel to its original plane of rotation, which, as has been seen, is over 5° 04.1′ inclined to the horizontal. Consequently, if the enemy's ship is floating on an even keel, when the point of the shell strikes the vertical side armor its axis is not normal to that armor, but is inclined to it 12° 22.1′, which is the sum of the shell's angle of departure and its angle of fall. Now, the striking energy of the shell may be considered as concentrated at the center of gravity, which will be at about its mid length, and consequently when the point of the projectile brings up against the armor the energy will not be directed on that point along the axis of the shell, but rather through the axis of gravity on a line parallel to the angle of fall and several inches below the point of impact. Hence it follows that an enormous transverse bending stress will be exerted upon the shell, which will be so great as probably to fracture it before penetration of the armor can be effected.

There is, then, little wonder that throughout the whole Japanese war 12-inch shells failed to get through 12-inch armor.

In this connection it is surely significant that the British armored cruisers of the *Invincible* type (they are really battleships) carry only 7 inches of armor for the water-line protection.

[Report of Chief of Ordnance, United States Army, 1906: Appendix 1, pl. 9.]

The accuracy life of 12-inch guns, model of 1900, is shown to be about 48 rounds, the muzzle velocity being about 2,550 foot-seconds.

With a muzzle velocity of about 2,150 foot-seconds, its accuracy life is shown to be about 300 shots.

Mr. ISHAM. If there are any questions I shall be pleased to answer them, if I may be permitted. I wish to make one point clear. The gentleman from Ohio, if I read the minutes correctly, asked a gentleman testifying before this committee whether the projectile struck in that way or that way [indicating]; the answer was that it struck with its axis coincident with its trajectory. The whole argument of the department in favor of armor-piercing shells hinges on that point, as it is evident to anyone that if a projectile strikes flatwise it can not penetrate, but that it must strike normally to penetrate. I wish to introduce as evidence the textbook on Ordnance and Gunnery by Lassak. This authority shows that the axis of the projectile always remains parallel to the bore of the gun. This fact is introduced in the textbook to account for the drift of projectiles. I tried to have the question put to the gentleman the other day how he accounted for drift, but somehow it was left out. There is no way that drift can be accounted for except by the hypothesis that a projectile travels with its axis parallel with the gun's axis, and then it rolls to one side on the air as a baseball does if given a "twist." I wish to also introduce an article published in the Scientific American of July 2, 1910. This article is by a high authority.

The CHAIRMAN. You put those in your hearings. They are all short extracts?

Mr. ISHAM. Yes. I also want the drawings to go in. There is also another article in the Army War College organ "Artillery" which is especially good, and which, I think, everyone will accept as the highest authority in such matters, which says that the projectile will always strike with its axis making an angle with its trajectory equal to the angle of elevation plus the angle of fall.

Mr. PADGETT. What is you idea of the disposition we should make of the guns that we now have in the ships? Do you want to displace them entirely and substitute outside explosives, or do you want to keep the guns?

Mr. ISHAM. I want to use the same guns if they are of 12-inch caliber or larger. May I have a minute to answer that? If we were to go into battle to-morrow, one-half of our guns, if we used A. P. shell, would be out of service because of erosion inside of 35 minutes, because they are already badly worn by target practice.

Mr. PADGETT. You want to keep the guns, but you want to do away with the present projectiles?

Mr. ISHAM. Yes, sir; because they can not penetrate armor at battle ranges, as claimed for them, and therefore to purchase them is a waste of money; and, moreover, while these are being used our guns are being rapidly worn out. There is no excuse for purchasing this projectile except to make a market for steel.

Mr. PADGETT. And would you substitute entirely your projectiles?

Mr. ISHAM. Yes, sir. The Japanese and the Russian fleets both used A. P. shell in the first fight, and they had no effect on either side. The Japanese used my shell in the Tsushima fight, and destroyed the Russian fleet in a short time. I can offer no better proof of their relative merits

than the comparative results of the two shells as demonstrated by the actual conditions of warfare.

Mr. HOBSON. They could be used with both shell, could they not?

Mr. ISHAM. Yes, sir; A. P. shell and Isham shell might both be fired interchangeably from the same gun, but since the latter will destroy any ship against which or near which it strikes, it seems absurd to couple with it the former shell, which has no effect on the enemy, but has a suicidal effect on the one that employs it. I trust the committee will authorize the purchase of at least a thousand of these shell, so that our competitors in the race for world power may take notice that we are not behind them in preparedness for war, which, being the most effective argument for peace, will tend to secure it, and I venture the opinion that if war results with our Pacific neighbors it will be because of our neglect to avail ourselves of the advantages which they secured through the adoption and use of the Isham shell.

(Thereupon, at 11.40 o'clock a. m., the committee proceeded to other business.)

Mr. HOBSON. Mr. Chairman, I offer an amendment, the same as one of last year, with certain changes.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in experiments unless in the development of armor-piercing projectiles and high explosives an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at not less a 15,000 yards.

Mr. MANN. I reserve a point of order against the amendment for the purpose of asking the gentleman from Alabama a question. Is this amendment the same as that of last year, except that it provides for an increased range?

Mr. HOBSON. Yes.

Mr. MANN. I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I think it is hazardous to adopt that amendment. Last year we put in one for the testing of projectiles at 7,000 or 8,000 yards.

Mr. MANN. Eight thousand.

Mr. PADGETT. But to make the whole appropriation dependent upon experimenting at 15,000 yards, when all the evidence shows that 10,000 is the limit of practical experiment, is, it seems to me, to jeopardize the whole appropriation.

Mr. ROBERTS. It is to stop the whole appropriation.

Mr. PADGETT. I think it would be very unwise for us to hazard and jeopardize the whole appropriation in an experiment of that kind. I hope the amendment will not prevail.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that 10,000 yards—30,000 feet, or 5 miles—is the limit? Is that the range at which they experimented down here at Indianhead?

Mr. PADGETT. No; that was at 8,000 yards, but this proposes to fix it at 15,000 yards, and 10,000, as I said, is the practical limit.

Mr. COOPER of Wisconsin. What was the distance down here at Indianhead?

Mr. ROBERTS. Eight thousand yards, or 4 nautical miles.

Mr. HOBSON. Gentlemen will remember, I am sure, that in the discussion when this amendment was introduced last year it was stated that we ought to find out the effect of armor-piercing projectiles fired at as high as 10° elevation, with an angle of fall of about 15°. Gentlemen will also see that 8,000 yards, stipulated last year in the bill, was simply the minimum distance at which the test might be made, while it was expected that they would be carried out at a much greater range; and if the gentleman from Tennessee will take the report of these experiments, he will see that the angle of elevation in the *Katahdin* tests was only 4° 31′, which is scarcely more than half of the angle of elevation that ought to be expected at extreme battle ranges, and simulated proving-ground conditions more than those of actual battle. The gentleman will also remember that they made four hits at 8,000 yards on a target but a small fraction of the size of a ship, showing that the fire is very accurate at that range, and that they will score a large percentage of hits at ranges away beyond that, and that to-day the target practice is at 10,000 yards and over.

He will notice that 8,000 yards was the minimum limit, and every shell that struck the armor broke up, even against 8-inch armor. In the proving ground had those shells been fired at short range not a single shell would have broken up; in breaking up at all the shell showed something extraordinary in the condition of the shell striking that armor. It shows that with only four and a half degrees of elevation the shell struck obliquely and broke up, although it had enough energy to get through. Now, at 15,000 yards, which will be the range in future battles, if they use high-explosive projectiles, it does not matter what the angle is, as the effect is not dependent upon penetration; and if they even hit within 50 feet of a ship it will do great damage. The reason I use the 15,000 yards now in this amendment is in order to determine once for all what is clearly indicated by the test, that a projectile is inclined to its trajectory, and at long ranges will be broken up. The experiments were not complete as carried out under the law of last year, and this experiment will make it plain. They should first try 10,000 yards, then 12,000. I believe there is some place in this bill where this Congress, without having it subject to a point of order, will be able to provide for getting the service equipped with shells which we ought to have had for the last 10 years. I do not mean any particular make of shell, but a shell that will hold high explosives for use at long ranges. I believe we will find a place where Congress can so instruct.

Mr. PADGETT. Mr. Chairman, I wish for about five minutes——

The CHAIRMAN. The gentleman from Tennessee asks to be heard for five minutes. Is there objection?

There was no objection.

Mr. PADGETT. I will yield to the gentleman from Illinois.

Mr. MANN. In the opinion of the gentleman from Tennessee are we not safe in trusting the Navy officials to make these experiments? They have the power if they think it is proper so to do.

Mr. PADGETT. Exactly so. I was going to call attention to the fact that in the language of the bill we had enlarged the ordinary language used heretofore by saying instead of "armor-piercing projectiles" "armor-piercing projectiles and other projectiles." So the department has full authority under the language of the bill to experiment.

Now, speaking about 20,000 yards, a ship is invisible at 20,000 yards, and the telescopic sights and fire-control arrangements will not operate at anything practical above 10,000 yards. So that to place a limitation of 15,000 yards in this amendment is simply to jeopardize and hazard the whole appropriation, and I hope it will not prevail.

Mr. HOBSON. Mr. Chairman, I was 18 years under the Navy Department. It is very far from me to make strictures on that department, but the question of the gentleman from Illinois brings out very clearly the naval development. If he will go back only three and a half years he will see where, under the Navy Department regular procedure, the *Dreadnought* battleship was condemned, and left in full discretion we would not have had any *Dreadnoughts*.

Further, if he will go back beyond that—and I am not citing all of the precedents, but I will take one—take the introduction of the Monitor type of armor ship. The Navy Department refused again and again—and the technical boards backed them—refused to accept the *Monitor*, and the *Monitor* actually fought the battle with the *Merrimac* when it was owned by private citizens of the United States. Practically every advance in ordnance, in torpedoes, in armament of various kinds, has frequently had to come in spite of the Navy Department.

Now, I call the attention of the gentleman to the fact that last year when I advocated it, it was not as a partisan of any particular kind of attack on armor.

I recognize that the Navy Department and the Ordnance Department of the Army ought to proceed on their own initiative and develop high-explosive shell fire. This is made necessary by the existence of these fast ships of 26, 27, 28 knots, which can select their own range from a battleship, and will never be practically in any danger. From such points they can drop high-explosive shells on the battleships, and they are being built for that purpose. They are 2, 3, or 4 knots faster than battleships and they carry large guns. I am surprised that the gentleman from Tennessee [Mr. PADGETT] would tell us that 10,000 yards is the limit of the battle range. Why, we are now having battle practice at 10,000 yards, which is much less than the condition of actual battle. I think he will find that the Battle of Shushima was fought at as high as 10,000 yards, and in any case at 8,000-yard range. I am not a partisan of either system of attack. Both of these experiments have been wonderfully gratifying to me, the results fulfilling exactly my ideas in both cases, namely, the great power of the high explosive on the one hand and the usefulness of the armor-piercing projectile, but its limitations, on the other hand.

I felt that advocates of high-explosive shells did not appreciate the value of armor-piercing projectiles at short and moderate ranges, and I also felt that advocates of the exclusive use of armor-piercing projectiles did not appreciate the great value of high-explosive shells and their great value at long ranges. If the gentleman from Illinois will ask the people at the Navy Department, they will tell him that the sinking of the *Puritan* was a revelation to the Secretary of the Navy and all of his advisers; the penetration of the *Katahdin* armor was equally surprising to advocates of high-explosive shells.

Mr. COOPER of Wisconsin. How was it done?

Mr. HOBSON. By an explosion of 200 pounds of explosive gelatin which was calculated to be equivalent to a 12-inch shell exploded alongside her armor plate. The explosion produced a hydraulic wedge, forced downward, and which not only blew in the armor plate itself, but carried the effect below the armor plate into the weak part of the ship. That kind of fire, with such destructive effect, ought not to be neglected in this country. Those nations which we may be called upon to meet in battle are developing that fire, and it is a pity that we have to come down here year after year on the floor of Congress and try to get the department to make experiments to establish the efficiency of shells which have decided the fate of battles and the fate of nations. It was promised us in the Naval Committee three years ago that they would make experiments, but we had to finally compel them to make them.

Mr. LAMB. When that vessel sank what became of the sea lawyer? [Laughter.]

Mr. HOBSON. I believe they had gone to their retreats.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. MANN. I shall object unless we close debate in five minutes, and I ask unanimous consent that debate on the paragraph and all amendments close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. POINDEXTER. Mr. Chairman, the gentleman stated that countries with which we might expect to become involved with war were equipped with these high-explosive shells. I would like the gentleman to state the countries those are—some of the countries that have those shells.

Mr. HOBSON. I have not any doubt whatsoever that the Japanese Navy is fully equipped. [Laughter.] I would like to have the laugh of the gentleman from New Jersey [Mr. HUGHES] in the RECORD. I think the English Navy has been so equipped, and that the German Navy is being now so equipped.

Mr. COOPER of Wisconsin. Does the gentleman call Shimos a high explosive?

Mr. HOBSON. Yes; but it is an inert explosive.

Mr. POINDEXTER. Has anything been done toward equipping the American Navy with high-explosive shells?

Mr. HOBSON. Nothing in the way of outside explosive shells. It is an unfortunate fact that both the Ordnance Department of the Army and the Navy about 10 or 12 years ago committed themselves to armor penetration.

Mr. ANTHONY. Might I ask the gentleman what is the nature of the explosives used in the *Puritan* test?

Mr. HOBSON. Explosive gelatin, chiefly nitroglycerin, with nitrocotton and camphor.

Mr. ANTHONY. I have heard, I think, experts state that there was danger in carrying that sort of explosives on board a battleship in their magazines. Is there any truth in that?

Mr. HOBSON. There is danger in all of these things, but you can put camphor in explosive gelatin in any quantity you please without reducing its power appreciably and make it as insensitive as what we call explosives D, or as insensitive as cordite, and, by the way, the English cordite, which is 58 per cent nitroglycerin, is one of the safest of the smokeless powders and much more stable than the high explosives now in use in this country. Of course there is danger. They blow up guns, but does that cause us to discontinue their use? There have been over 100 guns blown up in the last five years, I dare say.

Danger, of course there is. What do you go to war for? There is danger on a torpedo boat, there is danger on submarines, there is danger everywhere. You must not consider the element of danger in the consideration of destructive implements of war when the enemy does not hesitate to use them. Now, if the Ordnance Department of the Army and of the Navy had not 10 or 12 years ago committed themselves against the development of outside explosive-shell fire, I believe we would be now equipped with high-explosive shell and we would not be trying to push the pressure so high in our guns that they are shortly destroyed by erosion. To secure penetration at 8,000 yards they obtain a flat trajectory by a longer gun and a larger powder charge. The result is that the life of your gun, with a 2,800 foot-second velocity, would not be 48 shots, even if we started when that gun was new. Assuming that the gun is one-half worn out, as the average gun will be, because of target practice, you could get but 24 shots from the guns of our fleets before the shell tumbles, and you could not get half through a battle or shoot one-third of the ammunition in the magazine from the guns before their accuracy life is destroyed.

Under the present conditions they are hoping to penetrate at 12,000 yards and upward, but actually to-day it is not known that they can do so beyond 8,000 yards, although strained until it is impossible for them to live through an hour of battle. And, then, when that battle is over you could not go into a second battle.

Every ship in the fleet would have to go back home and have the guns relined, and weeks and months would be required. Why, it is simply ridiculous the way they have gone on trying to develop the flat trajectory and armor penetration, when a long life for the gun and a long destructive range can be secured with outside explosive shell employing lesser pressures.

Mr. ANTHONY. I would like to inquire if there is a proper provision in the bill for the purchase of a sufficient supply of these explosives.

Mr. HOBSON. There is no provision in the bill at all for the purchase of such shell, and the department will not recommend any, or tests to determine their use and limitations, if they have any.

Mr. ANTHONY. Does the gentleman know whether it is the policy of the Navy Department to go ahead with the experimentation and development of these explosive projectiles?

Mr. HOBSON. It is difficult for me to state what the policy is.

Mr. ANTHONY. I would like to see a provision to carry out the line of the experiment and to purchase a sufficient supply.

Mr. HOBSON. The Navy Department now proposes to sink the old *Texas* and establish the fact that they can sink a battleship with armor-piercing shell. Such a test will prove nothing unless it is made at a range of at least 12,000 yards and the effect judged by the penetrations secured on the thick armor. Modern ships are designed so that they can not be sunk by penetrations made near their ends. When this test is made, it will be interesting to know how many hits were required to sink her and make a comparison with the results of the single outside explosive shell on the belt of the *Puritan*, which sunk her in two minutes.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterments, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, including salaries of the necessary clerical force and office expenses in the Navy Department, at Washington, D. C., $125,000: *Provided*, That immediately upon the approval of this act the necessary employees in the Navy Department, at Washington, D. C., may be appointed, and their salaries and office expenses for the remainder of the fiscal year ending June 30, 1911, paid from the unexpended balance of appropriations heretofore made for "Arming and equipping Naval Militia."

Mr. WEEKS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] offers an amendment, which the Clerk will report.

Mr. WEEKS. Mr. Chairman, before that amendment is read, I think, in fairness to the committee, I ought to explain what it is.

The CHAIRMAN. Let it be reported.

Mr. WEEKS. It is 20 pages long.

Mr. ROBERTS. It is the Naval Militia bill, agreed upon by everybody.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to make an explanation before the bill is read.

Mr. MANN. How long a time does he want?

Mr. WEEKS. Two or three minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] is recognized for three minutes.

Mr. WEEKS. This bill is a bill which has been reported unanimously by the Naval Committee for the greater efficiency of the Naval Militia of the United States. These militias are organized in 21 States and constitute the only reliable reserve force that the Navy has. They were extremely useful in the Spanish War, and they are in much better condition to-day than they were at that time, but the Navy Department can not make the best use of them under the present laws, because they must take them over as organized bodies, and it is intended that they should be distributed among the ships of the Navy in case of necessity. The expense will not be materially increased, and it simply places the Naval Militia, as far as the Govern-

ment is concerned, in the same relative position to the Navy that the National Guard bears to the War Department under the Dick bill. It makes available at very little expense a very valuable national adjunct. The Navy Department has agreed that this is a bill which exactly meets the conditions they require. It has been passed upon by every representative of Naval Militia organizations in the country. The Committee on Naval Affairs reports it unanimously. There is absolutely no dissenting opinion as to the necessity for this legislation, but unless it is adopted in this way there is grave doubt about its being passed at this session of Congress.

Mr. HOBSON. I would like to supplement the statement of the gentleman and say that it is almost vital legislation.

Mr. WEEKS. I think I am safe in saying, after talks with various members of the Naval Committee, that they feel it is one of the best pieces of legislation they have ever reported to this House, and that there is absolutely no dissent as to its value and the necessity of its being enacted.

Mr. MANN. Mr. Chairman, quite agreeing with that, let us ascertain before the amendment is offered if anybody is going to make a point of order on it, and if not we can have an understanding during the reading of it that we can go to lunch.

Mr. COX of Indiana. Mr. Chairman, I have never had an opportunity of reading the bill. I make the point of order.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. WEEKS] has expired.

Mr. FOSS. Mr. Chairman, I want to say to the gentleman from Indiana [Mr. COX]——

Mr. COX of Indiana. I make it now, so as to shut off time.

The CHAIRMAN. The Chair has examined the bill, and he is very much in favor of having it enacted into law, but the point of order has been made.

Mr. WEEKS. I made this explanation so that we might know what the amendment is. If any Member is going to make a point of order against it, I will withdraw the amendment, because it would be a waste of time of the committee to have it read.

Mr. BUTLER. It would take half an hour to read it.

Mr. COX of Indiana. I make the point of order on it, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. WEEKS] withdraw his amendment?

Mr. OLMSTED. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 22, page 18, insert:

"That the Secretary of the Navy be, and he is hereby, authorized to loan, at his discretion, to the city of Detroit, Mich., for exhibition in the Detroit Museum of Art, the silver service presented to the U. S. S. Detroit by the city of Detroit: *Provided*, That should another vessel be hereafter named after the city of Detroit the said silver service shall be presented by the city of Detroit to such vessel: *And provided further*, That no expense shall be caused the United States Government by the delivery of the said service, the same to be delivered at such time and under such conditions as may be agreed upon between the Secretary of the Navy and A. H. Griffith, the director of the Detroit Museum of Art."

Mr. MANN. Reserving a point of order, I would like to ask if this amendment is not self-contradictory. It provides that the silver service shall be loaned to the city of Detroit, and then if another vessel shall be named Detroit it shall be presented by the city of Detroit to that other vessel. It should read "returned" instead of "presented."

Mr. OLMSTED. I offer this at the request of the gentleman from Michigan [Mr. DENBY], who represents the district embracing the city of Detroit and who has been called away on pressing business. The ship *Detroit*, to which the silver service was presented by the city of Detroit, has been sold by the Government, and so the service is not now in use. This amendment is simply to provide the means for its preservation, so that if there shall be another *Detroit* constructed it may be given to that ship. The word "returned" would hardly be applicable, as it is to be given to a vessel which has never had it and, indeed, is not now existing. I think "presented" is all right, although it does not make any material difference.

The CHAIRMAN. Without objection, the amendment will be modified in accordance with the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Owing to the fact that the gentleman from Michigan [Mr. DENBY] is engaged on pressing business, I shall not insist upon the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Equipment of vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of the necessary sites for wireless telegraph shore stations; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, $3,843,300: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1912, shall not exceed $209,093.60.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the language "including the purchase of the necessary sites for wireless-telegraph shore stations," in lines 10 and 11, page 20. Unless some limitation is imposed on the amount to be expended for that particular purpose, the total appropriation in that paragraph could be used for that purpose.

Mr. FOSS. There is no limitation in any of these items.

Mr. FITZGERALD. There ought to be some limitation on the ability or liberty of the department to expend money for sites for these shore stations. I make the point or order. They have gotten along without this heretofore, and they can get along without it hereafter.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,000,000.

Mr. FOSS. Mr. Chairman, I desire to pass over that paragraph until to-morrow.

The CHAIRMAN. Without objection, the paragraph will be passed over, as suggested by the gentleman from Illinois. The Clerk will read.

The Clerk read as follows:

Ocean and lake surveys: Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase of nautical books, charts and sailing directions, $125,000: *Provided*, That $50,000, or so much thereof as may be necessary, of this appropriation may be used, in the Hydrographic Office of the Navy Department at Washington, D. C., for the purchase of the necessary machinery, materials, supplies, and tools, and for the pay of the necessary additional draftsmen, photographers, lithographers, printers, negative cutters, pressmen and feeders, to enable the Hydrographic Office to produce metallic chart plates of the oceans and harbors of the world, and print charts therefrom, to replace such foreign charts as now have to be purchased abroad.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the provision. This service is carried in the legislative bill. The Committee on Naval Affairs has no jurisdiction of it. It should be appropriated for by the Committee on Appropriations.

Mr. ROBERTS. I think the gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not. The Hydrographic Office in Washington is provided for in the legislative bill, and this appropriation does not belong to the naval bill.

Mr. ROBERTS. In regard to these metallic plates——

Mr. FITZGERALD. The officer in charge of that work should apply at the proper place for the appropriation. He was before the Committee on Appropriations and he made no request for this appropriation. Apparently he desires to extend the appropriation already placed at his disposal by $50,000, authorizing an increase of clerical force, which is authorized in the legislative bill. If he needs the money and wants the money to be

expended in this way he can go to the Committee on Appropriations for authority. This service does not belong in this bill at all. It is a proposition to combine the departmental service in Washington with the field service. Those two branches of the service should be disconnected.

Mr. ROBERTS. I think if the gentleman will yield a moment I can explain the purpose here.

Mr. FITZGERALD. I know what the purpose is. It is to enable the office to make certain plates and print certain charts which are now purchased abroad at a cost of about $10,000 a year. If this service in Washington, which is a departmental service, is to be given additional help and additional funds for this purpose, it should be given by the committee that has charge of that work. I understand what this office is doing.

Mr. ROBERTS. The gentleman will not withdraw his point of order under any conditions?

Mr. FITZGERALD. No; I will not; because it is bad policy to mix up appropriations for the departmental service in two bills.

Mr. HUGHES of New Jersey. I think the attention of the committee ought to be called to the state of affairs disclosed by the hearings on this particular subject. It seems to me there are very few Members of the House who realize that we are purchasing from foreign governments the charts which our ships use abroad.

Mr. MANN. They purchase from us charts in the same way. There is no argument in that one way or the other.

Mr. HUGHES of New Jersey. Not according to the statement here.

Mr. MANN. It is ridiculous to say that we should have charts of the whole world. I make the point of order.

Mr. HUGHES of New Jersey. That is exactly what other nations are doing—making charts of the whole world. The British Admiralty is making charts of the whole world and selling those charts to us.

Mr. FITZGERALD. The gentleman is mistaken. What they wish to do is to purchase these plates and do the printing here, but the charts would not be made here.

Mr. MANN. Let us have a ruling on the point of order.

The CHAIRMAN. Is the point of order directed only to the proviso?

Mr. FITZGERALD. To the proviso.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I move to amend by striking out "one hundred and twenty-five," in lines 19 and 20, and inserting "seventy-five."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 19 and 20 strike out "one hundred and twenty-five" and insert "seventy-five."

Mr. FITZGERALD. This reduces the appropriation to the amount that has been carried for the service and eliminates the amount which was intended to be given for this other purpose.

The amendment was agreed to.

The Clerk read as follows:

Distribution of duties: The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June 30, 1912, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided: *Provided*, That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the Naval Establishment for the fiscal year 1913, except in accordance with the order and arrangement of the naval appropriation act for the year 1911: *Provided further*, That the Secretary of the Navy shall report to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy-yard work therein involved.

Mr. FITZGERALD. I reserve a point of order against that paragraph, and ask the gentleman from Illinois if he will allow it to go over until to-morrow, with the point of order reserved on it.

Mr. FOSS. I would rather pass it to-night, I will say to the gentleman.

Mr. FITZGERALD. I will insist on the point of order if the gentleman does that. To-morrow I may withdraw it. I want to look into it.

Mr. FOSS. Then I will pass it.

Mr. ROBERTS. How much is passed?

Mr. MANN. Just the paragraph relating to the distribution of duties.

The CHAIRMAN. If there be no objection, the paragraph will be passed without prejudice.

Mr. FITZGERALD. With the point of order reserved on it.

The CHAIRMAN. With the point of order reserved.

The Clerk read as follows:

Contingent, Bureau of Yards and Docks: For contingent expenses that may arise at navy yards and stations, $30,000.

Mr. RAINEY. I move to amend by striking out, in line 19, page 23, the words "and driving teams."

Mr. FOSS. I make the point of order that that paragraph has been passed.

The CHAIRMAN. The paragraph has been passed, and the next paragraph has been read.

Mr. RAINEY. I was trying to get the attention of the Chair before the paragraph was completed.

The CHAIRMAN. If the gentleman was on his feet, trying to secure the attention of the Chair before the reading of the paragraph was completed, the Chair will recognize him now.

Mr. RAINEY. Yes; I was.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 23, line 19, strike out the words "and driving teams."

Mr. RAINEY. Mr. Chairman, I do not understand why these officials in charge of the work around the yards and docks should be entitled to driving teams. There is an appropriation here for the purchase and maintenance of such horses as may be needed in the ordinary work around the yards there, and I understand that a driving team is a team used for pleasure purposes and for visiting.

Mr. MANN. I hardly think that is correct in this case. Last year the item was:

Oxen, horses, and driving teams.

I do not know whether "mules" would be covered in the term "horses," but I am quite certain that the purpose of the provision is not to provide what we ordinarily call a fancy driving team.

Mr. RAINEY. I supposed it was for what we ordinarily call a driving team.

Mr. MANN. This is only for the purpose of having teams for the use of the yard.

Mr. RAINEY. They can have horses without having driving teams. The paragraph is ample to give them what horses they may need for ordinary work, but they can not carry loads around with driving teams.

Mr. MANN. I do not know whether "oxen" would be included in the term "horses" or not.

Mr. RAINEY. Oxen would not be included in the term "driving teams." I think it would not hurt the paragraph to have that go out.

Mr. HOBSON. Mr. Chairman, I am in close sympathy with the desire of the gentleman from Illinois [Mr. RAINEY] to curtail expenses, and also to prevent any extravagance in the navy yards; but I think this provision is really in the interest of efficiency of the various navy yards, and does not entail much expense, and that to strike out these words would cut into the working force. I am inclined to think also it would take away from the commandant the team that he has. The commandant has a team, as he ought to have. We provide a team for certain officers in Washington that have to do certain work. The navy yard is frequently a difficult place of access, and the distances are long, and it is entirely in keeping with the best execution of the duties of the office that the commandant should have this team.

Mr. RAINEY. Mr. Chairman, I will withdraw the amendment.

The Clerk read as follows:

Navy yard, Portsmouth, N. H.: Combined railway and highway bridge, with approach and appurtenances (cost not to exceed $125,000), $125,000; railroad rolling stock, additional, $4,000; in all $129,000.

Mr. SULLOWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, insert in line 3 "for continuing the extension of the quay wall, $200,000."

Mr. MANN. On that I reserve a point of order.

Mr. SULLOWAY. Mr. Chairman, I understand that this is a continuing work—that is, a work not completed. If it is determined that it is not a continuing work and the gentleman is going to make a point of order, I do not care to discuss it. This quay wall is partially completed. This yard has one of the largest docks under the flag. It is the home of at least

three battleships, several cruisers, and there is not room enough, as the officers of the yard recommend, to tie them up. For that reason I offer this amendment.

Mr. MANN. Does not the gentleman think that all they could spend next year would be $100,000?

Mr. SULLOWAY. Perhaps it would; and if the gentleman thinks $100,000 is sufficient for next year, I will reduce my amendment to that amount. Mr. Chairman, I will modify the amendment by making it $100,000.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy yard, Boston, Mass.: Dredging, $5,000; improvements to water front, $50,000; improvements to yard buildings, $10,000; paving, $10,000; electrical system, extension, $5,000; one officer's quarters, $12,000; improvement of central power plant, $20,000; enlargement of Dry Dock No. 2, $15,000; toward 150-ton floating crane (cost not to exceed $325,000), $150,000; in all, navy yard, Boston, $277,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that paragraph, particularly that part of the language reading "toward a 150-ton floating crane, $150,000."

Mr. ROBERTS. I would like to ask the gentleman from Indiana if an explanation of that item would induce him to withdraw the point of order. If he intends to insist, I do not wish to take up the time of the committee.

Mr. COX of Indiana. Was not this item inserted in the bill last year?

Mr. ROBERTS. No; we provided a floating crane for Pearl Harbor last year, but it was not as large as this. The reason we are making this crane of this size is on account of the increased size of battleships and the increased size of the turrets and guns.

Mr. COX of Indiana. Are they building any battleships there now?

Mr. ROBERTS. No; we are not building any battleship there now, but on account of the increased size of the battleship now authorized and building, the increased size of the turrets and guns, we need a floating crane and of a much larger size. They not only work about a ship as it lies in the slip at the navy yard, but in case of emergency if a vessel has been wounded and lies low in the water and can not get up to the yard they can go down into the harbor and relieve her of the weight so that she can get in. These floating cranes can be moved about, and they are much cheaper and more efficient than any of the permanent cranes on land.

Mr. CALDER. May I ask the gentleman if the department approves of this?

Mr. ROBERTS. The department has recommended the 100-ton crane, and we appropriated for a 100-ton crane at Pearl Harbor, but since then we have had information of the increased size of the battleship and the 14-inch guns and the increase in the size and weight of the turrets, and the committee deemed it the part of economy to increase the size of the cranes hereafter so that they would be able to handle anything aboard the ships. We have also increased the authorization for the crane at Pearl Harbor to 150 tons.

Mr. COX of Indiana. Do I understand you have increased the Pearl Harbor crane to 150 tons?

Mr. ROBERTS. Yes; as the gentleman will see by the bill. The crane had not been contracted for, and the committee thought it would be a foolish expenditure of money to put out $250,000 for 100-ton crane that could not possibly handle the guns and turrets it would be called upon to handle.

Mr. FITZGERALD. Has the Navy a 150-ton crane at any place in the United States?

Mr. ROBERTS. I will say to the gentleman that there is no floating crane of that kind in the world. The expense of the crane comes from the fact that it has to reach out horizontally half across the deck of a battleship and lift those enormous weights, and those ships are now 80 and 90 feet beam, and they will probably be 100 feet or more in beam.

Mr. FITZGERALD. If we are going to install a 150-ton crane, I think we will make a mistake if we put it at Boston.

Mr. ROBERTS. Not at all.

Mr. FITZGERALD. Why not put it in the best yard?

Mr. ROBERTS. I will say that we put in the Brooklyn yard two years ago one of the largest cranes that was ever authorized up to that time, and I, as a member of the committee, made inquiries to ascertain if we could change the size of that crane to a 150-ton crane, but was informed that the contract had been let and the work so far advanced that it could not be changed. Otherwise we would have changed the authorization for that.

Mr. FITZGERALD. Why don't you send your 110-ton crane to Boston and put this 150-ton crane in Brooklyn?

Mr. ROBERTS. I will say that that requires legislation, and the gentleman would possibly raise a point of order on it.

Mr. FITZGERALD. Well, this is legislation.

Mr. ROBERTS. Yes; this is legislation also, but it is needed in the service.

Mr. OLCOTT. Mr. Chairman, I would like to say to my colleague from New York that this is one of those matters which was thoroughly thrashed out in the Naval Committee, and I think the interest of the New York yard was protected in regard to the wishing of that crane to be in New York rather than in Massachusetts.

Mr. FITZGERALD. If this crane is needed in a yard any place, as shown by the demands of the service, I should not object, no matter where it is to be placed. I am very frank about that. I doubt not that after they get the crane at Boston it will be necessary in order to do the work that would naturally come to the yard from having the crane—I doubt whether it will not require very large expenditures to equip the yard in order to do the work upon the turrets after they were taken off the ship.

Mr. O'CONNELL. Oh, we have a finely equipped yard up there now.

Mr. ROBERTS. The gentleman is not familiar with the Boston yard.

Mr. FITZGERALD. I only know this, the Boston yard was practically closed not a great many years ago.

Mr. ROBERTS. About 20 years ago.

Mr. FITZGERALD. And until the very vicious practice was adopted of confining the selection of Secretaries of the Navy to the State of Massachusetts [laughter]——

Mr. ROBERTS. Which is a very high compliment to the State.

Mr. FITZGERALD. Well, we have had three in recent years, and the result of it was the opening of this abandoned yard and the spending of very large sums of money from year to year to equip it. It has been a very expensive luxury, considering all that has happened. Some other member of the Cabinet should be taken from Massachusetts and the Secretary of the Navy be taken from some other State. But I understand now that they have gotten to that point——

Mr. ROBERTS. I would remind the gentleman that a Secretary of the Navy from Massachusetts put the *Connecticut* into the Brooklyn yard instead of into his own yard.

Mr. FITZGERALD. Oh, he could not have put it in the Boston yard; it would not have fitted.

Mr. ROBERTS. Just as well as it did in the Brooklyn.

Mr. FITZGERALD. But let me complete my statement. I understand now that the result of this policy of selecting Secretaries of the Navy from Massachusetts is that they have expended so much money—not exactly improperly, but without any great necessity—that the yard can not be utilized as it should be unless it has this crane; and so, rather than have the money already expended go to waste, I shall not object to this crane. And I hope, if there be a new Secretary of the Navy——

Mr. ROBERTS. To come from Brooklyn.

Mr. FITZGERALD (continuing). That somebody will call the attention of the President to what has happened in the past, so that he may have a keen realization of the fact that the most expensive luxury had by the people of the United States during the last 10 years has been the Secretaries of the Navy from the State of Massachusetts.

Mr. ROBERTS. The gentleman is not fair to say that is the most expensive luxury. The gentleman has had more for the Brooklyn yard——

Mr. O'CONNELL. I want to say, under a Democratic administration, we will have plenty of Democrats from Massachusetts to succeed the present occupant.

Mr. FITZGERALD. That is a most unfortunate statement, I had hoped that we would bar Massachusetts when the Democratic administration came in from this particular department. There are eight other departments, I think, and they might spare the country from the patriotic services of the gentleman from the State of Massachusetts in this position.

Mr. ROBERTS. I want to say to the gentleman from New York that the Massachusetts yard has more berthing room for ships than that at the much-vaunted Brooklyn yard, and the present Massachusetts Secretary of the Navy has impressed upon the Naval Committee plans that call for several million dollars expenditure in order to give the Brooklyn yard such accommodations as are desired there.

Mr. FITZGERALD. I am not finding fault with that.

Mr. ROBERTS. But he is against the Secretary and his extravagant ways, as he says.

Mr. FITZGERALD. I am stating and trying to impress upon the Chair and the committee the situation as it exists, that this crane is to permit the facilities now existing to be utilized.

Mr. ROBERTS. The gentleman might admit it was a New York Secretary who sold a very valuable part of the Brooklyn yard.

Mr. HAY. I would like to ask somebody on the committee as to the rank of the officer for whom it is proposed to build a building for $12,000.

Mr. ROBERTS. Where does the gentleman find the item?

Mr. HAY. This is for quarters, $12,000.

Mr. ROBERTS. He might be of any rank from a lieutenant up to a captain.

Mr. HAY. Well, does the gentleman think that we ought to be building quarters to cost $12,000 for any officer?

Mr. ROBERTS. I will say to the gentleman, it has appeared to the Naval Committee to be a practical business proposition, whether, with land available inside, we should put up a building at a cost of $12,000, or whether we should give that officer commutation of quarters and make him live outside, and thereby reduce his availability and usefulness in the yard by reason of the fact that he is obliged to live a long distance away. It is a business proposition, and it seemed to the committee a proper thing to provide these quarters in the yard.

Mr. HAY. Mr. Chairman, I want to say I have had some experience about these quarters, and the War Department believes it will be very much cheaper to have commutation of quarters, particularly in large cities, rather than to have these expensive buildings, which cost a great deal to keep up, and I do not know why the same policy should not apply to the Navy as well as to the Army.

Mr. ROBERTS. I will say to the gentleman $12,000 does not erect a very palatial building.

Mr. HAY. I understand that.

Mr. ROBERTS. It is not a very large building.

Mr. HAY. But it provides a very substantial building.

Mr. COX of Indiana. What is the limit fixed in the Army bill?

Mr. HAY. I think $10,000.

Mr. FITZGERALD. It is $12,000 for a brigadier general.

Mr. COX of Indiana. What is it for a lieutenant or captain?

Mr. HAY. I think $6,000 for a lieutenant and captain; but a lieutenant or a captain of the Navy has a relatively higher rank than a lieutenant or captain of the Army. A captain of a ship commands a unit.

Mr. OLCOTT. Will the gentleman from Virginia [Mr. HAY] tell me what was the cost of the quarters up at West Point, where the officers rank all the way from lieutenant to colonel? Did they not cost $10,000 apiece?

Mr. HAY. I think not; no. They are building very extensive quarters there, and I may say to the gentleman that in the present bill the Committee on Military Affairs struck out two sets of officers' quarters which they desired to have, at $10,000 apiece.

Mr. OLCOTT. I did not mean the ones they are now building. I mean the ones that were constructed two or three years ago. Did they not cost $10,000 or more?

Mr. HAY. I think $8,000 was the cost.

Mr. ROBERTS. If the gentleman from Virginia [Mr. HAY] will pardon me a moment, I will read to him what Admiral Hollyday says about these quarters. He says:

> Admiral HOLLYDAY. The yard authorities recommended that four additional quarters be provided. There are not enough to house the officers attached to the yard. Those officers living outside of the yard receive commutation for quarters, and it amounts to considerably more than the interest on the sum which it would take to build quarters and keep them in repair. It would, therefore, be economical from this standpoint to provide quarters. In addition to this, the efficiency of the officers is very greatly increased, for the reason that they do not have to spend a considerable portion of their time going back and forth from their residences to the yard; and there is the additional advantage of their being always on hand when needed, which is not the case when they live at points more or less distant from the yard. The department has reduced the number of quarters recommended by the yard authorities from four to one.

Mr. CARY. Will the gentleman from Virginia [Mr. HAY] permit a question?

Mr. HAY. Certainly.

Mr. CARY. If it was possible to build a battleship at Annapolis, do you suppose 45 per cent of the expense of that yard would be charged against the battleship?

Mr. HAY. I do not know as I understand the gentleman's question.

Mr. CARY. Then I might ask the gentleman from Massachusetts [Mr. ROBERTS]. If a battleship was built in the Boston Navy Yard, do you think it would be right to charge 45 per cent of the maintenance of that yard against the building of that battleship?

Mr. ROBERTS. In answer to that question I will say, if the work on that ship represented 45 per cent of the power utilized in that yard, 45 per cent of the machinery employed, 45 per cent of the depreciation of that machinery, it certainly ought to be charged.

Mr. CARY. Is the officers' quarters charged up?

Mr. ROBERTS. I do not think the cost of officers' quarters or the cost of any buildings in the yard is charged against the maintenance of the yard or cost of ships.

Mr. HUGHES of New Jersey. I think the gentleman is mistaken.

Mr. ROBERTS. The cost of the building, the cost of the plant itself?

Mr. HUGHES of New Jersey. Building of walls, repairs——

Mr. ROBERTS. The repairs, yes; but not the original cost of the building nor the original cost of the machinery. But the depreciation of the buildings and upkeep of the buildings and machinery are properly charged.

Mr. HAY. Mr. Chairman, I withdraw the point of order.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that part of the paragraph. I have not been convinced yet at all that there is any necessity for this.

Mr. PADGETT rose.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. PADGETT] desire to discuss the point of order?

Mr. PADGETT. I would like the indulgence of the gentleman a moment. I have looked very carefully into this matter, and it is certainly needed. To build a crane that we all know would be wholly inadequate and insufficient is a waste of money.

Mr. COX of Indiana. I will say to the gentleman that I have not been convinced yet that there is use for it.

Mr. PADGETT. I will ask the gentleman not to make a point of order against it and cause the construction of a crane of insufficient capacity.

Mr. HUGHES of New Jersey. Did I understand the gentleman from Indiana to make a point of order against the crane or against the building?

Mr. COX of Indiana. The crane.

Mr. SIMS. Is this crane wanted to meet only imaginary needs or troubles?

Mr. COX of Indiana. Mr. Chairman, I make the point of order against the crane proposition.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read:

The Clerk read as follows:

> Navy yard, New York, N. Y.: Dry Dock No. 4, to complete, $550,000; improvement of water front, to continue, $100,000; bollards and capstans for Dry Dock No. 4, $42,500; crane track and extension of railroad track around Dry Dock No. 4, $43,000; supply pipes around Dry Dock No. 4, $15,000; paving around Dry Dock No. 4, $24,000; condenser system, $45,000; distributing systems, extensions, $50,000; railroad equipment, extensions, $5,000; yard dispensary, extension, $4,500; in all, navy yard, New York, N. Y., $879,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. I just want to submit an observation and to ask a question. We have heard here what amounts to a criticism of the Secretary of the Navy for making expenditures in the State of Massachusetts, because he happens to live in that State. I am confident the criticism was not made seriously.

Mr. FITZGERALD. I was not making a criticism. I was merely stating facts.

Mr. SIMS. The idea is that inasmuch as the Secretary of the Navy has for a number of years lived in that State useless improvements have been made in the harbor of Boston. Now, if that is true, would it not be wise hereafter to take the Secretary of the Navy from one of the arid States of the far West, so as to remove from him the possible criticism of spending money in his own State?

I understood the gentleman from Massachusetts [Mr. ROBERTS] to say the Secretary of the Navy had authorized much more work to be done in the Brooklyn Navy Yard than in the Boston Navy Yard.

Now, in view of that statement, I deprecate the utterance of loose assertions that are to be spread broadcast over the country to the effect that the Secretary of the Navy is influenced by local considerations in the exercise of his official functions. I do not happen to have a personal acquaintance with the Secretary of the Navy, but I am confident he does not claim the Boston Navy Yard or any other navy yard as his own.

Mr. FITZGERALD. No; I think the gentleman from Massachusetts [Mr. ROBERTS] rather claims a monopoly of the proprietorship of that navy yard for himself. [Laughter.]

Mr. O'CONNELL. I trust that the gentleman will not allow his statement to go out that there are even useless improvements in the Boston Navy Yard.

Mr. SIMS. No. I said that is what the gentleman from New York [Mr. FITZGERALD] said.

Mr. FITZGERALD. I said some were not necessary.

Mr. SIMS. If they are not necessary, then they are useless. Is it not also a matter susceptible of criticism that gentlemen should be selected for membership in this House—membership on the Committee on Naval Affairs—from navy-yard districts, who call them "their" navy yards?

Mr. FITZGERALD. I suggest that the gentleman from Tennessee offer an amendment providing that no money appropriated by this bill shall be used to pay the compensation of a Secretary of the Navy if that official comes from the State of Massachusetts. [Laughter.]

Mr. SIMS. My understanding is that the theory that has heretofore been followed in practice is to select as heads of departments men who were not recognized as experts. That is the reason why we do not select a general as Secretary of War or an admiral of long service for Secretary of the Navy. I have an idea that experts in any particular line entertain the notion that nobody outside of their line has any knowledge on the subject upon which they themselves are specialists. I have an idea, though, that the average man, when placed in charge of a department, secures the best results and gives an administration much more successful than would be given by a specialist or expert.

Mr. ROBERTS. I am very much surprised that anybody on the floor should have taken the good-humored badinage that passed between the gentleman from New York [Mr. FITZGERALD] and myself as serious. Had I thought that such an impression would have been made by it I would never have indulged in it.

For my part, after 10 years' service on the Naval Committee, I have yet to see any Secretary of the Navy, whether he comes from New York or from any other State, make a recommendation for improvement in any yard that was not a necessary improvement for that yard.

Mr. SIMS. You mean as he viewed it?

Mr. ROBERTS. Yes; as he viewed it.

Mr. SIMS. And, being a civilian, you think his judgment is better to follow than the judgment of some naval expert who lives and breathes and has his whole being in expert knowledge?

Mr. ROBERTS. Of course the Secretary of the Navy, being a civilian, must form his judgment upon the opinion of his expert aids, but at the same time he must temper their advice with his own common-sense civilian ideas.

Mr. SIMS. Yes.

Mr. O'CONNELL. I may say that while the Secretaries of the Navy have always been fair to Boston, they have also been fair to every other navy yard of the country.

Mr. SIMS. I think the Secretary of the Navy ought to come from one of the arid States of the West, and I also think that the gentleman in charge of the irrigation work in the far West should come from Massachusetts or somewhere else on the Atlantic coast. [Laughter.]

Mr. CARY. Mr. Chairman, I desire recognition.

The CHAIRMAN. The gentleman from Wisconsin will be recognized in opposition to the amendment.

Mr. CARY. I should like to ask the chairman of the committee about this $879,000. Will that be the total amount to run the Brooklyn Navy Yard for the next year?

Mr. FOSS. This is not for the maintenance of the yard; this is simply for public works in the yard.

Mr. CARY. Then, if this amount of money is spent for public works—sewers, dockage, and so on—in that navy yard, and if a battleship is built in that navy yard, would 45 per cent of this money be charged up against that battleship?

Mr. FOSS. No; I do not consider that it would be.

Mr. CARY. I merely asked the question, because I want to be sure, and later on I want to speak about it.

Mr. HUGHES of New Jersey. Is that the gentleman's understanding?

Mr. FOSS. Yes; that only repairs up to $100, I understand, are included in any item in the indirect charge.

Mr. HUGHES of New Jersey. And no amount of this sum would be charged against any battleship that was built there.

Mr. FOSS. I will assure the gentleman of that.

The Clerk read as follows:

Navy yard, Philadelphia, Pa.: Rebuilding Pier No. 5, $75,000; pump motors for Dry Dock No. 1, $20,000; reserve basin, extension, $50,000; motor for 100-ton shears, $2,000; railroad track and equipment, $5,000; sanitation system, reserve basin (to cost not to exceed $75,000), $30,000; in all, navy yard, Philadelphia, $182,000.

Mr. FOSS. I desire to offer an amendment in lines 8, 9, and 10, to strike out the words—

Pump motors for Dry Dock No. 1, $20,000.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, beginning in line 8, strike out the words "pump motors for Dry Dock No. 1, $20,000."

The amendment was agreed to.

Mr. FOSS. In lines 10 and 11 I move to strike out the words "motor for 100-ton shears."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in lines 10 and 11, "motor for 100-ton shears."

The amendment was agreed to.

The Clerk read as follows:

Navy yard, Washington, D. C.: Dredging, to continue, $5,000; new foundry and equipment (cost not to exceed $200,000), $100,000; railroad tracks, extension, $2,000; paving, to continue, $2,500; in all, $109,500.

Mr. FOSS. Mr. Chairman, I move to strike out the words "and equipment" in line 18.

The Clerk read as follows:

Page 26, line 18, strike out "and equipment."

Mr. HUGHES of New Jersey. I should like an explanation of that amendment.

Mr. FOSS. This is for the new foundry at the Washington Navy Yard.

Mr. HUGHES of New Jersey. Why does the gentleman desire to strike out the equipment?

Mr. FOSS. Because the equipment should not be included in this amount.

Mr. ROBERTS. It will not provide for it.

The amendment was agreed to.

Mr. FOSS. Mr. Chairman, I offer an amendment to follow this paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 22, page 26:

"That it shall be the duty of the Attorney General of the United States, at the request of the Secretary of the Navy, to institute, as soon as may be, a suit or suits in the supreme court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land or water in the District of Columbia within the limits of the city of Washington, or exterior to said limits, composing any part of the Anacostia River, or Eastern Branch, their shores and submerged or partly submerged lands, as well as the bed of said river or branch and the uplands adjacent thereto, including flats and marsh lands, or who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land needed by the United States for the construction, maintenance, and operation of a sufficient and satisfactory track connection for a railroad to the navy yard in the city of Washington, provided for in the act of Congress approved June 24, 1910, 36 Statutes at Large, chapter 378, for the purpose of establishing and making clear the right of the United States thereto.

"That the suit or suits mentioned in the preceding paragraph shall be in the nature of a bill in equity, and there shall be made parties defendant thereto all persons and corporations, or others, known to set up or assert any claim or right to or in the land or water in the preceding paragraph mentioned, and against all other persons or corporations, or others, who may claim to have any such right, title, or interest. On the filing of said bill process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations, or others, within the jurisdiction of said court; and public notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said suit, and citing all persons and corporations, or others, interested in the subject matter of said suit or in the land or water in this act mentioned, to appear, at a day named in such notice, in said court to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporations, or others, may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

"That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein, and the said court shall have full power and jurisdiction by its decree to determine every question of right, title, interest, or claim arising in the premises, and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations, or others, parties to the suit, or who shall fail, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, their, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

"That from the final decree of the supreme court of the District of Columbia, and every part thereof, in the premises, an appeal shall be allowed to the United States, and to any other party in the cause complaining of such decree, to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, try, and determine the said matter, and every part thereof, and to make final decree in the premises; and the said cause shall, on motion of the Attorney General of the United States, be advanced to the earliest practicable hearing."

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. I want to call attention to the fact that we had here for years a controversy with reference to the removal of the tracks from the street going into the navy yard, and last year we got up a proposition to settle it and it was provided in the last appropriation bill to settle it by the Government paying a part of the expense and the railroad company paying a part. The part to be paid by the Government was limited. Now, it is necessary to have condemnation proceedings in order for the Government to carry out its part of the contract.

Mr. COX of Indiana. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. COX of Indiana. I recollect a great deal about that discussion, and, so far as I am concerned, if the gentleman offering the amendment will agree that the amendment may be printed in the RECORD and go over until to-morrow, until we have a chance to look into it, I will consent; otherwise I shall make the point of order.

Mr. FOSS. I will consent to its going over.

Mr. FOSTER of Illinois. Last year we gave the Attorney General authority——

Mr. TALBOTT. Yes; but the committee has investigated this thoroughly.

Mr. FOSS. Mr. Chairman, I ask that this matter may be passed over with the point of order pending, and I desire to insert in the RECORD a letter from the Secretary of the Navy.

The CHAIRMAN. The amendment will be passed over without prejudice, with the point of order being reserved.

Mr. SIMS. I want to reserve a point of order also, for I do not want it to be withdrawn without my consent.

Mr. COX of Indiana. I want to say that there has got to be some strong argument in favor of the amendment before I withdraw my point of order.

Mr. SIMS. I am pretty familiar with this, and I want to know something about this further delay.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to publish with the amendment a letter regarding it in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF THE NAVY,
Washington, February 9, 1911.

MY DEAR CONGRESSMAN: In connection with the provision in the naval appropriation act of June 24, 1910, authorizing the Secretary of the Navy to provide a right of way for a branch track from the main track of the Philadelphia, Baltimore & Washington Railroad Co. to the navy yard, along the north bank of the Anacostia River, and to enter into contract with said company for the construction, operation, and maintenance of the branch track, I have the honor to advise the committee that while most of the land required for said purpose is claimed by the Government its title thereto is disputed by various persons, and its ownership can not be effectively asserted. Consequently the department has not been able to provide the requisite right of way for the branch track, and the railroad company will not enter into the authorized contract until such right of way is assured.

The Department of Justice finds no provision of law under which the necessary legal proceedings can now be taken to clear the Government's title to the lands in question, and if action of some kind can not be brought against the adverse claimants the construction of the branch track will be delayed indefinitely and the Government's interests correspondingly disadvantaged.

It is requested, therefore, that a provision be inserted in the naval appropriation bill authorizing proceedings to be taken for determining all questions of title affecting the lands desired for the purpose mentioned, so that compensation may not be unjustly demanded by any of the parties asserting claim to title in the lands.

There is inclosed herewith a provision drafted in the Department of Justice that would give the Attorney General the necessary authority in the premises, and it is earnestly requested that the same be incorporated in the pending naval appropriation bill.

Faithfully, yours, G. v. L. MEYER.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

The Clerk read as follows:

Naval station, Pearl Harbor, Hawaii: Dredging channel, to complete, $545,000; dry dock, to continue, $800,000; administration building, $50,000; power plant, $250,000; 6 officers' quarters, $69,000; fresh-water system, $23,000——

Mr. HOBSON. Mr. Chairman, I move to strike out the last words for the purpose of bringing to the attention of the committee at this juncture the importance of Guam in the future development of our naval power in the Pacific Ocean. Hawaii is in mid-ocean and is within a radius of control of a fleet with practically all of the Pacific Ocean to the north and east, Dutch Harbor and Great Kiska in the Aleutian Islands, Puget Sound and San Francisco on the east, and Samoa on the south, but it is too far to reach the Philippine Islands. In order to have the effect of the control of the sea fully felt for the defense of the Philippine Islands and of our interests in the western Pacific, we will have to develop another base from which operations can be conducted. In all probability next year we will have to develop a station at Guam.

Mr. KOPP. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. KOPP. I notice in here that there is $1,000 for a coal shed. Where is the coal secured that is to be put in this shed?

Mr. HOBSON. Answering offhand, I would say to the gentleman that it is the regular navy-yard coal distributed to the various stations in the Pacific. My impression is that it is shipped from Norfolk.

Mr. KOPP. Is coal shipped all the way from Norfolk to the Pacific to be used in a fleet at Guam Island?

Mr. HOBSON. If that was developed into a station at the present time, that would be the policy.

Mr. ROBERTS. I think this coal shed is not for the coal for ships, but coal that is used in the little repairing plant that they have there.

Mr. HOBSON. That question might be brought up in regard to any coaling station in the Pacific Ocean.

Mr. HAMLIN. Will the gentleman tell us about what the difference is from the Philippine Islands to Guam and Pearl Harbor?

Mr. HOBSON. Guam is a little nearer Manila. I can not say exactly, but from memory I should say it was 2,200 miles from Pearl Harbor and 1,600 or 1,700 miles from Manila. It makes the proper apex of the triangle under which we can control the Pacific Ocean.

Mr. O'CONNELL. Will the gentleman tell us how large a place Guam is?

Mr. HOBSON. Guam is a very small island, and that is the beauty of it. There is but one harbor in which a landing can be made, and that harbor can be easily defended from the surrounding heights by artillery, and a very small garrison can hold it. It can be made almost impregnable with a remarkably small expenditure, and with facilities for coaling and limited facilities for repair a small garrison could maintain it for years against attack after being cut off from support and communication. Corregidor is something of the same kind. Those are all we can expect to hold out there when we have not the control of the sea. This is becoming a very important location.

Mr. O'CONNELL. Is there much native population there?

Mr. HOBSON. A small population.

Mr. O'CONNELL. Not enough to interfere with any garrison?

Mr. HOBSON. No.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Whenever in his opinion the exigencies of the naval service may require it, the Secretary of the Navy is hereby empowered and authorized to transfer from time to time any floating dry docks under the control of the Navy Department to such places as the needs of the service may demand.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on that.

Mr. ESTOPINAL. Mr. Chairman, I make the point of order on the paragraph on page 33, line 17, and ending at line 21.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to abandon and dispose of the naval reservations at San Juan and Culebra, P. R.; Port Royal, S. C.; New London, Conn.; and Sacketts Harbor, N. Y., and to transfer such property, machinery, and other material as may be of use in the naval establishment to other navy yards and stations; and he is further authorized and directed to dispose of the real estate in the manner most advantageous to the United States Government, and shall report to Congress the disposition of said material and real estate at its next regular session.

Mr. LEGARE. Mr. Chairman, I reserve the point of order on the entire paragraph, with this statement, that I have no desire to strike out the whole paragraph, and if the gentleman from Illinois will consent to an amendment to strike out Port Royal, S. C., I will be satisfied to drop it.

Mr. HIGGINS. I desire to make the point of order, on page 34, line 1, to the words "New London, Conn."

Mr. Chairman, I make the point of order striking out the words "New London, Conn.," where they appear on page 34, line 1, of this bill, because I believe that this provision was inserted under a misconception of the situation.

I am in entire accord with the policy of economy that is being sought, both in the Naval Department and in the other departments of this Government. The New London Naval Station was established in a general naval appropriation bill approved March 2, 1867, United States Statutes at Large, volume 4, page 489, by the following language:

And the Secretary of the Navy is hereby authorized and directed to receive and accept a deed of gift when offered by the State of Con-

necticut of a tract of land situated in the Thames River, near New London, Conn., with a water front of not less than 1 mile, to be held by the United States for naval purposes.

The city of New London, by special authority from the State of Connecticut and acting with the State of Connecticut, did subsequently acquire, pay for, and deed to the United States a tract of land located on the east bank of the Thames River, about 2 miles from New London Harbor, with a water front of not less than 1 mile, for naval purposes.

Buildings suitable for naval construction were erected on this land soon after it was acquired, and at a later time a coaling station was established, and has been and is now used by the Government. Within two years $10,000 was appropriated and used for the establishment of a marine training school at this place, in addition to the coaling station. This school is now maintained there.

In the hearings before the Naval Committee on this bill the chairman of that committee, in interrogating the Secretary of the Navy on this proposition, said, "I understand that when we get through using the New London coaling station for naval purposes it reverts to the original owner." To which the Secretary replied, "We are looking that up; I believe it reverts to the State." And the chairman agreed with him, in the language, "I think that is so." The Secretary of the Navy, in closing the hearing, with reference to this matter and the above with what follows, including all that appears in the committee hearings on the subject, said, "Possibly; yet it is only an expense to keep it. It will be cheaper for them to take it. No vessel of any size can go in there."

It is particularly to this last observation of the Secretary of the Navy that I want to take exception. This station is located within a short distance of one of the best harbors on the Alantic coast. The *Dakota* and *Minnesota*, two of the largest steamships of the world at the time of their construction, which was only a short time ago, were built and launched within about 2 miles of this coaling station. The harbor of New London is large enough and has a depth of water sufficient to float our entire fleet, and it appears from the Coast and Geodetic Survey that from the harbor of New London to this station, and at the station, there is a sufficient depth to take any ship of our Navy.

The Navy Department seems to recognize the value of New London as a naval base; for not only this summer, but for many summers previously, New London has been the place of rendezvous for the Atlantic Squadron in their practice cruise, and for three months of the summer for a greater or less time a considerable part of our Navy in eastern waters use this harbor. There is no coaling station nearer than Newport.

I can only say, in answer to the proposition that no vessel of any size can go in there, that I have repeatedly seen torpedo boats and cruisers tied to the docks at the New London coaling station; and one of our most experienced and careful navigators, who has earned a world-wide reputation in the American Navy, has said that he could take the *Connecticut* to that station, coal her, and turn her about with perfect ease and safety. I submit that an examination of the survey of the Thames River demonstrates that fact. The War Department, by legislation in this Congress, have been authorized to turn over to the Treasury Department Fort Trumbull for a school for the Revenue-Cutter Service, and this school is now established within a few miles of this station. It is true that between this station and the harbor of New London is a drawbridge, erected and maintained by the New York, New Haven & Hartford Railroad Co. At the time of its construction this bridge had the largest draw of any bridge in this country. The New York, New Haven & Hartford Railroad have been considering for some time placing a new bridge at this point. Whether it will be of the same type as the present bridge I am not informed, but it is not at all improbable that a type of bridge may be constructed which will remove all possible doubt of the ability of any sized vessel utilizing this station for all and every purpose.

Mr. Chairman, this property is exceedingly valuable. It has been maintained at a very small annual charge upon the Treasury. It has not only a water front of a mile, but is divided by the tracks of the New York, New Haven & Hartford Railroad. It is delightfully situated on one of the most beautiful rivers of this country, is near a growing and prosperous city, and so located that it might well furnish many uses for the Navy if not desired by the department for its present purposes. I insist that it ought not at this time to be abandoned, and therefore make the point of order.

Mr. LEGARE. I will include that in my amendment, if that suits the gentleman from Connecticut.

Mr. HIGGINS. It is already included in the point of order the gentleman makes.

Mr. LEGARE. I will make the point of order against the paragraph. It is clearly new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Secretary of the Navy shall sell the naval hospital buildings and grounds situated on Pennsylvania Avenue, near Ninth Street SE., Washington, D. C., at public auction or private sale, upon such terms and conditions as shall be satisfactory to him, and the money derived from such sale shall be placed to the credit of the naval hospital fund.

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point of order against that, for the reason that I do not think the department should part with this property.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Total public works, navy yards, naval stations, naval proving grounds and magazines, Naval Academy, Naval Observatory, and Marine Corps, $6,574,977.

Mr. FOSS. Mr. Chairman, I ask permission to have the Clerk change the totals in some of these paragraphs where we have made changes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to be authorized to change the totals. Is there objection? There is no objection, and it is so ordered.

The Clerk read as follows:

In all, Bureau of Medicine and Surgery, $442,000.

Mr. KOPP. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice this reads:

Those who die or are killed in action, ashore or afloat.

Would a person who was killed not in action count as one dying, or how would he be classified? Supposing a man were killed accidentally, would the word "die" cover that?

Mr. FOSS. Yes. It is "who die or are killed in action."

Mr. PADGETT. It would be an accidental death.

Mr. KOPP. Supposing a man is killed accidentally.

Mr. FOSS. Yes.

Mr. KOPP. He dies just the same. Why do you put in the words "or killed in action?" Why not say "employees who die?"

Mr. FOSS. This provision has been in the bill ever since the Spanish-American War. They make a distinction between persons who die and those who are killed in the service, and to carry both we carry that language.

Mr. KOPP. "Die" carries everyone who loses his life, but not in action.

Mr. PADGETT. In action they are regarded as not dying, but being killed.

Mr. KOPP. I withdraw the point of order.

The Clerk read as follows:

Of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison.

Mr. FOSS. Mr. Chairman, page 38, line 21, instead of the dash between the words "stores" and "safe" there should be a comma. I would ask that that correction be made.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WEEKS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906;

S. 10759. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes;

S. 10185. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes;

S. 7640. An act for the relief of James M. Sweat;

S. 9698. An act granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont.;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ALEXANDER STEPHENS CLAY, late a Senator from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy of thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER the Senate do now adjourn.

Also—

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JONATHAN PRENTISS DOLLIVER, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER, the Senate do now adjourn.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10185. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; to the Committee on the Public Lands.

S. 10759. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Military Affairs.

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 9698. An act granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont.; to the Committee on Military Affairs.

S. 7640. An act for the relief of James M. Sweat; to the Committee on Military Affairs.

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress; to the Committee on the Library.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,479,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Georgia, $500,000; Virginia, $500,000; Arethusa, $120,000; Iroquois, $25,000; Nero, $45,000; in all, $1,190,000, as per the letter of the Acting Secretary of the Navy contained in House Document No. 1221, Sixty-first Congress, third session, concerning repairs to certain naval vessels: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1912, shall not exceed $808,039.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. JONES. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I made that motion in order to ask unanimous consent to extend my remarks in the RECORD made to-day on the question of adopting the special rule.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

Mr. HIGGINS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Chairman, I would like to have the chairman explain what would be the practical operation of this paragraph when carried out with reference to not repairing vessels, and why the necessity for limitations here, or what are proposed to be limitations. I do not think they are altogether limitations.

Mr. FOSS. Well, we have always carried limitations for a number of years.

Mr. FINLEY. Of this character?

Mr. FOSS. Of this character; and this last limitation was put in by the House some years ago—not so very many years ago—after a very exhaustive debate on the subject.

Mr. FINLEY. Do I understand in this same language?

Mr. FOSS. Yes; it has been carried for several years and I think tends toward economy in the repair of ships.

Mr. FINLEY. Mr. Chairman, I withdraw the point of order.

Mr. HAMLIN. Mr. Chairman, I reserve the point of order and I desire to ask the gentleman a question. I would like to know for my own information, and perhaps it will be some information for other members of the committee, what is done with these old vessels when the Government can not use them any longer.

Mr. FOSS. They are condemned and sold.

Mr. PADGETT. Condemned by a board.

Mr. HAMLIN. Condemned by a board and sold.

Mr. ROBERTS. And some are used for targets.

Mr. HAMLIN. How sold?

Mr. FOSS. To the highest bidder. Mr. Chairman, I desire to offer an amendment. In line 16, page 41, after the word "dollars," I desire to insert——

The CHAIRMAN. Does the gentleman from Missouri withdraw the point of order?

Mr. HAMLIN. I withdraw the point of order.

Mr. FOSS. In line 16, after the word "dollars," I desire to insert "Nanshan, $55,000," so it will read, "Nero, $45,000; Nanshan, $55,000," and change the total to "$1,245,000."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 16, page 41, insert "Nanshan, $55,000."

Mr. FOSS. And I desire to print this letter in the RECORD.

The letter is as follows:

NAVY DEPARTMENT,
Washington, February 14, 1911.

MY DEAR CONGRESSMAN: In connection with the provision appearing on page 41, and commencing on line 8 of the naval bill, as reported to the House, authorizing repairs on certain naval vessels in excess of $200,000, or in excess of 20 per cent of the estimated cost of new vessels of the same size and like material, in pursuance of the provisions of the act approved March 2, 1907, under the caption "Bureau of Construction and Repair," subhead "Construction and Repair of Vessels," and of the act approved June 24, 1910, under the same caption and heading, I have the honor respectfully to request that the said pro-

vision appearing in the pending bill may be amended by also authorizing repairs to be made to the U. S. S. *Nanshan* in an amount not to exceed $55,000, it having been estimated by the several bureaus having cognizance of the repairs to be made that expenditures in the amount stated will in all probability be entailed to place the *Nanshan* in seagoing condition.

I believe you understand that the authorization above sought will not involve additional appropriations over and above those now appearing in the bill.

Very sincerely,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington.

The question was taken, and the amendment was agreed to.

Mr. RAINEY. Mr. Chairman, I move to amend on page 41 by striking out lines 13 and 14, and the words "thousand dollars" in line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, strike out lines 13 and 14, and the words "thousand dollars" in line 15.

The CHAIRMAN. The Clerk will report the language stricken out.

The Clerk read as follows:

Georgia, $500,000; Virginia, $500,000; Arethusa, $120,000.

Mr. RAINEY. Mr. Chairman, these are the three ships that made the celebrated voyage around the world, starting out on the 20th day of December, 1907. These ships went around the world on a leisurely sort of trip. It was not a trip in 90 days; it took them 14 months to make it. They came back here crippled. Just exactly half of them, according to this bill and the last bill, which passed the House last year, were absolutely disabled. Last year we authorized repairs to the *New Jersey* to the amount of $810,000; to the *Rhode Island*, to the amount of $810,000; to the *Ohio*, to the amount of $125,496; to the *Illinois*, $592,291; to the *Kearsarge*, $602,812.46; to the *Kentucky*, $598,718; and to one of the four auxiliary ships that made the entire trip around the world, the *Ajax*, we last year authorized repairs to the amount of $66,476.

This bill now provides for repairs to the *Georgia* to the amount of $500,000; to the *Virginia*, to the amount of $500,000; and to another one of the four auxiliary vessels that made the entire trip around the world, the *Arethusa*, $125,000.

In other words, the bill of last year and this bill authorize repairs to exactly eight of the 16 battleships that made the trip around the world, just half of them, and to two of the auxiliary vessels that made the entire trip, just half of them, amounting in all to $4,730,823.46.

Not long ago the *Maurctania* made a trip across the Atlantic and back in about 10 days' time, perhaps a little longer than that, but a record-breaking trip both ways, with most tremendous strains on the machinery, and yet she made that trip without stopping a day even for the purpose of oiling the machinery. These battleships of ours, with the steel and the armor plate and the castings for the machinery, all furnished by the steel companies of this country, could not sail around the world in 14 months without becoming absolutely disabled. It cost $13,700,000 to send that fleet around the world by Executive order. Recently the ex-President of the United States who authorized the trip admitted that he did not have any authority to send them around the world, but he had enough money, he said, to send them to the Pacific Ocean, and if Congress wanted to get them back home again, Congress could appropriate the money with which to bring them back.

Now, I understand that there has been a sort of a veiled threat from the present Executive some time in the future to outdo that feat and to send more battleships around the world on an absolutely useless voyage than were sent by a former President of the United States. If these battleships can not go round the world without incurring an expense of $5,000,000 for repairs, it does not pay to repair them any longer. We have at the present time in our Navy 349 vessels. Eighty of them are laid up for repairs and are out of commission at our wharves. Many of them will never sail out into the seas again. Some of them have lost even their names.

Mr. COX of Indiana. What is the age of these vessels, the *Arethusa*, the *Georgia*, and the *Virginia*?

Mr. PADGETT. The records of the Navy Department show that the *Georgia* was commissioned September 24, 1906, and has been in continuous service with the Atlantic Fleet since that date. Before the end of the fiscal year 1912 she will have been in commission about six years and will probably require a general overhauling.

The *Virginia* was commissioned May 7, 1906, and has been in continuous service with the Atlantic Fleet since that date. Before the end of the fiscal year 1912 she will have been in commission about six years and will probably require a general overhauling.

Mr. RAINEY. They are all new vessels.

Mr. PADGETT. No. The *Arethusa* was formerly the British tank steamer *Lucilene*, built in 1893. She was purchased by the Government during the Spanish-American War, and has been in continuous service, except for moderate periods, since that time. She is the only tank vessel on the Navy list.

Mr. RAINEY. It is a singular comment on our Navy that these particular battleships which made this long voyage should come back in this crippled condition, and in order to keep them from going around the world again I think we had better not repair them, and I insist on this amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. RAINEY].

Mr. HOBSON. May I hear the amendment stated again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. PADGETT. Mr. Chairman, I just wanted to say that if you strike that out they can not be repaired. They are valuable, good ships, and there has to be authority from Congress to repair them.

Mr. HOBSON. I simply wish to state, Mr. Chairman, that these vessels are now included in what is called our first line of battle, and by the limitations of their age, which we estimate as about 10 years, they would pass from that first line of battle into the second line of battle; but even in the second line of battle they will be useful for many years. It would not be in the interest of the strength and efficiency of the fleet, or really of ultimate economy, for us to neglect to give them their proper repairs at this juncture.

Mr. WEBB. What will become of these vessels that are not repaired?

Mr. HOBSON. They will then get out of repair very rapidly, and they would be laid up and pass not only from the first line of battle, but also from the second.

Mr. RAINEY. If they are not repaired now they will quit being a charge on the Treasury.

Mr. HOBSON. I will say to the gentleman from Illinois [Mr. RAINEY] that I am in sympathy with his idea of having ships that are right up on the line, and not maintaining in the Navy a great deal of old junk; and I think the time will come when we shall have to do what the British Navy has done and wipe the old tonnage of the Navy off the list. I am fully in sympathy with that idea, but the gentleman has picked out the wrong ships.

Mr. RAINEY. I have picked out the ships that could not stand a trip around the world. A ship that can not do that in 14 months is not worth repairs.

Mr. HOBSON. They are useful ships and they ought to be repaired.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 9, noes 24.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs and improvements of plant at navy yard, Mare Island, Cal., $15,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word.

I want to ask a question of the chairman of the Committee on Naval Affairs. I notice that in all of these navy yards practically the same amount is carried for improvements. Is this the usual amount necessary to keep up the yards in proper shape?

Mr. FOSS. Yes. That is always carried.

Mr. HAMLIN. The amount that is necessary to keep them in repair?

Mr. FOSS. Yes; to keep in repair the plants in the various yards.

Mr. HAMLIN. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and without objection the Clerk will read.

The Clerk read as follows:

Six cottages for firemen, $1,000 each, $6,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman if he thinks $1,000 is enough for a cottage for a fireman when it takes $12,000 to build a cottage for an officer? Does the chairman think a cottage can be built for $1,000 for a fireman when it takes $12,000 to build a set of officers' quarters?

Mr. ROBERTS. We build a group of them in one bunch.

Mr. HUGHES of New Jersey. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

One sword master, $1,600; 1 assistant, $1,200, and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200, and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 1 clerk, $1,500; 5 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks, at $900 each; 2 writers, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; 1 dentist, $2,520; services of organist at chapel, $300; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; in all, pay of professors and others, Naval Academy, $122,576.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order.

Mr. MANN. I reserve a point of order on the paragraph.

Mr. COX of Indiana. In fact, Mr. Chairman, I will make a point of order on that part of it, because it is an increase of salary. I refer to "sword master, $1,600." I make a point of order on that.

Mr. PADGETT. May I ask the gentleman to reserve that just a moment?

Mr. COX of Indiana. I will.

Mr. PADGETT. This sword master has been in the academy since 1866. He has trained every admiral and other officer who has graduated at Annapolis since that time. He has had no increase or promotion during all these years. We are giving him in this bill an increase, as I remember, of $100. He is 80 years of age.

Mr. MANN. How old?

Mr. PADGETT. Eighty.

Mr. MANN. Does the gentleman think he is competent to perform the service and should have his salary increased?

Mr. PADGETT. I think he is competent to render the service properly. He has rendered service there all these years efficiently and capably, and at a salary so low that I think it is a matter of simple justice that he should have this promotion at this time.

Mr. COX of Indiana. How long has he been on this salary?

Mr. PADGETT. He has been on a salary of $1,500, I think, since 1866.

Mr. MANN. If this amendment, which is subject to a point of order, remains in, is it intended, then, to hang another amendment on to that to do something else with the man?

Mr. PADGETT. It is not my intention, and I know of no other who has such intention. The only provision in it is to increase this man's salary to $1,600, which is a simple act of justice to him—a man who has been at this salary of $1,500 for doing this important work since 1866.

Mr. HAMLIN. May I inquire if there is any provision of law that would entitle him to retire?

Mr. PADGETT. None that I know of.

Mr. HAMLIN. It looks to me that that is what ought to be done with a man 80 years old.

Mr. PADGETT. He is active and energetic. When I was there last year with the Board of Visitors I saw him giving an exhibition drill with the young men in the academy, and he did it splendidly and magnificently. When this recommendation came to give him $100 raise, from my personal observation of his work there when I was one of the Board of Visitors last year and the two previous years, I thought it was an act of justice, and I personally requested the committee to allow the increase of $100.

Mr. HAMLIN. I do not know that I object to that increase, but it seems to me that a man 80 years old is too old to perform services worth $1,600 a year.

Mr. HOBSON. Mr. Chairman, in response to the point brought out by the gentleman from Missouri [Mr. HAMLIN], I am very glad to tell him that such a provision for this sword master would be in line with simple justice and with the best interests of the naval service for this reason: The duties of the sword master at Annapolis and of the master of the sword at West Point have grown with the development of those institutions and with the increasing importance of physical development and discipline as connected with drill and setting up, and the like, and the only reason why a provision such as the gentleman suggests has never been made is this: This man, the finest type of man I have ever seen, has been willing to go on all of these years performing his responsible duties without any word of complaint as to compensation. At West Point, where the development has not been as great as it has been at Annapolis, where the number of cadets is probably a third to a quarter less than at Annapolis, they have found it important and to the best interests of the service to give the master of the sword first one promotion and then another, and to-day he has the rank and emoluments and the privilege of retirement of a captain of Cavalry. That would correspond to our senior lieutenant of the Navy.

Mr. HAMLIN. That is exactly the idea I had——

Mr. HOBSON. Of course it is, and it ought to have been at Annapolis and would have been done but for the simple fact that we have had a remarkable public servant there, a man who has gone on for very love of the service and actually trained every officer that is now in service in the United States Navy?

He is a fine type of man and has been so loyal and true that he has never complained about his modest salary, which has not been increased for over a generation, in spite of the increasing responsibility and difficulties of his office.

Mr. COX of Indiana. Is he drawing any pension?

Mr. HOBSON. He is not pensionable. Now, with the permission of the Chairman, I am going to introduce an amendment which would accomplish the purpose indicated by the gentleman from Missouri. I believe that those who might feel some hesitancy about increasing the salary as it stands here, would be willing to vote for this amendment, because the duties involved there require a man of high capacity, who can only be secured permanently by providing such inducements as are contained in the amendment. At times he commands a battalion of midshipmen and takes charge of the drills, and ought to have the rank of an officer in order that the highest efficiency may be realized in the execution of his duties. At West Point they found it necessary long ago to give the master of the sword rank and retirement, and as soon as this man dies it will be found necessary to do it at Annapolis. What we should do is to pass such a measure now and permit Sword Master Carbesier to enjoy the fruits of a long career of usefulness. The proposition has been considered in the Naval Committee, and has been reported and is on the calendar in the form of a private bill. It will be subject to a point of order, but I feel constrained to make a request of Members of this House, in the interest of simple justice to Sword Master Carbesier, one of the most faithful public servants that I have ever known in my life—my own teacher—one of the finest type of men that I have ever seen, who has made an impression on the character and efficiency of two generations of naval officers, and perhaps has rendered more service in that way to create efficiency in our Navy than any man that exists in the Navy—and I make no exception. If there ever was such a character before I do not know of him. I hope no Member will make the point of order.

The CHAIRMAN. The amendment may be read for information.

Mr. MANN. I shall make the point of order on the amendment when it is offered. I have no objection to giving the man this temporary increase in salary.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the amendment may be read for information.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

On page 45, line 7, after the word "dollars," add:

"*Provided*, That after the passage of this act the sword master at the Naval Academy shall have the same rank, pay, emoluments, and privileges of retirement as the master of the sword at the Military Academy."

Mr. COX of Indiana. Mr. Chairman, this is not a pleasant duty for me to perform, and I take no pride in doing it. It is the farthest from my thought of doing anyone an injury in making a point of order, but bill after bill comes in here where we find a constant increase of salary. It is a very easy matter to get up and make an appeal to a man to yield on these points of order, and I know that a strong argument can be made in behalf of most any of these provisions that come in on appropriation bills increasing the salaries of officers.

I observe, Mr. Chairman, that invariably it is the "man higher up" all the time who is able to get his salary increased. In the four years I have served here I have noticed that few, if any, increases of salary are given to the poor old scrub woman who gets down on her knees and scrubs the floors of the public buildings of this country.

Mr. PADGETT. I want to say to the gentleman that this increase of $100 is to one of the fellows that is not high up in salary, but far down the list.

Mr. COX of Indiana. I quite agree with the gentleman that it is not so extremely high, but at the same time is far above the average laborer employed in the various departments of the Government.

Mr. HAMLIN. Does not the gentleman think that a man who has served in that capacity for the last 45 years at $125 a month and has trained every officer in the United States Navy

is just about as much entitled to increase as any man you can imagine?

Mr. COX of Indiana. The fact that he has trained every officer in the United States never would appeal to me very much. The other part of the gentleman's query would indicate to my mind that he has been satisfied with what he has received heretofore.

Mr. HAMLIN. I had rather support the amendment offered by the gentleman from Alabama.

Mr. PADGETT. The trouble is that you are placing a civilian on the retired list, and when you open that door there is no end to it.

Mr. HAMLIN. I understand that if this amendment is adopted he will have the rank and pay of an officer.

Mr. PADGETT. But you are authorizing a civilian to be placed on the retired list.

Mr. COX of Indiana. We have on the appropriation bills now pending in Congress at the other end of the Capitol proposals to increase the salaries of men who are getting substantially good salaries now.

If this practice is not going to stop somewhere, where is it going to end? If these are meritorious, there is a way to increase the salaries, and that way is the legal way, and that way is to let the proper committee report the proper bill proposing to increase these salaries. It is obnoxious in various ways.

Mr. HOBSON. I stated this had been done by the committee and it is on the calendar now, waiting for action.

Mr. COX of Indiana. But, Mr. Chairman, because of the eloquent appeal of my friend from Alabama [Mr. HOBSON]—I may possibly be wrong—I am going to withdraw the point of order.

Mr. MANN. I reserve the point of order for the purpose of asking a question. I would like to ask the gentleman from Alabama whether, if the increase is allowed, he thinks that is a sufficient handle on which to hang his amendment. I ask that as a parliamentary question.

Mr. HOBSON. No; I do not think it is. I believe my amendment would be legislation in any event. I recognize that.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Expenses of the Board of Visitors of the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, $3,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word for the purpose of asking the reason for this increase in the item for the Board of Visitors at the Naval Academy, mileage and $5 per diem. Is that increase due to the increased cost of commodities?

Mr. PADGETT. No; it is because of the long distance traveled.

Mr. HUGHES of New Jersey. Why the increase in this particular?

Mr. PADGETT. The President appointed on the board last year one man from Texas, one man from California——

Mr. HUGHES of New Jersey. Oh, that is far enough. I withdraw the amendment.

Mr. PADGETT. And one man from Oregon.

Mr. HAMLIN. I would like to ask the gentleman a question. Are not Members of Congress sometimes appointed on this board?

Mr. PADGETT. Every year.

Mr. HAMLIN. Why are they paid $5 per diem in addition to the salaries they draw annually?

Mr. PADGETT. It costs them that or more to pay their board at the hotel. It is just simply to pay the expense.

Mr. HAMLIN. It is to cover traveling expenses and hotel bills?

Mr. PADGETT. Yes.

The Clerk read as follows:

That the Secretary of the Navy shall have estimates, plans, and specifications prepared for the completion of the crypt of the chapel at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, the cost of said crypt and furnishing of same, including architect's fee and all other expenses of every character connected therewith, not to exceed $75,000, said plans and specifications to be approved by the Superintendent of the United States Naval Academy and the Secretary of the Navy, and the sum of $75,000 is hereby appropriated for the completion and furnishing of said crypt in accordance with said plans and specifications.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask some gentleman how it would be possible to expend $75,000 for this purpose. What is it proposed to do with the $75,000?

Mr. BUTLER. I will ask the chairman of the committee to go ahead and explain. I do not know how they are going to do it.

Mr. MANN. I can not imagine how it is to be expended.

Mr. HUGHES of New Jersey. I suggest that possibly that is a typographical error. They meant $7,500.

Mr. MANN. No; it originally was $135,000. Why they wanted $135,000 instead of $250,000 I do not know.

Mr. ROBERTS. A bill has passed the Naval Committee and is on the calendar calling for $135,000, but on further investigation it was thought that $75,000 would be all that was necessary for the purpose. The $135,000 came as a recommendation from one of the officers of the Naval Academy—the commandant, I think.

Mr. MANN. Is it designed to start in at the Naval Academy and construct rather expensive buildings, for that is what it would amount to, for different naval officers who have passed away?

Mr. ROBERTS. No; the idea is to finish a crypt in the chapel for the reception of the remains of John Paul Jones. The construction of the chapel underneath the main floor is such that there can be alcoves made, while the crypt is itself being prepared for this purpose, to receive the bodies of other distinguished naval heroes that it may be desirable to place there hereafter.

The intention, as I understand, is to line this crypt with marble and these little alcoves that lead off from it, and also to provide some sort of a sarcophagus that will be appropriate to the crypt and to the memory of the man we are seeking to honor. It is believed that the $75,000 will all be needed to properly fit up this crypt and properly care for the remains of John Paul Jones, which are now reposing under a stairway in Bancroft Hall, something that is wholly discreditable to the Navy and to the Nation.

Mr. MANN. Discreditable; I do not see anything discreditable about it at all to know what you do, and I doubt whether it is as discreditable as to endeavor under the name of John Paul Jones to provide an entirely new proposition for a resting place for various naval officers who either have died or may die in the future and whose friends may appeal that they may recline there.

Mr. ROBERTS. It is thought that probably the remains of Admiral Barry might properly go there and several other distinguished men have been named as probabilities. While they are fitting up this crypt it seemed to the members of the committee a very proper thing that we should utilize the space which otherwise would not be used in order to make provisions for a future place for the repose of eminent naval officers.

Mr. MANN. Well, have plans been prepared for this?

Mr. ROBERTS. I do not know that any detailed plans have, but a sketch plan was presented, and I think we now have it in the Naval Committee, showing the general style of treatment of the crypt.

Mr. MANN. Does not the gentleman think it would be better to properly authorize the Secretary of the Navy to have estimates, plans, and specifications prepared and submit them to Congress before acting upon this?

Mr. ROBERTS. I will say for the benefit of the gentleman that personally it would suit me, but this particular provision was introduced in the form of a bill by another member of our committee, who is unavoidably away, and the committee thought it better perhaps, in view of the long delay, that we place at the disposal of the Secretary the $75,000, feeling that if the whole amount will not be needed to properly fit up the place it will not be expended.

Mr. MANN. Well, of course, as soon as I saw the paragraph I saw that it was introduced by some one in the form of a bill, because the latter part of it, lines 12, 13, and 14, have no place in the paragraph, anyhow.

Mr. ROBERTS. That was an error of the gentleman who introduced the motion in committee.

Mr. MANN. I am not criticizing, this is a mere inadvertence. I simply say I saw that was in the form of a bill. I suggest to the gentleman, if he wishes to keep this in the bill, that the paragraph might be passed over and he prepare an amendment directing the Secretary to prepare plans and specifications to be submitted to Congress so that we know something about what is proposed to be done.

Mr. ROBERTS. Mr. Chairman, I will ask that the paragraph be passed over without prejudice with the point of order pending.

The CHAIRMAN. Without objection, the paragraph will be passed without prejudice, the point of order being reserved thereon.

There was no objection.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word.

Mr. MANN. There is nothing to strike out; there is a point of order pending.

The Clerk read as follows:

In all, Naval Academy, $625,420.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word. I am surprised and grieved at the wanton and reckless expenditures by the Committee on Naval Affairs. Of all the bills that ever came before the House, it strikes me that this one is the most reckless in regard to expenditure of the dear people's money. Now, you have proposed the erection of a building not only to take care of all the live people in the Navy, but you are building a gilded mausoleum for people who are not yet dead and you do not know when they are going to die. You propose to put it up for John Paul Jones, and you do not know how much it will cost, how many are going to be buried there; you just know you are taking the people's money to start a kind of military graveyard. Gentlemen, I shall not make the point of order, but I do wish to call the attention of the country to the recklessness on the part of the Committee on Naval Affairs when it comes to the handling of the dear people's money.

Mr. SIMS. And there will be no certainty that the remains of John Paul Jones are there.

Mr. STANLEY. Nobody knows whether it is John Paul Jones or John Paul Jones's coachman; but that does not keep the Committee on Naval Affairs from throwing away money like a drunken sailor.

Mr. PADGETT. I will say to the gentleman that it was recommended by the President at $135,000 and we cut it down to $75,000.

The Clerk read as follows:

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymaster, five in all, $922,773.

Mr. FOSS. Mr. Chairman, in line 21, page 50, I wish to add the letter "s" after the word "paymaster," so that it will read "paymasters."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 21, page 50, add the letter "s" after "paymaster."

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to submit some information relative to the cost of the retired officers and men in the Navy, as shown by correspondence with the Paymaster General, as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., January 28, 1911.

MY DEAR MR. PADGETT: In reply to your letter of the 27th, I find that on page 231 of the Estimates for 1910, the number of retired officers is 821, not 861, as stated by Mr. Pulsifer on page 740, and the estimate for the 821 is $2,493,801, and for 116 retired officers performing active duty, $117,143.

The difference in numbers is evidently due to the fact that the estimates were prepared about a year in advance of the issue of the Register for 1910, from which Mr. Pulsifer must have gotten the number 861, and 294 enlisted men instead of 240, as estimated for at $152,640.

The total amount expended for the number of retired officers, which was probably 861, was about $2,330,332.41, while that for the 294 enlisted men was about $167,974.50, making a total expenditure for retired officers and men of $2,498,306.91, while the estimates for the fiscal year 1910 amounted to $2,493,801 for pay of officers on the retired list, $117,143 for pay of officers on the retired list performing active duty, and $152,640 for pay of enlisted men on the retired list, making a total of $2,763,584 estimated.

I am having the information in regard to the Marine Corps prepared, and hope to get that to you to-day.

With kindest regards, and always at your service, I am,

Very sincerely, yours,

T. J. COWIE.

Hon. L. P. PADGETT, M. C.

MY DEAR MR. PADGETT: I hand you herewith a statement prepared by Col. Richards, paymaster of the Marine Corps, giving the information desired by you in regard to the pay for retired officers and men of the Marine Corps.

Trusting that this is what you desire, and that it will meet your requirements, I am,

Very sincerely, yours,

T. J. COWIE.

Hon. L. P. PADGETT, M. C.,
Committee on Naval Affairs,
House of Representatives, United States,
Washington, D. C.

Expended for officers and enlisted men retired.

	Expended, officers retired.	Expended, enlisted men retired.
REISINGER, H. C.		
1909.		
July		
August	$5,173.50	
September	5,291.95	$5,609.70
October	5,967.42	2,797.45
November	5,966.25	2,659.85
December		
1910.		
January		
February		
March		
April		
May		2,427.85
June	5,249.55	2,498.45
Total	27,648.67	15,993.30
POWELL, W. G.		
1909.		
July		
August		
September		
October		
November		
December	5,801.45	2,708.40
1910.		
January	5,801.45	2,669.98
February	5,801.45	2,620.68
March	5,801.45	2,620.68
April	5,818.82	2,561.55
May	5,732.80	70.60
June		
Total	34,757.42	13,251.89
DAWSON, W. C.		
1909.		
July	1,379.01	939.15
August	1,448.53	954.15
September	1,716.32	912.05
October	1,476.71	954.15
November	2,055.71	870.55
December	1,476.31	1,008.15
1910.		
January	1,527.31	784.50
February	1,726.11	887.37
March	1,391.31	804.56
April	1,805.91	822.40
May	1,503.81	989.13
June	1,461.31	1,030.19
Total	18,968.35	10,956.35
WILLS, D. B.		
1909.		
July	4,738.81	2,190.69
August	5,152.66	3,563.12
September	5,158.21	3,493.94
October	4,964.36	3,951.42
November	4,911.56	2,775.00
December	5,640.00	3,824.21
1910.		
January	5,223.56	3,943.14
February	4,849.66	3,842.94
March	5,296.48	3,892.04
April	5,043.86	4,131.00
May	4,746.71	2,960.17
June	5,564.96	3,693.08
Total	61,291.83	44,170.75
RICHARDS, GEORGE.		
July, 1909	6,698.55	2,845.66
August, 1909		70.30
June, 1910		381.30
Total	6,698.55	3,297.26

Recapitulation.

	Officers.	Enlisted men.
Richards, George	$6,698.55	$3,297.26
Dawson, W. C	18,968.35	10,956.35
Powell, W. G	34,757.42	13,251.89
Reisinger, H. C	27,648.67	15,993.30
Wills, D. B	61,291.83	44,170.75
Total	149,364.82	87,669.55

Number of enlisted men, United States Marine Corps, on the retired list during the fiscal year 1910.

	July 1, 1909.	June 30, 1910.
Sergeant majors	2	2
Quartermaster sergeants	19	18
Drum majors	1	1
First sergeants	17	22
Gunnery sergeants	11	15
Sergeants	39	42
Corporals	6	5
Drummers	1	1
Fifers	1	1
Privates	21	20
First-class musicians	14	13
Total	132	140

GEORGE RICHARDS,
Colonel, Paymaster, United States Marine Corps,
In Charge of the Paymaster's Department.

HEADQUARTERS UNITED STATES MARINE CORPS,
PAYMASTER'S DEPARTMENT,
Washington, D. C., January 30, 1910.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 3, 1911.

MY DEAR MR. PADGETT: Referring to your request in regard to the amount of money paid by the Navy for the retired list, officers and men, and for the retired list, officers and men, of the Marine Corps:

My letter of January 28 gave you the desired information in regard to the officers and men of the Navy. I now take pleasure in giving you the information in regard to the Marine Corps.

For the fiscal year 1910 there were 55 retired officers of the Marine Corps, divided as follows:

Major general	1
Brigadier generals	7
Colonels	5
Lieutenant colonels	7
Majors	8
Captains	12
First lieutenants	11
Second lieutenants	4
Total	55

The total expended for these officers during the fiscal year ending June 30, 1910, amounted to $149,364.82.

The enlisted men on the retired list of the Marine Corps for the same period were 140, divided as follows:

Sergeant majors	2
Quartermaster sergeants	18
Drum major	1
Gunnery sergeants	15
First sergeants	22
Sergeants	42
Corporals	5
Drummer	1
Fifer	1
Privates	20
First-class musicians	13
Total	140

The total amount expended for these men during that year was $87,669.55.

Very truly, yours, F. J. COWIE.

Hon. L. P. PADGETT, M. C.,
Committee on Naval Affairs,
House of Representatives, United States.

The Clerk read as follows:

Pay of enlisted men, active list: Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interests on deposits by enlisted men, post exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, $2,752,622.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I would like to have some member of the committee explain to me the meaning of this language found in lines 16 and 17, as follows:

Post exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe.

That is new language reported into the bill this year. What does it mean?

Mr. FOSS. When men desert from the Navy they sometimes leave debts behind them that have been contracted in these post exchanges, and it is taken out of their pay. Instead of its going into the Treasury, we provide here in this section that it shall be reimbursed to the post exchange, so that the men themselves will get the benefit of it.

Mr. COX of Indiana. Does it amount to very much each year?

Mr. FOSS. It amounts to about $2,000.

Mr. BUTLER. Does the gentleman from Indiana understand the post exchange?

Mr. COX of Indiana. No.

Mr. BUTLER. The post exchange is an institution in which the enlisted men are all interested. They buy from a common store, maintained by themselves. One in awhile one of their fellows deserts and leaves an account unpaid at a post exchange, and we thought it was pretty hard on the other enlisted men that they should lose the money. The salary, unpaid wages, or the pay, that is unpaid to the deserter we ask to have used for the purpose of discharging the debt that he owes to the other men.

Mr. COX of Indiana. Do the enlisted men own the store?

Mr. BUTLER. It is a cooperative store for their benefit. They buy lots of things which they have to have—notions, tobacco, and such stuff—on which there is a bit of a profit, and it goes to them. It is used to furnish them billiard rooms, games, and something extra to do.

Mr. COX of Indiana. A canteen, is it not?

Mr. BUTLER. It is the old canteen, I will say to my friend, without any beer. It is a dry canteen.

Mr. COX of Indiana. It is a community of interest among the enlisted men?

Mr. BUTLER. Entirely a community of interest.

Mr. HAMLIN. It says:

Including interest on deposits by enlisted men.

Is there a system whereby enlisted men who manage to save some little money can leave it with some one and draw interest on it?

Mr. BUTLER. My recollection is, it is left with the Government at a little interest.

Mr. HAMLIN. At what rate?

Mr. HOBSON. I am able to tell the gentleman it is growing very rapidly and is bound to be most helpful in promoting the discipline and welfare of the men. Instead of getting their money and going ashore, where there are temptations to spend it, they have now the custom of leaving it with the paymaster and getting interest and drawing out a little pocket money occasionally.

Mr. CALDER. Does the gentleman know the extent of it?

Mr. HOBSON. I think it has now grown to several millions of dollars and is growing steadily and improving the morals of the men.

Mr. SIMS. Where does the interest come from?

Mr. HOBSON. The Government appropriates for it every year.

Mr. BUTLER. Four per cent.

Mr. HAMLIN. It encourages them to save their money. I think it is a very good idea.

Mr. CALDER. Does the gentleman know the extent of these deposits in the Navy?

Mr. BUTLER. Does the gentleman ask his question with reference to the post exchange or the deposits of the men?

Mr. CALDER. Deposits of the men.

Mr. BUTLER. I can not answer. I think it is in one of the supply bills.

Mr. SIMS. The Government sells its bonds at 2 per cent and gives 4 per cent on borrowed money?

Mr. HOBSON. Four per cent.

Mr. SIMS. It is not a profitable proceeding for the Government.

Mr. HOBSON. No; not in dollars, but the investment brings a dividend of a hundredfold in the increased efficiency of the Navy.

The Clerk read as follows:

Pay of civil force: In the office of the Major General Commandant: One chief clerk, at $2,000; one clerk, at $1,400; one messenger, at $971.28.

Mr. COX of Indiana. Mr. Chairman, I raise a point of order on the paragraph.

Mr. HUGHES of New Jersey. Mr. Chairman, I notice that this paragraph increases one chief clerk $400, and increases another clerk $200; and I notice further that it increases the messenger about 70 cents a year. [Laughter.]

Mr. MACON. I thought they took a dollar off of him.

Mr. HUGHES of New Jersey. Is that equity, I will ask the gentleman who represents this side of the House on the committee? No; instead of 70 cents, they increase the messenger 28 cents.

Mr. BUTLER. That is more than the navy-yard men will get out of the claims bill that was passed here to-day. [Laughter.]

Mr. HUGHES of New Jersey. I do not mind the $400 increase or the $200 increase, but I think that 28 cents is a reckless waste of the public money. [Laughter.] I am surprised that gentlemen of the Naval Committee, gentlemen who stand around here talking economy all the time except when their bill is before the House, should give their consent to this appropriation. I am especially surprised that assent to this should be given by the gentleman from Tennessee [Mr. PADGETT], whom I believe to be a real economist, although he is now in bad company. I know that his committee associations hamper him, and I feel sure that if he were permitted to act as he thought best he would say with me that he, too, thinks that this is a most unwarrantable piece of extravagance. [Laughter.]

Mr. MANN. Here are the 28 cents; now quit. [Laughter.]

Mr. COX of Indiana. Mr. Chairman, I make the point of order on the words "two thousand," on line 15.

Mr. HUGHES of New Jersey. I make the point of order on the 28 cents, Mr. Chairman. [Laughter.]

Mr. COX of Indiana. I make the point of order on the words "two thousand" in line 15.

The CHAIRMAN. The Chair will ask the gentleman what the present salary is.

Mr. COX of Indiana. It was $1,600 in the appropriation bill passed last year.

The CHAIRMAN. If it is an increase, the Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I move to amend by inserting "one thousand six hundred dollars" instead of "two thousand dollars."

The CHAIRMAN. Is there objection?

The amendment was agreed to.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Forage, Marine Corps: For forage in kind and stabling for horses of the Quartermaster's Department and the authorized number of officers' horses, $24,200.

Mr. PADGETT. Mr. Chairman, in order that the committee may have information as to why these amendments were made, I will send a statement to the Clerk's desk and ask that it be read.

The CHAIRMAN. The Clerk will read the statement referred to.

The Clerk read as follows:

The undersigned respectfully renews the recommendation made in the annual reports for the years 1897, 1898, 1899, 1900, and 1909, respectively, and in various special communications (the last dated Sept. 1, 1909), that the classified civilian employees of his office and of the several staff offices of the Marine Corps be placed on a footing more nearly equal as regards pay to that of like employees of other governmental offices and bureaus, particularly those of the Navy Department.

Attention is invited to the fact that, barring the increase of three of them from $1,540.80 to $1,600 in 1904, the salaries ($1,600) of the chief clerks of the four offices at these headquarters are precisely the same as they were many years ago, when the amount of work and the responsibilities devolving upon said chief clerks were probably less than one-quarter of what they are now with the greatly increased strength of the corps and the corresponding increase of business. The latter figure, it may be noted, is not the one now allowed chief clerks in nearly all cases, but is the salary which was fixed by Congress in 1853, not specifically for chief clerks, but for clerical employees of class 3. As early as 1863 six of the eight chief clerks in the department were allowed $1,800, and in 1899 the salaries of all said chief clerks were increased to $2,000 per annum. Many chief clerks in other departments receive salaries greatly in excess of those in effect at these headquarters, chief clerks receiving less than $2,000 per annum being extremely rare. Many of them are allowed much more. In fact, hundreds of subordinate clerks employed elsewhere receive $200 per annum more than the chief clerks at these headquarters.

The present incumbents of the four chief clerkships here have been in the service from 11 to 21 years.

Mr. PADGETT. Mr. Chairman, I ask leave to extend my remarks in the RECORD for the purpose of inserting some letters from the Secretary of the Navy relative to the cost of battleships and other ships of the Navy incident to the eight-hour law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in order to print certain papers which he has indicated. Is there objection?

There was no objection.

The letters referred to are as follows:

DEPARTMENT OF THE NAVY,
Washington, February 7, 1911.

MY DEAR CONGRESSMAN: In reply to your letter of the 3d instant, I am pleased to give you the following information with relation to the effect of the eight-hour law on the cost of building vessels:

The estimates for the building program recommended by me were received from the chief constructor and the engineer in chief for the cost of hull and machinery, and are as follows (p. 384 of the hearings):

Ships.	Total amount required for each class under Construction and Repair and Steam Engineering, unrestricted.	Total amount required for each class under Construction and Repair and Steam Engineering, 8-hour law.	Difference.
			Per ct.
2 battleships (27,000 tons)	$12,000,000	$13,000,000	8.33
1 collier	1,100,000	1,350,000	22.72
1 gunboat	425,000	520,000	22.35
1 river gunboat	175,000	215,000	22.8
1 submarine tender	500,000	610,000	22.0
2 seagoing tugs	360,000	430,000	19.4
2 submarines	1,000,000	1,200,000	20.0
	15,560,000	17,325,000	11.3

Examination of the foregoing table shows that, except for the battleships, the estimated difference between unrestricted building and building under the eight-hour law is approximately 21½ per cent.

The figure of 21½ per cent is based on the only available evidence (bids submitted by the Newport News Shipbuilding & Dry Dock Co. for battleship *No. 35*), but is, of course, not absolute and may be modified materially in case further bids are received. This figure was arrived at by considering the difference between the mean of actual contract prices for the *Wyoming* and *Arkansas*, which are of 26,000 tons displacement, and the price submitted by the Newport News Co. for battleship *No. 35*, which is 27,000 tons displacement, when reduced to a common displacement to permit direct comparison, as stated in my letter of the 2d instant.

In the cost of the battleship the estimated limit of cost for unrestricted building is given as $6,000,000. This figure is the same as has been used since the authorization of the *Delaware* in 1906 and was based originally on normal shipbuilding conditions.

Since that time shipbuilding conditions have not been normal, with the result that it has been possible to let all battleship contracts since that date well within the $6,000,000 limit of cost authorized, notwithstanding the fact that the size of such ships has been considerably increased.

It is deemed likely that the contract for a battleship of 27,000 tons displacement can still be let well within this figure of $6,000,000 if unrestricted, though as the figure has obtained for five years past, it was not thought wise to change it.

The figure of $6,500,000 for the 27,000-ton battleship under the eight-hour law was arrived at by considering the contract price ($5,830,000) for battleship *No. 35*, plus a reasonable allowance for the cost of material and work supplied by the Government, plus the cost of possible changes made by the contractor, plus a reasonable allowance for variation in bids, as actual contracts have been made in the past for two sister vessels at prices differing as much as $390,000. Thus you will see that while the figure of $6,500,000 for the battleship under the eight-hour law does not pretend to represent the 21½ per cent increase over the accepted limit of cost of building without restriction, it is believed to approximately provide for such an increase over the probable contract price for a 27,000-ton vessel, on the assumption that the same conditions now prevail as when the *Arkansas* and *Wyoming* were contracted for.

Faithfully, yours, G. v. L. MEYER.

Hon. L. P. PADGETT, M. C.,
House of Representatives, Washington, D. C.

THE SECRETARY OF THE NAVY,
Washington, February 2, 1911.

MY DEAR CONGRESSMAN: In reply to your letter of February 1, 1911, I have the honor to inform you that the bid received by the department for the construction of battleship *No. 35* led to the opinion that the increased cost by private contracts of the construction of ships of the Navy, under the eight-hour law, is 21½ per cent. This figure was arrived at in the following manner:

The lowest price per ton bid for the 27,000-ton battleship *No. 35* is $213.33. For a ship of 26,000 tons (the displacement of the *Wyoming*), the cost, on the basis of the price per ton bid for battleship *No. 35*, would be $5,546,700. The mean of the contract prices for the two sister 26,000-ton vessels, *Wyoming* and *Arkansas*, is $4,562,500. The figure of $5,546,700 is 21½ per cent greater than the above mean of the contract prices for the *Wyoming* and *Arkansas* ($4,562,500) and is therefore believed to fairly represent the increased cost by private contracts of the construction of vessels of the Navy due to the application of the eight-hour law.

Referring to the detailed figures appearing on page 350, to which you direct my attention, I beg to inform you that the $26,000,000 is based upon $15,000,000 required for construction and machinery and $11,000,000 for armor and armament. Similarly, the figure $28,000,000 is based upon $17,000,000 for construction and machinery and $11,000,000 for armor and armament.

It will be noted that by the decision of the Attorney General the eight-hour law does not apply to armor and armament, so that deductions based on the above totals would be somewhat misleading without this explanation.

The above figure of $26,000,000, or the construction and machinery figure of $15,000,000, is subject to some further modification in that it includes two battleships at the limit of cost for hull and machinery of $6,000,000 each, which figure has been used by Congress in its appro-

priation acts as "limit of cost, exclusive of armor and armament," since June 29, 1906.

With the removal of the eight-hour restriction, it is believed, as above stated, that a battleship of 27,000 tons can be contracted for at a lower figure than $6,000,000, so that the actual difference in cost will probably be greater than the $2,000,000 difference between $15,000,000 and $17,000,000 referred to above.

In conclusion, I desire to repeat that the only available evidence is to the effect that the inclusion of the eight-hour law in shipbuilding contracts has operated to increase the cost of construction 21½ per cent. It is impossible to state the extent to which the volume of other business influenced the bidding for battleship *No. 35*, from which the above deduction is drawn.

Believe me, faithfully, yours, G. v. L. MEYER.

Hon. L. P. PADGETT,
Committee on Naval Affairs, House of Representatives.

The Clerk read as follows:

Total under quartermaster, Marine Corps, $3,092,357.

Mr. PARKER. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of giving notice that to-morrow, under the heading "Increase of the Navy," I intend to move to insert after the word "speed," on page 60, the words "compared with similar known vessels," so that the clause shall read:

That, for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed compared with similar known vessels, and the greatest practicable radius of action, and to cost, etc.

And I desire now to place before the committee the reasons that make me think it imperative that this amendment should be made.

It is not altogether easy to obtain the speed of foreign vessels. The speeds of the vessels of our own Navy are fully set forth, as far as battleships are concerned, in the report which you have before you. Between 1902 and 1910 we completed, as appears on pages 17 to 20 of that report, nine vessels ranging from 17.12 knots to one of 21.56 knots in 1907; then going down to 20½ knots, and averaging 19.61 knots for the nine.

On page 21 I find that we are now constructing four vessels, the earlier two of which will have a speed of 20¾ knots and the second two of 20½ knots. But I turn also to this report to see what is doing in other navies, and I find at the bottom of page 22 the following statement:

England, Germany, and Japan are the only powers which are now laying down so-called armored cruisers. The latest ships of this type in England have far outdistanced their contemporary battleships in displacement and speed, while carrying the same caliber of heavy guns, although fewer in number, and having but slightly less armor protection. They deserve the name of battleship cruiser now commonly applied to them, for they have certainly outgrown the class of armored cruiser as formerly understood. It would seem that the nations building such ships are in reality building two types of battleships, fast and slow. The battleship cruiser is now generally considered as being practically in the battleship class and counted as a capital ship.

It is a battleship, and the only first-class battleship.

I find on the same page that these ships in England have 28 to 29 knots speed, or 7 to 8 knots more than our own.

Mr. BUTLER. What is the weight of those ships?

Mr. PARKER. It is given as 26,350 tons displacement.

Mr. COX of Indiana. Are those English vessels?

Mr. PARKER. They are English vessels. The speed of German vessels is not given, except in the above general statement. As to Japan, the statement is, on page 26—

The contract for the construction of a battleship cruiser was awarded to the British firm of Messrs. Vickers Sons & Maxim (Ltd.) in November, 1910. According to press reports, the vessel is to have a displacement of between 27,000 and 28,000 tons, a speed of about 28 knots, a battery of twelve 14-inch guns, cost about $12,500,000, and to be completed in about two years and a half.

All these are battleships of the first class, because they have the speed as well as armor and guns. Mr. Chairman, it is idle for anyone who has studied history not to see what speed means to a fighting fleet. The Armada of Spain was defeated by a vastly inferior fleet, because the handy and speedy ships of the English fleet took their place on the quarter of the Spanish fleet, raked the nearest vessels, cut off the laggards, and beat them in detail. Our own vessels in 1812, of which we are so proud, the *Constitution* and the rest of the frigate class, gained their renown because they were able to show their heels to superior armament, and could beat the British frigates when they chose, and thus they won all their victories by their speed as well as by their armaments.

In our Civil War, have we forgotten that the *Alabama* could steam away from our slower vessels and led our Navy a wild-goose chase around the world, while she destroyed our commerce?

Have we forgotten that when she met the *Kearsarge* it was by her own choice and that she could have got away if she pleased. She had superior speed, but she was disabled, and sunk in a fight that she chose to give.

Have we forgotten that in the Battle of Santiago the four Spanish ships lost only one as they went through our line of battleships, and that the remaining three distanced those battleships, so that it was the superior speed of the *Brooklyn* and the *Oregon*, as it would have been the superior speed of the *New York*, that enabled them to come up and cut down those flying ships one by one, set them afire, and drive them ashore on the coast? Have we forgotten the Battle of the Straits of Tsushima between Japan and Russia? In that last great naval battle the victory went not to the heavy armor nor to the heaviest guns. It went to the active fleet of armored cruisers, rather than to the battleships. It was speed that enabled the Japanese fleet to select its position, where the Russian vessels were extended in a long line, and then to attack and destroy it in detail. It was due to its superior speed that when part of their opponents were sunk or disabled the rest of the Russian fleet, except two, could not get away. The vessels had not the heels, and they were destroyed utterly.

Does speed mean nothing? If it is neglected with us, is there reason for it? With speed a fleet can give or decline a battle; with speed, if both fleets be in separate divisions, the speedy one can send and throw all its forces upon one division and destroy that first and then take the other. There is nothing to prevent it from crushing both divisions in succession. Is it nothing that when our fleet sights another and gets in touch, that other can go with 7 or 8 more knots of speed a hundred miles away in 12 hours, and being out of sight can then go where it pleases and strike its blow? Is it nothing that when we have to defend a long coast, it is only a speedy fleet that can reach the enemy before it can deliver the blow and pursue that enemy after defeat?

Our naval officers think it is more important to have range of action and to have plenty of coal. That is well, but of the three points that give power to one fleet over another the first is guns, the second armament, and the third speed. England and Japan, as stated in my citation from the report of the committee, are ready to reduce the number of guns so as to get both range of action and speed, and to have powerful vessels that can find and catch the enemy and to put it through.

We want battleships of that class. We do not want our Navy to be as it is now, one of slow battleships that can not catch a *Lusitania*, while Great Britain has ships of the first-class for armor and armament that can outstrip the couriers of the sea by 5 knots an hour. We want the new battleships the Dreadnoughts of the future.

It may be asked why I offer this amendment? The language seems to be strong as it stands, namely: "To have the highest practicable speed as well as the greatest practicable radius of action."

In some appropriation bills before this not exactly the same words are used. They demand, "First-class battleships similar to the battleship authorized by" the next previous appropriation act, but that language is carried back until the act of 1906, when the same words are used as we have now, "One first-class battleship carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000."

Thus all these acts have ordered a battleship of the highest class, as to armor, armament, speed, and range of action.

If we have not battleships of the highest practicable speed compared with those of other nations, I submit to this committee that such speed was intended by the acts which authorized these vessels. All these acts authorize battleships according to the language now employed; and because I doubt whether that language has been so understood or acted on by our executive officers I wish to make it clear that it shall be the highest practicable speed "compared with similar known vessels." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I move to strike out the last word. In connection with the question brought up by the gentleman from New Jersey [Mr. PARKER], I would state that he is perfectly correct in that we have not the speediest battleships in the world, but the gentleman should not be confused. Our battleships, so-called Dreadnoughts, have speeds that are analogous to the regular Dreadnoughts of other nations. The vessels to which the gentleman from New Jersey refers constitute a different type. They can be classed as Dreadnought cruisers. The gentleman is correct also in pointing out that all the nations with military fighting fleets have adopted a policy of construction of such Dreadnought cruisers, but they have continued the con-

struction of the regular Dreadnought battleships as before, simply providing one battleship cruiser to three or four Dreadnoughts.

Mr. PARKER. Are they not battleships?

Mr. HOBSON. Battleship cruisers.

Mr. PARKER. They are more than cruisers; they are battleships.

Mr. HOBSON. The gentleman can call them battleships of the first class and others of the second class, if he desires, but the point is this: We should not change at present the question of the speed of our regular battleships, but should inaugurate the policy of building battleship cruisers in addition.

Mr. COX of Indiana. Why not?

Mr. HOBSON. Because the speed is as high as can be given consistently with getting the maximum of power, offensive and defensive, for the first line of battle, but we should lose no more time in inaugurating a policy of constructing Dreadnought cruisers. I have prepared, and at the proper time will offer, an amendment as an additional paragraph to authorize the construction this year of one Dreadnought cruiser, the cost of the hull and machinery, exclusive of armor and armament, not to exceed $7,000,000.

Mr. KOPP. To secure the greater speed, what would we have to sacrifice in one of the given battleships?

Mr. HOBSON. The chief sacrifice is in armor. This would bear out the reference I made to high explosives earlier in the day. These second-class battleships, or battleship cruisers, are to carry 14-inch guns, actually ten 14-inch guns in the latest designs, but usually eight 14-inch guns, or one turret of guns less than the battleship proper, but the thickness of their armor goes down.

Mr. SULZER. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. SULZER. It is for information. Does the gentleman from Alabama think, in the interest of peace and economy, we could get along with one battleship?

Mr. HOBSON. On the contrary, in the interest of peace and economy we ought to have six battleships, and two of these battleship cruisers; but coming back to the main proposition——

Mr. MANN. Would the gentleman be willing to compromise on one?

Mr. HOBSON. The gentleman would compromise on three. The armor of these dreadnought cruisers drops from 12 inches in the battleship proper to 7 inches in the armored cruiser. This indicates that they propose to stay off at 15,000 or 20,000 yards, where the guns of the battleship can not penetrate their armor, and using high explosive projectiles they will be on an equal footing, so far as defense is concerned, with the battleship, and can then do what we call "cap" the battleships, get across their bows, on account of faster speed, and rake them with broadsides.

Mr. COX of Indiana. I am very much interested in the discussion going on now, but would it be possible——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. Would it be possible to build such a battleship as contemplated in the pending bill and at the same time have the speed indicated by the gentleman from New Jersey [Mr. PARKER]?

Mr. HOBSON. It would be possible by increasing the displacement to about 36,000 tons and at an increased cost of about $3,000,000.

Mr. COX of Indiana. I thought I was with the gentleman from New Jersey, but I must say I am not.

Mr. FOSS. Mr. Chairman, I now call for the reading of the next paragraph.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, $7,373,358.28.

Mr. FOSS. Mr. Chairman, I desire to say to members of the committee that we have read down to the increase of the Navy. I have said to several Members that I would not take up the subject to-night, and I will ask that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and Mr. OLMSTED, as Speaker pro tempore, having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32212, the naval appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21613. An act for the relief of Francis E. Rosier; and

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.; and

H. R. 26722. An act for the relief of Horace P. Rugg.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MORGAN of Oklahoma was granted leave of absence for five days, beginning February 21, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns it adjourn to meet at 10 o'clock to-morrow morning.

Mr. STANLEY. Mr. Speaker, reserving the right to object——

Mr. MANN. I might say to the gentleman that I presume the Unanimous Consent Calendar will be called in the morning.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who addressed the House or the committee on the war claims measures may have five days in which to extend their remarks.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that all gentlemen who addressed the House or committee on war claims measures may have five days in which to extend their remarks. Is there objection? [After a pause.] The Chair hears none.

THE LATE REPRESENTATIVE AMOS L. ALLEN.

Mr. SWASEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWASEY. Mr. Speaker, in accordance with the order made at the memorial services on calendar day of Sunday on the late Senator CLAY and Representative BROWNLOW and pursuant to the resolutions adopted this day in honor of the memory of AMOS L. ALLEN, late Representative from Maine, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Maine.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes) the House adjourned to meet at 10 a. m. on Tuesday, February 21, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Absecon Inlet, N. J. (H. Doc. No. 1395), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON, from the Committee on the Library, to which was referred the bill of the House (H. R. 25898) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami, on the site of said city, reported the same with amendment, accompanied by a report (No. 2199), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12422) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same with an amendment, accompanied by a report (No. 2200), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 32245) granting an increase of pension to Nelson F. Nice; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31575) granting a pension to Woodbine L. McLane; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 32853) granting an increase of pension to James A. Beard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 32862) to provide cumulative sick leave with pay to storekeepers, gaugers, and storekeeper-gaugers; to the Committee on Expenditures in the Treasury Department.

By Mr. BINGHAM: A bill (H. R. 32863) to define the true intent and meaning of section 48 of the act of August 28, 1894, levying taxes on distilled spirits, to regulate the business of reclaiming waste spirits from empty whisky barrels, and to define the status of persons engaged in such business; to the Committee on Ways and Means.

By Mr. PUJO: A bill (H. R. 32864) to erect an extension to the post office and Federal court building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: Resolution (H. Res. 987) for the relief of Dio W. Dunham; to the Committee on Accounts.

By Mr. CURRIER: Resolution (H. Res. 988) to pay accrued clerk hire allowance to Laura E. Allen; to the Committee on Accounts.

By Mr. ELLIS: Memorial of the Legislature of Oregon in favor of an appropriation of $150,000 to erect a Federal building at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of Oregon in favor of Territorial government for Alaska; to the Committee on the Territories.

Also, memorial of the Legislature of Oregon, asking the Federal Government to set aside 30,000 acres of land in the Klamath Indian Reservation in Oregon for the use of the United States Army and the National Guards; to the Committee on Indian Affairs.

Also, memorial of the Legislature of Oregon, favoring the granting of the Walla Walla Military Reservation to Whitman College for educational purposes; to the Committee on Military Affairs.

Also, memorial of the Legislature of Oregon, favoring the granting to the State 50 per cent received by the Government for the sale of timber in forest reserves within the State; to the Committee on Agriculture.

Also, memorial of the Legislature of Oregon, favoring Senate bill 5677, for the retirement and relief of the officers and members of the United States Life-Saving Service; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of Oregon, favoring an appropriation for the establishment of an experiment station at McMinnville, Oreg., to investigate and prosecute walnut culture; to the Committee on Agriculture.

By Mr. LATTA: Memorial of the Senate of Nebraska, indorsing House bill 30799, providing graduated payments and a longer time than 10 years in which to repay the construction charges under Government irrigation projects; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 32867) granting an increase of pension to David W. Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32868) granting an increase of pension to Harrison Moulthop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32869) granting an increase of pension to Henry H. Rowley; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 32870) for the relief of Henry G. Roetzel and Paul Chipman; to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 32871) granting an increase of pension to Simon C. Hastings; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 32872) granting a pension to Lydia Dore; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 32873) granting an increase of pension to Cecilia Quinlan; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 32874) granting an increase of pension to Archibald P. Cooper; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 32875) granting an increase of pension to Henry C. Shute; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 32876) granting a pension to Edwina C. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32877) granting an increase of pension to Thomas Davidson; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 32878) to refund certain tonnage taxes and light dues; to the Committee on Claims.

By Mr. MOXLEY: A bill (H. R. 32879) granting a pension to Eliza J. St. Clair; to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 32880) for the relief of the heirs and legal representatives of John Scott Coleman, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Resolutions of the National Association of Merchant Tailors, against the increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

Also, resolutions of the St. Louis Advertising Men's League, of St. Louis, Mo., against the increased rate on second-class publications; to the Committee on the Post Office and Post Roads.

Also, petition of Ottawa (Ohio) Branch of the Journeymen Stone Cutters' Association of North America, for additional appropriation for a postal savings bank; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Kern Hill Grange, No. 1602, Coshocton, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Newark (Ohio) Trades Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Good Will Grange, No. 376, Amherst, Me., for a parcels post and against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Victor Grange, Searsmont, Me., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Oakland, Me., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of American Paper & Pulp Association, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, New York, for a permanent tariff commission; to the Committee on Ways and Means.

Also, petition of New York State Federation of Labor and National Association of Merchant Tailors of America, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Communication from the Wisconsin Wholesale Grocers' Association, indorsing House bill 29866; to the Committee on Interstate and Foreign Commerce.

By Mr. CASSIDY: Petition of Cleveland Waiters' Union, of Cleveland, against printing United States bank notes, checks, and bonds other than by hand presses, as per act of July 1, 1898; to the Committee on Expenditures in the Treasury Department.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Frederick A. Brown; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Various protests against legislation for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of citizens of Franksville, Wis., against Senate bill 404 and House joint resolution 17, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COX of Indiana: Petition of citizens of third congressional district of Indiana, for Senate bill 3776, for regulation of express companies by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Local Union No. 1069, Muscatine, Iowa, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of West View Grange, Scott County, Iowa, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of A. J. Vose and other citizens of Bryant, Iowa, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of H. A. Nelson and 27 other citizens of Davenport, Iowa, insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

By Mr. MICHAEL E. DRISCOLL: Petition of Lodge 51, A. P. I. A., of Syracuse, N. Y.; Lodge 15, Polishers, Buffers, and Platers, of Syracuse; and Lodge 1, A. M. C. and B. U., of Syracuse, for House bill 15413; to the Commitee on Immigration and Naturalization.

Also, petition of Lodge No. 18, Barbers, of Syracuse; Lodge No. 1211, Carpenters and Joiners of America; Lodge No. 26, United Brotherhood of Carpenters and Joiners; Lodge No. 80, International Molders' Union of North America; Lodge No. 11, International Union of Steam Engineers; and Lodge No. 31, Brotherhood of Painters, all of Syracuse, in the State of New York, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of La Crosse Industrial Association, for the reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, petition of the American Society of Equity, against Canadian reciprocity; to the Committee on Ways and Means.

Also, Petition of Wisconsin Synod of Presbyterian Church, for the Miller-Curtis interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Paper and Pulp Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of St. Louis Advertising Men's League, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of New York Business Men, National Association of Merchant Tailors of America, of Boston, Mass.; to the Committee on the Post Office and Post Roads.

Also, petition of National Lodge, No. 556, International Association of Machinists, of Brooklyn, N. Y., for a tax not exceeding 2 cents per pound on oleomargarine; to the Committee on Agriculture.

Also, petition of American Live Stock Association, against Canadian treaty; to the Committee on Ways and Means.

Also, petition of New York Stock Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., and Merchants' Association, New York City, favoring reciprocity; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association of New York, for a tariff commission; to the Committee on Ways and Means.

Also, petitions of United Brotherhood of Carpenters and Joiners, Local No. 138; United Brotherhood of Carpenters and Joiners, Union No. 754; American Federation of Labor, Central Labor Council, Salamanca; American Federation of Labor, Central Labor Union, Boroughs of Brooklyn and Queens; United Brotherhood of Carpenters and Joiners, Binghamton; Local No. 8079, of Minneville; Central Federation of Labor, Albany; United Brotherhood of Carpenters and Joiners, Union No. 1134, Keuka; United Brotherhood of Carpenters and Joiners, Union No. 1466, Sidney; Syracuse Council, No. 33; Mohawk Council, No. 107; Kerhonkson Council; Hunting Council, No. 26; Ames Council, No. 67; and Greenwich Council, No. 24, Junior Order United American Mechanics, all in the State of New York, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Los Angeles Osteopathic Society, against a department of health, per Owens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Surgeons of the United States, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Protective Tariff League, for a permanent tariff board; to the Committee on Ways and Means.

Also, petition of Republican Club of New York City, against amending the Constitution to provide for election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Central Federated Unions of Greater New York, and the Assembly of New York State, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FOCHT: Petition of Washington Camp 603, Patriotic Order Sons of America, New Columbia, State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Heartslog Valley Grange, No. 375, Patrons of Husbandry, Alexandria, Pa., for Senate bill 5842; to the Committee on Agriculture.

By Mr. FULLER: Petition of citizens of Rockford, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of J. W. Butler Paper Co., Chicago, Ill., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Madison Cooper Co., Watertown, N. Y., relative to cold-storage regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Paper to accompany bill for relief of Ollie M. Croghan; to the Committee on Pensions.

By Mr. GOULDEN: Petition of New York State Federation of Labor, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Kahler & Campbell, for a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Central Federated Union and American Importers of New York City, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of James P. Rice and others, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Memorial of the Philadelphia Chamber of Commerce, asking for the readjustment of the parcels-post system by the adoption of such rates as will cover the actual cost of such service; to the Committee on the Post Office and Post Roads.

Also, memorials of the National Association of Merchant Tailors of America and of the St. Louis Advertising Men's League, in relation to postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of George D. Boggs & Son and other merchants of Elizabethtown, Pa., against the enactment of legislation favoring the establishment of a local rural parcels-

post service; to the Committee on the Post Office and Post Roads.

By Mr. HAMER: Petition of Idaho State Legislature, for relief of settlers who settled on land under homestead laws of the United States within boundaries of the Cœur d'Alene National Forest Reserve prior to the creation thereof; to the Committee on the Public Lands.

Also, Petition of Idaho State Legislature, for transfer of 1,000,000 acres of land now held by United States to this State for creation of a fund to establish and maintain good roads in the State of Idaho; to the Committee on the Public Lands.

By Mr. HAMILTON: Petition of citizens of Barry County, Mich., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of citizens of Sturgis and Lawton, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Grain Growers' Department, National Union, American Society of Equity, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Association of Military Surgeons, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Commercial Club of Grand Forks, relative to improvement of the Red River; to the Committee on Rivers and Harbors.

Also, petition of residents on rural postal routes in North Dakota, favoring House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of A. M. Langdon and others, against a national department of health, as per the Owens, Creager, Mann, and similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: Petitions of following granges of the State of Connecticut, protesting against Canadian reciprocity: Trumbull Grange, No. 134, Trumbull; Wolcott Grange, No. 173, Wolcott; Housatonic Grange, No. 79, Stratford; Colebrook Grange, No. 82, Colebrook; and Fairfield County Pomona Grange, Oronoque; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Kentucky, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Sigourney, Iowa, against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. KRONMILLER: Petition of Washington Camp No. 19, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petition of Fruit Growers' Association of Adams County; Washington Camp No. 773, Bridgeton; Washington Camp No. 776, High Rock, Patriotic Order Sons of America; and Aurora Council, No. 304, Junior Order United American Mechanics, East Prospect, all in the State of Pennsylvania; and Washington Camp No. 26, Patriotic Order Sons of America, Port Jervis, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Flinchbaugh Manufacturing Co., York, Pa., against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: Paper to accompany bill for relief of Woodbine L. McLane (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. LOUD: Petition of John Lalonde and six other residents of Black River, W. J. Clark and nine other residents of Harbor Springs, and S. B. Ardis and nine other residents of Harbor Springs, all in the State of Michigan, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of J. F. Hodgkins and 16 others, citizens of Massachusetts, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. McHENRY: Petition of farmers of White Hall, Pa., for House bill 2658, parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Woman's Christian Temperance Union of Ionia, Mich., for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. Kudner, Lapeer, and Mrs. Bert E. Cline, Berville, Mich., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of business men of Palmyra and citizens of Lincoln, Plattsmouth, and Falls City, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MITCHELL: Petition of Journeymen Barbers' Union of Leominster, Mass., Local No. 518, for repeal of oleomargarine tax; to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of William McKinley Council, No. 48, Junior Order United American Mechanics, Stockton, Cal., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hollister, Cal., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Eagle Council, No. 8, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Maria Hawley; to the Committee on Invalid Pensions.

Also, petition of Society of Friends of Massachusetts and Rhode Island, for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. SWASEY: Petition of North Franklin Pomona Grange, No. 22; Pioneer Grange, No. 219; Boothbay Grange; Sagadahoc Grange, No. 31; Nobleboro Grange, No. 369; and Wessa Weskias Grange, all in the State of Maine, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of J. B. Arthur and six others, of Milford, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of the Live Stock Association of Fort Worth, asking that the public grazing lands of the United States be leased for grazing purposes; to the Committee on the Public Lands.

By Mr. STERLING: Petition of J. W. Merton and others, of Bloomington, Ill., for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. WANGER: Petition of L. S. Chadwick, of Pottstown, Pa., for the construction of the Lincoln Memorial Road from Washington to Gettysburg as a national memorial to Abraham Lincoln; to the Committee on the Library.

Also, resolutions of the Royersford and Spring City Trades Council, relative to the printing of Government notes, bonds, checks, etc.; to the Committee on Printing.

Also, resolutions of Washington Camp No. 53, Patriotic Order Sons of America, located at Cold Point, Montgomery County, Pa., for the immediate passage of House bill 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of Washington Camp No. 2, Patriotic Order Sons of America, of Elk Park, N. C., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Clear Creek Council, Junior Order United American Mechanics, of Joelton, Tenn., praying for the enactment of legislation restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of Peter Diefenthaler and others, citizens of Brooklyn, N. Y., for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

